

# City of High Point

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



## Meeting Agenda

**Monday, September 21, 2015**

**5:30 PM**

**Council Chambers**

### **City Council**

*William S. Bencini, Jr., Mayor  
James C. Davis, Mayor Pro Tem  
Latimer B. Alexander, IV, Cynthia Y. Davis,  
Jason P. Ewing, Jeffrey J. Golden,  
Alyce E. Hill, Christopher Williams,  
Jay W. Wagner*

**ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE****RECOGNITIONS/AWARDS**

- [150297](#) Solid Waste Association of North America  
Mr. Mike Spencer, Solid Waste Disposal Division, and Mr. Chip Vanderzee, Environmental Services Division, will be in attendance for recognition by the Solid Waste Association of North America (SWANA).

**REGULAR AGENDA ITEMS****FINANCE COMMITTEE - Mayor Pro Tem Davis, Chair**

- [150298](#) Budget Ordinance Amendment - Washington Street Property Demolition  
Adoption of a Budget Ordinance appropriating funds in the amount of \$75,032.00 for the demolition of property located at 736 Washington Street (Odd Fellows Lodge) and 701 Washington Street (First Baptist Church) and the removal of the stained glass windows in the church.
- [150299](#) Eastside Wastewater Treatment Plant - UV System Repair  
In order to complete the purchase, City Council is requested to:
- (1) Approve an exception to the bid laws under the "sole source qualification" for the purchase of Trojan UV equipment for the Public Services Department from EW2 Environmental. State statute (G.S. 143.129(e)(6) requires City Council to specifically authorize "qualified sole source" exceptions to the bid laws prior to awarding the contract. This purchase for the Public Services Department continues to meet the standard for "standardization considerations" as a qualified exemption. Representatives of the Public Services Department will be present to answer any questions which may arise.
- (2) City Council is requested to approve the acquisition of the Trojan UV equipment from EW2 Environmental. The required funds of \$84,781.38 for the purchase are budgeted in the Water & Sewer Operations Fund.
- [150300](#) Municipal Agreement - NCDOT  
Approval of a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for the Second Strategic Highway Research Program(SHRP2) Transportation Visioning for Communities Grant.
- [150301](#) Interlocal Agreement - PART Electric Vehicle Charging Station  
Approval of an Interlocal Agreement with the Piedmont Authority for Regional Transportation (PART) for the installation of an electric vehicle charging station which will be located at the City's Library.
- [150302](#) Resolution - Authorizing Financing Contract - Motorola Communications Systems Upgrade  
City Council is requested to authorize the City Manager and Financial



Services Director to accept the proposal for the installment financing contract with Whitney Bank, to authorize the borrowing as evidenced in the attached resolution, and to prepare and execute the necessary documents in connection with the financing agreement, contingent on the Local Government Commission's approval.

**150303**

Report of Independent Accountant - Local Government Employees' Retirement System

City Council is requested to accept the auditor's attest report letter for the special audit testing procedures on the City's participant data and related payroll records provided to the Local Government Employees' Retirement System.

**PLANNING & DEVELOPMENT COMMITTEE - Council Member Wagner,****Chair****150304**

Appeal of Driveway Ordinance - Family Dollar Store

Request received from Premier Builders and Development Company, Inc. on behalf of Family Dollar Store, appealing the City of High Point's Driveway Ordinance to close an existing driveway on Westchester Drive at the former Burger King property.

**PUBLIC HEARINGS****150305**

Resolution - Land Use Plan Amendment Case 15-02 - Carolina Custard LLC

A request by Carolina Custard LLC and the Planning & Development Department to change the Land Use Map classification for approximately 13 acres from Office and Restricted Industrial to Community/Regional Commercial. The site is lying along the west side of Eastchester Drive, and to the north and south of Penny Road.

**150306**

Ordinance - Zoning Case 15-14 - Carolina Custard LLC

A request by Carolina Custard LLC to rezone a 0.92-acre parcel from the Conditional Use General Office-High Intensity (CU GO-H) District to the Conditional Zoning Highway Business (CZ-HB) District. The site is lying along the west side of Eastchester Drive, approximately 200 feet north of Penny Road (2719 Eastchester Drive).

**150307**

Ordinance - Annexation Case 15-07 - Grayson and Berntha

A request by Everette & Patricia Grayson and Theodore & Gretchen Berntha to consider a voluntary contiguous annexation of an approximate 0.24-acre parcel lying north of the intersection of Penny Road and OSSI Court.

**150308**

Resolution - Land Use Plan Amendment Case 15-03 - Winstead Properties, LLC

A request by Winstead Properties, LLC and the Planning & Development Department to change the Land Use Map classification for approximately 13 acres from Office and Restricted Industrial to

Community/Regional Commercial. The site is lying along the west side of Eastchester Drive, and to the north and south of Penny Road.

[150309](#)

Ordinance - Zoning Case 15-15 - Winstead Properties, LLC

A request by Winstead Properties, LLC to rezone approximately 2.59 acres from an Agricultural (AG) District, within Guilford County's zoning jurisdiction, and Conditional Use General Office-High Intensity (CU GO-H) District to the Conditional Zoning Highway Business (CZ-HB) District. The site is lying north of the intersection of Penny Road and OSSI Court (2410 Penny Road). Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

[150310](#)

Resolution - Street Abandonment Case 15-07 - City of High Point

A request by the Technical Review Committee to abandon the unimproved Patrick Avenue right-of-way lying east of Randall Street.

[150311](#)

Resolution - Street Abandonment Case 15-08 - City of High Point

A request by the Technical Review Committee to abandon excess right-of-way, from a former cul-de-sac, along the north and south side of Hunterwoods Drive.

## **GENERAL BUSINESS AGENDA**

[150312](#)

North Main Street Speed Limit Ordinance

The North Carolina Department of Transportation (NCDOT) is requesting Council approval of Certifications of Municipal Declaration to repeal the existing 45 mph speed limit and enact the proposed 35 mph speed limit northward on North Main Street in the vicinity of the Hobby Lobby.

[150313](#)

Appointments - Boards & Commissions - Human Relations Commission  
Council is requested to confirm the following appointments to the Human Relations Commission:

David Rosen (Recommended by Council Member Jay Wagner - Ward 4)

Ralph Rodland (Recommended by Council Member Alyce Hill - Ward 3)

Fatih Oguz (Recommended by Council Member Jim Davis - Ward 5)

[150314](#)

Appointment - Parks & Recreation Commission - Todd Nifong

Council is requested to confirm the appointment of Todd Nifong to the Parks & Recreation Commission as the Ward 4 appointment.

Appointment is effective immediately and will expire July 1, 2018.

[150317](#)

Appointment - Board of Adjustment (Alternate) - Tyler Walsh

Council is requested to confirm the appointment of Tyler Walsh to the Board of Adjustment as an Alternate member. Appointment is effective immediately and will expire July 1, 2018.

[150318](#)

Reappointment - Planning & Zoning Commission - Jim Armstrong

Council is requested to confirm the reappointment of Jim Armstrong to

the Planning and Zoning Commission. Reappointment is effective immediately and will expire July 1, 2018.

[150315](#)

Nomination - Re-Election of Latimer Alexander - ElectriCities Board of Directors

Council is requested to endorse the nomination of Latimer Alexander to a second term on the ElectriCities Board of Directors as a weighted voting member. This is a three (3) year term and will expire November 2018.

[150316](#)

Approval of the Minutes of Previous City Council Meetings

§ Special Meeting; August 27th @ 9:00 a.m.

§ Finance Committee; September 3rd @ 4:00 p.m.

§ High Point City Council; September 8th @ 5:30 p.m.

§ Special Meeting; September 10th @ 9:00 a.m.

§ Special Meeting; September 11th @ 9:00 a.m.

[150270](#)

Boards and Commissions - Vacancy Report

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

## **ADJOURNMENT**

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Interlocal Agreement with PART for Electric Vehicle Charging Station

**From:** Mark McDonald, Transportation Director

**Meeting Date:** Monday September 21, 2015

**Public Hearing:** No

**Advertising Date:** NA

**Advertised By:** NA

**Attachments:** Interlocal Agreement

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### **PURPOSE:**

Consideration of an Interlocal Agreement with the Piedmont Authority for Regional Transportation (PART) for the installation of an electric vehicle charging station.

### **BACKGROUND:**

PART has offered to provide the City with an electric vehicle charging station funded by a grant received from the North Carolina Solar Center. Similar units have been installed at other locations in the region, for example, at the Piedmont Triad Regional Council offices in Kernersville.

The charging station will be installed by City forces at the Library, along the north boundary of the parking lot adjacent to Krispy Kreme. This location has been approved by Library staff, and will not impact the proposed enhancements at the Library.

A fee structure will be established that will allow the City to recover electric service costs plus a nominal amount per charge that can be applied for future network fees and post-warranty maintenance. Revenue collections and quarterly distributions to the City will be handled by the charging station manufacturer.

### **BUDGET IMPACT:**

PART has provided the charging station to the City of High Point at no cost. Installation costs estimated at less than \$500. PART has agreed to pay network fees for the first three years of service (afterwards, the annual fee will be approximately \$350).

### **RECOMMENDATION / ACTION REQUESTED:**

Council is requested to approved the Interlocal Agreement and authorize the appropriate city official to execute all necessary documents.

**RESOLUTION APPROVING AN INTERLOCAL AGREEMENT  
TO ALLOW FOR AN EXTENSION OF WATER AND SEWER SERVICE TO  
PROPERTY OWNED BY PIEDMONT TRIAD AIRPORT AUTHORITY**

**WHEREAS**, pursuant to the provisions of Section 160A-461 of the General Statutes of North Carolina, the City of High Point (“City”) is authorized to enter into interlocal agreements with other units of local government and local political subdivisions in order to execute any undertaking; and

**WHEREAS**, Piedmont Authority for Regional Transportation (“PART”) is a local political subdivision of the State, established under North Carolina General Statute Chapter 160A, Article 27 and became incorporated on the 17<sup>th</sup> day of July, 1998; and

**WHEREAS**, PART is the recipient of Clean Fuel Advanced Technology funds from the North Carolina Solar Center to purchase and have installed multiple plug-in electric vehicle (“PEV”) charging stations in the Piedmont Triad; and

**WHEREAS**, the City has been identified as a recipient of one (1) level two PEV charging stations to be installed by the City in the City’s urban core for the use of the residents of High Point and surrounding areas; and

**THEREFORE, BE IT RESOLVED** that the High Point City Council hereby approves an Interlocal Agreement between the City and PART to allow for the installation of one PEV charging station to be funded by the Clean Fuel Advanced Technology award received by PART..

Adopted this the 21<sup>st</sup> day of September, 2015.

Lisa B. Vierling  
High Point City Clerk

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Appointment – Board of Adjustment (Alternate) – Tyler Walsh

**From:** Jim Davis, Council Member Ward 5

**Meeting Date:** September 21, 2015

**Public Hearing:** N/A

**Advertising Date /  
Advertised By:**

**Attachments:** Bio

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### **PURPOSE:**

To appoint Tyler Walsh to the Board of Adjustment as an Alternate Member.

### **BACKGROUND:**

Council Member Jim Davis is recommending the appointment of Tyler Walsh to the Board of Adjustment as an Alternate Member. Appointment will be effective immediately and expire July 1, 2018.

### **BUDGET IMPACT:**

N/A

### **RECOMMENDATION / ACTION REQUESTED:**

Council is requested to confirm the appointment of Tyler Walsh to the Board of Adjustment as an Alternate Member.

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## Profile

*All appointments to City boards and commissions are made by the Mayor and City Council and are not limited to those persons who fill out applications.*

Tyler

First Name

Walsh

Last Name

jamestylerwalsh@gmail.com

Email Address

3834 Beverly Hills Drive

Street Address

Suite or Apt

High Point

City

NC

State

27265

Postal Code

Within High Point Corporate Limits

Please select your residency status.

Mobile: (336) 688-1137

Primary Phone

Business: (336) 881-3463

Alternate Phone

High Point Bank

Employer

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## Which Boards would you like to apply for?

Board of Adjustment

Ward 5

Ward you reside in?

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## Interests & Experiences

Please tell us about yourself and why you want to serve.

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

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Upload a Resume

**Have you participated in Leadership High Point?**

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☐ Yes ☒ No

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

**Male**

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Gender

**Applications will be retained and active for a two-year period**



BK: R 7758  
PG: 2032-2036  
RECORDED:  
11-12-2015  
10:29:34 AM  
BY: MARY MORGAN  
DEPUTY-HP



2015060678  
GUILFORD COUNTY, NC  
JEFF L. THIGPEN  
REGISTER OF DEEDS

NC FEE \$26.00

Return to: Joanne Carlyle, City Attorney  
City of High Point  
P.O. Box 230  
High Point, NC 27261  
Resolution No. 1583 / 15-54

*Plu City of HP*

## RESOLUTION

5<sup>2</sup>  
**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, IN A REGULAR MEETING ASSEMBLED ON THE 21<sup>st</sup> DAY OF SEPTEMBER, 2015 AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:**

### **Street Abandonment (Closure) Case 15-08**

(Hunterwoods Drive - excess right-of-way from a former cul-de-sac)

A request by the Technical Review Committee to abandon excess right-of-way, from a former cul-de-sac, along the north and south side of Hunterwood Drive.

WHEREAS, The City of High Point Technical Review Committee has petitioned the City Council of the City of High Point to permanently abandon (close) excess right-of-way from, a former cul-de-sac along, the north and south side of Hunterwoods Drive. Excess right-of-way from this former cul-de-sac is lying approximately 175 feet west of Hunter Oaks Court and is more specifically described as follows:

### **Excess right-of-way north of Hunterwoods Drive**

Beginning at the existing southeastern property corner of lot #35 (also known as Guilford County Tax Parcel 0204052) as recorded in (PB 109 PG 109 – aka lot 35 Hunter Woods Subdivision P.B. 46 PG. 89) in the Office of the Register of Deeds of Guilford County, North Carolina; thence southwesterly through the lands of the City of High Point along the new proposed northern right-of-way line for Hunterwoods Drive along a curve with a radius of 330' to the existing southwestern property corner of

Philip and Linda Price; thence northeasterly along said parcels southern property line with a radius of 60' to a point; thence continuing along the same line with a radius of 50' to the point and place of beginning. The acreage for this abandonment is +/- 0.08 acres.

**Excess right-of-way south of Hunterwoods Drive**

Beginning at the existing northeastern property corner of lot #28 (also known as Guilford County Tax Parcel 0203743) as recorded in **(PB 109 PG 109)** in the Office of the Register of Deeds of Guilford County, North Carolina; thence traveling along the existing southern right-of-way line of Hunterwoods Drive in southwestern direction along a curve with a radius of 50' to a point; thence continuing in the same direction along a curve with a radius of 60' to a point located on the southern right of way line of Hunterwoods Drive, said point also being the northeastern property corner of lot #27 (also known as Guilford County Tax Parcel 0203744); thence traveling in a northeasterly direction along the new proposed southern right of way line of Hunterwoods Drive with a 270' radius curve to the point and place of beginning. The acreage for the abandonment is +/- .03 acres.

The total acreage for both the north and south side of Hunterwoods Drive abandonments is +/- 0.11 Acres.

- WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 17<sup>th</sup> day of August, 2015, at 5:30 p.m. setting the 21<sup>st</sup> day of September, 2015 at 5:30 p.m., in the Council Chambers of the Municipal Building, as the time and place for a public hearing before said Council on said petition, and public notice of said time and place was ordered given, all pursuant to North Carolina G.S. 160A-299; and
- WHEREAS, due and proper notice of said hearing to be heard on the petition at this meeting of City Council was made by publication in the High Point Enterprise for four (4) consecutive weeks, beginning August 21 & 28, 2015 and September 4 & 11, 2015; and
- WHEREAS, the above entitled matter, pursuant to said resolution and notice was called for hearing before said Council at which time there was no objection or opposition offered on the part of any firm or corporation to abandon (closure) excess right-of-way, from a former cul-de-sac, along the north and south side of Hunterwood Drive; and
- WHEREAS, it appearing to the satisfaction of this Council and the Council finds as a fact that the said right-of-way as herein described is not necessary for ingress and egress to any land adjoining said street; that the closing of said street is not contrary to the public interest and that no other individual, firm or corporation owning property in the vicinity of said street, or in the

subdivision in which said street is located, will be deprived of reasonable means of ingress or egress to this property.

NOW THEREFORE BE IT RESOLVED:

1. That portion of the former cul-de-sac Patrick Avenue right-of-way, as described above, be closed pursuant to North Carolina G.S. 160A-299; and
2. That the City of High Point shall retain a 20-foot wide Piedmont Natural Gas Line easement centered over all existing Piedmont Natural Gas lines within and crossing this right-of-way; and
3. That a copy of this resolution be filed in the Office of the Register of Deeds for Guilford County, North Carolina.

By order of the City Council,  
this the 21<sup>st</sup> day of September, 2015  
Lisa B. Vierling, City Clerk



# **STREET ABANDONMENT REQUEST SA15-08**

Applicant: City of High Point

Area: 0.14 acres



Location of requested street abandonment



Previously abandoned right-of-ways

**Planning & Development  
Department**

**City of High Point**

**Date: August 25, 2015**



**Scale: 1"=200'**

G:/Planning/Secure/ba-pz/  
2015/pz/sa15-08.mxd

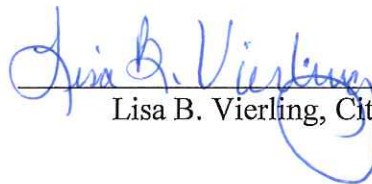


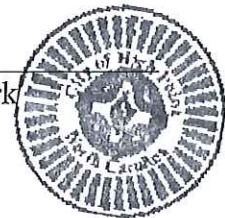
City of High Point  
Municipal Office Building  
211 South Hamilton Street  
High Point, NC 27261

Certification

I, Lisa B. Vierling, City Clerk of the City of High Point, North Carolina, do hereby certify that the foregoing is a true and accurate Resolution adopted by the City Council in official Session on September 21, 2015 and upon approval by City Council will be recorded in Book 90 of the Official Minute Books and Resolution Book XIX of this City, under my care, custody and control. As of this date, action to adopt said Resolution has not been amended, rescinded or repealed and is in full force and effect.

WITNESS my hand and the Corporate Seal of the City of High Point, this 10<sup>th</sup> day of November, 2015.

  
Lisa B. Vierling, City Clerk

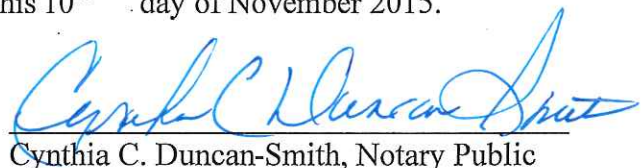


ACKNOWLEDGEMENT

I, Cynthia C. Duncan-Smith, a Notary Public of said County and State, do hereby certify that Lisa B. Vierling is known to me as City Clerk of the City of High Point; that this person personally appeared before me this date; and, upon authority duly given and as an act of said City, issued and executed the foregoing Certification.

WITNESS my hand and official Notarial Seal, this 10<sup>th</sup> day of November 2015.

**CYNTHIA C. DUNCAN-SMITH  
NOTARY PUBLIC  
GUILFORD COUNTY, NC**

  
Cynthia C. Duncan-Smith, Notary Public

Commission Expires: 1/18/2020

# CITY OF HIGH POINT

## AGENDA ITEM



### **Title: Eastside Wastewater Treatment Plant – UV System Repair**

**From:** Terry Houk – Public Services Director  
Carol McDowell – Public Services Asst. Director

**Meeting Date:** September 21, 2015

**Public Hearing:** N/A

**Advertising Date:** N/A

**Advertised By:** N/A

**Attachments:** Finance Director Memo  
Attachment A – Maintenance Estimate for Repair

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#### **PURPOSE:**

The Public Services Maintenance Division is working to repair the Eastside Wastewater Treatment Plant Ultra Violet Light Disinfection System (UV System).

#### **BACKGROUND:**

The filtered water at Eastside runs through UV System to be disinfected before being discharged to Deep River channel and Randleman Reservoir. This is a critical process for plant compliance. The UV System experienced a power surge Wednesday night, September 9, 2015. This power surge damaged components critical to the operational effectiveness of the UV system.

The plant has three (3) UV channels composed of two banks of lights. Maintenance has Channel 2 out of service to repair hydraulic components and lamps. Channels 1 and 3 were affected by the power surge on September 9, 2015. At this time Bank 1A for both Channel 1 and 3 cannot perform proper disinfection. With Bank A for both channels out of service, Bank B is operating for both channels with no back-up capabilities.

The components needed will restore Channels 1 & 3 disinfection capabilities.

EW2 Environmental is the sole source supplier of the components needed to bring the UV System back to full operation.

#### **BUDGET IMPACT:**

Funds for this project are in the following account: **621757-526101**

#### **RECOMMENDATION / ACTION REQUESTED:**

The Public Services Department recommends approval of the sole source contract to EW2 Environmental in the amount of \$84,781.38, and that the appropriate City official be authorized to execute all necessary documents.



## MEMORANDUM

September 11, 2015

**MEMO TO:** Randy McCaslin, Deputy City Manager  
**FROM:** Jeffrey A. Moore, Financial Services Director  
**SUBJECT:** Recommendation for Sole Source Authorization

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Please add this recommendation to the sole source item for City Council's consideration at their September 21, 2015, Council meeting:

The City Council approved a sole source exception for the installation of the Trojan ultraviolet disinfection system at its August 3, 2009 meeting. The wastewater treatment plants require replacement parts for the UV system which can only be acquired from the vendor. To remain compliant with NC general statutes, City Council is requested to authorize an exception to the bid laws for this equipment.

1. In order to complete the purchase, City Council is requested to approve an exception to the bid laws under the "sole source qualification" for the purchase of Trojan UV equipment for the Public Services Department from EW2 Environmental.

State statute (G.S. 143.129(e)(6)) requires City Council to specifically authorize "qualified sole source" exceptions to the bid laws prior to awarding the contract. This purchase for the Public Services Department continues to meet the standard for "standardization considerations" as a qualified exemption. Representatives of the Public Services Department will be present to answer any questions which may arise.

2. City Council is requested to approve the acquisition of the Trojan UV equipment from EW2 Environmental. The required funds of \$84,781.38 for the purchase are budgeted in the Water & Sewer Operations Fund.

Accounting  
336.883.3240

Internal Audit  
336.883.3122

Purchasing  
336.883.3219

Treasury Services  
336.883.3230

# CITY OF HIGH POINT

## AGENDA ITEM

**Title: Authorize Installment Financing Contract for Motorola Communications Systems Upgrade****From:** Jeffrey A Moore, Financial Services Director**Meeting Date:** September 21, 2015**Public Hearing:** Yes**Advertising Date /** 8/27/2015**Advertised By:** City Clerk**Attachments:** RFP response bid tabulation  
Resolution Approving Financing Terms

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**PURPOSE:**

The Financial Services Department recommends that City Council authorize the issuance of an installment financing contract for Motorola Communications Systems Upgrade Project.

**BACKGROUND:**

The issuance of any debt obligation (bonds, notes, financing agreements, and leases) of the City requires the authorization of the City Council. Installment financing contracts (also sometimes known as a capital or financing leases) are authorized by G.S. 160A-20.

The Adopted Annual Budget for FY2015-2016 identified the need for the upgrade of the Motorola communications systems to the new public safety standards. The primary contract for the equipment and software upgrade was awarded by City Council July 20, 2015. The required procedural approval was granted at City Council meeting of August 17, 2015, and the required public hearing was held at City Council meeting September 8, 2015.

The Financial Services Department sent requests for proposals to 25 financial and leasing institutions, and received 12 responses, eight (8) of which were responsive and conforming to the specifications for the proposal. I recommend that City Council accept the bid with the lowest total cost of financing and meeting specifications, and award the financing contract to Whitney Bank who provided the City with a very favorable 1.839% interest rate for ten years. *Council needs to note the installment financing contract does require the approval and concurrence of the NC Local Government Commission, anticipated for its October 6, 2015 meeting.* A summary of the bid results is attached for your information.

The bid results were evaluated on the initial proposal which requested estimated funding not to exceed \$3,600,000 as budgeted. The actual repayment will be \$197,396.05 semiannually for a total repayment of \$3,959,321.00 including upfront documentation fees.

**BUDGET IMPACT:**

The Annual Budget for FY2015-20156 included the proposed upgrade project of \$3,600,000 as well as the proceeds from the installment contract financing for \$3,600,000. The debt service payments are included in the Radio Services operating budget for FY2015-2016 and will be through Fiscal Year 2026.

**RECOMMENDATION / ACTIONS REQUESTED:**

1. City Council is requested to authorize the City Manager and Financial Services Director to accept the proposal for the installment financing contract with Whitney Bank, to authorize the borrowing as evidenced in the attached resolution, and to prepare and execute the necessary documents in connection with the financing agreement, contingent on the Local Government Commission's approval.



City of High Point  
Lease-Purchase Bid Tabulation  
\$3,600,000  
Motorola Radio System P25Upgrade Project

| Institution                       | Rate %          | Term | Payment    | Total of<br>Payments | Special Notes                                  |
|-----------------------------------|-----------------|------|------------|----------------------|------------------------------------------------|
| Whitney Bank                      | 1.83900%        | 10   | 197,396.05 | \$ 3,959,321.00      | \$600 doc fee, prepay@103                      |
| Bank of America                   | 2.00800%        | 10   | 199,576.25 | \$ 3,991,525.00      |                                                |
| First Tennessee                   | 2.13000%        | 10   | 200,803.24 | \$ 4,018,564.80      | atty fees \$2500                               |
| RegionsBank                       | 2.15700%        | 10   | 201,075.54 | \$ 4,022,185.80      | \$675 doc fees                                 |
| BB&T Governmental Finance         | 2.22000%        | 10   | 201,711.75 | \$ 4,034,235.00      |                                                |
| VeriStor Capital                  | 2.29900%        | 10   | 202,510.01 | \$ 4,050,200.20      | prepymt @ 103                                  |
| CapitalOne Public Finance         | 2.54000%        | 10   | 204,961.22 | \$ 4,099,224.40      |                                                |
| SunTrust Leasing                  | 2.93000%        | 10   | 208,961.90 | \$ 4,179,588.00      | \$100 doc fee; prepay@101; \$250<br>escrow fee |
| High Point Bank                   | Declined to Bid |      |            |                      |                                                |
| Local Government Fed Credit Union | Declined to Bid |      |            |                      |                                                |
| Wells Fargo Capital Finance       | Declined to Bid |      |            |                      |                                                |
| First Citizens Bank               | Declined to Bid |      |            |                      |                                                |

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF HIGH POINT, NORTH CAROLINA, AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER EQUIPMENT LEASE-PURCHASE AGREEMENT AND SEPARATE EQUIPMENT SCHEDULES WITH RESPECT TO THE ACQUISITION, PURCHASE, FINANCING AND LEASING OF CERTAIN EQUIPMENT FOR THE PUBLIC BENEFIT; AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION.**

WHEREAS, the City of High Point, North Carolina (the “*Lessee*”), a body corporate and politic and political subdivision duly organized and existing under the laws of the State of North Carolina, is authorized by the laws of such State to purchase, acquire and lease personal property for the benefit of the Lessee and its inhabitants and to enter into contracts with respect thereto; and

WHEREAS, the Lessee desires to purchase, acquire and lease certain equipment and other property necessary for the Lessee to perform essential governmental functions; and

WHEREAS, in order to acquire such equipment and other property, the Lessee proposes to enter into that certain Master Equipment Lease-Purchase Agreement (the “*Master Lease*”) and separate Equipment Schedules from time to time as provided in the Master Lease with Whitney Bank (or its affiliates), as lessor (the “*Lessor*”), the form of which has been presented to the governing body of the Lessee at this meeting; and

WHEREAS, the governing body of the Lessee deems it for the benefit of the Lessee and for the efficient and effective administration thereof to enter into the Master Lease and the separate Equipment Schedules as provided in the Master Lease for the purchase, acquisition and leasing of the equipment and other property to be therein described on the terms and conditions therein provided;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the governing body of the City of High Point, North Carolina as follows:

*Section 1. Approval of Documents.* The form, terms and provisions of the Master Lease and the separate Equipment Schedules as provided in the Master Lease are hereby approved in substantially the forms presented at this meeting, with such insertions, omissions and changes as shall be approved by the City Manager of the Lessee or other members of the governing body of the Lessee executing the same, the execution of such documents being conclusive evidence of such approval. The City Manager of the Lessee is hereby authorized and directed to execute, and the City Clerk of the Lessee is hereby authorized and directed to attest, the Master Lease and each Equipment Schedule and any related Exhibits attached thereto and to deliver the Master Lease and each Equipment Schedule (including such Exhibits) to the respective parties thereto, and the City Clerk of the Lessee is hereby authorized to affix the seal of the Lessee to such documents.

*Section 2. Other Actions Authorized.* The officers and employees of the Lessee shall take all action necessary or reasonably required by the parties to the Master Lease and each Equipment Schedule to carry out, give effect to and consummate the transactions contemplated thereby (including the execution and delivery of acceptance certificates and any tax certificate and agreement, each with respect to separate Equipment Schedules, as contemplated in the Master Lease) and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Master Lease and each Equipment Schedule.

*Section 3. No General Liability.* Nothing contained in this Resolution, the Master Lease, any Equipment Schedule nor any other instrument shall be construed with respect to the Lessee as incurring a pecuniary liability or charge upon the general credit of the Lessee or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Master Lease, any Equipment Schedule or any other instrument or document executed in connection therewith impose any pecuniary liability upon the Lessee or any charge upon its general credit or against its taxing power, except to the extent that the rental payments payable under each Lease (as such term is defined in the Master Lease) are special limited obligations of the Lessee as provided in such Lease.

*Section 4. Appointment of Authorized Lessee Representatives.* The City Manager and Financial Services Director of the Lessee are each hereby designated to act as authorized representatives of the Lessee for purposes of the Master Lease and each Equipment Schedule until such time as the governing body of the Lessee shall designate any other or different authorized representative for purposes of the Master Lease and each Equipment Schedule.

*Section 5. Designation for Purposes of Section 265(b)(3) of the Internal Revenue Code of 1986.* The governing body of the Lessee hereby designates Equipment Schedule No. 2015-01 to be dated October 30, 2015, and that incorporates by reference the terms and conditions of the Master Lease, as a “qualified tax-exempt obligation” for purposes and within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

*Section 6. Severability.* If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

*Section 7. Repealer.* All bylaws, orders and resolutions or parts thereof, inconsistent herewith, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, resolution or ordinance or part thereof.

*Section 8. Effective Date.* This Resolution shall be effective immediately upon its approval and adoption.

ADOPTED AND APPROVED by the governing body of the Lessee this 21st day of September, 2015.

CITY OF HIGH POINT, NORTH CAROLINA,  
as Lessee

[SEAL]

By: \_\_\_\_\_

Name: Gregory Demko

Title: City Manager

ATTEST:

By: \_\_\_\_\_

Name: Lisa B. Vierling

Title: City Clerk

APPROVED as to form:

\_\_\_\_\_  
Name: JoAnne Carlyle

Title: City Attorney

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Annexation Case 15-07 (Grayson and Berntha)

**From:** Lee Burnette, Planning & Development  
Director

**Meeting Date:** September 21, 2015

**Public Hearing:** Yes

**Advertising Date:** September 11, 2015

**Advertised By:** Planning & Development

**Attachments:** A. Staff Report  
B. Map  
C. Annexation Ordinance of Adoption

---

### PURPOSE:

A request by Everette & Patricia Grayson and Theodore & Gretchen Berntha to consider a voluntary contiguous annexation of an approximate 0.24-acre parcel lying north of the intersection of Penny Road and OSSI Court.

### BACKGROUND:

Staff report and recommendation is enclosed.

### BUDGET IMPACT:

There is no budget impact.

### RECOMMENDATION / ACTION REQUESTED:

Staff recommends **approval** of Annexation Case 15-07.

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

**STAFF REPORT  
ANNEXATION CASE 15-07  
September 21, 2015**

| <b>Request</b>                                                                                        |                                                                                                      |
|-------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| <b>Applicant:</b><br>Everette Grayson and Patricia Grayson<br>Theodore Bernthal and Gretchen Bernthal | <b>Owner(s):</b><br>Everette Grayson and Patricia Grayson<br>Theodore Bernthal and Gretchen Bernthal |
| <b>Proposal:</b><br>Voluntary contiguous annexation of an<br>approximate 0.24-acre parcel             | <b>Effective Date:</b><br>Upon adoption                                                              |
|                                                                                                       | <b>Associated Zoning Case:</b><br>Zoning Case 15-15                                                  |

| <b>Site Information</b>                              |                                                                                                                                                                                                                                                                                                     |
|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Location:</b>                                     | Lying north of the intersection of Penny Road and OSSI Court<br>(2723-R1 NC Highway 68)                                                                                                                                                                                                             |
| <b>Tax Parcel Numbers:</b>                           | Guilford County Tax Parcel 0170014                                                                                                                                                                                                                                                                  |
| <b>Site Acreage:</b>                                 | Approximate 0.24-acre                                                                                                                                                                                                                                                                               |
| <b>Current Land Use:</b>                             | Undeveloped                                                                                                                                                                                                                                                                                         |
| <b>Current Fire District:</b>                        | The property is within the Deep River Fire District. Per contract with Guilford County, the property is currently served by the City of High Point Fire Department.                                                                                                                                 |
| <b>Proposed Development:</b>                         | Restaurant                                                                                                                                                                                                                                                                                          |
| <b>Proposed Unit Type, Number and Average Value:</b> | The applicant is proposing to combine the annexation site with the abutting parcel to the south to form a larger parcel. The applicant has noted that the annexation site has a land value of \$2,900 and estimates it will have a value of approximately \$20,000 after development.               |
| <b>Proposed Build-out Schedule:</b>                  | Approximately one-year                                                                                                                                                                                                                                                                              |
| <b>Proposed City of High Point Council Ward:</b>     | The proposed annexation site abuts Ward 5 to the west and south. If approved, the annexation area will be part of Ward 5.                                                                                                                                                                           |
| <b>Physical Characteristics:</b>                     | The site is relatively flat and has no noteworthy features.                                                                                                                                                                                                                                         |
| <b>Water and Sewer Proximity:</b>                    | A 12-inch City water line and an 8-inch City sewer are lying along Penny Road.                                                                                                                                                                                                                      |
| <b>General Drainage and Watershed:</b>               | The site drains in a westerly direction and development is subject to the City Lake General Watershed Area requirements. Engineered storm water treatment measures are required for non-residential and multi-family development with a total impervious surface area greater than 24% of the site. |

|                             |                                                                                                                    |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------|
| <b>Overlay District(s):</b> | Eastchester Scenic Corridor Overlay District<br>City Lake General Watershed Area and Airport Overlay Area – Zone 4 |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------|

| <b>Adjacent Property Zoning and Current Land Use</b> |                |                                                        |                        |
|------------------------------------------------------|----------------|--------------------------------------------------------|------------------------|
| <b>North:</b>                                        | <b>AG</b>      | Agricultural District ( <i>Guilford County</i> )       | Single family dwelling |
| <b>South:</b>                                        | <b>CU GO-H</b> | Conditional Use General Office-High Intensity District | Undeveloped            |
| <b>East:</b>                                         | <b>AG</b>      | Agricultural District ( <i>Guilford County</i> )       | Single family dwelling |
| <b>West:</b>                                         | <b>CU GO-H</b> | Conditional Use General Office-High Intensity District | Dentist office         |

| <b>Transportation Information</b> |                                                 |                       |                         |
|-----------------------------------|-------------------------------------------------|-----------------------|-------------------------|
| <b>Adjacent Streets:</b>          | <b>Name</b>                                     | <b>Classification</b> | <b>Approx. Frontage</b> |
|                                   | None                                            | None                  | None                    |
| <b>Vehicular Access:</b>          | Shared access off of Penny Road (public street) |                       |                         |

### **City Department Comment Summary**

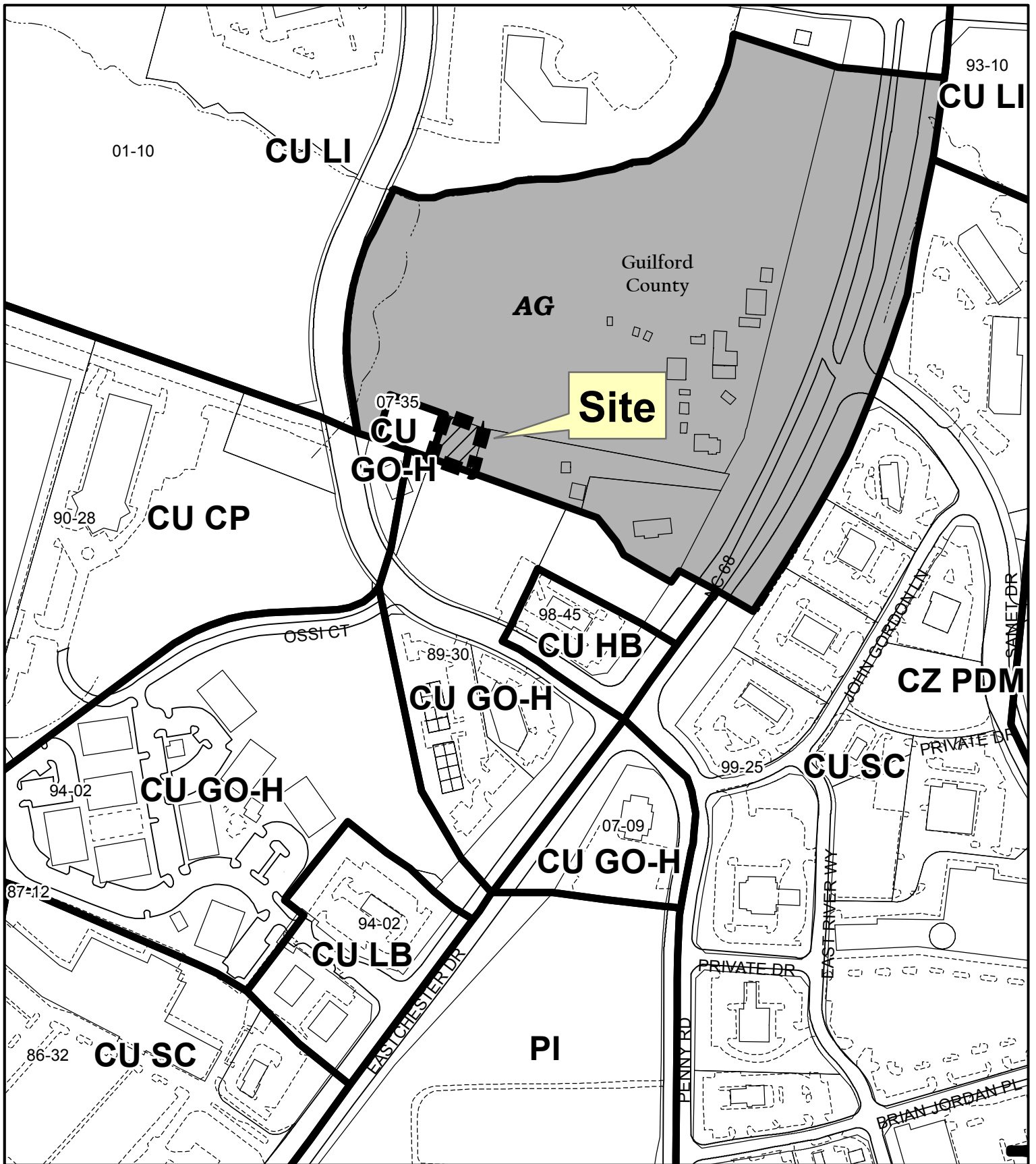
Comments were not requested for this proposed annexation due to the fact the site is within a portion of the City's planning area that is surrounded by the City's corporate limits. Annexation petitions for uses within close proximity to existing service areas do not cause the need for individual department comment.

### **Details of Proposal**

The applicant is requesting to annex this 0.24-acre parcel to facilitate development of a proposed commercial use. This parcel is to be combined with the abutting parcel to the south to create a 2.5-acre commercial parcel that will have access to Penny Road. This request is similar and adjacent to another small parcel annexed in 2007 to facilitate the development of the dentist office immediately to the west. This annexation petition represents a logical progression of the City's annexation policy for this area as the property is within a portion of the City's Planning Area that is surrounded by the City's corporate limits and City services and service vehicles are already present in this area. The annexation of this parcel 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 Robert Robbins AICP, Development Services Administrator and Lee Burnette AICP, Director.



## ANNEXATION REQUEST ANX15-07

**Applicant:** Everette & Patricia Grayson and Theodore & Gretchen Bernthal

**Area:** 0.24 acres (approximate)

**Existing Zoning Boundary** —————

**Subject Property Boundary** - - - - -

**Planning & Development  
Department**

**City of High Point**

**Date:** August 25, 2015



**Scale:** 1"=300'

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2015\pz\anx15-07.mxd



Return to: JoAnne Caryle, City Attorney  
City of High Point  
P.O. Box 230  
High Point, NC 27261  
Ordinance No. xxxx / 15-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 5:30p.m. on the 21<sup>st</sup> day of September, 2015; 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 September 21, 2015.

**ANNEXATION DESCRIPTION**

Applicant: Everette Grayson and Patricia Grayson  
Theodore Bernthal and Gretchen Bernthal  
**Annexation Case 15-07**

Lying approximately 320 feet north of the intersection of Penny Road and OSSI Court. The property is address as 2723-R1 NC Highway 68 and also known as Guilford County Tax Parcel 0170014 and particularly described as follows:

BEGINNING at a new iron rod marking the northeastern corner of Amelia Claire Wilson, LLC, New Lot A, IMUD Final Plat, 68 Penny and Claire Wilson, DDS as shown on a map recorded in Plat Book 175 Page 83 and as recorded and described in Deed Book 6849 Page 0116 in the office of the Register of Deeds of Guilford County, North Carolina; thence running along the southern line of Opal E. Jordan; H H Jordan Trust as recorded and described in Deed Book 3777 Page 07 4 7 in said Guilford County Registry, South 70°21 '01" East 93.4 7 feet to an existing iron pipe marking the northwestern corner of Colon H. Jordan and Carol B. Jordan as recorded in Deed Book 3614 Page 0295 and as shown on a map recorded in Plat Book 87 Page 49 in said Guilford County Registry; thence along the western line of said Jordan, South 15°52'07" West 106.35 feet to an existing iron pipe in the existing City of High Point City Limit; thence along said City Limit North 70°21 '01" West 100.48 feet to a computed point in the eastern line of said Amelia Claire Wilson, LLC; thence along said eastern line North 19°38'59" East 106.12 feet to the point and place of BEGINNING containing an area of 0.236 acres more or less.

SECTION 2. Upon and after **September 21, 2015** 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 City Council,  
this the **21<sup>st</sup>** day of **September, 2015**.  
Lisa B. Vierling, City Clerk

BK: R 7758  
PG: 2027-2031  
RECORDED:  
11-12-2015  
10:29:33 AM  
BY: MARY MORGAN  
DEPUTY-HP



2015060677

**GUILFORD COUNTY, NC**  
**JEFF L. THIGPEN**  
REGISTER OF DEEDS

NC FEE \$26.00

Return to: Joanne Carlyle, City Attorney  
City of High Point  
P.O. Box 230  
High Point, NC 27261  
Resolution No. 1582 / 15-53

*Pln city of HP*

## RESOLUTION

*5th*  
**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, IN A REGULAR MEETING ASSEMBLED ON THE 21<sup>st</sup> DAY OF SEPTEMBER, 2015 AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:**

**Street Abandonment (Closure) Case 15-07**  
(unimproved portion of Patrick Avenue)

A request by the Technical Review Committee to abandon the unimproved portion of the Patrick Avenue right-of-way lying east of Randall Street.

WHEREAS, The City of High Point Technical Review Committee has petitioned the City Council of the City of High Point to permanently abandon (close) the unimproved excess right-of-way for Patrick Avenue lying east of Randall Street. This right-of-way is more specifically described as follows:

Beginning at the existing northwestern property corner of lot #15 (also known as Guilford County Tax Parcel 0176907) as recorded in (**PB 21 PG 82**) in the Office of the Register of Deeds of Guilford County, North Carolina; thence northerly along the eastern right-of-way line of Randall Street (formerly Downey Street) across the unopened portion of Patrick Avenue (formerly Lovers Lane) to the existing southwestern property corner of Straight Way Baptist Church (Guilford County Tax Parcel #0176893) located on the eastern right-of-way line of Randall Street; thence easterly along the southern property line to an existing property corner located on the western property line of Straight Way Baptist

Church said point also being the northeastern property corner of the unopened portion of Patrick Avenue; thence southerly along the eastern property line of the unopened portion of Patrick Avenue to an existing property corner located at the northeastern corner of lot #15 as recorded in **(PB 21 PG 82)** in the Office of the Register of Deeds of Guilford County, North Carolina; thence westerly along the northern property line to the point and place of beginning. The described area encompasses +/- 0.15 acres.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 17<sup>th</sup> day of August, 2015, at 5:30 p.m. setting the 21<sup>st</sup> day of September, 2015 at 5:30 p.m., in the Council Chambers of the Municipal Building, as the time and place for a public hearing before said Council on said petition, and public notice of said time and place was ordered given, all pursuant to North Carolina G.S. 160A-299; and

WHEREAS, due and proper notice of said hearing to be heard on the petition at this meeting of City Council was made by publication in the High Point Enterprise for four (4) consecutive weeks, beginning August 21 & 28, 2015 and September 4 & 11, 2015; and,

WHEREAS, the above entitled matter, pursuant to said resolution and notice was called for hearing before said Council at which time there was no objection or opposition offered on the part of any firm or corporation to abandon (closure) of that portion of the Patrick Avenue right-of-way, as previously described above; and

WHEREAS, it appearing to the satisfaction of this Council and the Council finds as a fact that the said right-of-way as herein described is not necessary for ingress and egress to any land adjoining said street; that the closing of said street is not contrary to the public interest and that no other individual, firm or corporation owning property in the vicinity of said street, or in the subdivision in which said street is located, will be deprived of reasonable means of ingress or egress to this property.

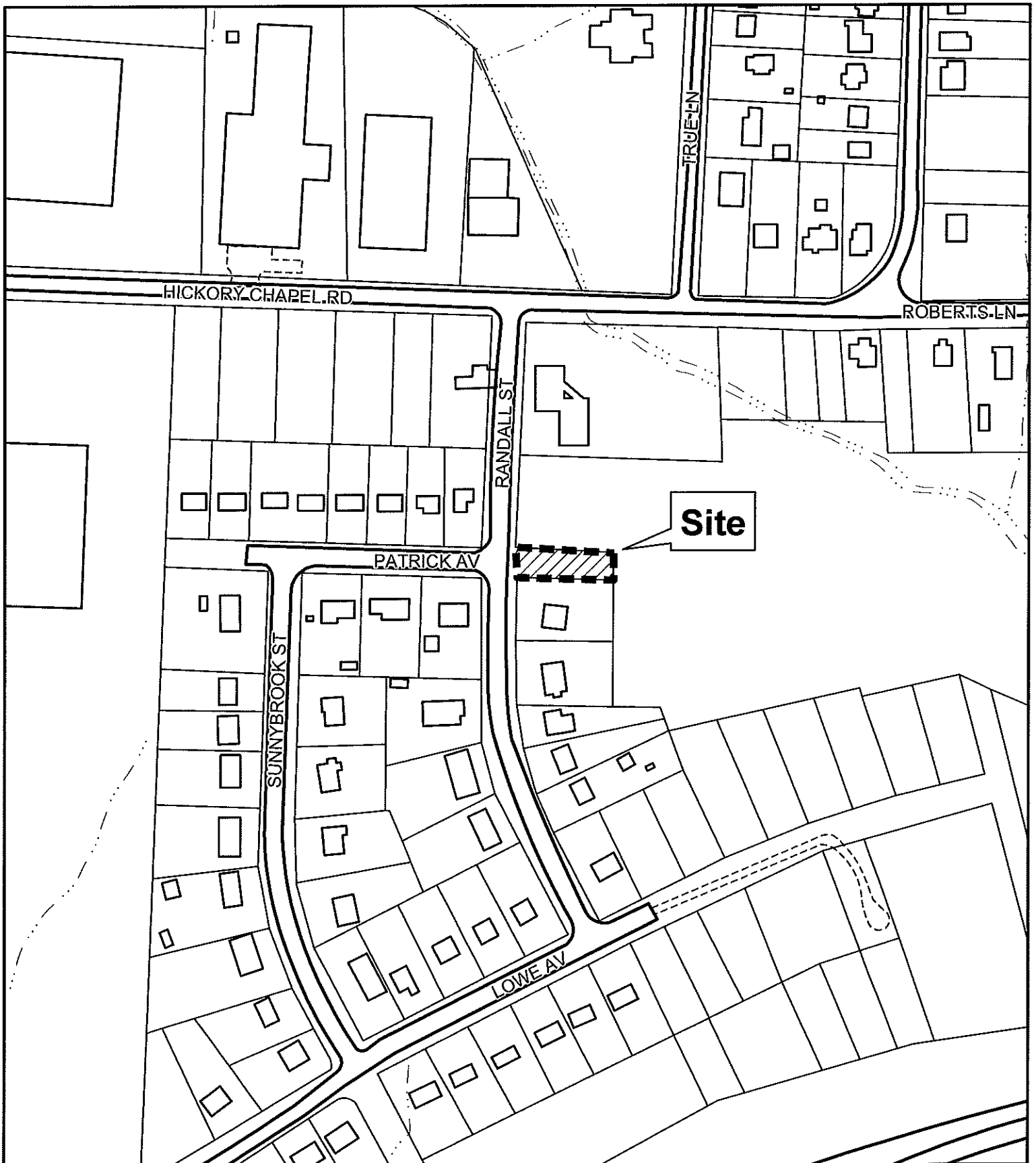
NOW THEREFORE BE IT RESOLVED:

1. That portion of the Patrick Avenue right-of-way, as described above, be closed pursuant to North Carolina G.S. 160A-299; and
2. That the City of High Point shall retain a 30-foot wide stormwater easement centered over existing stormwater drainage pipe within and crossing the right-of-way; and
3. That the City of High Point shall retain a 15-foot wide electrical easement, which also includes City fiber optic lines, cable TV lines and some NorthState Communication

lines, centered over all existing electric lines within and crossing the right-of-way;  
and

4. That a copy of this resolution be filed in the Office of the Register of Deeds for Guilford County, North Carolina.

By order of the City Council,  
this the 21<sup>st</sup> day of September, 2015  
Lisa B. Vierling, City Clerk



# **STREET ABANDONMENT REQUEST SA15-07**

**Applicant: City of High Point**

**Area: 0.15 acres**



**Location of requested street abandonment**



**Previously abandoned right-of-ways**

**Planning & Development  
Department**

**City of High Point**

**Date: August 25, 2015**



**Scale: 1"=200'**

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2015/pz/sa15-07.mxd

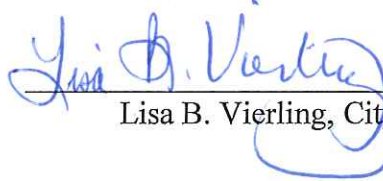


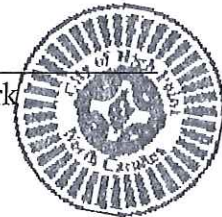
City of High Point  
Municipal Office Building  
211 South Hamilton Street  
High Point, NC 27261

Certification

I, Lisa B. Vierling, City Clerk of the City of High Point, North Carolina, do hereby certify that the foregoing is a true and accurate Resolution adopted by the City Council in official Session on September 21, 2015 and upon approval by City Council will be recorded in Book 90 of the Official Minute Books and Resolution Book XIX of this City, under my care, custody and control. As of this date, action to adopt said Resolution has not been amended, rescinded or repealed and is in full force and effect.

WITNESS my hand and the Corporate Seal of the City of High Point, this 10<sup>th</sup> day of November, 2015.

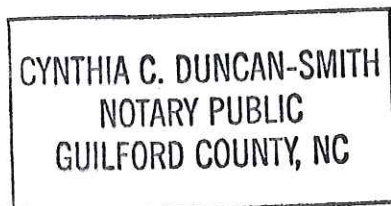
  
Lisa B. Vierling, City Clerk

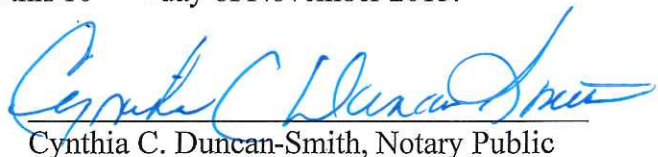


ACKNOWLEDGEMENT

I, Cynthia C. Duncan-Smith, a Notary Public of said County and State, do hereby certify that Lisa B. Vierling is known to me as City Clerk of the City of High Point; that this person personally appeared before me this date; and, upon authority duly given and as an act of said City, issued and executed the foregoing Certification.

WITNESS my hand and official Notarial Seal, this 10<sup>th</sup> day of November 2015.



  
Cynthia C. Duncan-Smith, Notary Public

Commission Expires: 1/18/2020

AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 9-3-12, ZONING MAP AMENDMENTS, OF THE DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of The City of High Point adopted “The City of High Point Development Ordinance” on January 7, 1992 with an effective date of March 1, 1992, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on August 25, 2015 and before the City Council of the City of High Point on September 21, 2015 regarding **Zoning Case 15-14** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings was published in the High Point Enterprise on August 16, 2015, for the Planning and Zoning Commission public hearing and on September 9, 2015 and September 16, 2015, for the City Council public hearing pursuant to Chapter 160A-364 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 September 21, 2015.

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: **Conditional Zoning Highway Business (CZ-HB) District**. The property is approximately 0.9 acres and lying along the west side of Eastchester Drive, approximately 200 feet north of Penny Road (*2719 Eastchester Drive*). The property is also known as Guilford County Tax Parcels 0207384.

#### 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**: Any of the land uses allowed in the Highway Business (HB) District shall be permitted, with the exceptions listed below, subject to the development and dimensional requirements of the Development Ordinance and subject to the specific conditions of this ordinance.

A. **Prohibited Uses**: The following uses, enumerated in Table 4-5-1, Permitted Use Schedule of the Development Ordinance, shall be prohibited:

1. **Accessory uses and structures**
  - a. Bulky Item Outdoor Display
  - b. Communication Towers (exceeding height limits of zoning district)



2. Business, Professional & Personal Services Uses
  - a. Automobile Rental or Leasing
  - b. Automobile repair services, major
  - c. Automobile repair services, minor
  - d. Automobile towing and storage services
  - e. Boat repairs
  - f. Car Washes
  - g. Recreational Vehicle Parks or Campsites
  - h. Truck Driving Schools
  - i. Truck & Util. Trailer Rent. & Leasing, Light
3. Retail trade uses
  - a. Boat Sales
  - b. Building Supply Sales (no storage yard)
  - c. Building Supply Sales (with storage yard)
  - d. Bulky Item Outdoor Display
  - e. Convenience Stores (with gasoline pumps)
  - f. Manufactured Home Sales
  - g. Motor Vehicle Sales (new and used)
  - h. Motorcycle Sales
  - i. Recreational Vehicle Sales
  - j. Service Stations, Gasoline
  - k. Tire Sales
  - l. Truck Stops
4. Transportation, Warehousing and Utilities Uses
  - a. Warehouses (general storage/enclosed) and Distribution Centers
  - b. Warehouses (self-storage)
5. All Manufacturing and Industrial Uses shall be prohibited
6. Other Uses
  - a. Bulky Item Outdoor Sales
  - b. Storage trailers as a principal uses

Part II. CONDITIONS:

- A. Development Design: Drive-through/service windows and menu boards shall not be permitted between the principal building and the street right-of-way along the Eastchester Drive street frontage.
- B. Landscaping: Type C Planting Yard standards may be applied along the site's northern boundary. If an opaque fence is used to reduce the planting yard width, its location within the planting yard shall be shown on the approved landscape plan. Lower planting yards standards, as permitted by the Development Ordinance, may be applied when residential uses are not abutting the northern property line of the site.

C. Transportation Condition: No direct vehicular access shall be allowed to Eastchester Drive

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 now 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.

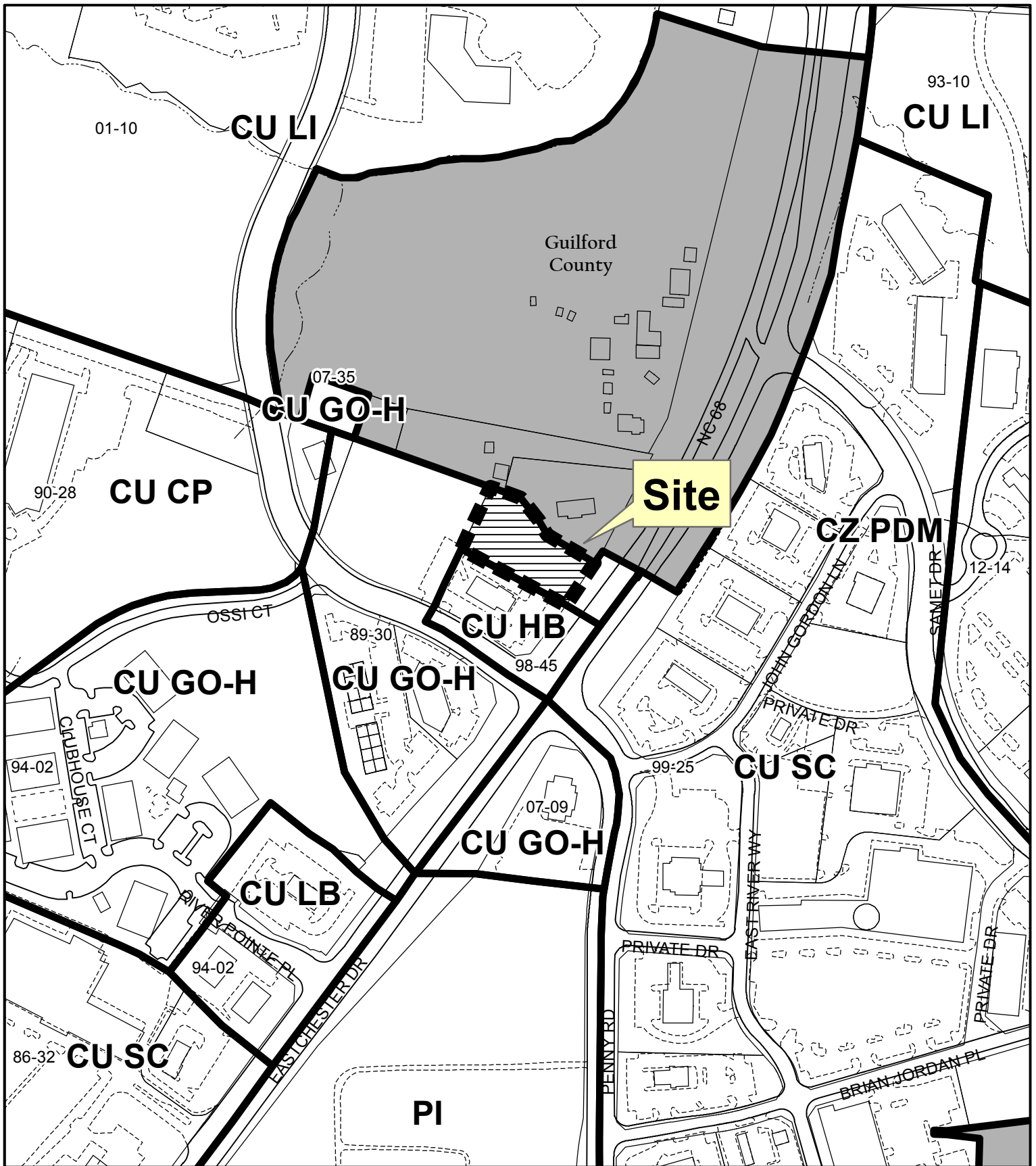
SECTION 5

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.  
21<sup>st</sup> day of September, 2015.

Lisa B. Vierling, City Clerk



# ZONING CASE 15-14

**From:** Conditional Use General Office-High Intensity  
**To:** Conditional Zoning Highway Business

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

Planning & Development  
 Department

City of High Point

Date: August 25, 2015



**Scale: 1"=300'**  
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 2015/pz/215-14.mxd

**HIGH POINT CITY COUNCIL  
SPECIAL MEETING  
August 27, 2015 – 9:00 a.m.  
COUNCIL CHAMBERS**

**Present:**

Mayor William S. Bencini, Jr.; Mayor Pro Tem James C. Davis (Ward 5); and Council Members Latimer Alexander (At-Large), Cynthia Davis (At-Large), Jeff Golden (Ward 1), Chris Williams (Ward 2), Alyce Hill (Ward 3), Jay Wagner (Ward 4), and Jason Ewing (Ward 6)

**Staff Present:**

Greg Demko, City Manager; Randy McCaslin, Deputy City Manager; JoAnne Carlyle, City Attorney; Jeron Hollis, Communications & Public Engagement Officer; Al Heggins, Director of Human Relations; Tony Lowe Human Relations Program Coordinator; Lisa Vierling, City Clerk

**Others Present:**

Jim Morgan, Joe Blosser, Paul Lessard, Rev. Frank Thomas, Barbara Collins, David Miller, and others

**News Media:**

Jordan Green, *Triad City Beat*

Pat Kimbrough, *High Point Enterprise*

**CALL TO ORDER**

Mayor Bencini called the meeting to order at 9:05 a.m.

**REGULAR AGENDA ITEMS**

**150276**

**Resolution- Say Yes to Education for Guilford County**

Council is requested to adopt a Resolution in support of Say Yes to Education for Guilford County.

**City Manager Greg Demko:** Mr. Mayor and Council. This is a Resolution in Support of Say Yes to Education. As you are aware, Say Yes to Education is a national non-profit for college readiness for young people. It was a competitive process. Guilford County Schools competed and is a finalist. One of the requirements of Say Yes is to demonstrate the willingness of local governments to come together for a solution. They have referred an MOU to the cities, Guilford County Schools, Guilford County, etc... Mr. Gene Chasin, the COO, has addressed many of the questions and some of the concerns from the meeting last Monday. Also at that meeting which resulted in Council preferring to do the Resolution instead of the MOU. That's why the resolution is in front of you tonight. The resolution is for the City of High Point to agree to be at the table for discussions, to work with the City of Greensboro, Guilford County Schools, and

Guilford County. It doesn't commit us for any additional financial implications. Any changes would have to be a budgetary item to be approved by the City Council.

One of the other commitments is for the city managers to participate in various committees and for the Mayor of High Point to co-chair the Leadership Council.

**Mayor Bencini:** Thank you, Mr. Manager. Any questions for Mr. Demko?

**Council Member Alexander:** Well there were a couple of things in the resolution that I had pointed out that seemed to be in conflict with what was discussed. The fifth Whereas, which reads "*Through fundraising Say Yes and its local partners make it possible for a community's public high school graduates to receive full tuition scholarships to any in-state public college and university regardless of family income; said awards being granted after Pell grants and other financial aid have been taken into account*" that is different from the presentation that was given to us by Mr. Chasin. Clearly it says to any in-state public college and university regardless of family income. I was under the impression that if family income was under \$75,000 that was the case. If it was over \$75,000 then it was limited to \$5,000.

**Mayor Pro Tem J. Davis:** That was my understanding also.

**Council Member Alexander:** A lot of parts of this seem to change as time goes on and I don't know whether we're making a statement that's accurate here.

**Mayor Bencini:** Clearly, the Say Yes folks are going to have the say-so as to what the level of financial support is going to be and I don't think it's been clearly even necessarily decided yet by the Say Yes.

**Council Member Hill:** I believe that it has been decided. The distinction might be between public versus private university. There is one level of....if it's public university I believe it's for everybody. I think that the income distinction is only if you're attending a private university.

**Council Member Alexander:** I didn't see anything in this resolution regarding any private university. Everything I saw was in-state, public college and university.

**Council Member Hill:** There are private universities with whom Say Yes has contracted to give financial considerations for people coming out of the Say Yes program and that's what's that is referring to. We can get further information on that, but at the end of the day I think that that is just for background information. It doesn't change the city's obligation just to come to the table to discuss. So I'm not sure that it....

**Mayor Bencini:** It's not impactful to the city anyhow, I don't believe, Mr. Alexander.

**Council Member Alexander:** Well....

**Mayor Bencini:** I understand your concern over some inconsistencies there, but in terms of the obligation by the City of High Point, I don't think it changes.

**Council Member Alexander:** Well I just want to make sure that our citizenry who I believe values and embraces this out here know what it is that we're voting on. I also have spent some time looking at Buffalo and Syracuse and that kind of thing. You know this very clearly says this is going to cover tuition. It doesn't reference what the beginning of Syracuse and Buffalo both have, which it does not cover student fees, it does not cover room and board, it does not cover meal plans, it does not cover books, it does not cover transportation.

**Mayor Bencini:** Yeah, it's not the Morehead scholarship.

**Council Member Alexander:** Right, so when I look at our in-state schools because in-state is all that's here, you're looking at what Say Yes is going to do is fill the gap for ¼ to 1/3 of what the school says is the cost of a college education.

**Council Member Hill:** Sure, but that can be a deciding factor between whether a kid can go or not. I think the more important thing to look at is what it does do, not what it doesn't do. What it does do is it covers tuition and gives opportunities where there aren't opportunities and that's just the secondary education part. That's not even considering the services that it offers kids from kindergarten on up as they come through the school system.

**City Attorney JoAnne Carlyle:** I have a suggestion. I, too, share Council Member Alexander's concerns. When I sent what was deemed the final yesterday, for example the amount of funding that is raised through the community, I had originally received the amount of \$15,000,000, but when it came back from Mr. Chasin, it reflected \$25,000,000. So there's been a lot....in the Whereas paragraphs it is total reliance upon what Say Yes has provided to the city as to its factual basis. One way, if you guys want to go ahead and vote on this today, we could resolve that is I can preface the entire group of Whereases to say something along the lines that the city is informed from Say Yes....and that way what it does is it makes all that information that's contained in those sections, makes everyone clear that this part is what you have been told and that's what you're voting on with the assumption that those things are true.

The bullet points if you want to look at those, are pretty much detached from that because it's kind of like here's this pretty picture that we've painted of what we think it is, what it wants to be, and here's what we're going to do about that. At least that's one approach.

**Mayor Bencini:** I think that's a reasonable approach.

**Council Member Alexander:** Do we treat Say Yes as a non-profit under our current mix, or will they be separate? Because this Council has said that it wants to limit its non-profits to 1/3 of a cent on the property tax rate.

**Council Member Hill:** Well there's not a financial ask.

**Mayor Bencini:** There's no financial ask in here.

**Council Member C. Davis:** That's right.

**Council Member Alexander:** Oh, well I'll remind you of that the next meeting we have.

**Mayor Bencini:** That's fine.

**Council Member Alexander:** Because there will be expectations. It's mentioned employment and it mentioned a lot of other things. You go in and read Buffalo and Syracuse and that kind of thing. I mean there are real dollars that are going to be spent by the city over and above what it currently provides in the areas of parks and libraries and other things.

**City Attorney JoAnne Carlyle:** That was my extreme concern in the documents that we had received prior, both the MOU and the Resolution. They open the city up to exposures that were completely unknown. What we did by addressing this was we totally cut that off. We said basically that we are going to come to the table, look at this and it looks like we want to benefit as the rest of the county and the students and after that if there's any further participation other than having the manager attend those meetings, the mayor is now going to be a member of the committee. Any further participation and/or expenditures would come back to this Council for you guys to make a decision on that.

**Council Member Alexander:** Well, but I'd like to know the emotional feeling of the Council. Is this a separate entity, or is this lumped in with our non-profits?

**Council Member Williams:** It wouldn't be lumped in with the non-profits in my opinion because the form this is in right here, we were talking about the partnership, our influence.....we're not in a partnership with the non-profits that we've dealt with in that sense. We monetarily help them but not so far as having somebody at the seat at the table like this will be. And then the final say will come from this Council when it comes to whatever the changes and expenditures. So I think this is separate.

**Council Member Alexander:** So, we have an idea of the commitment we want to make to education.

**Mayor Bencini:** We are a participant to the degree to the bullet points at the very bottom of the resolution. That's what we are. We can say No all we want to down the road, but right now we need to say Yes.

**Council Member C. Davis:** And I sent an email out yesterday about 7:00, which no one responded to, stating please consider the last bullet change and I spoke with the city attorney and she told me it wasn't necessary, but I wanted to make sure that you all got the email because there was no response to it.

Please consider the last bullet change once more to say something along the lines of....

"stating the City of High Point has no monetary obligation to the Say Yes program beyond the services that we are currently providing within the city itself, which is something that we do in our budget because what they're asking from us is parks and rec, library, so if you wanted to change some kind of verbiage that way you could to meet Mr. Alexander's need that there is no monetary obligation beyond what we currently provide our citizens.

**Joanne Carlyle:** You know, right now you are not currently providing the Say Yes program anything. The Say Yes program has not been created, which is why I don't think that's necessary.

**Council Member Wagner:** I think the 5<sup>th</sup> bullet point covers that. It just says that regardless of what we do, you have to come back and ask permission.

**City Attorney JoAnne Carlyle:** That was my thought. I just wanted to put it back to you guys so you can see the program as it develops, whether that's what he wanted to participate in and whether or not you wanted to fund it.

**Council Member C. Davis:** The issue seemed to be the monetary obligation so I thought if we had that verbiage in there that that would fix the other concern.

**Council Member Hill:** Well it says any expenditures, so I think we're covered.

**Council Member Wagner:** To get back to the original point. I agree with Chris. At this point I don't think you treat it as a non-profit where we're going to have a certain amount of money dedicated to it every year. The way I see this is it's our agreement to agree to coordinate and work together and as to what coordinating and working together means in the future, that's kind of a fluid situation. If it's something that we're going to have to be flexible and respond to and we really don't know what that is yet. It's an agreement to participate and play nice.



**City Attorney JoAnne Carlyle:** In the original language, you guys will recall kept referencing that you would not have any other additional obligations other than what's currently available. But that was never described in anyway, so I didn't want you to be locked into something that was unknown.

**Council Member C. Davis:** For me, in regards to the non-profit consideration, if we're contributing to the non-profits that are partnering with Say Yes we can do that through our non-profit allocations indirectly supporting the Say Yes program, through the non-profit allocation consideration. So for me, we could address it through the non-profit allocation. It wouldn't be labeled Say Yes, but if a participant who was a member of the Say Yes program came and submitted an application, then we could certainly address it in consideration with other non-profit applications.

**Council Member Ewing:** I think that down the road it might be open for consideration to tie it to non-profits, but right now we don't know any value. If we have to increase say parks and rec service by 15%, you know we can take those dollars and even though it would be an in-kind allocation, key it into the non-profit category, but right now we don't know what any of those expenses are. I mean we're just outside the room listening.

**Mayor Pro Tem J. Davis:** You know Say Yes is not asking us for parks and rec. We keep talking about it. The city provides those services, but in no document that I've seen have they asked for parks and rec or library or theatre services. It's nutrition, legal services and mental health.

**Council Member Alexander:** They're asking for summer employment too.

**Mayor Pro Tem J. Davis:** So basically we're not agreeing to anything.

**Mayor Bencini:** We're agreeing to be a participant.

**Mayor Pro Tem J. Davis:** We're just saying that the community is behind it. We support it. We want to come to the table.

**Council Member Golden:** That's all we're doing.

**Council Member C. Davis:** So if we're all in agreement with that, I would call the question.

**Mayor Bencini:** Alright. Is there a motion?

**Council Member Golden:** So moved.

**Council Member Wagner:** Second.

**Mayor Bencini:** Any further discussion? All in favor, say Aye. Aye. Any opposed? [none] **That motion carries. [9-0 vote]**

**City Attorney JoAnne Carlyle:** I just want to make it clear for the record that I will add that language.

[end of transcript: Say Yes to Education]

Adopted RESOLUTION IN SUPPORT OF SAY YES TO EDUCATION FOR GUILFORD COUNTY.

**Resolution No. 1476/15-47**

**Introduced 8/27/2015; Adopted 8/27/2015**

**Resolution Book, Volume XIX, Page 47**

**150277**

**Ordinance Revision- Human Relations Commission Ordinance**

Considerations of revisions to Article A- Human Relations Commission Ordinance.

**City Attorney JoAnne Carlyle:** At our 8/17 manager's briefing, we discussed the Human Relations program and ordinance and talked about whether or not we needed any amendments to that ordinance and what the council's desire ....

The main gest and purpose to any modifications to this ordinance is to put the control regarding the commission who has authority under the statutes. You have the authority as the Council, the statutory authority, as to whether or not you have a Human Relations Commission or not. You have one in place and after that you direct that commission to do whatever it is that you see fit in accordance with the statutes. This ordinance that was passed out, the main change is it brings it back to Council and it's a lot more control.

You are also reducing the number of members from 13 – 9 and may want to have some conversation about that as to how that will be done. There has been some conversation in comparison with the proposed amendment to the current ordinance with regards to the appointment of the commission members. When the discussion came up about having certain members of the citizens, for example having someone from the realtors board, lawyer, there's really no difference in the old ordinance and the new ordinance language because the old ordinance language even though it listed those categories of interest and profession, it only said that you would endeavor to appoint those, which is about all you can do anyway. Now what we have is language that also says that you as a council will endeavor and do everything you can to make sure that your appointments are representative of the population of the City of High Point.

The terms will now be staggered. One of the requirements for the new membership is that they are a resident of the CHP. Not only are the members on there now, a majority of which have expired terms, but in addition to that a lot of them don't meet the residency requirement. If you choose to vote for this and change, the recommendation is to move as quickly as you can and go ahead and get that commission set up and I would appreciate council coming back with suggested members, the sooner the better if at all possible for your next meeting.

**Mayor Bencini:** Our next meeting is September 8<sup>th</sup> and I would hope that if we do adopt this, that everybody would bring a potential appointee.

**Council Member Golden:** Everybody won't have an appointee because some people are staying on, right?

**City Attorney JoAnne Carlyle:** That's something that you guys need to decide. You really do. That discussion needs to happen today because I would appreciate the direction and I'm sure the rest of the staff would. After today if that's the direction we're going, then let's move forward as quickly as possible and get that new commission set up so we don't hold anything that the Human Relations Program and the commission would be doing.

**Council Member C. Davis:** In regards to residents, we have annexed areas in Thomasville, etc.... that may touch into other cities. Those folks can still serve if they don't have a High Point, NC zip code.

**Mayor Bencini:** As long as they live in the city limits.

**City Attorney Joanne Carlyle:** It has come to our attention in dealing with the HRC that we really need more consistency so that we don't treat any of the boards any differently.

**Council Member C. Davis:** I've got a few things, but do you want to address Councilman Golden's question in regards to individuals that may still have terms?

**City Attorney Joanne Carlyle:** If I may.....don't lose that thought like I probably would, but if I may I'll just dash through a couple of the high points and then open it up for all the discussion. Another thing that is important to notice in this amendment is the committees. Council is going to be the one that will be responsible for appointing the committees for the Commission. The Commission will come to Council and say, hey we're looking at doing this and in order for this to be a success, we need a committee of citizens and then Council would be heavily involved in the appointments of those committees. The Commission can appoint its own sub-committees. For example, if it has to mediate or conciliate any hearings and that sort of thing, Council at that point does not appoint those sub-committees.

Another really key change in my opinion that brings us in line with the statute....we did not have anything in the ordinance before that mentioned encouragement of youth to become better trained and qualify for employment. That's very important with the involvement of youth and it brings us more in consistency with the statutes.

**Mayor Bencini:** And that wasn't part of the ordinance previously?

**City Attorney JoAnne Carlyle:** It was not. And I think you know, it just seems like we didn't have any direction with regards to what that Commission's role was with the youth. Clearly, the statute does define that. It leaves a lot of vagueness; it is very broad as far as what a Human Relations program is, which allows the Council of each city to mold that Commission to accomplish what your desires are. But clearly with regards to the youth.....

**Mayor Bencini:** It brings us more into consistency with the statute.

**City Attorney JoAnne Carlyle:** It does. Fair Housing, I brought to your attention there's a bill that has been passed. I can't remember what year it was, but nevertheless, in addition to that bill you have an ordinance section that allows fair housing hearings to be conducted by the Human Relations Commission. Both the statute, and of course it's not a local bill, it's a statewide bill and as I explained to you, it's very focused and it applies to us. But what that statute says is that, again, the authority for those fair housing hearings is with the Commission. And then after that, we have an ordinance that we have put in place based on that authority and then also states that the Commission is the one that hears those.

My recommendation would be after we take care of this ordinance today, obviously as closely related as the fair housing ordinance is, we need to take a look at that and make sure that we've got everything cleaned up there and make sure it's smooth.

**Mayor Pro Tem J. Davis:** We need to do that at a different time.

**City Attorney Joanne Carlyle:** You do need to do that. Yeah, that's going to be another....

**Mayor Bencini:** Another discussion.

**Council Member Ewing:** Unless, and reading through this, the only section that I really disagree with is the fair housing. Councilman Alexander made some comments last week in regards to us needing that function in order to qualify for certain allocations of HOME and CDBG dollars. And it's apparent through some information that we got this last week that that's not true. That it's not necessary in order to get any allocation and there's not been any grants.

**Council Member Alexander:** Well it's in our Action Plan. We have to submit an Action Plan each year and it is a key part of that Action Plan. Without the Action Plan in place, then these other flow through dollars don't qualify. So, while it may not necessarily be tied there, the Annual Action Plan that we put in place every year has to have certain components in it and one is fair housing.

**Council Member Ewing:** But the Action Plan can be amended, correct?

**City Attorney Joanne Carlyle:** Yes it can. And if you'll think of it this way, the statute allows you the authority to have a Human Relations Commission; you're not required to. So what that will do is cut out many cities for funds that they are currently able to get.

**Mayor Pro Tem J. Davis:** That's another discussion for another day.

**Council Member Williams:** Quick question. If we go ahead and move on this one, they can still operate as is until we.....

**City Attorney Joanne Carlyle:** No....and that's another thing too, the managers are going to be meeting to work with the Human Relations Department members to continue to just kind of get that program moving along as we try to fix what we can.

**Mayor Bencini:** Any other questions for our attorney?

**Council Member C. Davis:** No, I just have some comments in regards to the document itself, if now's the appropriate time.

**Mayor Bencini:** Sure.

**Council Member C. Davis:** There were a couple of suggestions that I had that I think could be elaborated upon or maybe the verbiage is there and I just didn't catch the verbiage because I'm not an attorney and I don't think like one. One of the suggestions I have is....the Commission shall make no demands on any department regarding participation, but include desired department's attendance or participation through the liaison, who will make the request known to Council and/or the city manager to ensure proper communication to said departments. That way, there's no breakdown of communication or expectation.

The other thought that I had was communications regarding changes and duties and responsibilities regarding the Commission shall come from the Council once said changes have been adopted by Council. Meaning that they are our board and we are the ones to be communicating to them either through our liaison or through the elected officials here.

I had a couple of other things that I had noted. On page 2, we have no member shall serve more than three consecutive terms. I would like to see that come down to two, but I do understand that the three is based on the two years staggered, which would give a total of six years, which is consistent with the three-year terms on Planning & Zoning and some of the other boards. But that was just a thought.

Sub-committees....I had a question there. The sub-committees the Commission may create, what is the duration or time limit for such committees? Are they indefinite, or do they have an expiration term period? An expiration date based on need? Those are just some of the questions that I had.

Regarding regularly scheduled meetings.....in the old one, it said they meet at the Municipal Building. In this one, it really doesn't say. I would like for us to consider the regular meetings being at the Municipal Building. Special Meeting locations may be used when appropriate, determined by function needs, etc.... and to ensure that proper notice is being given to the city clerk. But I think regular meetings of the Commission should be held here. It's not noted that way and it would be clear for our citizenry to know that regular meetings of the Commission are at the Municipal Building. Special meetings can be noted with special locations when needed for various reasons—whatever they may be.

**Mayor Bencini:** Any other comments? Is there a motion to adopt this ordinance?

**Mayor Pro Tem J. Davis:** Excuse me, is this the time that we should talk about the existing members and the change? Do we want to do that or do we want to do that after?

**City Attorney Joanne Carlyle:** Either.

**Mayor Pro Tem J. Davis:** Either or, for or after.

**Council Member C. Davis:** I would like some feedback at least from my colleagues in regards to anything that I just said. It seems that we are ready to move on and clearly one of your colleagues has questions that I would like for us to at least acknowledge that you heard what I said.

**Mayor Pro Tem J. Davis:** I do agree with regular meetings to be held here, either at City Hall or a city-owned facility.

**Council Member Ewing:** I don't know that at least a majority of our other boards and commissions state specifically where; it only states when they meet. I know CAC meets periodically at different places. Like the Library, obviously, they meet at the Library. But I think that the language in here is fine for me. The

meetings have to be properly noticed, so it's not like there are going to be clandestine meetings that nobody knows about.

**Mayor Bencini:** I'm not sure we need to require the location.

**Council Member C. Davis:** Well I was....the language is....my assumption for the language, am I correct Madam Clerk in regards to the way it was written before that it was noted....

**City Clerk Vierling:** For the existing ordinance, that is the way it was noted, yes.

**Council Member Wagner:** I think the way this is written provides flexibility. Because it's a public meeting, it's going to have to be noticed. You're going to have to stay where that meeting is. If you really want to know where the meeting is, it's really not hard to find out. I just think why not give them flexibility.

**Council Member Golden:** She had two other things she mentioned. You mentioned the sub-committees and putting a limit on how long they could keep going.

**Council Member C. Davis:** I didn't say put a limit. It was just a question. I don't know.

**Council Member Golden:** I would say they could....it was said earlier that we didn't have no authority in that so they can form their committees and leave them in place as long as they want to and I tend to agree with Jason on where they meet. As long as they give proper notice, they can meet anywhere they want to as far as I'm concerned.

**Mayor Bencini:** Well a sub-committee is not a legally constituted committee anyway.

**Mayor Pro Tem J. Davis:** I thought I heard JoAnne say that we have to approve.

**Council Member Golden:** Not the sub-committees.

**Council Member Ewing:** But it would still fall under, based on this, them coming back to us every six months with an action plan. If they have the intent to create a sub-committee to achieve a specific project or process, that is going to come through us anyway.

**City Attorney JoAnne Carlyle:** Right. Obviously with the reporting that's required here, if they come back and they have a standing sub-committee that you deem has been in place way too long, you have a voice in that.

**Council Member Golden:** My only concern is if we're going to this for this Commission, we need to get busy and require it from everybody.

**Council Member Ewing:** Personally I would like to see us tackle one commission or board a month in revising.

**Council Member C. Davis:** Which brings me to the emails that I sent out....

**Council Member Ewing:** And then we'll be done by budget next year.

**City Attorney JoAnne Carlyle:** What makes this Commission a bit different, except for like what you said while ago about making sure that they are a public body and they have to give notice. You know and it came to our attention that they were not doing that appropriately. Not every commission or board that you have is regulated by statute. We have some guidance from the State about this Commission so if you set that up, we've kind of got a little bit of guidelines. We don't have that with all of them.

**Council Member C. Davis:** I just wanted to clarify, Mr. Ewing, are you....I sent out a request to Council which no one responded to on the 21<sup>st</sup> where I stated, I believe Council needs to consider meeting jointly with boards and commissions to express our gratitude for their service and ensure clarity of our expectations regarding each perspective board and commission. This would be a great opportunity for Council to become more familiar with what each board does and their duties. So you are in favor of that?

**Council Member Ewing:** No, I think that's why we have liaisons.

**Council Member C. Davis:** I'm sorry, I thought you said meeting once a month with boards or commissions.

**Council Member Ewing:** No, I was discussing a revision of the governing document over each board or Commission and I think that it would be a good start for the liaisons to go back to the board in the next month or so, as management deems appropriate, and direct them to start looking at their governing documents. I know some have been reviewed more recently than others and start evaluating if they need to make changes and then we start evaluating what changes they recommend and sort of flush out all of the old and make sure it's all up-to-date and current.

**Council Member C. Davis:** Yeah. That was recommended some months ago. But I do think....my email, of course, is a separate matter, but I think that expressing our gratitude for our commissions and boards that they do a good job and becoming more familiar for those that may be new in what they do. I think that we're disconnected from the boards and commissions that we have and we



sometimes take for granted the work that they do and we don't have a clear understanding of what their expectations are. But anyway, call the question.

**Council Member Wagner:** Well I have a question actually, first, if you don't mind.

**Council Member C. Davis:** No, no.

**Council Member Wagner:** And it could be for the city attorney or the city manager. I don't know. Y'all feel free to jump in as you feel led. As to Ms. Davis' question regarding communication and coordination between departments, what is the current...how are we handling that currently? If the commission wants to coordinate something with another department in the city, how would that work?

**Greg Demko:** Pretty much, it should work. Cooperation among the department heads... and if there was a conflict try to resolve it.

**City Attorney JoAnne Carlyle:** I think I hear you saying can the commission reach out to a department head on its own. Is that right?

**Council Member Wagner:** Well, yeah. I mean like....

**Greg Demko:** Well then it should be coming through the city manager.

**Council Member Wagner:** Through you? Okay.

**City Attorney JoAnne Carlyle:** It would. Think of it this way, too. You've got the Council and a commission. That's a straight line relationship and then you've got the department, the manager and that's another straight line. And then between the department and the commission, you have that support. So it's going to be a combination. The commission members should not contact any department directors directly. You've got the liaison that should be coming back to you guys with any requests or projects or whatever.

**Council Member Wagner:** I mean that kind of sounds like what she said, that it would be liaison to Council and coordination....

**Council Member C. Davis:** But it's not clear in the document.

**City Attorney JoAnne Carlyle:** And that should be for everything. Every board. Every commission. It's the way it should function throughout the city.

**Council Member C. Davis:** I think it's an understood thing for some, but it's not clearly laid out for those who may be new, who may be getting this when they sign on. So, say after we get everybody or whatever happens and then, you know,

six years and everybody rotates off, make it extremely clear that, you know, you work in conjunction with and you can't demand participation by a department, but you can request that participation. I think it's something that should be inserted.

**City Attorney JoAnne Carlyle:** Well you've got your department person, too, that's going to be relaying information.

**Council Member Wagner:** Is that something that you think we could just handle as a memo from the manager to the department head?

**City Attorney JoAnne Carlyle:** From an attorney's perspective I would not recommend putting anything in writing because if you put it in writing for this one and put it in writing for that one and if you don't put it in writing for the third one, then there might be some confusion that the law doesn't apply to that one, when it does. We would have to put it everywhere. We would have to just sprinkle our ordinance with that same...

**Council Member Wagner:** I think it could be handled as direction from the manager.

**Greg Demko:** Yeah, administrative practice.

**Council Member C. Davis:** I just don't want there to be any confusion as to why somebody didn't show up if somebody asked them to show up and make sure that there's no ill-will or hurt feelings because no one has the authority to tell somebody to be there and to be present. I don't want that to be an issue.

**City Attorney JoAnne Carlyle:** You're going to have your liaison, your Council liaison, your department director that's going to your manager, unless something falls through the cracks and obviously it can.

**Council Member C. Davis:** Because participation should certainly occur. I just don't want anyone....

**Council Member Wagner:** And presumably it's going to be like Jason said brought to us and whatever the six-month plan is we should have advanced notice of whatever that thing is.

**City Attorney JoAnne Carlyle:** And the good thing about that is that is that it won't go so long with it going array before you're able to catch it and do something about it.

**Council Member Wagner:** I'm comfortable with that.

**Council Member C. Davis:** Thank you. Thanks guys.

**Council Member Ewing:** I do have one more thing and I just thought of...and it goes back, again, to the fair housing piece that we're going to discuss at a later time. I remember Ms. Heggins had mentioned last week about being certified to handle fair housing and if we change the commission to new people, should we add language in here that there has to be a certain number of them certified to handle fair housing for us to do so?

**City Attorney JoAnne Carlyle:** I wouldn't recommend that. I would let them take a look at it. I presume that there's going to be some necessary training, but I would let them come to you guys with a proposal on how they think it would best fit whatever that group is.

**Mayor Pro Tem J. Davis:** Well, everybody knows my position on that. I think that we, you know, if we adopt this today, we need to have that discussion.

**Mayor Bencini:** We need to review the whole fair housing thing. Alright, any further discussion? **Is there a motion to adopt this revised ordinance.**

**Council Member Alexander:** **SO MOVED.**

**Mayor Bencini:** We have a motion, is there a second?

**Council Member Hill:** **SECOND.**

**Mayor Bencini:** **We have a motion and a second. All those in favor, say Aye. Aye. [all] Opposed? [none] That motion carries. [9-0 vote]**

Thank you.

**Bernita Sims** [in the audience]: Mayor Bencini can I say something?

**Mayor Bencini:** I'm sorry, Ms. Sims, this is not a public hearing.

**Bernita Sims:** I just want to ask a question regarding the opportunity for public input on discussion around the ordinance.

**Mayor Bencini:** Well, again, Ms. Sims, it's not a public hearing and we've not finished all of our discussion today. So we're going to continue our discussion about populating the newly organized Commission. The question comes down and I think Mr. Golden brought it up, about what to do with the current eligible members of the Commission as to whether they will continue to serve on this newly constituted Commission or if we will find all new members. And it really comes down to, I think, to possibly a couple of items. First of all, two options. Do we want to keep those folks in place if they desire to stay in place, or do we want to make them go through the process of re-applying for positions on the Commission?

**Council Member Alexander:** I mean, well with this ordinance, it clearly says that each member at the dais has one person and we need to know from the clerk who is potentially eligible to serve on that Commission that's currently on that Commission. And should anyone at the dais want to select that person, then that's fine. But the ordinance that just passed says that each member at this dais has one to choose. So the decision's been made. You have one to choose. Please give us the information of who's eligible and should any one member decide that I want this person and I want that person, then it gets populated that way. But the ordinance says that we have nine and so everybody's got a choice.

**Council Member Ewing:** I have no problem....I think there were three that were eligible. I have no problem if the three want to continue to serve, but I think they need to be one of our appointees and in order to do that it needs to go through the....

**Mayor Pro Tem J. Davis:** I disagree with that. I think we have an opportunity to put nine new people on there and I looked at the three that are eligible. Their terms expired in May 2014, so they've been serving an additional year and a half without being reappointed. I have a real problem not keeping up with that. The other thing is, you know, we've all received emails and we've seen media reports and we've heard from other different people. There was an article just recently in the paper where the chair talked about if we adopted this ordinance they cannot be autonomous anymore. I have an issue with that because this board has always been an advisory board to Council and that way of thinking is why we're sitting here adopting a new commission today. So I would think that we thank everybody for their service and we start with nine fresh, new people.

**Mayor Bencini:** I don't think it's fair to those that are eligible, though, to dismiss them without the opportunity for them to reapply. Now I'm not saying that we need to force anybody on Council to select one, but I don't think it's fair to eliminate their potential on-going service.

**Council Member Wagner:** I think at this point, anyone can apply for those nine seats and it's at the discretion of the nine people sitting here who you want to appoint. If three of the nine of us want to reappoint those three, that's in our discretion. I don't think legally we can ban three people from serving.

**Mayor Bencini:** Nor do we want to. I don't see what the point would be.

**Council Member Golden:** We've got three that's currently serving and still eligible. What about people that just came off that's eligible for reappointment? How many of them do we have?

**City Attorney JoAnne Carlyle:** That just came off that's eligible?

**Council Member Alexander:** Well I just think we need to say there are approximately 110,000 people that can serve.

**Council Member Golden:** It looks like we purposefully are taking this document and using it to eliminate all the people on that Commission for whatever reason and it looks a little shady to me.

**Council Member Wagner:** I think as of right now, you know, like I guess there's a time period between now and the next meeting whenever we want to repopulate this Commission for people that are interested to apply.

**Mayor Pro Tem J. Davis:** My point is we just recently appointed two people to this board, who both live outside the city limits. So by adopting this today, they are coming off that board. They've been on the board less than three months and we have three other individuals that's been serving for a long time that for some reason were never reappointed and have been serving for a year and a half at the will of Councils because they've not been reappointed. So if you're going to talk about fairness, the two that because of this change today can't serve after three months, they can say it's not fair to me.

**Council Member Golden:** I think that they should continue to serve on that board until their term is up and then they adopt this. You know, they are already on there. We can't go retro and kick people off because we decided to make changes to the ordinance.

**Council Member Alexander:** Well, that's what we did.

**Council Member Golden:** Yeah, that's what you did.

**Mayor Bencini:** And we did it under the advisement of our attorney.

**City Attorney JoAnne Carlyle:** And we can legally do that.

**Council Member Golden:** That don't make it right.

**Council Member Alexander:** That's what we did.

**Council Member C. Davis:** Well, I would like to say that the individuals that haven't been reappointed...where I served on Planning & Zoning, I can certainly attest that I didn't get reappointed when I was supposed to get reappointed and there was effort made to have me reappointed and it was the privilege of members of Council to replace, or reappoint whoever they wanted and that's what they chose to do because I was not reappointed. Was I extremely upset? You can bet I was. We have a similar situation going on now that is under consideration, but you know the reappointment lag that Council has had over many years...we need

to fix that as this Council and be proactive to ensure that when somebody's term expires that we are quicker to reappoint or to replace them.

**Mayor Bencini:** I don't disagree, but all my years on this Council and my years at Guilford County, this is a problem for every elected board...to try to keep all the boards and commissions up-to-date. It's an extremely difficult thing, obviously, because I've never seen an elected board that's been able to do it.

**Council Member C. Davis:** Well I just know that there was an earlier situation where some of us were told that certain individuals would be serving. So some of us had to make accommodations to ensure that that occurred. So I think that we need to, as a body, to ensure that we either say if someone is eligible to continue to serve they continue, or we take the position that each one of us has the same rights, the same privileges to replace, remove or reappoint whomever we feel. I think it's something that needs clarity. It's something that needs a definitive answer. To pick and choose early on and then to take a different stance later, I think is very confusing.

**Council Member Ewing:** We have.....there's a definitive answer in our ordinance, isn't there?

**Council Member C. Davis:** But it doesn't apply to everyone, Jason.

**Council Member Ewing:** It's our appointment and Council has to approve each appointment that each one of us makes, so somebody could say that they didn't get their appointment through, but it's still up to all nine of us to vote on each appointment.

**Council Member C. Davis:** Well that's true, but that's not the situation.

**Council Member Alexander:** Mayor, motion to ADJOURN.

**Council Member C. Davis:** I don't think the conversation is over.

**Mayor Bencini:** A motion to adjourn?

**Council Member Alexander;** Yes, Sir.

**Mayor Bencini:** And why would you want to adjourn?

**Council Member Alexander:** Because I have a job and we can sit here all day....

**Mayor Bencini:** The only thing we've got to do is make a decision, Mr. Alexander, about what happens to these eligible folks.

**Council Member Alexander:** We just adopted an ordinance that addressed that.

**Mayor Pro Tem J. Davis:** I MAKE A MOTION TO HAVE EVERYBODY REAPPLY IF THEY WANT TO CONTINUE SERVING AND IT'S UP TO THE NINE MEMBERS OF THIS COUNCIL.

**Mayor Bencini:** Is there a second?

**Council Member Wagner:** I'll SECOND it.

**Mayor Bencini:** Any further discussion? [none] All in favor say Aye.

**Mayor Bencini, Mayor Pro Tem J. Davis, Council Members C. Davis, Alexander, Hill, Wagner, and Ewing:** Aye.

**Mayor Bencini:** Opposed?

**Council Members Golden and Williams:** No.

**Mayor Bencini:** How many Noes? Jeff and Chris.

**[7-2 vote] [Council Members Golden and Williams dissenting].**

[end of transcript- Revisions to Human Relations Program and Commission Ordinance]

Adopted Revisions to Article A- Human Relations Program and Commission Ordinance, and

Approved the motion to have the Human Relations Commissions to reapply if they desire to continue serving, with all appointments being up to the nine members of the City Council.

**Ordinance No. 7168/15-51**  
**Introduced 8/27/2015; Adopted 8/27/2015**  
**Ordinance Book, Volume XIX, Page 51**

**ADJOURNMENT**

The meeting **ADJOURNED** at 10:00 a.m. upon motion duly made by Council Member Wagner and seconded by Mayor Pro Tem J. Davis.

Respectfully Submitted,

---

William S. Bencini, Jr., Mayor

Attest:

---

Lisa B. Vierling, MMC  
City Clerk



# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Appeal of the CHP Driveway Ordinance

**From:** Family Dollar Store

**Meeting Date:** 9/18/2015

**Public Hearing:** N/A

**Advertising Date /  
Advertised By:**

**Attachments:** Map  
Petitioner's Real Estate Agenda

---

### **PURPOSE:**

Request received from Premier Builders and Development Company, Inc. on behalf of Family Dollar Store, appealing the City of High Point's Driveway Ordinance to close an existing driveway on Westchester Drive at the former Burger King property.

### **BACKGROUND:**

Family Dollar Store is proposing to build a new store at the site of the former Burger King on Westchester Drive. This will be a \$1.2 million investment. When the old Burger King building is demolished, new driveway regulations will be triggered. The City's Driveway Ordinance requires the entrance to Westchester Drive be closed.

### **STAFF COMMENTS:**

Per the driveway ordinance, Westchester Drive from N. Main Street to English Road, is designated a Major Thoroughfare having specific requirements. No driveways are allowed within 250 feet of any intersection, as measured from the intersection of the projected right of way lines. Corner lots must have a minimum of 305 feet of frontage along the major thoroughfare before access can be permitted to the major thoroughfare.

The available frontage for this site along Westchester is less than 130 feet. The frontage is less than half of what is needed to meet the major thoroughfare provisions of the ordinance and it cannot be addressed by some administrative leniency from the Transportation Department. This location is also within the influence area of the traffic signal at Ward Avenue. While there are many existing situations like this, the ordinance is to improve traffic safety and intersection performance. Allowing any access along this frontage so close to the intersection would not only compromise this but would establish precedent at other locations where we have steadfastly held our ground on this issue.

### **BUDGET IMPACT:**

None

### **RECOMMENDATION / ACTION REQUESTED:**

## REAL ESTATE AGENDA

### 1. Business Name:

Winning Link Property Resources

### 2. Property Description:

Lot #46-47 & 77-78 PB13-66 Westchester D BM13-66

### 3. Project Request:

Winning Link Property Resources is requesting approval that the driveway to the premises remains accessible from Westchester Drive.

### 4. Design Professional:

Stimmel Associates, Family Dollar

### 5. General Contractor:

D.H. Griffin of Greensboro, NC

### 6. Purpose of Request:

Other Approvals: Approval request for exterior variance

- With demolition of the old Burger King building, the new regulations are triggered. However, if the building were to remain and be renovated rather than demolished the new regulations would not apply.
- New regulations define the entrance to Westchester Dr. be closed post-demolition of old building however transfer trucks and vehicles cannot access the drive on Ward St.

### 7. Benefits of Request:

- Community improvement regarding the vitality of a new improved business compared to a non-operational, deteriorating Burger King also includes the benefits of:
  - a. ~\$800,000 new construction cost at each location
  - b. New tax level improvement
  - c. Less traffic than a Burger King: On average nationally, Burger King has roughly 766 visitors daily while the average Family Dollar store has about 286 customers per day. (Information via Family Dollar corporate real estate management division) <http://corporate.familydollar.com/pages/realestatemanagementdivision.aspx> and Burger King About Us, Statista Statistics Portal <http://www.statista.com/statistics/222987/burger-king-restaurants-worldwide-by-geographical-region/>
  - d. A complete new structure including a long-term lease is being constructed.

## REAL ESTATE AGENDA

8. **Scope of the Project:** A new Family Dollar will be built as part of an adjacent relocation. Included is a fifteen-year agreement that requires the existing driveway to Westchester Dr. to remain in effect to allow for inventory delivery by transfer trucks.

9. **History of Project:**

<http://taxweb.co.guilford.nc.us/CamaPublicAccess/PropertySummary.aspx?REID=0185434&YearFor=2016>

Instruction: Provide a brief overview of any relevant history including previous Board approval dates and amounts. Examples of items to be included are:

- Project Initiation Date: November 2015
- Date of Original Construction of Building: 1972
- Date of Last Renovation to the Building: 1994
- Any other relevant history to the project that should be noted:

Current Tax Value: \$653,000

Current Year Payment: \$9,207.30

Base BK Building Value: \$236,368

10. **Term of Land Lease/Purchase/Sale/Donation and Amount of Land Lease/Purchase/Sale/Donation:**

- **Who:** Land: Diamond Dirt LLC  
Lease: Family Dollar
- **What:** 15 year lease agreement
- **Where:** 1911 Westchester Dr.
- **When:** Start: Upon certificate of occupancy  
End: 15 years post certificate of occupancy
- **How much:** ~ \$87,000 yearly
- **Property Descriptions:** Please see attached site plan

11. **Project Budget:**

## REAL ESTATE AGENDA

### Project Initiations

|                                     |                     |
|-------------------------------------|---------------------|
|                                     | <u>Estimated</u>    |
| Construction Cost:                  | \$ 800,000          |
| Architectural and Engineering Fees: | \$ 50,000           |
| Miscellaneous Project Costs:        | \$ 10,000           |
| Land                                | \$ 300,000          |
| Contingency:                        | <u>\$ 25,000</u>    |
| <b>Total Project Budget:</b>        | <b>\$1,1850,000</b> |

### 12. Funding Source(s) for Project:

- Private Equity
- New Bridge Bank

### 13. Local Project References:

- a. Family Dollar Main St. (Across from GTCC)
- b. Walgreens South Main St and Fairfield

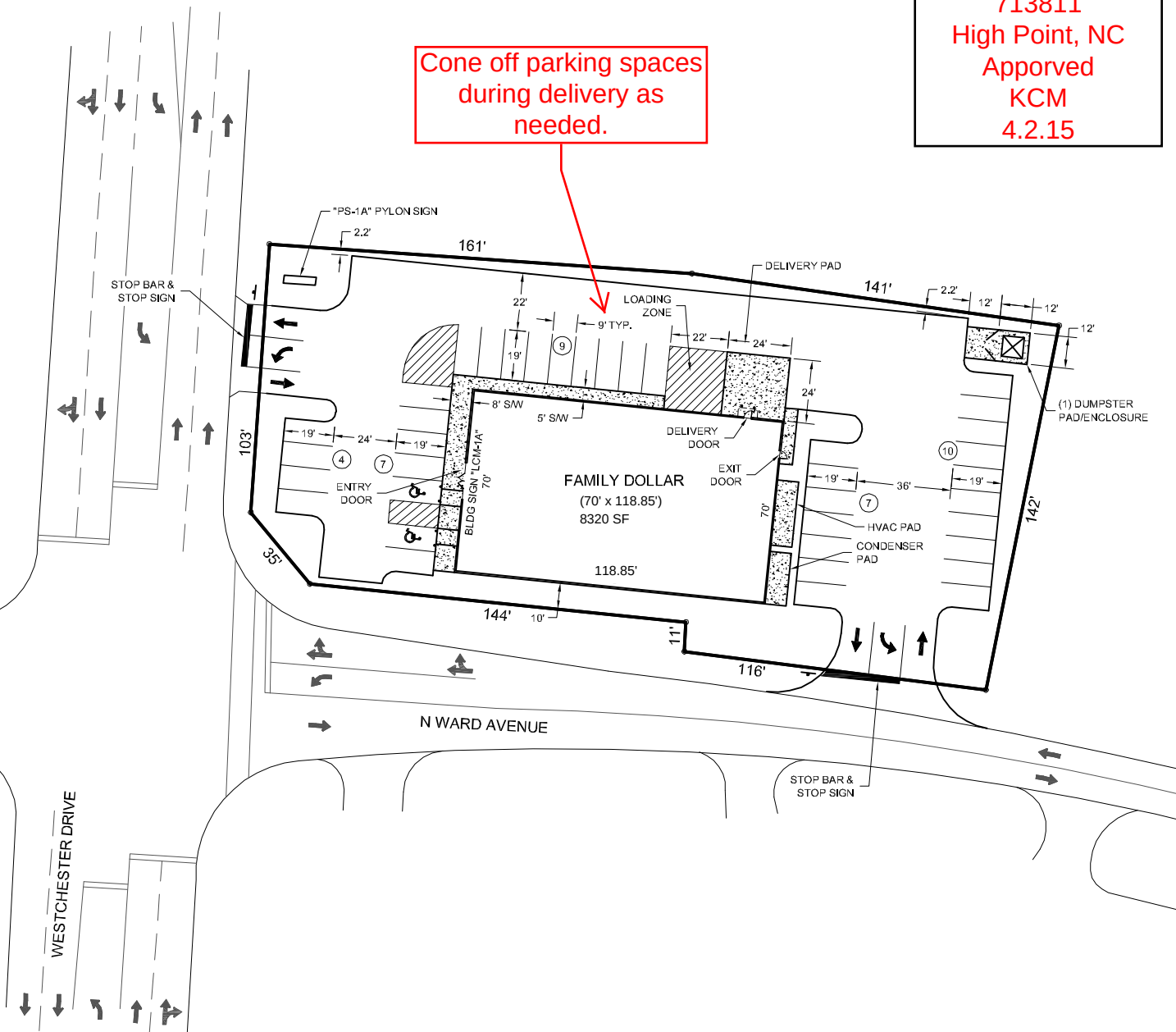
### 14. Signatures: President Certification: I attest the information noted above is accurate.

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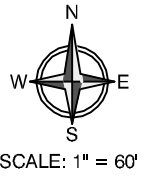
President Signature and Date

---

Preparer Name, Title, and Contact Number (if applicable)



FAMILY DOLLAR  
APPROVAL STAMP



High Point, NC  
Westchester Drive  
and Ward Avenue

## SITE PLAN #

### Site Data Summary

**Existing Zoning:** HB

#### Area Summary:

Total Site Area: 39,334 SF (0.90 Ac)  
Building: 8,330 SF  
Asphalt Paving: 20,989 SF  
Concrete: 2,296 SF  
Green Area: 7,719 SF

#### Parking Summary:

Required: 28 Sp. (Ratio:1/300 GFA)  
Provided: 37 Spaces  
Space Size: 9 x 19

#### Building Setbacks:

Front: 0'  
Side: 0'  
Rear: 20'

#### Landscape Requirements / Notes:

#### Notes:

If Risk Class 0-2, No Bollards will  
be placed in Front of the store.

Date Prepared: 12/13/2014

Rev #1: 03/17/2015

Rev #2: 03/27/2015

Drawn By:

AD

Prepared For:



Developer:

**Premier Builders  
and Development  
Company Inc.**  
103 S. Central Ave  
Landis, NC 28088

BK: R 7744  
PG: 2856-2859  
RECORDED:  
09-28-2015  
03:23:26 PM  
BY: MARY MORGAN  
DEPUTY-HP



2015051928  
GUILFORD COUNTY, NC  
JEFF L. THIGPEN  
REGISTER OF DEEDS

NC FEE \$26.00

Return to: JoAnne Caryle, City Attorney  
City of High Point  
P.O. Box 230  
High Point, NC 27261  
Ordinance No. 7172 / 15-55

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

40 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 5:30p.m. on the 21<sup>st</sup> day of September, 2015; 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 September 21, 2015.

**ANNEXATION DESCRIPTION**

Applicant: Everette Grayson and Patricia Grayson  
Theodore Bernthal and Gretchen Bernthal  
**Annexation Case 15-07**

Lying approximately 320 feet north of the intersection of Penny Road and OSSI Court. The property is address as 2723-R1 NC Highway 68 and also known as Guilford County Tax Parcel 0170014 and particularly described as follows:

BEGINNING at a new iron rod marking the northeastern corner of Amelia Claire Wilson, LLC, New Lot A, IMUD Final Plat, 68 Penny and Claire Wilson, DDS as shown on a map recorded in Plat Book 175 Page 83 and as recorded and described in Deed Book 6849 Page 0116 in the office of the Register of Deeds of Guilford County, North Carolina; thence running along the southern line of Opal E. Jordan; H H Jordan Trust as recorded and described in Deed Book 3777 Page 07 4 7 in said Guilford County Registry, South 70°21 '01" East 93.4 7 feet to an existing iron pipe marking the northwestern corner of Colon H. Jordan and Carol B. Jordan as recorded in Deed Book 3614 Page 0295 and as shown on a map recorded in Plat Book 87 Page 49 in said Guilford County Registry; thence along the western line of said Jordan, South 15°52'07" West 106.35 feet to an existing iron pipe in the existing City of High Point City Limit; thence along said City Limit North 70°21 '01" West 100.48 feet to a computed point in the eastern line of said Amelia Claire Wilson, LLC; thence along said eastern line North 19°38'59" East 106.12 feet to the point and place of BEGINNING containing an area of 0.236 acres more or less.

SECTION 2. Upon and after **September 21, 2015** 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.

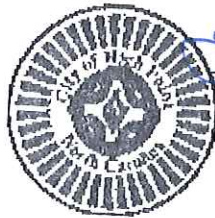
Adopted by City Council,  
this the **21<sup>st</sup>** day of **September, 2015**.  
Lisa B. Vierling, City Clerk

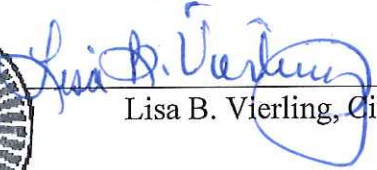
City of High Point  
Municipal Office Building  
211 South Hamilton Street  
High Point, NC 27261

Certification

I, Lisa B. Vierling, City Clerk of the City of High Point, North Carolina, do hereby certify that the foregoing is a true and accurate Ordinance adopted by the City Council in official Session on September 21, 2015 and upon approval by City Council will be recorded in Book 90 of the Official Minute Books and Ordinance Book XIX of this City, under my care, custody and control. As of this date, action to adopt said Ordinance has not been amended, rescinded or repealed and is in full force and effect.

WITNESS my hand and the Corporate Seal of the City of High Point, the 23<sup>rd</sup> day of September, 2015.



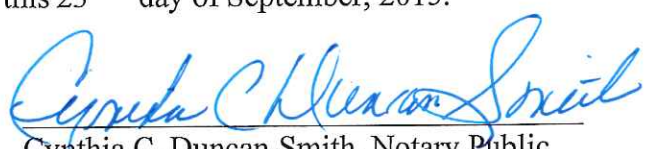
  
\_\_\_\_\_  
Lisa B. Vierling, City Clerk

ACKNOWLEDGEMENT

I, Cynthia C. Duncan-Smith, a Notary Public of said County and State, do hereby certify that Lisa B. Vierling, is known to me as City Clerk of the City of High Point; that this person personally appeared before me this date; and, upon authority duly given and as an act of said City, issued and executed the foregoing Certification.

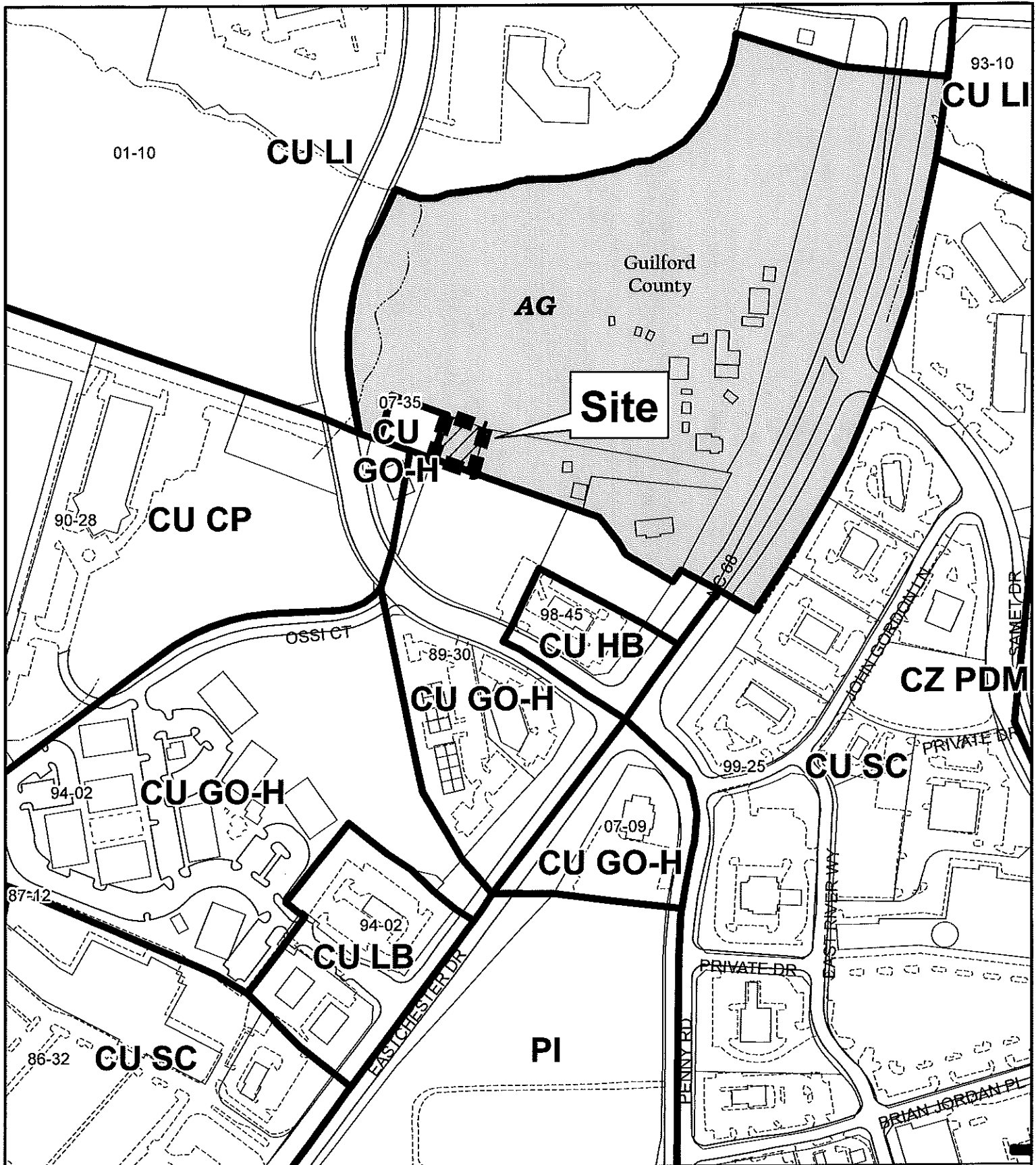
WITNESS my hand and official Notarial Seal, this 23<sup>rd</sup> day of September, 2015.

CYNTHIA C. DUNCAN-SMITH  
NOTARY PUBLIC  
GUILFORD COUNTY, NC

  
\_\_\_\_\_  
Cynthia C. Duncan-Smith, Notary Public

Commission Expires: 1/18/2020





## ANNEXATION REQUEST ANX15-07

**Applicant:** Everette & Patricia Grayson and  
Theodore & Gretchen Bernthal

**Area:** 0.24 acres (approximate)

**Existing Zoning Boundary** —————

**Subject Property Boundary** - - - - -

**Planning & Development  
Department**

**City of High Point**

**Date:** September 25, 2015



**Scale:** 1"=300'

G:\Planning\Secure\ba-pz/  
2015\pz\anx15-07.mxd



Mr. Chip Vanderzee, S.C.  
City of High Point Environmental Services  
272 Dr. Zimmerman Rd.  
Lexington, NC 27295

August 04, 2015

Dear Mr. Chip Vanderzee:

**Congratulations!** The Solid Waste Association of North America (SWANA) is pleased to inform you that you have met the requirements for Certification. You are now SWANA Certified as a **Integrated Solid Waste Management Systems Technical Associate**. SWANA Certification is a tremendous professional achievement, it places you amongst an elite group of solid waste professionals. This Certificate acknowledges that you have demonstrated your ability to meet the standards established by the SWANA Certification Board.

Your SWANA Certification number is **972266**. The term of your SWANA certification is for three (3) years and will expire on **06/05/2018**. Your exam score was **83%**.

During the next three years, you will be responsible for accumulating **30 Continuing Education Units (CEUs)** in order to be eligible for recertification. To receive SWANA CEU credits individuals must submit a CEU form. This form must be completed for each seminar, meeting, conference, etc. that you attend and sent into SWANA's Certification Department. As you turn in your CEU forms to SWANA's Certification Program during the three (3) year term, the CEUs will be maintained in SWANA's database system. Customized CEU Forms are available for chapter and national SWANA sponsored events. You should always make a copy of the completed form and keep the original for future reference.

SWANA has many opportunities to obtain your needed CEUs, both at the Chapter and National levels. Enclosed is a list of the continuing education products and services that SWANA has to offer. Look at our website at [www.SWANA.org](http://www.SWANA.org) or call us at 1.800.GO.SWANA (467.9262) to order training packages or for our course schedule. Our SWANA Chapters also hold meetings and seminars that may offer CEUs. The list of Chapter Events is listed on our website under "Calendar". We have what you need to stay SWANA Certified!

At the end of your three-year term, you will need to recertify. To recertify, CEUs, application, and renewal fee must be met and may be requested *one (1) year prior* to **06/05/2018**. Recertification is not based solely on your demonstration of Continuing Education. Your job responsibilities will also be assessed to insure your continued eligibility for SWANA certification.

If you have any questions, please feel free to contact the Certification Program Group at [certification@swana.org](mailto:certification@swana.org).

Thank you for being SWANA Certified.

David Biderman  
Executive Director and CEO  
Enclosures





SWANA CERTIFIED PROFESSIONAL

This is to certify that

*Chip Vanderzee*

has met the Solid Waste Association of North America's eligibility requirements  
and passed a comprehensive examination.

Therefore SWANA hereby designates Chip Vanderzee as a:

**Certified Technical Associate**

of

**Integrated Solid Waste Management Systems**

As of 06/05/2015 until 06/05/2018

Certification No. 972266

David Biderman  
Executive Director/CEO



NORTH CAROLINA  
DEPARTMENT OF STATE TREASURER  
STATE AND LOCAL GOVERNMENT FINANCE DIVISION  
AND THE LOCAL GOVERNMENT COMMISSION

---

JANET COWELL  
TREASURER

GREGORY C. GASKINS  
DEPUTY TREASURER

April 6, 2016

The Honorable Mayor  
City of High Point  
c/o Jeffrey A. Moore  
Financial Services Director  
PO Box 230  
High Point, North Carolina 27261-0230

Re: City of High Point -- Public Safety Radio & Telecommunications  
Amount not to exceed: \$3,600,000  
Installment Contract Private Placement (G.S. 160A-20)

Dear Mayor:

The application requesting Local Government Commission approval of the above-referenced financing agreement was formally approved by the N.C. Local Government Commission on April 5, 2016.

Before you can close the transaction with your lender, please provide us with necessary documentation of the contract execution as specified by the staff so we may provide the Certificate of the Secretary of the Commission (G.S. 159-149).

We are pleased to have had this opportunity to serve you.

Sincerely,

A handwritten signature in cursive script that reads "Greg C. Gaskins".

Greg C. Gaskins, Secretary  
Local Government Commission

GCG/jlm

cc: Jeffrey A. Moore  
Financial Services Director

JoAnne Carlyle, Esquire  
City Attorney



# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** **Street Abandonment Case 15-08**  
(City of High Point Technical Review Committee)

**From:** Lee Burnette, Planning & Development  
Director

**Meeting Date:** September 21, 2015

**Public Hearing:** Yes

**Advertising Date:** August 21 & 28, 2015 and  
September 4 & 11, 2015

**Advertised By:** Planning & Development

**Attachments:** A. Planning and Zoning Commission Recommendation  
B. Staff Report  
C. Resolution of Abandonment

---

### PURPOSE:

A request by the Technical Review Committee to abandon excess right-of-way, from a former cul-de-sac, along the north and south side of Hunterwood Drive.

### BACKGROUND:

Staff report and the Planning & Zoning Commission's recommendation is enclosed.

### BUDGET IMPACT:

There is no budget impact.

### RECOMMENDATION / ACTION REQUESTED:

- A. On August 25, 2015, a public hearing was held before the Planning and Zoning Commission regarding Street Abandonment Case 15-08. The Planning & Zoning Commission recommended **approval** of Street Abandonment Case 15-08 by a vote of 8-0.
- B. Staff recommends **approval** of Street Abandonment Case 15-08 as outlined in the attached staff report.

## **PLANNING AND ZONING COMMISSION RECOMMENDATION**

### **City of High Point**

### **Street Abandonment Case 15-08**

At its August 25, 2015 public hearing, the Planning and Zoning Commission reviewed Street Abandonment Case 15-08. All members of the Commission were present. Mr. Robert Robbins, Development Administrator, presented the case and recommended approval of the request as outlined in the staff report.

Speaking in opposition of Street Abandonment Case 15-08 was Mr. Phil Price, 1801 Hunterwood Drive, High Point. Mr. Price expressed concern about the location of utilities. He said the information provided to the city as to where the natural gas line is located is incorrect. He is concerned that after the excess right-of-way is abandoned and divided among the property owners, that someone could dig up the gas line by mistake and get injured not realizing where it is located.

The Planning & Zoning Commission recommended approval of Street Abandonment Case 15-08, as recommended by staff, subject to the City getting Piedmont Natural Gas to verify the location of the gas line prior to the public hearing before City Council. The Commission approved this request by a vote of 8-0.

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

**STAFF REPORT  
STREET ABANDONMENT CASE 15-08  
September 11, 2015  
(Revised)**

| <b>Request</b>                                                        |                                                                                                                                  |
|-----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| <b>Applicant:</b><br>City of High Point<br>Technical Review Committee | <b>Proposal:</b><br>To abandon excess right-of-way from a former cul-de-sac along the north and south side of Hunterwoods Drive. |

| <b>Adjacent Streets</b> |                        |                                                                                                                        |
|-------------------------|------------------------|------------------------------------------------------------------------------------------------------------------------|
| <b>Name:</b>            | <b>Classification:</b> | <b>Right-of-Way and Pavement Width:</b>                                                                                |
| Hunterwoods Drive       | Local Street           | Right-of-way varies from a 60-feet to 120 diameter cul-de-sac;<br>24-foot wide ribbon paving with side drainage swales |

| <b>Adjacent Property Zoning and Current Land Use</b> |                                               |                                                                 |
|------------------------------------------------------|-----------------------------------------------|-----------------------------------------------------------------|
| <b>North</b>                                         | Residential Single Family-12 (RS-12) District | Single family dwelling                                          |
| <b>East</b>                                          | Residential Single Family-15 (RS-15) District | Single family dwelling and eastern portion of Hunterwoods Drive |
| <b>South</b>                                         | Residential Single Family-12 (RS-12) District | Single family dwelling                                          |
| <b>West</b>                                          | Residential Single Family-12 (RS-12) District | Single family dwelling and western portion of Hunterwoods Drive |

| <b>Analysis</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>The City of High Point Technical Review Committee (TRC) is requesting to abandon excess street right-of-way (ROW) along Hunterwoods Drive from a former cul-de-sac. In the late 1980's Hunterwoods Drive ran from Waterview Road in a westerly direction, and terminated at a 120-foot diameter cul-de-sac. During the mid-1990s, Hunterwoods Drive was extended to connect with Hunter Oaks Drive and the excess asphalt paving from the cul-de-sac was removed leaving a 24-foot wide paved roadway. However, the ROW from this former cul-de-sac is still in place. The TRC is requesting to abandon this excess ROW.</p> |

This abandonment request will not negatively affect the three parcels abutting this former cul-de-sac, as they will all still maintain access to a paved public street. If approved, the excess land area from the former cul-de-sac will be added to the three abutting parcels. Early notices to obtain input from abutting property owners were mailed out June 30, 2015. In addition, official mailed notice for the public hearing was sent to abutting property owners, a notice was published in the High Point Enterprise and signs were posted per requirements. To date, staff has received no objections from the abutting property owners.

### **Findings & Recommendations**

The TRC reviewed this request on July 1, 2015 and identified no issues related to the abandonment of this right-of-way. A Piedmont Natural Gas line runs along the northern edge of the Hunterwoods Drive ROW mirroring the edge of the pavement of the former cul-de-sac. An easement will be retained over this gas line, as the land area of this excess ROW will be added to the abutting parcel.

This abandonment of the public's interest and conveyance of the right-of-way to the abutting property owners, as provided by state statutes, is found not to be contrary to the public's interest and is found not to deprive owners in the vicinity of the right-of-way reasonable means of ingress and egress to their property. The Planning and Development Department recommends approval of the request. This recommendation includes the retention of a 20-foot wide Piedmont Natural Gas Line easement centered over all existing Piedmont Natural Gas lines within and crossing this right-of-way.

### **Report Preparation**

This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner, and reviewed by Robert Robbins AICP, Development Services Administrator and Lee Burnette AICP, Director.





## STREET ABANDONMENT REQUEST SA15-08

Applicant: City of High Point

Area: 0.14 acres



Location of requested street abandonment



Previously abandoned right-of-ways

Planning & Development  
Department

City of High Point

Date: August 25, 2015



Scale: 1"=200'

G:/Planning/Secure/ba-pz/  
2015/pz/sa15-08.mxd

Attachments: Photographs (August 2015) and Aerial (February, 2014)  
**Looking eastward along Hunterwoods Drive towards the cul-de-sac to be abandoned.**





PHILIP & LINDA PRICE

LOT #35

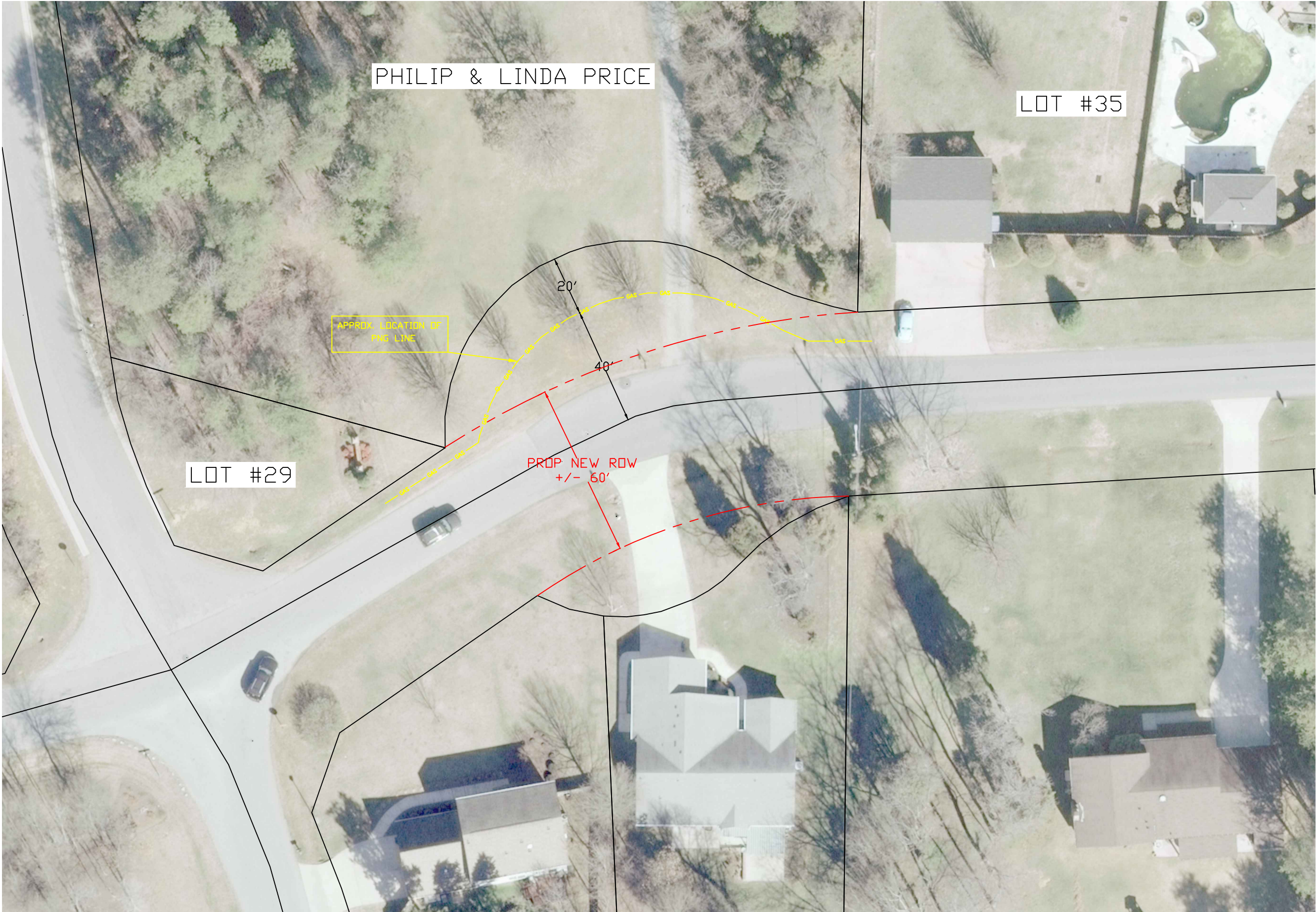
APPROX. LOCATION OF  
PNG LINE

LOT #29

PROP. NEW ROW  
+/- 60'

20'

40'



Return to: Joanne Carlyle, City Attorney  
City of High Point  
P.O. Box 230  
High Point, NC 27261  
Resolution No. xxxx / 15-xx

## **RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, IN A REGULAR MEETING ASSEMBLED ON THE 21<sup>st</sup> DAY OF SEPTEMBER, 2015 AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:**

### **Street Abandonment (Closure) Case 15-08**

(Hunterwoods Drive - excess right-of-way from a former cul-de-sac)

A request by the Technical Review Committee to abandon excess right-of-way, from a former cul-de-sac, along the north and south side of Hunterwood Drive.

WHEREAS, The City of High Point Technical Review Committee has petitioned the City Council of the City of High Point to permanently abandon (close) excess right-of-way from, a former cul-de-sac along, the north and south side of Hunterwoods Drive. Excess right-of-way from this former cul-de-sac is lying approximately 175 feet west of Hunter Oaks Court and is more specifically described as follows:

### **Excess right-of-way north of Hunterwoods Drive**

Beginning at the existing southeastern property corner of lot #35 (also known as Guilford County Tax Parcel 0204052) as recorded in **(PB 109 PG 109 – aka lot 35 Hunter Woods Subdivision P.B. 46 PG. 89)** in the Office of the Register of Deeds of Guilford County, North Carolina; thence southwesterly through the lands of the City of High Point along the new proposed northern right-of-way line for Hunterwoods Drive along a curve with a radius of 330' to the existing southwestern property corner of



Philip and Linda Price; thence northeasterly along said parcels southern property line with a radius of 60' to a point; thence continuing along the same line with a radius of 50' to the point and place of beginning. The acreage for this abandonment is +/- 0.08 acres.

**Excess right-of-way south of Hunterwoods Drive**

Beginning at the existing northeastern property corner of lot #28 (also known as Guilford County Tax Parcel 0203743) as recorded in (**PB 109 PG 109**) in the Office of the Register of Deeds of Guilford County, North Carolina; thence traveling along the existing southern right-of-way line of Hunterwoods Drive in southwestern direction along a curve with a radius of 50' to a point; thence continuing in the same direction along a curve with a radius of 60' to a point located on the southern right of way line of Hunterwoods Drive, said point also being the northeastern property corner of lot #27 (also known as Guilford County Tax Parcel 0203744); thence traveling in a northeasterly direction along the new proposed southern right of way line of Hunterwoods Drive with a 270' radius curve to the point and place of beginning. The acreage for the abandonment is +/- .03 acres.

The total acreage for both the north and south side of Hunterwoods Drive abandonments is +/- 0.11 Acres.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 17<sup>th</sup> day of August, 2015, at 5:30 p.m. setting the 21<sup>st</sup> day of September, 2015 at 5:30 p.m., in the Council Chambers of the Municipal Building, as the time and place for a public hearing before said Council on said petition, and public notice of said time and place was ordered given, all pursuant to North Carolina G.S. 160A-299; and

WHEREAS, due and proper notice of said hearing to be heard on the petition at this meeting of City Council was made by publication in the High Point Enterprise for four (4) consecutive weeks, beginning August 21 & 28, 2015 and September 4 & 11, 2015; and

WHEREAS, the above entitled matter, pursuant to said resolution and notice was called for hearing before said Council at which time there was no objection or opposition offered on the part of any firm or corporation to abandon (closure) excess right-of-way, from a former cul-de-sac, along the north and south side of Hunterwood Drive; and

WHEREAS, it appearing to the satisfaction of this Council and the Council finds as a fact that the said right-of-way as herein described is not necessary for ingress and egress to any land adjoining said street; that the closing of said street is not contrary to the public interest and that no other individual, firm or corporation owning property in the vicinity of said street, or in the

subdivision in which said street is located, will be deprived of reasonable means of ingress or egress to this property.

NOW THEREFORE BE IT RESOLVED:

1. That portion of the former cul-de-sac Patrick Avenue right-of-way, as described above, be closed pursuant to North Carolina G.S. 160A-299; and
2. That the City of High Point shall retain a 20-foot wide Piedmont Natural Gas Line easement centered over all existing Piedmont Natural Gas lines within and crossing this right-of-way; and
3. That a copy of this resolution be filed in the Office of the Register of Deeds for Guilford County, North Carolina.

By order of the City Council,  
this the 21<sup>st</sup> day of September, 2015  
Lisa B. Vierling, City Clerk

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** **Street Abandonment Case 15-07**  
(City of High Point Technical Review Committee)

**From:** Lee Burnette, Planning & Development  
Director

**Meeting Date:** September 21, 2015

**Public Hearing:** Yes

**Advertising Date:** August 21 & 28, 2015 and  
September 4 & 11, 2015

**Advertised By:** Planning & Development

**Attachments:** A. Planning and Zoning Commission Recommendation  
B. Staff Report  
C. Resolution of Abandonment

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### PURPOSE:

A request by the Technical Review Committee to abandon the unimproved Patrick Avenue right-of-way lying east of Randall Street.

### BACKGROUND:

Staff report and the Planning & Zoning Commission's recommendation is enclosed.

### BUDGET IMPACT:

There is no budget impact.

### RECOMMENDATION / ACTION REQUESTED:

- A. On August 25, 2015, a public hearing was held before the Planning and Zoning Commission regarding Street Abandonment Case 15-07. The Planning & Zoning Commission recommended **approval** of Street Abandonment Case 15-07 by a vote of 8-0.
- B. Staff recommends **approval** of Street Abandonment Case 15-07 as outlined in the attached staff report.

## **PLANNING AND ZONING COMMISSION RECOMMENDATION**

### **City of High Point**

### **Street Abandonment Case 15-07**

At its August 25, 2015 public hearing, the Planning and Zoning Commission reviewed Street Abandonment Case 15-07. All members of the Commission were present. Mr. Robert Robbins, Development Administrator, presented the case and recommended approval of the request as outlined in the staff report.

No one spoke in favor or in opposition of Street Abandonment Case 15-07.

The Planning & Zoning Commission recommended approval of Street Abandonment Case 15-07, as recommended by staff, by a vote of 8-0.



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

**STAFF REPORT  
STREET ABANDONMENT CASE 15-07  
August 25, 2015**

| <b>Request</b>                                                        |                                                                                                         |
|-----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| <b>Applicant:</b><br>City of High Point<br>Technical Review Committee | <b>Proposal:</b><br>To abandon the unimproved Patrick Avenue right-of-way lying east of Randall Street. |

| <b>Adjacent Streets</b> |                        |                                                                        |
|-------------------------|------------------------|------------------------------------------------------------------------|
| <b>Name:</b>            | <b>Classification:</b> | <b>Right-of-Way and Pavement Width:</b>                                |
| Randall Street          | Local Street           | 50-foot wide right-of-way;<br>33-foot wide paving with curb and gutter |
| Patrick Avenue          | Local Street           | 46-foot wide right-of-way;<br>30-foot wide paving with curb and gutter |

| <b>Adjacent Property Zoning and Current Land Use</b> |                                           |                             |
|------------------------------------------------------|-------------------------------------------|-----------------------------|
| <b>North</b>                                         | Residential Multifamily-8 (RM-8) District | Undeveloped parcel          |
| <b>East</b>                                          | Residential Multifamily-8 (RM-8) District | Undeveloped parcel          |
| <b>South</b>                                         | Residential Multifamily-8 (RM-8) District | Single family dwelling      |
| <b>West</b>                                          | Residential Multifamily-8 (RM-8) District | Randall Street right-of-way |

| <b>Analysis</b> |
|-----------------|
|-----------------|

The City of High Point Technical Review Committee (TRC) is requesting to abandon the unimproved portion of the Patrick Avenue right-of-way (ROW) lying east of Randall Street. This ROW was recorded in 1955, on a map entitled "Section No. 4 Garner Heights near High Point, NC". The portion of Patrick Avenue to be abandoned consists of a 151 foot by 46 foot (approximately 6,800 square feet) unimproved area that was intended to provide access to a future phase of the Garner Heights subdivision. Due to steep topography, that drops 20 - 30 feet, and a significant flood zone area associated with a perennial stream, the future phase was never subdivided and has remained as an undeveloped parcel.

The abutting parcel to the south, 201 Randall Street, is developed with a single family dwelling and has 100 feet of frontage along Randall Street. The abutting parcel to the east and north is unimproved with 145 feet of frontage on Randall Street. Additionally, this unimproved parcel is owned by a church lying at the southeast corner of Hickory Chapel Road and Randall Street, thus allowing this parcel to have access to Hickory Chapel Road. For these reasons, this street abandonment request will not deprive abutting property owners access to their property.

Early notices to obtain input from abutting property owners were mailed out June 30, 2015. In addition, official mailed notice for the public hearing was sent to abutting property owners, notice was published in the High Point Enterprise and signs were posted per requirements. To date, staff has received no objections from the abutting property owners.

### **Findings & Recommendations**

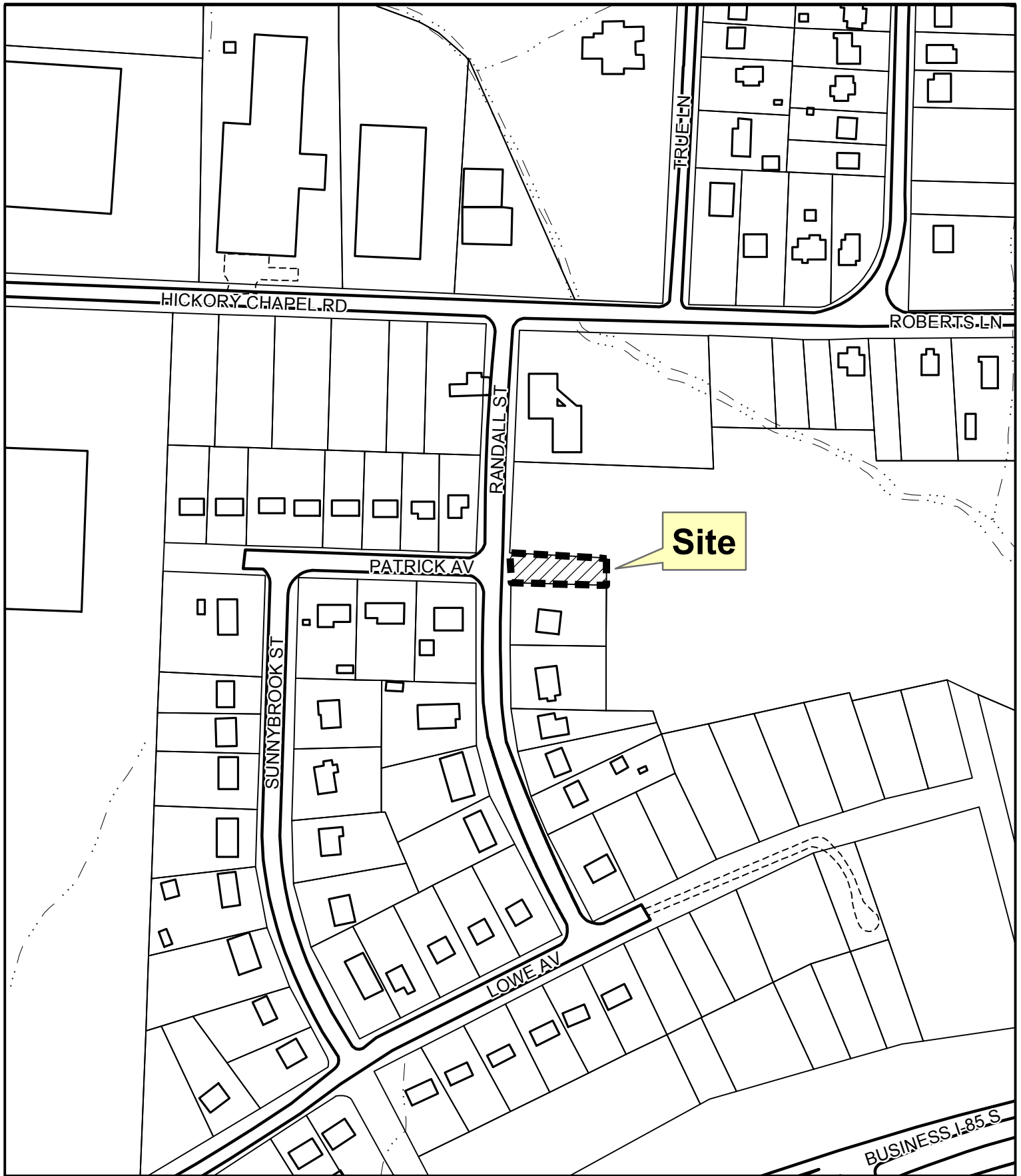
The TRC reviewed this request on July 1, 2015 and identified no issues related to the abandonment of this ROW. The Public Services Department and Electrical Department have identified City utility lines within this ROW and stated that easements must be retained over these lines.

This abandonment of the public's interest and conveyance of the ROW to the abutting property owners, as provided by state statutes, is found not to be contrary to the public's interest and is found not to deprive owners in the vicinity of the ROW reasonable means of ingress and egress to their property. The Planning and Development Department recommends approval of the request. This recommendation includes the retention of the following utility easements:

- 1) Retention of a 30-foot wide stormwater easement centered over existing stormwater drainage pipe within and crossing the right-of-way; and
- 2) Retention of a 15-foot wide electrical easement, which also includes City fiber optic lines, cable TV lines and some NorthState Communication lines, centered over all existing electric lines within and crossing the right-of-way.

### **Report Preparation**

This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner, and reviewed by Robert Robbins AICP, Development Services Administrator and Lee Burnette AICP, Director.



**STREET ABANDONMENT REQUEST SA15-07**

**Applicant:** City of High Point  
**Area:** 0.15 acres



Location of requested street abandonment



Previously abandoned right-of-ways

**Planning & Development  
Department**

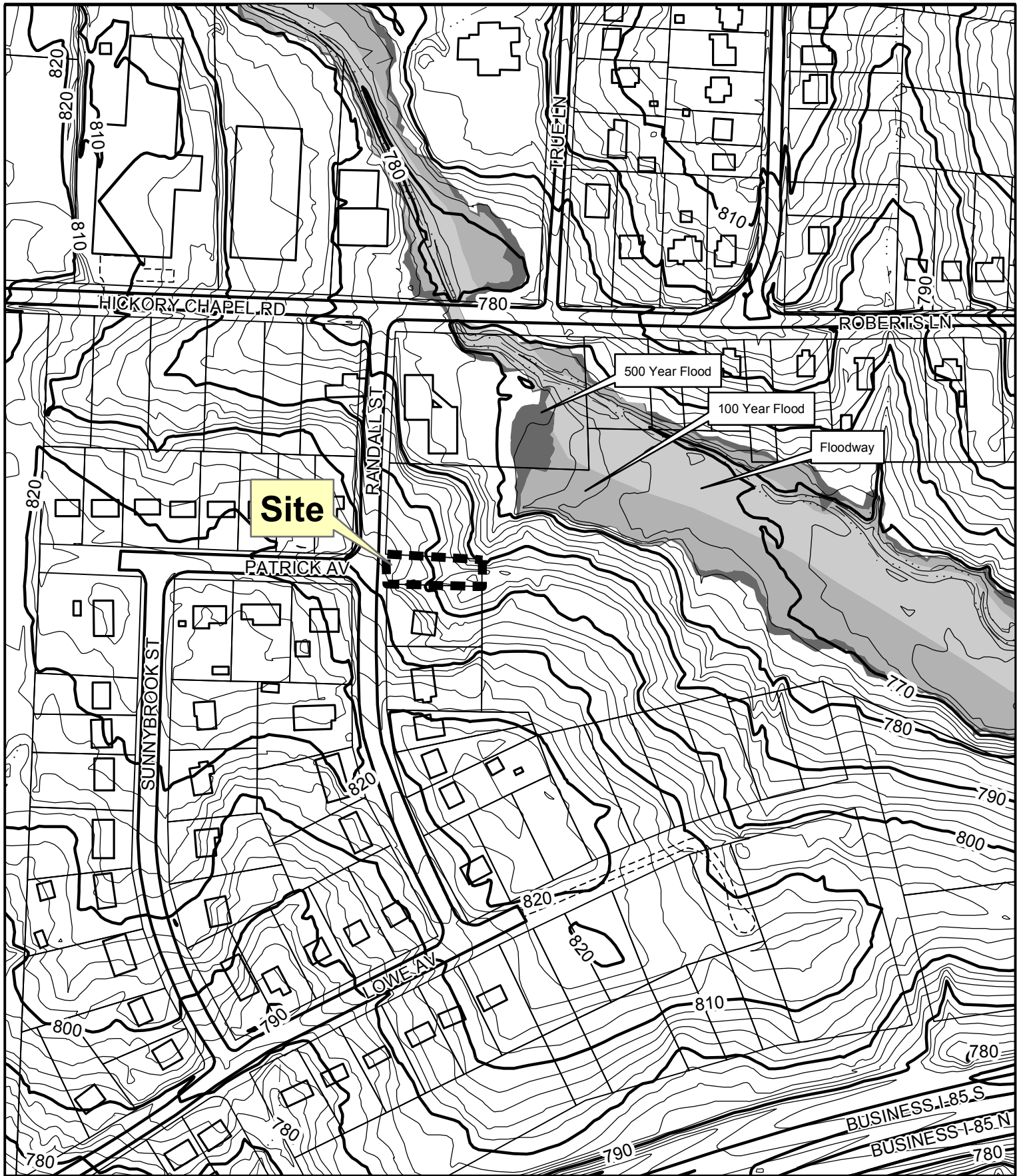
**City of High Point**

**Date: August 25, 2015**



**Scale: 1"=200'**

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2015/pz/sa15-07.mxd



**STREET ABANDONMENT REQUEST SA15-07**

Applicant: City of High Point

Area: 0.15 acres



Location of requested street abandonment



Previously abandoned right-of-ways

**Planning & Development  
Department**

**City of High Point**

**Date: August 25, 2015**



**Scale: 1"=200'**

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Attachments: Photographs (August 2015) and Aerial (February, 2014)  
**Looking east towards the unimproved portion of Patrick Avenue to be abandoned.**







## STREET ABANDONMENT REQUEST SA15-07

Applicant: City of High Point

Area: 0.15 acres



Location of requested street abandonment



Previously abandoned right-of-ways

Planning & Development  
Department

City of High Point

Date: August 25, 2015



Scale: 1"=50'

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2015/pz/sa15-07photo.mxd

Return to: Joanne Carlyle, City Attorney  
City of High Point  
P.O. Box 230  
High Point, NC 27261  
Resolution No. xxxx / 15-xx

## **RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, IN A REGULAR MEETING ASSEMBLED ON THE 21<sup>st</sup> DAY OF SEPTEMBER, 2015 AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:**

**Street Abandonment (Closure) Case 15-07**  
(unimproved portion of Patrick Avenue)

A request by the Technical Review Committee to abandon the unimproved portion of the Patrick Avenue right-of-way lying east of Randall Street.

WHEREAS, The City of High Point Technical Review Committee has petitioned the City Council of the City of High Point to permanently abandon (close) the unimproved excess right-of-way for Patrick Avenue lying east of Randall Street. This right-of-way is more specifically described as follows:

Beginning at the existing northwestern property corner of lot #15 (also known as Guilford County Tax Parcel 0176907) as recorded in **(PB 21 PG 82)** in the Office of the Register of Deeds of Guilford County, North Carolina; thence northerly along the eastern right-of-way line of Randall Street (formerly Downey Street) across the unopened portion of Patrick Avenue (formerly Lovers Lane) to the existing southwestern property corner of Straight Way Baptist Church (Guilford County Tax Parcel #0176893) located on the eastern right-of-way line of Randall Street; thence easterly along the southern property line to an existing property corner located on the western property line of Straight Way Baptist

Church said point also being the northeastern property corner of the unopened portion of Patrick Avenue; thence southerly along the eastern property line of the unopened portion of Patrick Avenue to an existing property corner located at the northeastern corner of lot #15 as recorded in **(PB 21 PG 82)** in the Office of the Register of Deeds of Guilford County, North Carolina; thence westerly along the northern property line to the point and place of beginning. The described area encompasses +/- 0.15 acres.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 17<sup>th</sup> day of August, 2015, at 5:30 p.m. setting the 21<sup>st</sup> day of September, 2015 at 5:30 p.m., in the Council Chambers of the Municipal Building, as the time and place for a public hearing before said Council on said petition, and public notice of said time and place was ordered given, all pursuant to North Carolina G.S. 160A-299; and

WHEREAS, due and proper notice of said hearing to be heard on the petition at this meeting of City Council was made by publication in the High Point Enterprise for four (4) consecutive weeks, beginning August 21 & 28, 2015 and September 4 & 11, 2015; and,

WHEREAS, the above entitled matter, pursuant to said resolution and notice was called for hearing before said Council at which time there was no objection or opposition offered on the part of any firm or corporation to abandon (closure) of that portion of the Patrick Avenue right-of-way, as previously described above; and

WHEREAS, it appearing to the satisfaction of this Council and the Council finds as a fact that the said right-of-way as herein described is not necessary for ingress and egress to any land adjoining said street; that the closing of said street is not contrary to the public interest and that no other individual, firm or corporation owning property in the vicinity of said street, or in the subdivision in which said street is located, will be deprived of reasonable means of ingress or egress to this property.

NOW THEREFORE BE IT RESOLVED:

1. That portion of the Patrick Avenue right-of-way, as described above, be closed pursuant to North Carolina G.S. 160A-299; and
2. That the City of High Point shall retain a 30-foot wide stormwater easement centered over existing stormwater drainage pipe within and crossing the right-of-way; and
3. That the City of High Point shall retain a 15-foot wide electrical easement, which also includes City fiber optic lines, cable TV lines and some NorthState Communication



lines, centered over all existing electric lines within and crossing the right-of-way;  
and

4. That a copy of this resolution be filed in the Office of the Register of Deeds for Guilford County, North Carolina.

By order of the City Council,  
this the 21<sup>st</sup> day of September, 2015  
Lisa B. Vierling, City Clerk

## FORM OF AUTHORIZING RESOLUTION

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF HIGH POINT, NORTH CAROLINA, AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER EQUIPMENT LEASE-PURCHASE AGREEMENT AND SEPARATE EQUIPMENT SCHEDULES WITH RESPECT TO THE ACQUISITION, PURCHASE, FINANCING AND LEASING OF CERTAIN EQUIPMENT FOR THE PUBLIC BENEFIT; AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION.

WHEREAS, the City of High Point, North Carolina (the "*Lessee*"), a body corporate and politic and political subdivision duly organized and existing under the laws of the State of North Carolina, is authorized by the laws of such State to purchase, acquire and lease personal property for the benefit of the Lessee and its inhabitants and to enter into contracts with respect thereto; and

WHEREAS, the Lessee desires to purchase, acquire and lease certain equipment and other property necessary for the Lessee to perform essential governmental functions; and

WHEREAS, in order to acquire such equipment and other property, the Lessee proposes to enter into that certain Master Equipment Lease-Purchase Agreement (the "*Master Lease*") and separate Equipment Schedules from time to time as provided in the Master Lease with Whitney Bank (or its affiliates), as lessor (the "*Lessor*"), the form of which has been presented to the governing body of the Lessee at this meeting; and

WHEREAS, the governing body of the Lessee deems it for the benefit of the Lessee and for the efficient and effective administration thereof to enter into the Master Lease and the separate Equipment Schedules as provided in the Master Lease for the purchase, acquisition and leasing of the equipment and other property to be therein described on the terms and conditions therein provided;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the governing body of the City of High Point, North Carolina as follows:

*Section 1. Approval of Documents.* The form, terms and provisions of the Master Lease and the separate Equipment Schedules as provided in the Master Lease are hereby approved in substantially the forms presented at this meeting, with such insertions, omissions and changes as shall be approved by the City Manager and/or the Financial Services Director of the Lessee or other members of the governing body of the Lessee executing the same, the execution of such documents being conclusive evidence of such approval. The City Manager and/or the Financial Services Director of the Lessee are hereby authorized and directed to execute, and (if required by applicable law or policy of the Lessee) the City Clerk of the Lessee is hereby authorized and directed to attest, the Master Lease and each Equipment Schedule and

any related Exhibits attached thereto and to deliver the Master Lease and each Equipment Schedule (including such Exhibits) to the respective parties thereto, and (if required by applicable law or policy of the Lessee) the City Clerk of the Lessee is hereby authorized to affix the seal of the Lessee to such documents.

*Section 2. Other Actions Authorized.* The officers and employees of the Lessee shall take all action necessary or reasonably required by the parties to the Master Lease and each Equipment Schedule to carry out, give effect to and consummate the transactions contemplated thereby (including the execution and delivery of acceptance certificates and any tax certificate and agreement, each with respect to separate Equipment Schedules, as contemplated in the Master Lease) and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Master Lease and each Equipment Schedule.

*Section 3. No General Liability.* Nothing contained in this Resolution, the Master Lease, any Equipment Schedule nor any other instrument shall be construed with respect to the Lessee as incurring a pecuniary liability or charge upon the general credit of the Lessee or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Master Lease, any Equipment Schedule or any other instrument or document executed in connection therewith impose any pecuniary liability upon the Lessee or any charge upon its general credit or against its taxing power, except to the extent that the rental payments payable under each Lease (as such term is defined in the Master Lease) are special limited obligations of the Lessee as provided in such Lease.

*Section 4. Appointment of Authorized Lessee Representatives.* The City Manager and Financial Services Director of the Lessee are each hereby designated to act as authorized representatives of the Lessee for purposes of the Master Lease and each Equipment Schedule until such time as the governing body of the Lessee shall designate any other or different authorized representative for purposes of the Master Lease and each Equipment Schedule.

*Section 5. Designation for Purposes of Section 265(b)(3) of the Internal Revenue Code of 1986.* The governing body of the Lessee hereby designates Equipment Schedule No. 2016-01 to be dated April 19, 2016, and that incorporates by reference the terms and conditions of the Master Lease, as a "qualified tax-exempt obligation" for purposes and within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

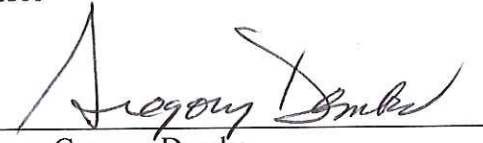
*Section 6. Severability.* If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

*Section 7. Repealer.* All bylaws, orders and resolutions or parts thereof, inconsistent herewith, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, resolution or ordinance or part thereof.

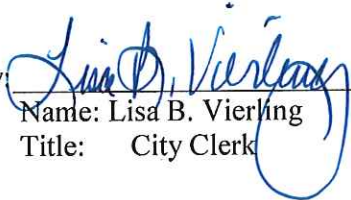
ADOPTED AND APPROVED by the governing body of the Lessee this 21st day of September, 2015.



CITY OF HIGH POINT, NORTH CAROLINA,  
as Lessee

By:   
Name: Gregory Demko  
Title: City Manager

ATTEST:

By:   
Name: Lisa B. Vierling  
Title: City Clerk

APPROVED as to form:

  
Name: JoAnne Carlyle  
Title: City Attorney

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Land Use Plan Amendment Case 15-03 and Zoning Case 15-15  
(Winstead Properties, LLC)

**From:** Lee Burnette, Planning & Development  
Director

**Meeting Date:** September 21, 2015

**Public Hearing:** Yes

**Advertising Date:** September 10 & 16, 2015

**Advertised By:** Planning & Development

**Attachments:** A. Planning and Zoning Commission Recommendation  
B. Staff Report  
C. Zoning Ordinance

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### PURPOSE:

#### Land Use Plan Amendment Case 15-03

A request by Winstead Properties, LLC and the Planning & Development Department to change the Land Use Map classification for approximately 13 acres from Office and Restricted Industrial to Community/Regional Commercial. The site is lying along the west side of Eastchester Drive, and to the north and south of Penny Road.

AND

#### Zoning Case 15-15

A request by Winstead Properties, LLC to rezone approximately 2.59 acres from an Agricultural (AG) District, within Guilford County's zoning jurisdiction, and Conditional Use General Office-High Intensity (CU GO-H) District to the Conditional Zoning Highway Business (CZ-HB) District. The site is lying north of the intersection of Penny Road and OSSI Court (*2410 Penny Road*). Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

### BACKGROUND:

Staff report and the Planning & Zoning Commission's recommendation is enclosed.

### BUDGET IMPACT:

There is no budget impact.

### RECOMMENDATION / ACTION REQUESTED:

- A. On August 25, 2015, a public hearing was held before the Planning and Zoning Commission regarding Land Use Plan Amendment Case 15-03 and Zoning Case 15-15. Staff recommended **approval** of both requests as outlined in the attached staff report.
- B. The Planning & Zoning Commission recommended approval of Land Use Plan Amendment Case 15-03 by a vote of 8-0.
- C. The Planning & Zoning Commission recommended approval of Zoning Case 15-15 by a vote of 8-0.

## **PLANNING AND ZONING COMMISSION RECOMMENDATION**

### **Winstead Properties LLC**

### **Land Use Plan Amendment Case 15-03 and Zoning Case 15-15**

At its August 25, 2015 public hearing, the Planning and Zoning Commission reviewed these requests. All members of the Commission were present. Ms. Heidi Galanti, Planning Administrator, presented the Land Use Plan Amendment request and Mr. Robert Robbins, Development Administrator, presented the zoning request. Staff recommended approval of these requests as outlined in the staff report.

Speaking in favor of Land Use Plan Amendment 15-03 & Zoning Case 15-15 was the applicant, Tom Mincher, of Winstead Properties LLC, 701 Woodland Drive, High Point. Mr. Mincher provided an overview of his development proposal and addressed questions from the Commission. In conclusion, Mr. Mincher said he is working with Dr. Claire Wilson, the owner of the dental office abutting the site, to design a mutually acceptable landscaping buffer to install between the two properties.

Speaking neither in favor nor against these two requests was Dr. Claire Wilson, 2430 Penny Road, High Point. Dr. Wilson stated that her concern is making sure that there is adequate landscaping to serve as a buffer between the properties.

Mr. Brent Cole, assistant city attorney, suggested that Mr. Mincher and Dr. Wilson form a written agreement, with the aid of private attorneys, to ensure whatever agreement they develop would remain in place if either of them sold their properties in the future.

The Planning & Zoning Commission recommended approval of Land Use Plan Amendment Case 15-03, as recommended by staff, by a vote of 8-0.

The Planning & Zoning Commission recommended approval of Zoning Case 15-15, as recommended by staff, by a vote of 8-0. Upon making its recommendation, the Commission stated that its approval of Zoning Case 15-15 would be consistent with the City's adopted plans. Additionally, the Commission concurred with the staff report and found its approval recommendation reasonable and in the public interest because: 1) Subject to approval of the associated Land Use Plan Amendment 15-03, the requested CZ-HB District will be consistent with the Land Use Plan; 2) the Conditional Zoning Ordinance offered by the applicant prohibits many of the automotive-related and higher intensive commercial uses that previous City Councils have historically prohibited along this segment of the Eastchester Scenic Corridor, thus ensuring development will be in character with the surrounding uses in the area, and 3) the request does not introduce new non-residential uses to this area. The adjacent restaurant was granted a CU-HB District and during the past two decades, this previously rural area has developed into a commercial node to the east and south and industrial area to the north and west. The requested CZ-HB District, as conditioned, will produce an orderly development pattern as required by Goal #5 of the Land use Plan.

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

**STAFF REPORT  
LAND USE PLAN AMENDMENT CASE 15-03 AND ZONING CASE 15-15  
August 25, 2015**

| <b>Requests</b>                                                                                                                                       |                                                                                                               |                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| <b>Applicant:</b><br>Winstead Properties, LLC                                                                                                         | <b>Owner:</b><br>Everette M. Grayson and Patricia W. Grayson<br>Theodore G. Bernthal and Gretchen K. Bernthal |                                                                                                                                     |
| <b>LUPA Proposal:</b><br>To change the future land use designation for approximately 13 acres to a Community/Regional Commercial land use designation | <b>From:</b>                                                                                                  | Office and Restricted Industrial                                                                                                    |
|                                                                                                                                                       | <b>To:</b>                                                                                                    | Community / Regional Commercial                                                                                                     |
| <b>Zoning Proposal:</b><br>To rezone approximately 2.59 acres                                                                                         | <b>From:</b>                                                                                                  | <b>AG</b> Agricultural District<br>(Guilford County)                                                                                |
|                                                                                                                                                       | <b>To:</b>                                                                                                    | <b>CU GO-H</b> Conditional Use General Office-High Intensity District<br><b>CZ-HB</b> Conditional Zoning Highway Business District. |

| <b>Site Information</b>                |                                                                                                                                                                                                                                                                                                     |                                              |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| <b>Location:</b>                       | Lying north of the intersection of Penny Road and OSSI Court<br>(2410 Penny Road)                                                                                                                                                                                                                   |                                              |
| <b>Tax Parcel Numbers:</b>             | <b>Plan Amendment</b>                                                                                                                                                                                                                                                                               | <b>Zoning Request</b>                        |
|                                        | 0170013 & 14, 0207383 thru 85, 0207389 & 90, 0208147 thru 0208160 and 0208162 & 63                                                                                                                                                                                                                  | 0170014 and 0207390                          |
| <b>Site Acreage:</b>                   | <b>Plan Amendment</b>                                                                                                                                                                                                                                                                               | <b>Zoning Request</b>                        |
|                                        | Approximately 13 acres                                                                                                                                                                                                                                                                              | Approximately 2.59 acres                     |
| <b>Current Land Use:</b>               | <b>Plan Amendment</b>                                                                                                                                                                                                                                                                               | <b>Zoning Request</b>                        |
|                                        | Restaurants, offices, undeveloped and overflow parking                                                                                                                                                                                                                                              | Undeveloped and gravel overflow parking area |
| <b>Physical Characteristics:</b>       | The site has a relatively flat to moderately sloping terrain.                                                                                                                                                                                                                                       |                                              |
| <b>Water and Sewer Proximity:</b>      | A 12-inch City water line and an 8-inch City sewer are adjacent to the site along Penny Road.                                                                                                                                                                                                       |                                              |
| <b>General Drainage and Watershed:</b> | The site drains in a westerly direction and development is subject to the City Lake General Watershed Area requirements. Engineered storm water treatment measures are required for non-residential and multi-family development with a total impervious surface area greater than 24% of the site. |                                              |
| <b>Overlay District(s):</b>            | Eastchester Scenic Corridor Overlay District<br>City Lake General Watershed Area and Airport Overlay Area – Zone 4                                                                                                                                                                                  |                                              |

| <b>Adjacent Property Zoning and Current Land Use</b> |                                |                                                                                                     |                                             |
|------------------------------------------------------|--------------------------------|-----------------------------------------------------------------------------------------------------|---------------------------------------------|
| <b>North:</b>                                        | <b>AG</b>                      | Agricultural District ( <i>Guilford County</i> )                                                    | Single family dwellings                     |
| <b>South:</b>                                        | <b>CU GO-H</b>                 | Conditional Use General Office-High Intensity District                                              | Office uses<br>( <i>across Penny Road</i> ) |
| <b>East:</b>                                         | <b>CU-HB</b><br><b>CU GO-H</b> | Conditional Use Highway Business District<br>Conditional Use General Office-High Intensity District | Restaurants and undeveloped parcel          |
| <b>West:</b>                                         | <b>CU GO-H</b>                 | Conditional Use General Office-High Intensity District                                              | Dentist office                              |

| <b>Adjacent Land Use Plan Designations</b> |                                                              |
|--------------------------------------------|--------------------------------------------------------------|
| <b>North:</b>                              | Restricted Industrial                                        |
| <b>South:</b>                              | Medium Density Residential and Community/Regional Commercial |
| <b>East:</b>                               | Community/Regional Commercial                                |
| <b>West:</b>                               | Restricted Industrial                                        |

| <b>Purpose of Existing and Proposed Land Use Plan Designations</b> |                                                                                                                                                                                                                                                                                                                    |
|--------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Existing Designation:</b>                                       | <u>Office</u> : This classification includes professional, personal and business service uses; AND<br><u>Restricted Industrial</u> : This classification accommodates office, warehouse, research and development, distribution, and light manufacturing or assembly uses on larger sites in unified developments. |
| <b>Proposed Designation:</b>                                       | <u>Community/Regional Commercial</u> : This classification includes a wider range of retail or service uses intended to serve the entire community and nearby regional customers.                                                                                                                                  |

| <b>Relevant Land Use Policies and Related Zoning &amp; LUPA History</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Community Growth Vision Statement</b>                                | This request is neither in conflict with the Community Growth Vision Statement's goals and objectives nor does it promote those goals and objectives.                                                                                                                                                                                                                                                                                                                                                                |
| <b>Land Use Plan Goals, Objectives &amp; Policies:</b>                  | The following goal and objective of the Land Use Plan are relevant to this request:<br><u>Goal #5</u> : Promote an urban growth pattern that occurs in an orderly fashion and conserves the land resources of the City and its planning area.<br><u>Obj. #11</u> . 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. |
| <b>Relevant Area Plan:</b>                                              | <u>Eastchester Drive Corridor Plan- Phase III</u><br>Phase III of this Corridor Plan recommends that new commercial development be clustered around major intersections and that no direct access shall be given to NC 68                                                                                                                                                                                                                                                                                            |
| <b>Zoning History:</b>                                                  | 1. <u>Zoning Case 89-30</u> : In 1989, a 48-acre area lying west of the intersection of Penny Road and Eastchester Drive was annexed. This                                                                                                                                                                                                                                                                                                                                                                           |



|                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                      | <p>current zoning site was part of that 48-acre area which was granted an Office/Institutional District and Residential-12 District zoning. This area was developed with industrial, office &amp; medical, commercial and multifamily uses.</p> <p>2. <u>Zoning Case 98-45</u>: In 1998, the abutting parcel (Panera Bread) was granted a CU-HB District to allow the development of a restaurant.</p> <p>3. <u>Zoning Case 99-25</u>: In 1999, the 48-acre Shoppes at Deep River commercial development, along east side of Eastchester Drive across from the zoning site, was annexed and developed as a commercial node along the Eastchester Corridor.</p> <p>4. <u>Zoning Case 01-10</u>: In 2001, the 88-acre Premier Center industrial park, lying north of the zoning site, was annex and granted a Light Industrial zoning.</p> |
| <b>LUPA History:</b> | Land use for this area was originally established in 1992 as part of the adopted Land Use Plan. This area was designated as Office.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

| Transportation Information                      |                                                                                        |                |                          |
|-------------------------------------------------|----------------------------------------------------------------------------------------|----------------|--------------------------|
| Adjacent Streets:                               | Name                                                                                   |                | Approx. Frontage         |
|                                                 | Penny Road                                                                             |                | Major Thoroughfare       |
| <b>Vehicular Access:</b>                        | Shared access off of Penny Road (public street)                                        |                |                          |
| <b>Traffic Counts:</b><br>(Average Daily Trips) | Eastchester Drive                                                                      |                | 48,000 ADT (2011, NCDOT) |
|                                                 | Penny Road                                                                             |                | 8,600 ADT (2013, NCDOT)  |
| <b>Estimated Trip Generation:</b>               | No information.                                                                        |                |                          |
| Traffic Impact Analysis:                        | Required                                                                               |                | Comment                  |
|                                                 | <u>Yes</u>                                                                             | <u>No</u><br>X | None                     |
| <b>Pedestrian Access:</b>                       | Not applicable, sidewalks have already been installed along the segment of Penny Road. |                |                          |

| School District Comment             |
|-------------------------------------|
| Not applicable to this zoning case. |

### Details of Proposal

- General Overview:  
The subject site is currently designated by the Land Use Map as Office and zoned CU GO-H. The applicant is requesting a Land Use Plan Amendment and a Zoning Map Amendment application to allow the site to be developed for commercial use.
- Summary of Land Use Plan Amendment Request:  
The applicant has requested a Land Use Plan amendment for approximately 2.59 acres from the Office and Restricted Industrial designation to Community/Regional Commercial. When requests are made for Land Use Plan amendments, staff analyzes the request and the surrounding area to determine the most logical new boundary for the land use designations.

This area was designated as Office in the 1992 Land Use Plan and carried forward in the 1994 Eastchester Corridor Plan. These plans established commercial nodes at key intersections to prevent the negative impact of unplanned commercial development along this corridor. One of these commercial nodes was at the intersection of Eastchester Drive, Skeet Club Road and Wendover Avenue. In the late 1990s into the early 2000s, this commercial node was expanded with the annexation and development of the Shoppes at Deep River and the Palladium area. During this same time-period, corporate park development, spurred by Piedmont Center, expanded southward towards the intersection of Penny Road and Eastchester Drive culminating with the approval and development of the Premier Center corporate park to the north of the zoning site in the mid-2000s. The results of the development of this area over the past 25 years has been that this area initially established as office has become surrounded by commercial uses to the east and south with a corporate park to the north and west.

Therefore, the Planning & Development Department is recommending that a larger area, consisting of approximately 13 acres, surrounding this request be amended from Office and Restricted Industrial to Community/Regional Commercial.

3. Summary of Zoning Request:

The applicant desires to rezone the site from its current CU GO-H District, which is primarily intended for office uses, to a CZ-HB District to allow the development of a 9,000 square foot restaurant use. The applicant has submitted a Conditional Zoning Ordinance with this request that restricts a few of the higher intensity HB District uses.

### Staff Analysis

Section 9-3-13 of the Development Ordinance states that the Planning & Zoning Commission and the City Council shall be guided by the purposes and intent of the Development Ordinance, and shall give consideration to the following in the review and discussion of any Conditional Zoning application. 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 Plans:

**The proposed Conditional Zoning District is appropriate for its proposed location and is consistent with the purposes, goals, objectives and policies of relevant comprehensive land use or area plans**

#### Staff Comments:

The Land Use Plan and the Eastchester Drive Corridor Plan (Phase III) have policies, goals, and objectives that address the manner in which development should occur in this area. The Land Use Plan recommends an urban growth pattern that occurs in an orderly fashion and that enhances the appearance of major gateway streets. The Eastchester Corridor Plan recommends that new commercial development be located at major intersections. Due to the changes that have occurred in this area the proposal to develop a commercial use makes the requested change to Community/Regional Commercial appropriate at this location.

**Review Factors:**

**The applicant's proposed Conditional Zoning District, including the proposed use(s), written conditions and Conditional Zoning Plan, satisfactorily meets or addresses the following:**

|                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>Factor #1</u></b> | <b>Produces a development that is compatible with surrounding development character and land uses;</b><br><br><i>Staff Comments:</i><br>The site is located in an area that has transitioned from a rural area to commercial/industrial area. The overall development pattern of this area consists of commercial uses to the east, mixed use development consisting of commercial/multifamily/office to the south and industrial parks to north and west. The allowance of the requested CZ-HB District and expansion of commercial uses would be compatible with the manner this area has developed over the past 25 years. In addition, the site is adjacent to a similar CU-HB District parcel fronting on Eastchester Drive. |
| <b><u>Factor #2</u></b> | <b>Minimizes or effectively mitigates any identified adverse impact on adjacent and nearby property, such as that caused by traffic, parking, noise, lighting, trash, loading areas, etc.;</b><br><br><i>Staff Comments:</i><br>To mitigate impact of the requested commercial zoning district, the applicant has submitted a Conditional Zoning Ordinance that prohibits a few of the higher intensity HB District uses. This list of prohibited uses is similar to what previous City Councils have historically adopted for commercial uses along this segment of the Eastchester Scene Corridor in previous zoning cases.                                                                                                     |
| <b><u>Factor #3</u></b> | <b>Minimizes or effectively mitigates any identified adverse environmental impact on water and air resources, minimizes land disturbance, preserves trees and protects habitat;</b><br><br><i>Staff Comments:</i><br>In the early 1990s, in conjunction with extension of Penny Road to OSSI Court, the site was graded and cleared for development. As the property is within a watershed area, development is required to comply with the environmental standards of the Development Ordinance.                                                                                                                                                                                                                                 |
| <b><u>Factor #4</u></b> | <b>Minimizes or effectively mitigates any identified adverse impact on municipal facilities and services, such as streets, potable water and wastewater facilities, parks, police and fire; and;</b><br><br><i>Staff Comments:</i><br>The property is within an area served by City of High Point utilities and municipal services. This request will have no adverse impact on municipal services.                                                                                                                                                                                                                                                                                                                               |
| <b><u>Factor #5</u></b> | <b>Minimizes or effectively mitigates any identified adverse effect on the use, enjoyment or value of adjacent properties.</b><br><br><i>Staff Comments:</i><br>This portion of the City's Planning Area has seen a steady growth of non-residential uses consisting of office, commercial and industrial uses since the late 1980s. The rezoning of the site from CU GO-H District to a CZ-HB District to permit commercial uses is not expected to negatively impact the values of adjacent property owners.                                                                                                                                                                                                                    |

**Changes in the Area:**

**There have been changes in the type or nature of development in the area of the proposed Conditional Zoning District that support the application.**

**Staff Comments:**

When this area was annexed in 1989, it was a rural area consisting of farms and single family dwellings on large lots. Adopted plans designated this area as Office. The results of the development of this area over the past 25 years has been that the initially established office area, covering the intersection of Eastchester Drive and Penny Road, is surrounded by commercial and industrial uses. Thus, the requested CZ-HB District would be in line with the development pattern that has been established in this area over the past two decades.

**Development Patterns:**

**The proposed Conditional Zoning District would result in development that promotes a logical, preferred and orderly development pattern.**

**Staff Comments:**

The larger overall area, surrounding this intersection, is denoted on the Land Use Plan as being intended for commercial uses to the east and south and industrial uses to the north and west. Additionally, the abutting Panera Bread restaurant was been previously rezoned to allow for limited commercial uses as permitted by the HB District. Thus, the request by the applicant to rezone to a CZ-HB District is consistent with the development pattern that has emerged in this area over the past 25 years.

**Reasonableness/Public Interest:**

**An approval of the proposed Conditional Zoning District is considered reasonable and in the public interest.**

In this case, staff suggests that the approval of the applicant's request is reasonable and in the public interest because: 1) Subject to approval of the associated Land Use Plan Amendment 15-03, the requested CZ-HB District will be consistent with the Land Use Plan; 2) The Conditional Zoning Ordinance offered by the applicant prohibits many of the automotive related and higher intensive commercial uses that previous City Councils have historically prohibited along this segment of the Eastchester Scene Corridor, thus ensuring development will be in character with the surrounding uses in the area; and 3) The request does not introduce new non-residential uses to this area. The adjacent restaurant was granted a CU-HB District and over the past two decades, this previously rural area had developed into a commercial node to the east and south and industrial area to the north and west. The request CZ-HB District, as condition, will produce an orderly development pattern and required by Goal #5 of the Land Use Plan.

**Recommendation**

**1. Land Use Plan Amendment Case 15-03:**

**Staff Recommends Approval:**

Staff recommends approval of the request to change the Office and Restricted Industrial land use designation for approximately 13 acres to the Community/Regional Commercial land use designation. The request meets the goals and objectives of the Land Use Plan and the Eastchester Drive Corridor Plan and will be in harmony with the land use pattern of the surrounding area.

## **2. Zoning Case 15-15:**

### **Staff Recommends Approval**

Subject to approval of Land Use Plan Amendment Case 15-02, the Planning & Development Department recommends approval of the request to rezone this 2.59 acre area to the CZ-HB District. As conditioned, the requested CZ-HB District will be compatible with the surrounding area and in conformance with adopted plans.

### **Required Action**

#### **Planning and Zoning Commission:**

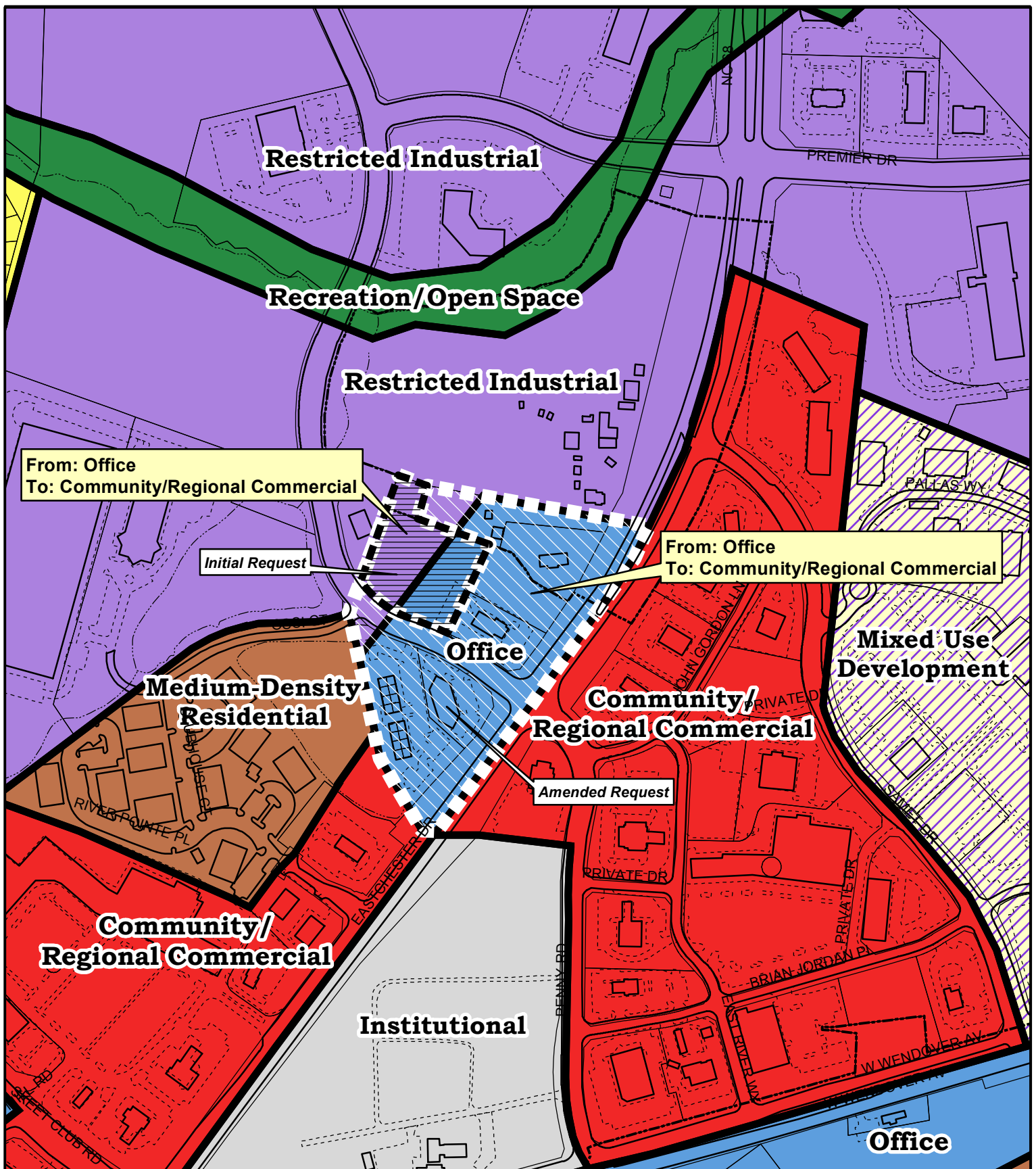
The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City's adopted plans when making its recommendation. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting 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 Heidi H. Galanti, AICP, Planning Services Administrator and reviewed by Robert Robbins AICP, Development Services Administrator and Lee Burnette AICP, Director.



## LAND USE PLAN AMENDMENT 15-03

**Request - From: Office & Restricted Industrial  
To: Community/Regional Commercial**

**Existing Land Use Plan**

**Subject Property Boundary**



**Planning & Development  
Department**

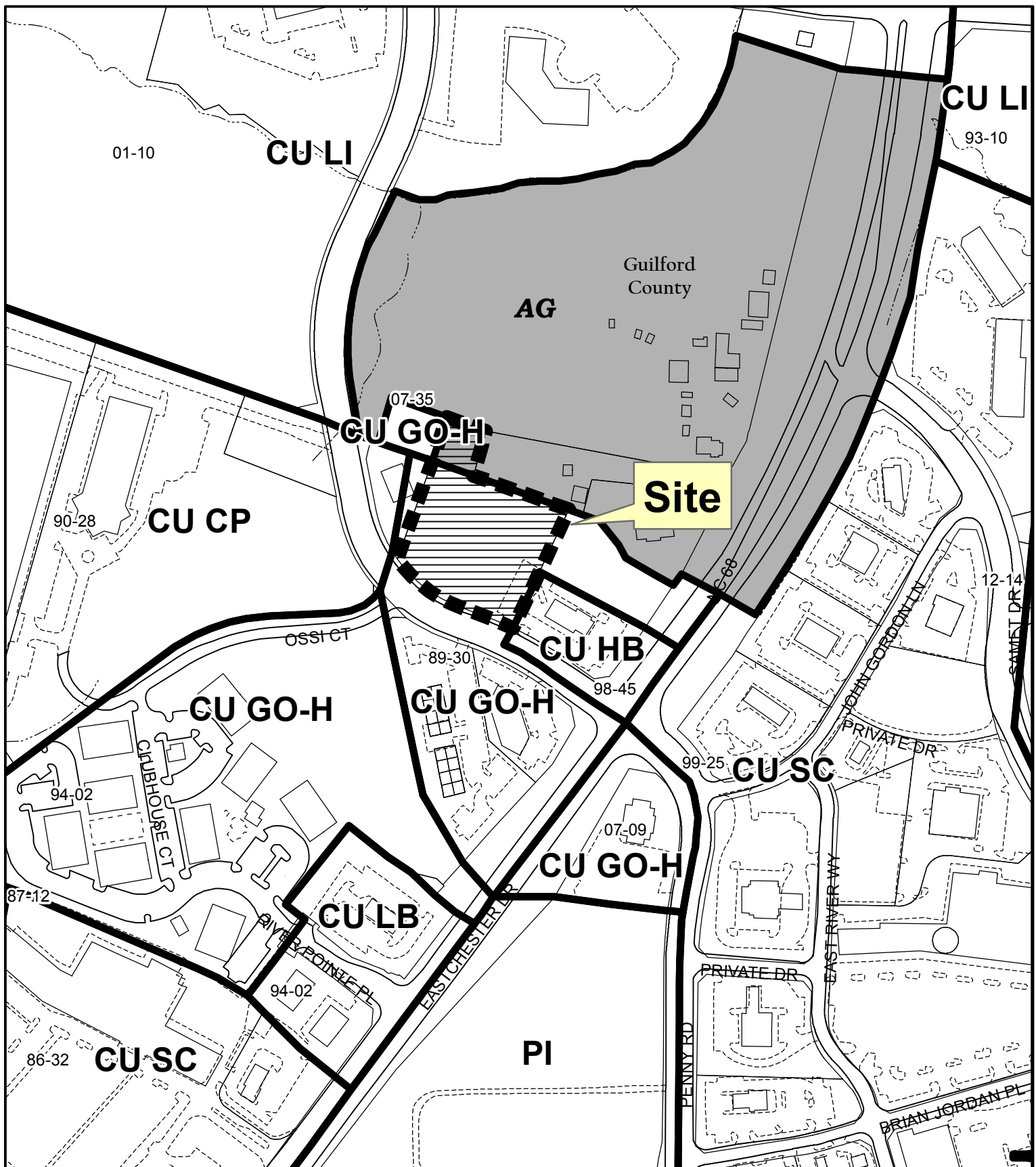
**City of High Point**

**Date: August 25, 2015**



**Scale: 1"=400'**

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## ZONING CASE 15-15

**From:** Conditional Use General Office-High Intensity  
and Agricultural (Guilford County)

**To:** Conditional Zoning Highway Business

**Existing Zoning Boundary**

**Subject Property Boundary**



**Planning & Development  
Department**

**City of High Point**

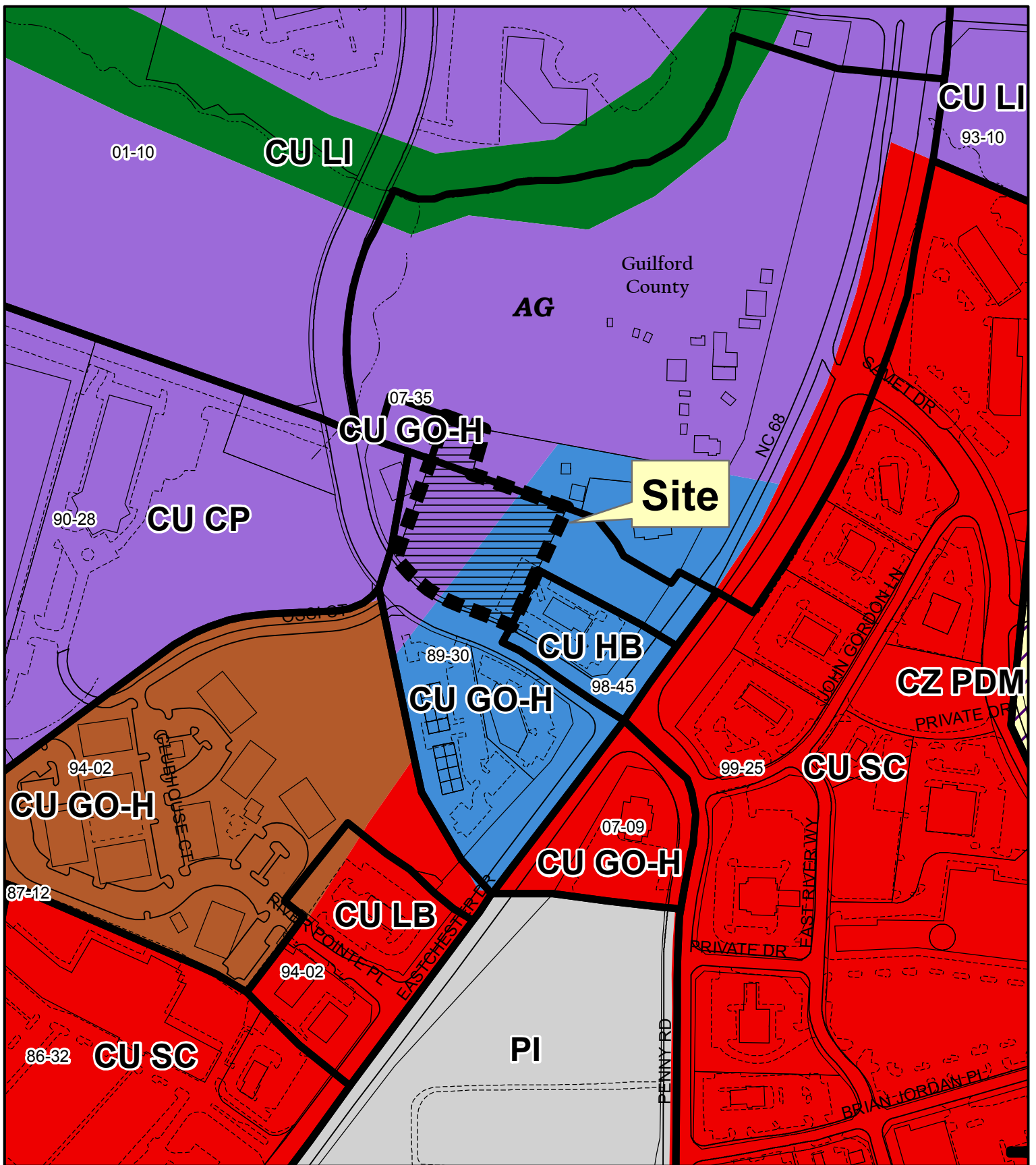
**Date: August 25, 2015**



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## ZONING CASE 15-15

### Land Use Plan

|  |                            |  |                               |
|--|----------------------------|--|-------------------------------|
|  | Mixed Use Development      |  | Office                        |
|  | Medium-Density Residential |  | Community/Regional Commercial |
|  | Institutional              |  | Restricted Industrial         |
|  | Recreation/Open Space      |  |                               |

Planning & Development  
Department

City of High Point

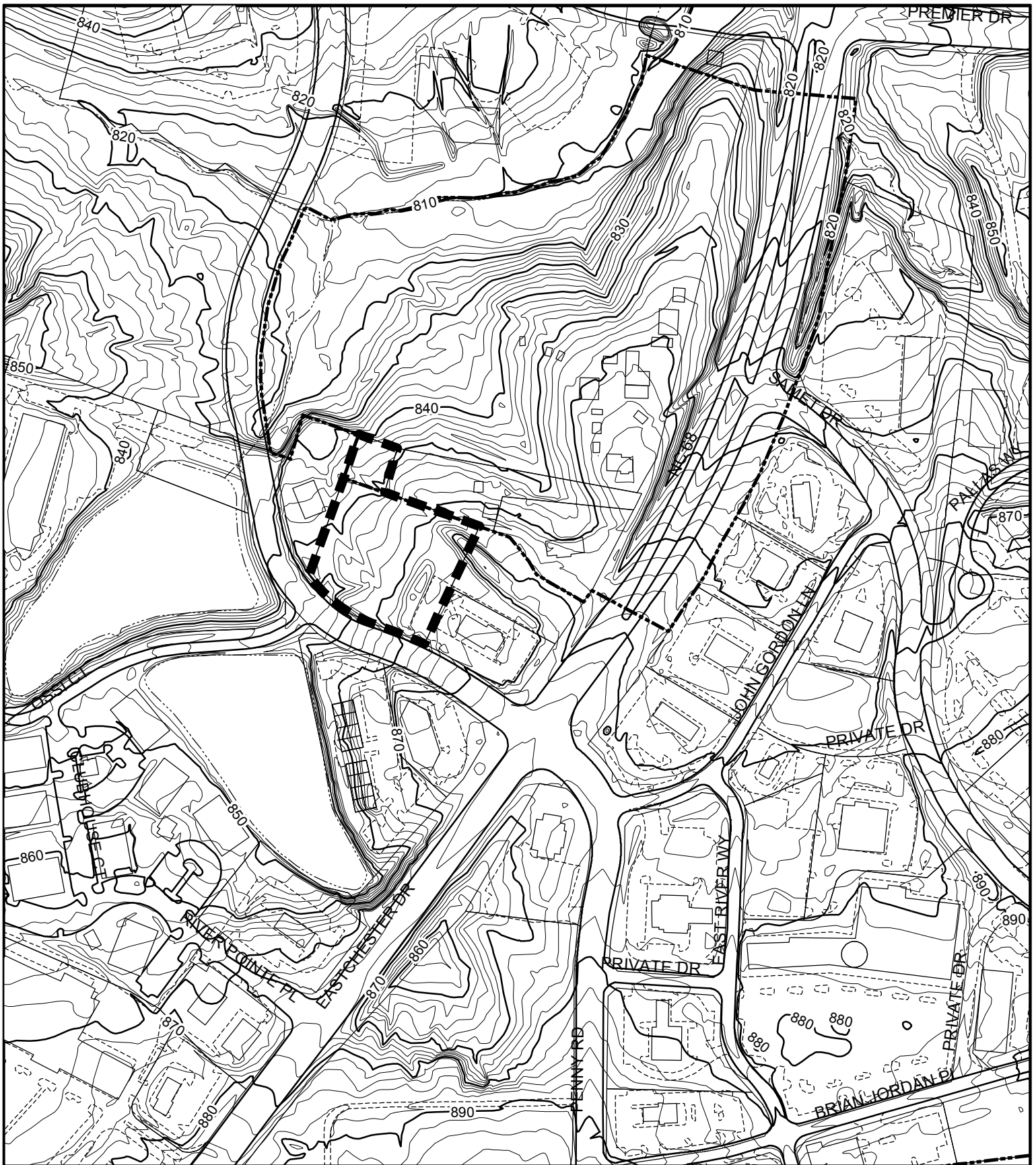
Date: August 25, 2015



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## ZONING CASE 15-15

### Topography

Subject Property Boundary - - - - -

Planning & Development  
Department

City of High Point

Date: August 25, 2015



Scale: 1"=300'

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# ZONING CASE 15-15







August 6, 2015

**To:** Lee Burnette, Director of Planning and Development

**From:** Mark McDonald, P.E., Transportation Director 

**Subject:** **Zoning Case #15-15**, Winstead Properties. Property located north of the intersection of Penny Road and OSSI Court.

My staff and I have reviewed the rezoning request and have the following comments:

One (1) point of shared access with Panera Bread shall be allowed to Penny Road.

The City of High Point Transportation Director and North Carolina Department of Transportation shall approve all construction and improvements.

If you have any questions or would like to further discuss this case, please advise.

AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 9-3-12, ZONING MAP AMENDMENTS, OF THE DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of The City of High Point adopted “The City of High Point Development Ordinance” on January 7, 1992 with an effective date of March 1, 1992, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on August 25, 2015 and before the City Council of the City of High Point on September 21, 2015 regarding **Zoning Case 15-15** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings was published in the High Point Enterprise on August 16, 2015, for the Planning and Zoning Commission public hearing and on September 9, 2015 and September 16, 2015, for the City Council public hearing pursuant to Chapter 160A-364 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 September 21, 2015.

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: **Conditional Zoning Highway Business (CZ-HB) District**. The property is approximately 2.59 acres and lying north of the intersection of Penny Road and OSSI Court (2410 Penny Road). The property is also known as Guilford County Tax Parcels 0170014 and 0207390.

#### 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: Any of the land uses allowed in the Highway Business (HB) District shall be permitted, with the exceptions listed below, subject to the development and dimensional requirements of the Development Ordinance and subject to the specific conditions of this ordinance.

A. Prohibited Uses: The following uses, enumerated in Table 4-5-1, Permitted Use Schedule of the Development Ordinance, shall be prohibited:

1. Accessory uses and structures
  - a. Bulky Item Outdoor Display
  - b. Communication Towers (exceeding height limits of zoning district)

2. Business, Professional & Personal Services Uses
  - a. Automobile Rental or Leasing
  - b. Automobile repair services, major
  - c. Automobile repair services, minor
  - d. Automobile towing and storage services
  - e. Boat repairs
  - f. Car Washes
  - g. Recreational Vehicle Parks or Campsites
  - h. Truck Driving Schools
  - i. Truck & Util. Trailer Rent. & Leasing, Light
3. Retail trade uses
  - a. Boat Sales
  - b. Building Supply Sales (no storage yard)
  - c. Building Supply Sales (with storage yard)
  - d. Bulky Item Outdoor Display
  - e. Convenience Stores (with gasoline pumps)
  - f. Manufactured Home Sales
  - g. Motor Vehicle Sales (new and used)
  - h. Motorcycle Sales
  - i. Recreational Vehicle Sales
  - j. Service Stations, Gasoline
  - k. Tire Sales
  - l. Truck Stops
4. Transportation, Warehousing and Utilities Uses
  - a. Warehouses (general storage/enclosed) and Distribution Centers
  - b. Warehouses (self-storage)
5. All Manufacturing and Industrial Uses shall be prohibited
6. Other Uses
  - a. Bulky Item Outdoor Sales
  - b. Storage trailers as a principal uses

Part II. CONDITIONS:

- A. Lot Combination: All tax parcels comprising the rezoning site shall be combined into one lot prior to development and/or re-subdivision.

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 now 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.  
xx<sup>th</sup> day of September, 2015.

Lisa B. Vierling, City Clerk

# **Citizens Information Meeting Report Zoning Case 15-15**

Submitted by:  
Tom Mincher, Jr. on behalf  
of Winstead Properties, LLC

City of High Point Rezoning Case 15-15  
Winstead Properties, LLC  
Rezone & Annexation (CU-GO-H to CU-HB)  
2.13 acre on Penny Road behind Panera Bread

**Report**  
**Citizen Information Meeting**  
**Held August 3, 2015 @ 7:00 pm**

The meeting was held at the Charis Companies, 2783 NC Highway 68 South, Suite 114, High Point, NC, which is within approximately a mile of the site. There was a property owner in attendance, as follows:

Claire Wilson, DDS (She owns the property and practices in the dentist office which directly adjoins the Subject Property)

The handwritten sign-in sheet is attached as Exhibit A.

Also in attendance was Tom Mincher, Jr., representing Winstead Properties, LLC.

A notification letter dated and mailed July 23, 2015 was sent to 24 parties as supplied by the High Point Planning Department. The list of parties/addresses to which it was mailed is attached as Exhibit B. The notification letter is attached as Exhibit C, and included the required statement provided by the High Point Planning and Development Department attached as Exhibit D. There were no prior notices of planned attendance as requested in the notifications letter.

Being that there was only one attendee, the meeting was very informal. After introductions, it became evident that Dr. Wilson had attended for the purpose of becoming familiar with our plans for development and to gain comfort with how we would address issues such as landscaping, dumpster screening and stormwater runoff. I laid a 24" x 36" Sketch Plan by BWA dated 8/03/15, as attached as Exhibit E, on the conference table for us to review and we discussed these various issues and noted that this is a preliminary plan and subject to some changes. Additionally, we reviewed the aerial of the area, attached as Exhibit F. Furthermore, we discussed our interest in building a restaurant on the site and of the nature and type of restaurant. I described the restaurant and explained our long history of operating restaurants in the Carolina's and Virginia and for the fact that we have a history of holding our properties and reinvesting in those properties.

Using the topo shown on the Sketch Plan, I was able to describe how we would need to flatten the site for development and that the combination of the adjusted grade and landscaping would create good screening for Dr. Wilson's office. Additionally, I expressed to Dr. Wilson that we would be willing to place some larger shrubs, such as Neely Stevens Hollies, along sections of the adjoining property line as necessary to help screen her office. Later in discussions, Dr. Wilson indicated that it may be beneficial to have a certain amount of visibility to the Dentist Office from our site. We also discussed the practicality of working together to control stormwater. Dr. Wilson offered to share her development plans to assist us in our efforts.

During the conversations, Dr. Wilson posed a question about the possibility of our patrons using the Dentist Office parking lot. I explained how we actually had a dentist office located directly behind our Asheboro restaurant and how we had maintained a really good relationship by keeping the dentist office parking and landscaped areas picked up as needed. Also, we discussed the fact that the development should have enough parking on its lot to support the use and how the topographical differences between the sites would create a natural deterrent to cross-parking.



During the meeting, it became apparent that it would be mutually beneficial for us and Dr. Wilson to develop a good working relationship as neighbors. Our meeting was very successful in that it allowed Dr. Wilson and myself to become acquainted with each other, to address our concerns, and to establish a cooperative relationship.

I have supplied Dr. Wilson both my contact information and that of our civil engineering firm's contact information so that she may reach us as any addition questions may rise and for future communications.

Submitted by

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Tom Mincher, Jr.      08/04/2015

## **Penny Road Development Team**

### **Developer**

Tom Mincher, Jr.  
Winstead Properties  
PO 4111  
Greensboro, NC 27404  
(336) 272-9355 (office)  
(336) 908-5149 (mobile)  
[tmincher@brginc.com](mailto:tmincher@brginc.com)

### **Civil Engineer/Survey**

Gene Mustin  
Borum Wade & Associates  
621 Eugene Court, Suite 100  
Greensboro, NC 27401  
(336) 275-0471 x 105 (office)  
(336) 209-0293 (mobile)  
[genemustin@borum-wade.com](mailto:genemustin@borum-wade.com)

# Exhibit A

## Sign In Sheet

Name  
Claire Wilson, DDS

Contact  
336-8829985 - office  
" 688 4067 - cell  
Lynette Whitt  
dentist@clairewilsondds.com

Exhibit B

AMELIA CLAIRE WILSON LLC  
3907 BANOAK ST  
HIGH POINT NC 27265

ANDERSON, GREGORY ; ANDERSON, SHARON ;  
ANDERSON, CHRIS ; ANDERSON, SUSAN LESLIE  
PO BOX 109  
CAMDENTON MO 65020

CAMP, JERRY WAYNE ; CAMP, AUDREY G  
3007 COUNTY CLARE RD  
GREENSBORO NC 27407

CSC INVESTMENTS 05 LLC  
PO BOX 2791  
HIGH POINT NC 27261

DEEP RIVER POINTE OFFICE CENTER  
1017 CANTERING RD  
HIGH POINT NC 27262

DEEP RIVER TRIAD APT PORTFOLIO LLC  
300 N GREENE ST STE 1000  
GREENSBORO NC 27401

FHS HIGH POINT LP & HAROLD J FREEMON  
111 PINE ST 18TH FLOOR  
SAN FRANCISCO CA 94111

GRAYSON, EVERETTE M ; GRAYSON, PATRICIA W  
; BERNTHAL, THEODORE G ; BERNTHAL,  
GRETCHEN K  
214 SHADOW VALLEY RD  
HIGH POINT NC 27262

HAILEY, JOYCE T  
75 WHITE TAIL DR  
SEDONA AZ 86351

HAWKS, TIMMY WAYNE  
2801 LAKEHILL COURT  
HIGH POINT NC 27265

JENKINS, VANDER E  
4601 CRYSTAL LAKE DR  
GREENSBORO NC 27410

JORDAN, COLON H ; JORDAN, CAROL B  
2721 NC 68 SOUTH  
HIGH POINT NC 27265

JORDAN, OPAL E ; H H JORDAN TRUST ; ODOM,  
DANIEL R TR  
2725 NC 68 SOUTH  
HIGH POINT NC 27265

MENIUS, JAMES L DDS  
926 SAM CT  
COLFAX NC 27235

NCRP LLC  
2415 PENNY RD UNIT 202  
HIGH POINT NC 27265

PARRETT, JEFFREY O  
P O BOX 35564  
GREENSBORO NC 27425

PREMIER CENTER ASSOCIATES LLC  
PO BOX 1066  
LEXINGTON NC 27292

SALES CONSULTANTS OF HIGH POINT INC  
2411 PENNY RD STE 101  
HIGH POINT NC 27265

SOUTHERN COMMUNITY BANK&TRUST E LEROY  
BRIGGS SR ETAL ATTN GEORGE BURNS  
4605 COUNTRY CLUB RD STE 200  
WINSTON SALEM NC 27104

STANFIELD, CHARLES N ; WOOD, MELANIE A  
2802 WOODLEY CT  
JAMESTOWN NC 27282

TOLTEC PROPERTIES LLC  
1001 WINESAP DR  
KERNERSVILLE NC 27284

VIKING PROPERTIES LLC  
2411 PENNY RD STE 202  
HIGH POINT NC 27265

WILSON, A CLAIRE  
2420 PENNY RD  
HIGH POINT NC 27265

YANG NC REALTY LLC  
1 KREN DRIVE  
RINGOES NJ 85510

Exhibit C

**Winstead Properties  
PO Box 4111  
Greensboro, NC 27404**

July 27, 2015

Amelia Wilson

3907 Banoak Street

High Point, NC 27265

Dear Neighbor,

The purpose of this letter is to notify you of a citizen information meeting being held concerning the request for rezoning the 2.3 acre parcel on Penny Road behind Panera Bread. So that we can have a location that is convenient to the property, the meeting will be held at the offices of Charis Companies at 2783 NC Hwy 68 South, Suite 114, High Point on Monday, August 3, 2015 at 7:00 pm.

Winstead Properties has contracted to purchase this parcel and has applied to rezone it from CU-GO-H to CU-HB, and to annex a .24 acre portion of the property to the City of High Point. We intend to develop the property for retail/restaurant use. A preliminary site plan has been prepared, for study and illustrative purposes, and will be presented at this meeting. The plan calls for one building of approximately 10,000 square feet to be located on the site. The access to the property will be from Penny Road at the current drive that will be shared with Panera Bread. The CU-HB zoning is consistent with much of the zoning in the area.

At the citizens information meeting you will be able to learn more about our plans and approach to development. Our Company has developed many quality retail/restaurant developments over the past 35 years. We hope that we can demonstrate to your satisfaction that we will create a well-planned and attractive development on the property.

Enclosed is a required statement provided by the High Point Planning & Development Department outlining the purpose of the citizen's information meeting as part of the process to rezone the property.

If you have any questions, please feel free to contact me either ahead or after the meeting at my office (336) 271-2130, cell (336) 908-5149 or tmincher@brginc.com. It would be further appreciated if you would contact me to let me know if you plan to attend the meeting so that we can make sure that the meeting arrangements are appropriate. Thank you for your consideration to this matter.

Sincerely,

Thomas D. Mincher, Jr.





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**City of High Point  
Conditional Zoning District  
Citizen Information Meetings**

Anyone planning to file a zoning application for a conditional zoning district from the City of High Point is required to hold a citizen information meeting prior to filing the application. This requirement applies only to an application for a conditional zoning district or an application to amend a previously approved conditional zoning district. Conditional zoning is a type of zoning where property owners can impose specific conditions or restrictions on the development and use of their property, and where the conditions are enforceable by the City regardless of the property's future ownership.

The City of High Point finds that quality development is better achieved through an informed and cooperative process than an adversarial one. The purpose of the citizen information meeting is to allow the person planning to file an application, otherwise known as the applicant, the opportunity to inform citizens about the development proposal and to provide citizens the opportunity to ask questions and find out more about the proposal prior to any official public hearings.

The applicant's development proposal is officially presented to the Planning & Zoning Commission and City Council at their respective public hearings. At the public hearings, the Commission and Council hear comments and concerns from citizens regarding the proposal prior to making decisions. The public hearings are not the preferred setting for citizens to learn about a development proposal for the first time. It is difficult to gain understanding of a proposal and offer well thought out comments during the relatively short time of a public hearing. The citizen information meeting is important in that it can provide basic information and allow communication with the applicant before the public hearings, so that citizens may informatively develop their comments and any concerns, and later present them at the public hearings for consideration.

Applicants may vary the form and number of citizen information meetings they conduct; however, they are required to contact or otherwise notify owners of property located within 300 feet of the proposed zoning site. Whatever form the meeting takes, those citizens participating are provided with this written statement from the City of High Point, which describes the purpose of the citizen information meeting, the application process and where additional information may be obtained from the City. In addition, the applicant must provide a written description of the development proposal and any other available information that would help citizens to better understand it. After the zoning application is filed with the City's

Administration  
336.883.3328

Planning Services  
336.883.3328

Development Services  
336.883.3328

Inspection Services  
336.883.3151

Planning & Development Department, the applicant submits to the City a written report of the citizen information meeting(s). At a minimum, this report records the property owners notified; date, time and location of the meeting(s); the written description of the development proposal; and any comments, ideas or suggestions from citizens that were incorporated into the development proposal.

Before the public hearings are held, the City's Planning & Development Department mails notices to all owners of property located within 300 feet of the zoning site. This notice provides information on the conditional zoning district request; the time, date and place of the Planning & Zoning Commission public hearing; and contact information. A second notice is mailed prior to the City Council's public hearing with similar information. Also, signs are placed on the zoning site giving notice of the request and the City's public hearings.

After hearing public comments and considering the development proposal, the Planning & Zoning Commission makes a recommendation to the City Council who, after holding their public hearing, decides what action should be taken on the proposal. Changes to the applicant's proposal can occur during this process in order to insure consistency with City policy and development regulations, and to minimize expected impacts that can be generated by the development or use of the zoning site.

No condition can be included in a conditional zoning district that specifies ownership status, race, religion or characteristics of the development's occupants, the minimum size of a dwelling, the minimum value of buildings or improvements, or ones that otherwise excludes specific races, religions or classes of people.

Citizens are strongly encouraged to contact the City's Planning & Development Department and visit the department's website for additional information on the City's zoning process, and for information about specific development proposals.

Contact:

Planning & Development Department  
336-883-3328  
[www.highpointnc.gov/plan/](http://www.highpointnc.gov/plan/)







**ZONING CASE 15-15**





# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Land Use Plan Amendment Case 15-02 and Zoning Case 15-14  
(Carolina Custard, LLC)

**From:** Lee Burnette, Planning & Development  
Director

**Meeting Date:** September 21, 2015

**Public Hearing:** Yes

**Advertising Date:** September 10 & 16, 2015

**Advertised By:** Planning & Development

**Attachments:** A. Planning and Zoning Commission Recommendation  
B. Staff Report  
C. Zoning Ordinance

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### PURPOSE:

#### Land Use Plan Amendment Case 15-02

A request by Carolina Custard LLC and the Planning & Development Department to change the Land Use Map classification for approximately 13 acres from Office and Restricted Industrial to Community/Regional Commercial. The site is lying along the west side of Eastchester Drive, and to the north and south of Penny Road.

AND

#### Zoning Case 15-14

A request by Carolina Custard LLC to rezone a 0.92-acre parcel from the Conditional Use General Office-High Intensity (CU GO-H) District to the Conditional Zoning Highway Business (CZ-HB) District. The site is lying along the west side of Eastchester Drive, approximately 200 feet north of Penny Road (*2719 Eastchester Drive*).

### BACKGROUND:

Staff report and the Planning & Zoning Commission's recommendation is enclosed.

### BUDGET IMPACT:

There is no budget impact.

### RECOMMENDATION / ACTION REQUESTED:

- A. On August 25, 2015, a public hearing was held before the Planning and Zoning Commission regarding Land Use Plan Amendment Case 15-02 and Zoning Case 15-14. Staff recommended **approval** of both requests as outlined in the attached staff report.
- B. The Planning & Zoning Commission recommended approval of Land Use Plan Amendment Case 15-02 by a vote of 8-0.
- C. The Planning & Zoning Commission recommended approval of Zoning Case 15-14 by a vote of 8-0.

## **PLANNING AND ZONING COMMISSION RECOMMENDATION**

### **Carolina Custard LLC**

### **Land Use Plan Amendment Case 15-02 and Zoning Case 15-14**

At its August 25, 2015 public hearing, the Planning and Zoning Commission reviewed these requests. All members of the Commission were present. Ms. Heidi Galanti, Planning Administrator, presented the Land Use Plan Amendment request and Mr. Robert Robbins, Development Administrator, presented the zoning request. Staff recommended approval of these requests as outlined in the staff report.

Speaking in favor of Land Use Plan Amendment 15-02 & Zoning Case 15-14 was the applicant, John Bartlett, owner of Panera Bread and Carolina Custard LLC, 2400 Penny Road, High Point. Mr. Bartlett provided an overview of his development proposal, passed out copies of a site plan to the commissioners and gave them a description of the plan, which includes a small building with walk-up and drive-thru service. Based on this plan, Mr. Bartlett requested to amend his Conditional Zoning Ordinance to include a less restrictive landscaping condition (Type C Planting Yard) along the northern property line of the site.

No one spoke in opposition of Land Use Plan Amendment 15-02 & Zoning Case 15-14.

The Planning & Zoning Commission recommended approval of Land Use Plan Amendment Case 15-02, as recommended by staff, by a vote of 8-0.

The Planning & Zoning Commission recommended approval of Zoning Case 15-14, with the inclusion of the amended landscaping condition offered by the applicant, by a vote of 8-0. Upon making its decision for a favorable recommendation, the Commission concurred with the staff report and found it reasonable and in the public interest because: 1) Subject to approval of the associated Land Use Plan Amendment 15-02, the requested CZ-HB District will be consistent with the Land Use Plan; 2) The Land Use Plan supports nonresidential uses on the parcels lying north of the zoning site, the allowance of a Type C planting yard along the northern property line of the site will mitigate the impact of commercial activities on the adjacent single-family dwelling and the requested CZ-HB District will produce an orderly development pattern as required by the Land Use Plan and 3) The Conditional Zoning Ordinance offered by the applicant prohibits many of the automotive-related and higher intensive commercial uses that previous City Councils have historically prohibited along this segment of the Eastchester Scenic Corridor, thus ensuring development will be in character with the surrounding uses in the area.

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

**STAFF REPORT  
LAND USE PLAN AMENDMENT CASE 15-02 AND ZONING CASE 15-14  
September 11, 2015  
(Revised)**

| <b>Requests</b>                                                                                                                                        |                                                                                              |                                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| <b>Applicant:</b><br>Carolina Custard LLC                                                                                                              | <b>Owner:</b><br>Gregory Anderson, Sharon Anderson, Chris Anderson and Susan Leslie Anderson |                                                                       |
| <b>LUPA Proposal:</b><br>To change the future land use designation for approximately 13 acres to a Community/ Regional Commercial land use designation | <b>From:</b>                                                                                 | Office and Restricted Industrial                                      |
|                                                                                                                                                        | <b>To:</b>                                                                                   | Community / Regional Commercial                                       |
| <b>Zoning Proposal:</b><br>To rezone approximately 0.9 acres                                                                                           | <b>From:</b>                                                                                 | <b>CU GO-H</b> Conditional Use General Office-High Intensity District |
|                                                                                                                                                        | <b>To:</b>                                                                                   | <b>CZ-HB</b> Conditional Zoning Highway Business District             |

| <b>Site Information</b>                |                                                                                                                                                                                                                                                                                                     |                                              |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| <b>Location:</b>                       | Lying along the west side of Eastchester Drive, approximately 200 feet north of Penny Road (2719 Eastchester Drive)                                                                                                                                                                                 |                                              |
| <b>Tax Parcel Numbers:</b>             | <b>Plan Amendment</b>                                                                                                                                                                                                                                                                               | <b>Zoning Request</b>                        |
|                                        | 0170013 & 14, 0207383 thru 85, 0207389 & 90, 0208147 thru 0208160 and 0208162 & 63                                                                                                                                                                                                                  | 0207384                                      |
| <b>Site Acreage:</b>                   | <b>Plan Amendment</b>                                                                                                                                                                                                                                                                               | <b>Zoning Request</b>                        |
|                                        | Approximately 13 acres                                                                                                                                                                                                                                                                              | Approximately 0.9 acres                      |
| <b>Current Land Use:</b>               | <b>Plan Amendment</b>                                                                                                                                                                                                                                                                               | <b>Zoning Request</b>                        |
|                                        | Restaurants, offices, undeveloped and overflow parking                                                                                                                                                                                                                                              | Undeveloped and gravel overflow parking area |
| <b>Physical Characteristics:</b>       | The site has a relatively flat terrain.                                                                                                                                                                                                                                                             |                                              |
| <b>Water and Sewer Proximity:</b>      | A 16-inch City water line lies adjacent to the site along Eastchester Drive. Additionally, both a 12-inch City water line and an 8-inch City sewer line runs along Penny Road.                                                                                                                      |                                              |
| <b>General Drainage and Watershed:</b> | The site drains in a westerly direction and development is subject to the City Lake General Watershed Area requirements. Engineered storm water treatment measures are required for non-residential and multi-family development with a total impervious surface area greater than 24% of the site. |                                              |
| <b>Overlay District(s):</b>            | Eastchester Scenic Corridor Overlay District<br>City Lake General Watershed Area and Airport Overlay Area – Zone 4                                                                                                                                                                                  |                                              |

| <b>Adjacent Property Zoning and Current Land Use</b> |                |                                                        |                                                    |
|------------------------------------------------------|----------------|--------------------------------------------------------|----------------------------------------------------|
| <b>North:</b>                                        | <b>AG</b>      | Agricultural District ( <i>Guilford County</i> )       | Single family dwelling                             |
| <b>South:</b>                                        | <b>CU-HB</b>   | Conditional Use Highway Business District              | Restaurant                                         |
| <b>East:</b>                                         | <b>CU-SC</b>   | Conditional Use Shopping Center District               | Restaurants<br>( <i>across Eastchester Drive</i> ) |
| <b>West:</b>                                         | <b>CU GO-H</b> | Conditional Use General Office-High Intensity District | Undeveloped                                        |

| <b>Adjacent Land Use Plan Designations</b> |                                                              |
|--------------------------------------------|--------------------------------------------------------------|
| <b>North:</b>                              | Restricted Industrial                                        |
| <b>South:</b>                              | Medium Density Residential and Community/Regional Commercial |
| <b>East:</b>                               | Community/Regional Commercial                                |
| <b>West:</b>                               | Restricted Industrial                                        |

| <b>Purpose of Existing and Proposed Land Use Plan Designations</b> |                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Existing Designation:</b>                                       | <u>Office:</u> This classification includes professional, personal and business service uses. AND<br><u>Restricted Industrial:</u> This classification accommodates office, warehouse, research and development, distribution, and light manufacturing or assembly uses on larger sites in unified developments. |
| <b>Proposed Designation:</b>                                       | <u>Community/Regional Commercial:</u> This classification includes a wider range of retail or service uses intended to serve the entire community and nearby regional customers.                                                                                                                                 |

| <b>Relevant Land Use Policies and Related Zoning &amp; LUPA History</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Community Growth Vision Statement</b>                                | This request is neither in conflict with the Community Growth Vision Statement's goals and objectives nor does it promote those goals and objectives.                                                                                                                                                                                                                                                                                                                                                              |
| <b>Land Use Plan Goals, Objectives &amp; Policies:</b>                  | The following goal and objective of the Land Use Plan are relevant to this request:<br><u>Goal #5:</u> Promote an urban growth pattern that occurs in an orderly fashion and conserves the land resources of the City and its planning area.<br><u>Obj. #11.</u> 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. |
| <b>Relevant Area Plan:</b>                                              | <u>Eastchester Drive Corridor Plan- Phase III</u><br>Phase III of this Corridor Plan recommends new commercial development be clustered around major intersections and that no direct access shall be given to NC 68.                                                                                                                                                                                                                                                                                              |
| <b>Zoning History:</b>                                                  | 1. <u>Zoning Case 89-30:</u> In 1989, a 48-acre area lying west of the intersection of Penny Road and Eastchester Drive was annexed. This current zoning site was part of that 48-acre area which was granted an Office/Institutional District and Residential-12 District zoning. This                                                                                                                                                                                                                            |

|                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                      | <p>area was developed with industrial, office &amp; medical, commercial and multifamily uses.</p> <p>2. <u>Zoning Case 98-45</u>: In 1998, the abutting parcel (Panera Bread) was granted a CU-HB District to allow the development of a restaurant.</p> <p>3. <u>Zoning Case 99-25</u>: In 1999, the 48-acre Shoppes at Deep River commercial development, along the east side of Eastchester Drive across from the zoning site, was annexed and developed as a commercial node along the Eastchester Corridor.</p> <p>4. <u>Zoning Case 01-10</u>: In 2001, the 88-acre Premier Center industrial park, lying north of the zoning site, was annexed and granted a Light Industrial zoning.</p> |
| <b>LUPA History:</b> | Land use for this area was originally established in 1992 as part of the adopted Land Use Plan. This area was designated as Office.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

| Transportation Information                      |                                                                                               |                |                          |
|-------------------------------------------------|-----------------------------------------------------------------------------------------------|----------------|--------------------------|
| Adjacent Streets:                               | Name                                                                                          |                | Approx. Frontage         |
|                                                 | Eastchester Drive                                                                             |                | Major Thoroughfare       |
|                                                 |                                                                                               |                | 320 ft.                  |
| <b>Vehicular Access:</b>                        | Shared access off of Penny Road (public street)                                               |                |                          |
| <b>Traffic Counts:</b><br>(Average Daily Trips) | Eastchester Drive                                                                             |                | 48,000 ADT (2011, NCDOT) |
|                                                 | Penny Road                                                                                    |                | 8,600 ADT (2013, NCDOT)  |
| <b>Estimated Trip Generation:</b>               | No information.                                                                               |                |                          |
| <b>Traffic Impact Analysis:</b>                 | <b>Required</b>                                                                               |                | <b>Comment</b>           |
|                                                 | <u>Yes</u>                                                                                    | <u>No</u><br>X | None                     |
| <b>Pedestrian Access:</b>                       | Development of the site is subject to the sidewalk requirements of the Development Ordinance. |                |                          |

| School District Comment             |
|-------------------------------------|
| Not applicable to this zoning case. |

### Details of Proposal

- General Overview:  
The subject site is currently designated by the Land Use Map as Office and zoned CU GO-H. The applicant is requesting a Land Use Plan Amendment and a Zoning Map Amendment application to allow the site to be developed for commercial use.
- Land Use Plan Amendment Request:  
The applicant has requested a Land Use Plan amendment for a 0.9-acre parcel from the Office designation to Community/Regional Commercial. When requests are made for Land Use Plan amendments, staff analyzes the request and the surrounding area to determine the most logical new boundary for the land use designations.  
  
This area was designated as Office in the 1992 Land Use Plan and carried forward in the 1994 Eastchester Corridor Plan. These plans established commercial nodes at key intersections to prevent the negative impact of unplanned commercial development along this

corridor. One of these commercial nodes was at the intersection of Eastchester Drive, Skeet Club Road and Wendover Avenue. In the late 1990s into the early 2000s, this commercial node was expanded with the annexation and development of the Shoppes at Deep River and the Palladium area. During this same time-period, corporate park development, spurred by Piedmont Center, expanded southward towards the intersection of Penny Road and Eastchester Drive culminating with the approval and development of the Premier Center corporate park to the north of the zoning site in the mid-2000s. The result of the development of this area during the past 25 years has been that this area initially established as office has become surrounded by commercial uses to the east and south with a corporate park to the north and west.

Therefore, the Planning & Development Department is recommending that a larger area, consisting of approximately 13 acres, surrounding this request be amended from Office and Restricted Industrial to Community/Regional Commercial.

3. Summary of Zoning Request:

The applicant desires to rezone the site from its current CU GO-H District, which is primarily intended for office uses, to a CZ-HB District to allow for the development of a restaurant use with a drive-thru window. The applicant has submitted a proposed Conditional Zoning Ordinance with this request that restricts a few of the higher intensity HB District uses and prohibits direct vehicular access to Eastchester Drive.

As part of the Conditional Zoning Ordinance, the applicant desires to reduce the landscape planting yard standards along the northern boundary of the site next to an existing single family dwelling. The Development Ordinance allows an applicant to request less restrictive standards only with regard to dimensional, parking, and landscaping standards. The Planning & Zoning Commission and City Council are under no obligation to accept or approve the applicant request for less restrictive landscaping standards.

### Staff Analysis

Section 9-3-13 of the Development Ordinance states that the Planning & Zoning Commission and the City Council shall be guided by the purposes and intent of the Development Ordinance, and shall give consideration to the following in the review and discussion of any Conditional Zoning application. 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 Plans:

**The proposed Conditional Zoning District is appropriate for its proposed location and is consistent with the purposes, goals, objectives and policies of relevant comprehensive land use or area plans**

### Staff Comments:

The Land Use Plan and the Eastchester Drive Corridor Plan (Phase III) have policies, goals, and objectives that address the manner in which development should occur in this area. The Land Use Plan recommends an urban growth pattern that occurs in an orderly fashion and that enhances the appearance of major gateway streets. The Eastchester Corridor Plan recommends that new commercial development be located at major intersections and that no direct access be



given to Eastchester Drive. Due to the changes that have occurred in this area, the proposal to develop a small commercial use without direct access to Eastchester Drive is appropriate at this location.

**Review Factors:**

**The applicant's proposed Conditional Zoning District, including the proposed use(s), written conditions and Conditional Zoning Plan, satisfactorily meets or addresses the following:**

|                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>Factor #1</u></b> | <b>Produces a development that is compatible with surrounding development character and land uses;</b><br><br><i>Staff Comments:</i><br>The site is located in an area that has transitioned from a rural area to a commercial/industrial area. The overall development pattern of this area consists of commercial uses to the east, mixed use development consisting of commercial/multifamily/office to the south and industrial parks to north and west. The allowance of the requested CZ-HB District and expansion of commercial uses would be compatible with the manner this area has developed over the past 25 years. In addition, the site is adjacent to a similar CU-HB District fronting Eastchester Drive.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b><u>Factor #2</u></b> | <b>Minimizes or effectively mitigates any identified adverse impact on adjacent and nearby property, such as that caused by traffic, parking, noise, lighting, trash, loading areas, etc.;</b><br><br><i>Staff Comments:</i> <ul style="list-style-type: none"><li>❖ The applicant desires to reduce the landscape planting yard standards along the northern boundary of the site next to an existing single family dwelling. The land area to the north has not been annexed and is designated by Guilford County as an Agricultural zoning district. It is anticipated in the future this area will be annexed by High Point and the City's adopted Land Use Map does not support residential uses for this area. A 30-foot wide Type B planting yard is required where commercial uses abut residential uses. As this area, when annexed, will be developed for nonresidential uses the applicant is proposing to install a 20-foot wide Type C planting yard along the northern property line. The width of this planting yard can be reduced to 10 feet with the installation of an opaque fence. The standards of the C yard, with fencing, will mitigate impact on adjacent residential uses.</li><li>❖ To mitigate the impact of the requested commercial zoning district, the applicant has submitted a Conditional Zoning Ordinance that prohibits a few of the higher intensity HB District uses. This list of prohibited uses is similar to what previous City Councils have historically adopted for commercial uses along this segment of the Eastchester Scenic Corridor in previous zoning cases.</li></ul> |
| <b><u>Factor #3</u></b> | <b>Minimizes or effectively mitigates any identified adverse environmental impact on water and air resources, minimizes land disturbance, preserves trees and protects habitat;</b><br><br><i>Staff Comments:</i><br>The property has been cleared, graded and used for overflow parking. As the property is within a watershed area, development is required to be in compliance with the environmental standards of the Development Ordinance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

|                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Factor #4</b> | <b>Minimizes or effectively mitigates any identified adverse impact on municipal facilities and services, such as streets, potable water and wastewater facilities, parks, police and fire; and;</b>                                                                                                                                                                                                                                             |
|                  | <u>Staff Comments:</u><br>The property is within an area served by City of High Point utilities and municipal services. This request will have no adverse impact on municipal services.                                                                                                                                                                                                                                                          |
| <b>Factor #5</b> | <b>Minimizes or effectively mitigates any identified adverse effect on the use, enjoyment or value of adjacent properties.</b>                                                                                                                                                                                                                                                                                                                   |
|                  | <u>Staff Comments:</u><br>This portion of the City's Planning Area has seen a steady growth of non-residential uses consisting of office, commercial and industrial uses since the late 1980s. Subject to sufficient screening being provided to the abutting residential property to the north, the rezoning of the site from CU GO-H District to a CZ-HB District is not expected to negatively impact the values of adjacent property owners. |

**Changes in the Area:**

**There have been changes in the type or nature of development in the area of the proposed Conditional Zoning District that support the application.**

Staff Comments:

When this area was annexed in 1989, it was a rural area consisting of farms and single family dwellings on large lots. Adopted plans designated this area as Office. The result of the development of this area during the past 25 years has been that the initially established office area, covering the intersection of Eastchester Drive and Penny Road, is surrounded by commercial and industrial uses. Thus, the requested CZ-HB District would be in line with the development pattern that has been established in this area over the past two decades.

**Development Patterns:**

**The proposed Conditional Zoning District would result in development that promotes a logical, preferred and orderly development pattern.**

Staff Comments:

The larger overall area, surrounding this intersection, is denoted on the Land Use Plan as being intended for commercial uses to the east and south and industrial uses to the north and west. Additionally, the abutting Panera Bread restaurant was been previously rezoned to allow for limited commercial uses as permitted by the HB District. Thus, the request by the applicant to rezone to a CZ-HB District is consistent with the development pattern that has emerged in this area over the past 25 years.

**Reasonableness/Public Interest:**

**An approval of the proposed Conditional Zoning District is considered reasonable and in the public interest.**

In this case, staff suggests that the approval of the applicant's request is reasonable and in the public interest because: 1) Subject to approval of the associated Land Use Plan Amendment 15-02, the requested CZ-HB District will be consistent with the Land Use Plan; 2) Since the abutting property to the north is designated on the City's Land Use Map as Office and Restricted Industrial, and the proposed Type C yard will require installation of an opaque fence if the width is less than 20 feet, impact on the adjacent property owner will be

mitigated; 3) The requested CZ-HB District will produce an orderly development pattern as required by Goal #5 of the Land Use Plan; and 4) The Conditional Zoning Ordinance offered by the applicant prohibits many of the automotive-related and higher intensive commercial uses that previous City Councils have historically prohibited along this segment of the Eastchester Scenic Corridor, thus ensuring development will be in character with the surrounding uses in the area.

### Recommendation

**1. Land Use Plan Amendment Case 15-02:**

**Staff Recommends Approval:**

Staff recommends approval of the request to change the Office and Restricted Industrial land use designation for approximately 13 acres to the Community/Regional Commercial land use designation. The request meets the goals and objectives of the Land Use Plan and the Eastchester Drive Corridor Plan and will be in harmony with the land use pattern of the surrounding area.

**2. Zoning Case 15-02:**

**Staff Recommends Approval with Revisions:**

Subject to approval of Land Use Plan Amendment Case 15-02, the Planning & Development Department recommends approval of the request to rezone this 0.2-acre parcel to the CZ-HB District. As conditioned, the requested CZ-HB District will be compatible with the surrounding area and in conformance with adopted plans.

### Required Action

**Planning and Zoning Commission:**

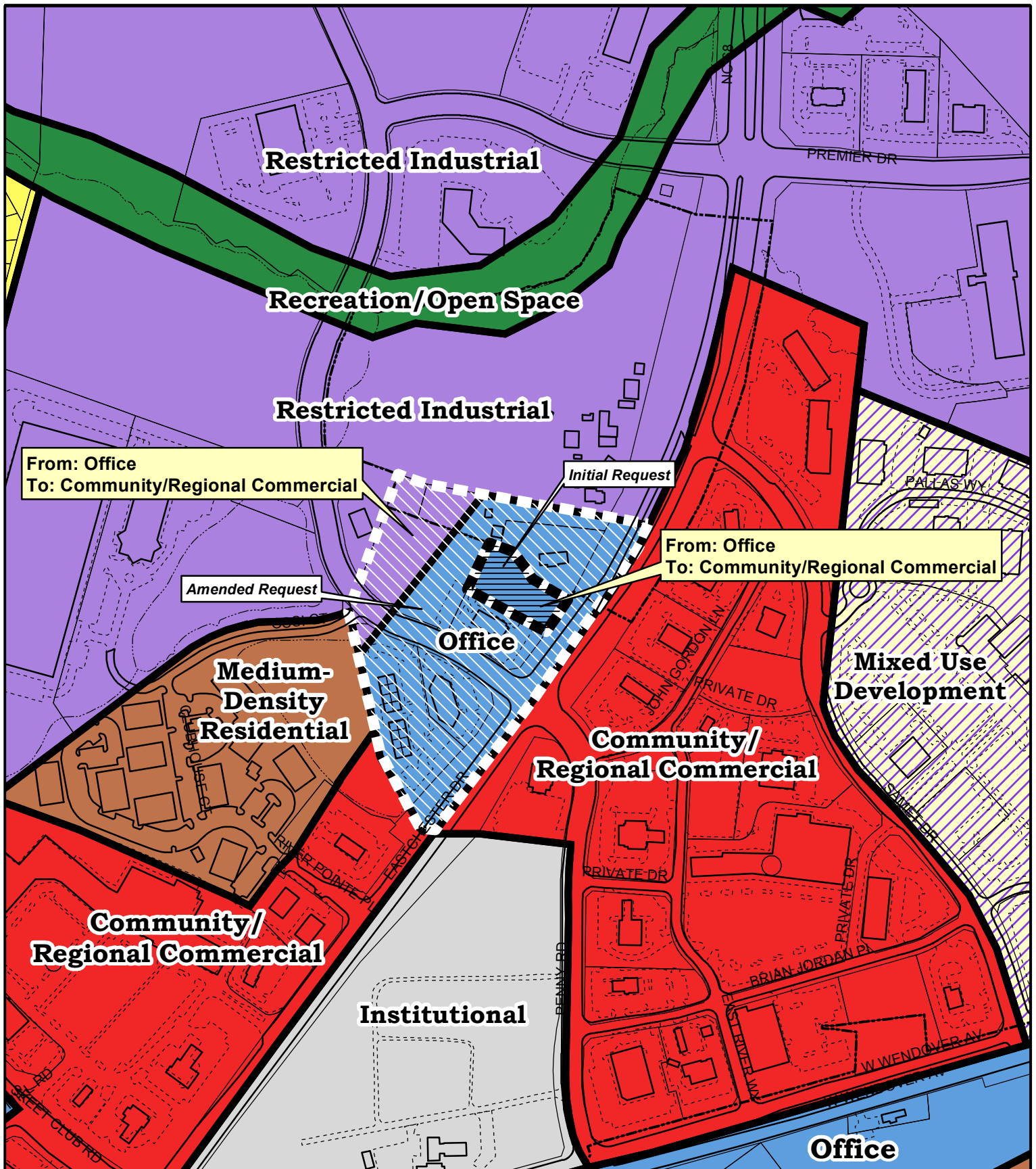
The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City's adopted plans when making its recommendation. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting 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 Heidi H. Galanti, AICP, Planning Services Administrator and reviewed by Robert Robbins AICP, Development Services Administrator and Lee Burnette AICP, Director.



## LAND USE PLAN AMENDMENT 15-02

**Request - From: Office  
To: Community/Regional Commercial**

**Existing Land Use Plan**  
**Subject Property Boundary**



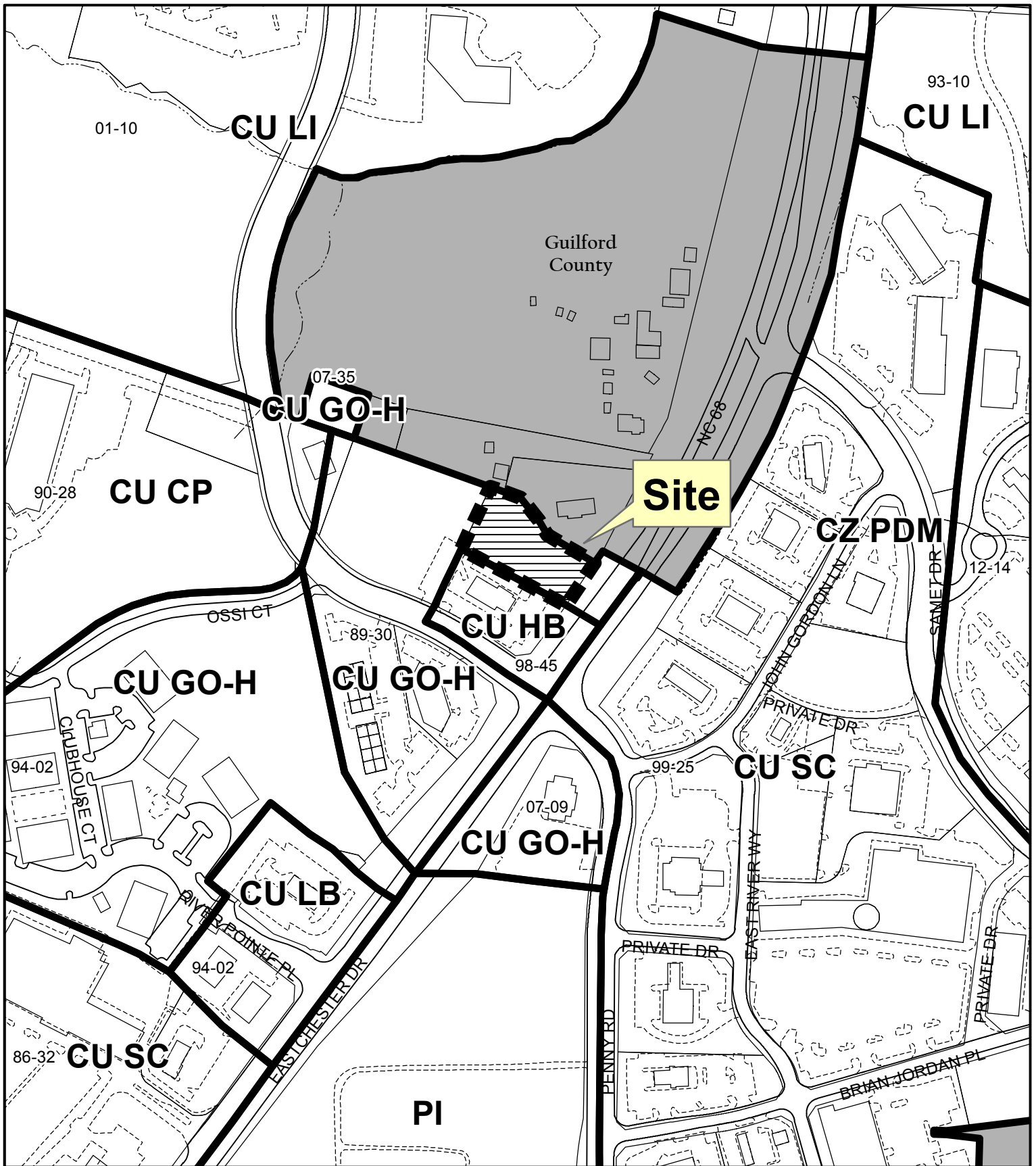
**Planning & Development  
Department**

**City of High Point**

**Date: August 25, 2015**



**Scale: 1"=400'**  
G:\Planning\Secure\ba-pz/  
2015\pz\lupa15-02.mxd



## ZONING CASE 15-14

**From: Conditional Use General Office-High Intensity**  
**To: Conditional Zoning Highway Business**

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

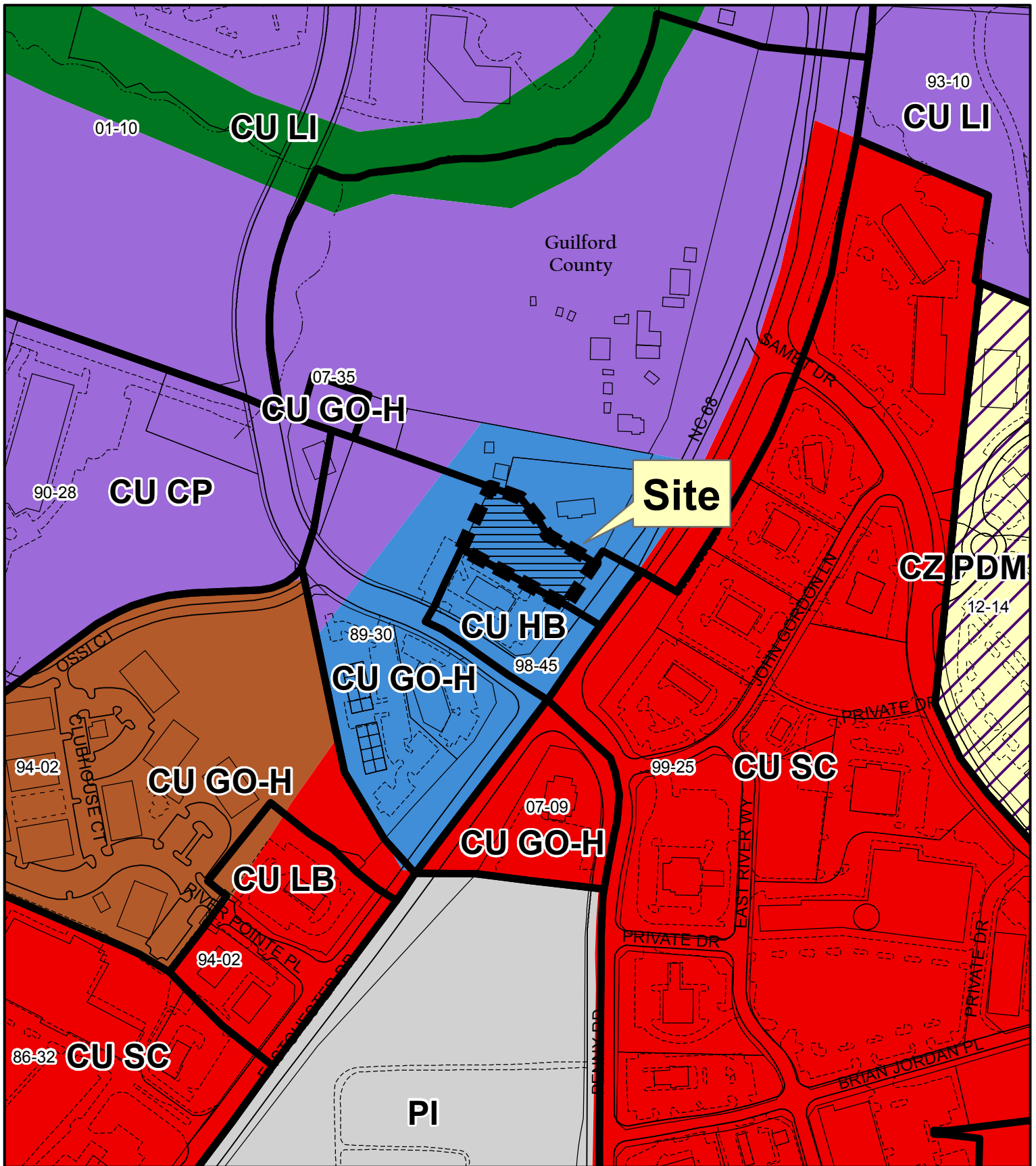
**Planning & Development  
 Department**

**City of High Point**

**Date: August 25, 2015**



**Scale: 1"=300'**  
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 2015/pz/215-14.mxd



## ZONING CASE 15-14

### Land Use Plan

|                                                                                                               |                                                                                                                   |
|---------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
|  Mixed Use Development      |  Office                        |
|  Medium-Density Residential |  Community/Regional Commercial |
|  Institutional              |  Restricted Industrial         |
|  Recreation/Open Space      |                                                                                                                   |

Planning & Development  
Department

City of High Point

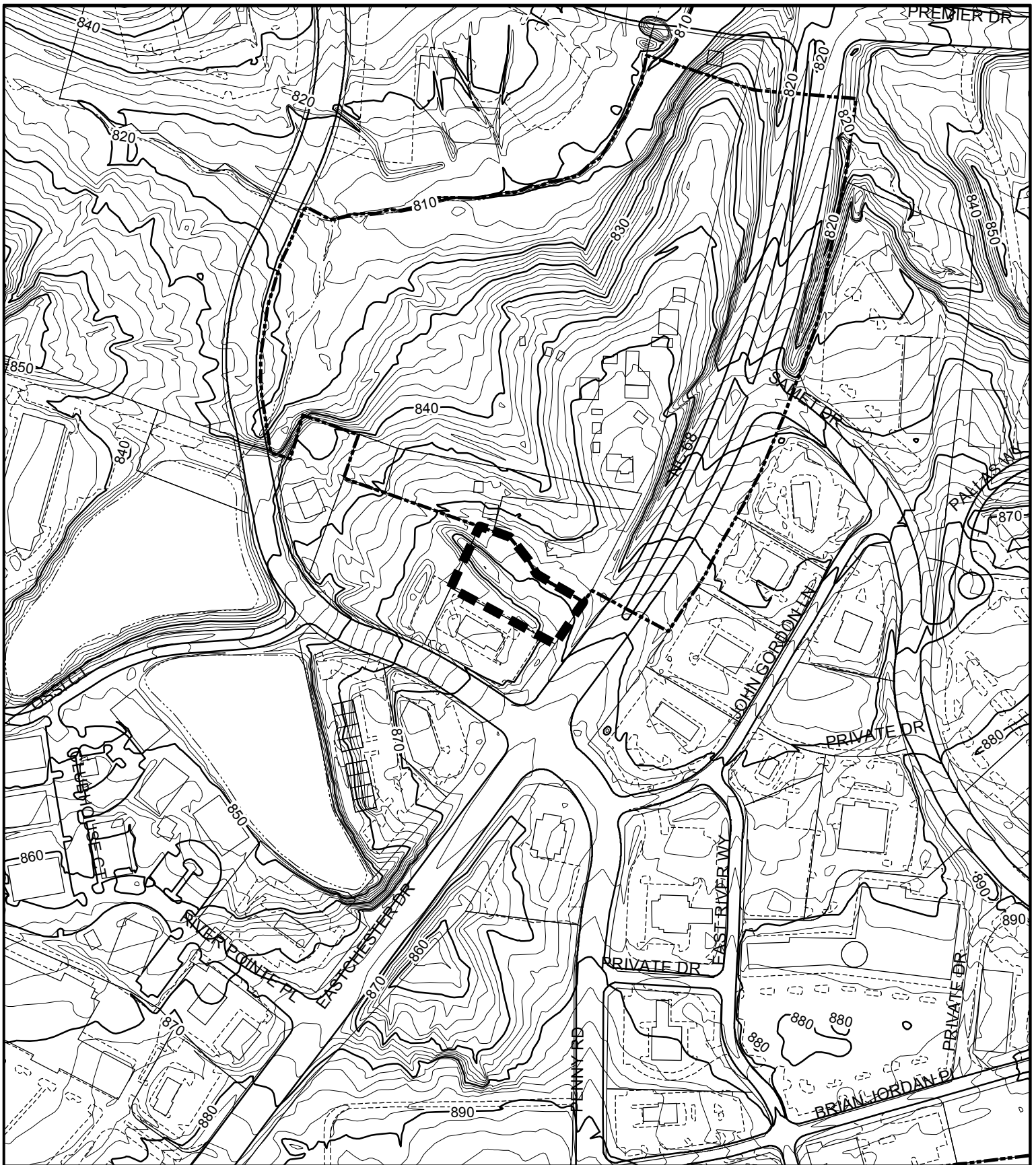
Date: August 25, 2015



Scale: 1"=300'

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2015\pz\z15-14clu.mxd





## ZONING CASE 15-14

### Topography

Subject Property Boundary - - - - -

Planning & Development  
Department

City of High Point

Date: August 25, 2015



Scale: 1"=300'

G:\Planning\Secure\ba-pz/  
2015\pz\z15-14topo.mxd



# ZONING CASE 15-14







August 6, 2015

**To:** Lee Burnette, Director of Planning and Development  
**From:** Mark McDonald, P.E., Transportation Director *MMcDonald*  
**Subject:** **Zoning Case #15-14**, Carolina Custard. Property located on the west side of Eastchester Drive, approximately 200 feet north of Penny Road.

My staff and I have reviewed the rezoning request and have the following comments:

No access shall be allowed to Eastchester Drive. One (1) point of shared access with Panera Bread shall be allowed to Penny Road.

The City of High Point Transportation Director and North Carolina Department of Transportation shall approve all construction and improvements.

If you have any questions or would like to further discuss this case, please advise.

AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 9-3-12, ZONING MAP AMENDMENTS, OF THE DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of The City of High Point adopted “The City of High Point Development Ordinance” on January 7, 1992 with an effective date of March 1, 1992, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on August 25, 2015 and before the City Council of the City of High Point on September 21, 2015 regarding **Zoning Case 15-14** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings was published in the High Point Enterprise on August 16, 2015, for the Planning and Zoning Commission public hearing and on September 9, 2015 and September 16, 2015, for the City Council public hearing pursuant to Chapter 160A-364 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 September 21, 2015.

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: **Conditional Zoning Highway Business (CZ-HB) District**. The property is approximately 0.9 acres and lying along the west side of Eastchester Drive, approximately 200 feet north of Penny Road (*2719 Eastchester Drive*). The property is also known as Guilford County Tax Parcels 0207384.

#### 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**: Any of the land uses allowed in the Highway Business (HB) District shall be permitted, with the exceptions listed below, subject to the development and dimensional requirements of the Development Ordinance and subject to the specific conditions of this ordinance.

A. **Prohibited Uses**: The following uses, enumerated in Table 4-5-1, Permitted Use Schedule of the Development Ordinance, shall be prohibited:

1. **Accessory uses and structures**
  - a. Bulky Item Outdoor Display
  - b. Communication Towers (exceeding height limits of zoning district)

2. Business, Professional & Personal Services Uses
  - a. Automobile Rental or Leasing
  - b. Automobile repair services, major
  - c. Automobile repair services, minor
  - d. Automobile towing and storage services
  - e. Boat repairs
  - f. Car Washes
  - g. Recreational Vehicle Parks or Campsites
  - h. Truck Driving Schools
  - i. Truck & Util. Trailer Rent. & Leasing, Light
3. Retail trade uses
  - a. Boat Sales
  - b. Building Supply Sales (no storage yard)
  - c. Building Supply Sales (with storage yard)
  - d. Bulky Item Outdoor Display
  - e. Convenience Stores (with gasoline pumps)
  - f. Manufactured Home Sales
  - g. Motor Vehicle Sales (new and used)
  - h. Motorcycle Sales
  - i. Recreational Vehicle Sales
  - j. Service Stations, Gasoline
  - k. Tire Sales
  - l. Truck Stops
4. Transportation, Warehousing and Utilities Uses
  - a. Warehouses (general storage/enclosed) and Distribution Centers
  - b. Warehouses (self-storage)
5. All Manufacturing and Industrial Uses shall be prohibited
6. Other Uses
  - a. Bulky Item Outdoor Sales
  - b. Storage trailers as a principal uses

Part II. CONDITIONS:

- A. Development Design: Drive-through/service windows and menu boards shall not be permitted between the principal building and the street right-of-way along the Eastchester Drive street frontage.
- B. Landscaping: Type C Planting Yard standards may be applied along the site's northern boundary. If an opaque fence is used to reduce the planting yard width, its location within the planting yard shall be shown on the approved landscape plan. Lower planting yards standards, as permitted by the Development Ordinance, may be applied when residential uses are not abutting the northern property line of the site.

C. Transportation Condition: No direct vehicular access shall be allowed to Eastchester Drive

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 now 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.  
21<sup>st</sup> day of September, 2015.

Lisa B. Vierling, City Clerk



# **Citizens Information Meeting Report**

## **Zoning Case 15-14**

Submitted by: John Bartlett

**From:** [John Bartlett](#)  
**To:** [HERBERT SHANNON JR](#)  
**Cc:** [john.bartlett@panerabread.com](mailto:john.bartlett@panerabread.com); [Greg Anderson](#)  
**Subject:** FW: Andys High Point  
**Date:** Monday, August 10, 2015 9:03:44 PM  
**Attachments:** [Untitled attachment 00004.htm](#)  
[2015-08-10 CEDC Site Plan Andy's High Point.pdf](#)  
[Untitled attachment 00007.htm](#)  
[scan0026.pdf](#)

---

Herb:

This is the latest site plan from the Civil Engineer with a 5' landscape buffer. I've also attached the sign in sheet for tonight's Citizens Information meeting.

We only had 3 people show to what we were putting on the site. They didn't have any questions but they seemed excited for the concept.

Let's speak tomorrow on the next steps and what you may need from us.

Thank you,

John Bartlett  
Operating Partner/Owner  
Show Me Bread, Inc. dba Panera Bread  
336-803-2594 Cell  
336-841-1228 Fax

---

**From:** Greg Anderson [<mailto:ganderso@usmo.com>]  
**Sent:** Monday, August 10, 2015 7:00 PM  
**To:** John Bartlett  
**Subject:** Fwd: Andys High Point

Sent from my iPhone

Begin forwarded message:

**From:** Brandon Harp <[bharp@cedc.net](mailto:bharp@cedc.net)>  
**Date:** August 10, 2015 at 1:10:13 PM CDT  
**To:** GREG ANDERSON <[ganderso@usmo.com](mailto:ganderso@usmo.com)>  
**Subject:** Andys High Point

Greg

See attached. Will this work?

Please call should you have any questions

Brandon A. Harp, P.E.  
Principal

Andy's Frozen Custard Meeting held at Panera bread 2400 Penny Road

[illegible]

**LEGEND**

**LINE LEGEND**

--- PROPERTY LINE SURVEYED  
--- PROPERTY LINE NOT SURVEYED  
--- OVERHEAD POWER LINE  
--- ADJACENT PROPERTY LINE  
--- STATE RIGHT-OF-WAY  
--- SAN. SEWER LINE

**ULDCO (811) LEGEND**

---E--- APPROX. UNDERGROUND ELECTRIC LINE PER EX. PAINT  
---C--- APPROX. UNDERGROUND COMMUNICATION LINE PER EX. PAINT  
---G--- APPROX. UNDERGROUND GAS LINE PER EX. PAINT  
---W--- APPROX. UNDERGROUND WATER LINE PER EX. PAINT

**LEGEND FOR NEW PAVEMENT**

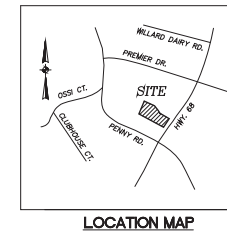
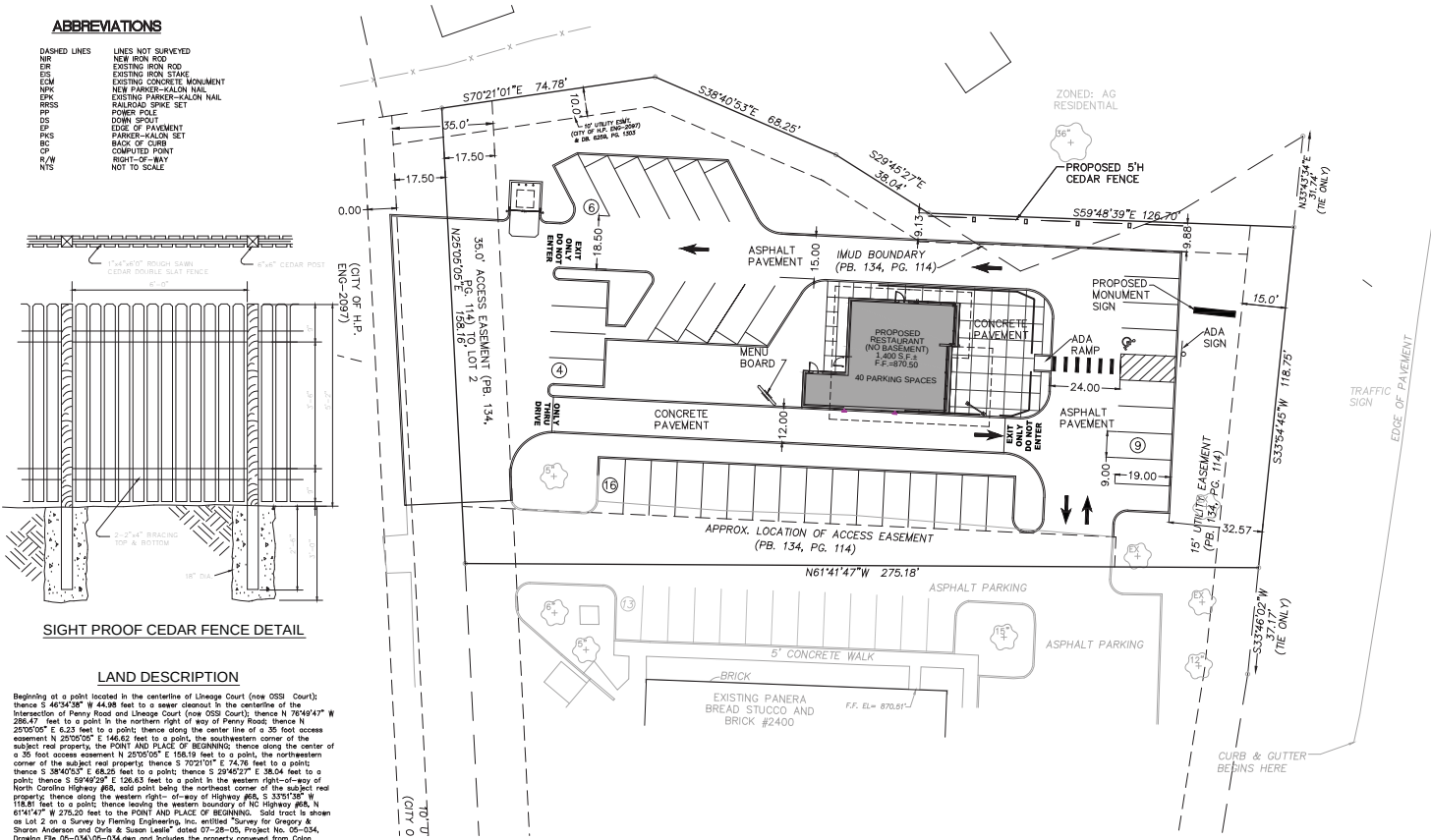
PROPOSED ASPHALT PAVEMENT  
PROPOSED CONCRETE PAVEMENT

**BENCHMARK**

ELEVATIONS SHOWN ARE (NOV. 29) BASED ON NOS MONUMENT "WY 27" RESET 1990 ELEVATION=803.42'

**ABBREVIATIONS**

DASHED LINES LINES NOT SURVEYED  
NIR NEW IRON ROD  
EIR EXISTING IRON ROD  
ESR EXISTING IRON STAKE  
NPK NEW PARKER-KALON NAL  
RRSS RAILROAD SPIKE SET  
PPR POWER POLE  
DS DOWN SPOT  
EOP EDGE OF PAVEMENT  
PKS PARKER-KALON SET  
BC BACK OF CURB  
CP COMPUTED POINT  
R/W RIGHT-OF-WAY  
NTS NOT TO SCALE



**PROPERTY DATA**

CURRENT OWNER: WASTEAD PROPERTIES, LLC  
LESSOR: CAROLINA CUSTARD  
ADDRESS: PENNEY ROAD & EASTCHESTER DRIVE  
LOCATION NUMBER: 020784  
ZONING: (CZ-HB) DISTRICT  
AREA: 0.024 ACRES  
WATER SHED: CITY LAKE GENERAL WATERSHED AREA  
ULDCO (811) PAINT MARKINGS: TICKET NO. 01627005 DATED: 08-07-15

**GENERAL NOTES**

1. ALL UTILITIES SHOWN HAVE BEEN LOCATED BY THE ENGINEER FROM AVAILABLE RECORDS. THEIR LOCATION SHOULD BE CONSIDERED APPROXIMATE. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES FIELD LOCATED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FOR ANY UTILITIES TO BE LOCATED OR EXPOSED. ALL PROPOSED UTILITIES TO BE UNDERGROUND.
2. ALL ELEVATIONS ARE BASED ON BENCHMARK NOTED.
3. BOUNDARY AND TOPOGRAPHIC SURVEY BY (Duke-Kennedy) Land Surveys, PLLC.
4. ALL ON-SITE MATERIALS AND METHODS OF CONSTRUCTION TO MEET THE CURRENT STANDARDS AND SPECIFICATIONS OF THE CITY OF HIGH POINT, GUILFORD COUNTY DEPARTMENT OF HIGHWAYS AND TRAFFIC, PUBLIC WORKS & M&O.
5. ALL GRADED AREAS SHALL BE PROTECTED FROM EROSION BY EROSION CONTROL DEVICES AND/OR SEEDING AND MULCHING AS REQUIRED BY THE CITY OF HIGH POINT.
6. PRIOR TO BEGINNING ANY WORK ON THE SITE, THE SUB-CONTRACTOR SHALL CONTACT THE GENERAL CONTRACTOR FOR SPECIFIC INSTRUCTIONS RELEVANT TO THE SEQUENCING OF WORK.
7. GRADING CONTRACTOR SHALL INSTALL SLOPE CONTROL PRIOR TO STARTING THE GRADING. ADDITIONAL SLOPE CONTROL DEVICES SHALL BE INSTALLED AS DIRECTED BY THE CITY OF HIGH POINT.
8. ALL EXISTING AND PROPOSED SHALL BE MADE OF SELECTED EXISTING MATERIALS, FREE FROM BROKEN MASONRY, ROCK, FROZEN EARTH, RUBBISH, ORGANIC MATERIAL AND DEBRIS.
9. GRADING CONTRACTOR SHALL KEEP EXISTING ROADWAYS CLEAN OF MUD AND DEBRIS AT ALL TIMES.
10. PROPOSED CONTOURS SHOWN ARE FINISHED ELEVATIONS ON PAVED AREAS.
11. ALL GRADING & DRAINAGE TO BE IN CONFORMANCE WITH THE CITY OF HIGH POINT & LOCAL SEWER DISTRICT STANDARDS.
12. DRIVE ENTRANCES ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF HIGH POINT.
13. SIDEWALKS ALONG THE ACCESSIBLE ROUTE SHALL NOT HAVE A SLOPE EXCEEDING 1:20.0. SLOPES GREATER THAN 1:20.0 MUST BE DESIGNED AS A RAMP. ALL SIDEWALKS AND ASSOCIATED ACCESSIBILITY IMPROVEMENTS SHALL BE CONSTRUCTED TO THE CITY OF HIGH POINT STANDARDS.
14. SIDEWALKS, CURB RAMP, RAMP AND ACCESSIBLE PARKING SPACES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENTLY APPROVED "AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG)" ALONG WITH THE REQUIRED "MINIMUM ACCESSIBLE DESIGN" (MAD) AND "MINIMUM CLEARANCE" (MCD) REQUIREMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FOR ANY UTILITIES TO BE LOCATED OR EXPOSED. ALL PROPOSED UTILITIES TO BE UNDERGROUND.
15. A PERMIT IS REQUIRED BY THE CITY DEPARTMENT OF PUBLIC WORKS FOR ALL DOWNSPOUTS, ROOF DRAINS AND PRIVATE STORM SEWERS.
16. BY GRAPHIC BY GRADING PLOTTING ONLY, THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN FROM MAPS FURNISHED BY THE CITY OF HIGH POINT AND THE CITY OF HIGH POINT DEPARTMENT OF PUBLIC WORKS & M&O. VERIFICATION BY DETAILED FLOOD MAP STUDY. SEE COMMUNITY PANEL # 3710781300.
17. NO GRADE SHALL EXCEED 3% (HORIZONTAL) (1 VERTICAL) UNLESS JUSTIFIED BY A GEOTECHNICAL REPORT, WHICH HAS BEEN ACCEPTED/APPROVED BY THE CITY.
18. STORMWATER SHALL BE DISCHARGED AT ADEQUATE NATURAL DISCHARGE POINT. SHOULDER ARE NOT ADEQUATE NATURAL DISCHARGE POINTS.
19. ALL LANDSCAPE AREAS TO BE FILLED WITH A MINIMUM OF 6" OF TOPSOIL.
20. ALL LANDSCAPED AREAS DISTURBED BY OFF-SITE WORK SHALL BE IMMEDIATELY RESEED OR SOILED, AS DIRECTED BY THE CITY OF HIGH POINT DEPARTMENT OF PUBLIC WORKS UPON COMPLETION OF WORK IN AREA AFFECTED.
21. ADEQUATE TEMPORARY OFF-STREET PARKING FOR CONSTRUCTION EMPLOYEES SHALL BE PROVIDED. PARKING ON NON-SURFACED AREAS SHALL BE PROHIBITED IN ORDER TO ELIMINATE THE CONDITION WHEREBY MUD FROM CONSTRUCTION AND EMPLOYEE VEHICLES IS TRACKED ONTO THE PAVEMENT CAUSING HAZARDOUS ROADWAY AND DRIVEWAY CONDITIONS.
22. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF HIGH POINT SEWER DISTRICT STANDARD CONSTRUCTION SPECIFICATIONS FOR SEWER AND DRAINAGE FACILITIES.
23. ALL PROPOSED IMPROVEMENTS SHALL BE CONSTRUCTED TO THE CITY OF HIGH POINT STANDARDS.
24. NO STEP ALLOWED AT ACCESSIBLE ENTRANCE DOORS.
25. ALL SIGN LOCATIONS AND SIZES TO BE APPROVED SEPARATELY THROUGH THE PLANNING DIVISION.
26. THE PROPOSED SITE LIGHTING FOR THE CAROLINA CUSTARD SHALL MEET THE CITY OF HIGH POINT REQUIREMENTS.
27. LANDINGS OUTSIDE ALL DOORS SHALL BE SIZED PER THE NORTH CAROLINA BUILDING CODE (NBC) BE AT THE SAME ELEVATION AS THE DOOR, AND SHALL HAVE A MAX. 2% SLOPE IN ANY DIRECTION INCLUDING THE DIAGONAL.
28. THE SLOPES IN THE H.C. PARKING SPACE/ACCESSIBLE AREA SHALL NOT EXCEED 2% IN ANY DIRECTION INCLUDING THE DIAGONAL.
29. THERE SHALL BE NO TURNING AREAS (MAX. 2% SLOPE) IN ANY DIRECTION INCLUDING THE DIAGONAL) ON ALL SIDEWALKS WHERE AN INTERSECTING SIDEWALK CONNECTS WITH.
30. THERE SHALL BE NO DESIGNATED PEDESTRIAN ROUTES/SIDEWALKS WITHIN THE SITE, EXCEPT WHERE LABELED AS A "WALK" WITH RAILS, WHICH EXCEED A 5% SLOPE IN THE DIRECTION OF WALK, AND A 2% CROSS-SLOPE.
31. ALL PEDESTRIAN ROUTES > 6" (1:20), IF ANY, ARE LABELED AS "RAMPS" SHOWING SLOPE, LEVEL, LANDINGS AT TOP AND BOTTOM MAX. 2% SLOPE IN ANY DIRECTION INCLUDING THE DIAGONAL, RAILINGS/GUARDRAILS, AND SHALL COMPLY WITH NBC.
32. ALL STAIRS SHALL HAVE SLOPE SLOPED LANDINGS (MAX. 2% SLOPE) IN ANY DIRECTION INCLUDING THE DIAGONAL) AT THE TOP OF AND BOTTOM AND SHALL COMPLY WITH THE NBC.
33. ALL RETAINING WALLS > 4" REQUIRE A BUILDING PERMIT FROM BUILDING INSPECTIONS.
34. STAIRS/STEPS WITH LESS THAN A 12" ELEVATION CHANGE SHALL COMPLY WITH NBC 100.5.
35. NO OVERHEAD POWER LINES EXIST WITHIN THE PROPERTY LIMITS OR LESS THAN TEN FEET OUTSIDE THE LIMITS.
36. ANY STRUCTURE TO BE REMOVED SHALL REQUIRE A DEMOLITION PERMIT FROM BUILDING INSPECTIONS.
37. EXTERIOR EXIT DISCHARGE ILLUMINATION/LIGHTING SHALL BE REQUIRED FROM ALL EXIT DOORS TO THE PUBLIC WAY IN COMPLIANCE WITH NBC 100.6.

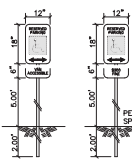
PREPARED FOR:  
CAROLINA CUSTARD  
C/O Greg Anderson  
60 Fourth Street  
Camdenton, MO 65020

PREPARED BY:

**CEDC**  
CIVIL ENGINEERING  
DESIGN CONSULTANTS

11402 Grawins Road  
Suite 100  
Saint Louis, Missouri 63126  
314.729.1400  
Fax: 314.729.1404  
www.cedc.net

ADA PARKING SIGN



PART GRAPHIC ON PAVING  
ADA STALLS  
PAINTED BLUE

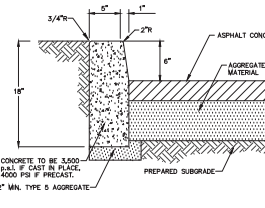
ADA SIGN

MONOLITHIC CURB & WALK DETAIL

(NOT FOR USE IN ST. LOUIS COUNTY RIGHT-OF-WAY)

CONCRETE VERTICAL CURB

(NOT FOR USE IN ST. LOUIS COUNTY RIGHT-OF-WAY)



11402 Grawins Road  
Suite 100  
Saint Louis, Missouri 63126  
314.729.1400  
Fax: 314.729.1404  
www.cedc.net

**CEDC**  
CIVIL ENGINEERING  
DESIGN CONSULTANTS

Site Development Plan  
**ANDY'S FROZEN CUSTARD**  
2400 PENNY ROAD  
HIGH POINT, N.C., 27265

Proj. # 1524  
No. Description Date  
TO CITY 08-24-15

**SITE  
DEVELOPMENT  
PLAN**

DRAWING NO.

**C01**

## PLANT SCHEDULE

| TREES              | QTY | COMMON NAME / BOTANICAL NAME                                     | SIZE      |
|--------------------|-----|------------------------------------------------------------------|-----------|
| AGG                | 3   | Autumn Gold Ginkgo / Ginkgo biloba 'Autumn Gold' TM              | 2" Cal.   |
| HACK               | 3   | Common Hackberry / Celtis occidentalis                           | 2" Cal.   |
| QL                 | 1   | Greenspire Littleleaf Linden / Tilia cordata 'Greenspire'        | 2" Cal.   |
| SAW                | 1   | Sawtooth Oak / Quercus acutissima                                | 2" Cal.   |
| RSM                | 1   | Red Sunset Maple / Acer rubrum 'Franksred'                       | 2" Cal.   |
| EVERGREEN TREES    | QTY | COMMON NAME / BOTANICAL NAME                                     | SIZE      |
| CBS                | 4   | Colorado Blue Spruce / Picea pungens 'Glauea'                    | 6"-7"     |
| EMARS              | 7   | Emerald Arborvitae / Thuja occidentalis 'Emerald'                | 6"-7"     |
| NS                 | 3   | Norway Spruce / Picea abies                                      | 6"-7"     |
| FLOWERING TREES    | QTY | COMMON NAME / BOTANICAL NAME                                     | SIZE      |
| JTL                | 4   | Ivory Silk Japanese Tree Lilac / Syringa reticulata 'Ivory Silk' | 1.5" Cal. |
| RS                 | 2   | Redbud / Cercis canadensis                                       | 1.5" Cal. |
| SHRUBS             | QTY | COMMON NAME / BOTANICAL NAME                                     | SIZE      |
| ACM                | 4   | Acoma Grape Myrtle / Lagerstroemia 'Acoma'                       | 5 gal     |
| BLL                | 4   | Blooming Lilac / Syringa x 'Penda'                               | 5 gal     |
| DWY                | 14  | Dwarf Yaupon / Ilex vomitoria 'Nana'                             | 5 gal     |
| GVC                | 5   | Golden Privet / Ligustrum vicaryi                                | 5 gal     |
| GLS                | 5   | Grass-Low Fragrant Sumac / Rhus aromatica 'Grass-Low'            | 5 gal     |
| FUK                | 21  | Lynwood Gold Forsythia / Forsythia intermedia 'Lynwood Gold'     | 5 gal     |
| PSFQ               | 3   | Pink Storm Flowering Quince / Chaenomeles speciosa 'Pink Storm'  | 5 gal     |
| FJ                 | 10  | Procrumbens Juniper / Juniperus procumbens 'Nana'                | 5 gal     |
| WHF                | 33  | Red Sprites Winterberry / Ilex verticillata 'Red Sprites'        | 5 gal     |
| KCA                | 1   | Knap Creek Abutilon / Abutilon x 'grandiflora' 'Knap Creek'      | 5 gal     |
| SBWE               | 1   | Sonic Bloom Weigela / Weigela florida 'Sonic Bloom'              | 5 gal     |
| VVB                | 2   | Vardar Valley Boxwood / Buxus sempervirens 'Vardar Valley'       | 5 gal     |
| ULL                | 20  | 'Hummingbird' Summersweet / Clethra alnifolia 'Hummingbird'      | 5 gal     |
| ANNUALS/PERENNIALS | QTY | COMMON NAME / BOTANICAL NAME                                     | SIZE      |
| ACS                | 17  | Autumn Charm Sedum / Sedum x 'Autumn Charm'                      | 1 gal     |
| BBL                | 8   | Big Blue Liriope / Liriope muscari 'Big Blue'                    | 1 gal     |
| HRD                | 13  | Happy Returns Daylily / Hemerocallis hybrid 'Happy Returns'      | 1 gal     |
| PC-KRH             | 8   | Purple Coneflower / Echinacea purpurea 'Kim's Knee High' TM      | 1 gal     |

## LANDSCAPE GUIDELINE SPECS:

### GENERAL:

- All natural vegetation shall be maintained where it does not interfere with construction or the permanent plan of operation. Every effort possible shall be made to protect existing structures or vegetation from damage due to equipment usage. Contractor shall at all times protect all materials and work against injury to public.
- The landscape contractor shall be responsible for any coordination and sequencing with other site related work being performed by other contractors. Refer to additional drawings for further coordination of work to be done.
- Underground facilities, structures and utilities must be considered appropriate only. They may be others not previously shown. It shall be the landscape contractor's responsibility to determine or verify the existence of and exact location of the above (Call 1-800-485-4848 in Illinois).
- Plant material one to be planted in the same relationship to grade as one grown in nursery conditions. All planting beds shall be cultivated to 6" depth minimum and graded smooth immediately before planting of plants. Plant groundcover to within 12" of trunk of trees or shrubs planted within the area.
- It shall be the landscape contractor's responsibility to:
  - Verify all existing and proposed features shown on the drawings prior to commencement of work.
  - Report all discrepancies found with regard to existing conditions or proposed design to the landscape architect immediately for a decision.
  - Obtain the location of all proposed plant material and obtain the approval of the owner's representative or landscape architect for (10) days prior to installation.
- Items shown on this drawing take precedence over the material list. It shall be the landscape contractor's responsibility to verify all quantities and conditions prior to implementation of this plan. No substitutions of types or size of plant materials will be accepted without written approval from the landscape architect.
- Provide single-stem trees unless otherwise noted in plant schedule.
- All plant material shall comply with the recommendations and requirements of ANSI Z601 "American Standards for Nursery Stock".
- It shall be the contractor's responsibility to provide for inspection of the plant material by the Landscape Architect (or Owner's Representative) prior to acceptance. Inspections may take place before, during or after installation. Plants not accepted by the Landscape Architect shall be replaced at the landscape contractor's expense.
- All bids are to have unit prices listed. The Owner has the option to delete any portion of the contract prior to signing the contract or beginning work. This will be a unit price contract; prices shall be valid for 12 months.
- Should survey equipment be utilized in excavating any plant pits, vertical sides of plant pits shall be thoroughly scarified to avoid creation of "polished side walls" prior to plant material installation.
- All existing rocks, debris and/or failed soils shall be removed by the general contractor prior to point project is turned over to the landscape contractor to commence landscape installation.
- Keep all plant material (except turf) a minimum of 30" clear of the hydrants.
- All tops, nursery stakes, labels, etc. shall be removed by the landscape contractor at completion of all landscape installation.
- Landscape contractor shall be in compliance with all federal, state and local laws / regulations relating to insect infestation and/or plant disease.

### PRUNING:

- Lightly prune trees at time of planting. Prune only the crossover limbs, intercrossed leaders and/or any branch breakers. Some lateral limbs and lateral branches may be removed however, do not remove the terminal buds of branches that extend to the edge of the crown.
- All pruning shall comply with ANSI A300 standards.

### INSURANCE:

- The landscape contractor shall submit certificates of insurance for workman's compensation and general liability.

### MULCH:

- All mulch to be shredded oak bark mulch at 3" depth (after compaction) unless otherwise noted. Mulch shall be clean and free of all foreign materials, including weeds, mold, deleterious materials, etc.
- No plastic sheathing or filter fabric shall be placed beneath shredded bark mulch beds. Weir fabric shall be used beneath all gravel mulch beds.
- Edge all beds with spade-cut edge unless otherwise noted.

### MAINTENANCE:

- Landscape Contractor shall provide a separate proposal to maintain all plants, shrubs, groundcover, perennials and annuals for a period of 12 months after acceptance.
- Contractor shall ensure that only competent and trained personnel shall provide such services and that such services be provided in a timely manner.

### TOPSOIL:

- Topsoil mix for all proposed landscape plantings shall be five (5) parts well-drained screened organic topsoil to one (1) part Canadian sphagnum peat, mixed as per planting details. Rate—100 topsoil mix to a depth of 6" minimum and grade smooth.
- Provide a soil analysis, as requested, made by an independent soil-testing agency outlining the % of organic matter, inorganic matter, deleterious materials, pH and mineral content.
- Any foreign topsoil used shall be free of roots, stumps, weeds, brush, stones (larger than 1"), litter or any other extraneous or toxic material. Landscape contractor shall be fully responsible for correcting all negative soil issues prior to plant installation. Killing and removal of all weeds shall be the responsibility of the landscape contractor as part of this task.
- Landscape contractor to apply pre-emergent herbicide to all planting beds upon completion of planting operations and before application of additional bark mulch.
- Install erosion controls prior to commencement of any grading operations to correct drainage issues. Inspect and maintain all erosion fences daily until vegetation is established.

### MISC. MATERIAL:

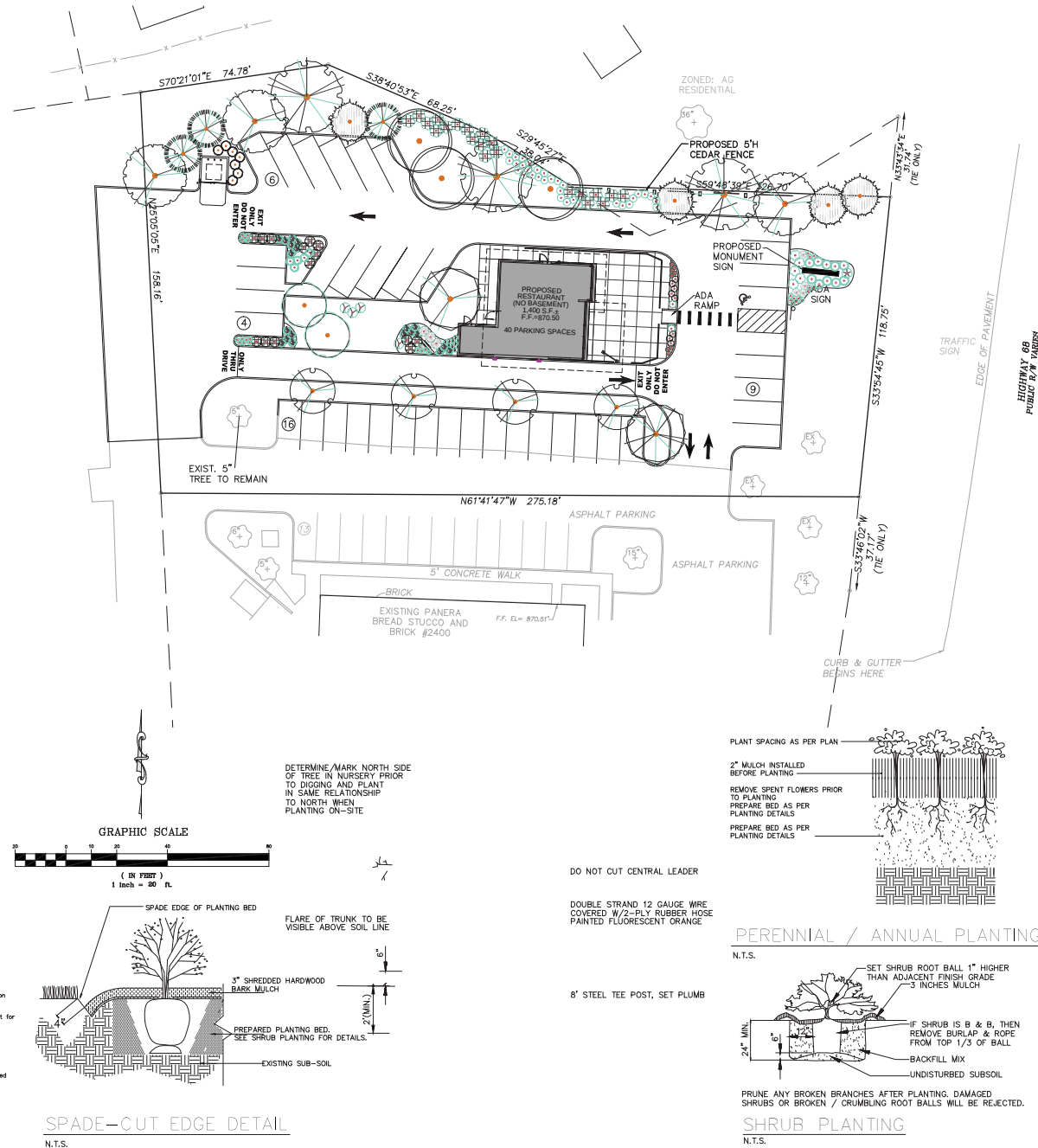
- Provide stakes and deadman of sound, new hardwood, free of knots and defects.
- Tree wrap tape shall be 4" minimum, designed to prevent borer damage and winter freezing. Additionally, only 3-ply tying material shall be used.

### TURF:

- All disturbed lawn areas to be seeded with a mixture of Turf-Type Grass (50% per acre) and bluegrass (15% per acre). Lawn areas shall be unconditionally warranted for a period of 90 days from date of first acceptance. Bare areas more than one square foot per any 50 square feet shall be replaced.
- The landscape contractor shall be responsible for protection of finished grade, restore and repair any erosion or water damage and obtain owner's approval prior to seeding or sod installation.
- Landscape contractor shall offer an alternate price for sod if less seed. Sod shall be cut at a minimum of 3/4".
- No broken pieces, irregular pieces or torn pieces will be accepted.
- All sod shall be placed a maximum of 24 hours after harvesting.
- Recondition existing lawn areas damaged by Contractor's operations including equipment/material storage and.
- Sod Contractor to ensure sod is placed below sidewalk and all paved areas elevations to allow for proper drainage.

### WARRANTY:

- All plant material (excluding ground cover, perennials and annuals) are to be warranted for a period of 12 months after complete installation of all landscape material at 100% of the installed price.
- Any plant material found to be defective shall be removed and replaced within 30 days of notification or in growth season determined to be best for that plant.
- Only one replacement per tree or shrub shall be required at the end of the warranty period, unless loss is due to failure to comply with warranty.
- Lawn establishment period will be in effect once the lawn has been mowed three times. Plant establishment period shall commence on the date of acceptance and 100% completion.
- A written guarantee shall be provided to the owner per conditions outlined in #1 above.



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CIVIL ENGINEERING  
DESIGN CONSULTANTS

Site Development Plan  
**ANDY'S FROZEN CUSTARD**  
2400 PENNY ROAD  
HIGH POINT, N.C., 27265

Proj. # 1524  
No. Description Date  
TO CITY 08-24-15

LANDSCAPE  
PLAN

DRAWING NO.

**L01**



# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Land Use Plan Amendment Case 15-03 and Zoning Case 15-15  
(Winstead Properties, LLC)

**From:** Lee Burnette, Planning & Development  
Director

**Meeting Date:** September 21, 2015

**Public Hearing:** Yes

**Advertising Date:** September 10 & 16, 2015

**Advertised By:** Planning & Development

**Attachments:** A. Planning and Zoning Commission Recommendation  
B. Staff Report  
C. Zoning Ordinance

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### PURPOSE:

#### Land Use Plan Amendment Case 15-03

A request by Winstead Properties, LLC and the Planning & Development Department to change the Land Use Map classification for approximately 13 acres from Office and Restricted Industrial to Community/Regional Commercial. The site is lying along the west side of Eastchester Drive, and to the north and south of Penny Road.

AND

#### Zoning Case 15-15

A request by Winstead Properties, LLC to rezone approximately 2.59 acres from an Agricultural (AG) District, within Guilford County's zoning jurisdiction, and Conditional Use General Office-High Intensity (CU GO-H) District to the Conditional Zoning Highway Business (CZ-HB) District. The site is lying north of the intersection of Penny Road and OSSI Court (*2410 Penny Road*). Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

### BACKGROUND:

Staff report and the Planning & Zoning Commission's recommendation is enclosed.

### BUDGET IMPACT:

There is no budget impact.

### RECOMMENDATION / ACTION REQUESTED:

- A. On August 25, 2015, a public hearing was held before the Planning and Zoning Commission regarding Land Use Plan Amendment Case 15-03 and Zoning Case 15-15. Staff recommended **approval** of both requests as outlined in the attached staff report.
- B. The Planning & Zoning Commission recommended approval of Land Use Plan Amendment Case 15-03 by a vote of 8-0.
- C. The Planning & Zoning Commission recommended approval of Zoning Case 15-15 by a vote of 8-0.



## **PLANNING AND ZONING COMMISSION RECOMMENDATION**

### **Winstead Properties LLC**

### **Land Use Plan Amendment Case 15-03 and Zoning Case 15-15**

At its August 25, 2015 public hearing, the Planning and Zoning Commission reviewed these requests. All members of the Commission were present. Ms. Heidi Galanti, Planning Administrator, presented the Land Use Plan Amendment request and Mr. Robert Robbins, Development Administrator, presented the zoning request. Staff recommended approval of these requests as outlined in the staff report.

Speaking in favor of Land Use Plan Amendment 15-03 & Zoning Case 15-15 was the applicant, Tom Mincher, of Winstead Properties LLC, 701 Woodland Drive, High Point. Mr. Mincher provided an overview of his development proposal and addressed questions from the Commission. In conclusion, Mr. Mincher said he is working with Dr. Claire Wilson, the owner of the dental office abutting the site, to design a mutually acceptable landscaping buffer to install between the two properties.

Speaking neither in favor nor against these two requests was Dr. Claire Wilson, 2430 Penny Road, High Point. Dr. Wilson stated that her concern is making sure that there is adequate landscaping to serve as a buffer between the properties.

Mr. Brent Cole, assistant city attorney, suggested that Mr. Mincher and Dr. Wilson form a written agreement, with the aid of private attorneys, to ensure whatever agreement they develop would remain in place if either of them sold their properties in the future.

The Planning & Zoning Commission recommended approval of Land Use Plan Amendment Case 15-03, as recommended by staff, by a vote of 8-0.

The Planning & Zoning Commission recommended approval of Zoning Case 15-15, as recommended by staff, by a vote of 8-0. Upon making its recommendation, the Commission stated that its approval of Zoning Case 15-15 would be consistent with the City's adopted plans. Additionally, the Commission concurred with the staff report and found its approval recommendation reasonable and in the public interest because: 1) Subject to approval of the associated Land Use Plan Amendment 15-03, the requested CZ-HB District will be consistent with the Land Use Plan; 2) the Conditional Zoning Ordinance offered by the applicant prohibits many of the automotive-related and higher intensive commercial uses that previous City Councils have historically prohibited along this segment of the Eastchester Scenic Corridor, thus ensuring development will be in character with the surrounding uses in the area, and 3) the request does not introduce new non-residential uses to this area. The adjacent restaurant was granted a CU-HB District and during the past two decades, this previously rural area has developed into a commercial node to the east and south and industrial area to the north and west. The requested CZ-HB District, as conditioned, will produce an orderly development pattern as required by Goal #5 of the Land use Plan.

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

**STAFF REPORT  
LAND USE PLAN AMENDMENT CASE 15-03 AND ZONING CASE 15-15  
August 25, 2015**

| <b>Requests</b>                                                                                                                                       |                                                                                                               |                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| <b>Applicant:</b><br>Winstead Properties, LLC                                                                                                         | <b>Owner:</b><br>Everette M. Grayson and Patricia W. Grayson<br>Theodore G. Bernthal and Gretchen K. Bernthal |                                                                                                                                     |
| <b>LUPA Proposal:</b><br>To change the future land use designation for approximately 13 acres to a Community/Regional Commercial land use designation | <b>From:</b>                                                                                                  | Office and Restricted Industrial                                                                                                    |
|                                                                                                                                                       | <b>To:</b>                                                                                                    | Community / Regional Commercial                                                                                                     |
| <b>Zoning Proposal:</b><br>To rezone approximately 2.59 acres                                                                                         | <b>From:</b>                                                                                                  | <b>AG</b> Agricultural District<br>(Guilford County)                                                                                |
|                                                                                                                                                       | <b>To:</b>                                                                                                    | <b>CU GO-H</b> Conditional Use General Office-High Intensity District<br><b>CZ-HB</b> Conditional Zoning Highway Business District. |

| <b>Site Information</b>                |                                                                                                                                                                                                                                                                                                     |                                              |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| <b>Location:</b>                       | Lying north of the intersection of Penny Road and OSSI Court<br>(2410 Penny Road)                                                                                                                                                                                                                   |                                              |
| <b>Tax Parcel Numbers:</b>             | <b>Plan Amendment</b>                                                                                                                                                                                                                                                                               | <b>Zoning Request</b>                        |
|                                        | 0170013 & 14, 0207383 thru 85,<br>0207389 & 90, 0208147 thru<br>0208160 and 0208162 & 63                                                                                                                                                                                                            | 0170014 and 0207390                          |
| <b>Site Acreage:</b>                   | <b>Plan Amendment</b>                                                                                                                                                                                                                                                                               | <b>Zoning Request</b>                        |
|                                        | Approximately 13 acres                                                                                                                                                                                                                                                                              | Approximately 2.59 acres                     |
| <b>Current Land Use:</b>               | <b>Plan Amendment</b>                                                                                                                                                                                                                                                                               | <b>Zoning Request</b>                        |
|                                        | Restaurants, offices, undeveloped and overflow parking                                                                                                                                                                                                                                              | Undeveloped and gravel overflow parking area |
| <b>Physical Characteristics:</b>       | The site has a relatively flat to moderately sloping terrain.                                                                                                                                                                                                                                       |                                              |
| <b>Water and Sewer Proximity:</b>      | A 12-inch City water line and an 8-inch City sewer are adjacent to the site along Penny Road.                                                                                                                                                                                                       |                                              |
| <b>General Drainage and Watershed:</b> | The site drains in a westerly direction and development is subject to the City Lake General Watershed Area requirements. Engineered storm water treatment measures are required for non-residential and multi-family development with a total impervious surface area greater than 24% of the site. |                                              |
| <b>Overlay District(s):</b>            | Eastchester Scenic Corridor Overlay District<br>City Lake General Watershed Area and Airport Overlay Area – Zone 4                                                                                                                                                                                  |                                              |

| <b>Adjacent Property Zoning and Current Land Use</b> |                                |                                                                                                     |                                             |
|------------------------------------------------------|--------------------------------|-----------------------------------------------------------------------------------------------------|---------------------------------------------|
| <b>North:</b>                                        | <b>AG</b>                      | Agricultural District ( <i>Guilford County</i> )                                                    | Single family dwellings                     |
| <b>South:</b>                                        | <b>CU GO-H</b>                 | Conditional Use General Office-High Intensity District                                              | Office uses<br>( <i>across Penny Road</i> ) |
| <b>East:</b>                                         | <b>CU-HB</b><br><b>CU GO-H</b> | Conditional Use Highway Business District<br>Conditional Use General Office-High Intensity District | Restaurants and undeveloped parcel          |
| <b>West:</b>                                         | <b>CU GO-H</b>                 | Conditional Use General Office-High Intensity District                                              | Dentist office                              |

| <b>Adjacent Land Use Plan Designations</b> |                                                              |
|--------------------------------------------|--------------------------------------------------------------|
| <b>North:</b>                              | Restricted Industrial                                        |
| <b>South:</b>                              | Medium Density Residential and Community/Regional Commercial |
| <b>East:</b>                               | Community/Regional Commercial                                |
| <b>West:</b>                               | Restricted Industrial                                        |

| <b>Purpose of Existing and Proposed Land Use Plan Designations</b> |                                                                                                                                                                                                                                                                                                                    |
|--------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Existing Designation:</b>                                       | <u>Office</u> : This classification includes professional, personal and business service uses; AND<br><u>Restricted Industrial</u> : This classification accommodates office, warehouse, research and development, distribution, and light manufacturing or assembly uses on larger sites in unified developments. |
| <b>Proposed Designation:</b>                                       | <u>Community/Regional Commercial</u> : This classification includes a wider range of retail or service uses intended to serve the entire community and nearby regional customers.                                                                                                                                  |

| <b>Relevant Land Use Policies and Related Zoning &amp; LUPA History</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Community Growth Vision Statement</b>                                | This request is neither in conflict with the Community Growth Vision Statement's goals and objectives nor does it promote those goals and objectives.                                                                                                                                                                                                                                                                                                                                                                |
| <b>Land Use Plan Goals, Objectives &amp; Policies:</b>                  | The following goal and objective of the Land Use Plan are relevant to this request:<br><u>Goal #5</u> : Promote an urban growth pattern that occurs in an orderly fashion and conserves the land resources of the City and its planning area.<br><u>Obj. #11</u> . 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. |
| <b>Relevant Area Plan:</b>                                              | <u>Eastchester Drive Corridor Plan- Phase III</u><br>Phase III of this Corridor Plan recommends that new commercial development be clustered around major intersections and that no direct access shall be given to NC 68                                                                                                                                                                                                                                                                                            |
| <b>Zoning History:</b>                                                  | 1. <u>Zoning Case 89-30</u> : In 1989, a 48-acre area lying west of the intersection of Penny Road and Eastchester Drive was annexed. This                                                                                                                                                                                                                                                                                                                                                                           |

|                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                      | <p>current zoning site was part of that 48-acre area which was granted an Office/Institutional District and Residential-12 District zoning. This area was developed with industrial, office &amp; medical, commercial and multifamily uses.</p> <p>2. <u>Zoning Case 98-45</u>: In 1998, the abutting parcel (Panera Bread) was granted a CU-HB District to allow the development of a restaurant.</p> <p>3. <u>Zoning Case 99-25</u>: In 1999, the 48-acre Shoppes at Deep River commercial development, along east side of Eastchester Drive across from the zoning site, was annexed and developed as a commercial node along the Eastchester Corridor.</p> <p>4. <u>Zoning Case 01-10</u>: In 2001, the 88-acre Premier Center industrial park, lying north of the zoning site, was annex and granted a Light Industrial zoning.</p> |
| <b>LUPA History:</b> | Land use for this area was originally established in 1992 as part of the adopted Land Use Plan. This area was designated as Office.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

| Transportation Information                      |                                                                                        |                |                          |
|-------------------------------------------------|----------------------------------------------------------------------------------------|----------------|--------------------------|
| Adjacent Streets:                               | Name                                                                                   |                | Approx. Frontage         |
|                                                 | Penny Road                                                                             |                | Major Thoroughfare       |
| <b>Vehicular Access:</b>                        | Shared access off of Penny Road (public street)                                        |                |                          |
| <b>Traffic Counts:</b><br>(Average Daily Trips) | Eastchester Drive                                                                      |                | 48,000 ADT (2011, NCDOT) |
|                                                 | Penny Road                                                                             |                | 8,600 ADT (2013, NCDOT)  |
| <b>Estimated Trip Generation:</b>               | No information.                                                                        |                |                          |
| Traffic Impact Analysis:                        | Required                                                                               |                | Comment                  |
|                                                 | <u>Yes</u>                                                                             | <u>No</u><br>X | None                     |
| <b>Pedestrian Access:</b>                       | Not applicable, sidewalks have already been installed along the segment of Penny Road. |                |                          |

| School District Comment             |
|-------------------------------------|
| Not applicable to this zoning case. |

### Details of Proposal

- General Overview:  
The subject site is currently designated by the Land Use Map as Office and zoned CU GO-H. The applicant is requesting a Land Use Plan Amendment and a Zoning Map Amendment application to allow the site to be developed for commercial use.
- Summary of Land Use Plan Amendment Request:  
The applicant has requested a Land Use Plan amendment for approximately 2.59 acres from the Office and Restricted Industrial designation to Community/Regional Commercial. When requests are made for Land Use Plan amendments, staff analyzes the request and the surrounding area to determine the most logical new boundary for the land use designations.

This area was designated as Office in the 1992 Land Use Plan and carried forward in the 1994 Eastchester Corridor Plan. These plans established commercial nodes at key intersections to prevent the negative impact of unplanned commercial development along this corridor. One of these commercial nodes was at the intersection of Eastchester Drive, Skeet Club Road and Wendover Avenue. In the late 1990s into the early 2000s, this commercial node was expanded with the annexation and development of the Shoppes at Deep River and the Palladium area. During this same time-period, corporate park development, spurred by Piedmont Center, expanded southward towards the intersection of Penny Road and Eastchester Drive culminating with the approval and development of the Premier Center corporate park to the north of the zoning site in the mid-2000s. The results of the development of this area over the past 25 years has been that this area initially established as office has become surrounded by commercial uses to the east and south with a corporate park to the north and west.

Therefore, the Planning & Development Department is recommending that a larger area, consisting of approximately 13 acres, surrounding this request be amended from Office and Restricted Industrial to Community/Regional Commercial.

3. Summary of Zoning Request:

The applicant desires to rezone the site from its current CU GO-H District, which is primarily intended for office uses, to a CZ-HB District to allow the development of a 9,000 square foot restaurant use. The applicant has submitted a Conditional Zoning Ordinance with this request that restricts a few of the higher intensity HB District uses.

### Staff Analysis

Section 9-3-13 of the Development Ordinance states that the Planning & Zoning Commission and the City Council shall be guided by the purposes and intent of the Development Ordinance, and shall give consideration to the following in the review and discussion of any Conditional Zoning application. 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 Plans:

**The proposed Conditional Zoning District is appropriate for its proposed location and is consistent with the purposes, goals, objectives and policies of relevant comprehensive land use or area plans**

#### Staff Comments:

The Land Use Plan and the Eastchester Drive Corridor Plan (Phase III) have policies, goals, and objectives that address the manner in which development should occur in this area. The Land Use Plan recommends an urban growth pattern that occurs in an orderly fashion and that enhances the appearance of major gateway streets. The Eastchester Corridor Plan recommends that new commercial development be located at major intersections. Due to the changes that have occurred in this area the proposal to develop a commercial use makes the requested change to Community/Regional Commercial appropriate at this location.

**Review Factors:**

**The applicant's proposed Conditional Zoning District, including the proposed use(s), written conditions and Conditional Zoning Plan, satisfactorily meets or addresses the following:**

|                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>Factor #1</u></b> | <b>Produces a development that is compatible with surrounding development character and land uses;</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|                         | <p><u>Staff Comments:</u><br/>The site is located in an area that has transitioned from a rural area to commercial/industrial area. The overall development pattern of this area consists of commercial uses to the east, mixed use development consisting of commercial/multifamily/office to the south and industrial parks to north and west. The allowance of the requested CZ-HB District and expansion of commercial uses would be compatible with the manner this area has developed over the past 25 years. In addition, the site is adjacent to a similar CU-HB District parcel fronting on Eastchester Drive.</p> |
| <b><u>Factor #2</u></b> | <b>Minimizes or effectively mitigates any identified adverse impact on adjacent and nearby property, such as that caused by traffic, parking, noise, lighting, trash, loading areas, etc.;</b>                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                         | <p><u>Staff Comments:</u><br/>To mitigate impact of the requested commercial zoning district, the applicant has submitted a Conditional Zoning Ordinance that prohibits a few of the higher intensity HB District uses. This list of prohibited uses is similar to what previous City Councils have historically adopted for commercial uses along this segment of the Eastchester Scene Corridor in previous zoning cases.</p>                                                                                                                                                                                             |
| <b><u>Factor #3</u></b> | <b>Minimizes or effectively mitigates any identified adverse environmental impact on water and air resources, minimizes land disturbance, preserves trees and protects habitat;</b>                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                         | <p><u>Staff Comments:</u><br/>In the early 1990s, in conjunction with extension of Penny Road to OSSI Court, the site was graded and cleared for development. As the property is within a watershed area, development is required to comply with the environmental standards of the Development Ordinance.</p>                                                                                                                                                                                                                                                                                                              |
| <b><u>Factor #4</u></b> | <b>Minimizes or effectively mitigates any identified adverse impact on municipal facilities and services, such as streets, potable water and wastewater facilities, parks, police and fire; and;</b>                                                                                                                                                                                                                                                                                                                                                                                                                        |
|                         | <p><u>Staff Comments:</u><br/>The property is within an area served by City of High Point utilities and municipal services. This request will have no adverse impact on municipal services.</p>                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b><u>Factor #5</u></b> | <b>Minimizes or effectively mitigates any identified adverse effect on the use, enjoyment or value of adjacent properties.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                         | <p><u>Staff Comments:</u><br/>This portion of the City's Planning Area has seen a steady growth of non-residential uses consisting of office, commercial and industrial uses since the late 1980s. The rezoning of the site from CU GO-H District to a CZ-HB District to permit commercial uses is not expected to negatively impact the values of adjacent property owners.</p>                                                                                                                                                                                                                                            |



**Changes in the Area:**

**There have been changes in the type or nature of development in the area of the proposed Conditional Zoning District that support the application.**

**Staff Comments:**

When this area was annexed in 1989, it was a rural area consisting of farms and single family dwellings on large lots. Adopted plans designated this area as Office. The results of the development of this area over the past 25 years has been that the initially established office area, covering the intersection of Eastchester Drive and Penny Road, is surrounded by commercial and industrial uses. Thus, the requested CZ-HB District would be in line with the development pattern that has been established in this area over the past two decades.

**Development Patterns:**

**The proposed Conditional Zoning District would result in development that promotes a logical, preferred and orderly development pattern.**

**Staff Comments:**

The larger overall area, surrounding this intersection, is denoted on the Land Use Plan as being intended for commercial uses to the east and south and industrial uses to the north and west. Additionally, the abutting Panera Bread restaurant was been previously rezoned to allow for limited commercial uses as permitted by the HB District. Thus, the request by the applicant to rezone to a CZ-HB District is consistent with the development pattern that has emerged in this area over the past 25 years.

**Reasonableness/Public Interest:**

**An approval of the proposed Conditional Zoning District is considered reasonable and in the public interest.**

In this case, staff suggests that the approval of the applicant's request is reasonable and in the public interest because: 1) Subject to approval of the associated Land Use Plan Amendment 15-03, the requested CZ-HB District will be consistent with the Land Use Plan; 2) The Conditional Zoning Ordinance offered by the applicant prohibits many of the automotive related and higher intensive commercial uses that previous City Councils have historically prohibited along this segment of the Eastchester Scene Corridor, thus ensuring development will be in character with the surrounding uses in the area; and 3) The request does not introduce new non-residential uses to this area. The adjacent restaurant was granted a CU-HB District and over the past two decades, this previously rural area had developed into a commercial node to the east and south and industrial area to the north and west. The request CZ-HB District, as condition, will produce an orderly development pattern and required by Goal #5 of the Land Use Plan.

**Recommendation**

**1. Land Use Plan Amendment Case 15-03:**

**Staff Recommends Approval:**

Staff recommends approval of the request to change the Office and Restricted Industrial land use designation for approximately 13 acres to the Community/Regional Commercial land use designation. The request meets the goals and objectives of the Land Use Plan and the Eastchester Drive Corridor Plan and will be in harmony with the land use pattern of the surrounding area.

## **2. Zoning Case 15-15:**

### **Staff Recommends Approval**

Subject to approval of Land Use Plan Amendment Case 15-02, the Planning & Development Department recommends approval of the request to rezone this 2.59 acre area to the CZ-HB District. As conditioned, the requested CZ-HB District will be compatible with the surrounding area and in conformance with adopted plans.

### **Required Action**

#### **Planning and Zoning Commission:**

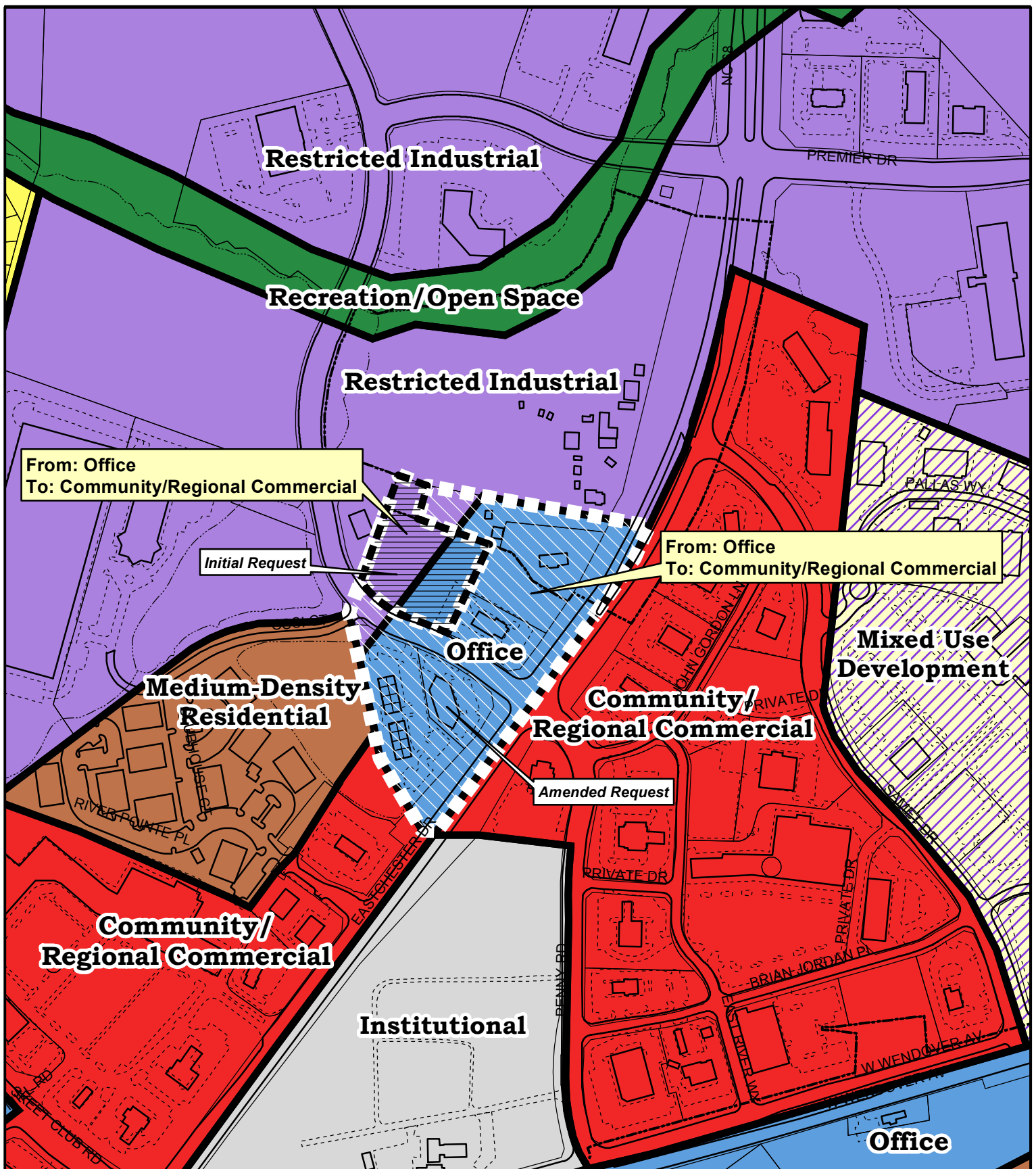
The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City's adopted plans when making its recommendation. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting 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 Heidi H. Galanti, AICP, Planning Services Administrator and reviewed by Robert Robbins AICP, Development Services Administrator and Lee Burnette AICP, Director.



## LAND USE PLAN AMENDMENT 15-03

**Request - From: Office & Restricted Industrial  
To: Community/Regional Commercial**

**Existing Land Use Plan**

**Subject Property Boundary**



**Planning & Development  
Department**

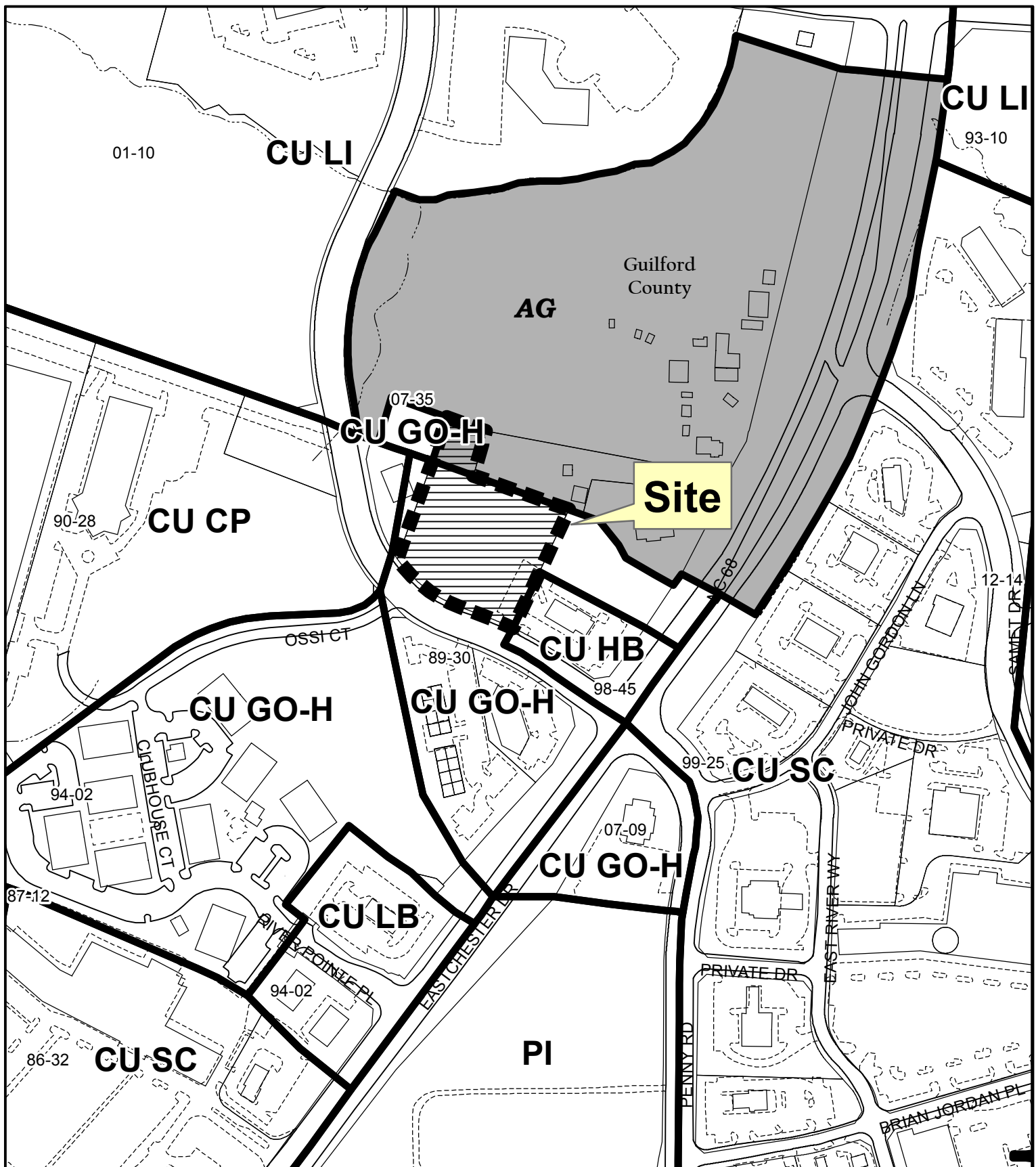
**City of High Point**

**Date: August 25, 2015**



**Scale: 1"=400'**

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2015\pz\lupa15-03.mxd



## ZONING CASE 15-15

**From:** Conditional Use General Office-High Intensity  
and Agricultural (Guilford County)

**To:** Conditional Zoning Highway Business

**Existing Zoning Boundary**

**Subject Property Boundary**



**Planning & Development  
Department**

**City of High Point**

**Date: August 25, 2015**

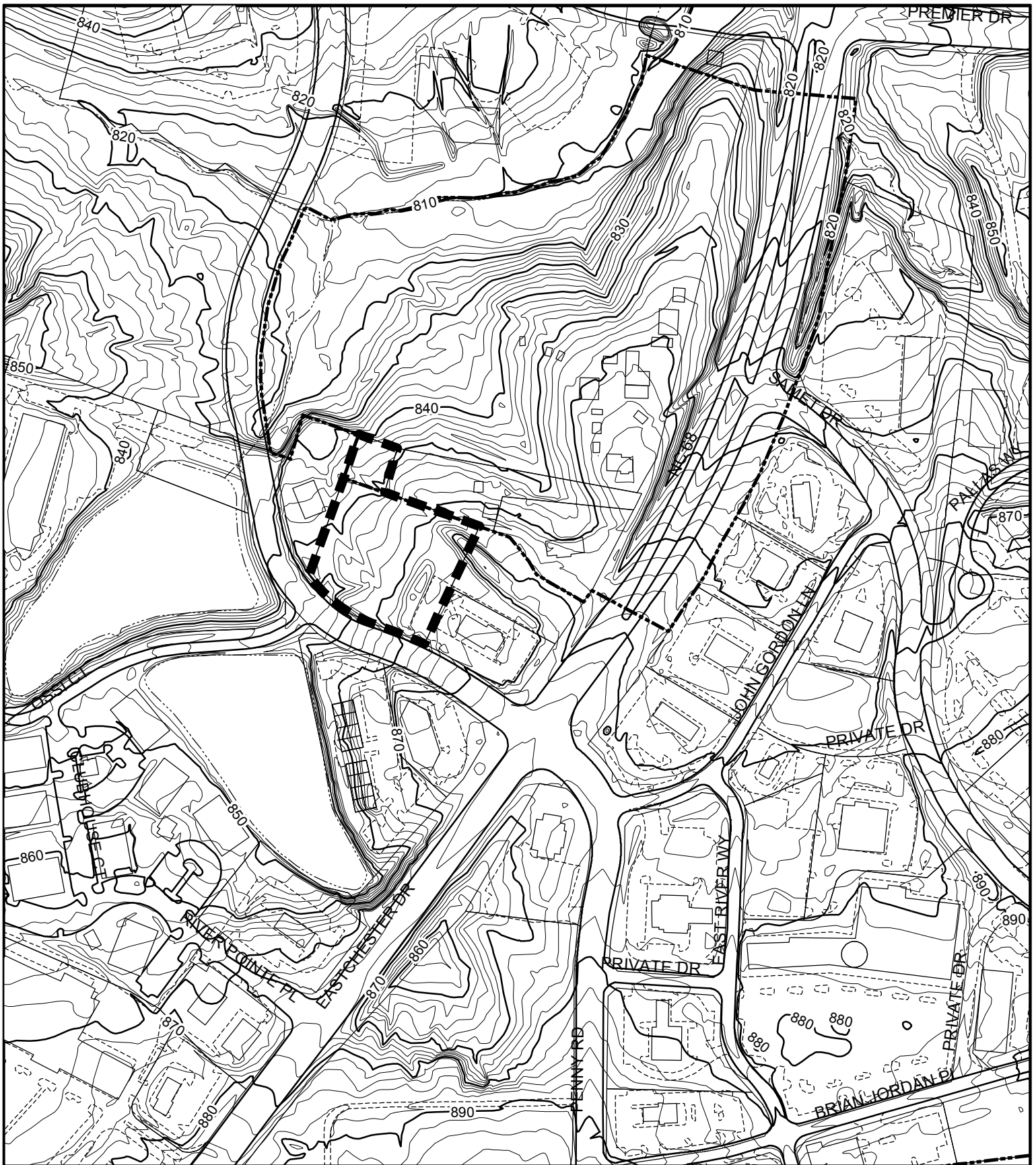


**Scale: 1"=300'**

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2015/pz/215-15.mxd







# ZONING CASE 15-15

## Topography

Subject Property Boundary - - - - -

Planning & Development  
Department

City of High Point

Date: August 25, 2015



Scale: 1"=300'

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2015\pz\z15-15topo.mxd



# ZONING CASE 15-15







August 6, 2015

**To:** Lee Burnette, Director of Planning and Development

**From:** Mark McDonald, P.E., Transportation Director 

**Subject:** **Zoning Case #15-15**, Winstead Properties. Property located north of the intersection of Penny Road and OSSI Court.

My staff and I have reviewed the rezoning request and have the following comments:

One (1) point of shared access with Panera Bread shall be allowed to Penny Road.

The City of High Point Transportation Director and North Carolina Department of Transportation shall approve all construction and improvements.

If you have any questions or would like to further discuss this case, please advise.

AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 9-3-12, ZONING MAP AMENDMENTS, OF THE DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of The City of High Point adopted “The City of High Point Development Ordinance” on January 7, 1992 with an effective date of March 1, 1992, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on August 25, 2015 and before the City Council of the City of High Point on September 21, 2015 regarding **Zoning Case 15-15** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings was published in the High Point Enterprise on August 16, 2015, for the Planning and Zoning Commission public hearing and on September 9, 2015 and September 16, 2015, for the City Council public hearing pursuant to Chapter 160A-364 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 September 21, 2015.

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: **Conditional Zoning Highway Business (CZ-HB) District**. The property is approximately 2.59 acres and lying north of the intersection of Penny Road and OSSI Court (2410 Penny Road). The property is also known as Guilford County Tax Parcels 0170014 and 0207390.

#### 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: Any of the land uses allowed in the Highway Business (HB) District shall be permitted, with the exceptions listed below, subject to the development and dimensional requirements of the Development Ordinance and subject to the specific conditions of this ordinance.

A. Prohibited Uses: The following uses, enumerated in Table 4-5-1, Permitted Use Schedule of the Development Ordinance, shall be prohibited:

1. Accessory uses and structures
  - a. Bulky Item Outdoor Display
  - b. Communication Towers (exceeding height limits of zoning district)

2. Business, Professional & Personal Services Uses
  - a. Automobile Rental or Leasing
  - b. Automobile repair services, major
  - c. Automobile repair services, minor
  - d. Automobile towing and storage services
  - e. Boat repairs
  - f. Car Washes
  - g. Recreational Vehicle Parks or Campsites
  - h. Truck Driving Schools
  - i. Truck & Util. Trailer Rent. & Leasing, Light
3. Retail trade uses
  - a. Boat Sales
  - b. Building Supply Sales (no storage yard)
  - c. Building Supply Sales (with storage yard)
  - d. Bulky Item Outdoor Display
  - e. Convenience Stores (with gasoline pumps)
  - f. Manufactured Home Sales
  - g. Motor Vehicle Sales (new and used)
  - h. Motorcycle Sales
  - i. Recreational Vehicle Sales
  - j. Service Stations, Gasoline
  - k. Tire Sales
  - l. Truck Stops
4. Transportation, Warehousing and Utilities Uses
  - a. Warehouses (general storage/enclosed) and Distribution Centers
  - b. Warehouses (self-storage)
5. All Manufacturing and Industrial Uses shall be prohibited
6. Other Uses
  - a. Bulky Item Outdoor Sales
  - b. Storage trailers as a principal uses

Part II. CONDITIONS:

- A. Lot Combination: All tax parcels comprising the rezoning site shall be combined into one lot prior to development and/or re-subdivision.

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 now 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.  
xx<sup>th</sup> day of September, 2015.

Lisa B. Vierling, City Clerk

# **Citizens Information Meeting Report**

## **Zoning Case 15-15**

Submitted by:  
Tom Mincher, Jr. on behalf  
of Winstead Properties, LLC



City of High Point Rezoning Case 15-15  
Winstead Properties, LLC  
Rezone & Annexation (CU-GO-H to CU-HB)  
2.13 acre on Penny Road behind Panera Bread

**Report**  
**Citizen Information Meeting**  
**Held August 3, 2015 @ 7:00 pm**

The meeting was held at the Charis Companies, 2783 NC Highway 68 South, Suite 114, High Point, NC, which is within approximately a mile of the site. There was a property owner in attendance, as follows:

Claire Wilson, DDS (She owns the property and practices in the dentist office which directly adjoins the Subject Property)

The handwritten sign-in sheet is attached as Exhibit A.

Also in attendance was Tom Mincher, Jr., representing Winstead Properties, LLC.

A notification letter dated and mailed July 23, 2015 was sent to 24 parties as supplied by the High Point Planning Department. The list of parties/addresses to which it was mailed is attached as Exhibit B. The notification letter is attached as Exhibit C, and included the required statement provided by the High Point Planning and Development Department attached as Exhibit D. There were no prior notices of planned attendance as requested in the notifications letter.

Being that there was only one attendee, the meeting was very informal. After introductions, it became evident that Dr. Wilson had attended for the purpose of becoming familiar with our plans for development and to gain comfort with how we would address issues such as landscaping, dumpster screening and stormwater runoff. I laid a 24" x 36" Sketch Plan by BWA dated 8/03/15, as attached as Exhibit E, on the conference table for us to review and we discussed these various issues and noted that this is a preliminary plan and subject to some changes. Additionally, we reviewed the aerial of the area, attached as Exhibit F. Furthermore, we discussed our interest in building a restaurant on the site and of the nature and type of restaurant. I described the restaurant and explained our long history of operating restaurants in the Carolina's and Virginia and for the fact that we have a history of holding our properties and reinvesting in those properties.

Using the topo shown on the Sketch Plan, I was able to describe how we would need to flatten the site for development and that the combination of the adjusted grade and landscaping would create good screening for Dr. Wilson's office. Additionally, I expressed to Dr. Wilson that we would be willing to place some larger shrubs, such as Neely Stevens Hollies, along sections of the adjoining property line as necessary to help screen her office. Later in discussions, Dr. Wilson indicated that it may be beneficial to have a certain amount of visibility to the Dentist Office from our site. We also discussed the practicality of working together to control stormwater. Dr. Wilson offered to share her development plans to assist us in our efforts.

During the conversations, Dr. Wilson posed a question about the possibility of our patrons using the Dentist Office parking lot. I explained how we actually had a dentist office located directly behind our Asheboro restaurant and how we had maintained a really good relationship by keeping the dentist office parking and landscaped areas picked up as needed. Also, we discussed the fact that the development should have enough parking on its lot to support the use and how the topographical differences between the sites would create a natural deterrent to cross-parking.

During the meeting, it became apparent that it would be mutually beneficial for us and Dr. Wilson to develop a good working relationship as neighbors. Our meeting was very successful in that it allowed Dr. Wilson and myself to become acquainted with each other, to address our concerns, and to establish a cooperative relationship.

I have supplied Dr. Wilson both my contact information and that of our civil engineering firm's contact information so that she may reach us as any addition questions may rise and for future communications.

Submitted by

---

Tom Mincher, Jr.      08/04/2015

## **Penny Road Development Team**

### **Developer**

Tom Mincher, Jr.  
Winstead Properties  
PO 4111  
Greensboro, NC 27404  
(336) 272-9355 (office)  
(336) 908-5149 (mobile)  
[tmincher@brginc.com](mailto:tmincher@brginc.com)

### **Civil Engineer/Survey**

Gene Mustin  
Borum Wade & Associates  
621 Eugene Court, Suite 100  
Greensboro, NC 27401  
(336) 275-0471 x 105 (office)  
(336) 209-0293 (mobile)  
[genemustin@borum-wade.com](mailto:genemustin@borum-wade.com)

# Exhibit A

## Sign In Sheet

Name  
Claire Wilson, DDS

Contact  
336-8829985 - office  
" 688 4067 - cell  
Lynette Whitt  
dentist@clairewilsondds.com

Exhibit B

AMELIA CLAIRE WILSON LLC  
3907 BANOAK ST  
HIGH POINT NC 27265

ANDERSON, GREGORY ; ANDERSON, SHARON ;  
ANDERSON, CHRIS ; ANDERSON, SUSAN LESLIE  
PO BOX 109  
CAMDENTON MO 65020

CAMP, JERRY WAYNE ; CAMP, AUDREY G  
3007 COUNTY CLARE RD  
GREENSBORO NC 27407

CSC INVESTMENTS 05 LLC  
PO BOX 2791  
HIGH POINT NC 27261

DEEP RIVER POINTE OFFICE CENTER  
1017 CANTERING RD  
HIGH POINT NC 27262

DEEP RIVER TRIAD APT PORTFOLIO LLC  
300 N GREENE ST STE 1000  
GREENSBORO NC 27401

FHS HIGH POINT LP & HAROLD J FREEMON  
111 PINE ST 18TH FLOOR  
SAN FRANCISCO CA 94111

GRAYSON, EVERETTE M ; GRAYSON, PATRICIA W  
; BERNTHAL, THEODORE G ; BERNTHAL,  
GRETCHEN K  
214 SHADOW VALLEY RD  
HIGH POINT NC 27262

HAILEY, JOYCE T  
75 WHITE TAIL DR  
SEDONA AZ 86351

HAWKS, TIMMY WAYNE  
2801 LAKEHILL COURT  
HIGH POINT NC 27265

JENKINS, VANDER E  
4601 CRYSTAL LAKE DR  
GREENSBORO NC 27410

JORDAN, COLON H ; JORDAN, CAROL B  
2721 NC 68 SOUTH  
HIGH POINT NC 27265

JORDAN, OPAL E ; H H JORDAN TRUST ; ODOM,  
DANIEL R TR  
2725 NC 68 SOUTH  
HIGH POINT NC 27265

MENIUS, JAMES L DDS  
926 SAM CT  
COLFAX NC 27235

NCRP LLC  
2415 PENNY RD UNIT 202  
HIGH POINT NC 27265

PARRETT, JEFFREY O  
P O BOX 35564  
GREENSBORO NC 27425

PREMIER CENTER ASSOCIATES LLC  
PO BOX 1066  
LEXINGTON NC 27292

SALES CONSULTANTS OF HIGH POINT INC  
2411 PENNY RD STE 101  
HIGH POINT NC 27265

SOUTHERN COMMUNITY BANK&TRUST E LEROY  
BRIGGS SR ETAL ATTN GEORGE BURNS  
4605 COUNTRY CLUB RD STE 200  
WINSTON SALEM NC 27104

STANFIELD, CHARLES N ; WOOD, MELANIE A  
2802 WOODLEY CT  
JAMESTOWN NC 27282

TOLTEC PROPERTIES LLC  
1001 WINESAP DR  
KERNERSVILLE NC 27284

VIKING PROPERTIES LLC  
2411 PENNY RD STE 202  
HIGH POINT NC 27265

WILSON, A CLAIRE  
2420 PENNY RD  
HIGH POINT NC 27265

YANG NC REALTY LLC  
1 KREN DRIVE  
RINGOES NJ 85510

Exhibit C

**Winstead Properties  
PO Box 4111  
Greensboro, NC 27404**

July 27, 2015

Amelia Wilson

3907 Banoak Street

High Point, NC 27265

Dear Neighbor,

The purpose of this letter is to notify you of a citizen information meeting being held concerning the request for rezoning the 2.3 acre parcel on Penny Road behind Panera Bread. So that we can have a location that is convenient to the property, the meeting will be held at the offices of Charis Companies at 2783 NC Hwy 68 South, Suite 114, High Point on Monday, August 3, 2015 at 7:00 pm.

Winstead Properties has contracted to purchase this parcel and has applied to rezone it from CU-GO-H to CU-HB, and to annex a .24 acre portion of the property to the City of High Point. We intend to develop the property for retail/restaurant use. A preliminary site plan has been prepared, for study and illustrative purposes, and will be presented at this meeting. The plan calls for one building of approximately 10,000 square feet to be located on the site. The access to the property will be from Penny Road at the current drive that will be shared with Panera Bread. The CU-HB zoning is consistent with much of the zoning in the area.

At the citizens information meeting you will be able to learn more about our plans and approach to development. Our Company has developed many quality retail/restaurant developments over the past 35 years. We hope that we can demonstrate to your satisfaction that we will create a well-planned and attractive development on the property.

Enclosed is a required statement provided by the High Point Planning & Development Department outlining the purpose of the citizen's information meeting as part of the process to rezone the property.

If you have any questions, please feel free to contact me either ahead or after the meeting at my office (336) 271-2130, cell (336) 908-5149 or tmincher@brginc.com. It would be further appreciated if you would contact me to let me know if you plan to attend the meeting so that we can make sure that the meeting arrangements are appropriate. Thank you for your consideration to this matter.

Sincerely,

Thomas D. Mincher, Jr.





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**City of High Point  
Conditional Zoning District  
Citizen Information Meetings**

Anyone planning to file a zoning application for a conditional zoning district from the City of High Point is required to hold a citizen information meeting prior to filing the application. This requirement applies only to an application for a conditional zoning district or an application to amend a previously approved conditional zoning district. Conditional zoning is a type of zoning where property owners can impose specific conditions or restrictions on the development and use of their property, and where the conditions are enforceable by the City regardless of the property's future ownership.

The City of High Point finds that quality development is better achieved through an informed and cooperative process than an adversarial one. The purpose of the citizen information meeting is to allow the person planning to file an application, otherwise known as the applicant, the opportunity to inform citizens about the development proposal and to provide citizens the opportunity to ask questions and find out more about the proposal prior to any official public hearings.

The applicant's development proposal is officially presented to the Planning & Zoning Commission and City Council at their respective public hearings. At the public hearings, the Commission and Council hear comments and concerns from citizens regarding the proposal prior to making decisions. The public hearings are not the preferred setting for citizens to learn about a development proposal for the first time. It is difficult to gain understanding of a proposal and offer well thought out comments during the relatively short time of a public hearing. The citizen information meeting is important in that it can provide basic information and allow communication with the applicant before the public hearings, so that citizens may informatively develop their comments and any concerns, and later present them at the public hearings for consideration.

Applicants may vary the form and number of citizen information meetings they conduct; however, they are required to contact or otherwise notify owners of property located within 300 feet of the proposed zoning site. Whatever form the meeting takes, those citizens participating are provided with this written statement from the City of High Point, which describes the purpose of the citizen information meeting, the application process and where additional information may be obtained from the City. In addition, the applicant must provide a written description of the development proposal and any other available information that would help citizens to better understand it. After the zoning application is filed with the City's

Administration  
336.883.3328

Planning Services  
336.883.3328

Development Services  
336.883.3328

Inspection Services  
336.883.3151



Planning & Development Department, the applicant submits to the City a written report of the citizen information meeting(s). At a minimum, this report records the property owners notified; date, time and location of the meeting(s); the written description of the development proposal; and any comments, ideas or suggestions from citizens that were incorporated into the development proposal.

Before the public hearings are held, the City's Planning & Development Department mails notices to all owners of property located within 300 feet of the zoning site. This notice provides information on the conditional zoning district request; the time, date and place of the Planning & Zoning Commission public hearing; and contact information. A second notice is mailed prior to the City Council's public hearing with similar information. Also, signs are placed on the zoning site giving notice of the request and the City's public hearings.

After hearing public comments and considering the development proposal, the Planning & Zoning Commission makes a recommendation to the City Council who, after holding their public hearing, decides what action should be taken on the proposal. Changes to the applicant's proposal can occur during this process in order to insure consistency with City policy and development regulations, and to minimize expected impacts that can be generated by the development or use of the zoning site.

No condition can be included in a conditional zoning district that specifies ownership status, race, religion or characteristics of the development's occupants, the minimum size of a dwelling, the minimum value of buildings or improvements, or ones that otherwise excludes specific races, religions or classes of people.

Citizens are strongly encouraged to contact the City's Planning & Development Department and visit the department's website for additional information on the City's zoning process, and for information about specific development proposals.

Contact:

Planning & Development Department  
336-883-3328  
[www.highpointnc.gov/plan/](http://www.highpointnc.gov/plan/)





**ZONING CASE 15-15**





# CITY OF HIGH POINT

## AGENDA ITEM



**Title: Appointments – Human Relations Commission**

**From:** Jay Wagner, Ward 4 Council Member  
Alyce Hill, Ward 3 Council Member  
Jim Davis, Ward 5 Council Member

**Meeting Date:** September 21, 2015

**Public Hearing:** N/A

**Advertising Date /  
Advertised By:**

**Attachments:** Bios

---

**PURPOSE:**

To appoint David Rosen, Ralph Rodland and Fatih Oguz to the Human Relations Commission.

**BACKGROUND:**

Council Member Jay Wagner (Ward 4) is recommending the appointment of David Rosen to the Human Relations Commission, Council Member Alyce Hill (Ward 3) is recommending the appointment of Ralph Rodland to the Human Relations Commission and Council Member Jim Davis (Ward 5) is recommending the appointment of Fatih Oguz to the Human Relations Commissions.

**BUDGET IMPACT:**

N/A

**RECOMMENDATION / ACTION REQUESTED:**

Council is requested to confirm the appointments of David Rosen, Ralph Rodland and Fatih Oguz to the Human Relations Commission.

**Application for Appointment to Boards and Commissions**

Status: submitted

---

**Profile**

*All appointments to City boards and commissions are made by the Mayor and City Council and are not limited to those persons who fill out applications.*

David

First Name

Rosen

Last Name

drosen@triad.rr.com

Email Address

4309 Hardin CT

StreetAddress

  
Suite or AptHigh Point

City

NC

State

27265

Postal Code

Within High Point Corporate Limits

Please select your residency status.

Mobile: (336) 577-0547

Primary Phone

  
Alternate PhonePhoto Innovations

Employer

---

**Which Boards would you like to apply for?**Economic Development Corporation, Human Relations Commission, Planning & Zoning CommissionWard 5

Ward you reside in?

---

**Interests & Experiences**

Please tell us about yourself and why you want to serve.

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

---

I have been a very active citizen in High Point. I have resided in High Point for close to 11 years. I am very involved in the chamber of commerce in capacities of being on the executive committee of Conversation

Cafe. I am entering my second year of being on the steering committee of Leadership High point. I graduated Leadership HP and was one of the main organizers of our community service project for the Salvation Army's Boys and Girls Club in 2012. I am very active with the Convention and visitor Bureau. I work closely with the High point Community Foundation and United Way. Civically I am an active member of High Point Kiwanis. I was the president for over 6 years of my home sub division in north HP called Ashton Oaks. I am the co-founder of We Heart HP which is an organization made up of over 1500 likes. This organizations sole purpose is to keep residents of HP abreast of any revitalization efforts or new businesses happening in our city. I also just finished running a very successful campaign for City Council in an At-Large position. Our campaign garnered over 4000 citizens who stood behind our message.. Also I am a volunteer with The Washington Street Neighborhood Association under the direction of Patrick Harmon. I am very active in keeping up with what is going on within our city. The reason I want to serve is tremendous. I promised myself and 4000 people that if I wasn't elected to council that I was not going to give up. I have a lot of ideas that I feel working as a team can and will move things forward. My first choice of areas to serve would be Planning and Zoning. I feel that this department is an area that may need to look and address things differently. I would like to be pro-active and be on a committee that really has the opportunity to bring economic development to HP with out a lot of red tape, I see so many smaller communities growing all around us and HP is very stagnant especially in our downtown and main street corridor. I would like to make things more accessible for small businesses to actually WANT to come to HP and do business. My second choice would be EDC and Human Relations equally. For me this is about making my city a better place to live work and call home. This is nothing political. I did not upload a resume but I will give you a short CV on myself. Originally born and raised in South Florida I left to go to college for photography and was accepted to the prestigious Rochester Institute of Technology. While in college I served on a variety of different leadership rolls from being a Resident Advisor for 2 years with over 80 students in my dorm to also being on Student Orientation Services. I also served on a special committee that advised the president of the university. After graduating I took my first career move which brought me to NC working at Wake Forest University Bowman Gray School of Medicine. As a photographer there for 3 years I learned a lot about working with all types of different people and working as a team. In 1990 I began my own business Photo Innovations and have had a successful career running my own business ever since. My roles as a photographer and business owner are extreme. One of the most important factors of success is being a good communicator and a great listener.

---

Upload a Resume

## Have you participated in the City Government 101 Course?

---

☐ Yes ☒ No

---

If yes, please list the year in which you participated in the Government 101 Course:

## Have you participated in Leadership High Point?

---

☒ Yes ☐ No

---

2012

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

---

Male



**Application for Appointment to Boards and Commissions**

Status: submitted

---

**Profile**

*All appointments to City boards and commissions are made by the Mayor and City Council and are not limited to those persons who fill out applications.*

Ralph

First Name

Rodland

Last Name

ralphrodland@gmail.com

Email Address

131 West Hartley Drive

Street Address

Apt B

Suite or Apt

High Point

City

NC

State

27265

Postal Code

Within High Point Corporate Limits

Please select your residency status.

Mobile: (336) 944-3952

Primary Phone

Business: (336) 886-5594

Alternate Phone

Caring Services, Inc.

Employer

---

**Which Boards would you like to apply for?**Human Relations Commission4

Ward you reside in?

---

**Interests & Experiences**

Please tell us about yourself and why you want to serve.

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

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As a former Human Relations Commissioner for the City of High Point, who had not completed the term, I would greatly appreciate the opportunity to continue to serve in service to the City of High Point. I believe my

work and personal experiences would serve as a great compliment to the newly established Commission.

[Ralph Rodland Resume 080315.pdf](#)

Upload a Resume

**Have you participated in Leadership High Point?**

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☐ Yes ☒ No

---

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

**Male**

---

Gender

**Applications will be retained and active for a two-year period**

# **Ralph Rodland**

131-B West Hartley Drive; High Point, NC 27265  
336-944-3952 (cell)  
ralphrodland@gmail.com

## **EDUCATION**

Associate of Arts Degree, Guilford Technical Community College, General Studies, May, 2009.

## **WORK HISTORY**

### **Executive Director/Certified Substance Abuse Counselor**

June, 2015 – Present

### **Caring Services, Inc.**

High Point, North Carolina

Manage a million dollar non-profit, ensuring compliance with all laws pertaining to substance use disorder treatment facilities; serve as a liaison to the community regarding our services; manage all employees and oversee all human resources functions; provide assistance to the Board of Directors in creating the annual strategic plan and then working on the execution of the plan; coordinate all marketing efforts for the agency; serve as a liaison to local, state, and if applicable national advocacy organizations for the advancement of substance use disorder issues; ensure compliance with all grant and contracted service agreements, and other duties as they may arise.

### **Quality Assurance Specialist/Certified Substance Abuse Counselor-Intern**

August, 2013 – June, 2015

### **Caring Services, Inc.**

High Point, North Carolina

Ensure local, state and federal guidelines are followed in the administration of client services, develop auditing standards to ensure accreditation standards are met, collect, review and analyze Client and Staff Satisfaction Surveys, conduct training sessions on Confidentiality, Cultural Competency, Conflict of Interest, and strategic planning initiatives for the Board of Directors, maintain all personnel files to ensure accuracy and adherence to all state and federal requirements, and others as assigned by my supervisor. As needed, perform all of the 12 Core Functions with appropriate supervision in the areas of screening, intake, orientation, crisis intervention, referral, assessment, counseling, coordination with other professionals, client education, case management, treatment planning and reports and recordkeeping.

### **Financial Aid Assistant**

July, 2011 – July, 2013

### **Guilford Technical Community College**

Jamestown, North Carolina

Monitor Pell Lifetime Eligibility Used (PLEU) data sent to the college on a weekly basis to ensure correct awarding, and facilitate compliance with all state and federal requirements for the awarding and disbursement of Title IV funds; Responsible for the processing of new financial aid applications, exporting corrected data to the Department of Education, and verifying and awarding all federal and state grant programs to eligible applicants; Serve as an Appeals Committee Member; Responsible for processing loan default demographics; Responsible for contacting students to facilitate the submission of acceptable documentation.

### **Sorter & Sales Associate**

January, 2011 -- July, 2011

### **Salvation Army Family Thrift Store**

High Point, North Carolina

Sort all items donated to the store and restock the floor throughout the day, price items according to value, collect payment from customers, answer the telephone, and provide assistance for all customers.

### **Office Assistant**

May 2007 – May 2008

### **Guilford Technical Community College**

Jamestown, North Carolina

Responsible for front-line student assistance regarding all aspects of Student Life including Student IDs, answering telephones, writing letters to students, faculty and staff, composing campus-wide e-mails and announcements, approving posters, assisting students with new organization creation and approval, training new student leaders with the campus portal, preparing and providing correct guidance for preparing campus reservations, travel requests, and solicitation forms, and answering the questions elsewhere unanswered.

**Store Manager**

January 2005 – March 2006

**The Pantry, Inc.**

Smithfield, North Carolina

Responsible for all aspects of store management and staff development; Controlled advertising, interviewing, hiring, training and if necessary, disciplining and terminating employees; Inventoried the store contents and placed weekly orders for shipments of replacement goods and supplies. Maintained daily counts of high shrink items such as cigarettes, gasoline, alcohol and high priced items; Successfully kept all areas of bonus calculations at favorable levels for six months. This required reducing out of control shrink and cash shortage numbers, as well as increasing sales revenue, and maintaining a favorable EBITDA; Familiar with Omron and Ruby POS systems as well as the Gilbarco Veeder-Root fuel management system, able to manually read gas levels for inventory purposes and trained to handle gas station emergencies in a safe manner.

**Administrative Finance Director**

September 2004 - November 2004

**Democratic Congressional Campaign Committee (DCCC)**

Colorado 3rd Congressional District

Responsible for scouting two office spaces for one hundred employees, setting up all utilities, and purchasing/renting all necessary equipment, five hours apart in Pueblo and Grand Junction, Colorado.

Created active and reoccurring recruitment to staff offices. Consistently worked 16 to 18 hour days.

Responsible for authorization and distribution of payments as well as proper entry of expenditures from a \$500,000 budget.

Maintained and ensured all financial documents and public communications were in strict concordance with the 2002

FEC McCain-Feingold Campaign Finance laws.

Executed bi-monthly payroll including maintaining proper tax documentation for all employees including lead staff.

Of the fourteen races sponsored by the DCCC, our operation was one of only two who successfully elected their candidate.

**Assistant Canvassing Director**

August, 2004

**Democratic National Committee (DNC)**

Philadelphia, Pennsylvania

Successfully recruited, interviewed, hired, trained and further developed the skills of all canvassers.

Responsible for preparing financial documentation of all monies raised and proper reporting to appropriate officials.

Held regular canvassing hours and met director quota every week of employment. Consistently worked 14 to 16 hour days.

Responsible for computing bonuses, payroll information and maintaining proper tax documentation for 50 employees.

**COMMUNITY INVOLVEMENT**

Board Member, Recovery Communities of North Carolina, June, 2015-present.

North Carolina Substance Abuse Prevention and Treatment Block Grant Advisory Group, June, 2015-present.

Member, Addiction Professionals of North Carolina Legislative Affairs Committee, June, 2015-present.

Certified Trainer, Recovery Community Messaging Training, March, 2015.

Panelist, "The Anonymous People" Film Screenings, February, 2015-present.

LGBT Committee Chair, Recovery Communities of North Carolina, January, 2015-present.

Collegiate Recovery Committee Member, Recovery Communities of North Carolina, January, 2015-present.

North Carolina Substance Use Disorder Federation Member, December, 2014-present.

Recovery Advocacy Committee Member, Governor's Institute on Substance Abuse & Recovery Communities of North Carolina, November, 2014-present.

Guilford Coalition on Medication, Education, Detection and Safety Committee Member, December, 2014-present.

Global Continual Quality Improvement Committee, Sandhills Center, November, 2013-present.

Notary Public, Commission expires November 19, 2019

Commissioner & Program Chair, City of High Point Human Relations Commission, July, 2013-present.

Member, North Carolina Democratic Party Executive Director Search Committee, 2013.

Member, North Carolina Democratic Party State Executive Council, November, 2013-present.

President, LGBT Democrats of North Carolina, November, 2013-November, 2014.

Member, North Carolina Democratic Party Plan of Organization Review Committee, August, 2013-present.

Secretary, Guilford County Democratic Party, April, 2013-November, 2013.

Secretary, LGBT Democrats of Guilford County, March, 2013-November, 2013.

Facilitator, Student Leadership Development Program, 2012-2013.

Webmaster & Social Media Administrator, Guilford County Democratic Party, 2012-present.

Member, North Carolina Democratic Party State Executive Committee, 2012-present.

High Point Chair, Guilford County Democratic Party, 2012-2013.

Delegate, Democratic National Convention, September, 2012.

Co-Facilitator, Student Leadership Development Program, 2009-2011.

**REFERENCES AVAILABLE UPON REQUEST**

## Profile

*All appointments to City boards and commissions are made by the Mayor and City Council and are not limited to those persons who fill out applications.*

Fatih

First Name

Oguz

Last Name

f\_oguz@uncg.edu

Email Address

1802 Morgans Mill Way

Street Address

Suite or Apt

High Poiny

City

NE

State

27265

Postal Code

Within High Point Corporate Limits

Please select your residency status.

Mobile: (336) 588-9381

Primary Phone

Business: (336) 334-3477

Alternate Phone

UNC Greensboro

Employer

---

## Which Boards would you like to apply for?

Human Relations Commission

5

Ward you reside in?

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## Interests & Experiences

Please tell us about yourself and why you want to serve.

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

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Information shapes people's understanding and perceptions, therefore it is very important to lower barriers to information access to promote and sustain cross-cultural dialogue. Since 2010 I have volunteered with Divan

Center's, a Turkish-American organization, Triad chapter which enables peoples of diverse cultures to create a foundation of understanding which nurtures friendship, respect, and charity. As part of my academic work, I have worked with Montagnard community to investigate how to preserve their cultural heritage. I also recently served on the Zone Team, an advisory board established to provide community input for the Zones of Contentions: After the Green Line exhibit at the Weatherspoon Art Museum at UNCG. I recently participated in a forum about Syrian refugees in Turkey at the Center for New North Carolinians and shared my observations. I participated and gave a talk in FaithAction's "Stranger to Neighbor" initiative in 2012. I look forward to making a positive contribution on the commission. Sincerely, Fatih Oguz

[Curriculum\\_Vitae.pdf](#)

Upload a Resume

**Have you participated in Leadership High Point?**

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☐ Yes ☒ No

---

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

**Male**

Gender

**Applications will be retained and active for a two-year period**



## Curriculum Vitae

### Fatih Oguz

University of North Carolina at Greensboro

School of Education Building, #454

PO Box 26170, Greensboro, NC 27402

e-mail: [f\\_oguz@uncg.edu](mailto:f_oguz@uncg.edu) | phone: (336) 334-3477 | web: [oguzfatih.wordpress.com](http://oguzfatih.wordpress.com)

## EDUCATION

---

### Doctor of Philosophy in Information Science

School of Library and Information Science, University of North Texas, Denton, TX

August 2002 – August 2007

### Master of Business Administration

Institute of Social Sciences, Yeditepe University, Istanbul, Turkey

February 1999 - May 2000

### Bachelor of Science in Chemistry

Faculty of Arts and Sciences, Bogazici University, Istanbul, Turkey

September 1993 – June 1998

## ACADEMIC & PROFESSIONAL EXPERIENCE

---

### Assistant Professor Greensboro, NC / August 2010 - Present

The University of North Carolina at Greensboro

Department of Library and Information Studies

### Assistant Professor Valdosta, GA / August 2006 – July 2010

Valdosta State University

Master of Library and Information Science Program

### Research Assistant. Texas Center for Digital Knowledge, Denton, TX

August 2002 – July 2006

School of Library and Information Sciences, University of North Texas

### Teaching Assistant & Adjunct Faculty, Denton, TX / 2004 - 2006

School of Library and Information Sciences, University of North Texas

### Tellcom Ltd. Istanbul, Turkey / 2000

Product Executive & Information Systems Specialist

### Kumtel Co. Istanbul, Turkey / 1998 - 2000

Overseas Purchasing Specialist

## PUBLICATIONS

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### Under Preparation:

1. Oguz, F., & Koehler, W. (2015). Document Constancy and Persistence: A Study of Web Pages in DMOZ Categories. Manuscript in preparation.
2. Chu, C. M., & Oguz, F. (2015). Course Delivery Preferences of Online Students. Manuscript in preparation.

### Refereed Articles & Chapters:

3. Oguz, F. (in press) Social Capital Deficit in Online Learning: An Ego-Centric Approach to Occupational Attainment. *Education for Information*.
4. Bird, N., Chu, C. M., & Oguz, F. (in press). Internship in LIS education: An international perspective on experiential learning. *IFLA Journal*.
5. Oguz, F. (in press). Organizational influences in technology adoption decisions: A case study of digital libraries. *College & Research Libraries*.  
<http://crl.acrl.org/content/early/2015/06/11/crl15-695.full.pdf+html>
6. Oguz, F., Chu, C. M., & Chow, A. (2015). Studying online: Student motivations and experiences in ALA-accredited LIS programs. *Journal of Education for Library and Information Science*, 56(3), 213-231.
7. Oguz, F., & Koehler, W. (2015). URL decay at year 20: A research note. *Journal of the Association for Information Science and Technology*. Advance online publication.  
<http://doi.org/10.1002/asi.23561>
8. Chu, C. M., Bird, N., & Oguz, F. (2014). A community-grounded approach to understanding preservation of the cultural heritage of refugee communities. *Journal of Balkan Libraries Union*, 2(1), 1-4.
9. Oguz, F., & Assafa, S. (2014). Faculty members' perceptions towards institutional repository at a medium-size university: Application of a binary logistic regression model. *Library Review*, 63(3), 189-202.
10. Oguz, F., & Poole, N. (2013). Who do you know? A study of connectedness in online education and employment. *Education for Information*, 30(3), 129–148.
11. Oguz, F., & Davis, D. S. (2011). Developing an institutional repository at a medium-sized university: Getting started and going forward. *Georgia Library Quarterly*. 48(4), 13-16.
12. Oguz, F., & Holt, M. (2011). Library blogs and user participation: A survey about comment spam in library logs. *Library Hi Tech*, 29 (1), 173-188.
13. Oguz, F, Marsh, C., & Landis, C. (2010). Collaboration through communities of practice in the digital age. In S. Kurbanoglu, U. Al, P. L. Erdogan, Y. Tonta, & N. Ucak (Eds), *Technological Convergence and Social Networks in Information Management Communications in Computer and Information Science* (pp.18–30). Berlin, Germany: Springer.

14. Oguz, F. (2008). Adoption of web services in digital libraries: An exploratory study. In K. Khan (Ed.), *Managing Web Services Quality: Measuring Outcomes and Effectiveness* (pp.307-320). Hershey, PA: IGI Global.
15. Lofca, I., & Oguz, F. (2008). Improving access to Turkish National Police's intellectual capital from the right to information act perspective: A need for Turkish National Police digital repository. *KSU Journal of Social Sciences (KSÜ Sosyal Bilimler Dergisi)*, 5 (1-2), 95-103.
16. Moen, W. E., Oguz, F., & McClure C. R. (2004). The challenges of nonstandardized vendor usage data in a statewide metasearch environment: The Library of Texas experience. *The Library Quarterly*, 74(4), 403-422.

#### **Refereed Conference Proceedings:**

1. Oguz, F., & Koehler, W. (2011). Document constancy and persistence: A study of web pages in library and information science domain. *Proceedings of the 74<sup>th</sup> Annual Meeting of the American Society of Information Science and Technology*. New Orleans, LA.
2. Bird, N. J., Chu, C. M., & Oguz, F. (2011). Four I's of internships for the new society: Intentional, interconnected, interdisciplinary, and international. *Proceedings of the World Library and Information Congress: 77th IFLA General Conference and Assembly*. San Juan, Puerto Rico.
3. Oguz, F., Marsh, C., & Landis, C. (2010). Collaboration through communities of practice in the digital age. *Proceedings of the 2nd International Symposium on Information Management in a Changing World*. Ankara, Turkey.
4. Holt, M., Oguz, F., & Davis, D. (2009). Building an institutional repository in very tight budgets. *Proceedings of the 72th Annual Meeting of the American Society for Information Science and Technology*. Vancouver, BC, Canada.
5. Oguz, F., & Lofca, I. (2006). Public access to government information as a basic human right: The Turkish National Police. *Proceedings of the NATO Advanced Research Workshop on Sociological and Psychological Aspects of Terrorism*, 22, 318-324. Amsterdam: IOS Press.
6. Oguz, F., & Moen, W. E. (2006). Texas Library Directory web services application: the potential for web services to enhance information access to legacy data. *Proceedings of the International Conference on Next Generation Web Services Practices (NWeSP'06)*. Seoul, Korea.
7. Oguz, F., & Moen, W. E. (2006). The potential for web services to enhance information access to legacy data: An exploratory study and application. *Proceedings of the 69th Annual Meeting of the American Society for Information Science and Technology*. Austin, Texas.
8. Oguz, F., & Moen, W. E. (2005). Automated analysis of database usage logs in a metasearch environment: The Library of Texas experience. *Proceedings of the 68th Annual Meeting of the American Society for Information Science and Technology*. Charlotte, North Carolina.
9. Lopatovska, I. V., Oguz, F., & Moen, W. E. (2004). Design, development, and implementation of a Texas Library Directory Database: A multipurpose database for the

Library of Texas. *Proceedings of the 67th Annual Meeting of the American Society for Information Science and Technology*, 41, 93-101. Medford, NJ: Information Today, Inc.

### **Refereed Conference Presentations:**

1. Chu, C., Bird, N., & Oguz, F. (2014, January). *Opportunities for Collaborative Training and Entrepreneurship in the Global Setting*. Association for Library and Information Science Education (ALISE) Conference in Philadelphia, PA.
2. Bird, N., Chu, C., & Oguz, F. (2013, November). *Preserving Refugee Cultural Heritage*. North Carolina Preservation Consortium Annual Conference in Chapel Hill, NC.
3. Bird, N., Chu, C., & Oguz, F. (2013, May). *Preserving Refugee Cultural Heritage: Taking Community and Culture into Account*. Presented at Social Entrepreneurship in Action: The 3<sup>rd</sup> Conference for Entrepreneurial Librarians. Greensboro, NC.
4. Oguz, F., & Poole, N. (2013, January). *Who Do You Know? A Study of Connectedness in Online Education and Employment*. Association for Library and Information Science Education (ALISE) Conference in Seattle, WA.
5. Oguz, F., Chow, A., Chu, C., & Smith-Decoster, M. (2013, January). *Online Student Experiences: Inquiry Supporting LIS Education*. Association for Library and Information Science Education (ALISE) Conference in Seattle, WA.
6. Oguz, F., & Poole, N. (2013, January). *Connectedness in Online Education and Employment: An Ego-Centric Social Network Analysis*. Association for Library and Information Science Education (ALISE) Conference in Seattle, WA.
7. Bird, N., Chu, C., & Oguz, F. (2012, August). *Documenting Whilst in the Process of Preserving Refugee Intangible Cultural Heritage*. Presented at the 2012 conference of The Document Academy (DOCAM), Ontario, Canada.
8. Soito, L., Ruffin, I., & Oguz, F. (2011, October). *Social Media in North Carolina Public Libraries*. Poster Presented at the NCLA 59<sup>th</sup> Biennial Conference. Hickory, NC.
9. Oguz, F., & Davis, D. (2010, October). *Developing an Institutional Repository at a Medium-Size University: Needs, Attitudes, and the Future*. Paper presented at the Georgia Council of Media Organizations (GaCOMO) Convention.
10. Davis, D., Oguz, F., Crawford, S., & Holt, M. (2010, February). *Vtext - Supporting Online Education by Capturing and Disseminating VSU's Intellectual Capital*. Technology Showcase presented at the Online Lifeline Technology Conference. Valdosta, GA.
11. Oguz, F. (Panel, Organizer/Moderator), Tonta, Y., Chung, E., Gbaje, E., & Matusiak, K. (2009). International Implementation of Digital Library Software/Platforms. *Proceedings of the 72th Annual Meeting of the American Society for Information Science and Technology*. Vancouver, British Columbia, Canada.
12. Oguz, F. (Panel, Organizer/Moderator), Swanson, M., & Kastellec, M. (2009, October). *Making Library Websites More Usable: Let's Begin with Identifying Problems*. Presented at the Georgia Council of Media Organizations (GaCOMO) Convention, Athens, GA.

13. Holt, M., Oguz, F., Davis, D., & Landis, C. (2009, May). *Building an Institutional Repository in Hard Times*. Poster presented at the 4th Annual International Open Repositories Conference (OR 2009), Atlanta, GA.
14. Drummond, R., Fuchs, S., & Oguz, F. (2008, October). *Advances in Scholarly Communication*. Presented at the Georgia Council of Media Organizations (GaCOMO) Convention, Athens, GA.
15. Lofca, I. & Oguz, F. (2006, October). *Developing the Turkish National Police Digital Repository*. Poster presented at the annual meeting of the American Society of Criminology (ASC). Los Angeles, CA.
16. Oguz, F. (2006, January). *The Potential for Web Services to Enhance Information Access to Legacy Data: An Exploratory Study and Application*. Poster presented at the 2006 Annual Meeting of the Association for Library and Information Science Education. San Antonio, TX.

**Other:**

1. Chu, C., Oguz, F., & Bird, N. *Preserving Montagnard Refugee Cultural Heritage: a Community Perspective*. Talk given at CDLC Meeting at UNC Greensboro, April 24, 2014.
2. Chu, C., Oguz, F., & Bird, N. *APRCH: Cultural Survival of Refugee Communities*. Talk given at CDLC – AEC Brown Bag Meeting at UNC Greensboro, November 8, 2012.
3. *Content Submission in GALILEO Knowledge Repository – Virtual Internships*, Workshop given at Cooperative Curation Symposium and Workshop: Georgia's Approach to Statewide Repository Services at Georgia Tech Library, August 9, 2012.
4. *Who Do You Know? A Study of Connectedness in Online Education and Employment*, Invited Talk given at Valdosta State University, May 24, 2012.
5. Chow, A. Oguz, F., Chu, C., DeCoster, M., & Martin, S. (2011). *Online Learning at UNCG's School of Education's LIS Department*.

**PROFESSIONAL AFFILIATIONS & SERVICE**

---

**Professional Associations:**

- Association for Information Science & Technology (ASIS&T), *Member*, 2002 – present.
  - Annual Meeting: Contributed papers, Posters & Short Papers, *Reviewer*, 2014.
  - Annual Meeting: Contributed papers, Posters & Short Papers, and Panels & Technical Sessions, *Reviewer*, 2013.
  - Special Interest Group on International Information Issues (SIG-III), *Webmaster*, 2012 - present.
  - Special Interest Group on International Information Issues (SIG-III), *International Paper Contest Reviewer*, 2011 – present.
  - Special Interest Group on International Information Issues (SIG-III), *Communications Officer*, 2010 – 2012.
  - Annual Meeting: Contributed papers, Posters & Short Papers, and Panels & Technical Sessions, *Reviewer*, 2009.
  - Special Interest Group on Digital Libraries (SIG-DL), *Officer*, 2008 – 2010.

- Association for Library and Information Science Education (ALISE), *Member*, 2005 – present.
  - Annual Conference: Works in Progress Posters Committee, *Co-Chair*, 2016
  - Annual Conference: Conference Panel Proposal Committee, *Co-Chair*, 2015
  - ALISE/ProQuest Methodology Paper Competition Committee, *Member*, 2015
  - ALISE Tellers Committee, *Member*, 2015
  - Annual Conference: Juried Papers, *Reviewer*, 2012
  - Doctoral Poster Session, *Judge*, 2008
- Georgia Library Association (GLA), *Member*, 2006 – 2010.

### **Conference Planning / Journal Review/Editorial Board Service**

- Journal of Balkan Libraries Union, *Editorial Board Member*, 2014 -
- Serials Review, *Reviewer*, 2014
- TEEM 2013 | Technological Ecosystems for Enhancing Multiculturality Conference, Salamanca, Spain, *Track 4 Scientific Committee Member*, 2013.
- The Journal of the Association for Information Science and Technology, *Reviewer*, 2013.
- The 3<sup>rd</sup> International Symposium on Information Management in a Changing World (IMCW), Ankara, Turkey, *Program Committee Member*, 2012
- The 4th iDEAL Summit, *Judge – Poster Session*, 2012
- The 3<sup>rd</sup> iDEAL Summit, *Planning Committee Member*, 2011.
- The Library Hi Tech Journal, *Reviewer*, 2011 – present.
- The 4<sup>th</sup> Annual International Open Repositories Conference (OR 2009), *Organizing Committee Member*, 2009.
- GALILEO Knowledge Repository
  - Content and Metadata Committee, *Member*, (2009 - 2012)
  - Symposium and Workshop Committee, *Member*, (2009 - 2012)
- Lowndes County (GA) Library Board, *Member*, 2009 – 2010.

### **University of North Carolina at Greensboro**

- Member, Scholarly Communications Committee (2015 - present)
- Member, Academic Computing Committee (2012 – 2015)
- Member (ex-officio), Administrative Information Systems Committee (2012 – 2015)

### **School of Education:**

- Member, Curriculum Committee (2015 – present)
- Member, Faculty Research Council (2015 – present)
- Member, SOE Dean Search Committee (2015 – present)
- Member, Social Committee (2014-2015)
- Member, Curriculum Committee (2013 - 2014)
- Member, Web/Social Media Specialist Search Committee (2011)
- Member, Website Committee (2011 – 2012)
- Member, Access & Equity Committee (2011 – 2013)



- o Secretary (2012-2013)

LIS Department:

- Co-Chair, Ad-hoc Online Learning Committee (2012)
- Member, Faculty Search Committee (2012)
- Member, Faculty Search Committee (2015 – present)
- Member, Professional Programs Committee (2010 – present)

**Valdosta State University**

- Member, Graduate Student Research Symposium Planning Committee (2009)
- Member, University Assessment Committee (UAC) (2007 - 2010)
- Member, Faculty Senate Technology Committee (2006 - 2010)
- Member (ex-officio), eLearning Advisory Board (2010 - 2010)

MLIS Department:

- Chair, Assessment Committee (2008 - 2010)
- Chair, Faculty Search Committee (2007 - 2008)
- Chair, Web Page Development and Maintenance Committee (2006 - 2010)
- Member, Planning and Budget Committee (2009 - 2010)
- Member, Textbook Committee (Chair 2007 – 2008 ; Member 2009 – 2010)
- Member, ALA Accreditation Committee (2006 - 2007)
- Member, Curriculum Committee (2006 - 2007)
- Member, Student Comm. and Advising Committee (2006 - 2008)

## **RESEARCH & DEVELOPMENT ACTIVITIES**

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**Research Grants - Funded:**

1. Co-Principal Investigator. **Exploring the Librarian-Teacher dyad partnership in a Makerspace.** An 11-month project designed to explore roles of the Teacher and Librarian - how do they support each other and promote student learning through hands-on exploration in makerspaces. Submitted to the School of Education, The University of North Carolina at Greensboro. 2014-2015. (Co-PIs: Nora Bird, Linda Gann, & Edna Tan) Amount Funded: \$25,000.
2. Co-Principal Investigator. **Preserving Montagnard Refugee Cultural Heritage through Intergenerational Dialogue.** A 3-month project designed to understand and preserve the cultural heritage of a unique language community by collecting oral history from community elders, and facilitating intergenerational dialogue. Funded by the Coalition of Diverse Language Communities Fellowship, The University of North Carolina at Greensboro, School of Education. 2013. (PI: Clara Chu, Co-PI: Nora Bird) Amount Funded: \$3,000.
3. Co-Principal Investigator, **International Internship Survey, Resource and Marketplace.** A 12-month project to survey library and information science (LIS) programs around the world to learn of guidelines and policies for internships and create a multilingual website for information/data sharing. Funded by the IFLA - Section on Education and Training/Div. IV. 2012-2013. (PI: Clara Chu, Co-PI: Nora Bird) Amount Funded: €2,800

4. Principal Investigator. **Who Do You Know? A Study of Connectedness in Online Education and Employment.** A 12-month project designed to develop an in-depth understanding of the influence of social connections on employment prospects of LIS students who took online classes to complete their degrees. Funded by the New Faculty Research Grant, The University of North Carolina at Greensboro, The Office of Research. 2011-2012. Amount Funded: \$5,000.
5. Principal Investigator. **Enhancing MLIS Students' Understanding of Digital Technologies.** An 8-month project designed to provide a technical platform to improve MLIS students' understanding of digital technologies. Funded by the Graduate Faculty Development Fund, Valdosta State University. 2009 – 2010. Amount Funded: \$500
6. Liaison for Valdosta State University. **The GALILEO Knowledge Repository: Advancing the Access and Management of Scholarly Digital Content.** A 36-month statewide initiative in partnership with University of Georgia, Georgia Tech, and Georgia State University to build, test, and launch a replicable collaborative institutional repository model. Funded by the Institute of Museum and Library Services. 2009 – 2012. (PI: Tyler Walters). Amount Funded: \$857,005 (~ \$11,000 allocated for Valdosta State University).
7. Principal Investigator. **VSU Digital Repository: Enhancing the VSU Information Environment.** A 12-month project designed to explore a variety of issues both technical and organizational in the operation and management of a university-wide digital repository. Funded by the Valdosta State University Faculty Research or Performance Arts Grant. 2009 – 2010. Amount Funded: \$750

#### Research Grants - Not Funded:

1. Co-Principal Investigator. **First Language Access: Academic and Cultural Enrichment (ACE) Scholars Serving Linguistically Diverse Users - Fourth Cohort, 2015 -2017.** An 11-month project designed to explore roles of the Teacher and Librarian - how do they support each other and promote student learning through hands-on exploration in makerspaces. Submitted to the Institute of Museum and Library Services. 2014. (PI: Clara Chu, Co-PIs: Nora Bird, & Liladhar Pendse) Amount Requested: \$499,880.
2. Co-Principal Investigator, **Project APRCH: A Community-Grounded Approach to Understanding Preservation of the Cultural Heritage of Refugee Communities.** A 12-month planning grant designed to ask refugees to speak in their own voice, attaining agency, about the direction they wish to take in the preservation of their (refugee) cultural heritage. Grant proposal submitted to the Institute of Museum and Library Services. 2012 - 2013. (PI: Clara Chu). Amount Requested: \$73,752
3. Co-Principal Investigator, **Usability evaluation of VAWnet as a dissemination channel to domestic violence service providers.** A 5-year project designed to conduct a comprehensive usability evaluation of VAWnet, the premier online dissemination channel for domestic violence information, within the context of domestic violence service providers' jobs. Grant proposal submitted to the National Institutes of Health. 2012 - 2017. (PI: Christine Murray) Amount Requested: \$1,793,750
4. Principal Investigator, **Project Access: Making computer and e-commerce literacy more accessible for refugee communities.** A 12-month project designed to create a livelihood for

refugee women living at Avalon and Glen Haven by helping them market their products to the greater Greensboro community and beyond. Grant proposal submitted to Community Grants Program. 2012 – 2013. Amount Requested: \$7,000

5. Principal Investigator, **Crosstalk: Understanding Knowledge Sharing in the Emerging Digital Libraries Domain**. A 12-month project designed to explore, describe, and explain methods, techniques, and mechanisms utilized to share knowledge and enhance collaboration in digital library-related activities at museums, archives, digital heritage organizations, and academic and public libraries. Grant proposal submitted to OCLC-ALISE Library and Information Science Research Grants Program. 2012-2013. Amount Requested: \$15,000
6. Principal Investigator. **Knowledge Sharing and Collaboration in Digital Library Environments**. A 36-month project designed to explore, describe, and explain methods, techniques, and mechanisms utilized to share knowledge and enhance collaboration in DL-related activities at museums, archives, digital heritage organizations, and academic and public libraries. Grant proposal submitted to the Institute of Museum and Library Services. 2011 – 2014. Amount Requested: \$357,193
7. Principal Investigator. **Collaboration and Knowledge Sharing in Digital Library Projects**. A 24-month project designed to explore, describe, and explain methods, techniques, and venues utilized by digital library professionals to collaborate and share knowledge. Grant proposal submitted to the Institute of Museum and Library Services. 2008 – 2010. Amount Requested: \$130,286
8. Principal Investigator for VSU. **Demonstrating a New Model for Statewide Repositories: the GALILEO Knowledge Repository**. A 24-month statewide initiative in partnership with University of Georgia, Georgia Tech, and Georgia State University to develop a statewide knowledge database. Grant proposal submitted to the Institute of Museum and Library Services. 2008 – 2010. Amount Requested: \$960,000 (Not Funded)
9. Investigator **Building Institutional Capacity at Valdosta State University and partner facilities for Georgia's libraries, museums, and archives through effective use of and training in management of digital assets**. A 36-month research project in partnership with the University of Georgia to build institutional capacity to develop a digital asset management track in the MLIS program. Grant proposal submitted to the Institute of Museum and Library Services. 2008 – 2011. (PI: Wallace Koehler). Amount Requested: \$946,480 (Not Funded)

### Travel/Course Development Grants

- **Grant (\$500)** International Travel Fund (Professional Presentation at an International Conference), University of North Carolina at Greensboro, Fall 2010
- **Grant (\$5,873)** eRate Tuition Funding Grant (New Course Development), Valdosta State University. Summer 2010
- **Grant (\$1000)** Faculty Development Grant (Professional Presentation), Valdosta State University. Fall 2009

- **Grant (\$500)** Faculty Internationalization Fund (Professional Presentation at an International Conference), Valdosta State University. Fall 2009
- **Grant (\$750)** Faculty Development Grant (Instructional Improvement), Valdosta State University. Fall 2008
- **Grant (\$500)** Faculty Development Grant (Professional Presentation), Valdosta State University. Fall 2006

## HONORS & AWARDS

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- **Travel Scholarship.** Digital Public Library of America plenary meeting (Washington, DC), The Berkman Center for Internet & Society at Harvard University, 2011.
- **Scholarship.** SLIS General Scholarship, School of Library and Information Sciences, University of North Texas. Fall 2005
- **Grant (\$3000).** IS Doc Faculty/Student Mini-Grant, School of Library and Information Sciences, University of North Texas. Summer 2005
- **Grant (\$2000).** IS Doc Faculty/Student Mini-Grant, School of Library and Information Sciences, University of North Texas. Summer 2004
- **Scholarship.** Multicultural Scholastic Award, Division of Equity and Diversity, University of North Texas. Fall 2003 – Spring 2006
- **Scholarship.** General Academic Scholarship, Scholarship Office, University of North Texas. Fall 2003 – Spring 2004
- **Scholarship.** Texas Excellence Scholarship, School of Graduate Studies, University of North Texas. Fall 2002 – Spring 2004

## COMMUNITY SERVICE

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- Queen City STEM School, Charlotte, NC, *Board Member*, 2015 - present
- Zone Team - Weatherspoon Art Museum, UNCG – Greensboro, *Member*, 2014-2015
- NC First Lego League Regional Tournament – Greensboro, *Judge*, 2013
- Science Olympiad Team, Triad Math and Science Academy - Greensboro, *Coach*, 2011-2012.
- The Divan Center - Greensboro, *Planning Committee Member*, 2011- 2015.

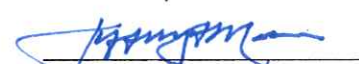
**RECENTLY ATTENDED WORKSHOPS:**

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- Campbell, L. M., & Barker, P. *The Learning Resource Metadata Initiative, Describing Learning Resources with Schema.org, and More?* ASIS&T Webinars. November 19, 2014.
- Folkman, M. *Thirty Minutes to Making: Intro to 3D Design*, Jackson Library, UNCG, September 25, 2014.
- Knight, S. & McKinney, P. *What Would an Ideal Digital Preservation Technical Registry Look Like?* ASIS&T Webinars. April 17, 2014.
- Hoenke, J., Cooper, M., & Koester, A. *The Community Joins In: Library Maker Spaces*. The Digital Shift: Reinventing Libraries: A Library Journal | School Library Journal Online Event. October 16, 2013.
- Cocciolo, A. *Current Best Practices in Digital Archiving Moving Image and Sound Assets*. ASIS&T Webinars. April 12, 2013.
- *The Sloan-C Institute Workshop- Successful Online Outcomes: Improved Discussions*. The Sloan Consortium. March 15-22, 2013.
- Cramer, T. *Digital Preservation in Theory and Practice: A Preservation and Archiving Special Interest Group (PASIG)*. ASIS&T Webinars. February 12, 2013.
- Chan, P., Gueguen, G., Matienzo, A. M., & Wilson, S. *Born-Digital Collections: An Inter-Institutional Model for Stewardship (AIMS)*. ALAConnect. June 7, 2012.
- Kazmer, M. M. *Transforming Our e-Learning 'Worst Practices' into Excellent Teaching*. ASIS&T Webinars. July 20, 2011.
- Busch, J. *Metadata Interoperability*. ASIS&T Webinars. March 15, 2012
- Digital Public Library of America (DPLA) Plenary Meeting. The Berkman Center for Internet & Society at Harvard University. Washington, DC. October 11, 2011.

## INCUMBENCY AND AUTHORIZATION CERTIFICATE

The undersigned, the duly elected or appointed and acting City Clerk of the City of High Point, North Carolina, a body corporate and politic and political subdivision organized under the laws of the State of North Carolina (the "*Lessee*"), certifies that I have custody of the records of the Lessee and that, as of the date hereof, the individuals named below are the duly elected or appointed officers of such entity holding the office set forth opposite his name, respectively. I further certify that (i) the signature set opposite his name and title is his true and authentic signature, and (ii) such officer has the authority on behalf of the Lessee to enter into that certain Master Equipment Lease-Purchase Agreement dated as of April 1, 2016 (the "*Master Lease*") and Equipment Schedule No. 2016-01 thereto dated April 19, 2016 (the "*Schedule*"), each between the Lessee and Whitney Bank, as lessor, and that certain Escrow Agreement dated April 19, 2016 (the "*Escrow Agreement*"), among the Lessee, Whitney Bank, as lessor, and the escrow agent therein identified.

| NAME             | TITLE                       | SIGNATURE                                                                           |
|------------------|-----------------------------|-------------------------------------------------------------------------------------|
| Greg Demko       | City Manager                |  |
| Jeffrey A. Moore | Financial Services Director |  |

I hereby further certify that the individual named below holds the office set forth opposite his name and is duly authorized to execute Certificates of Acceptance and other documents relating to the Master Lease, the Schedule and the Escrow Agreement.

| NAME             | TITLE                       | SIGNATURE                                                                             |
|------------------|-----------------------------|---------------------------------------------------------------------------------------|
| Jeffrey A. Moore | Financial Services Director |  |

IN WITNESS WHEREOF, I have duly executed this Certificate and affixed the seal of the City of High Point, North Carolina hereto dated April 19, 2016.



By:   
Lisa B. Vierling  
City Clerk

(other than the person signing the documents)



# TERM EXPIRATIONS 2016

|                                      |                     |      |            |                      |                            |
|--------------------------------------|---------------------|------|------------|----------------------|----------------------------|
| CITY OF HIGH POINT                   |                     |      |            |                      |                            |
| BOARDS & COMMISSIONS                 |                     |      |            |                      |                            |
| TERM EXPIRATIONS FOR 2016            |                     |      |            |                      |                            |
| BOARD                                | MEMBER              | Ward | EXPIRATION | Eligible for reappt. | Appointment Responsibility |
|                                      |                     |      |            |                      |                            |
| ABC Board                            | James Tanner        |      | 11/15/2015 | no                   |                            |
| ABC Board                            | VACANT              |      | 2/8/2016   |                      |                            |
| ABC Board                            | David Wall          |      | 11/15/2016 | no                   |                            |
|                                      |                     |      |            |                      |                            |
| Board of Adjustment                  | Nho Bui             |      | 7/1/2016   | yes                  |                            |
| Board of Adjustment                  | VACANT              | ETJ  | 7/1/2015   |                      | ETJ                        |
| Board of Adjustment                  | Andre' White        |      | 7/1/2014   | yes                  |                            |
| Board of Adjustment                  | Matt Witmeyer       |      | 7/1/2016   | yes                  |                            |
|                                      |                     |      |            |                      |                            |
| Citizens Advisory Council            | VACANT              | 2    | 5/31/2016  |                      | 2/WILLIAMS                 |
| Citizens Advisory Council            | Myra Clodfelter     | 4    | 5/31/2016  | yes                  | 4/WAGNER                   |
| Citizens Advisory Council            | Willie Davis        | 1    | 5/31/2016  | yes                  | 1/GOLDEN                   |
| Citizens Advisory Council            | Elizabeth Dennis    | 5    | 5/31/2016  | yes                  | 5/J. DAVIS                 |
| Citizens Advisory Council            | VACANT              | 3    | 5/31/2016  |                      | 3/HILL                     |
| Citizens Advisory Council            | Teresa Jones-Echard | AL   | 5/31/2016  | yes                  | AL/MAYOR                   |
| Citizens Advisory Council            | Jerry Mingo         | AL   | 5/31/2016  | yes                  | AL/ALEXANDER               |
| Citizens Advisory Council            | Scott Niebauer      | 6    | 5/31/2016  | yes                  | 6/EWING                    |
|                                      |                     |      |            |                      |                            |
| Guilford County/City Ins. Adv. Comm. | Lynwood Roach       |      | 12/21/2016 | yes                  | Mayor w/CC approval        |
|                                      |                     |      |            |                      |                            |
| Historic Preservation Commission     | Benjamin Briggs     | AL   | 7/1/2016   | yes                  | AL/ALEXANDER               |
| Historic Preservation Commission     | Glenn Chavis        | AL   | 7/1/2016   | yes                  | AL/MAYOR                   |
| Historic Preservation Commission     | VACANT              | 4    | 7/1/2015   |                      | 4/WAGNER                   |
| Historic Preservation Commission     | Gloria Halstead     | 6    | 7/1/2016   | yes                  | 6/EWING                    |
| Historic Preservation Commission     | VACANT              |      | 7/1/2015   |                      | 1/GOLDEN                   |
|                                      |                     |      |            |                      |                            |
| Housing Authority Board              | Jim Grdich          |      | 12/22/2016 | yes                  |                            |
| Housing Authority Board              | Laura Wiley         |      | 12/22/2016 | yes                  |                            |
|                                      |                     |      |            |                      |                            |
| Human Relations Commission           | Mehmet Cakal        | AL   | 11/1/2016  | yes                  | AL/C. DAVIS                |
| Human Relations Commission           | Bobby Davis         | AL   | 11/1/2016  | yes                  | AL/ALEXANDER               |
| Human Relations Commission           | Fatih Oguz          | 5    | 11/1/2016  | yes                  | 5/J. DAVIS                 |
|                                      |                     |      |            |                      |                            |
| Library Board of Trustees            | Forrest Littleton   | 2    | 10/31/2016 | no                   | 2/WILLIAMS                 |
| Library Board of Trustees            | Matt Witmeyer       | 6    | 10/31/2016 | yes                  | 6/EWING                    |
| Library Board of Trustees            | Carol Young         | AL   | 10/31/2015 | no                   | AL/MAYOR                   |
|                                      |                     |      |            |                      |                            |
|                                      |                     |      |            |                      |                            |
| Parks & Recreation Commission        | Darrell McLean      | 2    | 7/1/2016   | yes                  | 2/WILLIAMS                 |
| Parks & Recreation Commission        | Marshall Newsome    | AL   | 7/1/2016   | yes                  | AL/MAYOR                   |

## TERM EXPIRATIONS 2016

|                                                |                     |     |           |     |              |
|------------------------------------------------|---------------------|-----|-----------|-----|--------------|
| <b>Parks &amp; Recreation Commission</b>       | Hazel Rorie         | 1   | 7/1/2016  | no  | 1/GOLDEN     |
|                                                |                     |     |           |     |              |
| <b>Piedmont Triad Regional Water Authority</b> | John Bencini        |     | 9/30/2016 | yes |              |
| <b>Piedmont Triad Regional Water Authority</b> | John W. Thomas, III |     | 9/30/2016 | yes |              |
|                                                |                     |     |           |     |              |
| <b>Planning &amp; Zoning Comm.</b>             | Ozzie Hough         | 5   | 7/1/2016  | yes | 5/J. DAVIS   |
| <b>Planning &amp; Zoning Comm.</b>             | John McKenzie       | 4   | 7/1/2016  | no  | 4/WAGNER     |
| <b>Planning &amp; Zoning Comm.</b>             | Andrew Putnam       | 6   | 7/1/2016  | no  | 6/EWING      |
| <b>Planning &amp; Zoning Comm.</b>             | VACANT              | ETJ | 7/1/2015  |     | ETJ/MAYOR    |
| <b>Planning &amp; Zoning Comm.</b>             | Mark Walsh          | AL  | 7/1/2016  | no  | AL/ALEXANDER |
|                                                |                     |     |           |     |              |
| <b>Theatre Advisory Board</b>                  | Holly Davis         |     | 6/1/2016  | yes |              |
| <b>Theatre Advisory Board</b>                  | Leslie Graham       |     | 6/1/2016  | no  |              |
| <b>Theatre Advisory Board</b>                  | George Harris       |     | 6/1/2016  | yes |              |
|                                                |                     |     |           |     |              |
|                                                |                     |     |           |     |              |
|                                                |                     |     |           |     |              |

AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 9-3-12, ZONING MAP AMENDMENTS, OF THE DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of The City of High Point adopted “The City of High Point Development Ordinance” on January 7, 1992 with an effective date of March 1, 1992, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on August 25, 2015 and before the City Council of the City of High Point on September 21, 2015 regarding **Zoning Case 15-15** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings was published in the High Point Enterprise on August 16, 2015, for the Planning and Zoning Commission public hearing and on September 9, 2015 and September 16, 2015, for the City Council public hearing pursuant to Chapter 160A-364 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 **September 21, 2015**.

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: **Conditional Zoning Highway Business (CZ-HB) District**. The property is approximately 2.59 acres and lying north of the intersection of Penny Road and OSSI Court (2410 Penny Road). The property is also known as Guilford County Tax Parcels 0170014 and 0207390.

#### 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: Any of the land uses allowed in the Highway Business (HB) District shall be permitted, with the exceptions listed below, subject to the development and dimensional requirements of the Development Ordinance and subject to the specific conditions of this ordinance.

A. Prohibited Uses: The following uses, enumerated in Table 4-5-1, Permitted Use Schedule of the Development Ordinance, shall be prohibited:

1. Accessory uses and structures
  - a. Bulky Item Outdoor Display
  - b. Communication Towers (exceeding height limits of zoning district)

2. Business, Professional & Personal Services Uses
  - a. Automobile Rental or Leasing
  - b. Automobile repair services, major
  - c. Automobile repair services, minor
  - d. Automobile towing and storage services
  - e. Boat repairs
  - f. Car Washes
  - g. Recreational Vehicle Parks or Campsites
  - h. Truck Driving Schools
  - i. Truck & Util. Trailer Rent. & Leasing, Light
3. Retail trade uses
  - a. Boat Sales
  - b. Building Supply Sales (no storage yard)
  - c. Building Supply Sales (with storage yard)
  - d. Bulky Item Outdoor Display
  - e. Convenience Stores (with gasoline pumps)
  - f. Manufactured Home Sales
  - g. Motor Vehicle Sales (new and used)
  - h. Motorcycle Sales
  - i. Recreational Vehicle Sales
  - j. Service Stations, Gasoline
  - k. Tire Sales
  - l. Truck Stops
4. Transportation, Warehousing and Utilities Uses
  - a. Warehouses (general storage/enclosed) and Distribution Centers
  - b. Warehouses (self-storage)
5. All Manufacturing and Industrial Uses shall be prohibited
6. Other Uses
  - a. Bulky Item Outdoor Sales
  - b. Storage trailers as a principal uses

Part II. CONDITIONS:

- A. Lot Combination: All tax parcels comprising the rezoning site shall be combined into one lot prior to development and/or re-subdivision.

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 now 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.

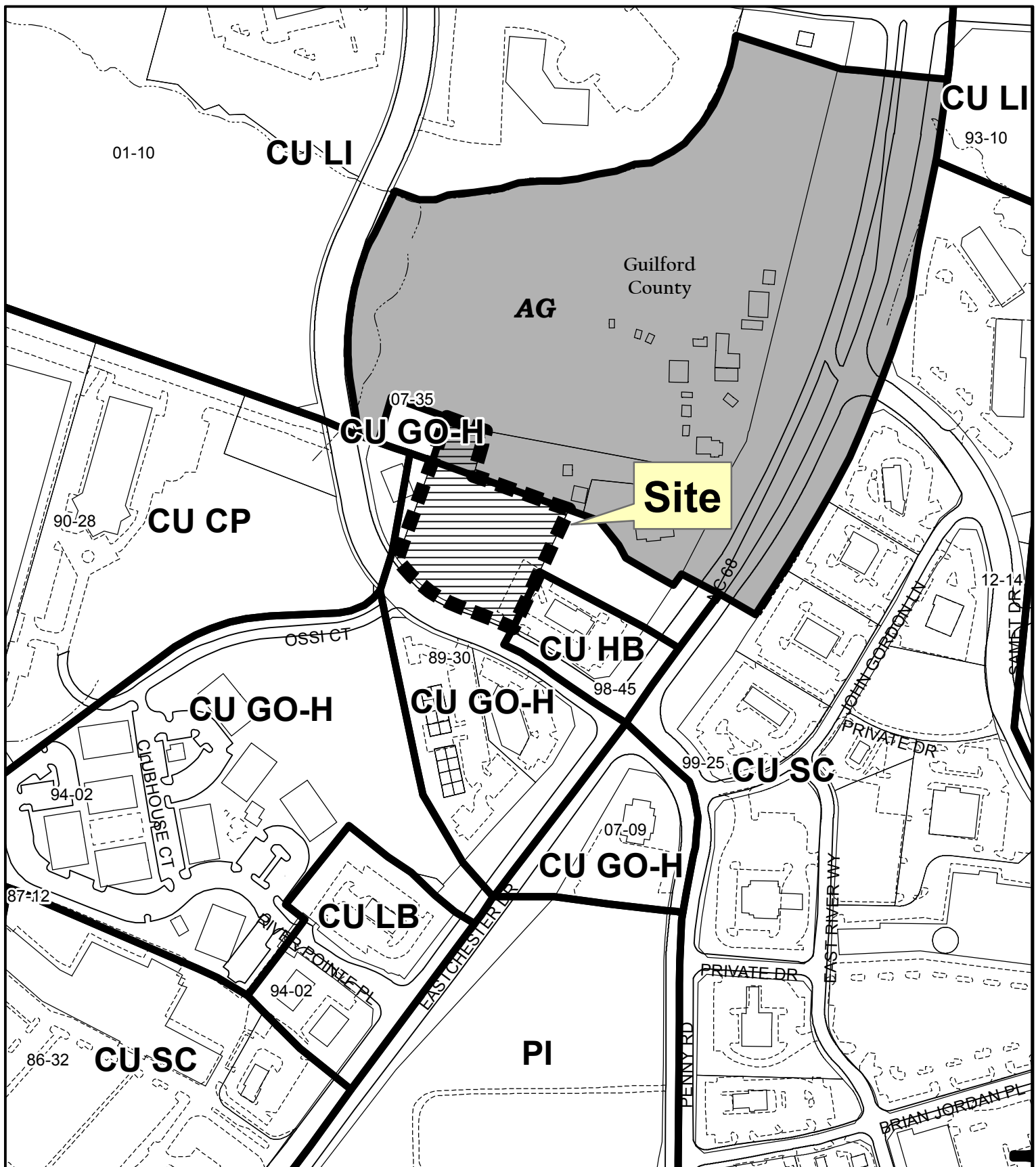
SECTION 5

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.  
xx<sup>th</sup> day of September, 2015.

Lisa B. Vierling, City Clerk



## ZONING CASE 15-15

**From:** Conditional Use General Office-High Intensity  
and Agricultural (Guilford County)

**To:** Conditional Zoning Highway Business

**Existing Zoning Boundary**

**Subject Property Boundary**



**Planning & Development  
Department**

**City of High Point**

**Date: August 25, 2015**



**Scale: 1"=300'**

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2015\pz\15-15.mxd



**HIGH POINT CITY COUNCIL  
REGULAR MEETING  
SEPTEMBER 8, 2015 – 5:30 P.M.  
COUNCIL CHAMBERS – HIGH POINT MUNICIPAL BUILDING**

**ROLL CALL, MOMENT OF SILENCE and PLEDGE OF ALLEGIANCE**

Upon call of the roll, the following Council Members were present. Mayor Bencini called for a moment of silence; the Pledge of Allegiance followed.

*Present (8): Mayor William S. Bencini, Jr.; Mayor Pro Tem James Davis (Ward 5); and Council Members Cynthia Y. Davis (At-Large); Latimer Alexander (At-Large); Jeffrey Golden (Ward 1); Christopher Williams (Ward 2); Alyce Hill (Ward 3); and Jason Ewing (Ward 6).*

*Absent (1): Council Member Jay Wagner (Ward 4)*

**RECOGNITIONS AND AWARDS**

**150278      Proclamation - National Recovery Month**

Staff from Caring Services, Inc. will be in attendance to receive a proclamation declaring the month of September as “National Recovery Month.”

*Mayor Bencini read the Proclamation declaring the month of September, 2015 as "National Recovery Month" into the record. Ralph Rodland and Guy Manning were present to accept the Proclamation on behalf of Caring Services. Both Mr. Rodland and Mr. Manning are in long-term recovery and expressed gratitude for the programs that Caring Services provides. Mr. Rodland issued an invitation for Council to attend the Guilford County Recovery Rally on Saturday, September 26th at Oak Hollow Festival Park.*

**PUBLIC COMMENT PERIOD**

The following individuals spoke during the Public Comment Period:

**Pastor Robinson** *expressed his excitement about the direction the city is going and felt the Say Yes to Education initiative would be a great vehicle for High Point students.*

**Andretti Barnes** *addressed Council regarding concerns on Washington Street now that school has started, children are having to cross the street without any assistance, due to the closing of the sidewalks and the fences that have been put up.*

*Council Member C. Davis asked about the possibility of having an officer there in the mornings until the situation on Washington Street is improved. City Manager Greg Demko noted staff could take a look at what can be done and pointed out depending on Council's decision tonight regarding the condition of the unsafe building at 736 Washington Street, closing the street might be necessary.*

*Mr. Barnes pointed out closing Washington Street again would impact the businesses on the street.*

**Charity Jackson**, 226 Hobson Street, expressed concerns regarding the Washington Street project (i.e. stopping, starting, timing, the paving of Washington Street, etc...) and informed Council that the businesses are suffering. She felt a community forum would be beneficial so that someone from staff can answer their questions/concerns. Ms. Jackson also expressed concerns about the driveway at the Ritz Theatre and noted there were three driveways and during the community forum, property owners were not aware that one of those driveways would be taken away. She asked Council to consider looking at this again and putting the driveway back.

As a point of clarity, Council Member C. Davis asked if the members in the audience from the First Baptist Church be allowed to speak when 150292 Contract- Demolition of Structure- 701 Washington Street comes up before Council. Mayor Bencini explained that although it is not a public hearing, they could give the Council some clarification during the discussion should the need arise.

[end of Public Comments]

#### **PUBLIC HEARING - FINANCE COMMITTEE**

##### **150279      Public Hearing - Financing of Motorola Radio System Equipment**

Tuesday, September 8, 2015 at 5:30 p.m. is the date and time established by City Council to conduct a public hearing pursuant to NC General Statute 160A-20 for the consideration of financing upgrades to the 800mhz radio system, including improvements to City-owned real estate, through a contract between the City of High Point and Motorola, Inc.

*The public hearing for this matter was held on Tuesday, September 8, 2015 at 5:30 p.m.*

*Chairman J. Davis announced this is the date and time for the public hearing to conduct a public hearing on this matter.*

*Jeff Moore, Director of Financial Services, advised that at the July 20, 2015 City Council meeting, Council adopted a contract for upgrading the Motorola system in the amount of \$3.3 million and noted there would be an additional \$300,000 in site improvement that will be coming back to Council shortly. The Local Government Commission requires a public hearing to be held on this matter due to the amount of financing and the length of time. He pointed out the public hearing was duly advertised on August 27th. Mr. Moore advised that this would result in about \$400,000 in debt service over the next ten years.*

*Council Member C. Davis advised that someone called her today who had gone on-line to try to find out additional information, but no details or dollar amounts were available. Mr. Moore explained that the details of the financing were not available at the time the publication for the public hearing was made.*

*At this time, Chairman J. Davis opened the public hearing and asked if anyone was present who would like to comment. There being no comments, the public hearing was closed.*

Acknowledged that the public hearing was held as advertised and approved the financing upgrades to the 800mhz radio system, including improvements to City-owned real estate, through a contract between the City of High Point and Motorola, Inc.

**A motion was made by Mayor Pro Tem Davis, seconded by Council Member Alexander, that matter be approved. The motion PASSED by an 8-0 unanimous vote. [Council Member Wagner was absent]**

#### CONSENT AGENDA ITEMS

*Mayor Pro Tem J. Davis announced that the Finance Committee met on Thursday, September 3, 2015 at 4:00 p.m. and recommended all matters be forwarded to Council with a favorable recommendation (150280, 150282, and 150283).*

**Mayor Pro Tem J. Davis moved approval of all matters under the Finance Committee Consent Agenda. Council Member Williams made a second, which carried unanimously. [8-0 vote] [Council member Wagner was absent]**

*Action on these matters will be reflected throughout these minutes as being made and seconded by the same persons.*

FINANCE COMMITTEE - *Mayor Pro Tem Davis, Chair*  
*Committee Members: C. Davis, Hill, and Williams*  
*(all were present)*

#### **150280      Contract Extension - Pike Electric - Electrical Distribution Crews**

Consideration of contract extension to Pike Electric in the amount of \$2.26 million for Electrical Distribution Crews.

Approved the contract extension to the Pike Electric contract in the amount of \$2.26 million for Electrical Distribution Crews.

**A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Williams, that the Contract Extension to the Pike Electric contract be approved. The motion PASSED by an 8-0 unanimous vote. [Council Member Wagner was absent]**

#### **150282      Purchase of Equipment - Mini Derrick with Trailer**

Council is requested to approve the purchase of a mini derrick with trailer from Nesco Sales & Rentals in the amount of \$153,100. This equipment is for use by the Electric Department to meet the growing demand for work in backyards with limited access.

Approved the purchase of a mini derrick with trailer from Nesco Sales & Rentals in the amount of \$153,100.

**A motion was made by Mayor Pro Tem Davis, seconded by Council Member Alexander, that this Contract be approved. The motion PASSED by an 8-0 unanimous vote. [Council Member Wagner was absent]**

**150283      Delegation of Responsibilities for the Firefighter Local Relief Fund Board**

City Council is requested to delegate the responsibility for submitting the annual Board of Trustees reports to the Fire Chief, currently appointed to Thomas Reid, and that copies of the report submissions be sent to the City Clerk's Office for record retention.

Authorized the delegation of authority and responsibility for submitting the annual Board of Trustees reports to the Fire Chief, and that copies of the report submissions be sent to the City Clerk's Office for record retention.

**A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Williams, that this matter be approved. The motion PASSED by an 8-0 unanimous vote. [Council Member Wagner was absent]**

**REGULAR AGENDA ITEMS****FINANCE COMMITTEE - Mayor Pro Tem Davis, Chair****150281      Purchase of Equipment- Compact Refuse Truck**

Council is requested to approve the purchase of a new 2016 Isuzu rear loading refuse truck from Scranton Manufacturing in the amount of \$93,475.33.

*Chairman J. Davis reported that this matter is on the Regular Finance Committee agenda due to it receiving one dissenting vote when it was discussed in the Finance Committee Meeting on September 3rd.*

*Gary Smith, Director of Fleet Services, explained that this vehicle will replace a 2009 Ford F550 side load refuse truck that is being used daily (used for missed garbage call and dead animal pick-ups). He reported that the vehicle averages about 25,000 miles per year and they are now experiencing maintenance related issues due to the high miles. He recommended moving the old vehicle into a spare role and advised this would result in reducing the mileage at least 10,000 per year and it could easily extend the life of the vehicle to 200,000 miles while cutting down on the number of trips to the landfill as well. Mr. Smith informed Council that the truck currently being used is side loading, but the 2016 Isuzu is a rear loading, which will allow for more capacity. Due to this being a compact vehicle, a CDL is not required to operate it.*

*Council Member C. Davis shared that she did some additional research on this matter following the Finance Committee Meeting and advised she could now support the purpose for the truck to be used.*

Approved the contract with Scranton Manufacturing in the amount of \$93,475.33 for the purchase of a new 2016 Isuzu rear loading refuse truck.

**A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Hill, that this Contract be approved. The motion PASSED by an 8-0 unanimous vote. [Council Member Wagner was absent]**

COMMUNITY HOUSING & NEIGHBORHOOD DEVELOPMENT COMMITTEE - Council Member Golden, Chair

*Committee Members: Golden, Alexnder, Ewing and Williams  
(all were present)*

**150285      CDBG - Procurement Procedures & Code of Conduct**

Council is requested to approve the Procurement Standards and Code of Conduct for procurements utilizing Community Development Block Grant (CDBG) funds.

*Mike McNair, Director of Community Housing & Development, explained that HUD regulations require the City to approve Procurement Standards and Code of Conduct for procurements utilizing Community Development Block Grant funds.*

Approved the Procurement Standards and Code of Conduct for procurements utilizing Community Development Block Grant (CDBG) funds.

**A motion was made by Council Member Golden, seconded by Council Member Alexander, that this matter be approved. The motion PASSED by an 8-0 unanimous vote. [Council Member Wagner was absent]**

**150286      Section 504 Grievance Procedure for HUD Programs**

Council is requested to approval the Section 504 Grievance Procedure for HUD programs.

*Mike McNair, Director of Community Housing & Development, explained the Section 504 procedure has to do with ADA and requires that the City adopt the procedure that states that people cannot be limited to accessing HUD programs due to a handicap or being disabled. As part of this procedure, a city employee is identified as the point of contact for the HUD programs.*

Approved the Section 504 Grievance Procedure for HUD programs.

**A motion was made by Council Member Golden, seconded by Council Member Alexander, that this matter be approved. The motion PASSED by an 8-0 unanimous vote. [Council Member Wagner was absent]**

**150287      Delegation of Authority - Federal Grant Documents**

Council is requested to approve the Delegation of Authority authorizing the City Manager or his designee to execute federal grant documents.

*Mike McNair, Director of Community Development & Housing, reported that HUD regulations require that the City designate a certifying officer and authorize the appropriate City official and/or employee to execute all necessary federal grant documents. He pointed out the Delegation of Authority to Act as Certifying Officer identifies the city manager to sign all necessary federal grant documents upon Council's approval.*

Approved the Delegation of Authority authorizing the City Manager or his designee to execute federal grant documents and granted the Mayor the authority to execute the Delegation of Authority to Act as Certifying Officer.

**A motion was made by Council Member Golden, seconded by Council Member Alexander, that this matter be approved. The motion PASSED by an 8-0 unanimous vote. [Council Member Wagner was absent]**

**150288      Citizen Participation Plan - 2015-2016**

Council is requested to approve the 2015-2016 Citizen Participation Plan as requested by the Community Development and Housing Department.

*Mike McNair, Director of Community Housing & Development, advised that the City is required to prepare a Citizen Participation Plan that establishes how the public can get information about programs, standards for amendments, public hearing timelines, etc.... Chairman Golden asked staff how they know they are reaching the desired population. Mr. McNair explained that in addition to putting the information in the newspaper, his staff invests quite a bit of time interacting with the community in being involved at the local level.*

*Council Member C. Davis questioned information on Page 5 of the Citizen Participation Plan that states "The Mayor and each member of City council appoint one member to the CAC" and she wasn't sure this was the current practice. It was noted that this is the current practice for appointments to the CAC. Council Member C. Davis shared as she was reviewing information on boards and commissions and it didn't read that way to her, so that was her reason for posing the question.*

Approved the 2015-2016 Citizen Participation Plan as requested by the Community Development and Housing Department.

**A motion was made by Council Member Golden, seconded by Council Member Alexander, that this 2015-2016 Citizen Participation Plan be approved. The motion PASSED by an 8-0 unanimous vote. [Council Member Wagner was absent]**

**150289      Conveyance of Property - Habitat for Humanity**

Council is requested to adopt a Resolution authorizing the conveyance of four lots to Habitat for Humanity for the purpose of an affordable housing development in the Graves Avenue area.

*Mike McNair, Director of Community Housing & Development, advised that the North Carolina general statutes require that when properties are conveyed to a non-profit that it be accompanied by a resolution. He noted that Habitat for Humanity is working in the Graves Avenue area and the City has five additional properties that Habitat for Humanity is ready to receive.*

*Council Member Ewing asked staff how these properties were acquired. Mr. McNair explained that these properties were acquired as part of infill development and pointed out the City has been acquiring property in this area for quite some time, which has resulted in about 23 houses being built in this area.*



Adopted Resolution authorizing the conveyance of four lots to Habitat for Humanity for the purpose of an affordable housing development in the Graves Avenue area.

**A motion was made by Council Member Golden, seconded by Mayor Pro Tem J. Davis, that this Resolution be adopted. The motion PASSED by an 8-0 unanimous vote.[Council Member Wagner was absent]**

**Resolution No. 1478/15-49**

**Introduced 9/8/2015; Adopted 9/8/2015**

**Resolution Book, Volume XIX, Page 49**

**150290**

**736 Washington Street - Appeal of Unsafe Building**

Appeal of Code Enforcement Supervisor that the structure located at 736 Washington Street is an Unsafe Building.

\_\_\_\_\_  
Transcript

**Chairman Golden:** Next we'll be hearing, I guess, an appeal on the unsafe building at 736 Washington Street.

**Mayor Bencini:** Does someone from staff want to get us started?

**Deputy City Manager Randy McCaslin:** We....as you know, the Odd Fellows Lodge Building...you've seen the pictures, you've seen the condition that it's in.

**City Attorney JoAnne Carlyle:** Just in case, we're building the record now more than just your intro. This is a quasi-judicial administrative hearing, so folks will need to be sworn in for that because we may be creating a record for the court.

**Mayor Bencini:** Okay, anyone that's going to speak tonight needs to be sworn in. I would ask our city clerk to swear in those individuals who may speak on this case.

**Deputy City Manager Randy McCaslin:** Is Ms. Hoover even here? Ms. Hoover's not here.

**Chairman Golden:** Well can we go to the next item and come back?

**Mayor Bencini:** Is there some way that she can be contacted to return, or is she finished for the night.

**Charity Jackson:** I'll call her to find out.

**Mayor Bencini:** I think Mr. Golden had a good suggestion that we go to the next item.

**Chairman Golden:** You can go ahead and contact her. We're going to go to the next item.

**Mayor Pro Tem J. Davis:** Is it necessary to have a hearing when somebody that the reason is because they are financially destitute? Is that a legitimate reason to appeal a decision?

**City Attorney JoAnne Carlyle:** Well, in your decision that you would conclude, I believe that that will tell whether or not you deemed their reasoning logical. It's just you have to give them due process.

**Mayor Bencini:** I think they have the right to appeal on whatever foundation that want to appeal it on.

**City Attorney JoAnne Carlyle:** Whatever grounds.

**Mayor Bencini:** I would ask, though, if the person making the appeal doesn't show up.

**City Attorney JoAnne Carlyle:** Then you guys can go ahead and adopt Findings of Fact. Again, you can do whatever you want to.

**Chairman Golden:** The second item is the same issue.

**Council Member Alexander:** Well, I mean we can just move from there down to Planning and Development and do our Resolution of Intent.

**Mayor Bencini:** That'll take us about 30 seconds.

**Council Member Alexander:** We can go out of our way to accommodate folks, but if they don't show up....I mean our meeting was well advertised for 5:30.

**City Attorney JoAnne Carlyle:** She was given more than adequate notice.

**Council Member Alexander:** It is 6:11 now.

**Deputy City Manager Randy McCaslin:** And Ms. Hoover was notified by Certified Mail and First Class Mail.

**Mayor Bencini:** Okay, let's move on then to Planning and Development and in the absence of our Chair of that Committee, Mr. Wagner, I'm going to ask Mr. Davis if he will handle that.

Council, should we?.....Well here comes someone who was going to call. Did you have any success reaching her?

**Charity Jackson:** Yes I did. She is at the doctor. She had an emergency doctor's appointment so she's in Charlotte. She didn't know the appeal was today.

**Mayor Bencini:** Thank you. Council, it's apparent that the person who appealed this case is not going to be here tonight. Does the Council wish to go forward? I know we've got some difficult safety issues on that street.

**Council Member Ewing:** I think we move forward. Looking at the registered mail that was sent Certified, it's in bold print that the appeal would be before the City Council on Tuesday, September 8th at 5:30.

**Council Member C. Davis:** *I would make the motion that we continue it to our next meeting seeing that we don't know the nature of the emergency in case they put her in the hospital. It prevents her from appearing today. We certainly take it up at our next meeting and move forward at that time.*

**Mayor Bencini:** *There's a motion. Is there a second? That motion dies for lack of a second.*

**Council Member C. Davis:** *Thank you.*

**Mayor Bencini:** *Well it would appear that Council's desire is then to move forward. Mr. Golden.*

**Chairman Golden:** *Yes. Item #150290....I guess we'll have the people that were going to be sworn in to come back up.*

**Mayor Bencini:** *Yes. Anyone that intends to give testimony, please come forward to be sworn in.*

*[Oaths administered at this time to Randy McCaslin, Deputy City Manager and Ed Brown, Inspections Administrator]*

**Deputy City Manager Randy McCaslin:** *In the way of an introduction, this is the old Odd Fellows Lodge. You've seen the pictures in the past at a previous Council Meeting. It is.....the roof has completely caved in. The third and second floor are on the first floor, so it's the shell of the building is what is remaining. Our building inspections department has declared it an unsafe structure and we've had several conversations with Ms. Hoover. She did not make the initial hearing with the building inspections department because she was in Charlotte. She was notified of tonight's meeting by Certified Mail and First Class Mail, so we would ask you to move forward with this. We do feel like the building is an unsafe structure and we have blocked the sidewalk off, but as the city manager expressed earlier, if this goes on much longer we may need to close the road because, again, when the Kilby Hotel finally fell, it shuffled bricks across the road even though it had been fenced off also. We do feel like it is a dangerous situation and we would ask Council to move forward with this.*

**Mayor Bencini:** *Mr. McCaslin, would the removal of this structure lead to eventually or quickly to bringing down the restrictions on the use of the sidewalk?*

**Deputy City Manager Randy McCaslin:** *Absolutely. Yes Sir.*

**Mayor Bencini:** *Okay, so you feel like it would....safety would be returned to some level by the removal of this structure?*

**Deputy City Manager Randy McCaslin:** *If the Council takes action on this structure and the First Baptist Church, which comes up a little later, we will move forward with the remaining part of the street project and replace the sidewalks in front of both structures and move forward with the resurfacing, etc... to complete the project.*

**Council Member Alexander:** I want to make sure the reason that we have slowed the progress in that area is because of those two structures because we're concerned that any....and I'll use the word "seismic" activity might cause the structures to fall. So the grinding of the road, the compaction and then the asphalt and picking up of the sidewalk--all of that was put on hold because we've got to have action here. So as soon as we get action on demolishing these structures, then we'll be back on target with completing that project on Washington.

**Deputy City Manager Randy McCaslin:** All that is a correct statement.

**Council Member Alexander:** I hope that makes it clear as to what we're doing and why we're doing it.

**Mayor Bencini:** And if I remember correctly, it was the storm that brought down the Kilby and we're still in the hurricane season.

**Chairman Golden:** Two things stuck out at me tonight listening to them talk about the kids having to cross the street. We have to be cognizant of the safety of our children and I know how the community feels sometimes when it comes to these structures, but I don't see us being in a position where we could prolong anything any longer.

So I would **MOVE THAT WE MOVE FORWARD WITH THE DEMOLITION.**

**City Attorney JoAnne Carlyle:** If I could make a request for Planning, if you wouldn't mind, stepping up if you have anything else to add or just putting the report or the order into the record.

**Inspections Administrator Ed Brown:** You have in front of you the complete summary and the exact documents for the original Notice of Hearing, the Order, the Request to Repair or Demo. And then the Order was also backed up by a third party structural engineer, CB2, on July 17th so it was just not the staff acknowledgement. Then the pictures that were delivered by the Fire Department, which, of course, put everything in order and you could actually see exactly what we were stating. So I'd like to place all that in the record.

**Mayor Pro Tem J. Davis:** Jeff had a motion to move forward with the demo, but before we do that, do we need to deny her appeal?

**City Attorney Joanne Carlyle:** You do. I was just getting ready to say that Council needs to vote on whether to affirm, modify and affirm, or revoke the Order that has been entered into evidence. Those will be your Findings of Fact--independent Findings of Fact, even though they may be exactly the same.

**Chairman Golden:** How do we word that?

**City Attorney JoAnne Carlyle:** Your motion will be either to affirm the Order with the Findings of Fact that have been submitted, or you can modify and affirm, or revoke.

**Chairman Golden:** *Okay, I'd just like to make a MOTION TO AFFIRM THE ORDER WITH THE FINDINGS OF FACT.*

**Mayor Pro Tem J. Davis:** **SECOND.**

**Mayor Bencini:** We have a motion and a second. Any further discussion? [none] All those in favor, say Aye. Aye. Any opposed? [none]

[end of transcript]

Affirmed the Order with the Findings of Fact.

**A motion was made by Council Member Golden, seconded by Mayor Pro Tem J. Davis, to affirm the findings of fact as set out in the Code Enforcement Supervisors determination Order dated July 29, 2015. The motion PASSED by an 8-0 unanimous vote. [Council Member Wagner was absent]**

**150291      Ordinance - Demolition of Structure - 736 Washington Street**

Council is requested to adopt an ordinance ordering the inspector to effectuate the demolition of the structure located at 736 Washington Street belonging to Rebekah Jackson Hoover; and award contract to Double D Construction Services, Inc. in the amount of \$27,300.00.

**Chairman Golden:** *Item 150291 Order of Demolition of Structure at 736 Washington Street.*

**Council Member Alexander:** *I have a question. How quickly could the contract be executed? And during that period of time, will the street have to be closed on a temporary basis, at least until they can get the third floor and second floor kind of down to the ground?*

**Inspections Administrator Ed Brown:** *The demolition has already been bid and I imagine it would be effective as soon as the manager's office gave the okay where the purchase order has been issued. Everything is in place. The asbestos analysis has been done. It is going to be a wet demolition because it's all mixed together which did increase the price for the demo. But it has been bid and it's ready to go. All we have to do is award it.*

**Mayor Pro Tem J. Davis:** *Is there anyone here from Double D construction because I remember the last conversation there was a small building attached to this building and we were concerned about whether that building would get damaged or torn down.*

**Deputy City Manager Randy McCaslin:** *They were given....all bidders were given the opportunity to meet on site. I'm not sure whether or not they took us up on that, but several did come out to the site. All bidders were given the opportunity to come out to the site to see it before they bid.*

**Mayor Pro Tem J. Davis:** *Are we protected then if the other building gets damaged?*

**Inspections Administrator Ed Brown:** *We did put that in the bid. That it did not include the adjoining building. And if the demolition....just like it happened with the Kilby, if the*

removal of the common wall and the the wall adjoining it opened up openings, they had to be sealed.

**Council Member Alexander:** So do you think that this is something that will happen in the next 30 days?

**Deputy City Manager Randy McCaslin:** It's our intent to move forward with it just as fast as possible and I would expect it be done well before then.

**Council Member Alexander:** And how long do you think it would take to kind of get the elevation above street level reduced down to where we reduce the fear of falling as you start moving because if you're going to have to close the street, at least until you get those walls somewhat down.

**Deputy City Manager Randy McCaslin:** I'm not a structural engineer, but watching them take down the Kilby, it all came down in a little over a day and I think it was more substantial than what we have here. So I would expect we may have to close Washington Street for a very short period of time.

**Council Member Williams:** Are we talking about less than a week?

**Deputy City Manager Randy McCaslin:** Yes.

**Mayor Pro Tem J. Davis:** I assume we are going to bill Ms. Hoover for this and then if not, we're going to place a lien for \$27,300 on the property.

**Deputy City Manager Randy McCaslin:** We will treat Ms. Hoover and this property owner like we do all others. We will send them a bill first for all the costs associated with it, including the fencing, and demolition removal and restoring the property and give them a certain amount of time to pay, whatever that time period is and then if they don't pay for it in that certain amount of time, and don't reimburse the city, then we will place a lien on the property.

**Council Member C. Davis:** What is the typical time period?

**Inspections Administrator Ed Brown:** Thirty days.

**Mayor Bencini:** Thank you.

**Chairman Golden:** I MOVE TO ADOPT THE ORDINANCE TO DEMOLISH AND AWARD THE CONTRACT TO DOUBLE D CONSTRUCTION SERVICES, INC.

**Council Member Alexander:** I'll make a SECOND.

**Mayor Bencini:** We have a motion and a second. Any further discussion? [none] All those in favor, say Aye. Aye. [all] Opposed? [none] **That motion carries. [8-0 vote]** [Council Member Wagner was absent]



*[end of transcript]*

*Adopted Ordinance ordering the inspector to effectuate the demolition of the structure located at 736 Washington Street. and awarded the contract to Double D Construction Services, Inc. in the amount of \$27,300.00.*

**A motion was made by Council Member Golden, seconded by Council Member Alexander, that the Demolition Ordinance to demolish 736 Washington Street be adopted. The motion PASSED by a 9-0 unanimous vote.**

**Ordinance No. 7168/15-51  
Introduced 9/8/2015; Adopted 9/8/2015  
Ordinance Book, Volume XIX, Page 51**

PLANNING & DEVELOPMENT COMMITTEE - Council Member Wagner, Chair  
Committee Members: Wagner, C. Davis, J. Davis and Golden  
(all were present)

**150293      Resolution of Intent - Annexation Case ANX15-07**

Approval of a Resolution of Intent that establishes a public hearing date of Monday September 21, 2015, at 5:30 p.m. to consider a voluntary contiguous annexation request. The proposed annexation site is an approximate 0.24-acre parcel lying north of the intersection of Penny Road and OSSI Court. The property is addressed as 2723 - R1 NC Highway 68 and is also known as Guilford County Tax Parcel 0170014.

Adopted a Resolution of Intent establishing a public hearing date of Monday, September 21, 2015 at 5:30 p.m. to consider a voluntary contiguous annexation request for an approximate 0.24-acre parcel lying north of the intersection of Penny Road and OSSI Court.

**A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member C. Davis, that this Resolution be adopted. The motion PASSED by an 8-0 unanimous vote. [Council Member Wagner was absent]**

**Resolution No. 1477/15-48  
Introduced 9/8/2015; Adopted 9/18/2015  
Resolution Book, Volume XIX, Page 48**

PROSPERITY & LIVABILITY COMMITTEE - Council Member Ewing, Chair  
Committee Members: Ewing, Alexander, Hill and Wagner  
(Wagner was absent)

**150264      Building Revitalization and Demolition Grant Guidelines**

At the Prosperity & Livability Committee meeting held July 15, 2015, the committee recommended the approval of the Building Revitalization and Demolition Grant Guidelines to encourage the return of development and investment in the urban core of High Point.

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Transcript

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**Chairman Ewing:** The first item, Item #150264 Building Revitalization and Demolition Grant Guidelines. City Attorney Carlyle is going to answer any questions that anyone might have on this at this time.

**Council Member C. Davis:** The only thing that I was looking at when I was looking at this particular item was the Business Development Committee will have five members which are appointed by the Council with three-year staggered terms and I wanted to make the suggestion to my colleagues, if they would indulge me, that we have six wards, two at-large and one mayor that make up the body. So therefore, I would like to see us have all six wards represented and a mayor appointment to make seven. No need for the at-large I believe. But I do think that each ward should be represented on this Business Development Committee and the mayor's appointment would make it an odd number, which would allow the votes to fall as they should. That's the recommendation in regards to the Business Development Committee. I do have other comments, but I would like to wait to see if anyone would like to comment on that particular point at this time.

**Mayor Pro Tem J. Davis:** That's a good idea. I don't know what the premise was for five, did they just want to keep it small?

**Council Member Ewing:** Small was the idea. Look at the Board of Adjustment, that's five and two alternates...because this is not going to be a regular meeting. It's going to be called upon when there's an application so the smaller the easier in getting those people together at the point when you have an application.

**Council Member Alexander:** And it doesn't stretch over all six wards.

**Mayor Bencini:** No, it doesn't.

**Council Member C. Davis:** The impact, though, impacts the entire city and not just a segment based on .....

**Mayor Pro Tem J. Davis:** What would be the quorum?

**JoAnne Carlyle:** It would be just a majority.

**Mayor Pro Tem J. Davis:** So if three showed up....I'm not so sure if maybe having another member or two might be better.

**Council Member Golden:** I like Cindy's suggestion personally.

**Council Member C. Davis:** The other...well, I guess would now be an appropriate time to make a motion on that portion? Then, I would like to make a motion that the Business Development Committee within the MSD for the....or the Building Revitalization Grant Guidelines that the Business Development Committee go from five members to seven members--one of each ward and a mayor appointee, with three-year staggered terms.

**City Attorney JoAnne Carlyle:** *I think that applies to both of these.*

**Council Member C. Davis:** *It does and I can make the same motion for both if it's appropriate because it will impact both.*

**Mayor Bencini:** *We don't have a motion on the floor yet.*

**Council Member C. Davis:** *I said that was the motion as I was trying to get it out. Just to amend that portion at this time. I asked JoAnne if now was the appropriate time to do the Business Development Committee thing and she nodded yes that it was.*

**City Attorney JoAnne Carlyle:** *It really needs to be part of the final motion.*

**Mayor Bencini:** *And that motion has not been made yet.*

**Council Member C. Davis:** *Well, that's the one change. So that's fine. Just one other comment and I'll end with that. I just feel that owners of property have a personal responsibility to maintain their property, demolish it, sell it, lease it--that sort of thing. The city is not a bank. I understand that this particular incentive is for revitalize and demolition, but there are other parts of the city besides the particular area that we're looking at such as Five Points and parts of S. Main Street that can also benefit. I will not be supporting this with the limited arm that it has.*

**Mayor Pro Tem J. Davis:** *I have one question. I guess it applies to both. I know that we have budgeted \$200,000 in the budget for this and it was money left over from the Randleman Dam lawsuit. What is the plan to fund this in the future? I didn't see any mention of how this would be funded once that \$200,000 is exhausted.*

**Mayor Bencini:** *I presume it would be an annual budget item.*

**City Manager Greg Demko:** *Once a program is developed and we put it there, then that would be a consideration for the annual budget, similar to what you did this year with the \$500,000 for our code enforcement and community rehab.*

**Mayor Pro Tem J. Davis:** *Shouldn't we establish that, you know, a budget amount every year? Or we're just leaving it open-ended. I don't see anything that says we're going to....*

**Council Member Ewing:** *The one thing to consider, it's a grant up to \$20,000 or 15% of eligible project costs and \$20,000 would be an investment at the 15% of \$134,000. So you would squeeze ten of those out. That's \$1.3 million of investment. I think if can get \$1.3 million investment....*

**Mayor Pro Tem J. Davis:** *I understand that. But I'm saying after this is exhausted, next year you've got to fund it and the year after. We took the ability to collect tax in these MSD Districts this year off the table. So if this becomes a popular thing and I understand the merits of it and I support the merits of it. I'm just asking how or why we're not considering how we're going to fund it in the future. I mean this is a program that we think is going to*

revitalize downtown and it's a tool. I would think that we would say certainly that we're going to budget a certain amount of money for the next ten years to do this.

**Council Member Alexander:** We don't know if we're going to have a taker yet. I mean we've had a number of different programs.

**Mayor Pro Tem J. Davis:** Well, it's just like the facade grant, you know, it was \$25,000 when I got on Council and then we realized that this is popular and it's working, so we increased it to \$35,000. That was even better, so now it's \$50,000. But we had a plan in place. You know if this thing works, we're going to fund it and we've done that. I'm not seeing that in this and I'm just asking....it seems to me that we would have some kind of, you know, we heard today that we've done better financially than we thought. Are we going to say, well, let's take \$200,000 of that money and budget for next year in the budget?

**City Manager Greg Demko:** Well right now for this year, we've got the \$200,000 as you mentioned from the settlement--the seed money to start off the program. With the successes of that program, then we would evaluate for future years how we want to continue to put it together.

**Mayor Pro Tem J. Davis:** See, I like to think in the future. I'm thinking we already know we might have an increase in our healthcare. So that money has got to come from somewhere. We can pass it on to our employees, or we can absorb it in the budget and we had that discussion today. This is the same thing. Next year we've got to think about how we're going to budget for this and the year after. You've got to have some kind of plan.

**Council Member C. Davis:** Councilman Davis, in the School of Government's book where it talks about municipal service districts on page 486, it says "the city can create the municipal districts for the purposes of downtown revitalization or urban area revitalization. Such a district is created by action of the City Council after a public hearing (which we did) and it is funded by the levy of an additional ad valorem tax on all property within the district." So we have the option of either doing it through the budget or adding a tax and I won't do the tax. But there's the other option.

**Council Member Ewing:** We can choose to tax it just like we change our tax rate every budget adoption.

**Mayor Pro Tem J. Davis:** Well, I mean, if that's your plan, then just say yeah next year we'll probably....if this is popular we're going to have to tax it.

**Council Member Ewing:** The problem with taxing it and I don't know if Randy's still here. He's talking to Charity. When we started this and Jay and I met with staff a year and a half ago. When we outlined the initial area, the amount of property value in there was so minimal, you wouldn't be able to tax it to achieve what you need to achieve. You would have to tax it so much that it would max out at what the state legislature will allow and you still wouldn't have probably more than \$20,000.

**Council Member C. Davis:** 1.9%.

**Mayor Pro Tem J. Davis:** *I understand. We've got four MSD districts and \$200,000 if this were to take off and we could go through that pretty quickly.*

**City Manager Greg Demko:** *Well this is only active in the Main Street.*

**Council Member Ewing:** *The other three MSD's were done specifically to accommodate the facade grant.*

**Mayor Pro Tem J. Davis:** *Well, like I said, I think it has merit and I've always said that. I just would think that there would be some kind of plan to fund it in the future. I would hate to see this thing really grow and be something and then the next year, we're looking for money to pave our streets or something comes up again and we're like, you know, we're going to have to cut something. You know, I guess we're not going to fund that or we're not going to pave our streets in order to fund it.*

**Mayor Bencini:** *Well we'll have a set amount in the budget any year that we put this in the budget and when we're done with that, we're done and if it looks like it's something that's widely popular, then we'll have to think about it in a different way.*

**Mayor Pro Tem J. Davis:** *That's what I'm asking because it's not saying that we're going to have a set amount in there.*

**Mayor Bencini:** *We're going to have a set amount because we have to have a set amount per year from the budget. You know the manager will present us a budget with a suggested amount in there and it's up to this Council to decide that's not enough or that's too much or we don't want to do it at all. So I don't see that's an issue.*

**Mayor Pro Tem J. Davis:** *Greg, do you feel comfortable with that? Moving forward like that, just open-ended?*

**City Manager Greg Demko:** *Absolutely and actually the budget and evaluation are an annual policy. We're looking to build long-range financial plans to do exactly what you're saying, but we're not there yet. The policy decisions, just like with the streets where we were able to increase it significantly this year, it's still shy of where it should be. Not to say that this program won't be and we'll have to make those policy calls on how much money we want to allocate to it each year.*

**Council Member C. Davis:** *Councilman Davis, would you be happy if we determined a projected dollar amount with the verbiage stating that amount could increase at discretion?*

**Council Member Alexander:** *You can't set next year's budget.*

**Mayor Pro Tem J. Davis:** *I think I'm more comfortable with the way Greg just said that, that he would look at it based on revenues and expenditures. It may get funded and it may not. It may not be at the level that we see in this year's.*

**Council Member Ewing:** With that, Mr. Mayor, **I MOVE THAT WE ADOPT THE BUILDING REVITALIZATION AND DEMOLITION GRANT GUIDELINES AS PRESENTED IN YOUR AGENDA.**

*Mayor Bencini: We have a motion. Is there a second?*

**Council Member Hill: SECOND.**

**Council Member C. Davis:** *I have...*

*Mayor Bencini: We have a motion and a second. Any further discussion?*

**Council Member C. Davis:** *Yes. I have a question. I won't be voting for it, but I would like to see the change in the Business Development Committee that change take place, so do I let them vote on it and then bring that part back?*

**City Attorney JoAnne Carlyle:** *I thought you were getting ready to do a substitute motion.*

**Council Member C. Davis:** *Well, I would like to do a substitute motion to do the Business Development Committee aspect. Is that appropriate at this time?*

**Council Member Ewing:** *You'd have to make a substitute motion to adopt that with that additional.*

**City Attorney JoAnne Carlyle:** *Or ask him for a friendly amendment.*

**Council Member C. Davis:** *Would you do a friendly amendment to increase the number of members to that Business Development Committee?*

**Council Member Ewing:** *I understand the reasoning behind it, but I think for the purpose of this, five....like the Technical Review was only five and I think there's more power in the small numbers in this process. We've seen the Facade Grant Committee is.....*

**Council Member C. Davis:** *But then you only have three members that are required to hear any....at any given time. Whereas with seven, you know, I appreciate your consideration.*

**Council Member Ewing:** *I want to say it's still .....*

**City Attorney JoAnne Carlyle:** *If you want to make a substitute motion you can.*

**Mayor Bencini:** *Why don't you make a substitute motion?*

**Council Member Golden:** *She's not going to support it though, so she wouldn't be the one making it would she?*

**Council Member C. Davis:** *I won't be voting for the item. I would be voting for the piece that I would like to see in it.*



**City Attorney JoAnne Carlyle:** *Even without....my apologies. I'm sorry I thought you were going to vote for it with that in it.*

**Council Member C. Davis:** *No.*

**City Attorney JoAnne Carlyle:** *My apologies.*

**Council Member Golden:** **I'LL MAKE A SUBSTITUTE MOTION TO ALSO INCREASE THE MEMBERS FROM FIVE TO SEVEN WITH AN APPOINTEE OF THE MAYOR AND THEN I'LL SUPPORT IT.**

**Mayor Pro Tem J. Davis:** **I'LL SECOND HIS SUBSTITUTE MOTION.**

**Council Member Ewing:** *Refresh my memory JoAnne. And it might be that the next one....comes back to Council. Is it this or the next?*

**City Attorney JoAnne Carlyle:** *It's the other one.*

**Council Member Ewing:** *It's the other one? That each come back to Council for award?*

**City Attorney JoAnne Carlyle:** *I apologize. Give me a second.*

**Council Member Ewing:** *So one of the evaluating proposals, it's the one where the committee makes a recommendation for approval or denial to the High Point City Council.*

**City Attorney JoAnne Carlyle:** *Right and that is on this one that we're talking about--the Building Revitalization.*

**Council Member Ewing:** *So the Business Development Committee isn't the final decision.*

**City Attorney JoAnne Carlyle:** *Right.*

**Council Member Ewing:** *It's going to come to Council.*

**Mayor Bencini:** *It still has to come to Council anyhow for all nine of us to....*

**Council Member C. Davis:** *It still provides further.....I mean, I don't understand what my colleagues don't get in regards to the Business Development Committee. We're using taxpayer's dollars, which is the whole pool of this city, to do the thing that you want to do, but yet you're not going to have a representative from each ward at the table. That does not sound fair. It doesn't sound right. [applause]*

*And I think that what needs to happen is the very thing that I recommended because you've got six wards, one representative from each. The mayor gets an appointment and everybody is responsible and everyone is taken care of. It's not that difficult.*

**Mayor Pro Tem J. Davis:** *We have a motion and a second to increase the number to 7.*

**Council Member C. Davis:** I know, but Jason was trying to do away with that so I'm responding to him, Mr. Davis. Thank you.

**Council Member Ewing:** No, I was simply saying why the five is....

**Council Member C. Davis:** I call the question.

**Mayor Pro Tem J. Davis:** Does that motion include both items in one approval? Are we approving both items, or are we doing each one of them separately?

**City Attorney JoAnne Carlyle:** However you want to do it. Right now I think you're only discussing 150264.

**Mayor Pro Tem J. Davis:** Would you like to amend it to include both?

**Council Member Golden:** Yes, so we won't have to go through this again. **I WANT TO GO AHEAD AND AMEND IT TO INCLUDE BOTH ITEMS AND WE CAN GO AHEAD AND PUT IT ON THE TABLE AND BE DONE WITH IT.**

**Mayor Bencini:** But regardless of the make-up of this committee, it still comes back to a full City Council.

**City Attorney JoAnne Carlyle:** It does. The language is in both.

**Mayor Bencini:** Okay, any further discussion on the substitute motion? [none] All in favor, say Aye.

**Mayor Pro Tem J. Davis; and Council Members Alexander, Golden, Williams, Hill, and Ewing:** Aye [6]

**Mayor Bencini:** Opposed?

**Mayor Bencini and Council Member C. Davis:** No. [2]

**Mayor Bencini:** That motion carries. [6-2 vote] [Council Member Wagner was absent]

**Chairman Ewing:** That is all for Prosperity & Livability then Mr. Mayor.

**Mayor Bencini:** Thank you.

**Council Member C. Davis:** Did we do both items?

**City Attorney JoAnne Carlyle:** That's what Jeff's amended motion was.

**Mayor Bencini:** He amended the motion to do both. We're finished with those two items.

**Council Member C. Davis:** *I thought we were just amending.....I'm sorry, I thought that we were just amending the Business Development Committee to include both, for the committee structure, not for both items.*

**Mayor Bencini:** *We voted for the two items with your recommended change in the committee.*

**Council Member C. Davis:** *Well, that was sly as snot wasn't it? Well, I guess I would like a moment, if you don't mind then, to point out that on the second one that we just passed, that you have a concern of tax abatement there where you referred to property tax on Item #7, property owner shall submit attached documentation to the High Point Finance Director, along with receipt of payment of property tax prior to June 30th. And then you have other aspects of this particular item, which I thought was separate. I thought we were just doing the committee aspect of it. Anyway, then you have that the properties will be re-assessed in three years. Then you have the re-assessed in three years, an increase or a decrease of 10%, which is clearly tax abatement. I knew that Council, my colleagues, didn't want to discuss that aspect of this, so that was very convenient that they were able to group both together. I had hoped that we would have the conversation about the separate item at length because it is clearly tax abatement. That is the concern and I hope that the media will pick up on the verbiage in the proposed document for the Development Incentive Grant in case a citizen within the City of High Point decides that because they do not reside or own a building within the MSD District, that this appears to be, in my opinion, tax abatement. Again, there are verbiage that refers to taxed property and providing tax receipts and the re-assessment in three years to 10%, 100%, 80%, 60-40-20 is what you're looking at for five years instead of the city retaining the tax-base revenues that the city is supposed to strive to obtain. Now we're going to give it back for people to maintain properties that they should have maintained to begin with, which is the condition that we have over on Washington Street. So I am very disappointed that my colleagues didn't list both item numbers. At that time, I would have been able to chime in sooner. I apologize to those of you who I failed this afternoon in that motion in not being able to have that stated clearly. Certainly, I missed the boat and I apologize to you.*

**Mayor Bencini:** *Thank you, Ms. Davis.*

**Council Member C. Davis:** *You're very welcome, Mr. Mayor.*

*[end of transcript]*

Approved the Building Revitalization and Demolition Grant Guidelines with a change in the number of members on the Business Development Committee (BDC) from five (5) to seven (7) members--one from each ward, with a mayor appointee.

150265

### **Development Incentive Grant**

At the Prosperity & Livability Committee meeting held July 15, 2015, the committee recommended approval of the Development Incentive Grant to encourage rehabilitation of older buildings and/or promote infill growth with new commercial development in High Point's Downtown Revitalization Corridor.

*Note: This matter was discussed with Matter #150264 Building Revitalization and Demolition Grant Guidelines. Please refer to #150264 Building Revitalization and Demolition Grant Guidelines above for discussion on this matter.*

Approved the Development Incentive Grant Guidelines with a change in the number of members on the Business Development Committee (BDC) from five (5) to seven (7) members--one from each ward, with a mayor appointee.

*The substitute motion made by Council Member Golden, seconded by Mayor Pro Tem J. Davis, that this matter be approved, with a change in the number of members on the Business Development Committee (BDC) from five (5) to seven (7) members--one from each ward, with a mayor appointee carried by the following 6-2 vote:*

Aye (6): Council Member Hill, Council Member Williams, Mayor Pro Tem Davis, Council Member Ewing, Council Member Golden, and Council Member Alexander  
Nay (2): Mayor Bencini, and Council Member Davis  
Absent (1): Council Member Wagner

#### GENERAL BUSINESS AGENDA

#### **150294      High Point Parks & Recreation Department -Revisions to Rules & Regulations**

Council is requested to approve the revisions to the High Point Parks & Recreation Department rules and regulations.

*Lee Tillery, Director of Parks & Recreation, explained these are revisions to the Rules and Regulations for parks and open Spaces. These regulations have not been revised since 1982; however the second part includes the Lake Recreation Management Plan for both lakes (Oak Hollow and City Lake) which was revised in 2013. Mr. Tillery advised that both documents have been reviewed by the Parks and Recreation Advisory Board at their July and August meeting and was unanimously approved in August. He pointed out these changes were presented to their board in July, reviewed, and then approved at their August meeting.*

Approved the Revisions to the High Point Parks & Recreation Department Rules and Regulations.

**A motion was made by Council Member Williams, seconded by Council Member Ewing, to approve the revisions to the High Point Parks & Recreation Department rules and regulations. The motion PASSED by an 8-0 unanimous vote. [Council Member Wagner was absent]**

#### **150292      Contract - Demolition of Structure - 701 Washington Street**

Consideration of award of contract to Double D Construction Services, Inc. in the amount of \$28,132 for the demolition of the First Baptist Church (entire building) located at 701 Washington Street and award of contract to Salem Stained Glass, Inc. in the amount of \$19,600 for the removal of the stained glass windows.

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Transcript

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**Deputy City Manager Randy McCaslin:** Mr. Mayor and members of Council, you previously adopted...or a Council has previously adopted the demolition order for this structure. At this point, we bring to you the bids. The low bid for the demolition is Double D Construction Company in the amount of \$23,132. There's also a proposal and this is where the discussion comes in and the hard decisions....this bid by Double D does not include removal of the stained glass windows. There is a separate proposal here for \$19,600, which would involve the removal of those stained glass windows. They do have some value. There would have to be some costs expended at some point by someone to restore them. But at this point, this would be the removal of those windows in addition to the \$23,132, which is the demolition of the entire structure/building.

**Council Member Williams:** Now, I'm going to assume that's the lowest bid, the \$19,000?

**Deputy City Manager Randy McCaslin:** The \$19,000 is a service contract from a specialized contractor. Yes Sir.

**Council Member Williams:** We only got one?

**Deputy City Manager Randy McCaslin:** We only got the one.

**Council Member Alexander:** Once the windows are removed, once the citizens of High Point if they were to spend \$19,600 whose property is it?

**Deputy City Manager Randy McCaslin:** It would be the property of the City of High Point up until the amount of the lien was paid off and then, as I understand it, the property of the church. Is that correct JoAnne?

**City Attorney JoAnne Carlyle:** Sort of.

**Council Member Alexander:** Well, I mean, the question is.....they're beautiful windows. They're historic, but if you're going to spend \$19,600 ultimately, you're hoping that someone finds some way to re-use and to preserve and protect those. But if there's no one standing in the wings to do that and certainly the church has had that option over all the time going on to take the windows out or to contract with someone privately to do that. I mean I hate to see the windows lost, but I also hate to spend nearly \$20,000 and then we don't know what we're going to do with it.

**Mayor Pro Tem J. Davis:** That leads me to my question. What kind of experience has the city got in selling stained glass windows on the open market?

**Council Member Golden:** I think he's going to address that.

**Pastor Michael Robinson:** I think you also have an email that came to us from Mr. Siceloff in reference to one of the churches that might be interested in purchasing one or two of the windows. Our whole thing is not to allow the city to take the windows and utilize the

windows for the purpose of the city. Our whole thing is to restore those windows if possible, or sell those windows as they are to get what we need to bring down the building ourselves. That's what we want to do. We don't want to, you know, slow any progress on Washington Street whatsoever. We know what has to happen. We understand what has to happen. The city's been very faithful with us in keeping us in your mind and in your hearts about what we need to do, but what we need to do right now is see how we can make this happen so there's no extra amount of money put on the city to do something that the citizens themselves should have done. Now I've taken over this project for the last five years and I inherited that. So I'm not one to sit back and say okay you do what you want to do. No, we're trying to make things happen so that it's a feasible thing for everybody. So you give us that opportunity to do that and you're right, they are historic. They are very historic. Clemmons actually put those windows in and developed those windows, so they do have value. Some may not understand value, but they do. They're historic.

**Council Member Alexander:** If the windows come out and we spent \$20,000, who would have control to sell?

**City Attorney JoAnne Carlyle:** The city would have control.

**Pastor Robinson:** Well, see the whole thing the way it's set up with you guys, what you're saying is we'll take the windows. We'll possess them. We'll own them and we will do an auction for those windows to get back the money. What I'm saying to you is we don't want to do that. What we're saying is we want to look at selling the windows now since there is interest in purchasing some of the windows. That would allow us to also bring that building down without you incurring that finance. I don't want us to be tied to the city, or a lien on that property. We may want to use that property for some other business value. So that's what we're trying to do. This is a business decision.

**Council Member Ewing:** What's the value of those windows each?

**Pastor Robinson:** Currently, the value is from \$35-\$45,000 in the condition they are right now.

**Council Member Ewing:** Is that an appraised value, or a resell value?

**Pastor Robinson:** That's an appraised value. You do have a copy of that. If not, I can get that for you.

**Mayor Pro Tem J. Davis:** I'd like to ask a question. You said that you inherited this project and you've been working on it five years.

**Pastor Robinson:** Excuse me.

**Mayor Pro Tem J. Davis:** You said you inherited this project and you've been working on it yourself for five years. What guarantees are we going to have if you've been working on it for five years that you're going to move forward and remove these windows and sell them and be able to tear this building down?



**Pastor Robinson:** *I'm not hearing you clearly.*

**Mayor Pro Tem J. Davis:** *You said you've been working on this project for five years.*

**Pastor Robinson:** *Right. On the whole building for five years. Not just the windows, the whole building.*

**Mayor Pro Tem J. Davis:** *We're at the point now where this building has got to be demoed. It's in an unsafe condition. What guarantees would we have that you're going to be able to make something happen within the next 30 days since you've been working on this for five years.*

**Pastor Robinson:** *In actuality, if we're working on guarantees, the guarantee is that we're just looking to sell some of those windows so we don't have to pay....or you don't have to pay the money and then we're tied in to the city with a lien.*

**Mayor Pro Tem J. Davis:** *Let's go back. Last year we had this same conversation.*

**Pastor Robinson:** *Yes we did.*

**Mayor Pro Tem J. Davis:** *It's been a year.*

**Pastor Robinson:** *Yes Sir.*

**Mayor Pro Tem J. Davis:** *The windows are still in the building, so a year later we're having this conversation and we're now at the point where you're forcing our hand to do something.*

**Pastor Robinson:** *No, no. I'm not forcing your hand by any means. I've talked with Mr. McCaslin on a number of occasions about bringing the building down. Nobody's forcing your hand. We know what has to be done.*

**Mayor Pro Tem J. Davis:** *Well, we're elected to protect the citizens in this city. We have staff telling us that this is an unsafe condition for the citizens of this city.*

**Pastor Robinson:** *And I agree with that.*

**Mayor Pro Tem J. Davis:** *So for me, that's forcing my hand. I have to make a decision. We've been talking about this for a year. So what I'm asking you is....a year later, if we were to give you an extension tonight, how would we know that you're going to be able to do that?*

**Council Member Alexander:** *I don't think he's asking for an extension. I think he's asking....*

**Mayor Pro Tem J. Davis:** *Well he wants the opportunity to take the windows out.*

**Council Member Alexander:** *No, I think he wants us to take the windows out and give them to him.*

**Pastor Robinson:** *No, no. No, no.*

**Council Member C. Davis:** *No, there's an offer from St. Mary's Episcopal Church in an email that everybody should have that I gave to the Mayor.*

**Mayor Pro Tem J. Davis:** *I didn't get it.*

**Council Member C. Davis:** *Well, the clerk has them.*

**Council Member Ewing:** *Pastor Robinson.....*

**Council Member C. Davis:** *If I could finish, Mr. Ewing.*

**Council Member Ewing:** *Certainly.*

**Council Member C. Davis:** *There's an email that was passed out to everybody from St. Mary's Episcopal Church. They're interested in considering an opportunity to fund and save and install stained glass windows from the First Baptist Church. So there's someone that's interested. Maybe two or more windows that could come up with the amount of money needed for the demolition of the structure. And he's just wanting the opportunity to come up with that \$30,000 so there's not a lien on the property.*

**Mayor Pro Tem J. Davis:** *See I didn't know that we had this.*

**Pastor Robinson:** *Well I did say that I believe you had that.*

**Mayor Pro Tem J. Davis:** *Well I just now found out about it.*

**Pastor Robinson:** *It's there in black and white.*

**Mayor Bencini:** *How long will it take this offer by St. Mary's to come to some sort of positive end?*

**Council Member Ewing:** *I guess the way I read it....*

**Council Member C. Davis:** *There's a representative here.*

**Council Member Ewing:** *....it's singular "a" stained glass window.*

**Pastor Robinson:** *There's a representative here from St. Mary's.*

**Paul Siceloff:** *Not all the council members received this. Pastor Robinson informed me that tonight was the threshold night. We have interest in supporting this project, but we're not in a position to commit yet. And I think Mr. Robinson gave you a copy of the email. So we're definitely one interested party. That's all we're going to say. We are genuinely interested in supporting this if we can.*

**Mayor Bencini:** *Okay, so Mr. Siceloff, we have the opportunity that possibly something could happen. Okay? The next question I have to ask is the city....how much time do we have left before we need to do something? I mean apparently Mr. Davis says this was discussed a year ago.*

**Council Member Alexander:** *Well if we take the windows out and then demolish the building, I guess we hang on to the windows and offer them for sale to whomever we receive a satisfactory bid from. And I would guess that this body would decide whether that's satisfactory or not. But, I mean.....*

**Mayor Bencini:** *The alternative that I'm hearing is the possibility that St. Mary's contributes to some sort of fund to take the windows out and the city is out of here.*

**Council Member Alexander:** *But I don't think I heard that they were ready with money today. They were considering a possibility. That's a mile off.*

**Paul Siceloff:** *It is a mile off and to be fair, the most recent campaign suggested that there were as many as eight windows, picture windows, that were in condition that they might be acquired. I spoke with Al Priest, who is the stained glass expert and consultant for the project and he suggested something like a window might be \$4,000...it might be \$2,000-\$4,000 additional dollars to restore it sufficiently. We're looking at the potential of one window-one of eight. So not \$19,000. So I don't want to misrepresent.*

**Mayor Pro Tem J. Davis:** *I've got a question for Randy again. Double D Construction has bid on this project also. I'm assuming that probably when they have the equipment there, they're going to do both at the same time. Is that the reason why we got these prices? Is that a consideration or not?*

**Deputy City Manager Randy McCaslin:** *As far as I know, the two bids came in at two different times, so they are not contingent upon each other. However, that would make sense to move our project along faster.*

**Mayor Pro Tem J. Davis:** *And could possibly come back at a less cost.*

**Deputy City Manager Randy McCaslin:** *No, I think these prices are firm.*

**Council Member Alexander:** *But we're also going to have problems. The citizens have let us know with safety along the street and that kind of thing. I mean I would be in support of the city spending the \$19,600 to save and preserve the windows and put them in city storage and to then develop an opportunity to make those available to try and recover. Anything we got above the \$19,600 go towards helping the church pay down the \$23,000 that they're going to be obligated for in the part of a lien, which I think is..... What the Pastor is saying is we'd like a chance to sell the windows to reduce what we owe to the city as a lien.*

**Mayor Pro Tem J. Davis:** *Has the city done any research? Because, you know, being in this type of business, I would think that if there is a market for it that someone would have contacted a few people and said, look, this is an opportunity that we have. You'd have some interest. But I'm not hearing that we have any interest. So, you know, being a city*

*government I don't know what kind of experience you would have in marketing for sale of stained glass windows. And then \$19,600....if this was not stained glass windows, we wouldn't even be having this discussion. We would just knock the building down and that would be the end of it. But, you know, like I said this conversation has been going on for a year and we're looking at \$42,000 to remove the structure. That's a lot of money.*

**Council Member C. Davis:** *Well I think if you look at it in the essence of the fact that we do have an opportunity to possibly recoup some costs, whereas with the other two items that we passed with the incentives, we're giving money back to people. Right here we're just looking at the removal of windows so that they city can bust even in hopes that that would happen. With the other, we're still giving money back to people. So, I mean, you flip a coin.*

**Council Member Alexander:** **I'LL MAKE A MOTION IF YOU ARE WILLING TO ACCEPT A MOTION, WE CAN CONTINUE DISCUSSION, BUT I'LL MAKE A MOTION THAT WE MOVE FORWARD WITH A CONTRACT FOR \$19,600 TO REMOVE AS MANY OF THE STAINED GLASS WINDOWS AS POSSIBLE OUT OF THE CHURCH AND FOR THE CITY TO HOLD THOSE WINDOWS AND THEN IN ADDITION TO THAT TO MOVE FORWARD WITH THE \$23,132 [two amounts were noted in the back-up information (\$123,142 and \$128,142; it was later determined that the amount in the bid tabulation (\$128,142) was, in fact, the correct amount] DEMOLITION AND REMOVAL AND THAT ANY PROCEEDS FROM THE WINDOWS GO TOWARDS PAYING DOWN THE WINDOW OBLIGATION FIRST AND ANY EXCESS REVENUES MOVE FORWARD TO REDUCING THE \$23,132 LIEN THAT WILL BE ON THE PROPERTY.**

**City Attorney JoAnne Carlyle:** *Councilman Alexander, I'm not sure that you can designate how the lien would be paid off because all of that would be part of the same lien.*

**Council Member Alexander:** *Okay.*

**City Attorney JoAnne Carlyle:** *Everything else that you stated is pretty much per statute.*

**Council Member Alexander:** *Well that's fine. [reworded to:] ANY MONIES THAT WOULD COME IN THROUGH THE MARKETING OF THOSE WINDOWS WOULD REDUCE ANY OBLIGATION THAT THE CHURCH MIGHT HAVE ATTACHED TO THE PROPERTY.*

**Council Member Ewing:** *So there's not going to be two separate liens. It's just going to be a \$42,000 lien.*

**Council Member Williams:** *One lien, one debt.*

**City Attorney JoAnne Carlyle:** *Whatever the cost is.*

**City Manager Greg Demko:** *And Council I believe the demolition cost is \$28,132, not \$23,132.*

**Council Member Alexander:** *Well in our packet it says \$23.....*

**Council Member Ewing:** *Page 2. It's \$28,000.*

**Council Member Alexander:** *Well, which one is right? \$23 or \$28?*

**Mayor Bencini:** *It's always the higher number. [laughter]*

**Council Member Alexander:** *It does say \$28 on page 2 and on page 1 it says \$23.*

**Council Member Golden:** *We need clarity on it.*

**City Manager Greg Demko:** *The bid tab is also \$28.*

**Council Member Alexander:** *So the bid tab and page 2 are both \$28. Okay, so it's \$28,132.*

**Mayor Bencini:** *So we have a motion. Is there a second?*

**Council Member C. Davis:** *I'll SECOND YOUR MOTION.*

**Mayor Bencini:** *Any further discussion?*

**Mayor Pro Tem J. Davis:** *Has the city given any thought about where they are going to store these things?*

**Council Member Golden:** *I didn't know until tonight.*

**Deputy City Manager Randy McCaslin:** *We do have some secured storage at the MOC Building on Green Street. It is lockable.*

**Mayor Pro Tem J. Davis:** *I take that you've already given it some thought about how you would market and sell these things. What is the plan? You have no plan?*

**Mayor Bencini:** *We have no experience with the marketing of architectural antiques.*

**Council Member Ewing:** *Do we need to hire an antiques dealer for this?*

**Mayor Pro Tem J. Davis:** *Well, you know, I'm thinking if we remove these things and they sit in storage for ten years and they get damaged and a forklift hits them and this and that, I just don't think that the city needs to be in the business of storing building materials and trying to market and sell it.*

**Council Member Alexander:** *I think we could, if nothing else, I think we could find a place in our Museum. I mean we're talking about the history of the African-American community in High Point.*

**Council Member C. Davis:** *That's right.*

**Council Member Alexander:** *That goes back to 1905.*

**Council Member Hill:** *I agree. It's a unique circumstance.*

**Council Member Alexander:** *And honestly....I mean it's unfortunate that the building can't be saved and we all agree that it needs to be removed. The question is what's the value of the history of our citizens and their past? And in all honesty, \$19,600 I think is worthy of preserving the history and hopefully the windows can be sold and used in our area and a tribute given back to those that put their blood, sweat and tears in it because these windows are the dreams of our forefathers.*

**Council Member C. Davis:** *I agree. Mr. Alexander, there's a letter coming around from the appraisal company for \$45.....well, my question is this if I could get to it....is that it says they're worth maybe \$35-\$45,000 as is. Would we be willing to do a wash and just call it even for the windows? For our Museum?*

**Council Member Alexander:** *This is not an offer to purchase. This is an opinion and you can't spend opinions.*

**Council Member C. Davis:** *Okay.*

**Council Member Ewing:** *I would be willing to ....from a historical standpoint....agree to remove one and give that to our Museum or Historical Society, but not eight at \$19,000.*

**Council Member Golden:** *Well, I don't think you can remove one and give it away because it's not ours to do that.*

**Council Member Ewing:** *But if we paid for it, according to this and remove one, we just wouldn't impose a lien for that amount.*

**City Attorney JoAnne Carlyle:** *It is city property. There may be a discussion at that time that would be necessary to determine the value and if, indeed, any of that was applied toward the lien.*

**Mayor Pro Tem J. Davis:** *Somebody could come back and buy it for \$48,000.*

**Deputy City Manager Randy McCaslin:** *I will let you know that I have talked to Edith at the Museum. She is interested in two of those windows and I think Pastor Robinson and the church has donated other windows. But the Museum is interested in two of those. They will do private fundraising and feel comfortable they can raise the money. And we had discussions with Mr. Priest, he also has an interest in one or two of the windows. I'm not telling you that we've not a market for it, but there is interest.*

**Council Member Ewing:** *Well I guess my question is if there is interest....you know there might be interest at \$500 or \$1,000, but is there interest for \$35,000?*

**Council Member Alexander:** *I don't know and that's really, in all honesty, I think that's penny foolish of this Council. I think we have an opportunity to protect and preserve the history of our community and I think that has value. [applause].*



*So there's a question on the floor. I don't know whether .....*

**Mayor Bencini:** Any further discussion? [none] We have a motion and a second. All those in favor, say Aye.

**Mayor Bencini; and Council Members C. Davis, Alexander, Golden, Williams, and Hill:** Aye. [6]

**Mayor Bencini:** Opposed?

**Mayor Pro Tem J. Davis and Council Member Ewing:** No.

**Mayor Bencini:** That was two. Okay, **that motion carries.** [6-2 vote] [Council Member Wagner was absent]

[end of transcript]

*Approved moving forward with a contract for \$19,600 to remove the stained glass windows from the church located at 701 Washington Street and to move forward with the contract in the amount of \$28,132 for demolition of the structure at 701 Washington Street with a caveat that any monies that would come in through the marketing of the windows would reduce any obligation that the church might have attached to the property.*

**A motion was made by Council Member Alexander, seconded by Council Member Davis, that this matter be approved. The motion carried by the following 6-2 vote:**

Aye (6): Council Member Hill, Council Member Williams, Council Member Golden, Mayor Bencini, Council Member Alexander, and Council Member Davis

Nay (2): Mayor Pro Tem Davis, and Council Member Ewing

Absent (1): Council Member Wagner

## **150296 Appointments - Human Relations Commission**

Consideration of appointments to the Human Relations Commission.

### **Appointment of Jenn Brandt to the Human Relations Commission**

*Mayor Bencini recommended Jenn Brandt as his potential appointee to the Human Relations Commission.*

**Mayor Bencini moved approval of the appointment of Jenn Brandt to the Human Relations Commission. Council Member C. Davis made a second to the motion.**

*For further discussion, Mayor Pro Tem J. Davis stressed the importance of diversity on the Human Relations Commission and was concerned that the board would not have the diversity desired. Council Member Alexander shared that he does have an African-American male in mind for his appointee to the board. Council Member C. Davis advised that she would delay her nomination until she knows what the composition of the board will be.*

*Council Member Hill agreed that Council does need to be mindful as to ethnic religious backgrounds.*

Council Member C. Davis then called the question.

**The motion carried unanimously. [8-0 vote] [Council Member Wagner was absent]**

**Appointment of Lisa Duke to the Human Relations Commission**

**Council Member Ewing then moved to appoint Lisa Duke to the Human Relations Commission. Mayor Pro Tem J. Davis made a second to the motion, which carried unanimously. [8-0 vote] [Council Member Wagner was absent]**

**150295      Approval of the Minutes of Previous City Council Meetings**

- High Point City Council Meeting; July 20th @ 5:30 p.m.
- Joint Meeting between the City Council and Planning & Zoning Commission; July 28th @ 4:00 p.m.
- Prosperity & Livability Committee Meeting; August 12th @ 9:00 a.m.
- Finance Committee meeting; August 13th @ 4:00 p.m.
- Manager's Briefing Session; August 17th @ 4:00 p.m.
- High Point City Council Meeting; August 17th @ 5:30 p.m.

The minutes of the preceding minutes were approved as submitted.

**A motion was made by Council Member Alexander, seconded by Mayor Pro Tem J. Davis, that the preceding minutes be approved. The motion PASSED by an 8-0 unanimous vote.**

**150270      Boards and Commissions - Vacancy Report**

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

*This information is included for informational purposes only.*

*Mayor Bencini urged Council Members to review the vacancy report in an effort to populate the boards and commissions.*

**CLOSED SESSION**

**At 7:15 p.m., Council Member Alexander moved to go into Closed Session pursuant to N.C. General Statute 143-318.11(a)(4) for the purpose of discussing an economic development project. Council Member Wagner made a second to the motion, which carried unanimously.**

Council reconvened into Open Session at 8:00 p.m. upon motion duly made and seconded. There was no action taken as a result of the Closed Session.

ADJOURNMENT

Upon motion by Mayor Pro Tem Davis, and second by Council Member Alexander, Council adjourned the meeting at 8:00 p.m.

Respectfully Submitted,

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William S. Bencini, Jr., Mayor

Attest:

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Lisa B. Vierling, MMC  
City Clerk

# CITY OF HIGH POINT

## AGENDA ITEM

**Title: Budget Amendment for Property Demolition****From:** Eric Olmedo, Budget Manager**Meeting Date:** September 21, 2015**Public Hearing:** N/A**Advertising Date:** N/A**Advertised By:** N/A**Attachments:** Budget ordinance

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**PURPOSE:**

A budget amendment is needed to appropriate funds for demolition of property on Washington Street.

**BACKGROUND:**

City Council approved demolition of 736 Washington Street (Odd Fellows Lodge) and demolition and removal of stained glass windows at 701 Washington Street (First Baptist Church) at its meeting on Tuesday, September 8, 2015.

The low bid amount for demolition of 736 Washington Street was \$27,300. The low bid amount for demolition of 701 Washington Street was \$28,132, and the bid for stained glass window removal was \$19,600. Total cost for both these projects is \$75,032.

**BUDGET IMPACT:**

The amount of \$75,032 is proposed to be appropriated from fund balance in the General Fund.

**RECOMMENDATION / ACTION REQUESTED:**

The Budget Department recommends and asks the Council to approve the budget amendment.

“AN ORDINANCE AMENDING THE 2015-2016 BUDGET ORDINANCE  
OF THE CITY OF HIGH POINT, NORTH CAROLINA  
FOR DEMOLITION OF PROPERTY

Be it ordained by the City Council of the City of High Point, North Carolina, as follows:

Section 1. The City of High Point has determined that demolition of two properties on Washington Street is necessary due to public safety concerns.

Section 2. In order to appropriate these funds, the 2015-2016 Budget Ordinance of the City of High Point, should be amended as follows:

- |     |                                                           |          |
|-----|-----------------------------------------------------------|----------|
| (A) | That the General Fund revenues be amended as follows:     |          |
|     | Appropriated fund balance                                 | \$75,032 |
| (B) | That the General Fund expenditures be amended as follows: |          |
|     | Building Inspection expenditures                          | \$75,032 |

Section 3. That all ordinances, or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4. That this ordinance shall be effective from and after its passage."

Adopted September 21, 2015



July 24, 2015

Mike Spencer  
City of High Point  
3854 East Kivett Drive  
High Point, NC 27261  
United States

Dear Mike,

**Congratulations on being recognized as a member of SWANA's Class of 2015 Unsung Heroes!**

SWANA's Unsung Heroes is a recognition program giving SWANA members the opportunity to acknowledge individuals and groups in their community that are making a difference in the solid waste industry.

To honor and acknowledge you for your efforts, please accept this Certificate of Recognition and this Unsung Heroes magnet. Let this certificate serve as a reminder that your hard work and dedication does not go unrecognized and is greatly appreciated.

Additionally, Unsung Heroes will be honored at SWANA's Annual Conference, WASTECON®, during the Awards Breakfast on Tuesday, August 25. As an honored guest, we would like to extend to you a special price of \$650 for full conference registration. This registration includes a ticket to the Awards Breakfast on Tuesday and gives you access to all technical sessions and the Exhibit Hall. When registering online, **please use discount code WC15HERO for your special pricing.** Once you register, please let me know so that I can upgrade your breakfast ticket to the VIP breakfast ticket. The VIP ticket includes reserved seating and premium breakfast service.

Also, be sure to look out for the large sign at WASTECON® dedicated to the Unsung Heroes.

If you do not wish to register for WASTECON®, please let me know as you can receive a complimentary Exhibit Hall pass and a VIP Awards Breakfast ticket.

To view your Unsung Hero profile and all of the other Unsung Heroes, please go to <https://swana.org/Membership/TechnicalDivisions/UnsungHeroes.aspx>.

If you have any questions, please do not hesitate to contact me at 240-494-2242 or at [emartinez@swana.org](mailto:emartinez@swana.org).

Congratulations on being an Unsung Hero! We hope to see you in Orlando, Florida!

Regards,

Estela Martinez  
Manager of Membership and Chapter Services





# Dansung Hero 2015

This Certificate is Awarded to

**Mike Spencer**

In recognition of your hard work and dedication to  
making a difference in the solid waste industry.

Thank you for all that you do!



**SWANA®**

SOLID WASTE ASSOCIATION  
of North America



*Deeann Buler*

*Executive Director and CEO*

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Accept Auditor's Report for Special Audit Testing Procedures Required by the State Treasurer's Office

**From:** Jeffrey A Moore, Financial Services Director

**Meeting Date:** September 21, 2015

**Public Hearing:** No

**Advertising Date /** N/A

**Advertised By:**

**Attachments:** Report of Independent Accountant

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### **PURPOSE:**

Last Winter, the NC Department of State Treasurer directed the City to conduct a special audit of the payroll and participant information provided to the Local Government Employees' Retirement System as part the Retirement System's audit and report. Those tests and procedures have been completed and the auditor has submitted their attest report letter.

### **BACKGROUND:**

The State Treasurer's Office annually selects units of local government who participate in the Local Government Employees' Retirement System at random for the required special testing procedures in order to comply with current governmental pension accounting standards and reporting. The City was notified in late February that we had been selected for testing and directed that this work be performed by the City's auditors.

At its April 13, 2015 meeting, City Council authorized the City Manager to engage Cherry Bekaert, the City's auditors, for the examination and testing of participant data and related payroll records.

The auditors conducted their special audit procedures required by the Office of State Auditor and Department of State Treasurer. In summary, the City's retirement system participant data and reporting procedures were complete and accurate.

### **BUDGET IMPACT:**

No additional impact.

### **RECOMMENDATION / ACTIONS REQUESTED:**

City Council is requested to accept the auditor's attest report letter for the special audit testing procedures on the City's participant data and related payroll records provided to the Local Government Employees' Retirement System.



## **Report of Independent Accountant**

Honorable Mayor  
and Members of the City Council  
City of High Point, North Carolina

We have examined the employee census data and related underlying payroll records of the City of High Point, North Carolina (the "City") for the year ended December 31, 2014, to determine if the employee census data submitted on the Online Retirement Benefits through Integrated Technology ("ORBITS") system to the North Carolina Local Government Retirement System (the "LGERS") from the City is complete and accurate. The City's management is responsible for the employee census data submitted to the LGERS. Our responsibility is to express an opinion based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and, accordingly, included examining, on a test basis, evidence supporting the employee census data and related underlying payroll records and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion.

In our opinion, the census data referred to above, presents, in all material respects, complete and accurate employee census data from the City for the year ended December 31, 2014, based on the criteria set by the Retirement System's Handbook revised January 2015.

This report is intended solely for the information and use of the City's management, the North Carolina Department of State Treasurer, and the North Carolina Office of the State Auditor and is not intended to be and should not be used by anyone other than these specified parties.



Raleigh, North Carolina  
August 22, 2015

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Land Use Plan Amendment Case 15-02 and Zoning Case 15-14  
(Carolina Custard, LLC)

**From:** Lee Burnette, Planning & Development  
Director

**Meeting Date:** September 21, 2015

**Public Hearing:** Yes

**Advertising Date:** September 10 & 16, 2015

**Advertised By:** Planning & Development

**Attachments:** A. Planning and Zoning Commission Recommendation  
B. Staff Report  
C. Zoning Ordinance

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### PURPOSE:

#### Land Use Plan Amendment Case 15-02

A request by Carolina Custard LLC and the Planning & Development Department to change the Land Use Map classification for approximately 13 acres from Office and Restricted Industrial to Community/Regional Commercial. The site is lying along the west side of Eastchester Drive, and to the north and south of Penny Road.

AND

#### Zoning Case 15-14

A request by Carolina Custard LLC to rezone a 0.92-acre parcel from the Conditional Use General Office-High Intensity (CU GO-H) District to the Conditional Zoning Highway Business (CZ-HB) District. The site is lying along the west side of Eastchester Drive, approximately 200 feet north of Penny Road (*2719 Eastchester Drive*).

### BACKGROUND:

Staff report and the Planning & Zoning Commission's recommendation is enclosed.

### BUDGET IMPACT:

There is no budget impact.

### RECOMMENDATION / ACTION REQUESTED:

- A. On August 25, 2015, a public hearing was held before the Planning and Zoning Commission regarding Land Use Plan Amendment Case 15-02 and Zoning Case 15-14. Staff recommended **approval** of both requests as outlined in the attached staff report.
- B. The Planning & Zoning Commission recommended approval of Land Use Plan Amendment Case 15-02 by a vote of 8-0.
- C. The Planning & Zoning Commission recommended approval of Zoning Case 15-14 by a vote of 8-0.

## **PLANNING AND ZONING COMMISSION RECOMMENDATION**

### **Carolina Custard LLC**

### **Land Use Plan Amendment Case 15-02 and Zoning Case 15-14**

At its August 25, 2015 public hearing, the Planning and Zoning Commission reviewed these requests. All members of the Commission were present. Ms. Heidi Galanti, Planning Administrator, presented the Land Use Plan Amendment request and Mr. Robert Robbins, Development Administrator, presented the zoning request. Staff recommended approval of these requests as outlined in the staff report.

Speaking in favor of Land Use Plan Amendment 15-02 & Zoning Case 15-14 was the applicant, John Bartlett, owner of Panera Bread and Carolina Custard LLC, 2400 Penny Road, High Point. Mr. Bartlett provided an overview of his development proposal, passed out copies of a site plan to the commissioners and gave them a description of the plan, which includes a small building with walk-up and drive-thru service. Based on this plan, Mr. Bartlett requested to amend his Conditional Zoning Ordinance to include a less restrictive landscaping condition (Type C Planting Yard) along the northern property line of the site.

No one spoke in opposition of Land Use Plan Amendment 15-02 & Zoning Case 15-14.

The Planning & Zoning Commission recommended approval of Land Use Plan Amendment Case 15-02, as recommended by staff, by a vote of 8-0.

The Planning & Zoning Commission recommended approval of Zoning Case 15-14, with the inclusion of the amended landscaping condition offered by the applicant, by a vote of 8-0. Upon making its decision for a favorable recommendation, the Commission concurred with the staff report and found it reasonable and in the public interest because: 1) Subject to approval of the associated Land Use Plan Amendment 15-02, the requested CZ-HB District will be consistent with the Land Use Plan; 2) The Land Use Plan supports nonresidential uses on the parcels lying north of the zoning site, the allowance of a Type C planting yard along the northern property line of the site will mitigate the impact of commercial activities on the adjacent single-family dwelling and the requested CZ-HB District will produce an orderly development pattern as required by the Land Use Plan and 3) The Conditional Zoning Ordinance offered by the applicant prohibits many of the automotive-related and higher intensive commercial uses that previous City Councils have historically prohibited along this segment of the Eastchester Scenic Corridor, thus ensuring development will be in character with the surrounding uses in the area.

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

**STAFF REPORT  
LAND USE PLAN AMENDMENT CASE 15-02 AND ZONING CASE 15-14  
September 11, 2015  
(Revised)**

| <b>Requests</b>                                                                                                                                       |                                                                                              |                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| <b>Applicant:</b><br>Carolina Custard LLC                                                                                                             | <b>Owner:</b><br>Gregory Anderson, Sharon Anderson, Chris Anderson and Susan Leslie Anderson |                                                                       |
| <b>LUPA Proposal:</b><br>To change the future land use designation for approximately 13 acres to a Community/Regional Commercial land use designation | <b>From:</b>                                                                                 | Office and Restricted Industrial                                      |
|                                                                                                                                                       | <b>To:</b>                                                                                   | Community / Regional Commercial                                       |
| <b>Zoning Proposal:</b><br>To rezone approximately 0.9 acres                                                                                          | <b>From:</b>                                                                                 | <b>CU GO-H</b> Conditional Use General Office-High Intensity District |
|                                                                                                                                                       | <b>To:</b>                                                                                   | <b>CZ-HB</b> Conditional Zoning Highway Business District             |

| <b>Site Information</b>                |                                                                                                                                                                                                                                                                                                     |                                              |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| <b>Location:</b>                       | Lying along the west side of Eastchester Drive, approximately 200 feet north of Penny Road ( <i>2719 Eastchester Drive</i> )                                                                                                                                                                        |                                              |
| <b>Tax Parcel Numbers:</b>             | <b>Plan Amendment</b>                                                                                                                                                                                                                                                                               | <b>Zoning Request</b>                        |
|                                        | 0170013 & 14, 0207383 thru 85, 0207389 & 90, 0208147 thru 0208160 and 0208162 & 63                                                                                                                                                                                                                  | 0207384                                      |
| <b>Site Acreage:</b>                   | <b>Plan Amendment</b>                                                                                                                                                                                                                                                                               | <b>Zoning Request</b>                        |
|                                        | Approximately 13 acres                                                                                                                                                                                                                                                                              | Approximately 0.9 acres                      |
| <b>Current Land Use:</b>               | <b>Plan Amendment</b>                                                                                                                                                                                                                                                                               | <b>Zoning Request</b>                        |
|                                        | Restaurants, offices, undeveloped and overflow parking                                                                                                                                                                                                                                              | Undeveloped and gravel overflow parking area |
| <b>Physical Characteristics:</b>       | The site has a relatively flat terrain.                                                                                                                                                                                                                                                             |                                              |
| <b>Water and Sewer Proximity:</b>      | A 16-inch City water line lies adjacent to the site along Eastchester Drive. Additionally, both a 12-inch City water line and an 8-inch City sewer line runs along Penny Road.                                                                                                                      |                                              |
| <b>General Drainage and Watershed:</b> | The site drains in a westerly direction and development is subject to the City Lake General Watershed Area requirements. Engineered storm water treatment measures are required for non-residential and multi-family development with a total impervious surface area greater than 24% of the site. |                                              |
| <b>Overlay District(s):</b>            | Eastchester Scenic Corridor Overlay District<br>City Lake General Watershed Area and Airport Overlay Area – Zone 4                                                                                                                                                                                  |                                              |



| <b>Adjacent Property Zoning and Current Land Use</b> |                |                                                        |                                                    |
|------------------------------------------------------|----------------|--------------------------------------------------------|----------------------------------------------------|
| <b>North:</b>                                        | <b>AG</b>      | Agricultural District ( <i>Guilford County</i> )       | Single family dwelling                             |
| <b>South:</b>                                        | <b>CU-HB</b>   | Conditional Use Highway Business District              | Restaurant                                         |
| <b>East:</b>                                         | <b>CU-SC</b>   | Conditional Use Shopping Center District               | Restaurants<br>( <i>across Eastchester Drive</i> ) |
| <b>West:</b>                                         | <b>CU GO-H</b> | Conditional Use General Office-High Intensity District | Undeveloped                                        |

| <b>Adjacent Land Use Plan Designations</b> |                                                              |
|--------------------------------------------|--------------------------------------------------------------|
| <b>North:</b>                              | Restricted Industrial                                        |
| <b>South:</b>                              | Medium Density Residential and Community/Regional Commercial |
| <b>East:</b>                               | Community/Regional Commercial                                |
| <b>West:</b>                               | Restricted Industrial                                        |

| <b>Purpose of Existing and Proposed Land Use Plan Designations</b> |                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Existing Designation:</b>                                       | <u>Office:</u> This classification includes professional, personal and business service uses. AND<br><u>Restricted Industrial:</u> This classification accommodates office, warehouse, research and development, distribution, and light manufacturing or assembly uses on larger sites in unified developments. |
| <b>Proposed Designation:</b>                                       | <u>Community/Regional Commercial:</u> This classification includes a wider range of retail or service uses intended to serve the entire community and nearby regional customers.                                                                                                                                 |

| <b>Relevant Land Use Policies and Related Zoning &amp; LUPA History</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Community Growth Vision Statement</b>                                | This request is neither in conflict with the Community Growth Vision Statement's goals and objectives nor does it promote those goals and objectives.                                                                                                                                                                                                                                                                                                                                                              |
| <b>Land Use Plan Goals, Objectives &amp; Policies:</b>                  | The following goal and objective of the Land Use Plan are relevant to this request:<br><u>Goal #5:</u> Promote an urban growth pattern that occurs in an orderly fashion and conserves the land resources of the City and its planning area.<br><u>Obj. #11.</u> 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. |
| <b>Relevant Area Plan:</b>                                              | <u>Eastchester Drive Corridor Plan- Phase III</u><br>Phase III of this Corridor Plan recommends new commercial development be clustered around major intersections and that no direct access shall be given to NC 68.                                                                                                                                                                                                                                                                                              |
| <b>Zoning History:</b>                                                  | 1. <u>Zoning Case 89-30:</u> In 1989, a 48-acre area lying west of the intersection of Penny Road and Eastchester Drive was annexed. This current zoning site was part of that 48-acre area which was granted an Office/Institutional District and Residential-12 District zoning. This                                                                                                                                                                                                                            |

|                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                      | <p>area was developed with industrial, office &amp; medical, commercial and multifamily uses.</p> <p>2. <u>Zoning Case 98-45</u>: In 1998, the abutting parcel (Panera Bread) was granted a CU-HB District to allow the development of a restaurant.</p> <p>3. <u>Zoning Case 99-25</u>: In 1999, the 48-acre Shoppes at Deep River commercial development, along the east side of Eastchester Drive across from the zoning site, was annexed and developed as a commercial node along the Eastchester Corridor.</p> <p>4. <u>Zoning Case 01-10</u>: In 2001, the 88-acre Premier Center industrial park, lying north of the zoning site, was annexed and granted a Light Industrial zoning.</p> |
| <b>LUPA History:</b> | Land use for this area was originally established in 1992 as part of the adopted Land Use Plan. This area was designated as Office.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

| Transportation Information                      |                                                                                               |                |                          |
|-------------------------------------------------|-----------------------------------------------------------------------------------------------|----------------|--------------------------|
| Adjacent Streets:                               | Name                                                                                          |                | Approx. Frontage         |
|                                                 | Eastchester Drive                                                                             |                | Major Thoroughfare       |
|                                                 | 320 ft.                                                                                       |                |                          |
| <b>Vehicular Access:</b>                        | Shared access off of Penny Road (public street)                                               |                |                          |
| <b>Traffic Counts:</b><br>(Average Daily Trips) | Eastchester Drive                                                                             |                | 48,000 ADT (2011, NCDOT) |
|                                                 | Penny Road                                                                                    |                | 8,600 ADT (2013, NCDOT)  |
| <b>Estimated Trip Generation:</b>               | No information.                                                                               |                |                          |
| <b>Traffic Impact Analysis:</b>                 | Required                                                                                      |                | Comment                  |
|                                                 | <u>Yes</u>                                                                                    | <u>No</u><br>X | None                     |
| <b>Pedestrian Access:</b>                       | Development of the site is subject to the sidewalk requirements of the Development Ordinance. |                |                          |

| School District Comment             |
|-------------------------------------|
| Not applicable to this zoning case. |

### Details of Proposal

- General Overview:  
The subject site is currently designated by the Land Use Map as Office and zoned CU GO-H. The applicant is requesting a Land Use Plan Amendment and a Zoning Map Amendment application to allow the site to be developed for commercial use.
- Land Use Plan Amendment Request:  
The applicant has requested a Land Use Plan amendment for a 0.9-acre parcel from the Office designation to Community/Regional Commercial. When requests are made for Land Use Plan amendments, staff analyzes the request and the surrounding area to determine the most logical new boundary for the land use designations.  
  
This area was designated as Office in the 1992 Land Use Plan and carried forward in the 1994 Eastchester Corridor Plan. These plans established commercial nodes at key intersections to prevent the negative impact of unplanned commercial development along this

corridor. One of these commercial nodes was at the intersection of Eastchester Drive, Skeet Club Road and Wendover Avenue. In the late 1990s into the early 2000s, this commercial node was expanded with the annexation and development of the Shoppes at Deep River and the Palladium area. During this same time-period, corporate park development, spurred by Piedmont Center, expanded southward towards the intersection of Penny Road and Eastchester Drive culminating with the approval and development of the Premier Center corporate park to the north of the zoning site in the mid-2000s. The result of the development of this area during the past 25 years has been that this area initially established as office has become surrounded by commercial uses to the east and south with a corporate park to the north and west.

Therefore, the Planning & Development Department is recommending that a larger area, consisting of approximately 13 acres, surrounding this request be amended from Office and Restricted Industrial to Community/Regional Commercial.

3. Summary of Zoning Request:

The applicant desires to rezone the site from its current CU GO-H District, which is primarily intended for office uses, to a CZ-HB District to allow for the development of a restaurant use with a drive-thru window. The applicant has submitted a proposed Conditional Zoning Ordinance with this request that restricts a few of the higher intensity HB District uses and prohibits direct vehicular access to Eastchester Drive.

As part of the Conditional Zoning Ordinance, the applicant desires to reduce the landscape planting yard standards along the northern boundary of the site next to an existing single family dwelling. The Development Ordinance allows an applicant to request less restrictive standards only with regard to dimensional, parking, and landscaping standards. The Planning & Zoning Commission and City Council are under no obligation to accept or approve the applicant request for less restrictive landscaping standards.

### Staff Analysis

Section 9-3-13 of the Development Ordinance states that the Planning & Zoning Commission and the City Council shall be guided by the purposes and intent of the Development Ordinance, and shall give consideration to the following in the review and discussion of any Conditional Zoning application. 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 Plans:

**The proposed Conditional Zoning District is appropriate for its proposed location and is consistent with the purposes, goals, objectives and policies of relevant comprehensive land use or area plans**

### Staff Comments:

The Land Use Plan and the Eastchester Drive Corridor Plan (Phase III) have policies, goals, and objectives that address the manner in which development should occur in this area. The Land Use Plan recommends an urban growth pattern that occurs in an orderly fashion and that enhances the appearance of major gateway streets. The Eastchester Corridor Plan recommends that new commercial development be located at major intersections and that no direct access be

given to Eastchester Drive. Due to the changes that have occurred in this area, the proposal to develop a small commercial use without direct access to Eastchester Drive is appropriate at this location.

**Review Factors:**

**The applicant's proposed Conditional Zoning District, including the proposed use(s), written conditions and Conditional Zoning Plan, satisfactorily meets or addresses the following:**

|                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>Factor #1</u></b> | <b>Produces a development that is compatible with surrounding development character and land uses;</b><br><br><i>Staff Comments:</i><br>The site is located in an area that has transitioned from a rural area to a commercial/industrial area. The overall development pattern of this area consists of commercial uses to the east, mixed use development consisting of commercial/multifamily/office to the south and industrial parks to north and west. The allowance of the requested CZ-HB District and expansion of commercial uses would be compatible with the manner this area has developed over the past 25 years. In addition, the site is adjacent to a similar CU-HB District fronting Eastchester Drive.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b><u>Factor #2</u></b> | <b>Minimizes or effectively mitigates any identified adverse impact on adjacent and nearby property, such as that caused by traffic, parking, noise, lighting, trash, loading areas, etc.;</b><br><br><i>Staff Comments:</i> <ul style="list-style-type: none"><li>❖ The applicant desires to reduce the landscape planting yard standards along the northern boundary of the site next to an existing single family dwelling. The land area to the north has not been annexed and is designated by Guilford County as an Agricultural zoning district. It is anticipated in the future this area will be annexed by High Point and the City's adopted Land Use Map does not support residential uses for this area. A 30-foot wide Type B planting yard is required where commercial uses abut residential uses. As this area, when annexed, will be developed for nonresidential uses the applicant is proposing to install a 20-foot wide Type C planting yard along the northern property line. The width of this planting yard can be reduced to 10 feet with the installation of an opaque fence. The standards of the C yard, with fencing, will mitigate impact on adjacent residential uses.</li><li>❖ To mitigate the impact of the requested commercial zoning district, the applicant has submitted a Conditional Zoning Ordinance that prohibits a few of the higher intensity HB District uses. This list of prohibited uses is similar to what previous City Councils have historically adopted for commercial uses along this segment of the Eastchester Scenic Corridor in previous zoning cases.</li></ul> |
| <b><u>Factor #3</u></b> | <b>Minimizes or effectively mitigates any identified adverse environmental impact on water and air resources, minimizes land disturbance, preserves trees and protects habitat;</b><br><br><i>Staff Comments:</i><br>The property has been cleared, graded and used for overflow parking. As the property is within a watershed area, development is required to be in compliance with the environmental standards of the Development Ordinance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

|                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>Factor #4</u></b> | <b>Minimizes or effectively mitigates any identified adverse impact on municipal facilities and services, such as streets, potable water and wastewater facilities, parks, police and fire; and;</b><br><br><i>Staff Comments:</i><br>The property is within an area served by City of High Point utilities and municipal services. This request will have no adverse impact on municipal services.                                                                                                                                                                                    |
| <b><u>Factor #5</u></b> | <b>Minimizes or effectively mitigates any identified adverse effect on the use, enjoyment or value of adjacent properties.</b><br><br><i>Staff Comments:</i><br>This portion of the City's Planning Area has seen a steady growth of non-residential uses consisting of office, commercial and industrial uses since the late 1980s. Subject to sufficient screening being provided to the abutting residential property to the north, the rezoning of the site from CU GO-H District to a CZ-HB District is not expected to negatively impact the values of adjacent property owners. |

**Changes in the Area:**

**There have been changes in the type or nature of development in the area of the proposed Conditional Zoning District that support the application.**

*Staff Comments:*

When this area was annexed in 1989, it was a rural area consisting of farms and single family dwellings on large lots. Adopted plans designated this area as Office. The result of the development of this area during the past 25 years has been that the initially established office area, covering the intersection of Eastchester Drive and Penny Road, is surrounded by commercial and industrial uses. Thus, the requested CZ-HB District would be in line with the development pattern that has been established in this area over the past two decades.

**Development Patterns:**

**The proposed Conditional Zoning District would result in development that promotes a logical, preferred and orderly development pattern.**

*Staff Comments:*

The larger overall area, surrounding this intersection, is denoted on the Land Use Plan as being intended for commercial uses to the east and south and industrial uses to the north and west. Additionally, the abutting Panera Bread restaurant was been previously rezoned to allow for limited commercial uses as permitted by the HB District. Thus, the request by the applicant to rezone to a CZ-HB District is consistent with the development pattern that has emerged in this area over the past 25 years.

**Reasonableness/Public Interest:**

**An approval of the proposed Conditional Zoning District is considered reasonable and in the public interest.**

In this case, staff suggests that the approval of the applicant's request is reasonable and in the public interest because: 1) Subject to approval of the associated Land Use Plan Amendment 15-02, the requested CZ-HB District will be consistent with the Land Use Plan; 2) Since the abutting property to the north is designated on the City's Land Use Map as Office and Restricted Industrial, and the proposed Type C yard will require installation of an opaque fence if the width is less than 20 feet, impact on the adjacent property owner will be

mitigated; 3) The requested CZ-HB District will produce an orderly development pattern as required by Goal #5 of the Land Use Plan; and 4) The Conditional Zoning Ordinance offered by the applicant prohibits many of the automotive-related and higher intensive commercial uses that previous City Councils have historically prohibited along this segment of the Eastchester Scenic Corridor, thus ensuring development will be in character with the surrounding uses in the area.

### Recommendation

**1. Land Use Plan Amendment Case 15-02:**

**Staff Recommends Approval:**

Staff recommends approval of the request to change the Office and Restricted Industrial land use designation for approximately 13 acres to the Community/Regional Commercial land use designation. The request meets the goals and objectives of the Land Use Plan and the Eastchester Drive Corridor Plan and will be in harmony with the land use pattern of the surrounding area.

**2. Zoning Case 15-02:**

**Staff Recommends Approval with Revisions:**

Subject to approval of Land Use Plan Amendment Case 15-02, the Planning & Development Department recommends approval of the request to rezone this 0.2-acre parcel to the CZ-HB District. As conditioned, the requested CZ-HB 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.

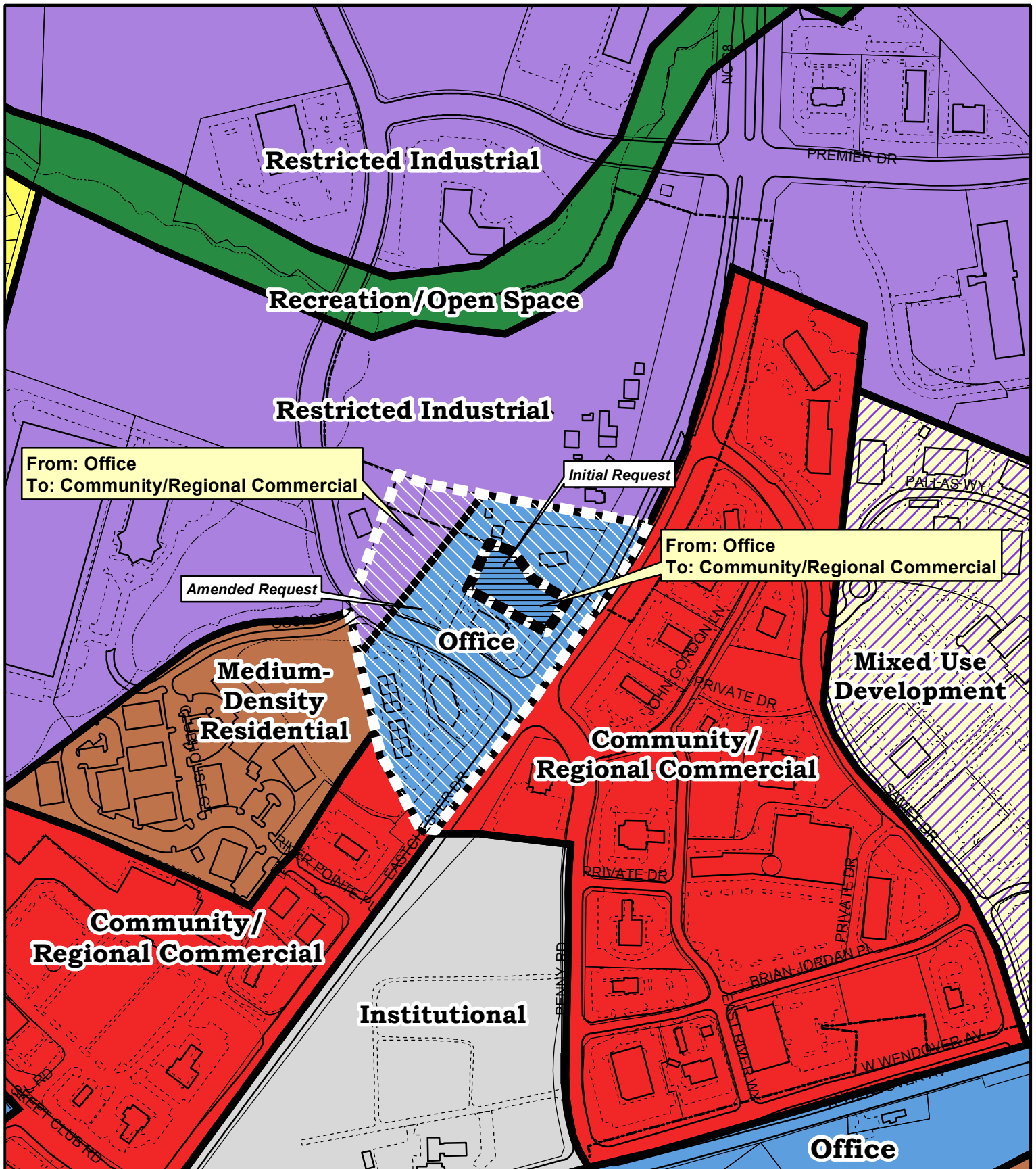
**City Council:**

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 Heidi H. Galanti, AICP, Planning Services Administrator and reviewed by Robert Robbins AICP, Development Services Administrator and Lee Burnette AICP, Director.





## LAND USE PLAN AMENDMENT 15-02

**Request - From: Office  
To: Community/Regional Commercial**

**Existing Land Use Plan**  
**Subject Property Boundary**



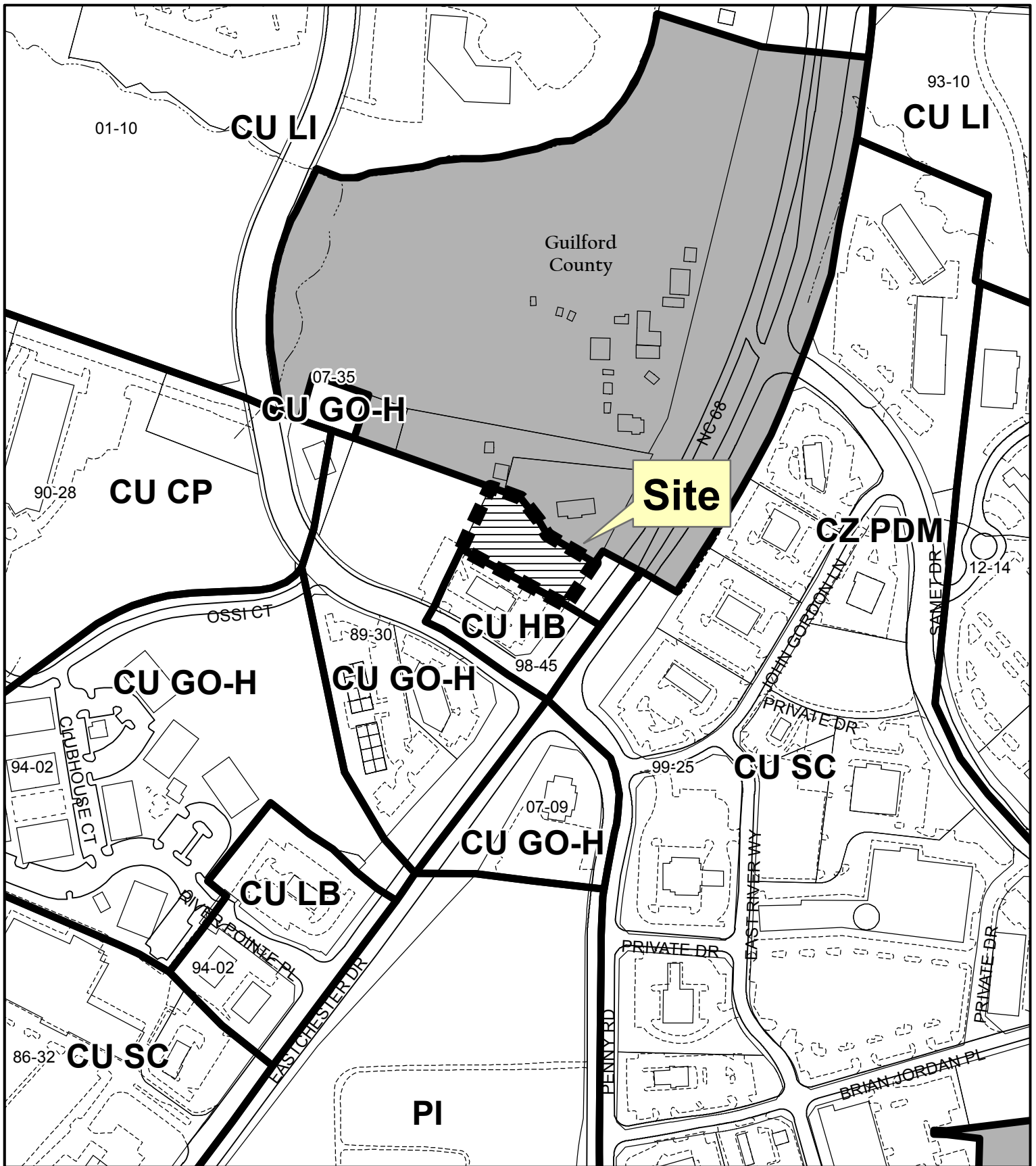
**Planning & Development  
Department**

**City of High Point**

**Date: August 25, 2015**



**Scale: 1"=400'**  
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2015\pz\lupa15-02.mxd



# ZONING CASE 15-14

From: Conditional Use General Office-High Intensity  
 To: Conditional Zoning Highway Business

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

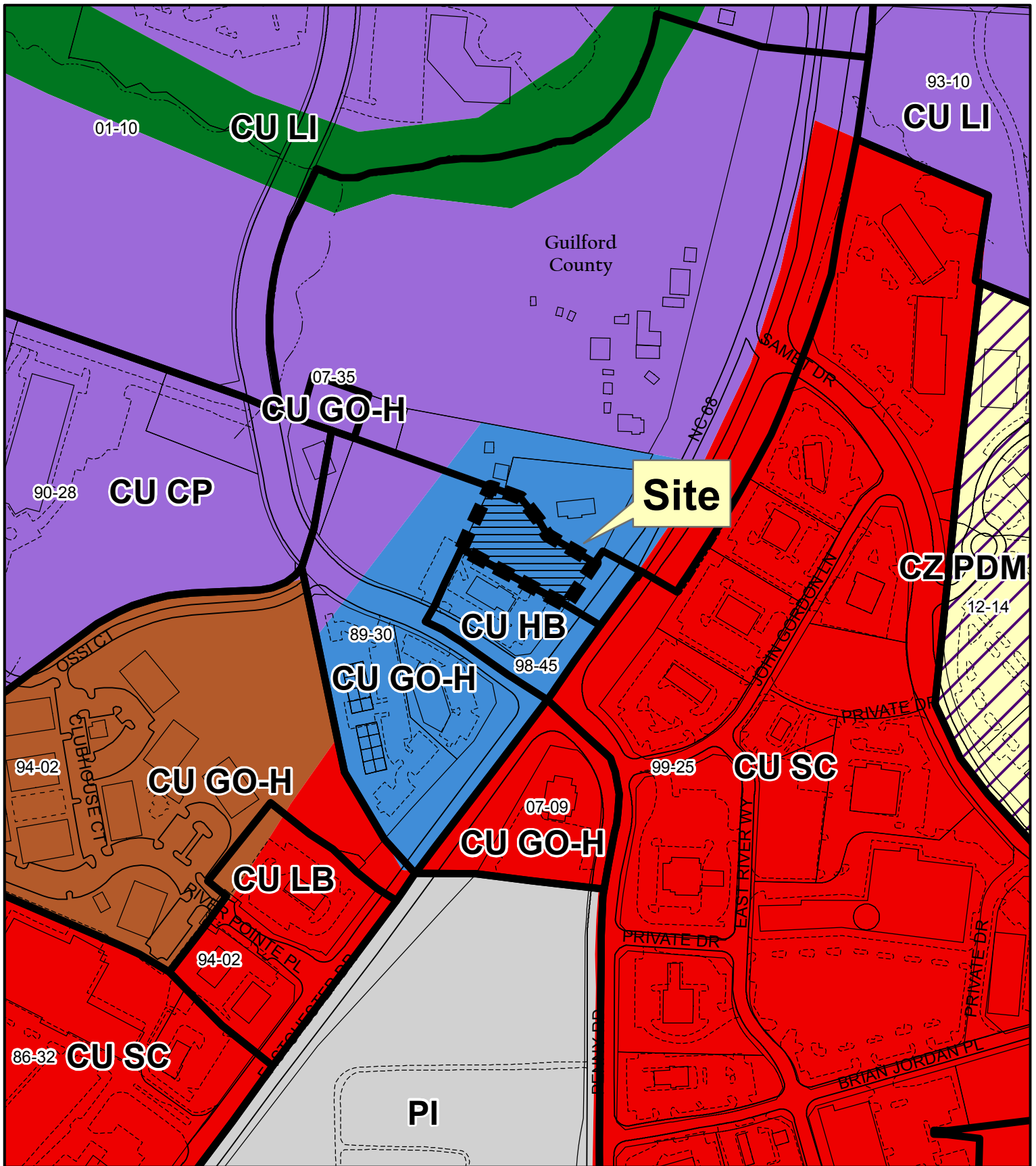
Planning & Development  
 Department

City of High Point

Date: August 25, 2015



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## ZONING CASE 15-14

### Land Use Plan

|                                                                                                               |                                                                                                                   |
|---------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
|  Mixed Use Development      |  Office                        |
|  Medium-Density Residential |  Community/Regional Commercial |
|  Institutional              |  Restricted Industrial         |
|  Recreation/Open Space      |                                                                                                                   |

Planning & Development  
Department

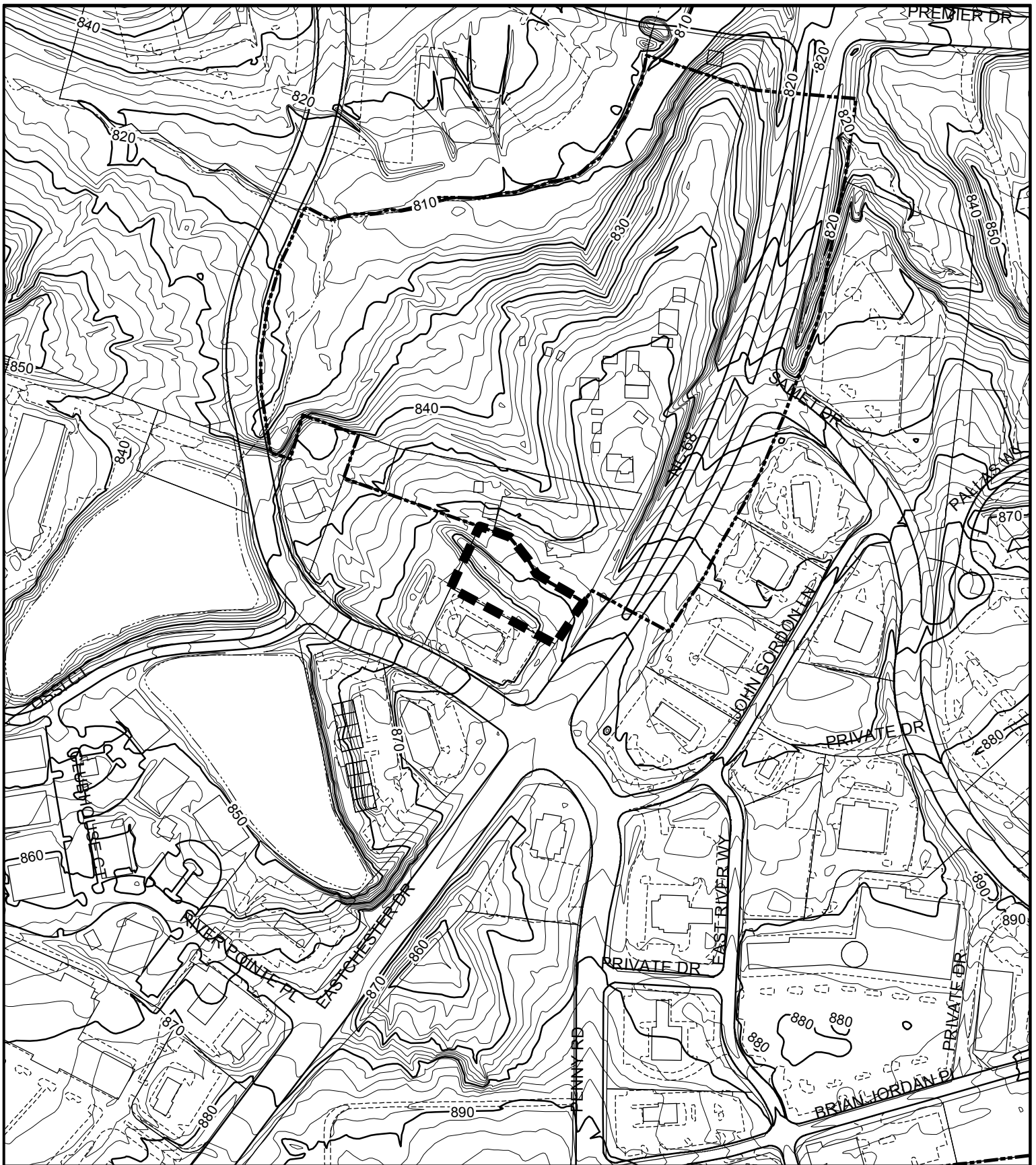
City of High Point

Date: August 25, 2015



Scale: 1"=300'

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2015\pz\z15-14clu.mxd



## ZONING CASE 15-14

### Topography

Subject Property Boundary - - - - -

Planning & Development  
Department

City of High Point

Date: August 25, 2015



Scale: 1"=300'

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2015\pz\z15-14topo.mxd



# ZONING CASE 15-14







August 6, 2015

**To:** Lee Burnette, Director of Planning and Development  
**From:** Mark McDonald, P.E., Transportation Director *MMcDonald*  
**Subject:** **Zoning Case #15-14**, Carolina Custard. Property located on the west side of Eastchester Drive, approximately 200 feet north of Penny Road.

My staff and I have reviewed the rezoning request and have the following comments:

No access shall be allowed to Eastchester Drive. One (1) point of shared access with Panera Bread shall be allowed to Penny Road.

The City of High Point Transportation Director and North Carolina Department of Transportation shall approve all construction and improvements.

If you have any questions or would like to further discuss this case, please advise.



AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 9-3-12, ZONING MAP AMENDMENTS, OF THE DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of The City of High Point adopted “The City of High Point Development Ordinance” on January 7, 1992 with an effective date of March 1, 1992, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on August 25, 2015 and before the City Council of the City of High Point on September 21, 2015 regarding **Zoning Case 15-14** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings was published in the High Point Enterprise on August 16, 2015, for the Planning and Zoning Commission public hearing and on September 9, 2015 and September 16, 2015, for the City Council public hearing pursuant to Chapter 160A-364 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 September 21, 2015.

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: **Conditional Zoning Highway Business (CZ-HB) District**. The property is approximately 0.9 acres and lying along the west side of Eastchester Drive, approximately 200 feet north of Penny Road (*2719 Eastchester Drive*). The property is also known as Guilford County Tax Parcels 0207384.

#### 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**: Any of the land uses allowed in the Highway Business (HB) District shall be permitted, with the exceptions listed below, subject to the development and dimensional requirements of the Development Ordinance and subject to the specific conditions of this ordinance.

A. **Prohibited Uses**: The following uses, enumerated in Table 4-5-1, Permitted Use Schedule of the Development Ordinance, shall be prohibited:

1. **Accessory uses and structures**
  - a. Bulky Item Outdoor Display
  - b. Communication Towers (exceeding height limits of zoning district)

2. Business, Professional & Personal Services Uses
  - a. Automobile Rental or Leasing
  - b. Automobile repair services, major
  - c. Automobile repair services, minor
  - d. Automobile towing and storage services
  - e. Boat repairs
  - f. Car Washes
  - g. Recreational Vehicle Parks or Campsites
  - h. Truck Driving Schools
  - i. Truck & Util. Trailer Rent. & Leasing, Light
3. Retail trade uses
  - a. Boat Sales
  - b. Building Supply Sales (no storage yard)
  - c. Building Supply Sales (with storage yard)
  - d. Bulky Item Outdoor Display
  - e. Convenience Stores (with gasoline pumps)
  - f. Manufactured Home Sales
  - g. Motor Vehicle Sales (new and used)
  - h. Motorcycle Sales
  - i. Recreational Vehicle Sales
  - j. Service Stations, Gasoline
  - k. Tire Sales
  - l. Truck Stops
4. Transportation, Warehousing and Utilities Uses
  - a. Warehouses (general storage/enclosed) and Distribution Centers
  - b. Warehouses (self-storage)
5. All Manufacturing and Industrial Uses shall be prohibited
6. Other Uses
  - a. Bulky Item Outdoor Sales
  - b. Storage trailers as a principal uses

Part II. CONDITIONS:

- A. Development Design: Drive-through/service windows and menu boards shall not be permitted between the principal building and the street right-of-way along the Eastchester Drive street frontage.
- B. Landscaping: Type C Planting Yard standards may be applied along the site's northern boundary. If an opaque fence is used to reduce the planting yard width, its location within the planting yard shall be shown on the approved landscape plan. Lower planting yards standards, as permitted by the Development Ordinance, may be applied when residential uses are not abutting the northern property line of the site.

- C. Transportation Condition: No direct vehicular access shall be allowed to Eastchester Drive

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 now 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.  
21<sup>st</sup> day of September, 2015.

Lisa B. Vierling, City Clerk

# **Citizens Information Meeting Report**

## **Zoning Case 15-14**

Submitted by: John Bartlett

**From:** [John Bartlett](#)  
**To:** [HERBERT SHANNON JR](#)  
**Cc:** [john.bartlett@panerabread.com](mailto:john.bartlett@panerabread.com); [Greg Anderson](#)  
**Subject:** FW: Andys High Point  
**Date:** Monday, August 10, 2015 9:03:44 PM  
**Attachments:** [Untitled attachment 00004.htm](#)  
[2015-08-10 CEDC Site Plan Andy's High Point.pdf](#)  
[Untitled attachment 00007.htm](#)  
[scan0026.pdf](#)

---

Herb:

This is the latest site plan from the Civil Engineer with a 5' landscape buffer. I've also attached the sign in sheet for tonight's Citizens Information meeting.

We only had 3 people show to what we were putting on the site. They didn't have any questions but they seemed excited for the concept.

Let's speak tomorrow on the next steps and what you may need from us.

Thank you,

John Bartlett  
Operating Partner/Owner  
Show Me Bread, Inc. dba Panera Bread  
336-803-2594 Cell  
336-841-1228 Fax

---

**From:** Greg Anderson [<mailto:ganderso@usmo.com>]  
**Sent:** Monday, August 10, 2015 7:00 PM  
**To:** John Bartlett  
**Subject:** Fwd: Andys High Point

Sent from my iPhone

Begin forwarded message:

**From:** Brandon Harp <[bharp@cedc.net](mailto:bharp@cedc.net)>  
**Date:** August 10, 2015 at 1:10:13 PM CDT  
**To:** GREG ANDERSON <[ganderso@usmo.com](mailto:ganderso@usmo.com)>  
**Subject:** Andys High Point

Greg

See attached. Will this work?

Please call should you have any questions

Brandon A. Harp, P.E.  
Principal

Andy's Frozen Custard Meeting held at Panera bread 2400 Penny Road

[illegible]



**LEGEND**

**LINE LEGEND**

--- PROPERTY LINE SURVEYED  
--- PROPERTY LINE NOT SURVEYED  
--- OVERHEAD POWER LINE  
--- ADJACENT PROPERTY LINE  
--- STATE RIGHT-OF-WAY  
--- SAN. SEWER LINE

**ULDCO (811) LEGEND**

---E--- APPROX. UNDERGROUND ELECTRIC LINE PER EX. PAINT  
---U--- APPROX. UNDERGROUND COMMUNICATION LINE PER EX. PAINT  
---G--- APPROX. UNDERGROUND GAS LINE PER EX. PAINT  
---W--- APPROX. UNDERGROUND WATER LINE PER EX. PAINT

**LEGEND FOR NEW PAVEMENT**

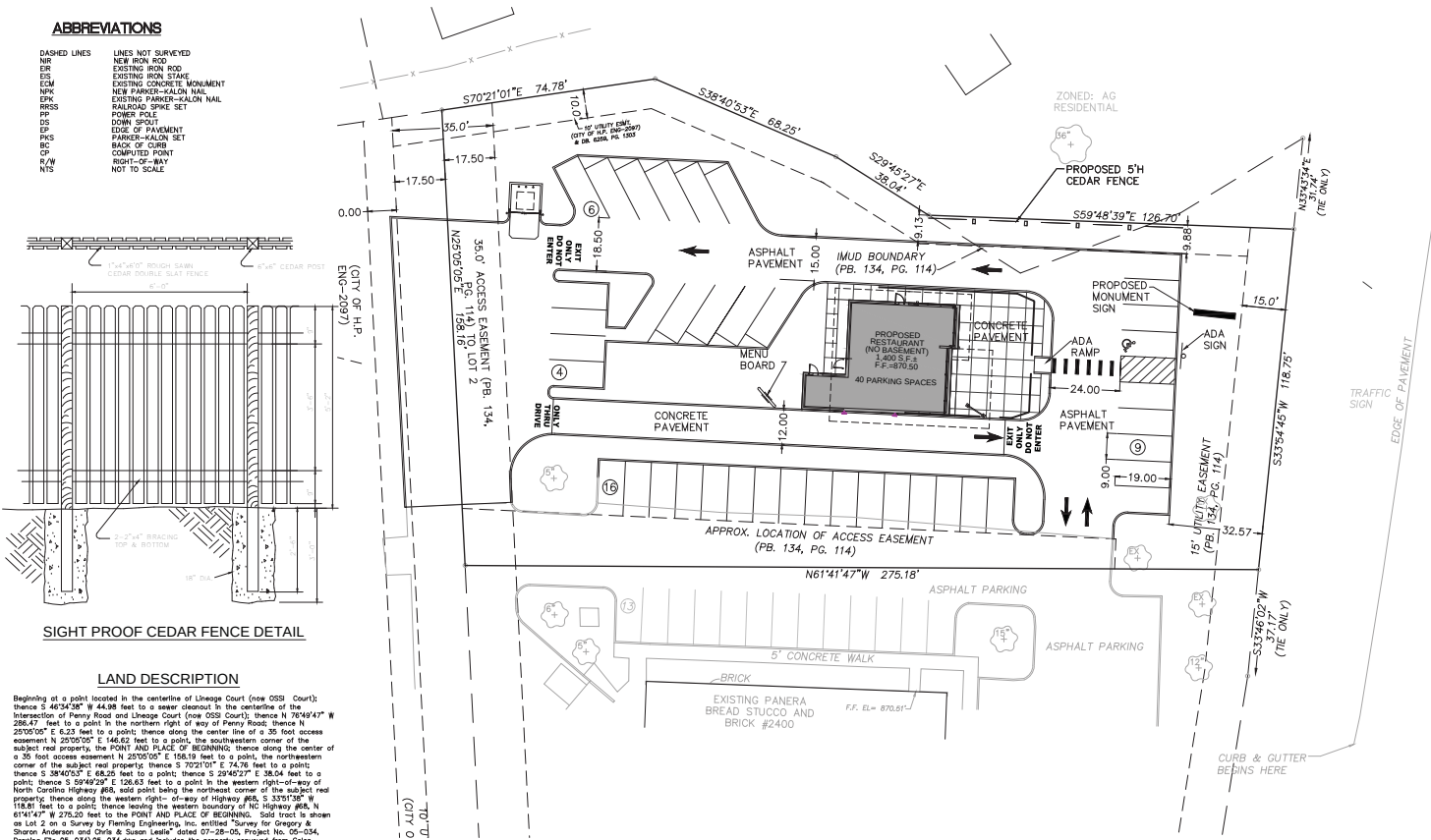
PROPOSED ASPHALT PAVEMENT  
PROPOSED CONCRETE PAVEMENT

**BENCHMARK**

ELEVATIONS SHOWN ARE (NOV. 29) BASED ON NOS MONUMENT "WY 27" RESET 1990 ELEVATION=803.42'

**ABBREVIATIONS**

DASHED LINES LINES NOT SURVEYED  
NIR NEW IRON ROD  
EIR EXISTING IRON ROD  
ESR EXISTING IRON STAKE  
NPK NEW PARKER-KALON NAL  
RRSS RAILROAD SPIKE SET  
PPR POWER POLE  
DS DOWN SPOT  
EOP EDGE OF PAVEMENT  
PKS PARKER-KALON SET  
BC BACK OF CURB  
CP COMPUTED POINT  
R/W RIGHT-OF-WAY  
NTS NOT TO SCALE



**LAND DESCRIPTION**

Beginning of a point located in the center of Lheage Court (now 059 Court); thence S 46°34'28" W 44.98 feet to the center of the intersection of Penny Road and Lheage Court (now 059 Court); thence N 70°49'47" W 286.47 feet to a point in the northern right-of-way of Penny Road; thence N 25°07'05" E 6.23 feet to a point; thence along the center line of a 35 foot access easement N 25°07'05" E 146.62 feet to a point; the southeastern corner of the subject real property, the POINT AND PLACE OF BEGINNING; thence along the center of a 35 foot access easement N 25°07'05" E 158.19 feet to a point; the northeastern corner of the subject real property thence S 70°21'01" E 74.78 feet to a point; thence S 38°07'27" E 68.25 feet to a point; thence S 52°42'27" E 36.04 feet to a point; thence S 59°49'29" E 126.63 feet to a point in the western right-of-way of North Carolina Highway #66; add point being the northeast corner of the subject real property thence along the western right-of-way of Highway #66 S 33°51'28" W 118.81 feet to a point; thence along the eastern boundary of NC Highway #66 N 61°41'47" W 275.20 feet to the POINT AND PLACE OF BEGINNING. Said tract is shown on Lot 2 on a Survey by Fleming Engineering, Inc. entitled "Survey for Gregory & Sharon Anderson and Chris & Susan Leslie" dated 07-28-05, Project No. 05-034, Drawing File 05-034/05-034.dwg and includes the property conveyed from Colon Jordan in Deed Book 3761, page 31 of the Guilford County Registry.

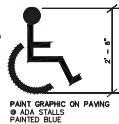
PREPARED FOR  
CAROLINA CUSTARD  
C/O Greg Anderson  
60 Fourth Street  
Camden, MD 65020

PREPARED BY

**CEDC**  
CIVIL ENGINEERING  
DESIGN CONSULTANTS

11402 Grawins Road  
Suite 100  
Saint Louis, Missouri 63126  
314.729.1400  
Fax: 314.729.1404  
www.cedc.net

**ADA PARKING SIGN**

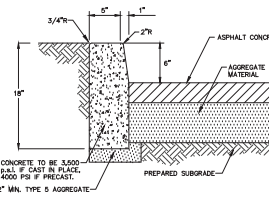


PAYT GRAPHIC ON PAVING  
ADA STALLS  
PAINTED BLUE

**ADA SIGN**

**MONOLITHIC CURB & WALK DETAIL**

(NOT FOR USE IN ST. LOUIS COUNTY RIGHT-OF-WAY)

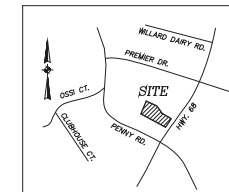
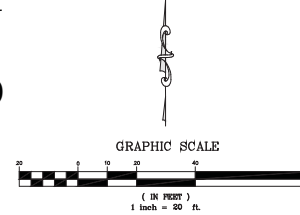


**CONCRETE VERTICAL CURB**

(NOT FOR USE IN ST. LOUIS COUNTY RIGHT-OF-WAY)

# SITE DEVELOPMENT PLAN FOR ANDY'S FROZEN CUSTARD

Lot 2 on a Survey by Fleming Engineering, Inc. entitled "Survey for Gregory & Sharon Anderson and Chris & Susan Leslie" dated 07-28-05, Project No. 05-034, Drawing File 05-034/05-034.dwg and includes the property conveyed from Colon Jordan in Deed Book 3761, Page 31 of the Guilford County Registry.  
High Point, North Carolina



**LOCATION MAP**

**PROPERTY DATA**

CURRENT OWNER  
LESSOR  
ADDRESS  
LOCATION NUMBER  
ZONING  
AREA  
WATER SHED  
UNDERGROUND UTILITY

WASTED PROPERTIES, LLC  
CAROLINA CUSTARD  
PENNEY ROAD & EASTCHESTER DRIVE  
020784  
CONDITIONAL ZONING HIGHWAY BUSINESS  
0.024 ACRES  
CITY LAKE GENERAL WATERSHED AREA  
ULDCO (811) PAINT MARKINGS TICKET  
NO. 01670036 DATED: 08-07-15

**GENERAL NOTES**

1. ALL UTILITIES SHOWN HAVE BEEN LOCATED BY THE ENGINEER FROM AVAILABLE RECORDS. THEIR LOCATION SHOULD BE CONSIDERED APPROXIMATE. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES FIELD LOCATED. THE CONTRACTOR SHALL BE ON RECORD FOR ANY UTILITIES NOT SHOWN ON RECORD. ALL PROPOSED UTILITIES TO BE UNDERGROUND.
2. ALL ELEVATIONS ARE BASED ON BENCHMARK NOTED.
3. BOUNDARY AND TOPOGRAPHIC SURVEY BY DUNCAN-KENNEDY Land Surveys, PLLC
4. ALL ON-SITE MATERIALS AND METHODS OF CONSTRUCTION TO MEET THE CURRENT STANDARDS AND SPECIFICATIONS OF THE CITY OF HIGH POINT, GUILFORD COUNTY DEPARTMENT OF HIGHWAYS AND TRAFFIC, PUBLIC WORKS & M&O.
5. ALL GRADED AREAS SHALL BE PROTECTED FROM EROSION BY EROSION CONTROL DEVICES AND/OR SEEDING AND MULCHING AS REQUIRED BY THE CITY OF HIGH POINT.
6. PRIOR TO BEGINNING ANY WORK ON THE SITE, THE SUB-CONTRACTOR SHALL CONTACT THE GENERAL CONTRACTOR FOR SPECIFIC INSTRUCTIONS RELEVANT TO THE SEQUENCING OF WORK.
7. GRADING CONTRACTOR SHALL INSTALL SLOPE CONTROL PRIOR TO STARTING THE GRADING. ADDITIONAL SLOPE CONTROL DEVICES SHALL BE INSTALLED AS DIRECTED BY THE CITY OF HIGH POINT.
8. ALL EXISTING AND PROPOSED SHALL BE MADE OF SELECTED EXISTING MATERIALS, FREE FROM BROKEN MASONRY, ROCK, FROZEN EARTH, RUBBISH, ORGANIC MATERIAL AND DEBRIS.
9. GRADING CONTRACTOR SHALL KEEP EXISTING ROADWAYS CLEAN OF MUD AND DEBRIS AT ALL TIMES.
10. PROPOSED CONTOURS SHOWN ARE FINISHED ELEVATIONS ON PAVED AREAS.
11. ALL GRADING & DRAINAGE TO BE IN CONFORMANCE WITH THE CITY OF HIGH POINT & LOCAL SEWER DISTRICT STANDARDS.
12. DRIVE ENTRANCES ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF HIGH POINT.
13. SIDEWALKS ALONG THE ACCESSIBLE ROUTE SHALL NOT HAVE A SLOPE EXCEEDING 1:20.0. SLOPES GREATER THAN 1:20.0 MUST BE DESIGNED AS A RAMP. ALL SIDEWALKS AND ASSOCIATED ACCESSIBILITY IMPROVEMENTS SHALL BE CONSTRUCTED TO THE CITY OF HIGH POINT STANDARDS.
14. SIDEWALKS, CURB RAMPS, RAMPS AND ACCESSIBLE PARKING SPACES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENTLY APPROVED "AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG)" ALONG WITH THE REQUIRED "MINIMUM ACCESSIBLE DESIGN" (MAD) AND "MINIMUM CLEARANCE" (MCA) REQUIREMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE LATEST EDITION OF ADAAG FROM THE U.S. DEPARTMENT OF JUSTICE. ANY CHANGES TO ADAAG SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
15. A PERMIT IS REQUIRED BY THE CITY DEPARTMENT OF PUBLIC WORKS FOR ALL DOWNSPOUTS, ROOF DRAINS AND PRIVATE STORM SEWERS.
16. BY GRAPHIC BY GRADING PLOTTING ONLY, THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN FROM MAPS FURNISHED BY HUD/NOAA, AND IS NOT IN AN AREA OF SPECIAL FLOOD HAZARD IDENTIFICATION BY DETAILED FLOOD MAP STUDY. SEE COMMUNITY PANEL # 3710781300.
17. NO GRADE SHALL EXCEED 3% (HORIZONTAL) (1 VERTICAL) UNLESS JUSTIFIED BY A GEOTECHNICAL REPORT, WHICH HAS BEEN ACCEPTED/APPROVED BY THE CITY.
18. STORMWATER SHALL BE DISCHARGED AT ADEQUATE NATURAL DISCHARGE POINT. SHOULDER ARE NOT ADEQUATE NATURAL DISCHARGE POINTS.
19. ALL LANDSCAPE AREAS TO BE FILLED WITH A MINIMUM OF 6" OF TOPSOIL.
20. ALL LANDSCAPED AREAS DISTURBED BY OFF-SITE WORK SHALL BE IMMEDIATELY RESEED OR SOILED, AS DIRECTED BY CITY OF HIGH POINT DEPARTMENT OF PUBLIC WORKS UPON COMPLETION OF WORK IN AREA AFFECTED.
21. ADEQUATE TEMPORARY OFF-STREET PARKING FOR CONSTRUCTION EMPLOYEES SHALL BE PROVIDED. PARKING ON NON-SURFACED AREAS SHALL BE PROHIBITED IN ORDER TO ELIMINATE THE CONDITION WHEREBY MUD FROM CONSTRUCTION AND EMPLOYEE VEHICLES IS TRACKED ONTO THE PAVEMENT CAUSING HAZARDOUS ROADWAY AND DRIVEWAY CONDITIONS.
22. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF HIGH POINT SEWER DISTRICT STANDARD CONSTRUCTION SPECIFICATIONS FOR SEWER AND DRAINAGE FACILITIES.
23. ALL PROPOSED IMPROVEMENTS SHALL BE CONSTRUCTED TO THE CITY OF HIGH POINT STANDARDS.
24. NO STEP ALLOWED AT ACCESSIBLE ENTRANCE DOORS.
25. ALL SIGN LOCATIONS AND SIZES TO BE APPROVED SEPARATELY THROUGH THE PLANNING DIVISION.
26. THE PROPOSED SITE LIGHTING FOR THE CAROLINA CUSTARD SHALL MEET THE CITY OF HIGH POINT REQUIREMENTS.
27. LANDINGS OUTSIDE ALL DOORS SHALL BE SIZED PER THE NORTH CAROLINA BUILDING CODE (NBC) BE AT THE SAME ELEVATION AS THE DOOR, AND SHALL HAVE A MAX. 2% SLOPE IN ANY DIRECTION. TURNING AREAS (MAX. 2% SLOPE IN ANY DIRECTION) INCLUDING THE (DIAGONAL) ON ALL SIDEWALKS WHERE AN INTERSECTING SIDEWALK CONNECTS WITH.
28. THERE SHALL BE NO DESIGNATED PEDESTRIAN ROUTES/SIDEWALKS WITHIN THE SITE, EXCEPT WHERE LABELED AS A "WALK" WITH RAILS, WHICH EXCEED A 5% SLOPE IN THE DIRECTION OF WALK, AND A 2% CROSS-SLOPE.
29. ALL PEDESTRIAN ROUTES > 5% (1:20), IF ANY, ARE LABELED AS "RAMPS" SHOWING SLOPE, LEVEL, LANDINGS AT TOP AND BOTTOM, MAX. 2% SLOPE IN ANY DIRECTION INCLUDING IN THE (DIAGONAL), RAILINGS/GUARDRAILS, AND SHALL COMPLY WITH NBC.
30. ALL STAIRS SHALL HAVE SLOTTED SLOPED LANDINGS (MAX. 2% SLOPE IN ANY DIRECTION INCLUDING IN THE (DIAGONAL) AT THE TOP AND BOTTOM AND SHALL COMPLY WITH THE NBC.
31. ALL RETAINING WALLS > 4" REQUIRE A BUILDING PERMIT FROM BUILDING INSPECTIONS.
32. STAIRS/STEPS WITH LESS THAN A 12" ELEVATION CHANGE SHALL COMPLY WITH NBC 1003.2.
33. NO OVERHEAD POWER LINES EXIST WITHIN THE PROPERTY LIMITS OR LESS THAN TEN FEET OUTSIDE THE LIMITS.
34. ANY STRUCTURE TO BE REMOVED SHALL REQUIRE A DEMOLITION PERMIT FROM BUILDING INSPECTIONS.
35. EXTERIOR EXIT DISCHARGE ILLUMINATION/LIGHTING SHALL BE REQUIRED FROM ALL EXIT DOORS TO THE PUBLIC WAY IN COMPLIANCE WITH NBC 1006.

BRANDON A. HARR, P.E. 042832  
PROFESSIONAL ENGINEER  
SEAL LICENSE NO. XXXXXXXXX

11402 Grawins Road  
Suite 100  
Saint Louis, Missouri 63126  
314.729.1400  
Fax: 314.729.1404  
www.cedc.net

**CEDC**  
CIVIL ENGINEERING  
DESIGN CONSULTANTS

Site Development Plan  
**ANDY'S FROZEN CUSTARD**  
2400 PENNY ROAD  
HIGH POINT, N.C., 27265

Proj. # 1524  
No. Description Date  
TO CITY 08-24-15

**SITE  
DEVELOPMENT  
PLAN**

DRAWING NO.

**C01**

## PLANT SCHEDULE

| TREES              | QTY | COMMON NAME / BOTANICAL NAME                                     | SIZE      |
|--------------------|-----|------------------------------------------------------------------|-----------|
| AGG                | 3   | Autumn Gold Ginkgo / Ginkgo biloba 'Autumn Gold' TM              | 2" Cal.   |
| HACK               | 3   | Common Hackberry / Celtis occidentalis                           | 2" Cal.   |
| QL                 | 1   | Greenspire Littleleaf Linden / Tilia cordata 'Greenspire'        | 2" Cal.   |
| SAW                | 1   | Sawtooth Oak / Quercus acutissima                                | 2" Cal.   |
| RSM                | 1   | Red Sunset Maple / Acer rubrum 'Franksred'                       | 2" Cal.   |
| EVERGREEN TREES    | QTY | COMMON NAME / BOTANICAL NAME                                     | SIZE      |
| CBS                | 4   | Colorado Blue Spruce / Picea pungens 'Glauea'                    | 6"-7"     |
| EMARS              | 7   | Emerald Arborvitae / Thuja occidentalis 'Emerald'                | 6"-7"     |
| NS                 | 3   | Norway Spruce / Picea abies                                      | 6"-7"     |
| FLOWERING TREES    | QTY | COMMON NAME / BOTANICAL NAME                                     | SIZE      |
| JTL                | 4   | Ivory Silk Japanese Tree Lilac / Syringa reticulata 'Ivory Silk' | 1.5" Cal. |
| RS                 | 2   | Redbud / Cercis canadensis                                       | 1.5" Cal. |
| SHRUBS             | QTY | COMMON NAME / BOTANICAL NAME                                     | SIZE      |
| ACM                | 4   | Acoma Grape Myrtle / Lagerstroemia 'Acoma'                       | 5 gal     |
| BLL                | 4   | Bloomerang Lilac / Syringa x 'Pendo'                             | 5 gal     |
| DWY                | 14  | Dwarf Yaupon / Ilex vomitoria 'Nana'                             | 5 gal     |
| GVC                | 5   | Golden Privet / Ligustrum vicaryi                                | 5 gal     |
| GLS                | 5   | Grass-Low Fragrant Sumac / Rhus aromatica 'Grass-Low'            | 5 gal     |
| FUK                | 21  | Lynwood Gold Forsythia / Forsythia intermedia 'Lynwood Gold'     | 5 gal     |
| PSFQ               | 3   | Pink Storm Flowering Quince / Chaenomeles speciosa 'Pink Storm'  | 5 gal     |
| FJ                 | 10  | Procrumbens Juniper / Juniperus procumbens 'Nana'                | 5 gal     |
| WHF                | 33  | Red Sprites Winterberry / Ilex verticillata 'Red Sprites'        | 5 gal     |
| KCA                | 1   | Knap Creek Abelia / Abelia x 'grandiflora' 'Knap Creek'          | 5 gal     |
| SBWE               | 1   | Sonic Bloom Weigela / Weigela florida 'Sonic Bloom'              | 5 gal     |
| VVB                | 2   | Vardar Valley Boxwood / Buxus sempervirens 'Vardar Valley'       | 5 gal     |
| ULL                | 20  | 'Hummingbird' Summersweet / Clethra alnifolia 'Hummingbird'      | 5 gal     |
| ANNUALS/PERENNIALS | QTY | COMMON NAME / BOTANICAL NAME                                     | SIZE      |
| ACS                | 17  | Autumn Charm Sedum / Sedum x 'Autumn Charm'                      | 1 gal     |
| BBL                | 8   | Big Blue Liriope / Liriope muscarifolia 'Big Blue'               | 1 gal     |
| HRD                | 13  | Happy Returns Daylily / Hemerocallis hybrid 'Happy Returns'      | 1 gal     |
| PC-KRH             | 8   | Purple Coneflower / Echinacea purpurea 'Kim's Knee High' TM      | 1 gal     |

## LANDSCAPE GUIDELINE SPECS:

### GENERAL:

- All natural vegetation shall be maintained where it does not interfere with construction or the permanent plan of operation. Every effort possible shall be made to protect existing structures or vegetation from damage due to equipment usage. Contractor shall at all times protect all materials and work against injury to public.
- The landscape contractor shall be responsible for any coordination and sequencing with other site related work being performed by other contractors. Refer to additional drawings for further coordination of work to be done.
- Underground facilities, structures and utilities must be considered appropriate only. They may be others not previously shown. It shall be the landscape contractor's responsibility to determine or verify the existence of and exact location of the above (Call 1-800-485-4848 in Illinois).
- Plant material one to be planted in the same relationship to grade as one grown in nursery conditions. All planting beds shall be cultivated to 6" depth minimum and graded smooth immediately before planting of plants. Plant groundcover to within 12" of trunk of trees or shrubs planted within the area.
- It shall be the landscape contractor's responsibility to:
  - Verify all existing and proposed features shown on the drawings prior to commencement of work.
  - Report all discrepancies found with regard to existing conditions or proposed design to the landscape architect immediately for a decision.
  - Obtain the location of all proposed plant material and obtain the approval of the owner's representative or landscape architect (in 10% case prior to installation).
- Items shown on this drawing take precedence over the material list. It shall be the landscape contractor's responsibility to verify all quantities and conditions prior to implementation of this plan. No substitutions of types or size of plant materials will be accepted without written approval from the landscape architect.
- Provide single-stem trees unless otherwise noted in plant schedule.
- All plant material shall comply with the recommendations and requirements of ANSI Z601 "American Standards for Nursery Stock".
- It shall be the contractor's responsibility to provide for inspection of the plant material by the Landscape Architect (or Owner's Representative) prior to acceptance. Inspections may take place before, during or after installation. Plants not accepted by the owner shall not be accepted and shall be replaced at the landscape contractor's expense.
- All bids are to have unit prices listed. The Owner has the option to delete any portion of the contract prior to signing the contract or beginning work. This will be a unit price contract; no fixed fee for 15 months.
- Should survey equipment be utilized in excavating any plant pits, vertical sides of plant pits shall be thoroughly scarified to avoid creation of "polished side walls" prior to plant material installation.
- All existing rocks, debris and/or failed soils shall be removed by the general contractor prior to point project is turned over to the landscape contractor to commence landscape installation.
- Keep all plant material (except turf) a minimum of 30" clear of the hydrants.
- All tops, nursery stakes, labels, etc. shall be removed by the landscape contractor at completion of all landscape installation.
- Landscape contractor shall be in compliance with all federal, state and local laws / regulations relating to insect infestation and/or plant diseases.

### PRUNING:

- Lightly prune trees at time of planting. Prune only the crossover limbs, intercrossed leaders and/or any branch breakers. Some lateral limbs and lateral branches may be removed however, do not remove the terminal buds of branches that extend to the edge of the crown.
- All pruning shall comply with ANSI A300 standards.

### INSURANCE:

- The landscape contractor shall submit certificates of insurance for workman's compensation and general liability.

### MULCH:

- All mulch to be shredded oak bark mulch at 3" depth (after compaction) unless otherwise noted. Mulch shall be clean and free of all foreign materials, including weeds, mold, deleterious materials, etc.
- No plastic sheathing or filter fabric shall be placed beneath shredded bark mulch beds. Matted fabric shall be used beneath all gravel mulch beds.
- Edge all beds with spade-cut edge unless otherwise noted.

### MAINTENANCE:

- Landscape Contractor shall provide a separate proposal to maintain all plants, shrubs, groundcover, perennials and annuals for a period of 12 months after acceptance.
- Contractor shall ensure that only competent and trained personnel shall provide such services and that such services be provided in a timely manner.

### TOPSOIL:

- Topsoil mix for all proposed landscape plantings shall be five (5) parts well-drained screened organic topsoil to one (1) part Canadian sphagnum peat, mixed as per planting details. Rate—fill topsoil mix to a depth of 6" minimum and grade smooth.
- Provide a soil analysis, as requested, made by an independent soil-testing agency outlining the % of organic matter, inorganic matter, deleterious materials, pH and mineral content.
- Any foreign topsoil used shall be free of roots, stumps, weeds, brush, stones (larger than 1"), litter or any other extraneous or toxic material. Landscape contractor shall be fully responsible for correcting all negative soil issues prior to plant installation. Killing and removal of all weeds shall be the responsibility of the landscape contractor as part of this task.
- Landscape contractor to apply pre-emergent herbicide to all planting beds upon completion of planting operations and before application of additional bark mulch.
- Install erosion controls prior to commencement of any grading operations to correct drainage issues. Inspect and maintain all erosion fences daily until vegetation is established.

### MISC. MATERIAL:

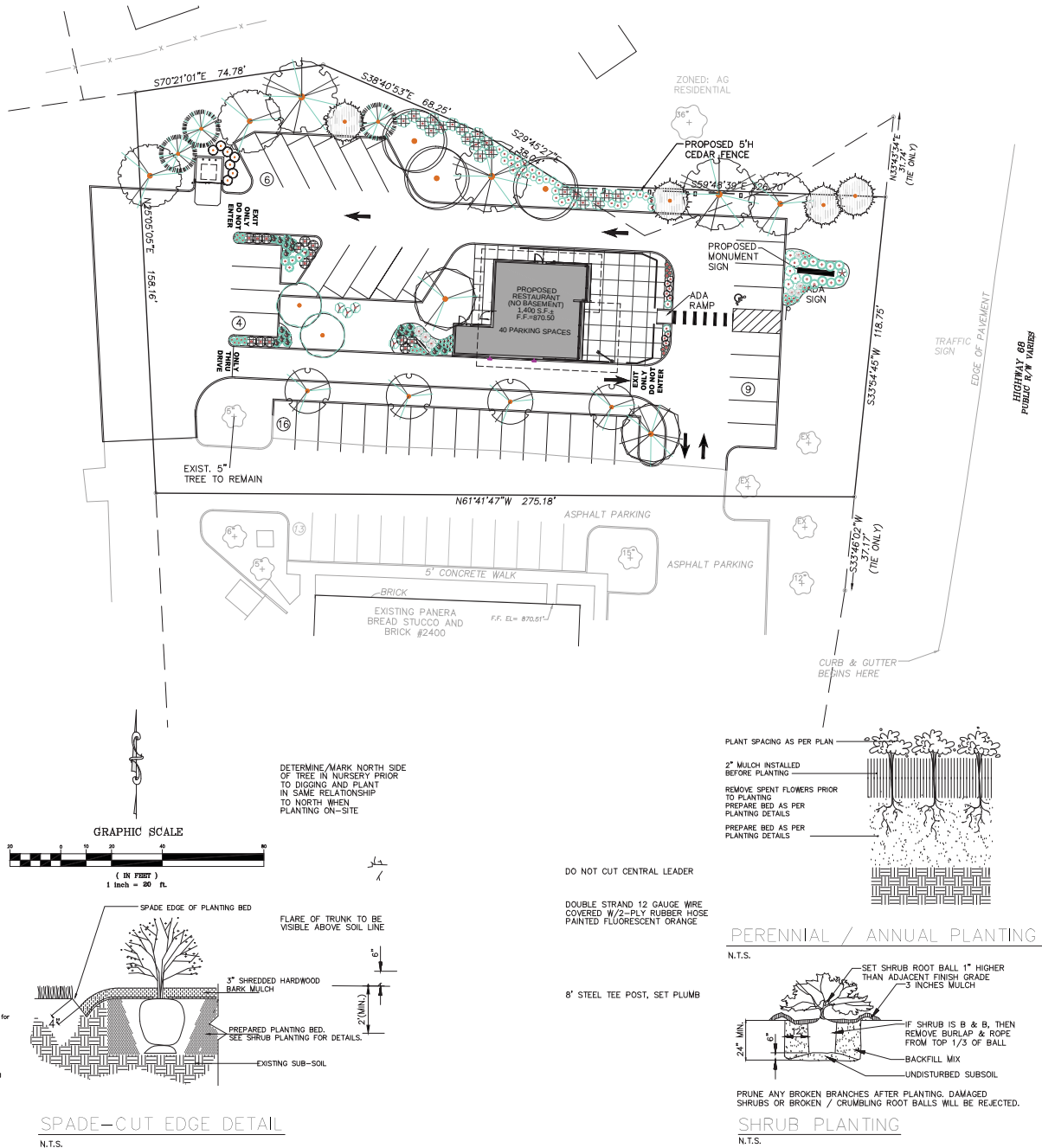
- Provide stakes and deadmen of sound, new hardwood, free of knots and defects.
- Tree wrap tape shall be 4" minimum, designed to prevent borer damage and winter freezing. Additionally, only 3-ply tying material shall be used.

### TURF:

- All disturbed lawn areas to be seeded with a mixture of Turf-Type Grass (50% per acre) and bluegrass (15% per acre). Lawn areas shall be unconditionally warranted for a period of 90 days from date of first acceptance. Bare areas more than one square foot per any 50 square feet shall be replaced.
- The landscape contractor shall be responsible for protection of finished grade, restore and repair any erosion or water damage and obtain owner's approval prior to seeding or sod installation.
- Landscape contractor shall offer an alternate price for sod if less of seed. Sod shall be cut at a minimum of 3/4".
- No broken pieces, irregular pieces or torn pieces will be accepted.
- All sod shall be placed a maximum of 24 hours after harvesting.
- Recondition existing lawn areas damaged by Contractor's operations including equipment/material storage and/or.
- Sod Contractor to ensure sod is placed below sidewalk and all paved areas elevations to allow for proper drainage.

### WARRANTY:

- All plant material (excluding ground cover, perennials and annuals) are to be warranted for a period of 12 months after complete installation of all landscape material at 100% of the installed price.
- Any plant material found to be defective shall be removed and replaced within 30 days of notification or in growth season determined to be best for that plant.
- Only one replacement per tree or shrub shall be required at the end of the warranty period, unless loss is due to failure to comply with warranty.
- Lawn establishment period will be in effect once the lawn has been mowed three times. Plant establishment period shall commence on the date of acceptance and 100% completion.
- A written guarantee shall be provided to the owner per conditions outlined in #1 above.



BRANDON A. HUPP, P.E. 042832  
PROFESSIONAL ENGINEER  
CIVIL LICENSE NO. XXXXXXXXX

11402 Grawins Road  
Suite 100  
Morton, Illinois 61550  
314.729.1400  
Fax: 314.729.1404  
www.cedc.net

**CEDC**  
CIVIL ENGINEERING  
DESIGN CONSULTANTS

Site Development Plan  
**ANDY'S FROZEN CUSTARD**  
2400 PENNY ROAD  
HIGH POINT, N.C., 27265

Proj. # 1524  
No. Description Date  
TO CITY 08-24-15

LANDSCAPE  
PLAN

DRAWING NO.

**L01**



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY  
GOVERNOR

ANTHONY J. TATA  
SECRETARY

July 29, 2015

Mr. Greg Venable  
Transportation Planning Administrator  
High Point Department of Transportation  
P.O. Box 230  
High Point, North Carolina 27261-0230

Subject: Funding Agreement - SHRP2 Implementation Assistance Program Grant for a Multi-modal Transportation Facility Vision Plan

Dear Greg:

Attached is the funding agreement for the SHRP2 Implementation Assistance Program Grant awarded to the High Point MPO for the development of a Multi-modal Transportation Facility Vision Plan. Upon review and approval, please have the enclosed three originals executed and return them to me. I will coordinate NCDOT approval and provide you an executed copy.

If you have any questions, please do not hesitate to call or email me at (919) 707-0909, ewthomas@ncdot.gov.

Sincerely,

Earlene W. Thomas, P.E.  
Western Unit Head, Transportation Planning Branch

Enclosure (3)

cc: Bill Marley, FHWA (*without attachment*)  
Patrick Norman, PE, Manager, Transportation Planning Branch (*without attachment*)  
Hemal Shah, Transportation Planning Branch (*without attachment*)

MAILING ADDRESS:  
NC DEPARTMENT OF TRANSPORTATION  
TRANSPORTATION PLANNING BRANCH  
1554 MAIL SERVICE CENTER  
RALEIGH NC 27699-1554

**NCDOT** | **TPB**  
TRANSPORTATION PLANNING BRANCH  
<https://connect.ncdot.gov/projects/planning/>

LOCATION:  
TRANSPORTATION BUILDING  
1 SOUTH WILMINGTON STREET  
RALEIGH, NC 27601  
Phone: 919-707-0900  
Fax: 919-733-9794

NORTH CAROLINA

**LOCALLY ADMINISTERED PROJECT -  
FEDERAL**

GUILFORD COUNTY

DATE: 7/29/2015

NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION

TIP #: M-0503

AND

WBS Elements: PE 44559.1.1

CITY OF HIGH POINT

FEDERAL-AID NUMBER: SHRP-0710(35)

CFDA #: 20.205

Total Funds [NCDOT Participation] \$50,000

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 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) established the Future Strategic Highway Research Program (SHRP2), which allows for the allocation of Highway Trust funds to be available for certain specified transportation activities; and,

WHEREAS, the Municipality is the lead planning agency for the High Point Urban Area Metropolitan Planning Organization (HPMPO); and,

WHEREAS, the Municipality on behalf of the HPMPO has requested federal funding from the SHRP2 Implementation Assistance Program for a Multi-modal Transportation Facility Vision Plan, hereinafter referred to as the Project, in Guilford County, North Carolina; and,

WHEREAS, subject to the availability of federal funds, the Municipality has been designated as a recipient to receive funds allocated to the Department by the Federal Highway Administration (FHWA) up to and not to exceed the maximum award amount of \$50,000 for the Project; and,

WHEREAS, the Department has agreed to administer the disbursement of said funds on behalf of FHWA to the Municipality for the Project in accordance with the Project scope of work and in accordance with the provisions set out in this Agreement; and,

WHEREAS, the governing board of the Municipality has agreed to participate in certain costs and to assume certain responsibilities in the manner and to the extent as hereinafter set out; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly including, but not limited to, the following applicable legislation: General Statutes of North Carolina (NCGS) Section 136-66.1, Section 136-71.6, Section 160A-296 and 297, Section 136-18, Section 136-41.3 and Section 20-169, to participate in the planning, construction and/or implementation of the Project approved by the Board of Transportation.

NOW, THEREFORE, this Agreement states the promises and undertakings of each party as herein provided, and the parties do hereby covenant and agree, each with the other, as follows:

## **1. GENERAL PROVISIONS**

### **FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT**

All parties to this Agreement, including contractors, subcontractors, and subsequent workforces, associated with any work under the terms of this Agreement shall provide reports as required by the Federal Funding Accountability and Transparency Act (FFATA) for this Project.

### **AGREEMENT MODIFICATIONS**

Any modification to scope, funding, responsibilities, or time frame will be agreed upon by all parties by means of a Supplemental Agreement.

### **LOCAL PUBLIC AGENCY TO PERFORM ALL WORK**

The Municipality shall be responsible for administering all work performed and for certifying to the Department that all terms set forth in this Agreement are met and adhered to by the Municipality and/or its contractors and agents. The Department will provide technical oversight to guide the Municipality. The Department must approve any assignment or transfer of the responsibilities of the Municipality set forth in this Agreement to other parties or entities.

### **PERSON IN RESPONSIBLE CHARGE**

The Municipality shall designate a person or persons to be in responsible charge of the Project, in accordance with Title 23 of the Code of Federal Regulations, Part 635.105. The person, or persons, shall be expected to:



- Administer governmental project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;
- Maintain knowledge of day to day project operations and safety issues;
- Make or participate in decisions about changed conditions or scope changes that require change orders or supplemental agreements;
- Visit and review the project in accordance with the project scope and scale;
- Review financial processes, transactions and documentation to reduce the likelihood of fraud, waste, and abuse;
- Direct project staff, agency or consultant, to carry out project administration and contract oversight, including proper documentation; and
- Be aware of the qualifications, assignments and on-the-job performance of the agency and consultant staff at all stages of the project.

The person in responsible charge must be a full-time employee of the Municipality, but the duties may be split among several employees, if necessary.

#### **COMPLIANCE WITH STATE/FEDERAL POLICY**

The Municipality, and/or its agent, including all contractors, subcontractors, or sub-recipients shall comply with all applicable Federal and State policies and procedures, stated both in this Agreement and in the Department's guidelines and procedures, including the *Local Programs Management Handbook*.

#### **FAILURE TO COMPLY - CONSEQUENCES**

Failure on the part of the Municipality to comply with any of the provisions of this Agreement will be grounds for the Department to terminate participation in the costs of the Project and, if applicable, seek repayment of any reimbursed funds.

## **2. SCOPE OF PROJECT**

The Project consists of developing a concept plan which engages and builds consensus among a variety of partners and community stakeholders. The Project will also develop a vision for the



multi-modal transportation facility and surrounding area that serves not only the City of High Point but the entire HPMPO region that promotes livability, walkability, improved access, and economic development opportunities through land use, urban design, and redevelopment, as further described in the Statement of Work, attached hereto as Appendix A.

The Department's funding participation in the Project shall be restricted to the items as shown in Appendix A.

### **3. FUNDING**

#### **REIMBURSEMENT FOR ELIGIBLE ACTIVITIES**

Subject to compliance by the Municipality with the provisions set forth in this Agreement and the availability of federal funds, the Department shall reimburse one hundred percent (100%) of eligible expenses incurred by the Municipality up to a maximum amount of Fifty Thousand Dollars (\$50,000) from the SHRP2 Implementation Assistance Program. The Municipality shall provide all costs that exceed the total funding of \$50,000.

### **4. PERIOD OF PERFORMANCE**

The Municipality shall complete the Project by 12/31/2016. Completion for this Agreement is defined as completion of all implementation activities, acceptance of the project, and submission of a final reimbursement package to the Department.

If additional time is needed to complete the Project, then a supplemental agreement must be executed. The Department and/or FHWA reserves the right to revoke the funds awarded if the Municipality is unable to meet milestone dates included herein.

### **5. AUTHORIZATION**

Upon receipt of an executed agreement, the Department will authorize funds and shall issue a notice to proceed to the Municipality, in writing, once funds have been authorized and can be expended. The Municipality shall not contract for, or perform any work prior to receipt of written authorization from the Department to proceed. Any work performed, or contracts executed, prior to receipt of written authorization to proceed will be ineligible for reimbursement.

## **6. PROFESSIONAL AND ENGINEERING SERVICES**

### **PROCUREMENT POLICY**

When procuring professional services, the Municipality must adhere to Title 49 Code of Federal Regulations Part 18.36; Title 23 of the Code of Federal Regulations, Part 172; Title 40 United States Code, Chapter 11, Section 1101-1104; NCGS 143-64, Parts 31 and 32; and the Department's *Policies and Procedures for Major Professional or Specialized Services Contracts*. Said policies and standards are incorporated in this Agreement by reference at [www.fhwa.dot.gov/legisregs/legislat.html](http://www.fhwa.dot.gov/legisregs/legislat.html) and [www.ncleg.net/gascripts/Statutes/Statutes.asp](http://www.ncleg.net/gascripts/Statutes/Statutes.asp).

- The Municipality shall ensure that a qualified firm is obtained through an equitable selection process, and that prescribed work is properly accomplished in a timely manner and at a just and reasonable cost.
- All Professional Services Firms shall be pre-qualified by the Department.
- A pre-negotiation audit will be conducted by the Department's External Audit Branch. The Municipality shall not execute a consultant contract until the Department's review has been completed.

### **SMALL PROFESSIONAL AND ENGINEERING SERVICES FIRMS REQUIREMENTS**

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Small Professional Services Firms (SPSF). This policy conforms with the SPSF Guidelines as approved by the North Carolina Board of Transportation.

- The Municipality shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.
- If the Municipality fails to comply with these requirements, the Department will withhold funding until these requirements are met.

### **IN-HOUSE STAFF**

If the Professional and Engineering Services required for this project will be undertaken by the Municipality, and the Municipality requests reimbursement, then the Municipality must

submit a request and supporting documentation, to the Department to review and approval, prior to any work being initiated by the Municipality.

#### **REVIEW AND APPROVAL BY THE DEPARTMENT**

All procurement proposals shall be submitted to the Department for review and approval before Municipality executes a contract. The Department will provide written approval to the Municipality.

### **7. PLAN AND DEVELOPMENT**

The Municipality, and/or its agent, shall prepare all requirements of the Work Plan.

#### **SUBMITTAL REQUIREMENTS**

During the process of development, all draft copies of the plan and related information shall be submitted to the Department at:

Transportation Planning Branch  
ATTN: Hemal Shah  
NCDOT High Point MPO Coordinator  
1554 Mail Service Center  
Raleigh, NC 27699-1554

#### **CHANGE ORDERS**

If any changes in the Project are necessary, the Department must approve such changes prior to the work being performed.

### **8. ADMINISTRATION**

- The Municipality shall designate a full-time permanent employee to serve as a Project Manager.
- At a minimum, quarterly meetings will be held between all parties to discuss and review the progress of the Project. A meeting report will be written and submitted to all parties.

## **9. FINAL PROJECT CERTIFICATION**

Upon completion of the Project, the Municipality shall provide a certification to the Department that all work performed for this Project is in accordance with all applicable standards, guidelines, and regulations. The Municipality shall provide all reports as required by the SHRP2 grant.

## **10. REIMBURSEMENT**

### **SCOPE OF REIMBURSEMENT**

Activities eligible for funding reimbursement for this Project shall include the deliverables under the Work Plan as shown in Appendix A.

### **REIMBURSEMENT GUIDANCE**

The Municipality shall adhere to applicable administrative requirements of Title 2 Code of Federal Regulations, Part 200 ([www.fhwa.dot.gov/legisregs/directives/fapgtoc.htm](http://www.fhwa.dot.gov/legisregs/directives/fapgtoc.htm)) "Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards." Reimbursement to the Municipality shall be subject to the policies and procedures contained in Title 23 Code of Federal Regulations, Part 140 and Part 172, which is being incorporated into this Agreement by reference at [www.fhwa.dot.gov/legisregs/directives/fapgtoc.htm](http://www.fhwa.dot.gov/legisregs/directives/fapgtoc.htm). Reimbursement to the Municipality shall be subject to the guidance contained in Title 2 Code of Federal Regulations, Part 170 (<http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf>) and Office of Management and Budget (OMB) "Federal Funding Accountability and Transparency Act" (FFATA). Said reimbursement shall also be subject to the Department being reimbursed by the Federal Highway Administration and subject to compliance by the Municipality with all applicable federal policy and procedures.

### **REIMBURSEMENT LIMITS**

- **WORK PERFORMED BEFORE NOTIFICATION**

Any costs incurred by the Municipality prior to written notification by the Department to proceed with the work shall not be eligible for reimbursement.

- **NO REIMBURSEMENT IN EXCESS OF APPROVED FUNDING**

At no time shall the Department reimburse the Municipality costs that exceed the total funding per this Agreement and any Supplemental Agreements.

- **UNSUBSTANTIATED COSTS**

The Municipality agrees that it shall bear all costs for which it is unable to substantiate actual costs or any costs that have been deemed unallowable by the Federal Highway Administration and/or the Department's Financial Management Division.

- **WORK PERFORMED BY NCDOT**

The Department does not anticipate any charges to the Project; however, in the event that the Department needs to charge to the Project, it shall reduce the maximum award amount of \$50,000 available to the Municipality under this Agreement. The Department will bill the Municipality for any costs that exceed the Total Funding of \$50,000.

## **BILLING THE DEPARTMENT**

- **PROCEDURE**

The Municipality may bill the Department for eligible Project costs in accordance with the Department's guidelines and procedures. Proper supporting documentation shall accompany each invoice as may be required by the Department. By submittal of each invoice, the Municipality certifies that it has adhered to all applicable state and federal laws and regulations as set forth in this Agreement.

Along with each invoice, the Municipality is responsible for submitting the FFATA Subrecipient Information Form, which is available at <https://connect.ncdot.gov/municipalities/Funding/Pages/default.aspx>.

- **INTERNAL APPROVALS**

Reimbursement to the Municipality shall be made upon approval of the invoice by the Department's Financial Management Division.

- **TIMELY SUBMITTAL OF INVOICES**

The Municipality may invoice the Department monthly for work accomplished, but no less than once every six (6) months to keep the Project funds active and available. If the Municipality is unable to invoice the Department, then they must provide an explanation. Failure to submit invoices or explanation may result in de-obligation of funds.

- **FINAL INVOICE**

All invoices associated with the Project must be submitted within six (6) months of the completion of construction and acceptance of the Project to be eligible for reimbursement by the Department. Any invoices submitted after this time will not be eligible for reimbursement.

## **11. REPORTING REQUIREMENTS AND RECORDS RETENTION**

### **PROJECT EVALUATION REPORTS**

The Municipality is responsible for providing reporting in accordance with the Statement of Work (Appendix A).

### **PROJECT RECORDS**

The Municipality and its agents shall maintain all books, documents, papers, accounting records, Project records and such other evidence as may be appropriate to substantiate costs incurred under this Agreement. Further, the Municipality shall make such materials available at its office and shall require its agent to make such materials available at its office at all reasonable times during the contract period, and for five (5) years from the date of payment of the final voucher by the Federal Highway Administration, for inspection and audit by the Department's Financial Management Section, the Federal Highway Administration, or any authorized representatives of the Federal Government.

## **12. OTHER PROVISIONS**

### **REFERENCES**

It will be the responsibility of the Municipality to follow the current and/or most recent edition of references, websites, specifications, standards, guidelines, recommendations, regulations and/or general statutes, as stated in this Agreement.

### **INDEMNIFICATION OF DEPARTMENT**

The Municipality agrees to indemnify and hold harmless the Department, FHWA and the State of North Carolina, to the extent allowed by law, for any and all claim for payment, damages and/or liabilities of any nature, asserted against the Department in connection with this Project. The Department shall not be responsible for any damages or claims, which may be initiated by third parties.



## **DEBARMENT POLICY**

It is the policy of the Department not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this agreement, the Municipality certifies that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Agency or Department and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

## **TITLE VI - CIVIL RIGHTS ACT OF 1964**

The Municipality shall comply with Title VI of the Civil Rights Act of 1964, (Title 49 CFR, Subtitle A, Part 21). Title VI prohibits discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.

## **OTHER AGREEMENTS**

The Municipality is solely responsible for all agreements, contracts, and work orders entered into or issued by the Municipality for this Project. The Department is not responsible for any expenses or obligations incurred for the Project except those specifically eligible for Surface Transportation Program funds and obligations as approved by the Department under the terms of this Agreement.

## **AVAILABILITY OF FUNDS**

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

## **IMPROPER USE OF FUNDS**

Where either the Department or the FHWA determines that the funds paid to the Municipality for this Project are not used in accordance with the terms of this Agreement, the Department will bill the Municipality.

## **TERMINATION OF PROJECT**

If the Municipality decides to terminate the Project without the concurrence of the Department, the Municipality shall reimburse the Department one hundred percent (100%) of all costs expended by the Department and associated with the Project.

## **AUDITS**

In accordance with OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations" ([http://www.whitehouse.gov/omb/circulars\\_default](http://www.whitehouse.gov/omb/circulars_default)) and the Federal Single Audit Act Amendments of 1996, the Municipality shall arrange for an annual independent financial and compliance audit of its fiscal operations. The Municipality shall furnish the Department with a copy of the annual independent audit report within thirty (30) days of completion of the report, but not later than nine (9) months after the Municipality's fiscal year ends.

## **REIMBURSEMENT BY MUNICIPALITY**

For all monies due the Department as referenced in this Agreement, reimbursement shall be made by the Municipality to the Department within sixty (60) days of receiving an invoice. A late payment penalty and interest shall be charged on any unpaid balance due in accordance with NCGS 147-86.23.

## **USE OF POWELL BILL FUNDS**

If the other party to this agreement is a Municipality and fails for any reason to reimburse the Department in accordance with the provisions for payment hereinabove provided, NCGS 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to Municipality by NCGS 136-41.1, until such time as the Department has received payment in full.

## **ENTIRE AGREEMENT**

This Agreement contains the entire agreement between the parties and there are no understandings or agreements, verbal or otherwise, regarding this Agreement except as expressly set forth herein.

## **AUTHORIZATION TO EXECUTE**

The parties hereby acknowledge that the individual executing the Agreement on their behalf is authorized to execute this Agreement on their behalf and to bind the respective entities to the terms contained herein and that he has read this Agreement, conferred with his attorney, and fully understands its contents.

## **FACSIMILE SIGNATURES**

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.

## **GIFT BAN**

By Executive Order 24, issued by Governor Perdue, and NCGS 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, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

## **13. SUNSET PROVISION**

All terms and conditions of this Agreement are dependent upon, and subject to, the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

IT IS UNDERSTOOD AND AGREED that the approval of the Project by the Department is subject to the conditions of this Agreement, and that no expenditures of funds on the part of the Department will be made until the terms of this Agreement have been complied with on the part of the Municipality.

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: Lisa B. Vierling

BY: Alegory Danks

TITLE: City Clerk

TITLE: City Manager

DATE: 9/22/2015

NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by City Council of the City of High Point as attested to by the signature of Lisa B. Vierling Clerk of the City of High Point on 9/22/2015 (Date)

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



Alegory Danks  
(FINANCE OFFICER)

Federal Tax Identification Number

56-6000231

City of High Point

Remittance Address:

P.O. Box 230

High Point, NC 27261

DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_  
(CHIEF ENGINEER)

DATE: \_\_\_\_\_

APPROVED BY BOARD OF TRANSPORTATION ITEM O: \_\_\_\_\_ (Date)

# **Attachment A**

## **SHRP2 IMPLEMENTATION ASSISTANCE PROGRAM PLANNING PROCESS BUNDLE STATEMENT OF WORK**

This Statement of Work describes the tasks, deliverables, schedule, and cost estimate required for the use of SHRP2 Implementation Assistance Program funds provided to the High Point Urban Area Metropolitan Planning Organization for deploying a product(s) within the Planning Process Bundle (C02/C08/C09/C12/C15). Your MPO has been selected to receive a SHRP2 User Incentive grant in the amount of \$50,000.

### **Use of Funds:**

#### **These funds will be used to...**

*Develop a concept plan which engages and builds consensus among a variety of partners and community stakeholders. We want to develop a vision for the multi-modal transportation facility and surrounding area that serves not only the City of High Point but the entire HPMPO region that promotes livability, walkability, improved access, and economic development opportunities through land use, urban design, and redevelopment. Our partnerships with the Piedmont Authority for Regional Transportation [PART], the Piedmont Triad Regional Council [PTRC], the Transit Alliance of the Piedmont, the North Carolina Railroad, Hitran and local community development corporations like the City Project and Southwest Renewal Foundation, are key to integrating current and existing planning efforts with the 2040 Metropolitan Transportation Plan of the HPMPO, taking full advantage of the products offered through this Planning Bundle Process of SHRP2 SOLUTIONS.*

*The multi-modal transportation facility located in downtown High Point currently consists of the High Point Train Depot and the Hitran bus terminal, and a proposed urban greenway will traverse the area. There is interest in creating an entertainment venue to take advantage of the multi-modal transportation options available. Multiple stakeholders have plans for how this area should be developed, so this planning process bundle will help bring these partners and plans together to collectively create a unifying vision. The goal is to use the transportation community visioning tools in C08 to assist key stakeholders in development of the High Point multi-modal Transportation Center small area planning study that addresses connectivity issues, livability, and promotes economic development. The study will include a cost estimate, a funding plan, and an implementation plan.*

#### **The specific Planning Process Bundle product(s) to be addressed include...**

*The High Point MPO will use the Planning Process Bundle product Transportation Visioning for Communities.*

**Note:** User Incentive recipients of Implementation Assistance Program funds may request a workshop facilitated by FHWA to provide additional information on the selected Planning Process Bundle product(s) and assist with developing a tailored action plan to implement the select Planning Process Bundle product(s). The next two sections of this Statement of Work ("Expected Deliverables" and "Schedule and Cost Estimate") should clearly articulate and outline whether and when a workshop is desired (with FHWA's costs for conducting the workshop to be deducted from the total SHRP2 award).

**Expected Deliverables:**

1. Develop Municipal Agreement with NCDOT
2. Request for Proposals (If using a Consultant)
3. Consultant Selection
4. Project Kick off Meeting
5. Summary of existing plans
6. Existing Conditions Report
7. Area Assessment
8. Public Outreach
9. Vision Statement
10. City Policy Review
11. Recommendations
12. Cost Estimate
13. Funding Plan
14. Implementation Plan

**Schedule and Cost Estimate:**

| Sources of Funding       |          |
|--------------------------|----------|
| SHRP2 Funding            | \$50,000 |
| PL Funding               | \$25,000 |
| Total Sources of Funding | \$75,000 |



The estimated schedule and costs for the various elements of this implementation project are:

| Task #                      | Deliverable/Activity                          | Timeframe          | Funding Source | Estimated Cost  |
|-----------------------------|-----------------------------------------------|--------------------|----------------|-----------------|
| 1                           | Develop municipal agreement with NCDOT        | June – August 2015 |                | -               |
| 2                           | Request for Proposals (If using a Consultant) | Sep-15             |                | \$1,500         |
|                             |                                               |                    | SHRP2          | \$1,111         |
|                             |                                               |                    | PL             | \$389           |
| 3                           | Consultant Selection                          | Oct-15             |                | \$1,500         |
|                             |                                               |                    | SHRP2          | \$1,111         |
|                             |                                               |                    | PL             | \$389           |
| 4                           | Project Kick off Meeting                      | Nov-15             |                | \$2,000         |
|                             |                                               |                    | SHRP2          | \$1,481         |
|                             |                                               |                    | PL             | \$519           |
| 5                           | Summary of existing plans                     | Dec-15             |                | \$10,000        |
|                             |                                               |                    | SHRP2          | \$7,405         |
|                             |                                               |                    | PL             | \$2,595         |
| 6                           | Existing Conditions Report                    | Dec-15             |                | \$10,000        |
|                             |                                               |                    | SHRP2          | \$7,405         |
|                             |                                               |                    | PL             | \$2,595         |
| 7                           | Area Assessment                               | Jan-15             |                | \$10,000        |
|                             |                                               |                    | SHRP2          | \$7,405         |
|                             |                                               |                    | PL             | \$2,595         |
| 8                           | Public Outreach                               | Feb-16             |                | \$2,500         |
|                             |                                               |                    | SHRP2          | \$1,851         |
|                             |                                               |                    | PL             | \$649           |
| 9                           | Vision Statement                              | Mar-16             |                | \$2,000         |
|                             |                                               |                    | SHRP2          | \$1,481         |
|                             |                                               |                    | PL             | \$519           |
| 10                          | City Policy Review                            | Apr-16             |                | \$2,000         |
|                             |                                               |                    | SHRP2          | \$1,481         |
|                             |                                               |                    | PL             | \$519           |
| 11                          | Recommendations                               | May-16             |                | \$5,000         |
|                             |                                               |                    | SHRP2          | \$3,703         |
|                             |                                               |                    | PL             | \$1,298         |
| 12                          | Cost Estimate                                 | Jun-16             |                | \$7,000         |
|                             |                                               |                    | SHRP2          | \$5,184         |
|                             |                                               |                    | PL             | \$1,817         |
| 13                          | Funding Plan                                  | Jun-16             |                | \$7,000         |
|                             |                                               |                    | SHRP2          | \$5,184         |
|                             |                                               |                    | PL             | \$1,817         |
| 14                          | Implementation Plan                           | Jun-16             |                | \$7,000         |
|                             |                                               |                    | SHRP2          | \$5,184         |
|                             |                                               |                    | PL             | \$1,817         |
| <b>Total Estimated Cost</b> |                                               |                    |                | <b>\$67,500</b> |
| <b>Total SHRP2 Award</b>    |                                               |                    |                | <b>\$50,000</b> |

**Note:** If the implementation project's "Total Estimated Cost" is higher than the "Total SHRP2 Award," please explain how your agency proposes to cover for the remaining costs for this implementation project.

The total estimated project cost is \$67,500. However, this is just an estimate and the final cost for each task may be more than is estimated above. The High Point Metropolitan Planning Organization has \$75,000 of PL funding included in the UPWP under Special Studies line item that is available for this project. Of those dollars, \$7,500 is available for potential cost overruns as shown in the table above.

**Reporting and Monitoring:**

Within one month of the announcement of the Round 5 Implementation Assistance Program funding selections, the recipient will participate in two kick-off calls with FHWA (one with all recipients and the other focused solely on the recipient) to discuss the development of the Statement of Work, the recipient's roles and responsibilities for managing the implementation project, ways that FHWA can support the recipient with its Planning Process Bundle product(s) implementation project, and agree upon regular communications and monitoring expectations. On a semi-annual basis, Implementation Assistance Program funding recipients are required to report on their progress toward the completion of the specified deliverables. The recipient will also report on a series of performance measures that are mutually agreed upon by FHWA and the recipient to help the recipient and FHWA meet program goals. These performance measures and methods for communication will be discussed during the kick-off calls.

**Presentations to Share Experiences:**

As an Implementation Assistance Program funding recipient, FHWA may request your agency to present your experiences, successes, challenges, and lessons learned with deploying the Planning Process Bundle product(s) during webinars, expert panels, workshops, peer exchanges, or other instances. This may occur while the project is underway or after its completion, as needed. Your acceptance of this award provides agreement in working with FHWA to achieve these goals.

**Points-of-Contact:**

The various points-of-contact for this SHRP2 implementation project are:

**Funding Recipient**

Name: Greg Venable

Title/Position: Transportation Planning Administrator

Agency: High Point Urban Area Metropolitan Planning Organization

Phone: (336) 883-3310

E-Mail: greg.venable@highpointnc.gov

**FHWA Division Office**

Name: Bill Marley

Title/Position: Transportation Planner

Agency: FHWA North Carolina Division

Phone: (919)747-7028

E-Mail: bill.marley@fhwa.gov

**FHWA Headquarters**

Name: Reena Mathews

Title/Position: SHRP2 Capacity Implementation Specialist

Agency: FHWA Office of Human Environment

Phone: (202) 366-2076

E-Mail: [Reena.Mathews@dot.gov](mailto:Reena.Mathews@dot.gov)

**FHWA Resource Center**

Name: Larry Anderson

Title/Position: SHRP2 Capacity Implementation Specialist

Agency: FHWA Resource Center - Planning and Freight Technical Services Team

Phone: (720) 963-3268

E-Mail: [Larry.Anderson@dot.gov](mailto:Larry.Anderson@dot.gov)



## **FINANCE COMMITTEE**

*Committee Members: J. Davis, C. Davis, Hill and Williams*

*Chaired by Mayor Pro Tem J. Davis*

**September 3, 2015 – 4:00 p.m.**

**City Manager's Conference Room**

## **MINUTES**

### **Present:**

James Davis, Chairman

Committee Members: Cynthia Davis, Alyce Hill and Chris Williams (arrived at 4:19 p.m.)

### **Staff Present:**

Greg Demko, City Manager; Randy McCaslin, Deputy City Manager; Gary Smith, Director of Fleet Services; Eric Olmedo, Budget & Performance Manager; Garey Edwards, Director of Utility Services; Marty Hinson, Electric Operations Engineer; Jeron Hollis, Communications & Public Engagement Director; Jeff Moore, Director of Financial Services; Edith Brady, High Point Museum; Angela Kirkwood, Director of Human Resources; Mary Sizemore, Director of the Public Library; JoAnne Carlyle, City Attorney; Brent Cole, Assistant City Attorney; Lisa Vierling, City Clerk

### **News Media Present:**

Pat Kimbrough, *High Point Enterprise*

**150279**

### **Public Hearing - Financing of Motorola Radio System Equipment**

Tuesday, September 8, 2015 at 5:30 p.m. is the date and time established by City Council to conduct a public hearing pursuant to NC General Statute 160A-20 for the consideration of financing upgrades to the 800mhz radio system, including improvements to City-owned real estate, through a contract between the City of High Point and Motorola, Inc.

Committee Member C. Davis felt more details should have been provided such as the amount, length and type of debt. Jeff Moore, Director of Financial Services, advised that he would make a short presentation at the Council Meeting which will include some opening comments. He reported that it would be financed for a period of ten years at a maximum amount of \$3.6

million. He also informed the Committee that the financing contract and recommendation at the next City Council meeting for Council approval, will be contingent on the LGC's acceptance. Committee Member C. Davis questioned the term "real estate" and felt it needed to be narrowed down and more descriptive. Mr. Moore clarified that it would be only for the underlying property underneath the radio communication towers (the city has three (3)).

*Note: This matter is before the Finance Committee for informational purposes only; no action is necessary from the Finance Committee.*

**150280      Contract Extension - Pike Electric - Electrical Distribution Crews**  
Consideration of contract extension to Pike Electric in the amount of      \$2.26  
million for Electrical Distribution Crews.

Garey Edwards, Director of Electric Utilities, advised this is an extension of a contract the city negotiated in 2013 with Pike Electric; they are asking for a 4.9% increase over the next two years. The increase will cover personnel prices (linemen are at a premium). Mr. Edwards felt this was a good deal and this would lock in the pricing for two years with either party having the ability to terminate the contract with the property notice.

Committee Member C. Davis noted that although she has no problems with the contract extension or the increase, she wanted to point out a previous conversation that took place on May 14<sup>th</sup> and May 18<sup>th</sup> regarding approved verbiage "upon approval of City Council" inserted into it. She noted that it shows that the contract was signed on August 12<sup>th</sup>, but Council was just seeing it today. She did acknowledge that it was passed by Council, but felt staff needed to follow up with the appropriate verbiage moving forward with anything over \$900,000 or higher. She expressed concerns regarding the timing of the signature versus the timing of when Council actually gets it and noted the city would not have time to re-bid if the need arises.

Jeff Moore, Director of Financial Services, stated he noticed this when it came back. He noted it was actually an oversight on the Purchasing Department's part and offered his apologies that it happened.

**Chairman J. Davis moved to forward this matter to Council with a favorable recommendation for approval. Committee Member C. Davis made a second. The motion carried unanimously. [3-0 vote] [Committee Member Williams was not in attendance when this matter was discussed]**

**150281      Purchase of Equipment- Compact Refuse Truck**  
Council is requested to approve the purchase of a new 2016 Isuzu rear      loading  
refuse truck from Scranton Manufacturing in the amount of      \$93,475.33.

Gary Smith, Director of Fleet Services, reported that the mini derrick will replace a 2009 Ford F550 compact side loading refuse truck with 150,000+ miles. This vehicle currently makes one trip to the recycling center, two trips to the landfill and other trips throughout the day to pick-up dead animals. Staff is recommending replacement of the 2009 Ford F550 with a vehicle that is

on the NJPA contract. Mr. Smith shared that the new vehicle would be a rear loading compact truck which allows more capacity and staff's goal is to reduce the number of trips to the landfill to one (instead of two). The 2009 Ford F550 would be retained as a spare and would be dedicated for dead animal pick-up. Mr. Smith estimates they would get at least 4-5 additional years of service out of the 2009 Ford F550 using it for dead animal pick-up.

Committee Member C. Davis questioned why the city could not get two additional years out of the vehicle for regular use. Mr. Smith pointed out the truck would be used as a much-needed spare.

Committee Member C. Davis advised that she would not be supporting this purchase because she feels the city can get another couple of years out of it as opposed to purchasing another vehicle.

**Chairman J. Davis moved to forward this matter to Council with a favorable recommendation. Committee Member Hill made a second. Committee Member C. Davis voted No on this matter. [2-1 vote; Committee Member C. Davis dissenting]**

***Note: Committee Member Williams was not in attendance when this matter was discussed and voted on. Chairman J. Davis and Committee Member Hill voted in support of the motion; however Committee Member C. Davis voted in opposition; therefore, this matter will be forwarded to the City Council and placed on the Regular Agenda due to the dissenting vote.***

**150282      Purchase of Equipment - Mini Derrick with Trailer**

Council is requested to approve the purchase of a mini derrick with trailer from Nesco Sales & Rentals in the amount of \$153,100. This equipment is for use by the Electric Department to meet the growing demand for work in backyards with limited access.

Gary Smith, Director of Fleet Services, explained this machine has the same abilities as a larger derrick truck, but it is compact and able to be remote controlled into the backyards of citizens when repairs are being done. He noted this machine will enhance restoration of electric service and would be of great benefit to the Electric Department.

**Chairman J. Davis made a motion to forward this matter to the City Council with a favorable recommendation for approval. Committee Member Hill made a second to the motion. The motion carried unanimously. [3-0 vote] [Committee Member Williams was not in attendance when this matter was discussed and the vote was taken]**

**150283      Delegation of Responsibilities for the Firefighter Local Relief Fund Board**

City Council is requested to delegate the responsibility for submitting the annual Board of Trustees reports to the Fire Chief, currently appointed to Thomas Reid, and that copies of the report submissions be sent to the City Clerk's Office for record retention.

Jeff Moore, Director of Financial Services, explained that the Board of Insurance contacted the city about requesting that the city go ahead and delegate the authority for filing this annual report



to the fire chief. He further explained that in 2004, the Legislature made quite a few changes to the administrative rules and regulations regarding the Firefighter's Local Relief Fund (for closer reporting to the Board of Insurance). He stressed that High Point did not have any issues, but some of the other volunteer fire departments were and this necessitated the change in the legislation. Some of the changes had to do with the Local Relief Boards holding onto money and not spending as it was designed to provide health/pension benefits/supplementary insurance for retired firefighter personnel. He noted another faction to the legislation was to require the Board of Insurance to begin updating a database and because of the fire chief and administration has this information, and at the instruction of the Legislature, the city transferred those pension funds back to the Local Relief Fund, which is now being handled by the local fire departments and their pension trusts.

Staff is asking Council to authorize this delegation as well as close the loop back with the city clerk and financial services director to ensure that the record retention requirements are followed. Mr. Moore advised that Chief Reid is on board and in full agreement.

**Chairman J. Davis moved to forward this matter to the City Council with a favorable recommendation for approval. Committee Member C. Davis made a second to the motion, which carried unanimously. [3-0 vote] [Committee Member Williams was not in attendance when this matter was discussed and the vote was taken].**

**Budget Ordinance Amendment- Little Red Schoolhouse**

Adoption of a budget ordinance to appropriate funding in the amount of \$95,750 to relocate and stabilize the Little Red Schoolhouse to its final location on the High Point Museum Campus.

*Before the discussion started, it was noted that the architect for the project was out of town, so therefore he was not able to make the meeting.*

Deputy City Manager Randy McCaslin advised that the location of the Little Red Schoolhouse on the Greenway is not convenient for the Museum to use in their programming, nor is it secure. He noted that it is in need of some desperate renovations. He explained part of the Master Plan for the Museum was to move the Little Red Schoolhouse onsite and there was discussion in December of 2013 about potential 2/3 bond issues and possibly including this as one of the projects. Mr. McCaslin pointed out the \$95,750 is solely to relocate and stabilize the Little Red Schoolhouse and did not include any additional parking needs at the Museum (as was previously discussed). He reported that the bids for this were submitted to the City Council at the August 17, 2015 meeting and they are asking the city to pay for moving and stabilizing the building, they will pick up the cost of the renovations to the building.

Chairman J. Davis questioned what would be included for the \$95,750 since the building was only being moved one block. Edith Brady, representing the High Point Museum, shared that right now the Little Red Schoolhouse is not open to the public and that although the taxpayer's are supporting it, but not getting any benefit out of it at its current location. The Museum would like to move it to the Museum campus and renovate it with a focus on providing a space for

younger children, which the Museum does not currently have. She reviewed the breakdown for the \$95,750 as follows:

|                                                              |              |
|--------------------------------------------------------------|--------------|
| ▪ Stabilization of roof.....                                 | \$4,000      |
| ▪ Relocation of building.....                                | 13,500       |
| ▪ Site preparation.....                                      | 15,000       |
| ▪ New footings/foundation.....                               | 12,500       |
| Exterior refurbishment                                       |              |
| ▪ Roof shingles.....                                         | 13,500       |
| ▪ Replacing trim, siding.....                                | 3,000        |
| ▪ Repainting exterior.....                                   | 17,500       |
| ▪ Replacing front porch frame/flooring.....                  | 5,000        |
| ▪ New gutters/downspouts.....                                | <u>2,000</u> |
| Actual cost.....                                             | \$86,000     |
| Plus design fees                                             |              |
| ▪ Detail investigation of existing building                  | 2,500        |
| ▪ Preparation of foundation/roof structure...                | 3,500        |
| ▪ Architectural coordination with High Point inspectors..... | 1,000        |
| ▪ Construction Services Procurement.....                     | 1,000        |
| ▪ Construction Observations.....                             | 1,500        |
| ▪ Reimbursable Expenses.....                                 | <u>250</u>   |
|                                                              | \$ 95,750    |

Chairman J. Davis asked about the square footage for the Little Red Schoolhouse. Ms. Brady replied that it is about 1,300 square feet. Chairman J. Davis noted if the historical significance is removed, the city would be spending \$200 per square foot for a wood-framed building. Committee Member C. Davis felt this was a lot of money to be moving the structure from one site to another for such a short distance. She asked if a bidding process was involved. Ms. Brady noted they paid the architect to pull all these numbers together. Mr. McCaslin pointed out this is merely the architects estimate and advised that the actual bids for the project would be done later.

Chairman J. Davis mentioned the fundraising campaign and asked how much money has been raised. Ms. Brady estimated the amount raised so far to be just under \$17,000. She explained the fact that the city owns the building and this has thwarted the fundraising efforts by the Historical Society. Chairman J. Davis asked if the Historical Society would be able to raise the additional money needed in a timely manner for renovating the building. Committee Member C. Davis suggested possibly selling the building to somebody if it is a problem for them to raise money because the building is owned by the city. Chairman J. Davis expressed concerns that they would not be able to raise adequate funding to cover the costs to complete the project and had problems with them coming back to the city to pick up the remaining cost. Ms. Brady felt people would be more willing to give if the city has put money into it and the original thought was that the Historical Society would raise the first half of the funds, but at this point they are

concerned about the building making it through another winter. As such, they do not feel they can raise that whole amount in time to get things moving to get it moved and stabilized before winter comes. Chairman J. Davis suggested they could temporarily cover the structure for the winter. Ms. Brady pointed out another issue is the security of the building.

Chairman J. Davis questioned staff about how they found \$100,000 out of the General Fund five weeks into the new budget. Mr. Demko advised that staff would be providing a preliminary financial update at a Briefing Session and noted that the city has performed better on expenses, revenues than anticipated. Chairman J. Davis explained it was the understanding of the prior Council that this money would be raised privately and while he understands that the city owns the building; he has no issues with helping to fund it or spending the city's share to move the building, but expressed concerns about moving the building without some kind of guarantee that the remaining money for the project will be there to complete it.

Mr. Demko suggested Council might want to consider and develop a program for a challenge grant (i.e. city can match up to \$50,000 of the money raised) and see how quickly it can be done and reevaluate before winter comes. Chairman J. Davis noted he could support this. Committee Member C. Davis commented that she would be fine with a 50/50 match. Committee Member Hill felt there was an obvious value in keeping the Little Red Schoolhouse as a historical landmark and part of the city property, but expressed concerns about the expense. She noted during budget deliberations there were many challenges and Council was having to look hard to find dollars and felt trying to find \$95,000 would be extremely hard. She asked if there were possibly any elements of the project that could be delayed and suggested securing it temporarily for the winter. Committee Member Williams felt it was just a matter of getting the funds for it and he would prefer to hear the financial update from staff at the Briefing before making a decision on it.

**Committee Member Williams then MOVED TO TABLE THIS MATTER TO ALLOW COUNCIL TO BE BRIEFED BY STAFF ON THE FINANCIAL UPDATE ON TUESDAY, SEPTEMBER 8<sup>TH</sup> BEFORE TAKING ANY ACTION. Committee Member C. Davis made a second to the motion, which carried unanimously. [4-0 vote] [Committee Member Williams was present at the time this vote was taken]**

#### **Update- Convention & Visitors Bureau**

Jeff Moore, Director of Financial Services, advised that several council members had questions regarding the CVB's financial condition, which resulted in a meeting between him, the city manager, Council Member Hill (as the liaison to CVB), Tim Mabe, Executive Director and Doyle Early, Chairman to discuss these concerns, particularly about the use of their reserves, direction, lack of communication and the fact that all council members were not receiving complete information from the CVB. He noted that he met with Melody at the CVB in early July and rehashed these topics at the staff level in an effort to improve communication, better utilize their technology, meeting expectations and the discussions regarding the contract (financial reporting monthly as well as the timeliness of their audit).

Mr. Moore reported that the CVB has been extremely receptive to these communications and he talks with Melody at least monthly. He is currently working with the CVB on the integration on

their non-budgeted operational expenditures in with their budget operational expenditures so that everybody can see exactly where they are in amending their budgets throughout the year. Mr. Moore advised that the CVB spent about \$500,000 for the upfit at the Chamber, which was done largely with cash reserves and reported that they do have a plan to recover and restore these reserves over the next five years through a variety of avenues including facility rentals and sponsorship dollars. Chairman J. Davis asked why the city does not have greater oversight as far as the CVB is concerned since the city acts as a pass-through for the revenues that are collected on the occupancy taxes and passed along to the CVB and questioned why the CVB was allowed to spend \$500,000 out of their reserve fund to pay for the improvements at the Chamber without any kind of accountability to the City Council especially for a building it does not own. He asked if this makes the City of High Point responsible for the CVB's actions since the Council renews their contract on an annual basis. He mentioned the proposed baseball stadium that has been discussed and pointed out the CVB was in the development business now and using taxpayer's monies to hire an architectural firm. Assistant City Attorney Brent Cole noted he would have to review the contract for the specifics, but it appears to be very broad in nature with the city giving the CVB a specified amount of money (not necessarily earmarked money). City Manager Greg Demko added that it is restricted by statute to tourism-related expenditures. Committee Member C. Davis felt for the economic development piece, the CVB would have to be more than a 501(c) 3.

Mr. Demko noted that due to the open dialogue now between the City of High Point and the CVB, with Mr. Moore directly involved as to what is going on. Mr. Moore advised that Council should now be receiving communication and updates through the city's email address on a monthly basis and he would provide Council with the CVB's quarterly financials. Chairman J. Davis asked if it would be possible to get some answers as far as the legal questions. Committee Member Hill advised that the new contract certainly provides for more accountability and felt the CVB is on track with their plans to recoup the \$500,000 in five years.

Mr. Moore noted the bottomline is he wanted to provide this update and let Council know that the CVB now has good communication, making positive strides in the right direction and are doing their best intentions to meet the needs of City Council. It was noted this was much improved over last year.

### **MRF Renovations**

Mr. McCaslin reported that staff is moving forward with a proposal to get private bids for the operation of the MRF and will have those later on in the year. Staff still feels that it is in the city's best interest to operation the MRF, but without the private bid costs, there was nothing to compare this to. The city has hired a consulting firm to prepare those bids and staff will bring it back later on this year.

**ADJOURNMENT**

There being nothing further to discuss, the meeting adjourned at 4:45 p.m. upon motion duly made by Committee Member Williams and second by Committee Member C. Davis.

Respectfully Submitted,

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James C. Davis, Chairman

Attest:

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Lisa B. Vierling, MMC  
City Clerk

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Municipal Agreement with NCDOT for the Second Strategic Highway Research Program (SHRP2) Transportation Visioning for Communities Grant

**From:** Mark McDonald, Transportation Director

**Meeting Date:** Monday September 21, 2015

**Public Hearing:** No

**Advertising Date:** NA

**Advertised By:** NA

**Attachments:** Municipal Agreement

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### **PURPOSE:**

Consideration of a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for a Second Strategic Highway Research Program (SHRP2) Transportation Visioning for Communities Grant.

### **BACKGROUND:**

The Federal Highway Administration (FHWA) developed the SHRP2 program to identify ways for agencies to work together more efficiently, coordinating the efforts of a wide range of stakeholders and leveraging advances in diverse fields such as bridge construction, nondestructive testing techniques, data analysis, and collaborative decision making. The High Point Metropolitan Organization has been awarded a SHRP2 grant for the development of a transportation plan for the High Point Multi-Modal Transportation Facility. This grant will assist with the development of a long term vision for the area that includes the High Point Train Depot, the Hi tran Broad Avenue Terminal, and the surrounding area.

### **BUDGET IMPACT:**

The grant award is for \$50,000 with no local match required. Any additional project cost above the award of \$50,000 will be provided by the High Point Metropolitan Planning Organization (HPMPO). The HPMPO has budgeted \$25,000 for this project and approved a resolution of support. The HPMPO budget is part of the High Point Department of Transportation's approved FY2015-2016 budget.

### **RECOMMENDATION / ACTION REQUESTED:**

Council is requested to approve this Municipal Agreement and authorize the appropriate city official to execute all necessary documents.



NORTH CAROLINA

**LOCALLY ADMINISTERED PROJECT -  
FEDERAL**

GUILFORD COUNTY

DATE: 7/29/2015

NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION

TIP #: M-0503

AND

WBS Elements: PE 44559.1.1

CITY OF HIGH POINT

FEDERAL-AID NUMBER: SHRP-0710(35)

CFDA #: 20.205

Total Funds [NCDOT Participation] \$50,000

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 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) established the Future Strategic Highway Research Program (SHRP2), which allows for the allocation of Highway Trust funds to be available for certain specified transportation activities; and,

WHEREAS, the Municipality is the lead planning agency for the High Point Urban Area Metropolitan Planning Organization (HPMPO); and,

WHEREAS, the Municipality on behalf of the HPMPO has requested federal funding from the SHRP2 Implementation Assistance Program for a Multi-modal Transportation Facility Vision Plan, hereinafter referred to as the Project, in Guilford County, North Carolina; and,

WHEREAS, subject to the availability of federal funds, the Municipality has been designated as a recipient to receive funds allocated to the Department by the Federal Highway Administration (FHWA) up to and not to exceed the maximum award amount of \$50,000 for the Project; and,

WHEREAS, the Department has agreed to administer the disbursement of said funds on behalf of FHWA to the Municipality for the Project in accordance with the Project scope of work and in accordance with the provisions set out in this Agreement; and,

WHEREAS, the governing board of the Municipality has agreed to participate in certain costs and to assume certain responsibilities in the manner and to the extent as hereinafter set out; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly including, but not limited to, the following applicable legislation: General Statutes of North Carolina (NCGS) Section 136-66.1, Section 136-71.6, Section 160A-296 and 297, Section 136-18, Section 136-41.3 and Section 20-169, to participate in the planning, construction and/or implementation of the Project approved by the Board of Transportation.

NOW, THEREFORE, this Agreement states the promises and undertakings of each party as herein provided, and the parties do hereby covenant and agree, each with the other, as follows:

## **1. GENERAL PROVISIONS**

### **FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT**

All parties to this Agreement, including contractors, subcontractors, and subsequent workforces, associated with any work under the terms of this Agreement shall provide reports as required by the Federal Funding Accountability and Transparency Act (FFATA) for this Project.

### **AGREEMENT MODIFICATIONS**

Any modification to scope, funding, responsibilities, or time frame will be agreed upon by all parties by means of a Supplemental Agreement.

### **LOCAL PUBLIC AGENCY TO PERFORM ALL WORK**

The Municipality shall be responsible for administering all work performed and for certifying to the Department that all terms set forth in this Agreement are met and adhered to by the Municipality and/or its contractors and agents. The Department will provide technical oversight to guide the Municipality. The Department must approve any assignment or transfer of the responsibilities of the Municipality set forth in this Agreement to other parties or entities.

### **PERSON IN RESPONSIBLE CHARGE**

The Municipality shall designate a person or persons to be in responsible charge of the Project, in accordance with Title 23 of the Code of Federal Regulations, Part 635.105. The person, or persons, shall be expected to:

- Administer governmental project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;
- Maintain knowledge of day to day project operations and safety issues;
- Make or participate in decisions about changed conditions or scope changes that require change orders or supplemental agreements;
- Visit and review the project in accordance with the project scope and scale;
- Review financial processes, transactions and documentation to reduce the likelihood of fraud, waste, and abuse;
- Direct project staff, agency or consultant, to carry out project administration and contract oversight, including proper documentation; and
- Be aware of the qualifications, assignments and on-the-job performance of the agency and consultant staff at all stages of the project.

The person in responsible charge must be a full-time employee of the Municipality, but the duties may be split among several employees, if necessary.

#### **COMPLIANCE WITH STATE/FEDERAL POLICY**

The Municipality, and/or its agent, including all contractors, subcontractors, or sub-recipients shall comply with all applicable Federal and State policies and procedures, stated both in this Agreement and in the Department's guidelines and procedures, including the *Local Programs Management Handbook*.

#### **FAILURE TO COMPLY - CONSEQUENCES**

Failure on the part of the Municipality to comply with any of the provisions of this Agreement will be grounds for the Department to terminate participation in the costs of the Project and, if applicable, seek repayment of any reimbursed funds.

## **2. SCOPE OF PROJECT**

The Project consists of developing a concept plan which engages and builds consensus among a variety of partners and community stakeholders. The Project will also develop a vision for the

multi-modal transportation facility and surrounding area that serves not only the City of High Point but the entire HPMPO region that promotes livability, walkability, improved access, and economic development opportunities through land use, urban design, and redevelopment, as further described in the Statement of Work, attached hereto as Appendix A.

The Department's funding participation in the Project shall be restricted to the items as shown in Appendix A.

### **3. FUNDING**

#### **REIMBURSEMENT FOR ELIGIBLE ACTIVITIES**

Subject to compliance by the Municipality with the provisions set forth in this Agreement and the availability of federal funds, the Department shall reimburse one hundred percent (100%) of eligible expenses incurred by the Municipality up to a maximum amount of Fifty Thousand Dollars (\$50,000) from the SHRP2 Implementation Assistance Program. The Municipality shall provide all costs that exceed the total funding of \$50,000.

### **4. PERIOD OF PERFORMANCE**

The Municipality shall complete the Project by 12/31/2016. Completion for this Agreement is defined as completion of all implementation activities, acceptance of the project, and submission of a final reimbursement package to the Department.

If additional time is needed to complete the Project, then a supplemental agreement must be executed. The Department and/or FHWA reserves the right to revoke the funds awarded if the Municipality is unable to meet milestone dates included herein.

### **5. AUTHORIZATION**

Upon receipt of an executed agreement, the Department will authorize funds and shall issue a notice to proceed to the Municipality, in writing, once funds have been authorized and can be expended. The Municipality shall not contract for, or perform any work prior to receipt of written authorization from the Department to proceed. Any work performed, or contracts executed, prior to receipt of written authorization to proceed will be ineligible for reimbursement.

## **6. PROFESSIONAL AND ENGINEERING SERVICES**

### **PROCUREMENT POLICY**

When procuring professional services, the Municipality must adhere to Title 49 Code of Federal Regulations Part 18.36; Title 23 of the Code of Federal Regulations, Part 172; Title 40 United States Code, Chapter 11, Section 1101-1104; NCGS 143-64, Parts 31 and 32; and the Department's *Policies and Procedures for Major Professional or Specialized Services Contracts*. Said policies and standards are incorporated in this Agreement by reference at [www.fhwa.dot.gov/legisregs/legislat.html](http://www.fhwa.dot.gov/legisregs/legislat.html) and [www.ncleg.net/gascripts/Statutes/Statutes.asp](http://www.ncleg.net/gascripts/Statutes/Statutes.asp).

- The Municipality shall ensure that a qualified firm is obtained through an equitable selection process, and that prescribed work is properly accomplished in a timely manner and at a just and reasonable cost.
- All Professional Services Firms shall be pre-qualified by the Department.
- A pre-negotiation audit will be conducted by the Department's External Audit Branch. The Municipality shall not execute a consultant contract until the Department's review has been completed.

### **SMALL PROFESSIONAL AND ENGINEERING SERVICES FIRMS REQUIREMENTS**

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Small Professional Services Firms (SPSF). This policy conforms with the SPSF Guidelines as approved by the North Carolina Board of Transportation.

- The Municipality shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.
- If the Municipality fails to comply with these requirements, the Department will withhold funding until these requirements are met.

### **IN-HOUSE STAFF**

If the Professional and Engineering Services required for this project will be undertaken by the Municipality, and the Municipality requests reimbursement, then the Municipality must

submit a request and supporting documentation, to the Department to review and approval, prior to any work being initiated by the Municipality.

#### **REVIEW AND APPROVAL BY THE DEPARTMENT**

All procurement proposals shall be submitted to the Department for review and approval before Municipality executes a contract. The Department will provide written approval to the Municipality.

### **7. PLAN AND DEVELOPMENT**

The Municipality, and/or its agent, shall prepare all requirements of the Work Plan.

#### **SUBMITTAL REQUIREMENTS**

During the process of development, all draft copies of the plan and related information shall be submitted to the Department at:

Transportation Planning Branch  
ATTN: Hemal Shah  
NCDOT High Point MPO Coordinator  
1554 Mail Service Center  
Raleigh, NC 27699-1554

#### **CHANGE ORDERS**

If any changes in the Project are necessary, the Department must approve such changes prior to the work being performed.

### **8. ADMINISTRATION**

- The Municipality shall designate a full-time permanent employee to serve as a Project Manager.
- At a minimum, quarterly meetings will be held between all parties to discuss and review the progress of the Project. A meeting report will be written and submitted to all parties.

## **9. FINAL PROJECT CERTIFICATION**

Upon completion of the Project, the Municipality shall provide a certification to the Department that all work performed for this Project is in accordance with all applicable standards, guidelines, and regulations. The Municipality shall provide all reports as required by the SHRP2 grant.

## **10. REIMBURSEMENT**

### **SCOPE OF REIMBURSEMENT**

Activities eligible for funding reimbursement for this Project shall include the deliverables under the Work Plan as shown in Appendix A.

### **REIMBURSEMENT GUIDANCE**

The Municipality shall adhere to applicable administrative requirements of Title 2 Code of Federal Regulations, Part 200 ([www.fhwa.dot.gov/legisregs/directives/fapgtoc.htm](http://www.fhwa.dot.gov/legisregs/directives/fapgtoc.htm)) "Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards." Reimbursement to the Municipality shall be subject to the policies and procedures contained in Title 23 Code of Federal Regulations, Part 140 and Part 172, which is being incorporated into this Agreement by reference at [www.fhwa.dot.gov/legisregs/directives/fapgtoc.htm](http://www.fhwa.dot.gov/legisregs/directives/fapgtoc.htm). Reimbursement to the Municipality shall be subject to the guidance contained in Title 2 Code of Federal Regulations, Part 170 (<http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf>) and Office of Management and Budget (OMB) "Federal Funding Accountability and Transparency Act" (FFATA). Said reimbursement shall also be subject to the Department being reimbursed by the Federal Highway Administration and subject to compliance by the Municipality with all applicable federal policy and procedures.

### **REIMBURSEMENT LIMITS**

#### **▪ WORK PERFORMED BEFORE NOTIFICATION**

Any costs incurred by the Municipality prior to written notification by the Department to proceed with the work shall not be eligible for reimbursement.

#### **▪ NO REIMBURSEMENT IN EXCESS OF APPROVED FUNDING**

At no time shall the Department reimburse the Municipality costs that exceed the total funding per this Agreement and any Supplemental Agreements.



- **UNSUBSTANTIATED COSTS**

The Municipality agrees that it shall bear all costs for which it is unable to substantiate actual costs or any costs that have been deemed unallowable by the Federal Highway Administration and/or the Department's Financial Management Division.

- **WORK PERFORMED BY NCDOT**

The Department does not anticipate any charges to the Project; however, in the event that the Department needs to charge to the Project, it shall reduce the maximum award amount of \$50,000 available to the Municipality under this Agreement. The Department will bill the Municipality for any costs that exceed the Total Funding of \$50,000.

## **BILLING THE DEPARTMENT**

- **PROCEDURE**

The Municipality may bill the Department for eligible Project costs in accordance with the Department's guidelines and procedures. Proper supporting documentation shall accompany each invoice as may be required by the Department. By submittal of each invoice, the Municipality certifies that it has adhered to all applicable state and federal laws and regulations as set forth in this Agreement.

Along with each invoice, the Municipality is responsible for submitting the FFATA Subrecipient Information Form, which is available at <https://connect.ncdot.gov/municipalities/Funding/Pages/default.aspx>.

- **INTERNAL APPROVALS**

Reimbursement to the Municipality shall be made upon approval of the invoice by the Department's Financial Management Division.

- **TIMELY SUBMITTAL OF INVOICES**

The Municipality may invoice the Department monthly for work accomplished, but no less than once every six (6) months to keep the Project funds active and available. If the Municipality is unable to invoice the Department, then they must provide an explanation. Failure to submit invoices or explanation may result in de-obligation of funds.

- **FINAL INVOICE**

All invoices associated with the Project must be submitted within six (6) months of the completion of construction and acceptance of the Project to be eligible for reimbursement by the Department. Any invoices submitted after this time will not be eligible for reimbursement.

## **11. REPORTING REQUIREMENTS AND RECORDS RETENTION**

### **PROJECT EVALUATION REPORTS**

The Municipality is responsible for providing reporting in accordance with the Statement of Work (Appendix A).

### **PROJECT RECORDS**

The Municipality and its agents shall maintain all books, documents, papers, accounting records, Project records and such other evidence as may be appropriate to substantiate costs incurred under this Agreement. Further, the Municipality shall make such materials available at its office and shall require its agent to make such materials available at its office at all reasonable times during the contract period, and for five (5) years from the date of payment of the final voucher by the Federal Highway Administration, for inspection and audit by the Department's Financial Management Section, the Federal Highway Administration, or any authorized representatives of the Federal Government.

## **12. OTHER PROVISIONS**

### **REFERENCES**

It will be the responsibility of the Municipality to follow the current and/or most recent edition of references, websites, specifications, standards, guidelines, recommendations, regulations and/or general statutes, as stated in this Agreement.

### **INDEMNIFICATION OF DEPARTMENT**

The Municipality agrees to indemnify and hold harmless the Department, FHWA and the State of North Carolina, to the extent allowed by law, for any and all claim for payment, damages and/or liabilities of any nature, asserted against the Department in connection with this Project. The Department shall not be responsible for any damages or claims, which may be initiated by third parties.

## **DEBARMENT POLICY**

It is the policy of the Department not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this agreement, the Municipality certifies that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Agency or Department and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

## **TITLE VI - CIVIL RIGHTS ACT OF 1964**

The Municipality shall comply with Title VI of the Civil Rights Act of 1964, (Title 49 CFR, Subtitle A, Part 21). Title VI prohibits discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.

## **OTHER AGREEMENTS**

The Municipality is solely responsible for all agreements, contracts, and work orders entered into or issued by the Municipality for this Project. The Department is not responsible for any expenses or obligations incurred for the Project except those specifically eligible for Surface Transportation Program funds and obligations as approved by the Department under the terms of this Agreement.

## **AVAILABILITY OF FUNDS**

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

## **IMPROPER USE OF FUNDS**

Where either the Department or the FHWA determines that the funds paid to the Municipality for this Project are not used in accordance with the terms of this Agreement, the Department will bill the Municipality.

## **TERMINATION OF PROJECT**

If the Municipality decides to terminate the Project without the concurrence of the Department, the Municipality shall reimburse the Department one hundred percent (100%) of all costs expended by the Department and associated with the Project.

## **AUDITS**

In accordance with OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations" ([http://www.whitehouse.gov/omb/circulars\\_default](http://www.whitehouse.gov/omb/circulars_default)) and the Federal Single Audit Act Amendments of 1996, the Municipality shall arrange for an annual independent financial and compliance audit of its fiscal operations. The Municipality shall furnish the Department with a copy of the annual independent audit report within thirty (30) days of completion of the report, but not later than nine (9) months after the Municipality's fiscal year ends.

## **REIMBURSEMENT BY MUNICIPALITY**

For all monies due the Department as referenced in this Agreement, reimbursement shall be made by the Municipality to the Department within sixty (60) days of receiving an invoice. A late payment penalty and interest shall be charged on any unpaid balance due in accordance with NCGS 147-86.23.

## **USE OF POWELL BILL FUNDS**

If the other party to this agreement is a Municipality and fails for any reason to reimburse the Department in accordance with the provisions for payment hereinabove provided, NCGS 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to Municipality by NCGS 136-41.1, until such time as the Department has received payment in full.

## **ENTIRE AGREEMENT**

This Agreement contains the entire agreement between the parties and there are no understandings or agreements, verbal or otherwise, regarding this Agreement except as expressly set forth herein.

## **AUTHORIZATION TO EXECUTE**

The parties hereby acknowledge that the individual executing the Agreement on their behalf is authorized to execute this Agreement on their behalf and to bind the respective entities to the terms contained herein and that he has read this Agreement, conferred with his attorney, and fully understands its contents.

## **FACSIMILE SIGNATURES**

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.

## **GIFT BAN**

By Executive Order 24, issued by Governor Perdue, and NCGS 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, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

## **13. SUNSET PROVISION**

All terms and conditions of this Agreement are dependent upon, and subject to, the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

IT IS UNDERSTOOD AND AGREED that the approval of the Project by the Department is subject to the conditions of this Agreement, and that no expenditures of funds on the part of the Department will be made until the terms of this Agreement have been complied with on the part of the Municipality.

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: \_\_\_\_\_

NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by \_\_\_\_\_ of the City of High Point as attested to by the signature of \_\_\_\_\_ Clerk of the \_\_\_\_\_ on \_\_\_\_\_ (Date)

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

(SEAL)

\_\_\_\_\_  
(FINANCE OFFICER)

Federal Tax Identification Number

\_\_\_\_\_  
City of High Point

Remittance Address:

\_\_\_\_\_  
DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_  
(CHIEF ENGINEER)

DATE: \_\_\_\_\_

APPROVED BY BOARD OF TRANSPORTATION ITEM O: \_\_\_\_\_ (Date)

# Attachment A

## SHRP2 IMPLEMENTATION ASSISTANCE PROGRAM PLANNING PROCESS BUNDLE STATEMENT OF WORK

This Statement of Work describes the tasks, deliverables, schedule, and cost estimate required for the use of SHRP2 Implementation Assistance Program funds provided to the High Point Urban Area Metropolitan Planning Organization for deploying a product(s) within the Planning Process Bundle (C02/C08/C09/C12/C15). Your MPO has been selected to receive a SHRP2 User Incentive grant in the amount of \$50,000.

### Use of Funds:

#### **These funds will be used to...**

*Develop a concept plan which engages and builds consensus among a variety of partners and community stakeholders. We want to develop a vision for the multi-modal transportation facility and surrounding area that serves not only the City of High Point but the entire HPMPO region that promotes livability, walkability, improved access, and economic development opportunities through land use, urban design, and redevelopment. Our partnerships with the Piedmont Authority for Regional Transportation [PART], the Piedmont Triad Regional Council [PTRC], the Transit Alliance of the Piedmont, the North Carolina Railroad, Hitran and local community development corporations like the City Project and Southwest Renewal Foundation, are key to integrating current and existing planning efforts with the 2040 Metropolitan Transportation Plan of the HPMPO, taking full advantage of the products offered through this Planning Bundle Process of SHRP2 SOLUTIONS.*

*The multi-modal transportation facility located in downtown High Point currently consists of the High Point Train Depot and the Hitran bus terminal, and a proposed urban greenway will traverse the area. There is interest in creating an entertainment venue to take advantage of the multi-modal transportation options available. Multiple stakeholders have plans for how this area should be developed, so this planning process bundle will help bring these partners and plans together to collectively create a unifying vision. The goal is to use the transportation community visioning tools in C08 to assist key stakeholders in development of the High Point multi-modal Transportation Center small area planning study that addresses connectivity issues, livability, and promotes economic development. The study will include a cost estimate, a funding plan, and an implementation plan.*

#### **The specific Planning Process Bundle product(s) to be addressed include...**

*The High Point MPO will use the Planning Process Bundle product Transportation Visioning for Communities.*

**Note:** User Incentive recipients of Implementation Assistance Program funds may request a workshop facilitated by FHWA to provide additional information on the selected Planning Process Bundle product(s) and assist with developing a tailored action plan to implement the select Planning Process Bundle product(s). The next two sections of this Statement of Work ("Expected Deliverables" and "Schedule and Cost Estimate") should clearly articulate and outline whether and when a workshop is desired (with FHWA's costs for conducting the workshop to be deducted from the total SHRP2 award).



**Expected Deliverables:**

1. Develop Municipal Agreement with NCDOT
2. Request for Proposals (If using a Consultant)
3. Consultant Selection
4. Project Kick off Meeting
5. Summary of existing plans
6. Existing Conditions Report
7. Area Assessment
8. Public Outreach
9. Vision Statement
10. City Policy Review
11. Recommendations
12. Cost Estimate
13. Funding Plan
14. Implementation Plan

**Schedule and Cost Estimate:**

| Sources of Funding       |          |
|--------------------------|----------|
| SHRP2 Funding            | \$50,000 |
| PL Funding               | \$25,000 |
| Total Sources of Funding | \$75,000 |

The estimated schedule and costs for the various elements of this implementation project are:

| Task #                      | Deliverable/Activity                          | Timeframe          | Funding Source | Estimated Cost  |
|-----------------------------|-----------------------------------------------|--------------------|----------------|-----------------|
| 1                           | Develop municipal agreement with NCDOT        | June – August 2015 |                | -               |
| 2                           | Request for Proposals (If using a Consultant) | Sep-15             |                | \$1,500         |
|                             |                                               |                    | SHRP2          | \$1,111         |
|                             |                                               |                    | PL             | \$389           |
| 3                           | Consultant Selection                          | Oct-15             |                | \$1,500         |
|                             |                                               |                    | SHRP2          | \$1,111         |
|                             |                                               |                    | PL             | \$389           |
| 4                           | Project Kick off Meeting                      | Nov-15             |                | \$2,000         |
|                             |                                               |                    | SHRP2          | \$1,481         |
|                             |                                               |                    | PL             | \$519           |
| 5                           | Summary of existing plans                     | Dec-15             |                | \$10,000        |
|                             |                                               |                    | SHRP2          | \$7,405         |
|                             |                                               |                    | PL             | \$2,595         |
| 6                           | Existing Conditions Report                    | Dec-15             |                | \$10,000        |
|                             |                                               |                    | SHRP2          | \$7,405         |
|                             |                                               |                    | PL             | \$2,595         |
| 7                           | Area Assessment                               | Jan-15             |                | \$10,000        |
|                             |                                               |                    | SHRP2          | \$7,405         |
|                             |                                               |                    | PL             | \$2,595         |
| 8                           | Public Outreach                               | Feb-16             |                | \$2,500         |
|                             |                                               |                    | SHRP2          | \$1,851         |
|                             |                                               |                    | PL             | \$649           |
| 9                           | Vision Statement                              | Mar-16             |                | \$2,000         |
|                             |                                               |                    | SHRP2          | \$1,481         |
|                             |                                               |                    | PL             | \$519           |
| 10                          | City Policy Review                            | Apr-16             |                | \$2,000         |
|                             |                                               |                    | SHRP2          | \$1,481         |
|                             |                                               |                    | PL             | \$519           |
| 11                          | Recommendations                               | May-16             |                | \$5,000         |
|                             |                                               |                    | SHRP2          | \$3,703         |
|                             |                                               |                    | PL             | \$1,298         |
| 12                          | Cost Estimate                                 | Jun-16             |                | \$7,000         |
|                             |                                               |                    | SHRP2          | \$5,184         |
|                             |                                               |                    | PL             | \$1,817         |
| 13                          | Funding Plan                                  | Jun-16             |                | \$7,000         |
|                             |                                               |                    | SHRP2          | \$5,184         |
|                             |                                               |                    | PL             | \$1,817         |
| 14                          | Implementation Plan                           | Jun-16             |                | \$7,000         |
|                             |                                               |                    | SHRP2          | \$5,184         |
|                             |                                               |                    | PL             | \$1,817         |
| <b>Total Estimated Cost</b> |                                               |                    |                | <b>\$67,500</b> |
| <b>Total SHRP2 Award</b>    |                                               |                    |                | <b>\$50,000</b> |

**Note:** If the implementation project's "Total Estimated Cost" is higher than the "Total SHRP2 Award," please explain how your agency proposes to cover for the remaining costs for this implementation project.

The total estimated project cost is \$67,500. However, this is just an estimate and the final cost for each task may be more than is estimated above. The High Point Metropolitan Planning Organization has \$75,000 of PL funding included in the UPWP under Special Studies line item that is available for this project. Of those dollars, \$7,500 is available for potential cost overruns as shown in the table above.

**Reporting and Monitoring:**

Within one month of the announcement of the Round 5 Implementation Assistance Program funding selections, the recipient will participate in two kick-off calls with FHWA (one with all recipients and the other focused solely on the recipient) to discuss the development of the Statement of Work, the recipient's roles and responsibilities for managing the implementation project, ways that FHWA can support the recipient with its Planning Process Bundle product(s) implementation project, and agree upon regular communications and monitoring expectations. On a semi-annual basis, Implementation Assistance Program funding recipients are required to report on their progress toward the completion of the specified deliverables. The recipient will also report on a series of performance measures that are mutually agreed upon by FHWA and the recipient to help the recipient and FHWA meet program goals. These performance measures and methods for communication will be discussed during the kick-off calls.

**Presentations to Share Experiences:**

As an Implementation Assistance Program funding recipient, FHWA may request your agency to present your experiences, successes, challenges, and lessons learned with deploying the Planning Process Bundle product(s) during webinars, expert panels, workshops, peer exchanges, or other instances. This may occur while the project is underway or after its completion, as needed. Your acceptance of this award provides agreement in working with FHWA to achieve these goals.

**Points-of-Contact:**

The various points-of-contact for this SHRP2 implementation project are:

**Funding Recipient**

Name: Greg Venable

Title/Position: Transportation Planning Administrator

Agency: High Point Urban Area Metropolitan Planning Organization

Phone: (336) 883-3310

E-Mail: greg.venable@highpointnc.gov

**FHWA Division Office**

Name: Bill Marley

Title/Position: Transportation Planner

Agency: FHWA North Carolina Division

Phone: (919) 747-7028

E-Mail: bill.marley@fhwa.gov

**FHWA Headquarters**

Name: Reena Mathews

Title/Position: SHRP2 Capacity Implementation Specialist

Agency: FHWA Office of Human Environment

Phone: (202) 366-2076

E-Mail: [Reena.Mathews@dot.gov](mailto:Reena.Mathews@dot.gov)

**FHWA Resource Center**

Name: Larry Anderson

Title/Position: SHRP2 Capacity Implementation Specialist

Agency: FHWA Resource Center - Planning and Freight Technical Services Team

Phone: (720) 963-3268

E-Mail: [Larry.Anderson@dot.gov](mailto:Larry.Anderson@dot.gov)

# CITY OF HIGH POINT

## AGENDA ITEM



**Title: Reappointment – Planning & Zoning Commission - Armstrong**

**From:** Alyce Hill, Council Member Ward 3

**Meeting Date:** September 21, 2015

**Public Hearing:** N/A

**Advertising Date /  
Advertised By:**

**Attachments:** Bio

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### **PURPOSE:**

To reappoint Jim Armstrong to the Planning and Zoning Commission.

### **BACKGROUND:**

Council Member Alyce Hill is recommending the reappointment of Jim Armstrong to the Planning and Zoning Board. Reappointment will be effective immediately and expire July 1, 2018.

### **BUDGET IMPACT:**

N/A

### **RECOMMENDATION / ACTION REQUESTED:**

Council is requested to confirm the reappointment of Jim Armstrong to the Planning and Zoning Commission.

**HIGH POINT CITY COUNCIL  
SPECIAL MEETING  
SEPTEMBER 11, 2015 – 9:00 A.M.  
3<sup>RD</sup> FLOOR LOBBY CONFERENCE ROOM**

**MINUTES**

**Present:**

William S. Bencini, Jr., Mayor; Mayor Pro Tem Jim Davis (Ward 5); and Council Members Cynthia Davis (At-Large), Latimer Alexander (At-Large), Chris Williams (Ward 2), Alyce Hill (Ward 3), Jay Wagner (Ward 4), and Jason Ewing (Ward 6)

**Absent:**

Council Member Jeff Golden (Ward 1)

**Staff Present:**

Greg Demko, City Manager; Randy McCaslin, Deputy City Manager; Randy Hemann, Assistant City Manager; JoAnne Carlyle, City Attorney; Jeron Hollis, Communications & Public Engagement Officer; Loren Hill, President-High Point Economic Development Corporation; Mike McNair, Director of Community Development; Lisa Vierling, City Clerk

**Others Present:**

Ed Terry, High Point Regional Association of Realtors; Cam Cridlebaugh, President, High Point Regional Association of Realtors

**News Media:**

Jordan Green, *Triad City Beat*

Pat Kimbrough, *High Point Enterprise*

Mayor Bencini: Mr. Manager, before we get started, if it's okay let's have a moment of silence for the 9-11 victims and their families.

**City's Involvement in Fair Housing**

**Greg Demko:** Today we're talking about what type of involvement you want to have in fair housing as a city. Back in 2007, there are some ordinance changes that brought about some stronger involvement. At our last council meeting, some changes were made to the Human Relations Commission and we've got staff here to brief on the current status of what our powers are, what we could be doing. JoAnne will be covering the legal side. Mike McNair's here to cover the fair housing side. So, JoAnne.....

**City Attorney JoAnne Carlyle:** I guess as I understood this meeting's purpose today is to kind of allow you guys to generate some conversation around it and get a better understanding of what we have in place right now. It's very confusing....if anyone looks at our ordinance. The ordinance that deals specifically with Fair Housing is actually titled Human Relations Commission. So we have two ordinances that are titled the same thing. So anybody that was really looking for it would have a difficult time finding it.

**Mayor Bencini:** JoAnne, excuse me. Just a second. When was that adopted by Council?

**Greg Demko:** '07.

**JoAnne Carlyle:** I was going to say '06 or '07. And, you know, obviously we had to have that....it wasn't a local bill. Remember it was a statewide bill that was very narrowly defined, so it just applied to High Point. And the way things are supposed to progress as far as a hearing or, you know if there's a complaint that comes in to the city, it doesn't matter in which department it would come from. The complaint comes in, the Human Relations Commission then can have a sub-committee or they can do it as their whole group, takes a look at it. And then if they determine that it's something that raises enough concern and needs to be investigated, then they come to the city attorney and city manager to discuss it. We, then, make a determination as to whether or not we're going to continue the investigation, do interrogatories, interview witnesses and all that. Then it is sent back to the commission and we allow them to work through all of that.

**Mayor Bencini:** So you and the manager have what.....subpoena power to gather evidence or testimony?

**JoAnne Carlyle:** You know, the ordinance says....uses the term interrogatories, but it's not really the legal kind of interrogatories of what you're thinking about. It's not really to that level. But what happens is it continually bounces back to the manager and the city attorney at every phase. So you get a complaint that comes in, the Human Relations Commission or a sub-committee takes a look at it. If they think that it merits being investigated, they bring it to the city attorney and city manager. We all take a look at it then. If we also think it needs to be looked into, the first step is to go ahead and say let's do an investigation. It bounces back to the Human Relations Commission at that point in time. We don't do the investigation; we just help guide them through. They actually do it. And then, again, it comes back to the city manager and the city attorney. We do have the power in our ordinance and in that statewide act. I want to call it a local act, but it's not. At the very end of this, however far the investigation goes and the determination of whether or not somebody has really discriminated against someone, we can actually take it to court. But it has to come back again to the city manager, the city attorney. So throughout the whole thing, it's kind of like bouncing back and forth between the commission and the city attorney and the city manager and then back to the commission, then comes back to the city attorney and city manager with the results.

**Mayor Bencini:** And how many complaints since 2007, whenever the ordinance was adopted, how many of these complaints have gone through the city attorney and city manager to a court process?



**JoAnne Carlyle:** None have gone to court. None. I have only been aware of one since I've been here that Strib and I worked together on. Strib was very strongly interested, as I think any manager should be, in trying to get things resolved before they escalated to that level. So there's only been one that I've even been aware of since I've been here.

**Council Member Jay Wagner:** It would help me if I knew some of the history of why we're so special. Why was it done this way to begin with? Does anybody here know the history?

**Mayor Bencini:** Latimer can tell you all about it.

**Deputy City Manager Randy McCaslin:** I think Mike can tell you too. I think Mike lived through that.

**JoAnne Carlyle:** Mike lived through that. Mike survived that....

[laughter]

**Council Member Jay Wagner:** Well I'm really interested now.

**JoAnne Carlyle:** Yeah, and one other thing before we bounce it to Mike because I know he's got lots of information to share. You know ever before it can go to court, it has to have the approval of the manager and the attorney. So if indeed the commission wanted to push something that far, if we didn't agree with it, then.....

**Council Member Latimer Alexander:** Is there a boiler plate for cities in the state for a local ordinance that would accomplish the same thing as what I believe we're talking about, is a relatively convoluted process. Is there some....I mean....we'd have to wait until next year and get our House and Senate members to put in a local bill, but ultimately are we driving to find wording for a local bill that would bring us more uniformly in line?

**JoAnne Carlyle:** We wouldn't have to have another bill.

**Council Member Latimer Alexander:** Okay.

**JoAnne Carlyle:** We could go ahead and modify our ordinance and I have seen some stuff because the files on this issue...and there are several files and they're each about that thick. I've gone back and researched because I, too, wanted to see from the grassroots how did this thing evolve. And I can't tell, but at some point in '06 or '07 and I can't determine based on what I found in the file whether it was after the ordinance was adopted or right before. But Al communicated with the folks in D.C. that gave her major feedback on what was wrong with our ordinance and I have not had a chance to go back and say, here are these pages from D.C. that say this section is bad, you need to do this. And I will do that. I just haven't had an opportunity to do that. So that would be a good starting place for us is to look and see whether or not we are even doing what D.C. says we need to do.

**Mike McNair:** It's not that it was bad. The issue in 2006 was they were attempting to seek substantial equivalency, which means that your local ordinances are substantially equivalent to the federal statutes. Okay. And it's not a requirement that you do that. That's what the purpose was and this is kind of where it ended up. Now what D.C. was commenting on was why it's not substantially equivalent. Not that it was bad.

**JoAnne Carlyle:** Okay, so do you know whether we ever made those changes?

**Mike McNair:** No.

**JoAnne Carlyle:** We didn't do them?

**Mike McNair:** They were not made.

**Mayor Pro Tem Jim Davis:** Okay, can we go back to Jay's question because it is my understanding that only five municipalities in North Carolina that have this ordinance.

**Mayor Bencini:** That have substantial equivalency.

**Mayor Pro Tem J. Davis:** So I'm wondering since you just said there's only been one case since you've been here that you're aware of, it doesn't seem like it's a problem to begin with, so why was it adopted by Council in 2007?

**Mayor Bencini:** There was an argument and Latimer, correct me if I'm wrong. It was an argument that fair housing cases were sort of being swept under the rugs or were not being dealt with because the process was far too onerous and complicated for the typical citizen to be able to go forward and have it adjudicated at the headquarters....

**Council Member Alexander:** Well, and the issue basically was we take it, we file it, we send it to Raleigh and they handled it in Raleigh. The argument was posed, well these are poor people and they don't have the ability of transportation so we need to do it here. At least if I remember correctly.

**Council Member Alyce Hill:** Right. I've actually gotten some calls about that very thing. About today's meeting because people can't afford to take the time off work to travel to Raleigh or pay transportation costs. I think when you mentioned there's only been one case, that's one that has progressed potentially to the point of litigation. Arguable to the fact that there's only one means that so many others have gotten resolved.

**Mayor Pro Tem J. Davis:** I asked Ed and Cam today from the Realtors Association to come today because they are very knowledgeable about this issue. I will tell you if you go back and read the emails from our last meeting that Al was in attendance, she said that she thought there were eight (8) fair housing cases and fifteen (15) minimum housing cases. I found out, and they can correct me, but I think it's two (2) fair housing cases that she had last year.

**JoAnne Carlyle:** Well, and that's what I wanted to....let me clarify. When I say that there's only been one, I was talking about one case that has come before....where it came to the manager and the attorney. I really can't speak to what Al and the commission have done and as Mike reminded me, there was another case actually against them. But, again, that wasn't one that went through the process, so I wasn't involved and the manager wasn't involved.

**Council Member Chris Williams:** Do we have anybody that can help us with those numbers? I mean anyone who has any minutes maybe from the Human Relations Department that can kind of give us that information?

**JoAnne Carlyle:** Lisa, do we any information?

**City Clerk Lisa Vierling:** I do not personally and I don't know if the department does.

**Jeron Hollis:** What happens is the State Human Relations Commission.....you don't have to drive down there to get the information. You just do a telephone call, or an email. But the way they take the cases from when I spoke to them is that they do it by county. So they can't say Mike McNair sent in four (4) and Al sent in six (6). They quantify them by where they're coming from and that's if they make it there. Like JoAnne was saying, the process.....I know when we were filling in the office, I didn't come across any information that said this is how "x" number of cases were handled and the process that JoAnne described when we had cases that came in, the commission wasn't involved. We sent them to Raleigh to follow the process. They determined whether it was a fair housing issue. If it wasn't it went to minimum housing, whatever. But there was no way to quantify....when I asked them, they didn't have it broken down by how many cases came from a particular person. They had it more quantified by the county.

**Mayor Bencini:** If I understand the process correctly, JoAnne....our attorney or our manager would know how many fair housing cases rose to a level to be fair housing cases. Because it's ultimately the manager and the attorney to determine whether or not there is a valid claim.

**JoAnne Carlyle:** But obviously that process has not been followed.

**Mayor Bencini:** Oh, so that's the problem. It hasn't been followed.

**JoAnne Carlyle:** Right. I think that's why we're not able to provide you any of the other information. That is the appropriate way and the legal way for it to do.

**Mayor Bencini:** So we really haven't followed our own ordinance.

**JoAnne Carlyle:** Right. Exactly. And I don't even know, you know the one that I was involved in, I got the impression that the reason that the manager got involved was because it was someone that knew Strib personally in the community and they had reached out directly to him. My impression was that's how he even became aware of it. And then it came to me.

**Council Member Williams:** But there's no way that we can know without someone from you, the Human Relations Commission, or Al how many cases had actually gotten to them, got conciliation before it got to the step where y'all get aware of it.

**JoAnne Carlyle:** Right.

**Council Member Williams:** From what I'm trying to understand then is what you're telling me is that if it goes to the Human Relations, regardless of whether they can take care of it at that level first, you're still to be notified regardless.

**Mayor Pro Tem J. Davis:** If you don't mind, I want to hear from Cam because at our last Realtor's meeting Cam said that realtors had asked for that information from that department. Did you ever receive it?

**Cam Cridlebaugh:** Not only that. I served on the Commission for a number of years and oftentimes I would ask staff about the fair housing complaints and the numbers and how that was progressing and 100% of the time it was, well, we'll get back to you on that. Well not 100%, maybe it was 75%. Occasionally and only occasionally out of the number of times that I asked staff for that information, there may have been like a hand-written thing. It was like we're working on it. There was no information and I was a commissioner at the time and two of those years I was co-chair.

**Mayor Bencini:** And the Commission is ultimately responsible for this, not staff. Is that correct?

**Cam Cridlebaugh:** That's how I read it as a commissioner and that's how I read it in 2006 when we were knocking it around the room whether or not this was going to be a component of the Human Relations Commission. And it certainly already exists in the State counterpart.

**Council Member Hill:** So it sounds like we might not even know. I mean we're talking about whether our ordinance is workable or not, but we don't know because we haven't been following it. So it might be awesome, but we don't know.

**JoAnne Carlyle:** Exactly. And that goes back to the original ordinance that you guys just amended and the purpose of it was to try to get a grip and make sure that everybody really knows what is going on because no one has.

**Cam Cridlebaugh:** And if I can just interject, I think the idea of how do you drive back and forth to Raleigh may be a misconception because everything is done on-line now.

**Mayor Bencini:** Or over the phone.

**Cam Cridlebaugh:** Or over the phone. I mean I'm getting flak from my vendors about having to do the new permitting process. They want to drive here, but they don't have to now. They can just do it on-line, which is a good thing. So these facts are typically transmitted over distances fairly easy and if there's a computer in city hall, they can move the process along.

**Mayor Pro Tem J. Davis:** Well I'm still confused about Jay's question because if there's only five in the whole State of North Carolina that is doing what we're doing and we're one of them, and all the other cities are using the State.....

**Mike McNair:** We're not one of those five.

**Mayor Pro Tem J. Davis:** Okay, the whole state is using the state, but we're doing our own thing. So I'm still confused why if the reason is because poor people....other cities have poor people. I'm still confused why it was necessary for Council to think back in '06 or '07 that we've got to do this.

**Mayor Bencini:** I've already told you that a strong case was made to Council that we needed to do this and we ultimately accepted those arguments.

**Council Member Alexander:** I think in 2007, pretty much like today, we really didn't know if we had a problem in our community or not.

**Mayor Bencini:** And I don't think we did know.

**Council Member Alexander:** Today we really haven't seen anything populate itself where it tells us we've got a problem, but we're sitting around in this room and nobody can find the end of the string. So I don't know that we've got it. I don't see where outside of transportation that the argument made in 2007 really had a lot of validity and what you're telling me today is we have the ability to communicate electronically with Raleigh so transportation really is not an issue. We just need something that says you come in here, make your case, we review it and then we help facilitate your connection with Raleigh and that's really where we need to get.

**JoAnne Carlyle:** And I don't want to speak for Jeron, but it really seems like during the time that he was down there, you communicated with them fairly easily didn't you? With Raleigh? I mean it didn't seem like you had any trouble.

Jeron Hollis: Yeah. They have someone that's intake. So if it was someone on Green Street, we'd pass along the information, the situation, the person's name and contact information. They would determine....they do their own investigation and then they determine whether it is a fair housing issue or not. We didn't have a whole lot....I don't think we had any that raised to the level of being a fair housing issue. But they have a process. They have a process and sort of like what Jim was mentioning earlier, for the municipalities that are substantially equivalent and Mike can talk some more about that, but they have their own internal process in the city to handle that. What most other places do is they rely on the state. They will call the state. They will have intake. So if you talk to the state, they've got cases from all over North Carolina from communities that don't have internal process to do the investigation and go through the process. We don't have that ability here in High Point. We're not one of those five (5) that has that.

**Council Member Wagner:** So if I live in Spruce Pine and I've got a fair housing claim and I want to pursue that, what do I do?

**Jeron Hollis:** The process should be that you get in touch with the State Human Relations Commission.

**Council Member Wagner:** I go directly to the state.

**Jeron Hollis:** Or facilitated....maybe there's a person in Spruce Pines that says here's the number you need to call or I'll call for you, but it's facilitated through the state. Have we been following the policy that we have in place? And for me it was difficult to figure out how we were handling those because we don't have the authority to handle them internally and it wasn't my impression that the state had lots of communication with us on fair housing.

**Council Member Wagner:** So is it safe to say that really what we're doing is adding an extra step or group of steps to the process of evaluating it here before it gets sent to the state anyway?

**Mike McNair:** I can't speak to exactly what is going there, but we certainly have the opportunity to add value. Even on a referral, we have the opportunity to add value in terms of making it easy for the complainant, rather than just say call this number. You know there are ways, in between that, that you can surely add value. Also we get an annual report from Human Relations that we submit to HUD and they told us this year that they had twenty-five (25) fair housing investigations and twenty-four (24) inquiries.

**Randy McCaslin:** And just remember, a lot of people will come in and they don't know what....they've got a complaint. My landlord won't fix my heat or something like that. That's not a fair housing complaint. That is a minimum housing complaint and that goes to inspections for investigation.

**Mayor Bencini:** Well even back in 1007, Latimer I believe that was the same situation then that so many minimum housing complaints were misinterpreted as fair housing. Because there's a distinct difference between those two cases.

**Council Member Alexander:** No question, and there were also cases where there were questions of my landlord is evicting me because I haven't paid my rent and I haven't paid my rent and I haven't paid my rent because he hasn't fixed this issue. Well you end up with a financial dispute that falls on your lap and you end up with a minimum housing case that falls on your lap and everybody calls it fair housing, but it's not.

**Mayor Bencini:** But when it comes into the department and they investigate it, they label it as a fair housing investigation, when in reality it never rises to that level. It is a minimum housing problem.

**Council Member Hill:** And when it's that, what's the process? It just goes to Code Enforcement?

**Mayor Bencini:** It goes to Inspections.

**Council Member Hill:** So there's feedback for all the people to come in....so those are addressed.

**Council Member Cynthia Davis:** That's how they do the demolition of the homes.

**Mayor Pro Tem J. Davis:** Minimum code violations....Katherine Bossi's office sends an enforcement officer out and he'll do a report, and then they'll generate a hearing that they either go to or don't. So it has nothing to do with....

**Council Member Hill:** And we're....well, no, we're not sure of anything in that regard. That Human Relations is not mediating what is truly a minimum housing complaint as opposed to a fair housing complaint. That's what I'm getting at.

**Council Member Williams:** I learned the difference on that recently. More so, but not that I'm trying to reach, but I have had one person that I talked to for a while. It was kind of iffy, but what she was saying was I guess it was not a HUD house, I'm not sure what kind of house right now. But basically what she was saying was the landlord was doing certain things because when he didn't know who she was until he had to come there for some reason and when he saw who she was he started doing things in the hopes that she would want to leave.

**Council Member C. Davis:** What sorts of things are you talking about?

**Council Member Williams:** Like things that were problematic to her, he left unfixed in the hopes that she would just leave. So doesn't that fit under fair housing?

**Mayor Pro Tem J. Davis:** It's still not fair housing. Fair housing is like you discriminate and say I'm not going to rent my house to you because I don't like you.

**Council Member Williams:** That's my point. That's what she was claiming.

**Mayor Pro Tem J. Davis:** But she's already renting the house and is already in the house.

**Council Member Williams:** I think it was a house that she....well she was renting a house, but it was handled by a service, but when the landlord shows up, the guy that owns the property showed up and saw who she was and didn't want her in there. This is her claim, now I'm not saying, but this is what her claim was to me, that he started letting things happen or be in the hopes that she would just say I'm going to try to move somewhere else.

**Council Member Wagner:** That can be a fair housing case if it's because she's a woman or she's a black woman, or a Muslim woman.

**Council Member Williams:** That was my point. That's the one I worked with and they got that resolved once she told him she spoke to me and he kind of backed off so I didn't bring it up. But my point is... are we going to say that doesn't happen, or at least do we still want to refer it to Raleigh.



**Council Member Wagner:** You know, I don't think the question is....I don't think anybody sitting here will say that doesn't happen because it does happen. But I guess the issue is whether what we're doing is the best way to handle it or whether we're just adding an extra level of confusion and bureaucracy to the process that's already working well everywhere else. Do we need to be involved in the way we are, or can it be handled properly as the rest of the state does by sending it to Raleigh.

**Council Member Hill:** Of course there's the way that we are and the way that we should be.

**Council Member Wagner:** Well, yeah, and I don't even want to go there. That's a worm hole.

**Council Member Hill:** I do have two questions about the state process. First question is do they have an arm that's mediation oriented, or is it just pure investigation and findings. Then my second question is, is their resolution time significantly longer or do we even have anyway to compare how quickly things go through the state process compared to a local process.

**Mike McNair:** I don't know about that per se'. I have been on the other end of that though. That's what JoAnne was saying that the state was investigating us and it was pretty thorough and longwinded, but ultimately we prevailed. But if I could, what I wanted to speak on is a couple of things that Latimer had mentioned. One of the things that we have to do, the City of High Point, what you're required to do in the fair housing arena is because you're an entitlement city and we execute a certification every year with the Action Plan that says that we will affirmatively further fair housing. Basically what that means is that we'll do an Analysis of Impediment and follow the Analysis of Impediment to the Fair Housing choice and implement the recommendations that are contained. In that Impediment Analysis there's a Fair Housing Plan. Now, we did one last year.

**Council Member Wagner:** Was that the group of consultants that came in?

**Mike McNair:** Right. That was last November. So we actually have plans that say what we're, the City of High Point, is supposed to do. Now that's different from the ordinance, the Fair Housing Ordinance, but there are things that we have to do. For instance, one of the things the recommendation was that we would look to do affordable housing outside impacted areas or outside of what they call areas of low opportunity which we have been doing all along that you have approved us doing those types of things. But probably because of when the timing of the analysis was done because of when the old Council approved it and you haven't really had a briefing on it, it may be a good idea to bring that back in to you to give you a broader perspective on what that's about and how it impacts us.

**Council Member Wagner:** Even if we repealed this ordinance, wouldn't we still be doing those things?

**Mike McNair:** Right. There's not a requirement....that's what I was saying earlier, there's not a requirement for you to be substantially equivalent, which is what this ordinance is trying to get to, in order to get the federal funds. So it's sort of....

**Mayor Bencini:** But you do have to address it in your Annual Action Plan.

**Mike McNair:** There are activities that we have to undertake. We have responsibilities.

**JoAnne Carlyle:** And that's in his department.

**Greg Demko:** And that's what Mike does.

**Mike McNair:** It's CHP. Most of it comes out of us, but many cases we're knocking on somebody else's door and saying are you doing that.

**Council Member C. Davis:** Those requirements that you're talking about, your department handles those. It's not being handled through the commission. It's not being handled through other departments.

**Mike McNair:** There are roles for other departments to play and the one that we just did we actually started this year. So we're going to have to be pulling a team together to address those activities. But there's actually a plan that says okay this needs to be done and that probably needs to be done by CD or this needs to be done by HR or this needs to be done by Planning or this is Transit.

**Randy McCaslin:** But that's your plan that you're putting together; it doesn't dictate who does it.

**Mike McNair:** It's your plan.

**Randy McCaslin:** Right, but it didn't come from HUD.

**Mike McNair:** Ultimately who does what is the city's decision. The issue is completing the function, completing the task.

**Jeron Hollis:** Your example, just so we're clear. If a person comes in and says I'm being treated differently because I'm Muslim or I have six kids or whatever, that complaint process is typically not handled through your department as we currently function. And we have a choice since we receive federal funds, we have a choice to either handle that as an arm of what the state does since we're not substantially equivalent, but to receive the federal funds we have to do something with that complaint. If we were an equivalent provider, we would handle that entire investigation process within the city. Since we're not an equivalent provider, we have the obligation to handle it through the state process, but it's not an intermediate part or nothing in your action plan that talks specifically about the complaints. Those still have to be handled one of two ways in order for us to be affirmatively further fair housing. Is that right?

**Mike McNair:** I'd say that's accurate. Yeah. I mean you can't ignore it. You have to decide how you're going to deal with it.

**Greg Demko:** And we triage it.

**Council Member Hill:** So if the ordinance were repealed and I feel like I have a fair housing claim, then what would happen? Would I call the city and just be handed a number, which I think is daunting to a lot of folks, or is there someone within a department that would walk them through the process and say this is what you need to do in a simple, straight-forward manner.

**JoAnne Carlyle:** And that's what Jeron kind of did.

**Greg Demko:** That's what we implemented.

**Council Member Hill:** Right, but that was on a temporary basis.

**Jeron Hollis:** That's what should be happening.

**JoAnne Carlyle:** Right. This is another layer.

**Council Member Hill:** Right. I've got you, but I'm just saying would you be that person or who would be that person?

**Jeron Hollis:** We decided years ago to have the Human Relations Department and Commission so historically they were supposed to have been doing what we just described. Now the question is whether that's being done, but whatever Council does in the future, when that complaint comes in we have the responsibility to handle it either through the process that's already in place with what the state has, or if the Council decided they wanted to put another process in place which was substantial equivalency which we don't have now. But, yes, we have to determine how helpful we want to be in that process. I don't know if we're affirmatively furthering fair housing if we just put a poster up when people walk in and say find the number, or we say.....

**Council Member Wagner:** But if we had a designated person on staff who was our fair housing liaison, then when those complaints come in they could sit down with them and say here's the process, here's who you call, here's the forms you need.

**Mayor Bencini:** We can help you or you can direct.

**Council Member Wagner:** But we wouldn't be investigating it or trying to mitigate it or anything like that.

**Greg Demko:** And that's where this comes back in, how to clarify the roles that Council is expecting us to be doing.

**Council Member Wagner:** Okay. I've learned a lot.

**Ed Terry:** You keep mentioning the five (5) substantially equivalent cities. That's Charlotte, Greensboro, Winston, Durham and Orange County. Everybody else whether they are larger than

High Point or smaller go through the North Carolina Human Relations Commission for resolutions. They have an intake person, six investigators, their own legal counsel and a director.

**Mayor Bencini:** Why don't we just duplicate that here? Because to do it the right way, that's what you have to do.

**Ed Terry:** The biggest problem is that complaints are really minimum housing and they're being mislabeled—sometimes intentionally. As long as someone clearly identifies that it's fair housing or minimum housing and refers it, we're done with it.

**Council Member Ewing:** And I think that's a good case for us having someone to help lead someone through the process, but not interject or get involved because you have a third, independent party in Raleigh that will ask the prescribing questions and qualify it as one or the other and then lead them down. I heard in the past that people were led....you know it was a minimum housing issue, but they were led...are you sure it wasn't because you were this or that and then turned it into a fair housing issue. So I think having an independent party in Raleigh handle it is much safer than for us to have anyone internally to even ask questions to try to qualify it.

**Council Member Wagner:** Here's an idea. It may be a stupid idea and y'all tell me if it is, but if the vast majority of the cases that come in are actually minimum housing and not fair housing, then would it not be smart to have these issues originate with Inspections? Because they'd be able to look at the case and say because your landlord won't fix your heat and we can help you with that. Or if they look at it and say, no your landlord is trying to put you out because you're a woman, then they can help them refer it to the state.

**Council Member Ewing:** I don't think we should get involved with identifying it. Just have someone....if someone is comfortable picking up the phone who can walk them through the process, but strictly as an informational agent.

**Mayor Pro Tem J. Davis:** I certainly think Katherine Bossi can make that determination.

**Council Member C. Davis:** I do too.

**Mike McNair:** Don't over simplify it. There's more to fair housing than referring people to the state.

**Council Member Wagner:** I understand.

**Mike McNair:** There's outreach requirements. That's how these guys know about it is because of the outreach, so there's more to it than just that.

**Council Member Wagner:** I'm not talking about big umbrella fair housing, I'm just talking about.....

**Council Member C. Davis:** The complaint aspect.

**Greg Demko:** The intake process.

**Council Member Wagner:** I'm talking about just the intake process because I don't think you have everybody that walks in the door.....there's got to be some weeding out process in the beginning to make sure that people are getting to the place where they're going to be helped, where their complaint is being properly addressed. So they're walking in and let's just say this person is Jeron, it could be Jeron's job for now. Okay, so they walk in and they see Jeron and he knows it's a minimum housing case, but they think it's a fair housing case, you know he should be able to help them determine where they can be helped and not have to send it to Raleigh for a full investigation for them to turn around and say no, it's a minimum housing case.

**Jeron Hollis:** But you've got both ends of it. You want to make sure that you don't unnecessarily start a process that is really not what it is, but on the other hand, you don't want to be accused of well I came in and it was a real issue and they swept it under the rug. You've got to have that balance.

**Council Member Wagner:** I agree. And it's up to that person. If I'm the person that thinks I've been wronged, you know, and I come in and talk to you and I don't agree, I can still file that complaint. You can still hand me the number to call Raleigh and I can still file that complaint.

**Greg Demko:** Absolutely.

**Council Member Wagner:** But at the same time you might tell me, well you know right now it's 30 degrees outside and your heat's not working, why don't you go see the folks over in Inspections since you are here.

**Council Member Alexander:** So do we need to clean up our ordinance, or do we need to follow ordinance, or do we need to start over?

**Council Member Wagner:** Or do we even need to do anything?

**Council Member Williams:** I can't make a decision until I get more facts on that point. I mean because what you just described of a person's job so far as making a determination of fair or minimum, did we not already pay for somebody to get that training and isn't that what they were supposed to be doing?

**Mayor Bencini:** No because ultimately our own ordinance tasks our manager and attorney with making the final determination.

**Council Member Hill:** I think here training was in mediation. Is that right? As opposed to....

**JoAnne Carlyle:** That's part of it, but then also in our ordinance we have the right to take them to court. The city can do that or the aggrieved individual.

**Council Member Hill:** But the training I think was just regular mediation training. It wasn't any kind of specialized fair housing training.

**Mayor Pro Tem J. Davis:** But none of the commission members received any training.

**Mayor Bencini:** The Commission is ultimately responsible at the department level, not the department head. It's my understanding that the Commission has not been involved in doing any of that.

**Council Member Williams:** Right, but we talked about that part. You know that there would be necessary training for them.

**Council Member Alexander:** Well if you lump it to the Commission, it's going to make much, much longer to adjudicate than it would be to go directly to the state because your Commission is only going to meet, right now they're required to only meet once a month. But they're not going to be able to address it nearly as quickly as the state would. I mean you just can't get people just to meet.

**JoAnne Carlyle:** Well you're dealing with volunteers, rather than a staff that does that for a living.

**Greg Demko:** And one of the pieces that y'all have talked about with the intake and facilitation of it, we can handle it. We can handle it that way. It's more about the expectations that are sitting there in the Code of what Council is directing us to be doing.

**Mayor Bencini:** Would it not make sense then, Mr. Manager, to develop a specific intake process, propose it to City Council, and then if it's something that we feel like going forward with, then at that time, we can demolish the current ordinance and slide right into this because staff has already figured out and the Council has approved how we're going to handle this.

**Greg Demko:** Or direct me to develop that process so you can do this is kind of where we're going.

**Council Member Ewing:** I guess I have a question then, if we have an ordinance that hasn't really been followed, what's the intermediate direction? Are we going to say that between now and that time to do it as it's been done, the incorrect way?

**Mayor Bencini:** We just want our manager to develop it by 6:00 this evening. We'll have it and we can vote on it.

[laughter]

**Greg Demko:** We're going to meet again?

**Council Member Wagner:** Special Meeting tonight at 7:00.

**Council Member Alexander:** We've got to be at the Library at 4:00, and we can just continue it until then.

**Council Member C. Davis:** Just don't adjourn.

**Mayor Bencini:** But I think Jason's point is well made. I don't want us to get into this long drawn out thing where we've got something that's in place which apparently isn't working. Waiting for something that's hopefully going to work better as an intake process.

**Council Member Ewing:** I guess from an intermediate policy, I'd like to give them some direction how to handle any claim that comes in now and when the manager brings us his proposal because it doesn't make sense to send them down the road of an ordinance that hasn't been followed.

**Council Member Wagner:** Well I'm going to put on my lawyer hat and I'm going to ask JoAnne, I think if we have an ordinance we have to follow an ordinance, right? It's not that the city may do it this way, right....

**Mayor Bencini:** The city isn't doing this.

**Council Member Wagner:** Well I know that, but that's beside the point. If we've got an ordinance we've got to follow the law. We can't just pick and choose what law you want to follow.

**JoAnne Carlyle:** You're right, but my lawyer gut has been much more comfortable when Jeron was doing what he was doing. I was because I knew this is squirrely and not following it and we're doing all this other stuff that I think puts us at a higher risk than just doing it that way and not following the ordinance.

**Council Member C. Davis:** If staff can have something ready for the agenda, then why don't we have them have something prepared and placed on the agenda for consideration at the next meeting?

**Council Member Wagner:** I would be in favor of basically what Bill is saying. I think we should direct the manager to create an intake system for handling fair housing claims, handling and facilitating those fair housing claims and look at repealing the existing ordinance which we're not even following anyway.

**Greg Demko:** And utilize the state.

**Council Member Wagner:** And utilize the state, right.

**Council Member Alexander:** Well I think if you can present that to us and then I think Council needs to hear it and then I think we need to wait one cycle to approve it. I think they'll be people in the community who will go, you know I want time to read over this.



**Council Member Wagner:** I don't have a problem with that.

**Mayor Bencini:** I don't have a problem with that either.

**Council Member Alexander:** I mean I think we need to have it presented to us in a formalized form at Council and then we just refer it back to the Committee as a Whole. At that meeting, allow public input and then at the next meeting do the adoption.

**Council Member Wagner:** Okay, **THEN I'LL MAKE A MOTION THAT WE DIRECT THE MANAGER TO DEVELOP A SYSTEM FOR INTAKE AND FACILITATION OF FAIR HOUSING CLAIMS THROUGH RALEIGH.**

**Council Member Ewing:** **SECOND.**

**Mayor Bencini:** Any further discussion?

**Council Member C. Davis:** I'm just going to say they already have a system. They've already told us what that system is. All they have to do is put it on paper. So to drag everything out for this, that and everything else seems a little pointless because they've already explained the process. All we have to do is have it on paper, have him present it at a manager's briefing and consider whether or not.....have it on the agenda, be briefed during the manager's briefing. We already know what it is, they've already told us what it is, so just dragging it on seems pointless to me. But I'll support the motion.

**Council Member Williams:** It's the public input that's important.

**Mayor Bencini:** The public needs to have confidence and understanding what we're getting ready to do.

**Council Member C. Davis:** It'll be posted on-line with the rest of the agenda packet.

**Mayor Bencini:** But also involved in that is the fact that we've got a system in place that's law that's actually not working and we have to go through that abolishment process. So I think it's going to be better for everybody.....

**Council Member C. Davis:** Step one, abolish. Step two, adopt?

**Mayor Bencini:** Right. And not really abolish Step one, but let's get it in place in terms of what staff is being very specific to us. Let us look at it, make any changes that we feel like need to be made with what staff is saying and adopt that. And then at the same time, abolish the other one. But I think it needs to be done with transparency and I think Mr. Alexander is right and we need to take our time.

**Council Member C. Davis:** Well I wasn't trying to remove the transparency aspect because I felt with it being on the agenda and the manager's briefing, then there's that transparency. In my mind that's what I was thinking.

**Council Member Wagner:** I think we could certainly get it done by the first meeting in October.

**Greg Demko:** October, yes. The next ones kind of tight since it's next week. But October absolutely.

**Mayor Bencini:** Alright, so we have a motion and a second. Any further discussion. [none]  
All those in favor, say Aye.

Aye.

Opposed? [none] **That motion carries.** [8-0 vote] [Council Member Golden was absent]

[end of transcript]

There being nothing further to come before Council, the meeting adjourned at 10:00 a.m. upon motion duly made by Council Member C. Davis and second by Council Member Ewing.

Respectfully Submitted,

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William S. Bencini, Jr., Mayor

Attest:

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Lisa B. Vierling, MMC  
City Clerk

**HIGH POINT CITY COUNCIL  
SPECIAL MEETING  
SEPTEMBER 10, 2015 – 9:00 A.M.  
3<sup>RD</sup> FLOOR LOBBY CONFERENCE ROOM**

**MINUTES**

**Present:**

William S. Bencini, Jr., Mayor; and Council Members Cynthia Davis (At-Large), Latimer Alexander (At-Large), Jeff Golden (Ward 1), Chris Williams (Ward 2), Alyce Hill (Ward 3), Jay Wagner (Ward 4), and Jason Ewing (Ward 6)

**Absent:**

Mayor Pro Tem Jim Davis (Ward 5);

**Staff Present:**

Greg Demko, City Manager; JoAnne Carlyle, City Attorney; and Lisa Vierling, City Clerk

Mayor Bencini announced the purpose of this meeting was to go into Closed Session to discuss the performance evaluations for the city manager, city attorney and city clerk.

**Council Member Wagner moved to go into Closed Session pursuant to N.C. General Statute 143-318.11(a)(6) to discuss the performance of the city manager, city attorney and city clerk. The motion was seconded by Council Member Williams and carried unanimously.**

Upon reconvening into Open Session at 12:20 p.m., Council Member Alexander suggested in the future that the performance evaluations for the city manager, city attorney and city clerk be held off-site (not at City Hall).

*Note: Council Members Wagner and Hill left upon the conclusion of the Closed Session portion, but voted affirmatively on all the motions.*

**Council Member Alexander noted that City Attorney JoAnne Carlyle had already received the 1% COLA as was approved for all employees and moved to add an additional 2% merit increase to mirror what was approved for other city employees (total of a 3% increase for 2015). Council Member Ewing made a second to the motion, which carried unanimously. [8-0 vote] [Mayor Pro Tem J. Davis was absent]**

Council Member Alexander mentioned the request by the city attorney regarding deferred vacation and sick leave and advised Council wanted to revisit this before taking any action.

Council Member Alexander then reported that Council continues to be aware that City Clerk Lisa Vierling is grossly undercompensated as it relates to benchmarking of clerks salaries from other communities.

**Council Member Alexander then moved to approve a 10% modification in salary for the city clerk, above the 1% COLA that was approved for all employees. Council Member Ewing made a second to the motion, which carried unanimously. [8-0 vote] [Mayor Pro Tem J. Davis was absent]**

Council Member Alexander explained that this action is to closely align the city clerk's salary taking into consideration the market conditions and her performance.

Relative to City Manager Greg Demko's performance evaluation, for the record, Council Member Alexander pointed out this review was for his mid-year performance and there would be no modifications to his salary at this time.

There being nothing further to come before Council, the meeting adjourned at 12:27 p.m.. upon motion duly made by Council Member Alexander and second by Council Member Ewing.

Respectfully Submitted,

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William S. Bencini, Jr., Mayor

Attest:

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Lisa B. Vierling, MMC  
City Clerk

**RESOLUTION APPROVING AN INTERLOCAL AGREEMENT  
TO ALLOW FOR AN EXTENSION OF WATER AND SEWER SERVICE TO  
PROPERTY OWNED BY PIEDMONT TRIAD AIRPORT AUTHORITY**

**WHEREAS**, pursuant to the provisions of Section 160A-461 of the General Statutes of North Carolina, the City of High Point ("City") is authorized to enter into interlocal agreements with other units of local government and local political subdivisions in order to execute any undertaking; and

**WHEREAS**, Piedmont Authority for Regional Transportation ("PART") is a local political subdivision of the State, established under North Carolina General Statute Chapter 160A, Article 27 and became incorporated on the 17<sup>th</sup> day of July, 1998; and

**WHEREAS**, PART is the recipient of Clean Fuel Advanced Technology funds from the North Carolina Solar Center to purchase and have installed multiple plug-in electric vehicle ("PEV") charging stations in the Piedmont Triad; and

**WHEREAS**, the City has been identified as a recipient of one (1) level two PEV charging stations to be installed by the City in the City's urban core for the use of the residents of High Point and surrounding areas; and

**THEREFORE, BE IT RESOLVED** that the High Point City Council hereby approves an Interlocal Agreement between the City and PART to allow for the installation of one PEV charging station to be funded by the Clean Fuel Advanced Technology award received by PART..

Adopted this the 5<sup>th</sup> day of October, 2015.

Lisa B. Vierling  
High Point City Clerk