

City of High Point

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



Meeting Agenda

Monday, July 15, 2019

5:30 PM

Council Chambers

City Council

*Jay W. Wagner, Mayor
Jason P. Ewing, Mayor Pro Tem
Jeffrey J. Golden, S. Wesley Hudson,
Victor A. Jones, Britt W. Moore,
Monica L. Peters, Donald A. Scarborough, Christopher Williams*

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE[2019-317](#)**Strategic Plan Update**

Council will receive an update on the Strategic Plan from Council Member Jeff Golden, Chair of the Community Housing, Neighborhood Development and Public Safety Committee.

Attachments: [Code Enforcement Activity Report for June 2019.pdf](#)

PUBLIC COMMENT PERIOD[2019-318](#)**Public Comment Period**

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

* Persons who have signed the register to speak shall be taken in the order in which they are listed. Others who wish to speak and have not signed in will be taken after those who have registered.

* Persons addressing City Council are asked to limit their comments to 3 minutes.

* Citizens will be asked to come to the podium, state their name and address and the subject(s) on which they will comment.

* If a large number of people are present to register concerns about the same subject, it is suggested that they might be acknowledged as a unified group while a designated speaker covers the various points. This helps to avoid repetition while giving an opportunity for people present with the same concerns to be recognized.

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

CONSENT AGENDA ITEMS**FINANCE COMMITTEE - Council Member Moore, Chair****Committee Members: Moore, Hudson, Ewing, and Jones**[2019-295](#)**Agreement - NCDOT - New Traffic Signal N. University Parkway and Davis Avenue**

Council is requested to approve an agreement with the North Carolina Department of Transportation (NCDOT) in the amount of \$11,177 for cost participation in the purchase of traffic signal pole and mast arm assemblies to be installed at the intersection of N. University Parkway and Davis Avenue.

Attachments: [1. MA for Traffic Signal University Davis_071519](#)

- [2019-296](#) Contract - Matthews Specialty Vehicles - High Point Library Bookmobile Council is requested to award a contract to Matthews Specialty Vehicles in the amount of \$136,100 for the purchase of a new bookmobile using the Houston-Galveston Area Council (HGAC) national contract AM10-18. In addition, the High Point Library received a \$50,000 grant from the State for this purchase.
Attachments: [2. Library Bookmobile \(7-15-19\)](#)
- [2019-297](#) Contract - Carolina Industrial Equipment - Truck Mounted Vacuum Council is requested to award a contract to Carolina Industrial Equipment in the amount of \$204,960 for the purchase of a Freightliner truck with ODB- Model DCL800SM-25 Vacuum Leaf & Debris Collector for use by the Stormwater Division of Public Services. Recommendation also includes declaring old equipment as surplus and disposing through the online auction process.
Attachments: [3. Leaf Vacuum Truck](#)
- [2019-298](#) Contract - Advantage Truck Center - Side Loading Refuse Trucks Council is requested to award a contract to Advantage Truck Center in the amount of \$923,227.29 for the purchase of three (3) Autocar Trucks with New Way Side Loading Refuse bodies for use by the Environmental Services Division and declare the old trucks as surplus and disposing through the online auction process.
Attachments: [4. Side Loading Refuse Trucks](#)
- [2019-299](#) Contract - Buckeye Bridge LLC - Tanglebrook Sanitary Sewer Outfall Council is requested to award a contract to Buckeye Bridge, LLC in the amount of \$963,589.10 for a 12-inch diameter sanitary sewer outfall extension as part of the northwest expansion plan in the Tanglebrook Road and Joyce Circle vicinity.
Attachments: [5. Tanglebrook Sanitary Sewer Outfall](#)
- [2019-300](#) Contract - A&D Environmental Services Inc-Eastside Wastewater Treatment Plant Primary Clarifiers Council requested to approve an emergency purchase order in the amount of \$186,476.99 to utilize A&D Environmental Services Inc. to remove a significant amount of grit & grease from the primary clarifiers due to a June 7-8, 2019 rain event at the Eastside WWTP, causing grit and grease to clog the primary sludge pumps and four (4) primary clarifiers.
Attachments: [6. Eastside WWTP A&D Environmental Services Primary Clarifiers](#)
- [2019-301](#) Contract - MidAtlantic Salt, LLC - Bulk Road Salt Council is requested to award a contract to Mid-Atlantic Salt, LLC in the amount of \$73,450.00 annually for the purchase of Bulk Road Salt for a three (3) year period with option to renew for two (2) additional one-year periods beginning July 1, 2019 thru June 30, 2022. Total contract award for three years is \$220,350.00.

Attachments: [8. Mid-Atlantic Salt, LLC Salt Supplier](#)

2019-302

Contract - Chandler Concrete Co./Childers Concrete Co.
City Council is requested to award a contract to Chandler Concrete Company (Primary Supplier) for the purchase of various concrete materials in the annual amount of \$116,300.00 for a total contract award of \$348,900.00. The contract is for a three-year period with the option to renew for two additional one-year periods beginning July 1, 2019 thru May 31, 2022. City Council is also requested to award a contract to Childers Concrete Company (Secondary Supplier) in the event that the Primary Supplier cannot provide the needed concrete materials.

Attachments: [9. Concrete Supplier City Wide \(Primary & Secondary\)](#)

2019-303

Contract - Motorola Solutions Inc. - Radios
Council is requested to award a contract to Motorola Solutions Inc. in the amount of \$457,014.90 for the purchase of Motorola portable and mobile radios to replace older radios as part of the annual replacement program. The new radios will be used in the Public Works and Electric departments.

Attachments: [10. Motorola Radio Purchase](#)

2019-304

Contract - Motorola 5 Year Service Agreement - Radio System
Council is requested to approve a five (5) year service agreement with Motorola Inc. in the amount of \$1,724,790. to provide annual updates and support for the 800 MhZ Radio System, payable over five (5) years.

Attachments: [11. Motorola 5 Year Service Agreement](#)

PENDING ITEMS - Finance Committee

2018-169

Amendment to License Agreement - Cingular Wireless PSC, LLC (AT&T)
City Council is requested to approve an Amendment to the License Agreement with Cingular Wireless PCS, LLC (AT&T) which allows the location of communication equipment at the City's Ward Water Plant; and authorize the City Manager to execute the agreement.

Attachments: [7. Amendment to Lease Agreement - Crown Castle](#)

REGULAR AGENDA ITEMS

FINANCE COMMITTEE - Council Member Moore, Chair

2019-305

Resolution - Introducing Bond Orders Authorizing Street & Sidewalk Bonds, Parks & Recreation Bonds, Housing Bonds and a Public Hearing on the Bond Orders
Council is requested to approve a resolution making certain findings related to the authorization and issuance of bonds of the City and filing of an application for said bonds with the Local Government Commission.

Attachments: [12. Bond Orders and Hearing](#)

- [2019-325](#) Resolution - Establish a Public Hearing on the Bond Orders
Council is requested to approve a resolution to establish a public hearing date of Monday, August 19 @ 5:30pm to receive public comments on the calling of the voter referendum on the bonds.

Attachments: [Resolution Setting Public Hearing - City of High Point - 2019 GO Referendum](#)

- [2019-324](#) Contract - Crowder Construction Company - Riverdale Road Lift Station Phase 1 Repairs
City Council is requested to approve a contract with Crowder Construction Company in the amount of \$3,726,504.00 expand the capacity of the Riverdale Lift Station while an emergency bypass is in place to repair the station from flooding that occurred during Hurricane Florence.

Attachments: [Contract - Riverdale Phase 1 Repairs](#)

COMMUNITY HOUSING, NEIGHBORHOOD DEVELOPMENT AND PUBLIC SAFETY COMMITTEE - Council Member Golden, Chair

- [2019-320](#) 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.

Attachments: [Approval of Delegation of Authority to Act as Certifying Officer 7-2019](#)

- [2019-306](#) Ordinance to Demolish - 609 Woodbury Street
City Council is requested to adopt an ordinance ordering the building inspector to effectuate the demolition of a structure located at 609 Woodbury Street belonging to the Hughes Family LLC.

Attachments: [609 Woodbury St Council Packet 2](#)

- [2019-307](#) Ordinance to Demolish - 704 Mint Avenue
City Council is requested to adopt an ordinance ordering the building inspector to effectuate the demolition of a structure located at 704 Mint Avenue belonging to Olivia Spencer.

Attachments: [704 Mint Ave Council Packet 2](#)

PLANNING & DEVELOPMENT COMMITTEE - Council Member Williams, Chair

- [2019-308](#) Resolution of Intent - Annexation 19-04
Approval of a Resolution of Intent that establishes a public hearing date of Monday, August 19, 2019 at 5:30 p.m., to consider a voluntary contiguous annexation of approximately 14.6 acres lying approximately 350 feet west of Skeet Club Road and surrounded on three sides by the Joyce Circle right-of-way. The property is also known as Forsyth County Tax Parcel 6892-19-2761.00 and 6892-19-5337.

Attachments: [Resolution of Intent an-19-04](#)

- [2019-309](#) Resolution of Intent - Annexation 19-06
Approval of a Resolution of Intent that establishes a public hearing date of Monday, August 19, 2019 at 5:30 p.m., to consider a voluntary contiguous annexation of an approximate 1.6-acre parcel lying along the east side of Penny Road, approximately 650 feet south of Eagle Glen Road. The property is also known as Guilford County Tax Parcel 227820.
Attachments: [Resolution of Intent an-19-06](#)
- [2019-310](#) Historic Marker Request- Southwest Renewal Foundation - Rev. Benjamin Elton Cox
A request by The Southwest Renewal Foundation of High Point, Inc. for approval of a historic marker to recognize Rev. Benjamin Elton Cox, to be located ½ block west of the former site of Pilgrim Congregational Church in the 400 block of W. Taylor Avenue.
Attachments: [Rev. Cox Historic Marker Council Packet](#)
- [2019-311](#) Adoption of Findings of Fact and Conclusions of Law-Resolution to approve the Area 3
Landfill Expansion-Special Use 19-01
City Council is requested to adopt the Findings of Fact and Conclusion of Law and the Resolution for Area 3 Landfill expansion in reference to Special Use 19-01 (City of High Point Public Services Department - expansion of Kersey Valley Landfill).
Attachments: [SU-19-01 Finding of Fact & Conclusion of Law](#)

PUBLIC HEARINGS - Planning & Development Committee

- [2019-312](#) Ordinance - Shirley H. Johnson and Gary S. Johnson - Annexation 19-05
A request by Shirley Harrison Johnson and Gary Sisk Johnson to consider a voluntary contiguous annexation of an approximate 12.6-acre parcel lying approximately 2,100 feet north of the intersection of Skeet Club Road and Birchgarden Drive, at the northern terminus of Village Springs Drive. The property is also known as Guilford County Tax Parcel 169942.
Attachments: [Staff Report AN-19-05](#)
- [2019-313](#) Ordinance - Leoterra Development, Inc. - Zoning Map Amendment 19-10
A request by Leoterra Development, Inc. to rezone an approximate 12.6-acre parcel from the Agricultural (AG) District, within Guilford County's zoning jurisdiction, to a Conditional Zoning Residential Single Family-7 (CZ R-7) District. The site lies approximately 2,100 feet north of the intersection of Skeet Club Road and Birchgarden Drive at the northern terminus of Village Springs Drive. Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.
Attachments: [Staff Report ZA-19-10](#)
- [2019-314](#) Ordinance - City of High Point-Text Amendment 19-03

A request by the Planning and Development Department to amend various sections of the City of High Point Development Ordinance regarding the following: 1) consistency of terminology for 'solid waste collection facilities' and 'loading space'; 2) sidewalk exemptions; 3) standards for accessory structures; 4) definition and use of the terms 'vacant land' and 'undeveloped land'; and 5) standards for on-site exterior lighting.

Attachments: [Staff Report \(TA-19-03\)](#)

GENERAL BUSINESS AGENDA

2019-315

Resolution - Reappointment - Planning & Zoning ETJ
Council is requested to adopt a resolution requesting Guilford County Board of Commissioners to appoint a qualified representative to the High Point Planning & Zoning Commission to represent the Extraterritorial Zoning Jurisdiction (ETJ).

Attachments: [P&Z ETJ Appointment](#)

2019-316

Minutes To Be Approved
Special Meeting of Council; Monday, June 17th @ 3:00 p.m.
Regular Meeting of Council; Monday, June 17th @ 5:30 p.m.
Special Meeting of Council; Monday, June 24th @ 3:00 p.m.

Attachments: [1. June 17 2019 Special Meeting Minutes.pdf](#)
[2. June 17 2019 High Point City Council Meeting Minutes.pdf](#)
[3. June 24 2019 Special Meeting Minutes.pdf](#)

ADJOURNMENT

CITY OF HIGH POINT

AGENDA ITEM



Title: Text Amendment 19-03
(City of High Point)

From: Lee Burnette, Planning & Development
Director

Meeting Date: July 15, 2019

Public Hearing: Yes

Advertising Date: July 3, 2019 and July 10, 2019

Advertised By: Planning & Development

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

PURPOSE:

A request by the Planning and Development Department to amend various sections of the City of High Point Development Ordinance regarding the following: 1) consistency of terminology for 'solid waste collection facilities' and 'loading space'; 2) sidewalk exemptions; 3) standards for accessory structures; 4) definition and use of the terms 'vacant land' and 'undeveloped land'; and 5) standards for on-site exterior lighting.

BACKGROUND:

The staff report and the Planning & Zoning Commission's recommendation are enclosed.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

- A. Staff recommended **approval** of this request as outlined in the attached staff report.
- B. On June 25, 2019, a public hearing was held before the Planning and Zoning Commission regarding Text Amendment 19-03. The Planning & Zoning Commission recommended **approval** of this request, as outlined in the staff report and recommended by staff, by a vote of 8-0.

PLANNING AND ZONING COMMISSION RECOMMENDATION

City of High Point

Text Amendment 19-10

At its June 25, 2019 public hearing, the Planning and Zoning Commission reviewed a request to amend various sections of the City of High Point Development. All members of the Commission were present except for Mr. John McKenzie. Mr. Bob Robbins, Development Administrator, presented the case and recommended approval of the request as outlined in the staff report.

Speaking on the request:

No one spoke in favor nor in opposition to the request.

Planning & Zoning Commission Action

Text Amendment

The Commission recommended **approval** of Text Amendment 19-03, as recommended by staff, by a vote of 8-0.

Consistency & Reasonableness Statements

The Commission voted 8-0 to approve the following statement: That the request is consistent because these miscellaneous amendments make the Ordinance more user-friendly and flexible, and supportive of the City's adopted policy guidance. Furthermore, the proposed amendments continue to pursue making the Development Ordinance error free, easier to read and understand, and more consistent in its use of language and formatting.

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

**STAFF REPORT
TEXT AMENDMENT CASE TA-19-03
June 25, 2019**

Request	
Applicant: City of High Point Proposal: A request by the Planning and Development Department to amend various sections of the City of High Point Development Ordinance regarding the following: 1) consistency of terminology for 'solid waste collection facilities' and 'loading space'; 2) sidewalk exemptions; 3) standards for accessory structures; 4) definition and use of the terms 'vacant land' and 'undeveloped land'; 5) standards for on-site exterior lighting; and 6) deletion of an unused definition.	Affected Ordinance Sections: Section 3.7.6.C. <i>District Standards</i> (PD-P District); Section 4.4.5. <i>Standards for Specific Accessory Uses</i>; Section 5.4.1. <i>Purpose and Intent</i> (Off-street Parking and Loading); Section 5.4.7. <i>Standards for Off-Street Parking Spaces and Loading Areas</i>; Section 5.5.6.C. <i>Shrub Size and Type</i>; Section 5.6.3. <i>Exemptions</i> (Screening); Section 5.6.5. <i>Specific Standards for Solid Waste Facilities</i>; Section 5.6.6. <i>Screening Methods</i>; Section 5.14.4.B. <i>Development Standards</i> (Large Retail Development Type); Section 5.9.3.A. <i>Areas Where Sidewalks Do Not Exist</i>; Section 4.4.4. <i>Accessory Structures and Uses</i>; Section 5.2.3.H. <i>Connection Required</i> (Cross-Access); Section 5.5.11.C. <i>Landscape Yard Type Application</i>; Table 5.5.11.C2 <i>Type of Landscape Yard Required</i>; Table 5.10.6.A. <i>Maximum Illumination Levels</i>; Section 5.14.6.A. <i>Purpose and Intent</i> (Pocket Neighborhood Development Type); Section 5.14.7.A. <i>Purpose and Intent</i> (Tiny Home Neighborhood Development Type); Section 5.10.6.B. <i>Maximum Height</i> (On-site Exterior Lighting); Section 10.4, <i>Definitions</i>

Background

The Development Ordinance was adopted on May 16, 2016 and went into effect on January 1, 2017. Since that time there have been several ‘miscellaneous’ amendments proposed by staff and approved by the City Council that have focused on needed changes, clarifications and corrections. This proposed amendment does the same.

Details of Proposal

The following is a brief summary of the proposed amendments.

- **Section 1.** This amends several sections of the Development Ordinance with regard to the use of the terms ‘loading space’ and ‘solid waste collection facilities’. The modifications make sure these terms are correctly spelled and consistently applied wherever they appear in the Ordinance.
- **Section 2.** Regarding sidewalks, an exemption is added where an existing local or sub-collector street that does not have sidewalks is adjacent to a proposed development, and the street is determined by the TRC to have minimal need for pedestrian facilities, or that sidewalk construction would be unreasonable due to topography or other physical impediments.
- **Section 3.** Two amendments with respect to the size of accessory buildings and structures are included in this section of the amendment. The first deals with the size of accessory structures in the Transitional Office (TO) district. The second creates a scale for the maximum size of residential accessory buildings based upon the size of the lot.
- **Section 4.** The Ordinance uses the terms ‘undeveloped’ and ‘vacant’ somewhat interchangeably, but they often mean different things. This section defines these two terms and makes changes to insure their consistent use.
- **Section 5.** This amendment section allows an increase in the maximum height (35 ft.) of an on-site exterior lighting pole when banners, cameras and other appurtenances necessitate a more stout design and extra height – up to 45 ft.
- **Section 6.** A definition for a term that is not used in the Development Ordinance (Parking Space, Accessible) is proposed to be deleted.

Analysis

This text amendment includes a variety of changes primarily identified by the staff. As with the previous ‘miscellaneous’ amendments to the 2017 Development Ordinance, most of the changes

can be described or categorized as corrections of errors or omissions, or clarifications of existing terms or provisions – mostly wording changes with some minor substantive changes.

Sections 1 and 4 contain proposed changes that define and clarify the use of specific terms that are used in the Ordinance. Clarity is often needed as the Ordinance continues in use, to be sure that the interpretation of it is as consistent as possible. Section 6 proposes the deletion of a definition of a term that is not present in the text, and therefore is not needed.

In Section 2, an additional exemption to the requirement for sidewalks is proposed to be added where a roadway abutting a proposed development is found by the TRC to have limited development potential that would generate pedestrian traffic or where it is determined that topographic or other physical constraints make sidewalk installation unreasonable.

The subject of Section 3 is an allotment of additional square footage for residential accessory buildings based on the size of the lot, as the Ordinance will allow the keeping of animals like horses if the lot is 5 acres or larger, but will not allow accessory buildings of sufficient size to care for them. Accessory structures in the TO district are also addressed in Section 3. The TO district is intended to serve as a transition zone between residential and more intense office or commercial uses. Because most TO-zoned land in High Point abuts residentially zoned land or residential uses, TO development should be of a mass and scale that is compatible. The residential limitations of 600 square feet or 50% of the principal structure, whichever is greater, are appropriate for this purpose.

Finally, Section 5 responds to a known issue with the height of on-site exterior lighting poles in some applications where the type and amount of appurtenances makes it difficult and more expensive to remain below the 35-foot maximum height. Staff has consulted with the City's Electric Services Department in determining that in selected applications a height up to 45 feet should be permitted.

In all, the proposed amendments continue staff's efforts to make the Development Ordinance more user friendly, consistent in its formatting, language and terminology, and more error free.

Consistency with Adopted Plans:

The proposed text amendments are appropriate and are consistent with the purposes, goals, objectives and policies of relevant comprehensive land use or area plans

These miscellaneous amendments make the Ordinance more user-friendly and flexible, and supportive of the City's adopted policy guidance.

Reasonableness/Public Interest:

An approval of the proposed text amendments is considered reasonable and in the public interest.

The proposed amendments continue to pursue making the Development Ordinance error free, easier to read and understand, and more consistent in its use of language and formatting.

Recommendation

Staff recommends approval.

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 place in the official record a statement of consistency with the City's adopted plans, and also 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(s) Robert L. Robbins, AICP, and reviewed by G. Lee Burnette, AICP, Director.

**AN ORDINANCE AMENDING THE CITY OF HIGH POINT
DEVELOPMENT ORDINANCE**

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

WHEREAS, public hearings were held before the Planning and Zoning Commission on June 25, 2019 and before the City Council on July 15, 2019 regarding Text Amendment TA-19-03; and

WHEREAS, notice for the public hearings was published in the High Point Enterprise on June 16, 2019 for the Planning and Zoning Commission public hearing and on July 3, 2019 and July 10, 2019 for the City Council public hearing, pursuant to Chapter 160A-364 of the General Statutes of North Carolina;

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

SECTION 1.

(Regarding consistency of terminology for 'solid waste collection facilities' and 'loading space')

PART A.

Section 3.7.6.C. *District Standards*, regarding the Planned Development-Periphery district, is hereby amended as follows:

2. **Off-Street Parking and Loading Space** Development in a PD-P district shall comply with the following:
 - (a) *(unchanged)*
 - (b) Section 5.4.7.I, Stacking Spaces;
 - (c) and (d) *(unchanged)*

PART B.

Section 4.4.5. *Standards for Specific Accessory Uses*, is hereby amended as follows:

- P. **Solid Waste Collection Facilities** See Section 5.6. Screening for the applicable standards

PART C.

Section 5.4.1. *Purpose and Intent*, regarding off-street parking and loading, is hereby amended as follows:

5.4.1. – Purpose and Intent

The purpose and intent of this section is to ensure the provision of safe off-street parking and loading **facilities space** for development allowed by this Ordinance. The standards in this section are intended to avoid requiring an over-supply of parking that pose economic and environmental impacts while ensuring off-street parking is provided to mitigate impacts to streets and neighborhoods.

PART D.

Section 5.4.7. *Standards for Off-Street Parking Spaces and Loading Areas* is hereby amended as follows:

5.4.7. – Standards for Off-Street Parking ~~Spaces~~ and Loading Areas Space

Off-street parking, stacking and loading spaces along with drive aisles and private drives are referred to as “vehicular use area”. Vehicular use areas shall meet the standards of this section.

A. **General**

1. All required off-street parking, stacking, and loading spaces shall be located on the same zone lot as the principal use it serves, except as allowed in Section 5.4.8. Parking Alternatives.
2. All required off-street parking, stacking, and loading spaces shall not be used for any other purpose, including but not limited to the storage or display of goods or the sale, lease, storage or repair of vehicles.
3. *(unchanged)*
4. Off-street loading spaces shall not be located in any required parking space or protrude into any public street.

D. **Vehicle Backing**

1. *(unchanged)*
2. Except in the CB district, off-street loading **space** shall be designed so that no backing into or from a public street is necessary.

G. **Dimensional Standards for Loading Spaces***(remove 's')* Except for loading spaces used by semi-tractor trailers, off-street loading spaces shall be at least 12 feet wide and at least 25 feet long. Off-street loading spaces used by semi-tractor trailers shall be at least 60 feet long. Overhead clearance shall be at least 14 feet.

I. **Stacking Spaces***(remove 's')*

1. **General** Uses with drive-through facilities and other auto-oriented uses where vehicles queue up to access a service shall provide adequate stacking spaces on-site for the uses or buildings in accordance with this section. Such uses include but are not limited to: restaurants with drive-through, convenience store with fuel sales, and other uses with service bays or drive-throughs.
2. **Design** Stacking spaces ~~are~~ **is** subject to the following design and layout standards:
 - (a) **Size** ~~Individual~~ **Stacking** spaces shall be a minimum of 9 feet wide and 16 feet long.
 - (b) **Traffic Movements** Stacking spaces shall not impede vehicular traffic movements or movements into or out of parking spaces, whether on-site or off-site.
 - (c) **Bicycle and Pedestrian Movement** Stacking spaces shall not impede on-site or off-site bicycle or pedestrian traffic movements, whether on-site or off-site.
 - (d) **Separation** Stacking spaces shall be clearly delineated through such means as striping, landscaping, pavement design, or curbing.

K. **Surface Material**

1. All required parking spaces, drives, and loading spaces in a vehicular use area shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights, except as provided in this section.

PART E.

Section 5.5.6.C. *Shrub Size and Type*, regarding plant material specifications, is hereby amended as follows:

1. Required shrubs in a Type A landscape yard or shrubs located parallel to the edge of parking lots, access drives, loading ~~and unloading areas~~ space, and outdoor storage shall be evergreen.
2. thru 5. *(unchanged)*

PART F.

Section 5.6.3. *Exemptions*, regarding screening, shall be amended as follows:

5.6.3. – Exemptions

The following shall be exempt from the standards in this section:

- A. **Heavy Industrial (HI) District** Solid waste collection facilities, loading ~~facilities docks and bays~~, and ground-based mechanical equipment in the HI district are exempt from the requirements of this section, unless the structure or equipment is within 100 feet of a lot with an existing residential use.
- B. **Loading Docks and Bays**
 1. Loading docks and ~~loading~~ bays in the CB and MX districts are exempt from the requirements of this section.
 2. Loading docks and ~~loading~~ bays in the LI district that face an industrial street are exempt from the requirements of this section.
 3. and 4. *(unchanged)*

PART G.

Section 5.6.5. *Specific Standards for Solid Waste Facilities*, is hereby amended as follows:

5.6.5 – Specific Standards for Solid Waste Collection Facilities

(remainder of section unchanged)

PART H.

Section 5.6.6. *Screening Methods*, is hereby amended as follows:

5.6.6. – Screening Methods

Solid waste collection **facilities**, loading ~~facilities~~ **docks and bays**, and ground-based mechanical equipment may be screened by any of the following methods, in single use or in combination:

A. thru D. (*unchanged*)

PART I.

Section 5.14.4.B. *Development Standards*, regarding the Large Retail development type, is hereby amended as follows:

2. Site Standards

(a) thru (c) (*unchanged*)

(d) **Loading Docks and Loading Bays** Loading docks and ~~loading~~ bays shall:

(1) thru (3) (*unchanged*)

SECTION 2.

Section 5.9.3.A. *Areas Where Sidewalks Do Not Exist*, regarding sidewalk exemptions, is hereby amended as follows:

A. ~~Areas Where Sidewalks Do Not Exist~~ **Residential Areas** Along local and sub-collector residential streets where the TRC finds the following conditions exist:

1. The proposed development is within an area consisting predominately of single-family detached residential development, where no sidewalks are present **and have not been otherwise required.**

B. **Subdivisions and Group Developments Along an existing local or sub-collector street abutting a proposed development where the TRC finds the following conditions exist:**

- 1. No new pedestrian facilities are planned along the existing street; and**
- 2. The abutting street does not have a sidewalk and has minimal potential for additional development along it such that the need for pedestrian facilities is greatly reduced; or**
- 3. Sidewalk construction is deemed substantially challenged or unreasonable due to existing topography or other physical constraints.**

Existing subsections B. **Industrial Areas**, C. **Cul-De-Sac and Dead End Streets** and D. **Controlled Access Roads** shall be re-lettered as **C.**, **D.** and **E.** respectively.

SECTION 3.

(Regarding the maximum total area of accessory buildings on a lot)

PART A.

Section 4.4.4.A. *Dimensional Standards*, regarding Standards for Accessory Structures, is hereby amended as follows:

A. Dimensional Standards

- 1. Nonresidential Aa** accessory structures, which include accessory buildings, shall meet the applicable zoning district dimensional standards, except as provided in this section and in Section 10.2.4.G. Setback Encroachments.
- 2. Transitional Office District (TO) The maximum total area of all accessory buildings on the lot in a TO district shall not exceed 50 percent of the gross floor area of the principal structure or 600 square feet, whichever is greater.**

PART B.

Section 4.4.4.D. *Residential Accessory Structures*, is hereby amended as follows:

1. thru 3. *(unchanged)*

4. Accessory Buildings

- (a) **Location** In addition to the setback requirements, accessory buildings shall be located behind the front building line of the principal structure, except on lots ~~greater than~~ 2 acres in area **or**

larger, for which 1 accessory building may be located in front of the principal structure provided it meets the street setback.

(b) **Size**

(1) For lots less than 2 acres in area, the maximum total area of all accessory buildings on the lot shall not exceed 50 percent of the gross floor area of the principal structure or 600 square feet, whichever is greater.

(2) For lots that are 2 acres or more, but less than 5 acres in area, the maximum total area of all accessory buildings on the lot shall not exceed 200 percent of the gross floor area of the principal structure or 2500 square feet, whichever is greater.

(3) For lots that are 5 acres or more in area, there is no maximum total area for accessory buildings.

SECTION 4.

(Regarding the definition and use of the terms 'vacant land' and 'undeveloped land')

PART A.

Section 5.2.3.H. *Connection Required*, regarding cross-access, is hereby amended as follows:

- H. **Connection Required** Development ~~on vacant land~~ subject to these standards shall ~~install~~ **include** cross-accessways **installed** to the shared property line. However, if the abutting landowner that does not already have a cross-accessway stub is unwilling to allow the cross-accessway to be built to the shared property line due to the impact of the grading equipment or other construction activity on their property, then the Transportation Director shall notify the unwilling property owner that they will be responsible for completing the cross-accessway when ~~their property is developed~~ **development subject to these standards occurs there.**

PART B.

Section 5.5.11.C. *Landscape Yard Type Application*, is hereby amended as follows:

1. thru 5. *(unchanged)*

6. For purposes of determining the required landscape yard type, vacant land, as defined by this Ordinance, shall be assigned a land use intensity score by the Planning and Development Director, based upon the most recent use of the property, and with consideration given to its current zoning.

Table 5.5.11.C2 *Type of Landscape Yard Required*, is hereby amended as follows:

TABLE 5.5.11.C2: TYPE OF LANDSCAPE YARD REQUIRED						
A = Type A buffer B = Type B buffer C = Type C buffer D = Type D buffer n/a = no buffer required						
LAND USE INTENSITY OF PROPOSED USE	LAND USE INTENSITY OF EXISTING ADJACENT USE					
	1	2	3	4	5	<u>VACANT UNDEVELOPED LAND</u>
1	n/a	n/a	n/a	n/a	n/a	n/a
2	C	n/a	C	B	B	D
3	B	B	n/a	C	B	D
4	A	A	C	n/a	C	D
5	A	A	B	C	n/a	n/a

PART C.

Table 5.10.6.A. *Maximum Illumination Levels*, is hereby amended as follows:

TABLE 5.10.6.A: MAXIMUM ILLUMINATION LEVELS	
ABUTTING USE [1]	MAXIMUM ILLUMINATION VALUE AT LOT LINE (FOOTCANDLES)
Residential use or vacant <u>undeveloped</u> land zoned for residential development	1.0
Institutional use	1.5
Commercial use or vacant <u>undeveloped</u> land zoned for uses other than residential[2]	2.5
Vehicular use area	2.5
NOTES:	
[1] See Table 4.1.9, Principal Use Table	
[2] Includes mixed-use development	

PART D.

Section 5.14.6.A. *Purpose and Intent*, regarding the pocket neighborhood development type, is hereby amended as follows:

- A. **Purpose and Intent** The pocket neighborhood development type is proposed to establish standards to facilitate the voluntary development of a group of smaller single-family detached dwellings built in close proximity to one another around a small green or open space with off-street parking areas to the rear or in common areas. This approach is well-suited to small, vacant or undeveloped infill sites in established neighborhoods.

PART E.

Section 5.14.7.A. *Purpose and Intent*, regarding the tiny home neighborhood development type, is hereby amended as follows:

- A. **Purpose and Intent** The tiny home neighborhood development type is proposed to establish standards to facilitate the voluntary development of a group of very small single-family detached dwellings built in close proximity to one another on minimally sized lots and including common open space. This approach is well-suited to small, vacant or undeveloped infill sites in established neighborhoods.

PART F.

Section 10.4. *Definitions*, is hereby amended to add the following new definitions, which shall be placed in alphabetic order:

<u>LAND, UNDEVELOPED</u>	<u>Land is considered to be undeveloped when it is in its natural state, or when prior evidence of development such as buildings, other structures and vehicular use areas have been removed or substantially removed.</u>
<u>LAND, VACANT</u>	<u>Land is considered to be vacant when evidence of development exists such as buildings, other structures and vehicular use areas, but no occupancy or active use of the land exists.</u>

SECTION 5.

Section 5.10.6.B. *Maximum Height*, regarding general standards for on-site exterior lighting, is hereby amended as follows:

- B. **Maximum Height** ~~Except for outdoor public recreation, outdoor assembly, and similar uses, I~~the height of exterior lighting, whether mounted on poles, walls, or by other means, shall be no greater than 35 feet above grade at the base of the fixture, **except for the following:**
- 1. Lighting for outdoor public recreation, outdoor assembly and similar uses; and**

- 2. Where a larger pole is needed in order to accommodate multiple light fixtures, cameras, other equipment, or wind load requirements for attached banners, etc. the maximum height may be increased up to 45 feet.**

SECTION 6.

Section 10.4. *Definitions*, is hereby amended to delete the following definition:

PARKING SPACE, ACCESSIBLE	A space designed for the parking or temporary storage of 1 motor vehicle in addition to the space necessary for the ingress and egress from the vehicle by a disabled person and any equipment needed for that purpose.
---	---

SECTION 7.

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 8.

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

SECTION 9.

This ordinance shall become effective upon adoption.

Adopted by the City Council
City of High Point, North Carolina
The _____ day of _____, 2019

By:

Jay W. Wagner, Mayor

ATTEST:

Lisa B. Vierling, City Clerk

CITY OF HIGH POINT

KERSEY VALLEY LANDFILL FACILITY
RESOLUTION TO APPROVE THE AREA 3 LANDFILL EXPANSION

BE IT RESOLVED that the High Point City Council hereby grants approval for the issuance of a solid waste permit by the NC DEQ's Division of Waste Management (DWM) for the proposed Area 3 municipal solid waste (MSW) landfill unit at the City's Kersey Valley Landfill facility in compliance with North Carolina Solid Waste Management Rules T15A NCAC 13B .1618(c)(5)(A).

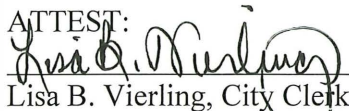
The proposed Area 3 landfill unit consists of approximately 19.2 acres of waste footprint located within the incorporated limits of the City of High Point as shown the attached **Drawing S1**. The City Council hereby approves the following items related to the landfill facility:

1. Service Area:
The landfill facility serves the Counties of Guilford, Randolph, Davidson, and Forsyth in the State of North Carolina (approximate population of 1,143,706 people based on Census 2010 data and 1,222,734 based on 2018 estimates).
2. Waste Types and Disposal Rates:
The landfill facility will accept municipal solid waste (MSW) at a maximum rate of 200,000 tons/year (791 tons/day based on 253 operating days per year).
3. Landfill Capacity:
The landfill facility will provide the following gross capacities (volume of waste plus periodic and final cover soil) consistent with the contours shown on the attached **Drawings S2 and S3**:

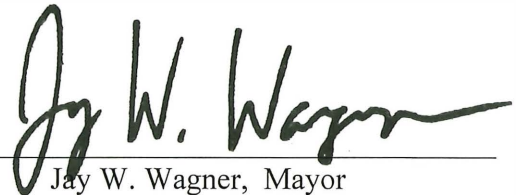
Landfill Unit	Waste Footprint	Gross Capacity
Area 1 (Phases 1-3A) (Existing)	39.1 Acres	3,343,678 CY
Area 2 (Phases 4-5B) (Existing)	28.1 Acres	2,574,276 CY
Area 3 (Phases 6-10) (Proposed)	19.2 Acres	4,611,076 CY

4. Landfill Service Life:
The Area 3 landfill unit is projected to have an approximate service life of approximately 20 years based on an average disposal rate of 120,000 tons/year.

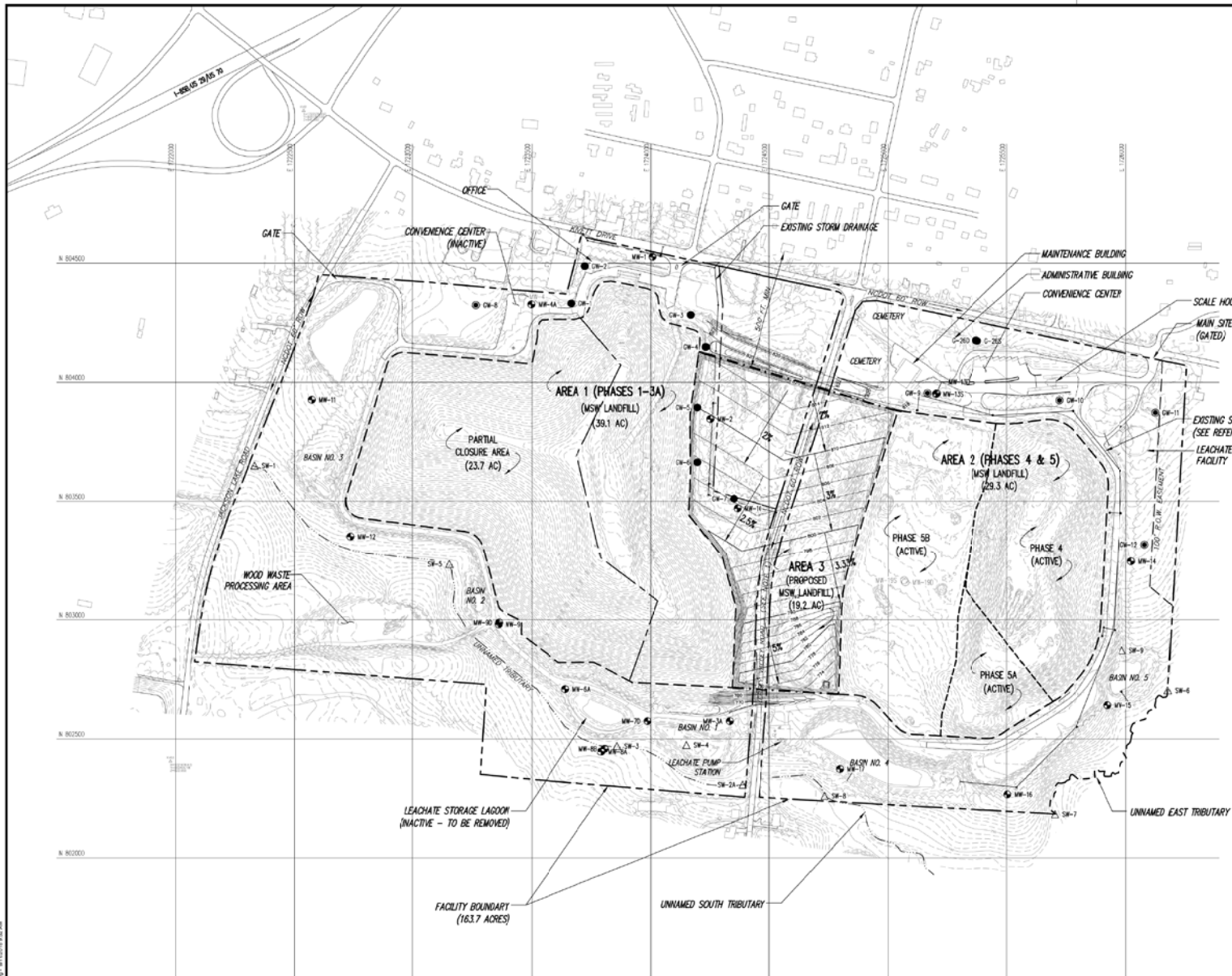
Adopted by the City Council
City of High Point, North Carolina
The 15th day of July, 2019

ATTEST:

Lisa B. Vierling, City Clerk



By: 
Jay W. Wagner, Mayor

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**CITY OF HIGH POINT
DEPARTMENT OF
PUBLIC SERVICES
HIGH POINT, NC**

PREPARED BY: _____ NC LIC. NO. F-1376 (ENGINEERING)
SC-COA NO. 002489

**SMITH+
GARDNER**
ENGINEERS

84 N. Boylan Avenue, Raleigh NC 27603 | 919.828.0577
8526 Richland St., Columbia SC 29201

SEAL:

Designated By: *Peter K. Sohr*

02/15/06

NORTH CAROLINA
PROFESSIONAL
SEAL
ENGINEER
PETER K. SOHR

5/8/2019

SEAL

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PROJECT TITLE:

**KERSEY VALLEY MSW LANDFILL
AREA 3
PROPOSED FACILITY PLAN**

DRAWING TITLE

SITE DEVELOPMENT PLAN BASE GRADES

LEGEND

————	EXISTING 10' CONTOUR
-----	EXISTING 2' CONTOUR
- - - - -	PROPERTY LINE
=====	SOIL SURVEY BOUNDARY
- - - - -	SOC. STOPPING BOUNDARY (APPROXIMATE)
~~~~~	STREAM (PERIMETER AND INTERTEXT)
=====	LIMITS OF DISPOSAL AREA (LAND)
=====	LIMITS OF PROPOSED AREA 3
● MW-9	EXISTING MONITORING WELL
○ MW-103	ABANDONED MONITORING WELL
△ SW-3	EXISTING SURFACE WATER MONITORING POINT
● SW-3	EXISTING LANDFILL GAS MONITORING WELL (SW-3 MONITOR ON C-12 ARE APPROPRIATE LOCATIONS)
● SW-7	EXISTING LANDFILL GAS MONITORING WELL (NOT INCLUDED IN RESOLVE MONITORING NETWORK)

**NOTES**

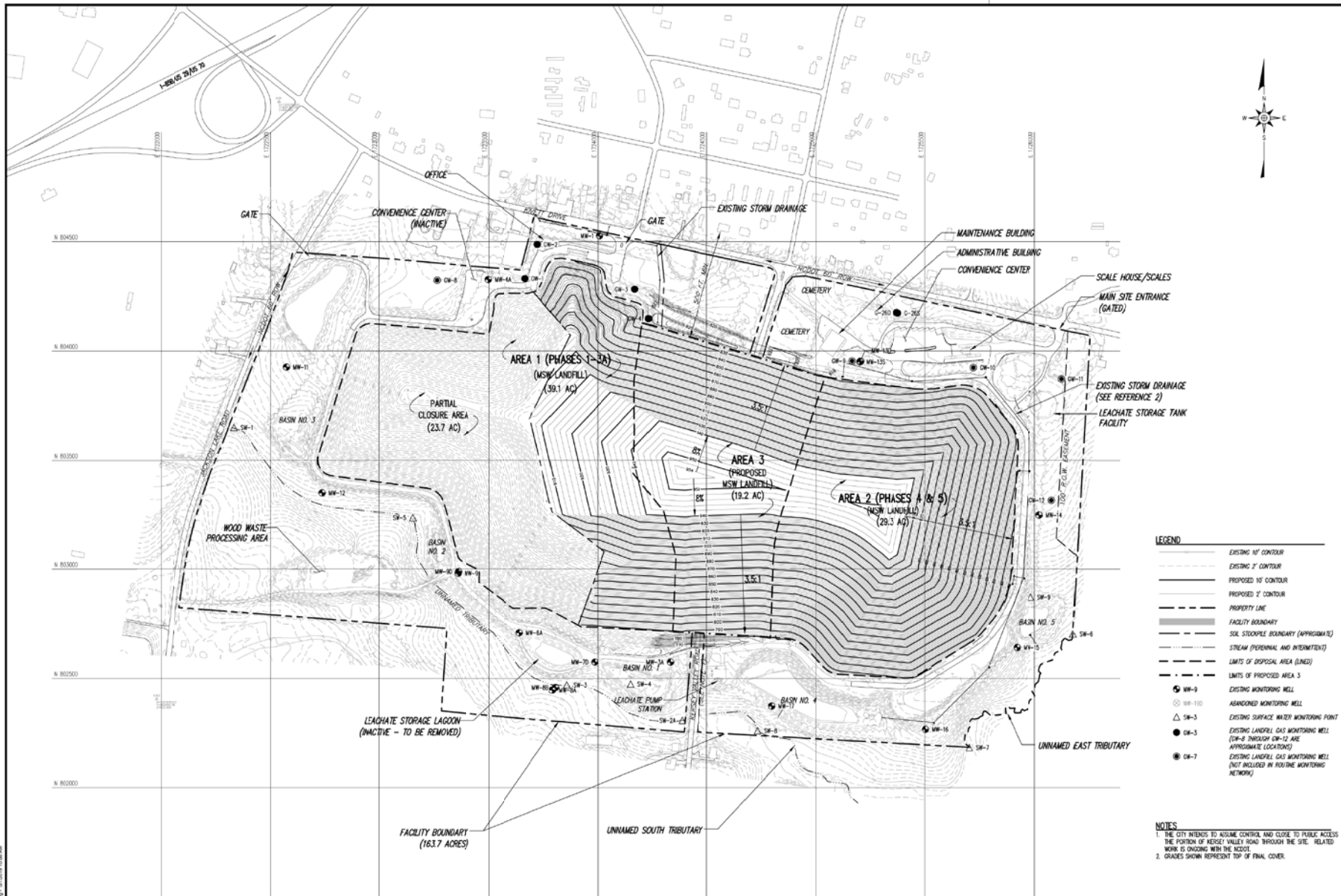
1. THE CITY INTENDS TO ASSUME CONTROL, AND CLOSE TO PUBLIC ACCESS, THE PORTION OF KERSEY VALLEY ROAD THROUGH THE SITE. RELATED WORK IS ONGOING WITH THE MCDOT.
2. GRADES SHOWN FOR AREA 3 REPRESENT TOP OF SUBGRADE.

## REFERENCES

1. EXISTING TOPOGRAPHY PROVIDED BY SPATIAL DATA CONSULTANTS, INC., DATED MAY 16, 2017. TOPOGRAPHY IN ACTIVE AREAS (AREA 2) FROM UAS FLIGHT DATED JUNE 26, 2018 BY NETHERS RAYMEL, CARY, NC.
2. STORM DRAINAGE AS-BUILT SURVEY DATED AUGUST 20, 2010 BY C. EDWARD MOORE, JR., PLS, SUMMERFIELD, NC.

DESIGNED BY: P.K.S.	PROJECT NO: HPPOINT 17-1
DRAWN BY: C.T.J.	SCALE: AS SHOWN
APPROVED BY:  P.K.S.	DATE: MAY 2019
FILE NAME: HP-D0540	
SHEET NUMBER: 2	DRAWING NUMBER: S2





**PERMIT ISSUE**  
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PREPARED FOR:

**CITY OF HIGH POINT  
DEPARTMENT OF  
PUBLIC SERVICES  
HIGH POINT, NC**

PREPARED BY:

**SMITH+**  
**GARDNER**  
ENGINEERS

14 N. Boylan Avenue, Raleigh NC 27603 | 919.828.0577  
1526 Richland St., Columbia SC 29201

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PROJECT TITLE:

**KERSEY VALLEY MSW LANDFILL  
AREA 3  
PROPOSED FACILITY PLAN**

DRAWING TITLE

### SITE DEVELOPMENT PLAN FINAL COVER GRADES

**LEGEND**

- |          |                                                                                           |
|----------|-------------------------------------------------------------------------------------------|
| =====    | EXISTING 10' CONTOUR                                                                      |
| =====    | EXISTING 2' CONTOUR                                                                       |
| =====    | PROPOSED 10' CONTOUR                                                                      |
| =====    | PROPOSED 2' CONTOUR                                                                       |
| =====    | PROPERTY LINE                                                                             |
| =====    | FACILITY BOUNDARY                                                                         |
| =====    | SOIL STOCKPILE BOUNDARY (APPROXIMATE)                                                     |
| =====    | STREAM PERENNIAL AND INTERMITTENT                                                         |
| =====    | LIMITS OF PROPOSED AREA LINES                                                             |
| =====    | LIMITS OF PROPOSED AREA 3                                                                 |
| ⊙ WM-9   | EXISTING MONITORING WELL                                                                  |
| ⊙ WM-110 | ABANDONED MONITORING WELL                                                                 |
| △ WM-3   | EXISTING SURFACE WATER MONITORING POINT                                                   |
| ● OM-3   | EXISTING LANDFILL GAS MONITORING WELL<br>(OM-4 THROUGH OM-7 ARE<br>APPROXIMATE LOCATIONS) |
| ● OM-7   | EXISTING LANDFILL GAS MONITORING WELL<br>(NOT INCLUDED IN ROUTINE MONITORING<br>NETWORK)  |

## NOTES

1. THE CITY INTENDS TO ASSUME CONTROL AND CLOSE TO PUBLIC ACCESS THE PORTION OF KERSEY VALLEY ROAD THROUGH THE SITE. RELATED WORK IS ONGOING WITH THE NCDOT.
2. GRADES SHOWN REPRESENT TOP OF FINAL COVER.

## REFERENCES

1. EXISTING TOPOGRAPHY PROVIDED BY SPARIAL DATA CONSULTANTS, INC., DATED MAY 16, 2017. TOPOGRAPHY IN ACTIVE AREAS (AREA 2) FROM UAS FLIGHT DATED JUNE 26, 2018 BY WITHERS RAVENEL, CARY, NC.
2. STORM DRAINAGE AS-BUILT SURVEY DATED AUGUST 20, 2010 BY G. EDWARD MOORE, JR., PLS, SUMMERFIELD, NC.

A horizontal scale bar with alternating black and white segments. Above the bar, the numbers 0, 200', 400', and 600' are printed at regular intervals.

**APPROVAL OF SPECIAL USE PERMIT 19-01  
(3940 Kivett Drive and 6420 Old Kivett Loop, High Point, NC)**

**CITY OF HIGH POINT CITY COUNCIL  
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This application for a Special Use Permit (“SUP”), for a Major Landfill facility in a Heavy Industrial (“HI”) District, came before the High Point City Council (“Council”) on June 17, 2019 for a quasi-judicial hearing (“Hearing”). Based on the testimony of the witnesses, the documentary evidence, the application and related materials, the exhibits, the Staff Report and other evidence presented at the Hearing, the Council finds that the SUP should be approved, and in support thereof, makes the following Findings of Fact and Conclusions of Law as required by N.C. Gen. Stat § 160A-388(e2)(1):

**FINDINGS OF FACT**

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

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

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

2. The subject property (Guilford County Tax Parcels 161052, 161053, 161078, 161079, 161100, 161102, 161103, 161105, 161498, 161505, 161526, 161527, 202910, and 202911) addressed as 3940 Kivett Drive and 6420 Old Kivett Loop, lies south of Kivett Drive, along both sides of Kersey Valley Road, east of Jackson Lake Road and approximately 360 feet west of Danlee Road, in the City of High Point, and consists of approximately 176 acres of land. The City of High Point is the property owner and the City of High Point Public Service Department is the applicant (“Applicant”).

3. The site has a moderate to severely sloping terrain and is mostly used as a solid waste landfill (City of High Point Kersey Valley Landfill). Development is subject to the

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

4. The property has a Heavy Industrial (HI) District zoning designation based upon City Council approval of Zoning Map Amendment 19-08 (ZA-19-08); which was also approved by the City Council on June 17, 2019. The HI district is established to accommodate heavy manufacturing, assembly, fabrication, processing, distribution, storage, research and development, and other industrial uses that may be large-scale or otherwise have extensive exterior movement of vehicles, materials, and goods, and greater potential for adverse environmental and visual impacts.

5. Pursuant to the City of High Point Development Ordinances (“HPDO”), Table 4.1.9 “Principal Use Table”, Waste Related Services is under the Industrial Use Classification. Use types under Waste Related Services include Major Landfill. A Major Landfill is defined by the HPDO as a solid waste or sanitary landfill designed to collect and store nonhazardous household waste.

6. Pursuant to the HPDO, a SUP is required before a Major Landfill use may be placed or expanded in a HI District. The applicant is requesting a SUP to expand an existing Major Landfill. The Kersey Valley Landfill was first issued a Solid Waste Management Permit on October 28, 1980 and was annexed into the City’s corporate limits on December 29, 1980. Additional approvals were granted in 1996 (SU-96-08) to expand the landfill to the east side of Kersey Valley Road. In 2006 and 2015, amendments to SU-96-08 were granted to expand the landfill to its current configuration.

7. This application, Special Use 19-01 (“SU-19-01”), proposes to expand the existing Major Landfill facility by adding a 0.48-acre parcel and by designating an additional 19.2 acres to the active waste storage area. Details of this request are as follows:

- (a) Expansion Area #1 (0.48-acres): This expansion consists of a 0.48-acre parcel (Guilford County Tax Parcel 161079) that fronts along Kivett Drive and is surrounded on three sides by the existing Kersey Valley landfill facility. Based on its location at the perimeter of the overall facility, active waste storage cannot be conducted on this parcel. It will be incorporated into the facilities perimeter buffer area and may also be used for the construction of related accessory structures (See Exhibit #1).
- (b) Expansion Area #2 (19.2 acre waste storage expansion): The landfill currently has two active waste storage areas, one lying east of Kersey Valley

Road and the other lying west of Kersey Valley Road. The Public Service Department is proposing that the North Carolina Department of Transportation (NCDOT) abandon that portion of Kersey Valley Road abutting the landfill and allow rerouting of the road westward to intersect with Jackson Lake Road. With the road abandonment, the two separate waste storage cells can be combined to create an additional 19.2 acres of waste storage and add approximately 20 years to the lifespan of the Kersey Valley Landfill (See Exhibits #1 and 2).

8. The zoning and uses of land adjacent to the Property are outlined below:

<b>Adjacent Property Zoning and Current Land Use</b>		
North	Light Industrial (LI) District General Business (GB) District Conditional Use General Business (CU-GB) District Residential Single Family-40 (RS-40) District ( <i>Guilford County</i> ) Agricultural (AG) District ( <i>Guilford County</i> )	Vacant industrial building, automotive repair facility, single family dwellings and undeveloped parcels
South	Agricultural/Rural (AGR) District Residential Single Family – 5 (R-5) District Conditional Use Light Industrial (CU-LI) District Conditional Use Agricultural/Rural (CU AGR) District Residential Single Family-40 (RS-40) District ( <i>Guilford County</i> )	Single family detached dwellings and undeveloped parcels
East	Residential Single Family-40 (RS-40) District ( <i>Guilford County</i> ) Conditional Use Agricultural/Rural (CU-AGR) District	Single family detached dwelling, undeveloped parcel and a construction and demolition debris landfill
West	Light Industrial (LI) District	Single family detached dwellings and undeveloped parcels

9. The SU application is carrying forward applicable conditions from SU-96-08 into SU-19-01 and includes a special use site plan (“SU Site Plan”) depicting activity associated with the expansion of the Major Landfill facility. The special use application also included the following additional supporting documents:

- (a) Applicant response to special use findings
- (b) Impact Study of Kersey Valley Landfill Expansion prepared by Hylton, Crower & Associates (Certified North Carolina General Appraiser)
- (c) Site Study – City of High Point Kersey Valley MSW Landfill – Area 3. Prepared by Smith-Gardner Inc. Engineering Firm



(d) Appendix A to Site Study. Report of Site Investigation and Remedial Engineering (Hazen and Sawyer, PC 1992)

These documents can be viewed in the official case file in Accela Citizen Access, under Record ID SU-19-01 using the following weblink:

<https://acceladmz.highpointnc.gov/chpaca/Account/RegisterDisclaimer.aspx>

10. The Applicant conducted a Citizen Information Meeting, per standards of Section 2.3.3 of the HPDO and submitted a Citizen Information Meeting Report to the City of High Point Planning and Development Department. The Citizen Information Meeting Report is part of the staff report for SU-19-01 submitted to the High Point City Council.

11. During the Hearing, testifying in support of the request, on behalf of the Applicant, was Mr. Pieter K. Scheer, P.E. Vice President and Senior Engineer for Smith & Gardner Inc., 14 N. Boylan Avenue, Raleigh, NC 27603. His firm is the lead consultant for the City of High Point in the design and construction of the proposed expansion of the landfill. This firm prepared the "Proposed Facility Plan Information Report" and engineering drawings that make up the SUP Site Plan. Mr. Scheer provided an overview of the project, manner in which the City must address State of North Carolina waste management laws, including water and air protection measures, and he addressed technical questions from the City Council.

12. Also testifying in support of the SUP was Mr. Brian R. Crower, MAI, SRA. Mr. Crower is a Staff Appraiser for Hylton-Crower & Associates (North Carolina Certified General Appraiser – Lic #A7529), 132 E. Parris Avenue, High Point, NC. He provided a summary of his educational background and course work to become a certified appraiser, summary of his professional affiliations and a summary of his 10 years of experience as an appraiser with Hylton-Crowder & Associated. Mr. Crowder presented an overview of the Impact Study he conducted of the Kersey Valley Landfill expansion, including summary of sales comparison analysis. Finally, he outlined the conclusions of the study which stated:

- (a) The expansion of the Kersey Valley Landfill in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting properties. In addition, this data and our experience not only demonstrate that there will be no "substantial" injury or depreciation to adjoining, abutting, or nearby properties, it indicates that there will be no injury or depreciation; and
- (b) The proposed Kersey Valley Landfill expansion will be in harmony with the area. The development of the area includes the already existing Kersey Valley Landfill, the Waste Industries High Point Construction and Demolition Landfill, the Martin Marietta Rock Quarry, uses that are similar to the proposed expansion. Expanding the Kersey Valley Landfill would not change the dynamic of the area. In fact, with the current Kersey Valley Landfill

already in operation, the use of the land will not change providing further proof that the expansion will be in harmony with the area.

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

### **CONCLUSIONS OF LAW**

Pursuant to the foregoing FINDINGS OF FACT, Section 2.4.12 of the City of High Point Development Ordinance and other applicable law, the Council, by a unanimous 7-0 vote, makes the following Conclusions of Law:

1. Based on the evidence in the record, the Council finds as a matter of law that the request to expand the Kersey Valley Landfill and establishment of a new Special Use Permit (SU-19-01), as submitted by the Applicant, will meet all required standards of the Development Ordinance.

2. The Applicant bears the burden of proving to the Council, by competent, material and substantial evidence, that the proposed Major Landfill facility meets the standards in Section 2.4.12(C) of the City of High Point Development Ordinance. If the Applicant fails to meet its burden of producing competent, material and substantial evidence as to any one of the standards, the SUP must be denied.

3. In this case, the Council finds that the SUP should be approved, for the following reasons, pursuant to Section 2.4.12(C):

- (a) Based upon evidence and testimony presented by the Applicant and its representatives and the findings in the Planning & Development Department Staff Report SU-19-01, the request will not materially endanger the public health or safety if located where proposed. The City is required to maintain compliance with environmental permits for the site including both solid waste and air quality permits. Furthermore, based upon the expert testimony of the applicant engineer, Mr. Pieter K. Scheer, P.E. Vice President and Senior Engineer for Smith & Gardner Inc., the following aspects further address public health and safety.
  - i) The existing landfill and future Area 3 expansion is and will be designed with a liner and leachate collection system and water quality and landfill gas (LFG) monitoring systems meeting the requirements of State solid waste rules. The City is required to



maintain compliance with environmental permits for the site including both solid waste and air quality permits. Additionally, the facility is routinely inspected by representatives of the NC Department of Environmental Quality.

- ii) Once the landfill reaches its capacity, a final cover system is required. This final cover system prevents contact with the waste mass and, in conjunction with LFG collection components also aids the control of LFG and odors.
  - iii) The facility will have a singular main entrance for waste hauling vehicles and the public. This entrance has a right turn lane in place which eases traffic congestion and facilitates turning movements. As part of the development of Area 3, the portion of Kersey Valley Road through the facility will be closed to public access. Thus, the safety of the intersection of Kivett Drive and Kersey Valley Road will be improved.
- (b). Based upon evidence and testimony presented by the Applicant and its representatives and the findings in the Planning & Development Department Staff Report for SU-19-01; the requested Major Landfill facility complies with all required standards, conditions, and specifications of the Development Ordinance, including Chapter 4: “Uses” of the City of High Point Development Ordinance.
- (c). Based upon the expert testimony and property impact study of licensed real estate appraiser, Mr. Brian Crowder, and the findings in the Planning & Development Department Staff Report for SU-19-01; the requested Major Landfill facility will not substantially injure the value of the abutting land. A Major Landfill use has been established in this area since 1980, this request is not introducing a new land use to the area. Furthermore, except for the road right-of-way proposed for abandonment, the 19.2 acre expansion of waste storage area is already part of the Kersey Valley Landfill facility;
- (d). Based upon evidence and testimony presented by the Applicant and its representatives and the findings in the Planning & Development Department Staff Report for SU-19-01; the requested Major Landfill facility will be in harmony with the area. The existing landfill has an established perimeter buffer area that provides approximately 300 to 400 feet of separation between active waste storage areas and adjacent parcels. The merger of the two waste storage areas will maintain this

current buffer standard. Furthermore, the proposed expansion is consistent with other heavy industrial type uses that have developed in this area. Directly to the east of this facility is a 155-acre construction and demolition debris landfill. A Martin Marietta Quarry, on approximately 277 acres, lies one-quarter mile to the east. Also, to the southwest of the site, over 80 acres of land is currently used as a trucking distribution facility and as an asphalt plant.

- (e). Based upon evidence and testimony presented by the Applicant and its representatives and the findings in the Planning & Development Department Staff Report for SU-19-01; the requested Major Landfill facility is in general conformity with the City's adopted policy guidance. Goals #4 and #5 of the City's Land Use Plan speaks to ensuring that all required public services and facilities are sequenced to meet demands of development; and promoting an urban growth pattern that occurs in an orderly fashion. The ability to provide for effective solid waste disposal, and when possible to expand the lifespan of such facilities, is a public necessity. This proposed expansion will add approximately 20 years to the life span of the Kersey Valley landfill. Finally, the adopted Land Use map classifies lands south of Kivett Drive as Heavy Industrial and Light Industrial, which includes large waste related services. The proposed expansion is consistent with adjacent industrial related uses and established land use policies in this area.

ACCORDINGLY, based on the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, the Applicant's request for a special use permit for a Major Landfill facility is unanimously APPROVED by a vote of 7-0 subject to the following conditions which were offered and agreed to by the Applicant:

Part I. USE: Major Landfill

Part II. Conditions:

1. The special use shall be subject to the provisions and requirements of:
  - (a) The "Design Report for the Kersey Valley Landfill – Phase 2, High Point, North Carolina" (also prepared by G.N. Richardson & Associates, Inc. (now Smith Gardner, Inc.), as revised through September 1996);

- (b) Permit to Construct Application – City of High Point - Kersey Valley MSW Landfill – Phase 3, High Point, North Carolina (Prepared by G.N. Richardson & Associates, Inc. as revised through November 1999);
- (c) Permit to Construct Application – City of High Point - Kersey Valley MSW Landfill - Phases 3A & 4, High Point, North Carolina (Prepared by Richardson Smith Gardner & Associates, Inc. (now Smith Gardner, Inc.) as revised through January 2009);
- (d) Permit to Construct Application – City of High Point - Kersey Valley MSW Landfill - Phases 5A & 5B, High Point, North Carolina (Prepared by Smith Gardner, Inc. as revised through January 2015);
- (e) Site Study – City of High Point Kersey Valley MSW Landfill – Area 3. Prepared by Smith Gardner Inc.; and
- (f) Future permit application(s) for development of Area 3 as approved by the North Carolina Department of Environmental Quality (“NCDEQ”).

These documents constitute the operational plan for the facility and are intended to comply with the North Carolina Solid Management Rules (15A NCAC 13B as periodically amended), which are enforced by the NCDEQ.

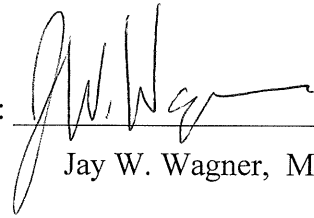
- 2. That the landscape plan be amended to depict the western portion of the special use site, and that the plan notes a requirement that existing vegetation be preserved and maintained within 50 feet of Jackson Lake Road.
- 3. Right of way dedication: The property owner shall dedicate a minimum of fifty (50) feet of right-of-way along the Kivett Drive frontage of the zoning site as measured from the existing centerline.
- 4. The City of High Point Director of Transportation and the North Carolina Department of Transportation (“NCDOT”) shall approve all vehicular access construction and improvements.
- 5. Solid waste disposal shall not be permitted in Area 3 (approximately 19.2 acres between and adjoining existing Area 1 to the west and existing Area 2 to the east) until that portion of Kersey Valley Road abutting the facility is abandoned and the rerouting of Kersey Valley Road to Jackson Lake Road is open to the public. An exception being that incremental construction and use of Area 3 is allowed prior to completion of the rerouting project so long as Kersey Valley Road remains open to the public.

Part III. Special Use Permit Plan: Development shall be in accordance with the attached Special Use Permit site plan. This Special Use Permit and approved site plan are

perpetually binding on this property, unless subsequently amended as provided in the Development Ordinance or until a use otherwise permitted in the zoning district is established.

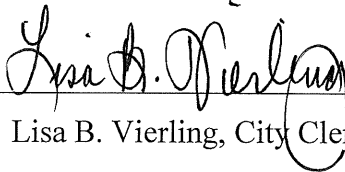
Adopted by the City Council  
City of High Point, North Carolina  
The 15th day of July, 2019

By: _____



Jay W. Wagner, Mayor

ATTEST:



Lisa B. Vierling, City Clerk



# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** **Annexation 19-05**

*(Shirley Harrison Johnson and Gary Sisk Johnson)*

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

**Meeting Date:** July 15, 2019

**Public Hearing:** Yes

**Advertising Date:** June 27, 2019

**Advertised By:** Planning & Development

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

---

### **PURPOSE:**

A request by Shirley Harrison Johnson and Gary Sisk Johnson to consider a voluntary contiguous annexation of an approximate 12.6-acre parcel lying approximately 2,100 feet north of the intersection of Skeet Club Road and Birchgarden Drive, at the northern terminus of Village Springs Drive. The property is also known as Guilford County Tax Parcel 169942.

### **BACKGROUND:**

The staff report and recommendation is enclosed.

### **BUDGET IMPACT:**

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

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

Staff recommends ***approval*** Annexation 19-05.

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

**STAFF REPORT  
ANNEXATION 19-05  
July 15, 2019**

<b>Request</b>	
<b>Applicant:</b> Shirley Harrison Johnson and Gary Sisk Johnson	<b>Owners:</b> Shirley Harrison Johnson and Gary Sisk Johnson
<b>Proposal:</b> Voluntary contiguous annexation	<b>Effective Date:</b> Upon adoption.
	<b>Associated Zoning Case:</b> Zoning Map Amendment 19-10

<b>Site Information</b>	
<b>Location:</b>	The site lies approximately 2,100 feet north of the intersection of Skeet Club Road and Birchgarden Drive at the northern terminus of Village Springs Drive
<b>Tax Parcel Number:</b>	Guilford County Tax Parcel 169942
<b>Site Acreage:</b>	Approximately 12.6 acres
<b>Current Land Use:</b>	Undeveloped
<b>Current Fire District:</b>	Guilford County has contracted with the City of High Point Fire Department to provide services to the unincorporated areas lying south of I-40.
<b>Proposed Development:</b>	Single family subdivision with a maximum of 46 dwelling units.
<b>Proposed Unit Type, Number and Average Value:</b>	Approximately 42 to 46 single family dwellings are proposed to be developed at a cost of approximately \$12,180,000.
<b>Proposed Build-out Schedule:</b>	Approximately one to two years.
<b>Proposed City of High Point Council Ward:</b>	The proposed annexation site is adjacent to Ward 6. If approved, the annexation area will be part of Ward 6.

<b>Adjacent Property Zoning and Current Land Use</b>			
<b>North:</b>	AG	Agricultural District (Guilford County)	FAA navigational aid and undeveloped parcel
<b>South:</b>	CU R-5	Conditional Use Residential Single Family - 5 District	Single family detached dwellings
<b>East:</b>	CU-LI	Conditional Use Light Industrial District	Warehouse & distribution facility and a manufacturing use is under construction
<b>West:</b>	CU R-3	Conditional Use Residential Single Family-3 District	Common area of a single family subdivision

Transportation Information			
Adjacent Streets:	Name	Classification	Approx. Frontage
	Village Springs Drive	Local Street	50 ft.
<b>Vehicular Access:</b>	Access to the site will be via an extension of Village Springs Drive, which stubs to the southern property line of the zoning site.		

#### City Department Comment Summary

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

#### Details of Proposal

The applicant is requesting annexation to have access to City utilities to facilitate construction of a single family subdivision. The requested annexation site is within the northern part of the City's Planning Area and abuts the corporate limits along its southern, eastern and western property boundary. This portion of the City's Planning Area has experienced steady growth from the approval of numerous annexations since the late 1980s. City services have been established in this area, including a public right-of-way stubbing to the southern boundary of the property, and City vehicles currently provide services to multiple residential developments along the Skeet Club Road corridor.

This annexation petition represents a logical progression of the City's annexation policy for this area as the proposed annexation site is generally 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

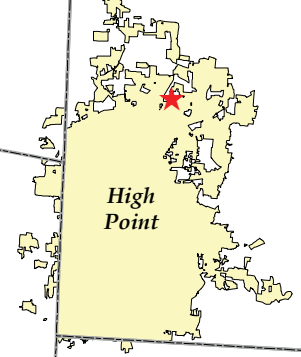
This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner and reviewed by Chris Andrews AICP, Development Administrator and Lee Burnette AICP, Director.

# LOCATION MAP

ANNEXATION REQUEST: AN-19-05

Applicant: Shirley Harrison and Gary J. Harrison

## Vicinity Map



High Point

Greensboro

Guilford County

Guilford County

Site

City of High Point

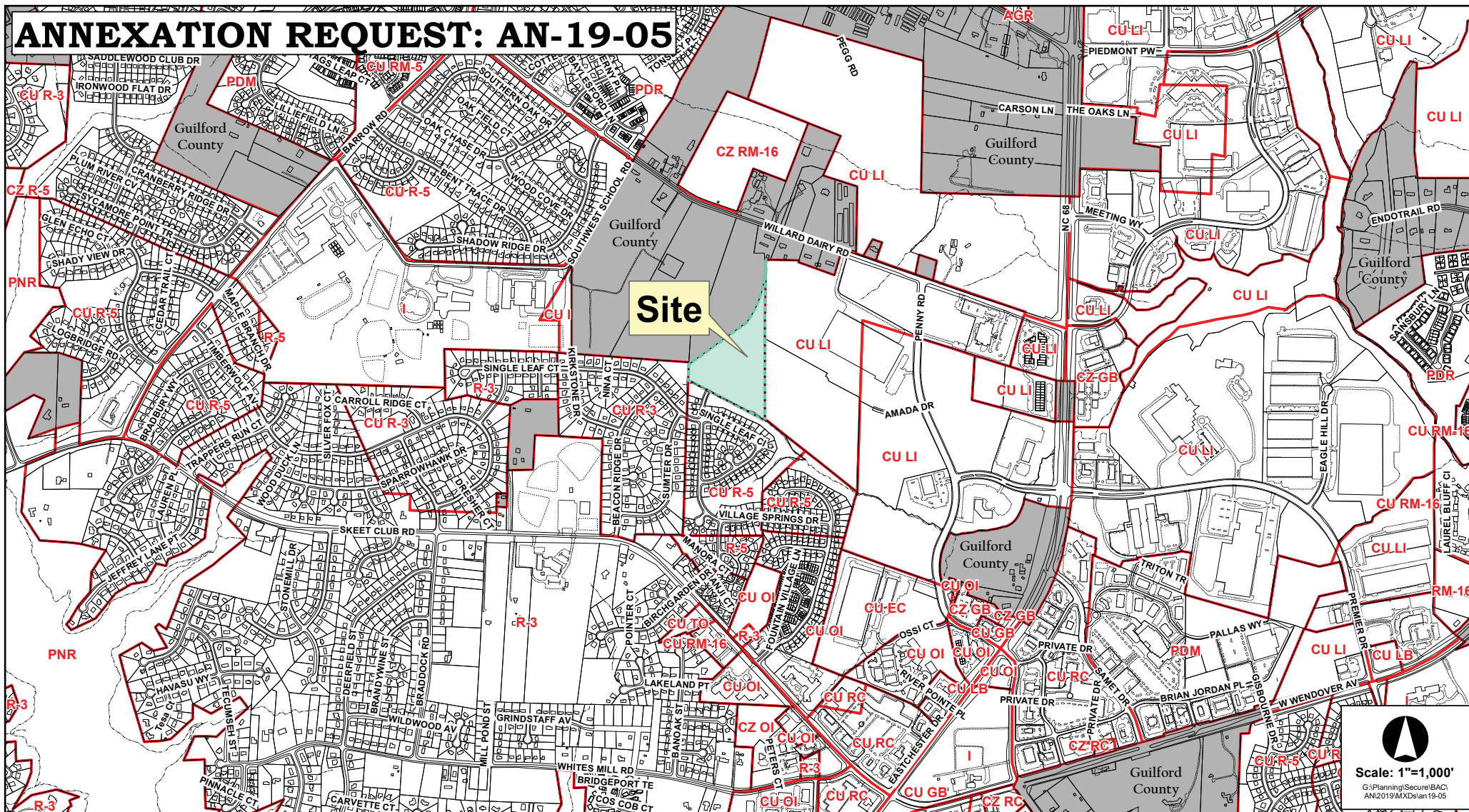


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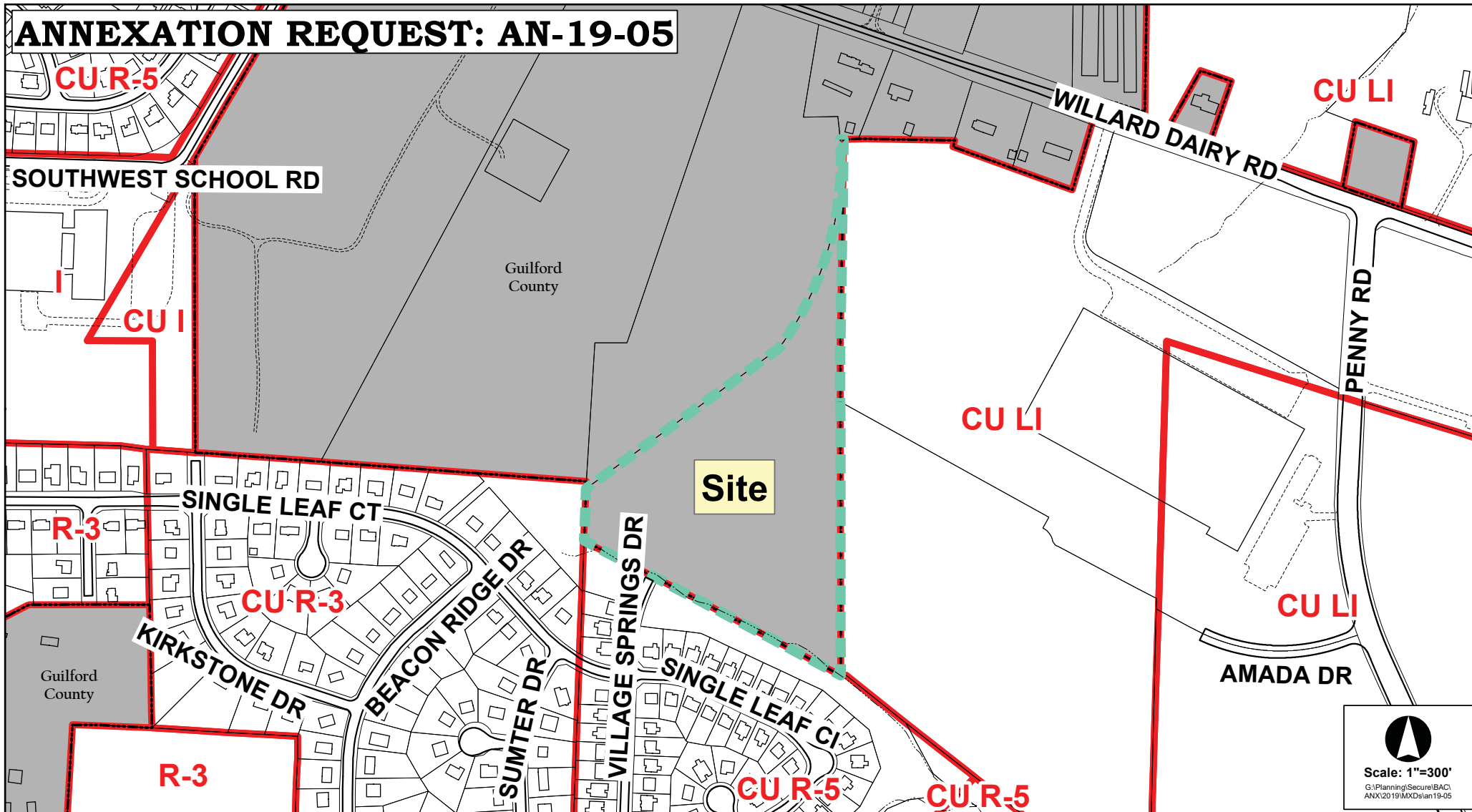


## ANNEXATION REQUEST: AN-19-05



  
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# ANNEXATION REQUEST: AN-19-05



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

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

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

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

WHEREAS, a public hearing on this annexation was held at the Municipal Building at 5:30 p.m. on the 15th day of July, 2019; 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 July 15, 2019.

**ANNEXATION DESCRIPTION**

Annexation Case 19-05 (AN-19-05)  
Shirley Harrison Johnson and Gary Sisk Johnson  
Guilford County Tax Parcel 169942

To locate the Beginning Point, begin at a Point of Reference, an existing iron pin in the southerly right of way line of Willard Dairy Road, which said beginning point is located at the northwest corner of property of Jason A. Vaughn and Kristal S. Vaughn as described in Deed recorded in

Book 5188, Page 722 and shown on Plat recorded in Plat Book 83, Page 81 in the office of the Register of Deeds for Guilford County, North Carolina which said point of reference also marks the northeast corner of property heretofore conveyed by the Executor of the Eva P. Willard & tate to Shirley Harrison Johnson in Deed Book 5442, Page 922; thence from said Point of Reference along the westerly property line of Vaughn South 21degrees32' 51" West 306.7 feet to a point, an existing iron pin; thence North 89 degrees 07' 03" West 44.91 feet to an existing iron pin, the POINT AND PLACE OF BEGINNING; thence from said Point and Place of Beginning South 0 degrees 58' 22" West 658.01 feet to a point. an existing iron pin at a rock; thence along the westerly property line of property of Jacob Horace Williard and others as described in Deed recorded in Book 4224, Page 1956, South 0 degrees 18' 37" West 1,030.59 feet to a point, an existing iron pin; thence North 63 degrees 02' 33" West 908.77 feet; thence along the easterly property line of Waterford Meadows Subdivision, North 2 degrees 02' 04" East 223.55 feet, through existing iron pins, to a rebar in the southerly property line of property of United States of America described in Deed recorded in Book 3427, Page 1276; thence in a northeasterly direction, along a curve to the left, have a radius of 1,000 feet. a cord bearing of North 57 degrees 19' 07" East, an cord distance of 736.46 feet, and an arc distance of 754.21 feet, to a point. a rebar; thence from said point along the southeasterly property line of property of United States of America, Deed Book 3427, Page 126, in a northeasterly direction along a curve to the left having a radius of 1,000 feet, a cord bearing of Noith 15 degrees 49' 47" East, an cord distance of 680.18 feet, an arc distance of 694.03 feet to a point, an existing iron pin; thence South 89 degrees 07' 03" East 13.18 feet to the Point and Place of Beginning

SECTION 2. Upon and after **July 15, 2019** 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 **15th** day of **July, 2019**.  
Lisa B. Vierling, City Clerk

EXTRACTS FROM MINUTES OF CITY COUNCIL

* * *

A regular meeting of the City Council of the City of High Point, North Carolina (the “*City Council*”) was duly held in the Council Chambers of the Municipal Building located at 211 South Hamilton Street in High Point, North Carolina, the regular place of meeting, at 5:30 p.m. on July 15, 2019:

Members Present:

Members Absent:

* * * * *  
* * *

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

**RESOLUTION OF THE CITY OF HIGH POINT, NORTH CAROLINA SETTING PUBLIC HEARINGS ON GENERAL OBLIGATION BOND ORDERS AND RELATED MATTERS**

**WHEREAS**, bond orders entitled:

“BOND ORDER AUTHORIZING THE ISSUANCE OF \$22,000,000 GENERAL OBLIGATION STREETS AND SIDEWALK BONDS OF THE CITY OF HIGH POINT, NORTH CAROLINA;”

BOND ORDER AUTHORIZING THE ISSUANCE OF \$21,500,000 GENERAL OBLIGATION PARKS AND RECREATION BONDS OF THE CITY OF HIGH POINT, NORTH CAROLINA;” AND

“BOND ORDER AUTHORIZING THE ISSUANCE OF \$6,500,000 GENERAL OBLIGATION HOUSING BONDS OF THE CITY OF HIGH POINT, NORTH CAROLINA;”

have been introduced at a meeting of the City Council (the “*City Council*”) of the City of High Point, North Carolina this 15th day of July, 2019; and

**WHEREAS**, the City Council desires to provide for the holding of a public hearing thereon on August 19, 2019 and the submission of a statement of debt in connection therewith as required by The Local Government Bond Act.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, NORTH CAROLINA** that the public hearing on said bond orders shall be held on the 19th day of August, 2019 at or about 5:30 p.m. in the Council Chambers of the Municipal Building located at 211 South Hamilton Street in High Point, North Carolina.

**BE IT FURTHER RESOLVED** that the City Clerk is hereby directed to cause a copy of said bond orders to be published with a notice of such hearing in the form prescribed by law in a newspaper of general circulation in the City on or before the 13th day of August, 2019.

**BE IT FURTHER RESOLVED** that the City's finance officer is hereby directed to file with the City Clerk, prior to publication of the bond orders, along with the notice of such public hearing, a statement setting forth the debt incurred or to be incurred, the net debt of the City, the assessed value of property subject to taxation by the City and the percentage that net debt of the City bears to the assessed value of property subject to taxation.

**BE IT FURTHER RESOLVED** that this Resolution shall become effective on the date of its adoption.

**PASSED, ADOPTED AND APPROVED** this 15th day of July, 2019.

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

I, Lisa B. Vierling, City Clerk of the City of High Point, North Carolina, ***DO HEREBY CERTIFY*** that the foregoing is a true and exact copy of so much of the proceedings of the City Council as it relates to a resolution entitled “**RESOLUTION OF THE CITY OF HIGH POINT, NORTH CAROLINA SETTING PUBLIC HEARINGS ON GENERAL OBLIGATION BOND ORDERS AND RELATED MATTERS**” duly adopted by the City Council of the City of High Point, North Carolina, at a meeting held on the 15th day of July, 2019 and that such proceedings are to be recorded in the minute books of said City Council.

**WITNESS** my hand and the seal of the City of High Point, North Carolina, this the ____ day of _____, 2019.

_____  
City Clerk  
City of High Point, North Carolina

(SEAL)



# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Riverdale Pump Station Phase 1 Repairs

**From:** Terry Houk – Public Services Director  
Derrick Boone – Public Services Asst. Director

**Meeting Date:** July 15, 2019

**Public Hearing:** N/A

**Advertising Date:** June 27, 2019  
**Advertised By:** Public Services

**Attachments:** Recommendation

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### **PURPOSE:**

To expand the capacity of the Riverdale Lift Station while an emergency bypass is in place to repair the station from flooding that occurred during Hurricane Florence.

### **BACKGROUND:**

The City of High Point transfers wastewater flow to the Eastside WWTP via the Riverdale Pump Station from areas located on the north side of the city. This is the City's largest pump station. During Hurricane Florence, the pump station flooded resulting in damage to three (3) pumps. While still under the emergency bypass, the Public Services is expanding the Riverdale Lift Station. The expansion will include a 10 MGD submersible pump and a second force main that will discharge to the Eastside Wastewater Treatment Plant. Phase 1 restarts the existing pump station and includes the installation of a 10 MGD submersible pump and the connection of all equipment to increase the capacity of this station to 30 MGD.

This has been declared a pressing need and formal bidding procedures will not be followed. The Public Services Department and the design engineers created a quote spec and sent it to sixteen (16) contractors that we believe have the resources to meet this time frame.

### **BUDGET IMPACT:**

Funds for this project are available in the 2018-2019 Budget.

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

City Council is requested to approve a contract with Crowder Construction Company in the amount of \$3,726,504.00 expand the capacity of the Riverdale Lift Station while an emergency bypass is in place to repair the station from flooding that occurred during Hurricane Florence.





Hazen and Sawyer  
629 Green Valley Road, Suite 200  
Greensboro, NC 27408

July 15, 2019

Mr. Terry Houk  
Public Services Director  
City of High Point  
211 S. Hamilton Street  
High Point, NC 27261

**Re: Recommendation of Award**  
Riverdale Sewer Lift Station Expansion Project  
Hazen Project No. 31408-004

Dear Mr. Houk:

On July 8th, 2019 at 2:00 pm, one quote was received for the Riverdale Sewer Lift Station Expansion project in the Public Services office in the Municipal Office Building. The emergency Request for Quotes was issued on June 28th, 2019 to sixteen (16) general contractors, Crowder Construction was the only respondent.

Crowder Construction submitted a proposal for a total of \$4,538,712.00. This proposal included the following items:

<b>BASE BID PROPOSAL</b>		\$4,339,146.00
<b>UNIT PRICE BID ITEMS</b>		
<b>ADDITIONAL PAVEMENT RESURFACING</b>	\$85.00/sy	\$45,475.00
<b>ROCK REMOVAL</b>	\$255.16/cy	\$89,306.00
<b>SELECT BACKFILL REPLACEMENT</b>	\$86.38/cy	\$64,785.00
<b>TOTAL BASE BID PROPOSAL</b>		<b>\$4,538,712.00*</b>

**Note the Total Base Bid Proposal is corrected for a math error in the Crowder Unit Price Proposal.**

Crowder also submitted a value engineering proposal for a pipe material change to HDPE. The credit for this cost proposal is \$812,209.00. The Engineer recommends accepting this value engineering proposal, reducing the total bid price to **\$3,726,503.00**.

Hazen has worked with Crowder Construction on different delivery methods and projects with very positive results and recommends the approval of this contract in the amount of **\$3,726,503.00**.



If you have any questions or require additional information, please contact me at (336) 478-3378 or [ababson@hazenandsawyer.com](mailto:ababson@hazenandsawyer.com).

Best Regards,

A handwritten signature in blue ink, appearing to read "A. Babson".

Aaron D. Babson, PE  
Senior Associate

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Approval of Delegation of Authority

**From:** Michael E. McNair

**Public Hearing:** N/A

**Attachments:** Delegation of Authority to Act as Certifying Officer

**Meeting Date:** July 15, 2019

**Advertising Date:** N/A

**Advertised By:** N/A

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### **PURPOSE:**

The Delegation of Authority authorizes the City Manager or his designee to execute federal grant related documents.

### **BACKGROUND:**

HUD regulations require that the City designate a certifying officer and authorize him/her to execute federal grant related documents.

### **BUDGET IMPACT:**

N/A

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

The Community Development and Housing Department recommends approval of the Delegation of Authority to Act as Certifying Officer and that the appropriate City official and/or employee be authorized to execute all necessary documents.

## Delegation of Authority to Act as Certifying Officer

I, Jay W. Wagner., the Chief Elected Officer of the City of High Point, do hereby delegate to Greg Demko, City Manager, an official of the City of High Point, or his designee, all authority necessary to act as Certifying Officer for the City of High Point under Section 104(g) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5304(g)) (HUD Act), in connection with the receipt of assistance from the U. S. Department of Housing and Urban Development (HUD) under Title 1 of the HUD Act. Such authority hereby delegated includes, but is not limited to, the authority to execute the certification required under Section 104(g) of the HUD Act; the authority to specify when appropriate that the jurisdiction has fully carried out its responsibilities for environmental review, decision making and action under Section 104(g)(1) of the HUD Act; the authority to consent to assume the status of a responsible Federal Official under the National Environmental Policy Act of 1969 and other provisions of law specified in the regulations of HUD in 24 CFR Part 58; and the authority to consent on behalf of the City of High Point and himself or herself to acceptance of the jurisdiction of the Federal courts for the purpose of enforcement of his or her responsibilities as responsible Federal Official.

Enacted on this _____ day of July, 2019.

City of High Point

BY: _____  
Jay W. Wagner, Mayor

ATTEST: _____  
Lisa B. Vierling, City Clerk

AFFP

## NOTICE OF PUBLIC HEARING BOND

NOTICE OF  
PUBLIC HEARING  
BOND ORDER  
AUTHORIZING THE  
ISSUANCE OF \$22,000,000  
GENERAL OBLIGATION  
STREETS AND SIDEWALK  
BONDS OF THE CITY OF  
HIGH POINT,  
NORTH CAROLINA

### Affidavit of Publication

STATE OF NORTH                      SS  
CAROLINA }  
COUNTY OF GUILFORD }

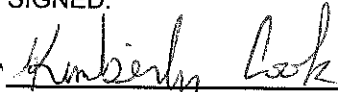
Kimberly Cook, being duly sworn, says:

That she is the billing clerk of the The High Point Enterprise, a daily newspaper of general circulation, printed and published in High Point, Guilford County, North Carolina; that the publication, a copy of which is attached hereto, was published in the said newspaper on

August 06, 2019

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

  
the billing clerk

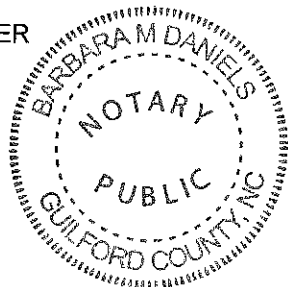
Subscribed to and sworn to me this 6th day of August 2019.

  
Barbara M Daniels, Notary, Guilford County, North Carolina

My commission expires: February 01, 2022

30145612 30874864

GREG DEMKO  
CITY OF HP CITY MANAGER  
PO BOX 230  
HIGH POINT, NC 27261



WHEREAS, the City Council of the City of High Point, North Carolina has ascertained and hereby determines that it is necessary to pay capital costs of providing streets and sidewalks, including without limitation bridges, viaducts, causeways, overpasses, underpasses, alleys and bicycle lanes; paving, grading, resurfacing, and widening streets; sidewalks, curbs and gutters, culverts, and drains; traffic controls, signals, and markers; lighting; and grade crossings and the elimination thereof and grade separations; streetscaping, landscaping and pedestrian improvements; transit stop improvements; and the acquisition of land therefor; and

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the General Obligation Streets and Sidewalk Bonds hereinafter described as required by the Local Government Bond Act, and the City Clerk has notified the City Council that the application has been accepted for submission to the Local Government Commission.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of High Point, North Carolina, as follows:

Section 1. In order to raise the money required for the purposes described above, in addition to any funds which may be made available for such purpose from any other source, General Obligation Streets and Sidewalk Bonds of the City are hereby authorized and shall be issued pursuant to the Local Government Finance Act of North Carolina. The maximum aggregate principal amount of such General Obligation Streets and Sidewalk Bonds authorized by this order shall be \$22,000,000.

Section 2. Taxes will be levied in an amount sufficient to pay the principal and interest on the General Obligation Streets and Sidewalk Bonds.

Section 3. A sworn statement of the City's debt has been filed with the City Clerk and is open to public inspection.

Section 4. This bond order will take effect when approved by the voters of the City at a referendum scheduled for November 5, 2019.

The foregoing bond order has been introduced and a sworn statement of debt has been filed under the Local Government Bond Act showing the appraised value of the City of High Point, North Carolina to be \$9,753,508,621 and the net debt thereof, including the proposed bonds, to be \$163,808,722. The finance officer of the City of High Point has filed a statement estimating that the total amount of interest that will be paid on the bonds over the expected term of the bonds, if issued, is \$12,100,000. The estimate is preliminary, is for general informational purposes only, and may differ from the actual interest paid on the bonds. A tax will be levied to pay the principal and interest on the bonds if they are issued. Anyone who wishes to be heard on the questions of the validity of the bond order and the advisability of issuing the bonds may appear at a public hearing or an adjournment thereof to be held in the Council Chambers of the Municipal Building located at 211 South Hamilton Street in High Point, North Carolina, at 5:30 p.m. on the 19th day of August, 2019.

/s/ Lisa B. Vierling  
City Clerk  
City of High Point,  
North Carolina  
Aug. 6, 2019

AFFP

## NOTICE OF PUBLIC HEARING BOND

### Affidavit of Publication

STATE OF NORTH CAROLINA }  
COUNTY OF GUILFORD }

SS

Kimberly Cook, being duly sworn, says:

That she is the billing clerk of the The High Point Enterprise, a daily newspaper of general circulation, printed and published in High Point, Guilford County, North Carolina; that the publication, a copy of which is attached hereto, was published in the said newspaper on

August 06, 2019

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

Kimberly Cook  
the billing clerk

Subscribed to and sworn to me this 6th day of August 2019.

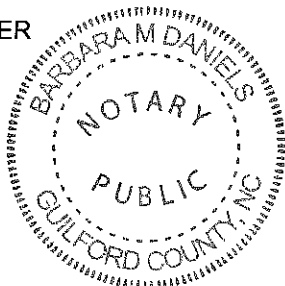
Barbara M Daniels

Barbara M Daniels, Notary, Guilford County, North Carolina

My commission expires: February 01, 2022

30145612 30874882

GREG DEMKO  
CITY OF HP CITY MANAGER  
PO BOX 230  
HIGH POINT, NC 27261



#### NOTICE OF PUBLIC HEARING BOND ORDER AUTHORIZING THE ISSUANCE OF \$21,500,000 GENERAL OBLIGATION PARKS AND RECREATION BONDS OF THE CITY OF HIGH POINT, NORTH CAROLINA

**WHEREAS**, the City Council of the City of High Point, North Carolina has ascertained and hereby determines that it is necessary to pay capital costs of providing for the acquisition, construction, renovation, improvement, expansion, furnishing and equipping of parks and recreation facilities, including without limitation senior centers, athletic fields, parks, playgrounds, recreation centers, shelters and pool facilities and the acquisition of land therefor; and

**WHEREAS**, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the General Obligation Parks and Recreation Bonds hereinafter described as required by the Local Government Bond Act, and the City Clerk has notified the City Council that the application has been accepted for submission to the Local Government Commission.

**NOW, THEREFORE, BE IT ORDERED** by the City Council of the City of High Point, North Carolina, as follows:

Section 1. In order to raise the money required for the purposes described above, in addition to any funds which may be made available for such purpose from any other source, General Obligation Parks and Recreation Bonds of the City are hereby authorized and shall be issued pursuant to the Local Government Finance Act of North Carolina. The maximum aggregate principal amount of such General Obligation Parks and Recreation Bonds authorized by this order shall be \$21,500,000.

Section 2. Taxes will be levied in an amount sufficient to pay the principal and interest on the General Obligation Parks and Recreation Bonds.

Section 3. A sworn statement of the City's debt has been filed with the City Clerk and is open to public inspection.

Section 4. This bond order will take effect when approved by the voters of the City at a referendum scheduled for November 5, 2019.

The foregoing bond order has been introduced and a sworn statement of debt has been filed under the Local Government Bond Act showing the appraised value of the City of High Point, North Carolina to be \$9,753,508,821 and the net debt thereof, including the proposed bonds, to be \$183,808,722. The finance officer of the City of High Point has filed a statement estimating that the total amount of interest that will be paid on the bonds over the expected term of the bonds, if issued, is \$11,825,000. The estimate is preliminary, is for general informational purposes only, and may differ from the actual interest paid on the bonds. A tax will be levied to pay the principal and interest on the bonds if they are issued. Any one who wishes to be heard on the questions of the validity of the bond order and the advisability of issuing the bonds may appear at a public hearing or an adjournment thereof to be held in the Council Chambers of the Municipal Building located at 211 South Hamilton Street in High Point, North Carolina, at 5:30 p.m. on the 19th day of August, 2019.

/s/ Lisa B. Vierling  
City Clerk  
City of High Point,  
North Carolina  
Aug. 6, 2019

AFFP

NOTICE OF PUBLIC HEARING BOND

**Affidavit of Publication**

STATE OF NORTH CAROLINA }  
COUNTY OF GUILFORD }

SS

Kimberly Cook, being duly sworn, says:

That she is the billing clerk of the The High Point Enterprise, a daily newspaper of general circulation, printed and published in High Point, Guilford County, North Carolina; that the publication, a copy of which is attached hereto, was published in the said newspaper on

August 06, 2019

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

*Kimberly Cook*

the billing clerk

Subscribed to and sworn to me this 6th day of August 2019.

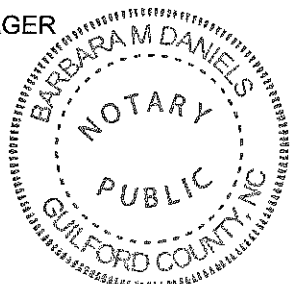
*Barbara M Daniels*

Barbara M Daniels, Notary, Guilford County, North Carolina

My commission expires: February 01, 2022

30145612 30874906

GREG DEMKO  
CITY OF HP CITY MANAGER  
PO BOX 230  
HIGH POINT, NC 27261



NOTICE OF  
PUBLIC HEARING  
BOND ORDER  
AUTHORIZING THE  
ISSUANCE OF \$6,500,000  
GENERAL OBLIGATION  
HOUSING BONDS OF THE  
CITY OF HIGH POINT,  
NORTH CAROLINA

WHEREAS, the City Council of the City of High Point, North Carolina (the "City Council") has ascertained and hereby determines that it is necessary to pay capital costs of providing housing projects for the benefit of persons of low income, or moderate income, or low and moderate income, including without limitation construction or acquisition of projects to be owned by the City or a housing authority, and loans, grants, interest supplements and other programs of financial assistance to persons of low income, or moderate income, or low and moderate income, and developers of housing for persons of low income, or moderate income, or low and moderate income, and the acquisition of land therefor; and

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the General Obligation Housing Bonds herein-after described as required by the Local Government Bond Act, and the City Clerk has notified the City Council that the application has been accepted for submission to the Local Government Commission.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of High Point, North Carolina, as follows:

Section 1. In order to raise the money required for the purposes described above, in addition to any funds which may be made available for such purpose from any other source, General Obligation Housing Bonds of the City are hereby authorized and shall be issued pursuant to the Local Government Finance Act of North Carolina. The maximum aggregate principal amount of such General Obligation Housing Bonds authorized by this order shall be \$6,500,000.

Section 2. Taxes will be levied in an amount sufficient to pay the principal and interest on the General Obligation Housing Bonds.

Section 3. A sworn statement of the City's debt has been filed with the City Clerk and is open to public inspection.

Section 4. This bond order will take effect when approved by the voters of the City at a referendum scheduled for November 5, 2019.

The foregoing bond order has been introduced and a sworn statement of debt has been filed under the Local Government Bond Act showing the appraised value of the City of High Point, North Carolina to be \$9,753,508,621 and the net debt thereof, including the proposed bonds, to be \$163,808,722. The finance officer of the City of High Point has filed a statement estimating that the total amount of interest that will be paid on the bonds over the expected term of the bonds, if issued, is \$3,575,000. The estimate is preliminary, is for general informational purposes only, and may differ from the actual interest paid on the bonds. A tax will be levied to pay the principal and interest on the bonds if they are issued. Anyone who wishes to be heard on the questions of the validity of the bond order and the advisability of issuing the bonds may appear at a public hearing or an adjournment thereof to be held in the Council Chambers of the Municipal Building located at 211 South Hamilton Street in High Point, North Carolina, at 5:30 p.m. on the 19th day of August, 2019.

/s/ Lisa B. Vierling  
City Clerk  
City of High Point,  
North Carolina  
Aug. 6, 2019

**HIGH POINT CITY COUNCIL  
SPECIAL MEETING  
JUNE 17, 2019 – 3:00 P.M.  
3RD FLOOR LOBBY CONFERENCE ROOM**

**MINUTES**

**Present:**

Mayor Jay Wagner, Mayor Pro Tem Jason Ewing (Ward 6)[Arrived at 3:15 p.m.]; and Council Members Britt Moore (At Large); Don Scarborough (At Large); Jeffrey Golden (Ward 1); Council Member Chris Williams (Ward 4); and Council Member Victor Jones (Ward 5)

**Absent:**

Monica Peters (Ward 3); and Wesley Hudson (Ward 4)

**Staff Present:**

Greg Demko, City Manager; Randy McCaslin, Deputy City Manager; Randy Hemann, Assistant City Manager; JoAnne Carlyle, City Attorney; Laura Altizer, Budget and Performance Manager; Roslyn McNeill, Budget Analyst; Jeron Hollis, Communications and Public Engagement Director; Eric Olmedo, Managing Director; Lee Tillery, Parks and Recreation Director; Mary Brooks, Deputy City Clerk; and Lisa Vierling, City Clerk

**News Media Present:**

Pat Kimbrough, *High Point Enterprise*

**CALL TO ORDER**

Mayor Wagner called the meeting to order at 3:01 p.m.

The Special Meeting was called for the purpose of holding a Closed Session pursuant to N.C. General Statute 143-318.11(a)(6) for personnel. This was the scheduled time for Council to perform the annual evaluations for the city manager, city attorney, and city clerk.

**Closed Session (Personnel)**

**Council Member Jones moved to go into Closed Session and Council Member Scarborough made a second to the motion, which carried by a 6-0 unanimous vote. [Mayor Pro Tem Ewing arrived at 3:15 p.m., but was not present when this vote was recorded.]**

Council reconvened into Open Session at 4:45 p.m.

**PRESENTATION OF ITEMS**

Note: Handouts distributed at the meeting will be incorporated as a permanent part of these proceedings: *General Obligation Bond Referendum*

**GENERAL OBLIGATION BOND REFERENDUM OVERVIEW**

Greg Demko, City Manager spoke to the proposed General Obligation bond issues; to priorities and needs for the City; and recognized Eric Olmedo, Managing Director.



Mr. Olmedo made a PowerPoint Presentation (PPP) of the General Obligation Bonds; discussed the financial flexibility; competitive interest rates due to strong bond ratings; the \$50 million bond issue for transportation/roads, parks and recreation, and affordable housing; and stated the bond issue would not require a tax rate increase based upon a developed plan by staff and Davenport and Company, the city's financial advisors. Mr. Olmedo continued discussion regarding the proposed transportation/road projects for Burton Avenue (\$6 million), Triangle Lake (\$12 million), and Washington Street (\$4 million); outlined details of the Triangle Lake project to include: improving capacity, safety, drainage and street esthetics, adding turning lanes at key locations, sidewalks, and enhanced transit stops for Americans with Disabilities Act (ADA) compliance. Mr. Olmedo spoke to the Washington Street realignment project; stated a portion of the street would be relocated away from the crest of the rail cut slope; and the North Carolina Railroad Company (NCRR) would allocate \$3 million in funding to engineer and construct retaining walls and other slope stabilization measures.

Randy McCaslin, Deputy City Manager spoke to including streetscapes; to the design process; and to the work to be completed in reference to the downtown bridge.

Mr. Olmedo continued discussion regarding Burton Avenue improvements on capacity, safety, and drainage; stated that the improvements was similar to Triangle Lake project; spoke to the Parks and Recreation Projects that included a new Senior Citizen Center, and City Lake Park renovations (Phase 1); to the history of the Senior Citizen center; to the needed maintenance; outlined details of the new center; and provided pictures of an updated version of what the new Senior Citizen's Center would look like. Mr. Olmedo gave an overview regarding the history of the City Lake; noted it as being an outdated facility; outlined renovations to include but not limited to: ADA improvements, updated amenities and entrance, repurposed gymnasium, mechanical system, and locker room. Mr. Olmedo continued discussion regarding the Affordable Housing project (\$6.5 million); spoke to the Daniel Brooks Redevelopment Plan; to the approval from HUD; to the next steps as follows:

- June 17, 2019-Council adopts resolution directing publication of Notice of Intent to apply to LGC, resolution authorizing Finance Officer to apply to LGC and resolutions making certain findings of fact
- July 15, 2019-Council introduces bond orders and adopts resolution setting a public hear on bond orders for August 19, 2019
- August 19, 2019-Council holds public hearing on bond order, adopts bond order and adopts resolution setting the Special Bond Referendum
- November 5, 2019-Bond Referendum
- December 2, 2019-Council adopts resolution certifying and declaring results of referendum

Mr. McCaslin explained the voting process for the bonds; and provided Council with a handout on the General Obligation Bond Referendum.

Council Member Moore asked about the amount of the issuance for the 2004 bonds, and how the bonds would be placed on the ballots. Mr. Olmedo replied around \$75 million for the 2004 bonds; and that the proposed General Obligation Bond would appear on the ballot as three separate votes by classification of Parks and Recreation, Transportation/Roads, and Affordable Housing.

Council Member Golden asked what would be the outcome of the Affordable Housing Project if the bond was not approved by the voters. Mr. McCaslin replied that other plans would have to be made.

Mayor Pro-Tem Ewing inquired on the deferred maintenance for the Senior Citizen Center. Mr. McCaslin replied that the original design was used as a bank; spoke to concerns with the maintenance; and to the center being more adequate.

Pat Kimbrough, *Reporter for the High Point Enterprise*, asked about the bond funds for land acquisition; and where the new Senior Center would be located. Mr. McCaslin replied a decision on the location has not yet been confirmed, but it would not be at the current location; it would remain centrally located downtown. Mr. McCaslin advised that the bonds would be used for construction only.

City Manager Demko spoke to finalizing the bond language; and to include notice of intent to the Local Government Commission (LGC) for application.

**Closed Session (Personnel)**

**Council Member Jones moved to reconvene into Closed Session at 5:02 p.m. Council Member Scarborough made a second to the motion, which carried by a 7-0 unanimous vote.**

Upon reconvening into Open Session at 5:29 p.m., Mayor Wagner announced there would be no action or announcements made as a result of the Closed Session; however, action on the city manager's, city attorney's, and city clerk's evaluations would be taken during the City Council Meeting at 5:30 p.m.

**Adjournment**

The meeting adjourned at 5:29 p.m. upon motion duly made by Mayor Pro-Tem Ewing and seconded by Council Member Moore.

Respectfully Submitted,

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Jay W. Wagner, Mayor

Attest:

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Mary S. Brooks, Deputy City Clerk

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Resolution of Intent for a Voluntary Contiguous Annexation  
Annexation 19-06 (*Soulin Pasit and Som Put Pasit*)

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

**Meeting Date:** July 15, 2019

**Public Hearing:** No

**Advertising Date:** Not applicable

**Advertised By:** Not applicable

**Attachments:** A. Resolution of Intent for Annexation 19-06  
B. Map of property proposed to be annexed

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### PURPOSE:

Approval of a Resolution of Intent that establishes a public hearing date to consider a voluntary contiguous annexation request.

### BACKGROUND:

Resolution of Intent for Annexation 19-06 is enclosed.

### BUDGET IMPACT:

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

### RECOMMENDATION / ACTION REQUESTED:

Staff requests City Council set a public hearing date of Monday, August 19, 2019, for this request.

**PUBLISH ONCE: Friday, August 2, 2019**

**RESOLUTION TO ESTABLISH A  
PUBLIC HEARING DATE FOR  
VOLUNTARY CONTIGUOUS ANNEXATION  
(AN-19-06)**

WHEREAS, the City Council has been petitioned to annex the property of Soulin Pasit and Som Put Pasit. The proposed annexation site consists of an approximate 1.6-acre parcel lying along the east side of Penny Road, approximately 650 feet south of Eagle Glen Road. The property is also known as Guilford County Tax Parcel 227820.

WHEREAS, the City Clerk is in receipt of said petition and has determined its sufficiency in accordance with G.S. 160A-31;

NOW, THEREFORE BE IT RESOLVED, THAT THE CITY COUNCIL establishes Monday, August 19, 2019, at 5:30 p.m., in the Council Chambers in the Municipal Building at 211 South Hamilton Street, High Point, North Carolina, as the date for the public hearing regarding the requested annexation.

Any interested party will be permitted to be heard at the public hearing. The meeting facilities of the City of High Point are accessible to people with disabilities. If you need a special accommodation, call (336) 883-3298 or the TDD# (336) 883-8517.

Following the public hearing, the City Council shall have authority to adopt an ordinance annexing the territory described in the petition. The City Council shall have authority to make the annexing ordinance effective immediately or on any specified date within six (6) months from date of passage of ordinance.

Further information pertaining to this request is available for public inspection upon request at the Planning and Development Department in the Municipal Office Building, 211 South Hamilton Street, Room 316, High Point, North Carolina, (336) 883-3328 or FAX (336) 883-3056.

By order of the City Council,  
This the 15th day of July, 2019

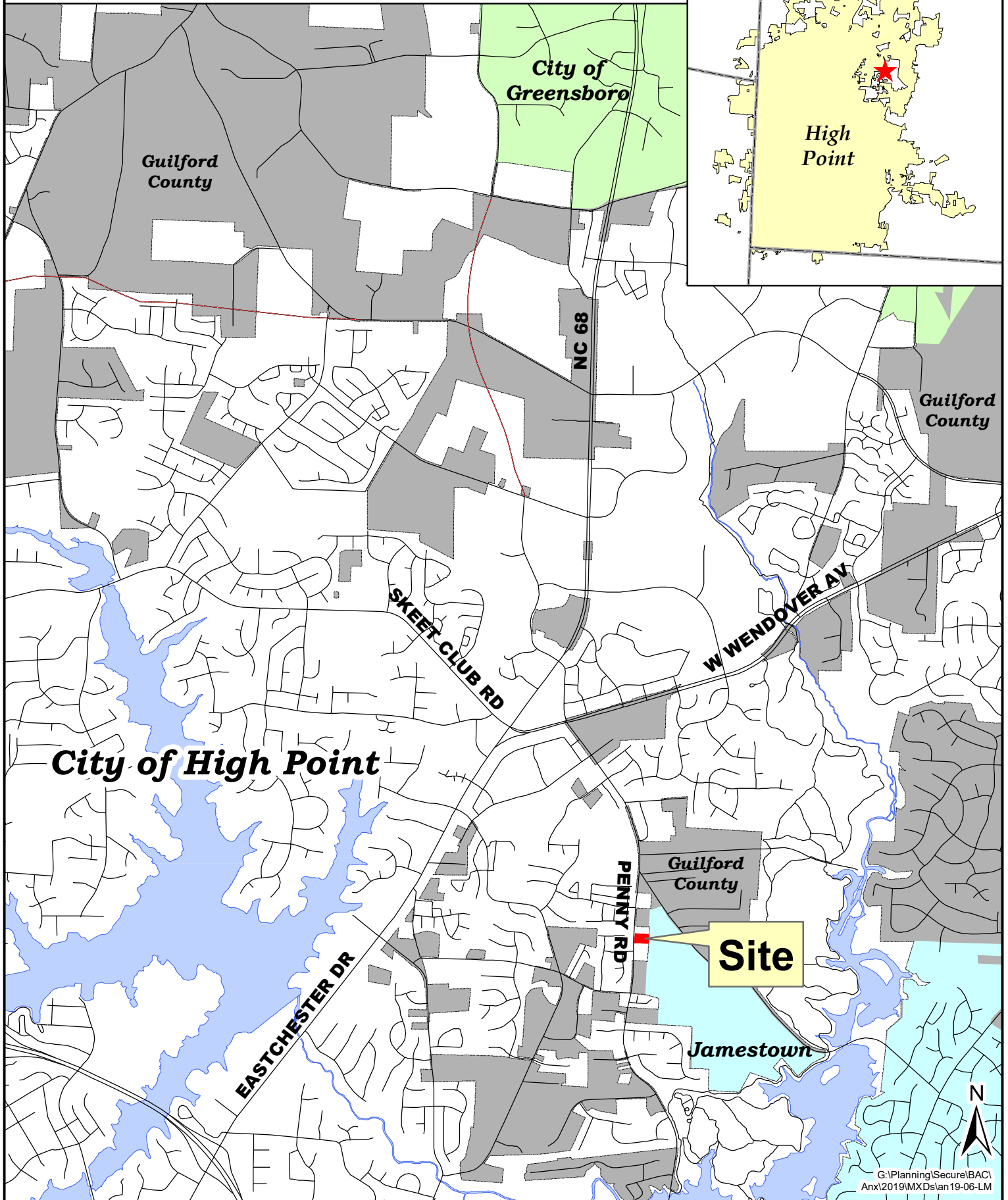
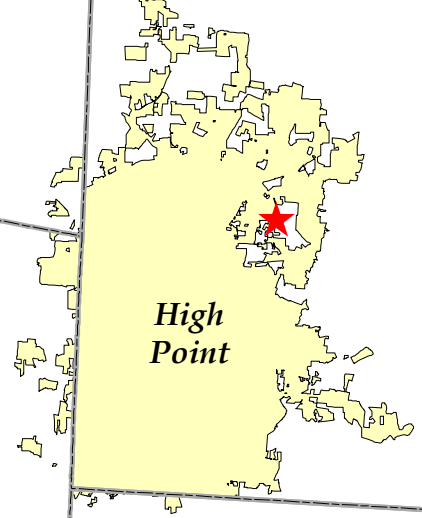
Lisa B. Vierling, City Clerk

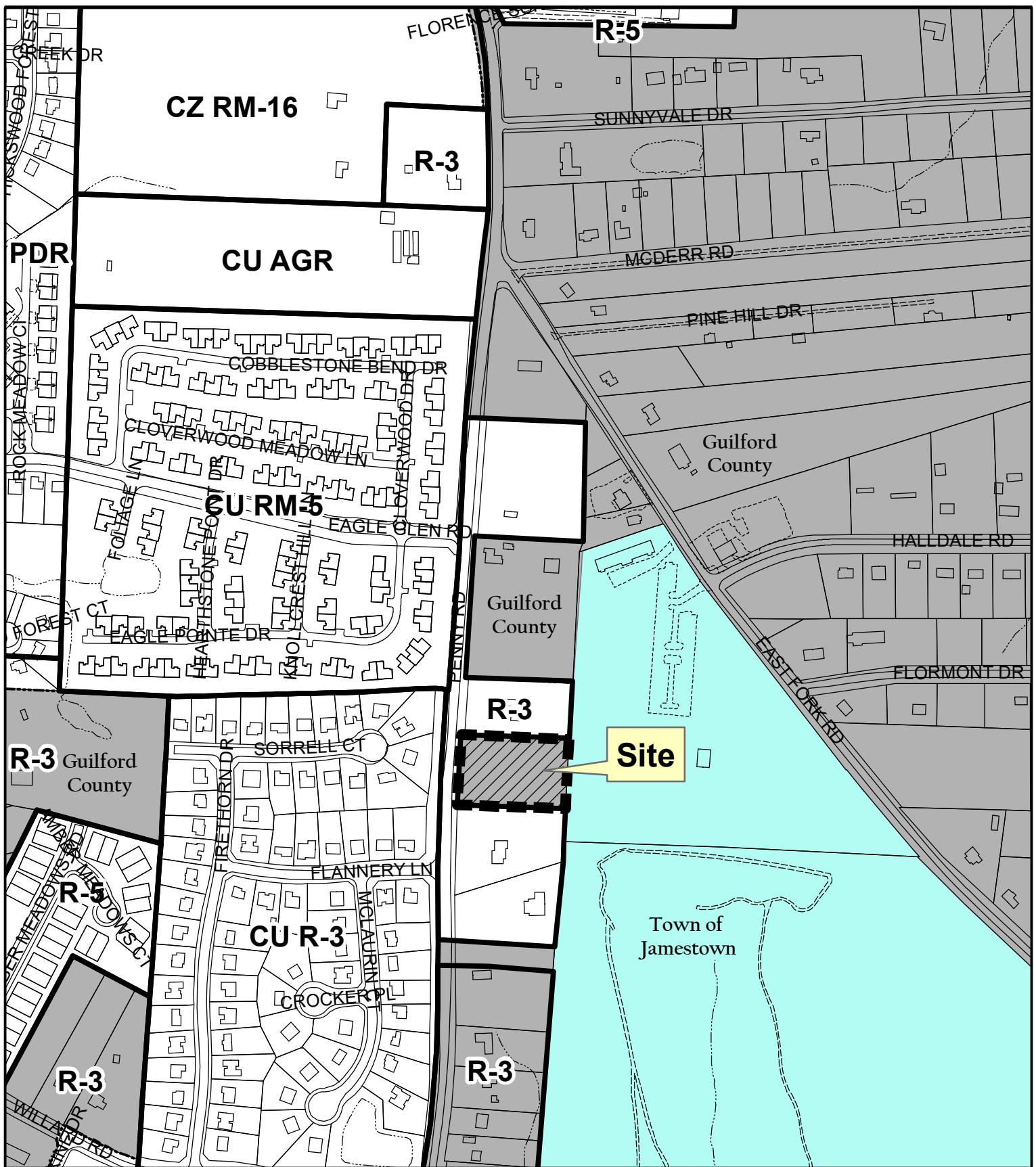
# LOCATION MAP

ANNEXATION CASE: AN-19-06

Applicant: Soulin Pasit

## Vicinity Map





## ANNEXATION REQUEST AN-19-01

**Applicant:** Soulin Pasit  
**Area:** 1.6 acres (approximate)

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

**Planning & Development  
 Department**

**City of High Point**



**Scale: 1" = 400'**

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# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Zoning Map Amendment 19-10  
(Leoterra Development, Inc.)

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

**Meeting Date:** July 15, 2019

**Public Hearing:** Yes

**Advertising Date:** July 3, 2019 and July 10, 2019

**Advertised By:** Planning & Development

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

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### PURPOSE:

A request by Leoterra Development, Inc. to rezone an approximate 12.6-acre parcel from the Agricultural (AG) District, within Guilford County's zoning jurisdiction, to a Conditional Zoning Residential Single Family-7 (CZ R-7) District. The site lies approximately 2,100 feet north of the intersection of Skeet Club Road and Birchgarden Drive at the northern terminus of Village Springs Drive. Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

### BACKGROUND:

The staff report and the Planning & Zoning Commission's recommendation are enclosed.

### BUDGET IMPACT:

There is no budget impact.

### RECOMMENDATION / ACTION REQUESTED:

- A. Staff recommended **approval** of this request as outlined in the attached staff report.
- B. On June 25, 2019, a public hearing was held before the Planning and Zoning Commission regarding Zoning Map Amendment 19-10. The Planning & Zoning Commission recommended **approval** of this request, as outlined in the staff report and recommended by staff, by a vote of 8-0.

## PLANNING AND ZONING COMMISSION RECOMMENDATION

### **Leoterra Development, Inc.**

### **Zoning Map Amendment 19-10**

At its June 25, 2019 public hearing, the Planning and Zoning Commission reviewed a request to rezone an approximate 12.6-acre parcel to a Conditional Zoning Residential Single Family-7 (CZ R-7) District. All members of the Commission were present except for Mr. John McKenzie. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

#### **Speaking on the request:**

Speaking in favor of the request on behalf of the applicant was Mr. Tom Terrell, attorney, Fox Rothschild LLP, 300 N. Greene Street, Suite 1400, Greensboro. Mr. Terrell provided an overview of his client's proposal to develop a single family subdivision on this property. He stated that the zoning request is consistent with the City's Land Use Plan which permits residential development up to five dwelling units per acre. Mr. Terrell also stated that development of the site is restricted due to the property's unusual triangular configuration and stream buffer standards. Thus, his client has offered a condition to limit development to 46 dwelling units or 3.6 units per acre; which is similar to the density of adjacent developed subdivisions.

Speaking in opposition to the request were Mr. Don MacKinnon, on behalf of the Waterford Village HOA, 3648 Village Springs Drive (approximately 15 residents of Waterford Village were in attendance), Mrs. Nikole Kennerly, Vice President of Kennerly Engineering & Design, on behalf of the Waterford Village HOA, 12133 N. NC Hwy 150, Suite-F, Winston-Salem and Ms. Sophia Kim 3644 Village Springs Drive. These speakers raised the following concerns:

- Due to the proximity and scale of the Amada manufacturing facility, this is an incompatible location for a residential development.
- Impact to vegetation along the stream corridor.
- The Waterford Village HOA will not grant a temporary construction easement over their subdivisions common area. Confinement of construction activities to the 50-foot wide stub street right-of-way (Village Springs Drive) will make it difficult to extend the roadway, install utilities and to install a culvert for stream crossing.
- At a minimum it will take 3 to 5 months to extend the road and utilities into the zoning site. During this time residents of Waterford Village will be negatively impacted.
- Traffic impact to neighborhood from construction vehicles.
- School overcrowding from continued development in this area.

### **Planning & Zoning Commission Action**

#### **Zoning Map Amendment**

The Commission recommended **approval** of Zoning Map Amendment 19-08, as recommended by staff, by a vote of 8-0.

#### **Consistency & Reasonableness Statements**

The Commission voted 8-0 to approve the following statement: That the Zoning Map Amendment is consistent because allowable uses and density, as conditioned, are consistent with adopted policy guidance for lands classified as Low Density Residential. Furthermore, approval allows for use of the property at a compatible density similar to adjacent zoning districts previously approved in this area.



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

**STAFF REPORT  
ZONING MAP AMENDMENT ZA-19-10  
June 25, 2019**

<b>Request</b>	
<b>Applicant:</b> Leoterra Development, Inc.	<b>Owners:</b> Shirley Harrison Johnson and Gary Sisk Johnson
<b>Zoning Proposal:</b> To annex and apply initial City zoning.	<b>From: AG</b> Agricultural District (Guilford County)
	<b>To: CZ R-7</b> Conditional Zoning Residential Single Family-7 District

<b>Site Information</b>	
<b>Location:</b>	The site lies approximately 2,100 feet north of the intersection of Skeet Club Road and Birchgarden Drive at the northern terminus of Village Springs Drive.
<b>Tax Parcel Number:</b>	Guilford County Tax Parcel 169942
<b>Site Acreage:</b>	Approximately 12.6 acres
<b>Current Land Use:</b>	Undeveloped
<b>Physical Characteristics:</b>	The site has a moderate to severely sloping terrain, consisting mostly of open pasture lands. A perennial stream runs in a west to east direction along the southern boundary of the site. The area along the stream corridor is heavily wooded and contains the steeper terrain.
<b>Water and Sewer Proximity:</b>	An 8-inch City water line and an 8-inch City sewer line lie adjacent to the site near the northern terminus of Village Springs Drive. Also, an 8-inch City sewer line lies approximately 1,000 feet to the east within the stream corridor.
<b>General Drainage and Watershed:</b>	The site drains in a southerly direction and development is subject to the City Lake General Watershed Area (GWA) requirements. Engineered stormwater treatment measures are required for development with a total impervious surface area greater than 24% of the site, and for single family developments with a gross density of 2 units per acre or more.
<b>Overlay Districts:</b>	City Lake General Watershed Area and Airport Overlay District – Zone 4

<b>Adjacent Property Zoning and Current Land Use</b>			
<b>North:</b>	AG	Agricultural District	FAA navigational aid and undeveloped parcel
<b>South:</b>	CU R-5	Conditional Use Residential Single Family - 5 District	Single family detached dwellings
<b>East:</b>	CU-LI	Conditional Use Light Industrial District	Warehouse & distribution facility and a manufacturing use is under construction
<b>West:</b>	CU R-3	Conditional Use Residential Single Family-3 District	Common area of a single family subdivision

Relevant Land Use Policies and Related Zoning History	
<b>Community Growth Vision Statement:</b>	This request is neither consistent nor inconsistent with the goals and objectives of the Community Growth Vision Statement.
<b>Land Use Plan Map Classification:</b>	The site has a Restricted Industrial land use designation. This classification is intended to accommodate office, warehouse, research & development, distribution, and light manufacturing or assembly uses on larger sites in unified developments.
<b>Land Use Plan Goals, Objectives &amp; Policies:</b>	The following goal and objective of the Land Use Plan are relevant to this request: Goal #5: Promote an urban growth pattern that occurs in an orderly fashion and conserves the land resources of the city and its planning area. Obj. #8. Stimulate more efficient use of the City's land resources by encouraging in-fill, mixed-use, cluster development and higher residential densities at appropriate locations.
<b>Relevant Area Plan:</b>	None applicable
<b>Zoning History:</b>	The following rezoning's have been approved on adjacent lands.      • <u>Zoning Map Amendment 94-44</u>: The residential subdivision to the west (Waterford) was annexed and granted CU-R-3 District zoning in 1995.     • <u>Zoning Map Amendment 03-16</u>: The residential subdivision to the south (Waterford Village) was annexed and granted CU-R-5 District zoning in 2003.     • <u>Zoning Map Amendment 05-06</u>: The industrial park to the east (Premier Center) was annexed and granted CU-LI District zoning in 2001. It was expanded to its current configuration in 2005.

Transportation Information			
Adjacent Streets:	Name		Approx. Frontage
	Village Springs Drive		50 ft.
<b>Vehicular Access:</b>	Access to the site will be via an extension of Village Springs Drive, which stubs to the southern property line of the zoning site.		
<b>Traffic Counts:</b> (Average Daily Trips)	Not applicable, the City of High Point and the NCDOT does not conduct yearly traffic count on local streets within subdivisions.		
<b>Estimated Trip Generation:</b>	A 46-lot single family subdivision would generate approximately 440 trips over of 24-hour time-period, with 35 trips in the AM peak-hours and 47 trips in the PM peak hours.		
Traffic Impact Analysis (TIA):	Required		TIA Comments
	<u>Yes</u>	<u>No</u> X	A TIA is only required when a development generates over 150 trips in the AM or PM peak hours.

School District Comment				
Guilford County School District				
Local Schools:	Enrollment: 2018 – 2019 (20 th day of class)	Maximum Design/ Built Capacity: (2018 – 2019):	Mobile Classrooms:	Projected Additional Students:
Southwest Elementary	921	1,074	6	13 - 15
Southwest Middle	1,252	1,223	10	6 - 8

Southwest High School	1,595	1,506	11	6 - 8
<b>School District Remarks:</b> With the implementation of General Statute 115C-301 mandating reduced K-3 class sizes, elementary schools will experience annual reductions in capacity through 2021-22. Built capacity assumes 30 students per core academic classroom, and is not inclusive of capacity reduction from programmatic utilization.				

#### Details of Proposal

This application proposes to establish initial City of High Point zoning on this parcel to facilitate development of a single family subdivision. The property currently has an AG District zoning under Guilford County's zoning jurisdiction. The applicant has submitted an annexation petition, to allow connection to City utilities, and a Zoning Map Amendment request to establish a CZ R-7 District zoning on the property. Included with this application is a conditional zoning ordinance in which the applicant has offered a condition to restrict development of the site to 46 dwelling units (approximately 3.6 dwelling units per acre).

#### Staff Analysis

The subject site is situated in a portion of the City that transitions from residential to industrial uses. The direction that the site obtains access dictates the manner in which adopted land use policies would apply. To the north and west of the zoning site is a FAA flight beacon serving the Piedmont Triad International Airport. This longstanding navigation feature and FAA easements on adjacent properties restricts access to Willard Dairy Road to the north and west. Furthermore, development of the Amada manufacturing facility and abandonment/closure of Executive Drive (renamed to Amada Drive), makes incorporation of the zoning site into the Premier Center Industrial Park to the east no longer possible. Access is only available to the south from an existing public street that stubs to the zoning site (Village Springs Drive). Therefore, development of the site shall be in conformance with adopted policies of the Low Density Residential Land Use Classification which governs lands to the south that are oriented towards Skeet Club Road.

The Low Density Residential Land Use Map classification supports single family residential uses at a density up to five dwelling units per acre. Residential development on the site will be limited based on the parcel's narrow triangular configuration and environmental constraints from a perennial stream that runs along the southern boundary of the property. Given the site's physical constraints, and to provide flexibility in site design, the applicant has requested a R-7 zoning district, which is typically applied inside the Core City. However, to ensure development is in conformance with the Low Density Residential Land Use Classification and compatible with the density in the adjacent residential development, the applicant has offered a condition to restrict development of the site to a maximum of 46 dwelling units or 3.6 dwelling units per acre.

Section 2.4.5.(C) of the Development Ordinance states that the advisability of a conditional zoning is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to approve or deny a conditional zoning, the City Council shall weigh the relevance of and consider the following issues outlined below. Based on the applicant's submittal and proposed conditions, as they existed on the date of this report, the Planning and Development Department offers the following comments relative to these ordinance considerations.

**Consistency with Adopted Policy Guidance**

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

**The allowable uses and density, as conditioned, are consistent with adopted policy guidance for lands classified as Low Density Residential.**

**Reasonableness/Public Interest:**

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

**Approval allows for use of the property at a compatible density similar to adjacent zoning districts previously approved in this area.**

**Compatibility with Surrounding Areas**

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

The zoning request does not introduce land uses not already allowed in this area. The proposal to develop a single family subdivision at a maximum density of 3.6 units per acres is consistent with the character of adjacent residential developments, which are generally developed at a density between 2.7 and 3.5 units per acre. The sole legal access to the site is provided by Village Spring Drive, which was stubbed to the site for future residential development.

**Mitigation of Impacts**

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

<b>Mitigation #1</b>	<b>Minimize or effectively mitigate any identified adverse impact on adjacent and nearby land, such as that caused by traffic, parking, noise, lighting, trash, loading areas, etc.</b>
	Access to this site and to adjacent residential developments are oriented towards Skeet Club Road. The current Skeet Club Road improvement project will effectively mitigate traffic impacts on Skeet Club Road.
<b>Mitigation #2</b>	<b>Minimize or effectively mitigate any identified adverse environmental impact on water and air resources, minimizes land disturbance, preserves trees and protects habitat.</b>
	❖ The site is within the City Lake General Watershed Area, and as such, development is required to meet the watershed standards of the Development Ordinance.

	❖ A perennial stream runs along the southern boundary of the zoning site. Environmental standards of the Development Ordinance require a stream buffer be provided along both sides of this stream.
<b>Mitigation #3</b>	<b>Minimize or effectively mitigate any identified adverse impact on municipal facilities and services, such as streets, potable water and wastewater facilities, parks, police and fire.</b>
	❖ The site is within an area adequately served by City of High Point utilities and municipal services.     ❖ Residential developments in this area obtain their primary access from Skeet Club Road. Impacts to Skeet Club Road will be mitigated by the current widening project that will convert it from 2 lanes to 4 lanes from Eastchester Drive to Johnson Street.
<b>Mitigation #4</b>	<b>Minimize or effectively mitigate any identified adverse effect on the use, enjoyment or value of adjacent lands.</b>
	❖ The proposed CZ R-7 District will allow for similar development as existing on adjacent lands lying between the zoning site and Skeet Club Road.     ❖ Perimeter landscaping yards are not required between single family detached residential subdivisions. However, the presence of a perennial stream and the required stream buffer standards of the Development Ordinance will provide a separation between the zoning site and the adjacent residential development.

#### **Supportive Changes in the Area**

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

Since the early 1990s, residential development at a density of five units per acre or less have been permitted on lands in this portion of the City's Planning Area that are oriented towards Skeet Club Road. This application is a continuation of that established land use policy.

#### **Promotes a Preferred Development Pattern**

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

This zoning map amendment request is a completion of the residential development pattern that began in this area in the early 1990s with Skeet Club Downs (1990); Waterford (1995); Fountain Grove Phase I (2000); Fountain Grove Phase II ( 2003) and Waterford Village (2004).

#### **Recommendation**

##### **Staff Recommends Approval:**

The Planning & Development Department recommends approval of the request to rezone this 12.6-acre parcel to a CZ R-7 District. As conditioned, the request will be compatible with the surrounding area and in conformance with adopted plans.

#### **Required Action**

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

The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City's adopted plans when making its recommendation.

This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting its own statement.

**City Council:**

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

**Report Preparation**

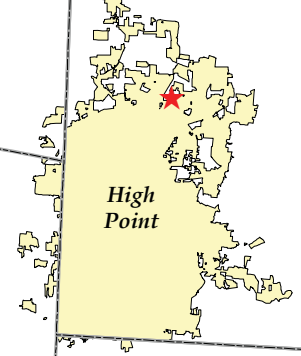
This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner, and reviewed by Robert Robbins AICP, Development Services Administrator and G. Lee Burnette AICP, Director.

# LOCATION MAP

ZONING MAP AMENDMENT ZA-19-10

Applicant: LeoTerra Acquisitions, LLC

## Vicinity Map



High Point

Greensboro

Guilford County

Guilford County

Site

City of High Point



Scale: 1"=3000'

G:\Planning\Secure\BAC\ZMA\2019\MXD\za19-10-Present-LM



The map displays a residential area in Guilford County, North Carolina, with various zoning districts. A yellow callout box labeled "Site" points to a specific location within the CU-R-5 district. The map includes street names, county boundaries, and a scale bar indicating 1 inch equals 1,000 feet.

**Zoning Districts:**

- CU-R-5:** Community Residential, Single-Family Detached (Medium Density)
- CU-R-3:** Community Residential, Single-Family Detached (Low Density)
- CU-R-16:** Community Residential, Single-Family Detached (Large Lot)
- CU-LI:** Community Center, Institutional
- CU-LB:** Community Center, Local Business
- CZ-GB:** Community Center, General Business
- CZ-RC:** Community Center, Regional Center
- CZ-OI:** Office/Professional, Institutional
- CU-OI:** Office/Professional, Institutional
- CU-EC:** Office/Professional, Executive Office
- CU-RC:** Office/Professional, Regional Center
- CU-GB:** Office/Professional, General Business
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- CU-OI:** Office/Professional, Institutional
- CU-EC:** Office/Professional, Executive Office
- CU-RC:** Office/Professional, Regional Center
- CU-GB:** Office/Professional, General Business
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- CZ-RC:** Community Center, Regional Center
- CZ-OI:** Office/Professional, Institutional
- CU-OI:** Office/Professional, Institutional
- CU-EC:** Office/Professional, Executive Office
- CU-RC:** Office/Professional, Regional Center
- CU-GB:** Office/Professional, General Business
- CU-LB:** Community Center, Local Business
- CU-LI:** Community Center, Institutional

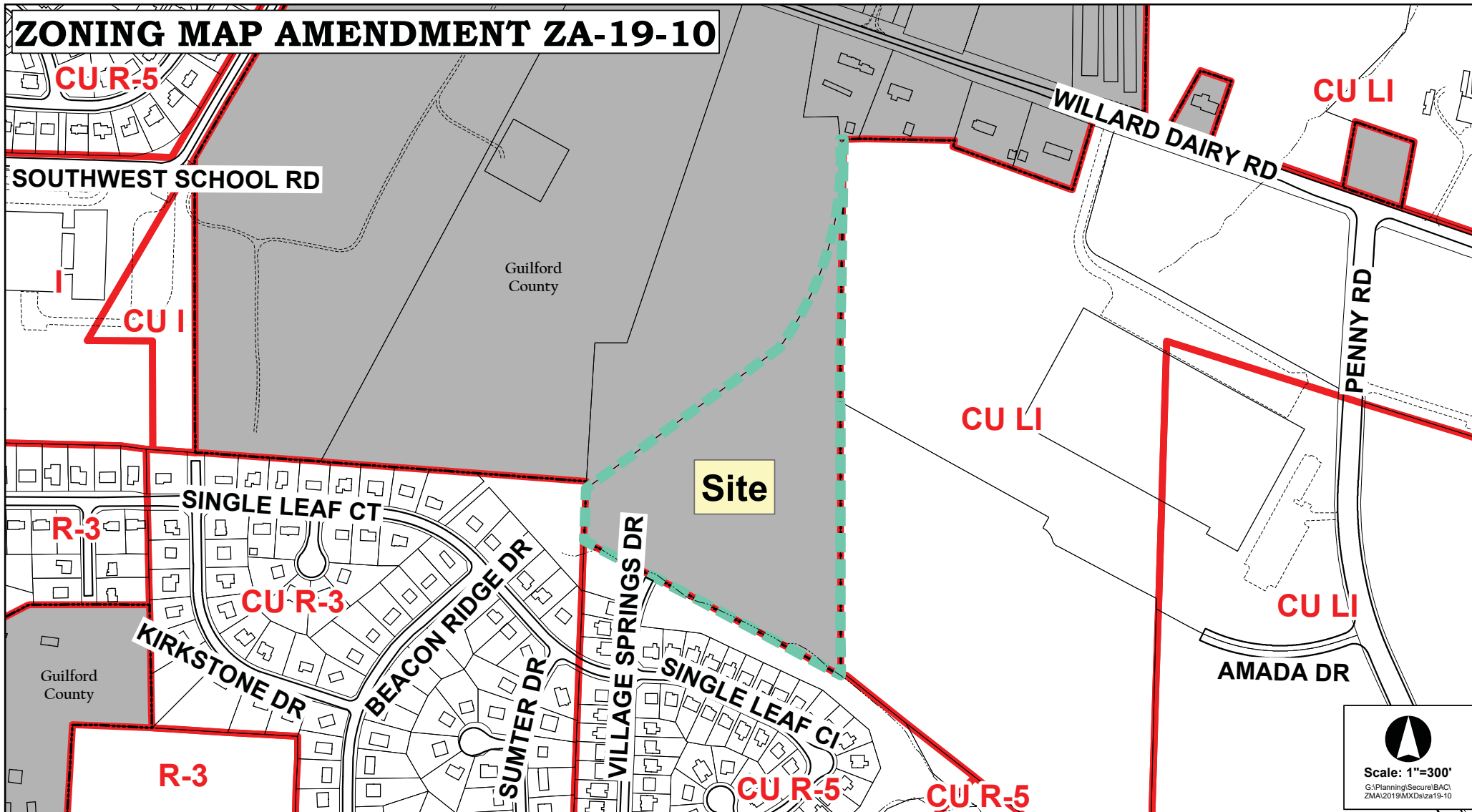
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**Source:** G:\Planning\Secure\BAC\ZMA\2019\MXD\za19-10

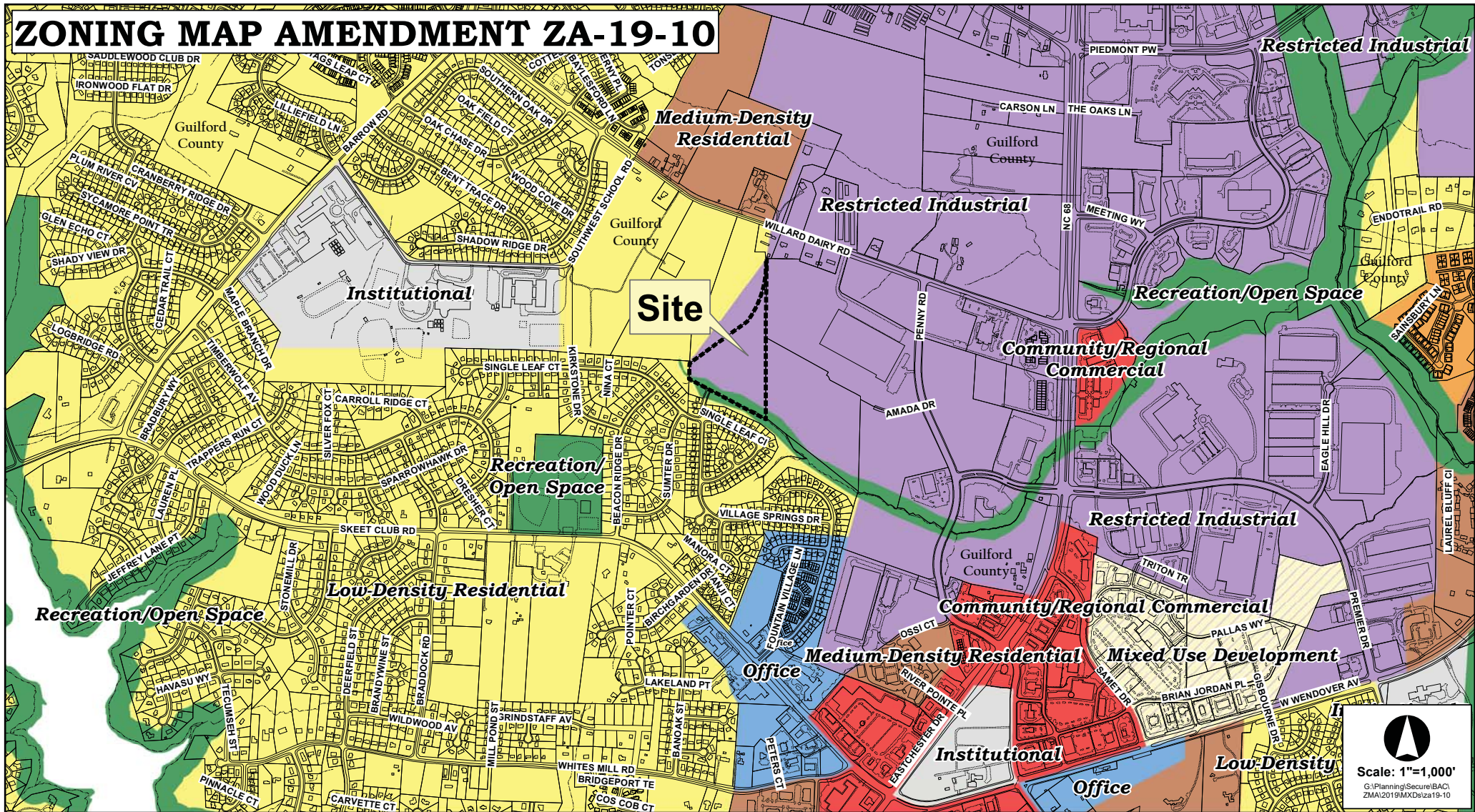
  
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# ZONING MAP AMENDMENT ZA-19-10

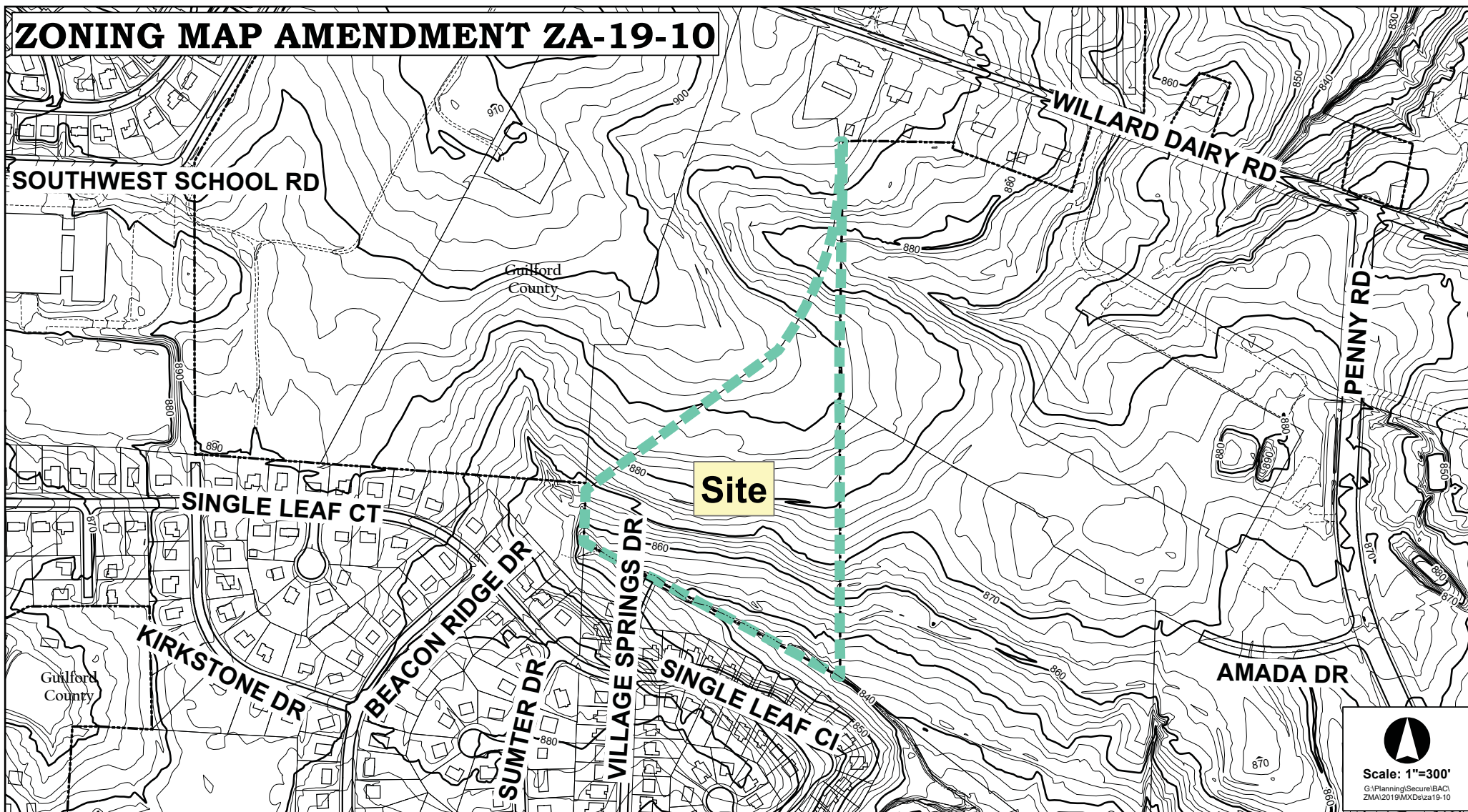


# ZONING MAP AMENDMENT ZA-19-10



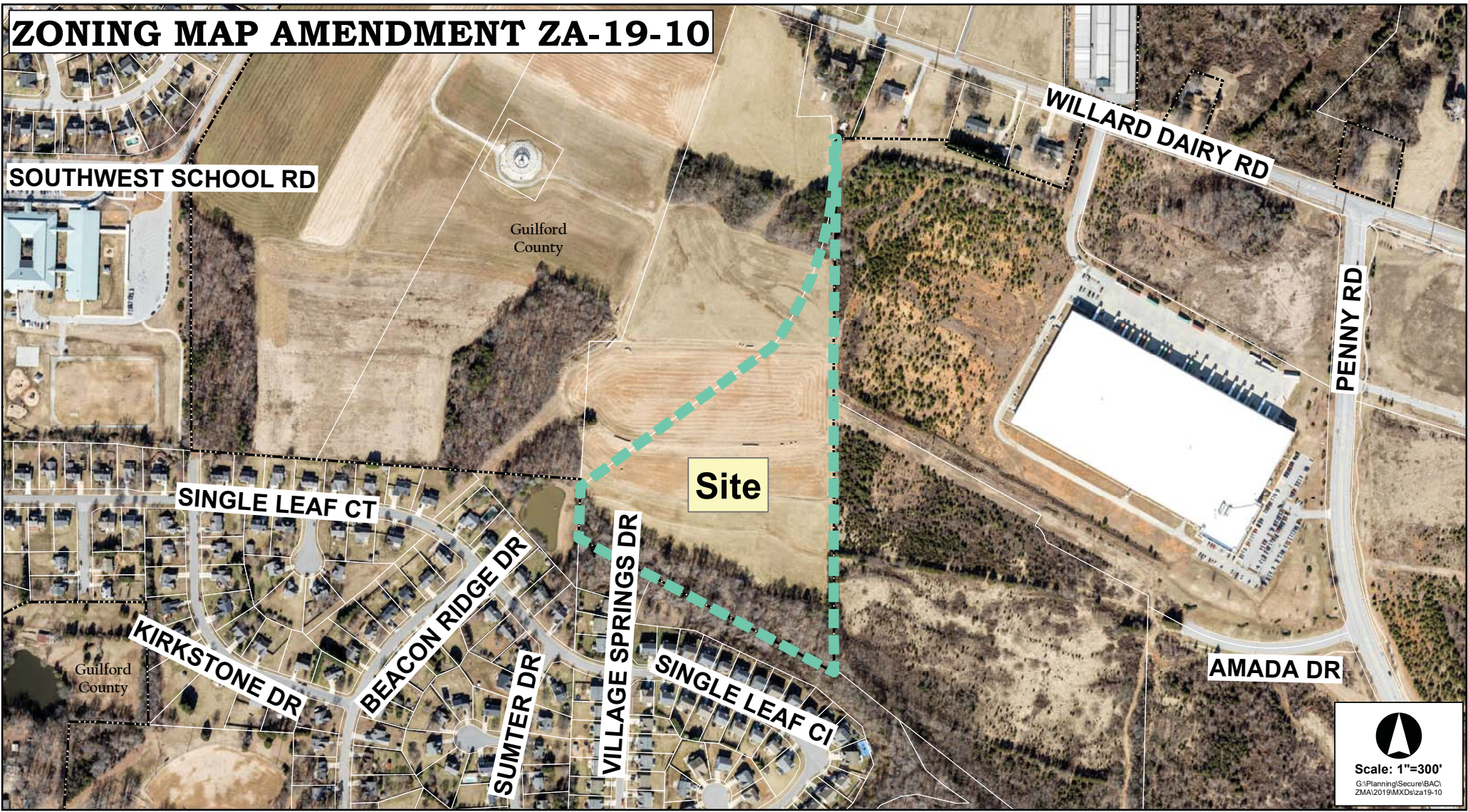


# ZONING MAP AMENDMENT ZA-19-10





# ZONING MAP AMENDMENT ZA-19-10



  
Scale: 1"=300'  
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AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 2.4.19, ZONING MAP AMENDMENT, OF THE DEVELOPMENT ORDINANCE.

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

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on June 25, 2019 and before the City Council of the City of High Point on July 15, 2019 regarding **Zoning Map Amendment Case 19-10 (ZA-19-10)** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings were published in the High Point Enterprise on June 16, 2019, for the Planning and Zoning Commission public hearing and on July 3, 2019 and July 10, 2019, 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 **July 15, 2019**.

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

**SECTION 1**

That the Official Zoning Map of the City of High Point be amended to establish the following described area as a: **Conditional Zoning Residential Single Family – 7 (CZ R-7) District**. The property is approximately 12.6 acres, lying approximately 2,100 feet north of the intersection of Skeet Club Road and Birchgarden Drive at the northern terminus of Village Springs Drive. The property is also known as Guilford County Tax Parcel 169942.

**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 uses allowed in the Residential Single Family – 7 (R-7) District subject to the standards of the Development Ordinance and the specific conditions listed in this ordinance.

Part II. **CONDITIONS:**

A. **Development and Dimensional Requirements.**

1. **Density:** A maximum of 46 dwelling units shall be permitted.

SECTION 3

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

SECTION 4

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

SECTION 5

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

SECTION 6.

This ordinance shall become effective upon the date of adoption.

____th day of XXXXXXXXXX xx, 20XX.

Lisa B. Vierling, City Clerk

# **Citizens Information Meeting Report**

## **Zoning Map Amendment 19-10**

Submitted by: Thomas E. Terrell, Jr. on behalf of  
Leoterra Development, Inc.



# **Neighborhood Communications Report**

## **Leoterra Development, Inc.**

Submitted by  
Thomas E. Terrell, Jr.  
May 30, 2019

### **1. Letter of Invitation**

The letter attached as Exhibit A was sent to all neighbors owning property within 300 feet of the site. The letter included a copy of the official citizens' information statement.

The letter provided ample direct, personal contact information for neighbors with questions prior to the meeting. Phone numbers and emails were provided so that recipients could directly contact Mr. Kye Bunker (Leoterra) and Mr. Tom Terrell (applicant's attorney).

### **2. Recipients**

The list of recipients, prepared by the City of High Point Planning Department, is attached as Exhibit B.

### **3. Neighborhood Meeting**

The Neighborhood Meeting was held from 5:30 to 7:00 at the Deep River Recreation Center at 1529 Skeet Club Road. Attending the meeting for Leoterra were Kye Bunker, Rich Glover (Jamestown Engineering) and Tom Terrell (Fox Rothschild).

Only 4 people from the Waterford subdivision attended. The sign in sheet is attached as Exhibit C.

It was explained to all four guests that the proposed 42 lot subdivision was much smaller than theirs; that density would be maxed at 3.6 units per acre; there would be a 100 foot heavily wooded buffer between the two subdivisions; and that the anticipated price point would be between \$275,000 and \$300,000.

### **4. Specific Questions/Concerns/Comments**

The concerns raised were mainly safety issues related to traffic and overcrowding of schools. More specific comments are below.

A. Jason Vaughn – Mr. Vaughn lives on Gallimore Dairy Road. He does not care if the property develops and homes are built. His support was appreciated.

B. Mike Phiphatthana – Mr. Phiphatthana wanted to know how long the construction period would be and whether Leoterra would construct a bridge across the stream between the two subdivisions. Mr. Glover explained that they would use a culvert and added that the stream buffer



required would result in a 100-foot densely vegetated buffer. Mr. Bunker explained that the construction period would be 6 months if they sell lots to a large developer.

C. Mr. John Skrabak – Mr. Skrabak had no problem with development generally or with this land developing as a neighborhood but he was worried that there was only one point of access. There are many children who play in the streets, and the extra homes would create dangers to their safety. Also, it is hard to access Skeet Club at rush hour.

Mr. Skrabak said he would support the development “100% if it had two points of access” and access to Gallimore Dairy Road. It was shown on the site plan that the tract narrows down to 13 feet on the north and that is too narrow to reach Gallimore Dairy.

D. Don McKinnon – Mr. McKinnon brought a tabbed notebook with various concerns and handed us a power point related to school overcrowding. The power point is attached as Exhibit D.

Although he does not have children in county schools, Mr. McKinnon believes that the information related to school impact in the staff report is erroneous and inaccurate, a conclusion he found support for in a 2019 GCS report. The greatest impact will be to Southwest Elementary. He supports a moratorium on all residential development “until the city and the schools have a plan that makes sense.”

Regarding traffic, Mr. McKinnon made the following points:

- the left turn onto Skeet Club takes too long, partially because the light at Harris Teeter doesn’t last long enough to create a useful gap in traffic;
- The entire subdivision only has three points of access to Skeet Club;
- There are many school bus stops near the proposed subdivision entrance;
- There aren’t any stop signs between this location and Fountain Grove and drivers will go too fast;
- The streets of the subdivision are full of children playing. Although he’s not aware of a child being hit by a car yet, he’s concerned that this subdivision could lead to an accident;
- The road in front of his house (Eagle Springs) that leads to the proposed subdivision has a gradient that makes it difficult and dangerous when there is ice and the cars in the proposed subdivision will not be able to get up the hill at times in winter.

**5. Other Communications**

I had one email inquiry before the meeting from Mr. John Skrabak whose issues were school overcrowding, speeding and traffic, and a concern about the level of income of the residents in the proposed homes. My response is attached at Exhibit E.

# EXHIBIT A



Fox Rothschild LLP  
ATTORNEYS AT LAW

300 N. Greene Street, Suite 1400  
Greensboro, NC 27401  
T: 336.378.5200 F: 336.378.5400  
[www.foxrothschild.com](http://www.foxrothschild.com)

TOM TERRELL  
Direct No: 336.378.5412  
Email: [TTerrell@Foxrothschild.com](mailto:TTerrell@Foxrothschild.com)

May 17, 2019

Dear Neighbor:

I represent Leoterra Development, Inc. that has filed an application with the City of High Point to annex and rezone the 13-acre Sisk/Johnson property that lies at the terminus of Village Springs Drive (map attached). The request is for an R7 zoning district that is restricted to 46 total single family residential lots/dwellings. This density is actually less than the density that is suggested under the city's Land Use Plan Map. You are receiving this letter because you own property within 300 feet of the tract.

Enclosed is a statement prepared by the City of High Point about the rezoning process. This matter is scheduled to be heard by the High Point Planning & Zoning Commission on June 25th at 6:00 p.m.

The developer has also scheduled an in-person neighborhood meeting for you to attend if you have an interest. It will be May 29 from 5:30-7:00 p.m. at the Deep River Recreation Center at 1529 Skeet Club Road.

In the meantime, if you have questions, please feel free to email me at [tterrell@foxrothschild.com](mailto:tterrell@foxrothschild.com) or to call me at 336-378-5412. Please also feel free to contact Kye Bunker with Leoterra Development at 336-486-3653 or [kye@leoterradevelopment.com](mailto:kye@leoterradevelopment.com).

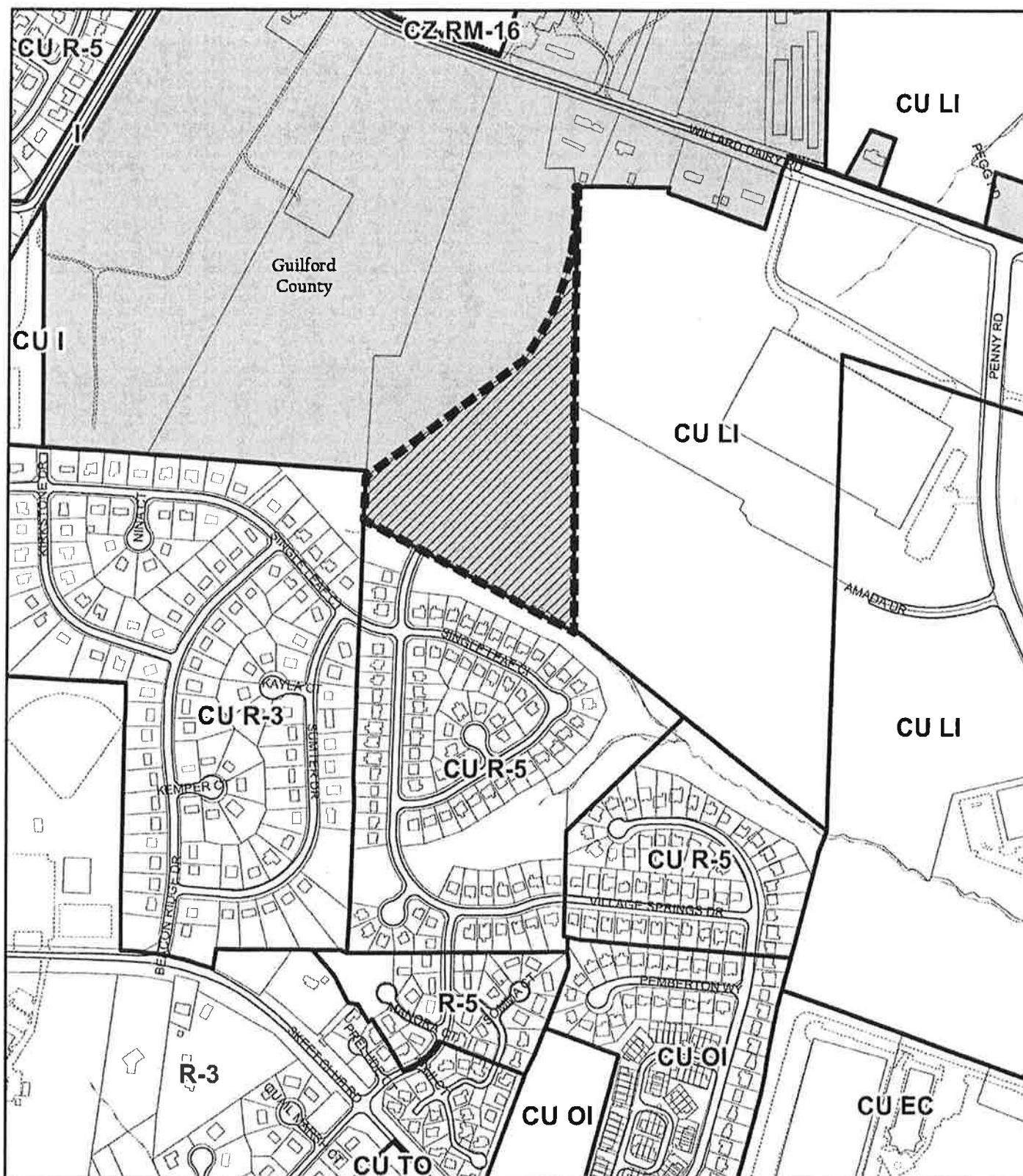
Sincerely,

Tom Terrell

TT:ths  
Enclosure

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota  
Nevada New Jersey New York North Carolina Pennsylvania South Carolina Texas Washington



## ZONING MAP AMENDMENT ZA-19-

From: AG (Guilford County)  
To: R-7 (High Point)

Existing Zoning Boundary  
Subject Property Boundary



Planning & Development  
Department

City of High Point



Scale: 1"=600'  
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## **City of High Point**

### **Citizen Information Meetings**



Persons filing certain development applications with the City of High Point are required to hold a citizen information meeting. This requirement applies to applications for a Conditional Zoning District, Planned Development District, Special Use and a Zoning Map Amendment that proposes to establish a more intense zoning district.

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 filing an application, otherwise known as the applicant, the opportunity to inform citizens about their 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 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 description of the development proposal and are encouraged to share any other available information that would help citizens to better understand it.

After the application is filed with the City's Planning & Development Department, the applicant submits to the City a written summary of the citizen information meeting(s). At a minimum, this report records:

- The date, time, and location of the meeting;
- The method and date of notification about the meeting;
- A list of landowners notified about the meeting;
- A list of meeting attendees;
- If the meeting was conducted as a series of telephone calls;
- The description of the development proposal presented to the attendees; and
- A summary of attendee comments, ideas, and suggestions from citizens to be 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 site. This notice provides a brief summary of the application; 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 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 site.

Development conditions can be adopted by the City Council for a Conditional Zoning District, Planned Development District, or Special Use. However, no condition can be included that:

- Specifies the ownership status, race, religion, or other characteristics of the development's occupants;
- Establishes a minimum size of a dwelling unit;
- Establishes a minimum value of buildings or improvements;
- Excludes residents based upon race, religion, or income; or
- Obligates the City to perform in any manner relative to the approval of or development of the land.

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

Contact:

Planning & Development Department 336-883-3328

[www.buildhighpoint.com](http://www.buildhighpoint.com)



# EXHIBIT B

AMADA NORTH AMERICA INC  
7025 FIRESTONE BLVD  
BUENA PARK CA

BLACK, LAURA  
3677 SINGLE LEAF CT  
HIGH POINT NC

BOOKER, DEREK T;BOOKER, BARBARA G  
3673 SINGLE LEAF CT  
HIGH POINT NC

CANNON, PAMELA LYNN  
3685 SINGLE LEAF CT  
HIGH POINT NC

CARTER, KAREN  
3721 SINGLE LEAF CIR  
HIGH POINT NC

COOK, STEVEN M  
3725 SINGLE LEAF CIR  
HIGH POINT NC

CORTEZ, SALVADOR SALAZAR;CORTEZ, REINA  
SALAZAR  
2536 WILLARD DAIRY RD  
HIGH POINT NC

CRUZ, HERMAN;CRUZ, GISELLE  
3705 SINGLE LEAF CIR  
HIGH POINT NC

FOUNTAIN GROVE OWNERS ASSOCIATION INC  
614 W FRIENDLY AVE  
GREENSBORO NC

GAIRE, SUDARSHAN;SHARMA, PRATIMA  
D;TIWARI, TILAK;TIWARI, LOK K SHARMA  
3709 SINGLE LEAF CIR  
HIGH POINT NC

GOPALAKRISHNAN,  
KALYANARAMAN;GOPALAKRISHNAN, GEETHA  
KALYANARAMAN  
3714 SINGLE LEAF CIR  
HIGH POINT NC

GRUNWALD, KEVIN M;GRUNWALD, AGNES N  
3706 SINGLE LEAF CIR  
HIGH POINT NC

HOBSON, ANN FRANCES;HOBSON, MELVIN L  
3727 SINGLE LEAF CIR  
HIGH POINT NC

HPA BORROWER 20162 ML LLC  
180 N STETSON AVE STE 3650  
CHICAGO IL

JOHNSON, SHIRLEY HARRISON;JOHNSON, GARY  
SISK  
952 QUAKER RIDGE RD  
MEBANE NC

KIM, ABIGAIL;KIM, STEVE  
3644 VILLAGE SPRINGS DR  
HIGH POINT NC

KIM, SUNG SUK;KIM, SOMI KIM  
3712 SINGLE LEAF CIR  
HIGH POINT NC

KOLY, HIDA;KOLY, YOUSIF  
3708 SINGLE LEAF CIR  
HIGH POINT NC

KRAJISNIK, MILAN;KRAJISNIK, MLADENKA  
3681 SINGLE LEAF CT  
HIGH POINT NC

KUTURU R, VENU GOPAL;KUTURU, VINAMRA  
GUNNA  
3704 SINGLE LEAF CIRCLE  
HIGH POINT NC

LEGACY CLASSIC FURNITURE INC  
2575 PENNY RD  
HIGH POINT NC

LYNDRUP, DAVID A;LYNDRUP, MARITZA D  
416 SHADYBROOK RD  
HIGH POINT NC

MACKINNON, DONALD M;MACKINNON, HYON CHU  
3648 VILLAGE SPRINGS DR  
HIGH POINT NC

MANDEWALKER, RAHUL;MANDEWALKER, PINAZ  
KALE  
3702 SINGLE LEAF CR  
HIGH POINT NC

MAYO, ANTONIO  
3711 SINGLE LEAF CIR  
HIGH POINT NC

NIELDS, JOSEPH;NIELDS, KELLY  
3710 SINGLE LEAF CIR  
HIGH POINT NC

PEREZ, LUIS M  
3701 SINGLE LEAF CIR  
HIGH POINT NC

PHIPHATTHANA, MICHAEL;PHIPHATTHANA,  
VIVANA  
3646 VILLAGE SPRINGS DR  
HIGH POINT NC

PUCKETT, BRIAN;PUCKETT, KATHRYN  
3719 SINGLE LEAF CIR  
HIGH POINT NC

SKRABAK, JOHN L;SKRABAK, JESSICA L  
3722 SINGLE LEAF CIR  
HIGH POINT NC

SMITH, VICKI K  
3718 SINGLE LEAF CR  
HIGH POINT NC

THE CHINA GROUP INTERNATIONAL UNITED  
TRUST;WAGNER, JOHN KEAY TRUSTEE  
2340 POWELL ST #328  
EMERYVILLE CA

TRACE FAMILY REVOCABLE TRUST  
AGREEMENT;TRACE, PATRICK J  
TRUSTEE;TRACE, EILEEN A TRUSTEE  
3669 SINGLE LEAF CT  
HIGH POINT NC

TSENG, WEI FA;TSENG, FEE T  
3703 SINGLE LEAF CIR  
HIGH POINT NC

UNITED STATES OF AMERICA FEDERAL AVIATION  
ADMINISTRATION  
PO BOX 20636  
ATLANTA GA

VAUGHN, JASON A  
2544 WILLARD DAIRY RD  
HIGH POINT NC

WATERFORD MEADOWS HOMEOWNERS  
ASSOCIATION  
PO BOX 5468  
HIGH POINT NC

WATERFORD VILLAGE HOMEOWNERS ASSOC INC  
PO BOX 29447  
GREENSBORO NC

WATSON, COURTNEY;WATSON, KEVIN  
3723 SINGLE LEAF CIR  
HIGH POINT NC

WILLIARD, EDWARD L  
2500 WILLARD DAIRY RD  
HIGH POINT NC

WU, CHENG  
2948 LOGBRIDGE RD  
HIGH POINT NC

YANOW, ALLEN S;YANOW, ELIZABETH JACKSON  
3715 SINGLE LEAF CIR  
HIGH POINT NC

# EXHIBIT C

# PLEASE SIGN IN

NAME (PRINT)

Don MacKinnon

ADDRESS (PRINT)

3648 Village Springs Dr 336-870-3533  
mackinnondm@msn.com

Michael Phiphatthana

3646 Village Springs Dr

Jason Vaughn

2544 Willard Dairy Rd.

John Skrasak

3222 Single leaf circle.

# EXHIBIT D

# Local Impact of Guilford County Schools Proposed Long-Term Master Plan

Extracted from Guilford County Schools *School Assignment  
Optimization and Facility Condition Assessment* (January 9, 2019)  
performed by MGT Consulting Group

Available at [gcsnc.com/Page/53189](https://gcsnc.com/Page/53189). Hereafter referred to as "the Study".

# Study language is more nuanced . . .

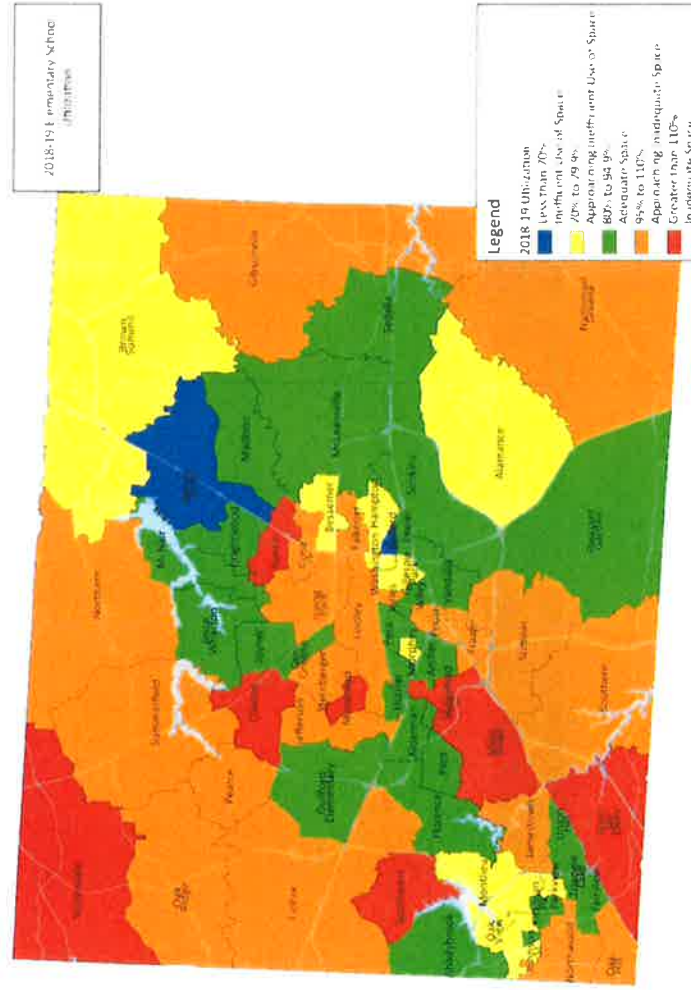
There are 8,664 (2018 projected enrollment) empty seats across the GCS system based on M&T instructional space capacity calculations. Over the next three years, the number of empty seats will sharply decline because of capacity decreases at the elementary schools based on the class size reduction legislation in North Carolina.

The Department of Public Instruction in North Carolina has released policy changes from 2019-2022 to decrease class sizes for kindergarten, 5th grade. These changes directly impact the capacity of elementary school buildings through a decrease in the allowable number of students per classroom, which in turn affects the capacity of the entire school building. This policy change will cause many schools from appropriately utilized to overutilized between 2018-2022, the time span for this long range facilities master plan. The recommendations in this section consider the capacity and utilization impact resulting from the decreased classroom sizes in these grade bands.

In 2019-2022, there will be a reduction of 9,40 seats of capacity, and without changes, the number is projected to grow to more than 2,247 seats. Having "empty seats" carries several cost, including lost revenue and increased per student energy and operational costs. Without changes in the district's facility inventory, these costs are projected to increase over time. The results of implementing the recommendations below place the school district at an overall 92 percent utilization rate and reduces the number of open seats in the district from 8,664 to 4,427 (from Page 90 of the Study).



# Southwest Elementary School



# Southwest Elementary Enrollment

SITE NAME	2017 PK-12 ENROLLMENT	2018 PK-12 PROJECTED ENROLLMENT	2027 PK-12 PROJECTED ENROLLMENT	MGT PK-12 CAPACITY 2018	MGT PK-12 CAPACITY 2021-27	MGT 2017 UTILIZATION	MGT 2018 PROJECTED UTILIZATION	MGT 2027 PROJECTED UTILIZATION
Peck Elem.	293	265	202	328	306	89%	81%	65%
Peeler Elem.	291	274	248	336	304	87%	82%	81%
Pilot Elem.	626	609	669	734	685	85%	83%	98%
Pleasant Garden Elem.	456	445	425	533	495	86%	84%	86%
Rankin Elem.	794	786	817	632	567	126%	124%	144%
Reedy Fork Elem.	442	459	494	705	648	63%	70%	76%
Sedalia Elem.	466	468	476	495	458	94%	95%	104%
Sedgefield Elem.	537	543	566	479	441	112%	113%	128%
Shadybrook Elem.	427	415	348	468	430	91%	89%	81%
Simkins Elem.	542	552	606	606	561	89%	91%	108%
Southern Elem.	312	316	347	315	288	99%	100%	121%
Southwest Elem.	900	925	1,037	832	765	108%	111%	135%

# Southwest MS & HS Capacity

SITE NAME	PK-12 CAPACITY 2018	PK-12 CAPACITY 2019	PK-12 CAPACITY 2020	PK-12 CAPACITY 2021/22
Allen Middle	741	741	741	741
Allen Jay Middle	464	464	464	464
Brown Summit Middle	336	336	336	336
Eastern Middle	1,123	1,123	1,123	1,123
Ferris Middle	962	962	962	962
Harrison Middle	962	962	962	962
Jackson Middle	722	722	722	722
Jamestown Middle	1,179	1,179	1,179	1,179
Johnson Street Elem. (K-8)	501	493	485	476
Kerns Middle	1,106	1,106	1,106	1,106
Kiser Middle	1,034	1,034	1,034	1,034
Lincoln Academy (4-8)	1,032	1,032	1,032	1,032
Mendenhall Middle	880	880	880	880
Northeast Middle	904	904	904	904
Northern Middle	914	914	914	914
Northwest Middle	896	896	896	896
Peter Griffin Sch. for the Arts	980	980	980	980
Southeast Middle	915	915	915	915
Southern Middle	986	986	986	986
Southwest Middle	1,099	1,099	1,099	1,099
Swann Middle	952	952	952	952
Welborn Middle	736	736	736	736
Western Guilford Middle School	1,083	1,083	1,083	1,083
<b>Middle Total</b>	<b>25,505</b>	<b>25,497</b>	<b>25,489</b>	<b>25,480</b>
Andrews High	1,146	1,146	1,146	1,146
Dudley High	1,744	1,744	1,744	1,744
Eastern High	1,308	1,308	1,308	1,308
Grimsley High	1,779	1,779	1,779	1,779
High Point Central High	1,614	1,614	1,614	1,614
Northeast High	947	947	947	947
Northwest High	1,417	1,417	1,417	1,417
Northwest High	1,583	1,583	1,583	1,583
Page High	1,658	1,658	1,658	1,658
Ragdale High	1,651	1,651	1,651	1,651
Smith High	1,608	1,608	1,608	1,608
Southeast High	1,553	1,553	1,553	1,553
Southern High	1,174	1,174	1,174	1,174
Southeast High	1,719	1,719	1,719	1,719

# Southwest Middle School ... thru 2027

Site Name	Combined Score (50/45/0/5)	2027 PK-12 Projected Enrollment	M GT PK -12 Capacity 2021-27	M GT PK -12 Projected Utilization	FMP Phase 1 Deficiency Budget Estimate	Add for Capacity	FMP Phase 1 Addition Budget Estimate	Student Change	FMP Replacement Budget Estimate	Recommendation	Result 2027 Enrollment	Result 2027 Capacity	Resulting Utilization	FMP Phase 2 Deficiency Budget Estimate (Comb score 60-69)	FMP Phase 3 Deficiency Budget Estimate (Comb score 70-79)	FMP Phase 4 Deficiency Budget Estimate (Comb score 80+)	FMP Total Budget Estimate Phases 1-4
Ferndale Middle	71	734	962	76%	185	Adjust boundary 185 students from Southwest MS.	919	962	96	96%	\$0	\$0	\$14,089,200	\$0	\$14,089,200	\$0	\$14,089,200
Hairaton Middle	85	702	902	73%	237	Adjust boundary, 237 students from Kiser.	939	962	98	98%	\$0	\$0	\$6,371,800	\$0	\$6,371,800	\$0	\$6,371,800

Site Name	Combined Score (50/45/0/5)	2027 PK-12 Projected Enrollment	M GT PK -12 Capacity 2021-27	M GT PK -12 Projected Utilization	FMP Phase 1 Deficiency Budget Estimate	Add for Capacity	FMP Phase 1 Addition Budget Estimate	Student Change	FMP Replacement Budget Estimate	Recommendation	Result 2027 Enrollment	Result 2027 Capacity	Resulting Utilization	FMP Phase 2 Deficiency Budget Estimate (Comb score 60-69)	FMP Phase 3 Deficiency Budget Estimate (Comb score 70-79)	FMP Phase 4 Deficiency Budget Estimate (Comb score 80+)	FMP Total Budget Estimate Phases 1-4
Southern Middle	80	738	986	75%	125	Adjust boundary, 125 students from Southeast MS.	863	986	88	88%	\$0	\$0	\$5,277,400	\$0	\$0	\$5,277,400	\$5,277,400
Southwest Middle	81	1,251	1,099	110%	(185)	Adjust boundary 185 students to Ferndale MS.	1,066	1,099	97	97%	\$0	\$0	\$7,244,400	\$0	\$0	\$7,244,400	\$7,244,400

# Southwest High School ... thru 2027

Site Name	Combined Score (50/45/0/5)	2027 PK-12 Projected Enrollment	MTOT 12-15 by 2027	MTOT 16-19 by 2027	Projected Utilization	FMP Phase 1 Enrollment Budget Adjustment	Addn for Capacity	FMP Phase 1 Addition Budget Estimate	Student Change	FMP Replacement Budget Estimate	Maximum Addition	Residual Enrollment	Results by 2027 Capacity	Rebuilding Utilization	FMP Phase 1 Total Budget Estimate	FMP Phase 2 Deficiency Budget Estimate (Comb score 60+)	FMP Phase 3 Deficiency Budget Estimate (Comb score 70-79)	FMP Phase 4 Deficiency Budget Estimate (Comb score 80+)	FMP Total Budget Estimate Phases 1-4
Northeast High	55	927	947	98%	98%	\$23,935,100					Renovate	927	947	98%	\$23,935,100	\$0	\$0	\$0	\$23,935,100
Northern High	50	1,411	1,417	100%	100%						No change	1,411	1,417	100%	\$0	\$0	\$0	\$5,534,300	\$5,534,300
Northwest High	70	2,358	1,583	143%	143%				(600)		Adjust boundary, 600 students to Western HS	1,658	1,583	105%	\$0	\$0	\$20,699,600	\$0	\$20,699,600
Pagle High	65	1,938	1,658	117%	117%				(300)		Adjust boundary, 300 students to Dudley HS	1,638	1,658	99%	\$0	\$27,822,300	\$0	\$0	\$27,822,300
Ragsdale High	83	1,463	1,651	89%	89%				142		142 students from Kearns Academy	1,605	1,651	97%	\$0	\$0	\$0	\$16,497,000	\$16,497,000
Smith High	59	1,334	1,608	83%	83%	\$37,038,900					Renovate	1,334	1,608	83%	\$37,038,900	\$0	\$0	\$0	\$37,038,900
Southeast High	74	1,350	1,553	87%	87%						No change	1,350	1,553	87%	\$0	\$0	\$21,986,000	\$0	\$21,986,000
Southern High	56	1,124	1,174	96%	96%					\$45,937,700	Replace with 1,250 student capacity HS	1,124	1,250	90%	\$45,937,700	\$0	\$0	\$0	\$45,937,700
Southwest High	70	1,795	1,719	104%	104%						No change	1,795	1,719	104%	\$0	\$0	\$26,066,400	\$0	\$26,066,400

# EXHIBIT E

## **Terrell, Tom**

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**From:** Terrell, Tom  
**Sent:** Wednesday, May 22, 2019 2:21 PM  
**To:** 'john skrabak'  
**Subject:** RE: R7 zoning Sisk/Johnson

Mr. Skrabak,

Thank you for your email.

In response to your questions and comments, N.C. law prevents a city from requiring any form of impact fee or other mitigation related to school populations in exchange for a zoning approval, and the city only addresses whether this is an appropriate land use. Public schools are built and maintained by the county and operated by the State.

I represented the developer of your subdivision 15 years ago when he went through the zoning process. The road that stubs into the Sisk/Johnson property was required by the city and offered by your subdivision's developer so that this land could be developed at some point in the future and connect to the public transportation system.

The city's land use plan proposes low density residential in the R-5 category, which is 5 units per gross acre, or 64 units. Leoterra has offered a condition limiting density to 46 lots/dwelling units, which is 19 units below what the development guidelines recommend.

Regarding whether these homes are "lower end, starter homes or higher end," I don't know how to answer since those terms don't have objective measures. I can tell you that the anticipated sales price of lots and homes is between \$275,000 and \$300,000. For context, your house and lot are valued by the Guilford County Tax Department at \$208,000.

Please let me know if I can provide more information. I hope to be at the neighborhood meeting on the 29th and would be pleased to meet with you then.

**Tom Terrell**  
Partner  
**Fox Rothschild LLP**  
300 N Greene Street  
Suite 1400  
Greensboro, NC 27401  
(336) 378-5412 - direct  
(336) 378-5400 - fax  
[TTerrell@foxrothschild.com](mailto:TTerrell@foxrothschild.com)  
[www.foxrothschild.com](http://www.foxrothschild.com)

----- Forwarded Message -----

**From:** john skrabak <[link1609@yahoo.com](mailto:link1609@yahoo.com)>  
**To:** "[tterrell@foxrothschild.com](mailto:tterrell@foxrothschild.com)" <[tterrell@foxrothschild.com](mailto:tterrell@foxrothschild.com)>  
**Sent:** Monday, May 20, 2019, 12:05:11 PM EDT  
**Subject:** Fwd: R7 zoning sisk/Johnson

>  
>  
> Greetings,  
>  
> My name is John Skrabak. I reside on single leaf circle.  
>  
> My first concern is schooling. They are already over crowded. Since this development will fall with in the Southwest schools district. Are you planning on funding the school for expansion or have a solution?  
>  
> 2nd. The map is only showing one road entering the area through a existing neighborhood. There is already issues with people speeding through that area. Now with even more traffic someone will get hurt or killed. Along with the expansion of skeet club it is already a mess trying to get out. When it's done you will only be able to make a right out several of the connecting neighborhoods to exit. This will also increase traffic in neighborhoods. Putting people and children at risk.  
>  
> 3rd. What level of housing are you trying to build? Low income, starter homes or higher end.  
>  
>  
> Thank you  
> John Skrabak





**July 12, 2019**

To: Randy McCaslin, Deputy City Manager

From: Michael E. McNair, Director of Community Development & Housing

Subject: Code Enforcement Activity Report for June 2019

This report serves to summarize Code Enforcement activity for the month of June. During this period staff processed 30 new minimum housing complaints; 314 new public nuisance complaints and collected 80 signs. Additionally:

- The backlog of minimum housing cases from the old system has been reduced to 0 from the initial backlog of 270 (June 2016).
- Local Codes Enforcement Staff recorded 28 zoning complaints during the month.
- A total of 234 Public Nuisance cases were abated during the month (73 - City abated and 161 - owner abated).
- Staff didn't work on a Saturday during June to collect illegal signs but will resume in July.
- 6 houses were demolished during June. Requests for bids and asbestos inspection will be released on 8 additional homes before month end.
- An applicant has been selected to fill the Local Codes Enforcement Officer vacancy with an anticipated start date of July 29 contingent upon completing the pre-employment process.
- There were 532 total active cases:
  - o 314 active minimum housing cases
  - o 115 active public nuisance cases
  - o 106 active zoning cases

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

<b>Local Codes Enforcement Montly Activity</b>							
		<u>Jan-19</u>	<u>Feb-19</u>	<u>Mar-19</u>	<u>Apr-19</u>	<u>May-19</u>	<u>Jun-19</u>
1. Minimum Housing							
	a. Minimum Housing Complaints	40	31	25	33	18	30
	b. Active Minimum Housing Cases	317	340	335	321	332	314
	c. Active Backlog Cases (270 original)	1	1	1	1	1	0
	d. Cases Taken Before City Council						
	i. For Demolition	2	4	2	5	2	1
	e. City Demolished Houses	4	4	3	2	3	6
2. Public Nuisance							
	a. Public Nuisance Complaints (incl. unsecured dwellings)	51	36	41	233	323	140
	b. Active Public Nuisance Cases	101	81	104	260	283	115
	c. City abated PN Cases	8	7	1	5	30	73
	d. Owner abated PN Cases	49	37	14	57	260	161
3. Zoning							
	a. Zoning Complaints ( Vehicles, Signs, Banners)	26	18	28	39	43	28
	b. Active Zoning Cases	95	84	85	114	124	106
	c. Signs collected	174	156	287	93	134	80
		<b>TOTAL ACTIVE CASES - 535</b>					



























































CITY OF HIGH POINT  
CODE ENFORCEMENT  
VIOLATION NOTICE  
This notice is being placed on your property because of a violation of the City of High Point Code of Ordinances. You are hereby notified that you must correct the violation within the time specified in this notice. If you fail to do so, the City of High Point may take action to correct the violation at your expense. The violation is:   
Exterior lighting.   
Address: 1211 N. 1st St.   
City of High Point, NC 27265







**HIGH POINT CITY COUNCIL  
REGULAR MEETING  
JUNE 17, 2019 – 5:30 P.M.  
COUNCIL CHAMBERS – HIGH POINT MUNICIPAL BUILDING**

**ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE**

*Mayor Wagner called the meeting to order at 5:30 p.m. The Pledge of Allegiance followed with a Moment of Silence.*

*Upon call of the roll, the following Council Members were **Present (7):***

*Mayor Jay W. Wagner, Mayor Pro Tem Jason Ewing (Ward 6); Council Member Britt Moore (At Large), Council Member Donald Scarborough (At Large), Council Member Jeffrey Golden (Ward 1), Council Member Christopher Williams (Ward 2), and Council Member Victor Jones (Ward 5)*

*The following Council Members were **Absent (2):***

*Council Member Monica Peters (Ward 3) and Council Member Wesley Hudson (Ward 4),*

**RECOGNITIONS AND PRESENTATIONS**

**2019-261      Recognition of Honors Program Recipients**

*The Human Resources Department will present the certificates to the City of High Point Employees who are recipients of the HONORS Program awards.*

*Greg Demko, City Manager began with the “Above and Beyond Award”; highlighted the events; recognized the recipients Brad Embry, Mike Bolick, and Zack Mills; voiced appreciation for the exceeded call of duty in assisting a resident with maintenance of their home due to medical reasons; and presented them each with a \$100 check for their services.*

*[applause, photo opportunity]*

*City Manager Demko recognized Robbie Baker for the “Extra Mile Award”; highlighted Mr. Baker’s outstanding service in taking the initiative to assure a fellow co-worker’s duties was completed while they were out due to medical reasons; and presented Mr. Baker with a \$100 check for his services.*

*[applause, photo opportunity]*

*City Manager Demko spoke to the “Working Together Award; highlighted the contributions made to citizens who reside in public housing; and recognized the*



*following recipients from the High Point Police Department Housing Authority Unit to accept the award: Derek Barker, Scott Treadway, David Inthisane, David Hilliard, Ryan Mizell, Justin Presnell and Matthew Sizemore.*

*[applause, photo opportunity]*

**2019-262      Presentation - ElectriCities Award**

ElectriCities CEO Roy L. Jones will present the City of High Point with the 2018 Public Power Award of Excellence.

*Mayor Wagner introduced Roy L. Jones, Chief Executive Officer of ElectriCities of North Carolina, Inc.*

*Mr. Jones spoke to the 71 communities across North Carolina that owned their own electric companies; to efforts in restoring power; reference a video created for the community titled "From the spark in the generator to the home"; to workforce development; to safety being a priority for employees; to compensation and retention; to promoting energy efficiency; voiced appreciation; and presented the 2018 Public Power Award of Excellence to the City of High Point.*

*[applause, photo opportunity]*

**2019-288      Proclamation - Homeownership Month**

Mayor Wagner will present a proclamation to the Community Housing & Development Staff recognizing June as Homeownership Month.

*Mayor Wagner read the proclamation into the minutes proclaiming the month of June as "Homeownership Month" in the City of High Point and presented it to Steven Key, Director of Open-Door Ministries.*

*[applause, photo opportunity]*

**REGULAR AGENDA ITEMS**

*Council Member Moore noted that the Finance Committee did not meet last week.*

**FINANCE COMMITTEE** - Council Member Moore, Chair

**2019-263      Agreement - Samet Corporation - New High Point Police Department**

City Council is requested to approve an agreement with Samet Corporation (CMAR) in the amount of \$132,345.00 for preconstruction services for the new High Point Police Department and Communication Center.

*Council Member Moore introduced the item and recognized Randy McCaslin, Deputy City Manager.*



*Mr. McCaslin spoke to having a previous contract with Samet Corporation as the Construction Manager at Risk (CMAR) for the construction of the BB&T Point Stadium; and to negotiating a preconstruction agreement to cover services until construction began.*

Approved an agreement with Samet Corporation (CMAR) in the amount of \$132,345.00 for preconstruction services for the new High Point Police Department and Communication Center.

**A motion was made by Council Member Moore, seconded by Mayor Pro Tem Ewing, that this agreement be approved. The motion carried by the following unanimous 7-0 vote:**

Aye (9): Mayor Wagner, Mayor Pro Tem Ewing, Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Williams, and Council Member Jones

Absent (2): Council Member Peters, and Council Member Hudson

**2019-281      Contract - School Resource Officer Program - The Board of Education of Guilford County**

City Council is requested to approve a contract with The Board of Education of Guilford County for eight (8) school resource officers (SRO Program). The Board of Education Board shall reimburse the City in the amount of \$532,240.00 for the salaries and equipment of the officers assigned to the SRO Program.

*Kenneth Shultz, Chief of Police spoke to history of working with The Board of Education of Guilford County; explained the details of the contract; spoke to the competitive hiring process for School Resource Officers (SRO); to the safety in schools; stated SROs are mentors and provide guidance for students; spoke to training opportunities; and to a partnership with High Point University (HPU).*

*Council Member Moore inquired on the expenses for vehicle maintenance; and Mayor Pro-Tem Ewing inquired about the SROs summer break work schedules. Chief Shultz replied that vehicle maintenance was included in the contract; and stated the SROs have special work projects during summer break.*

Approved a contract with the Guilford County Board of Education for eight (8) School Resource Officers.

**A motion was made by Mayor Pro Tem Ewing, seconded by Council Member Jones, that this contract be approved. The motion carried by the following unanimous 7-0 vote:**



Aye (9): Mayor Wagner, Mayor Pro Tem Ewing, Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Williams, and Council Member Jones

Absent (2): Council Member Peters, and Council Member Hudson

*Mayor Wagner voiced appreciation for the SRO; and stated it was a great program.*

**2019-282     Agreement - Kimley Horn & Associates - Transportation Study**

City Council is requested to approve a professional consulting services agreement with Kimley Horn & Associates to perform a transportation study for the High Point Metropolitan Planning Organization (HPMPO).

*Jim Haynes spoke to a request from the City of Lexington to have a study conducted; to the City of High Point (CHP) being the lead agency for the HPMPO; and stated no funds would come from the CHP.*

Approved an agreement with Kimley Horn & Associates for consulting services to perform a transportation study for the High Point Metropolitan Planning Organization (HPMPO).

**A motion was made by Council Member Moore, seconded by Mayor Pro Tem Ewing, that this agreement be approved. The motion carried by the following unanimous 7-0 vote:**

Aye (9): Mayor Wagner, Mayor Pro Tem Ewing, Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Williams, and Council Member Jones

Absent (2): Council Member Peters, and Council Member Hudson

**2019-264     Contract - Breece Enterprises - Water & Sewer Maintenance**

City Council is requested to award a contract to Breece Enterprises, Inc in the amount of \$606,300.00 for water and sewer utility repair and maintenance.

*Keith Pugh, Engineering Services stated the contract would be annual; spoke to the terms of the contract to include scheduled maintenance and emergency repairs; to options of hiring new companies; and to how funds was distributed.*

Approved award of a contract to Breece Enterprises, Inc in the amount of \$606,300.00 for water and sewer utility repair and maintenance.

**A motion was made by Mayor Pro Tem Ewing, seconded by Council Member Moore, that this contract be approved. The motion carried by the following unanimous 7-0 vote:**



Aye (9): Mayor Wagner, Mayor Pro Tem Ewing, Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Williams, and Council Member Jones

Absent (2): Council Member Peters, and Council Member Hudson

**2019-265      Contract - Seaboard Group - SCADA Control System**

City Council is requested to approve a Remedial Action Contractor Services Agreement with Seaboard Group II and RoviSys Company in the amount of \$317,460. The agreement will be a 75/25 split with the City portion 25%.

*Terry Houk, Public Services Director spoke to the condition of the existing system as being unreliable and voiced the need for an upgrade.*

*Council Member Moore asked if staff would have to be retrained to operate the new system. Mr. Houk replied that the management group would hire contractors to run the system.*

Approved a Remedial Action Contractor Services Agreement with Seaboard Group II and RoviSys Company in the amount of \$317,460.

**A motion was made by Council Member Moore, seconded by Council Member Williams, that this contract be approved. The motion carried by the following unanimous 7-0 vote:**

Aye (9): Mayor Wagner, Mayor Pro Tem Ewing, Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Williams, and Council Member Jones

Absent (2): Council Member Peters, and Council Member Hudson

**2019-266      Contract - Paymentus - Change Order 1**

City Council is requested to approve change order No. 1 to Paymentus (electronic payment vendor) to increase the original contract from \$335,000 to \$435,000. Increase is due to higher than anticipated transaction costs.

*Bob Martin, Customer Services Director, outlined the initial contract; spoke to how the expenses were doubled in the first statement due to unanticipated transactions with awards cards and large accounts; stated new rules were implemented bringing the cost in the normal range; and that the increased funding contract amount will allow them to finish the FY out.*

*Council Member Moore inquired on offsetting expenses. Mr. Martin spoke to an option of staff reduction; and to having a high level of Payment Card Industry (PCI) compliance.*



Approved Change Order No. 1 to Paymentus increasing the original contract amount from \$335,000 to \$435,000.

**A motion was made by Council Member Moore, seconded by Mayor Pro Tem Ewing, that this contract be approved. The motion carried by the following unanimous 7-0 vote:**

Aye (9): Mayor Wagner, Mayor Pro Tem Ewing, Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Williams, and Council Member Jones

Absent (2): Council Member Peters, and Council Member Hudson

**2019-267     Ordinance - Budget Amendment - High Point Market Authority**

City Council is requested to approve a budget amendment to increase the Market Authority revenue budget in the amount of \$112,000. This increase will recognize additional Occupancy Tax and Showroom Tax collections and enable the funds to be transferred to the Market Authority.

*Laura Altizer, Budget & Performance Manager, discussed the budget amendment to recognize additional Occupancy and Showroom taxes received and spoke to how the revenue projections were much higher than anticipated.*

Adopted an Ordinance amending the FY 2018-2019 Budget to increase the Market Authority revenue budget in the amount of \$112,000.

**A motion was made by Mayor Pro Tem Ewing, seconded by Council Member Jones, that this ordinance be adopted. The motion carried by the following unanimous 7-0 vote:**

Aye (9): Mayor Wagner, Mayor Pro Tem Ewing, Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Williams, and Council Member Jones

Absent (2): Council Member Peters, and Council Member Hudson

**Ordinance No. 7534/19-51**

**Ordinance Book Volume XX, Page 163**

**2019-268     Ordinance - Budget Amendment - Insurance Reserve Fund**

City Council is requested to approve a budget amendment in the amount of \$100,000 to increase appropriations for the Insurance Reserve Fund due to increased employee premiums paid and expenses for healthcare and dental care claims.



*Laura Altizer, Budget & Performance Manager Laura explained the need for the budget amendment; spoke to unused funds being returned; and to the increased budget for the next FY.*

Adopted an Ordinance amending the FY 2018-2019 Budget Ordinance in the amount of \$100,000 to increase appropriations for the Insurance Reserve Fund.

**A motion was made by Council Member Moore, seconded by Mayor Pro Tem Ewing, that this ordinance be adopted. The motion carried by the following unanimous 7-0 vote:**

Aye (9): Mayor Wagner, Mayor Pro Tem Ewing, Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Williams, and Council Member Jones

Absent (2): Council Member Peters, and Council Member Hudson

**Ordinance No. 7535/19-52**

**Ordinance Book Volume XX, Page 164**

**2019-269      Ordinance - Budget Amendment - Refunding Bonds**

City Council is requested to approve a budget ordinance to provide appropriations to record the refinancing of the 2010B Revenue Bonds.

*Bobby Fitzjohn, Financial Services Director, spoke to the Series 2019 bonds sold on June 5th at \$46.7 million; to cash flow savings in the amount of \$1.7 million which resulted in a savings of \$80,000 a year; and to how this enables the refunding of the bonds to be properly recorded.*

Adopted an Ordinance amending the FY 2018-2019 Budget Ordinance to provide appropriations in the amount of \$17,659,405 to record the refinancing of the 2010B Revenue Bonds.

**A motion was made by Mayor Pro Tem Ewing, seconded by Council Member Golden, that this ordinance be adopted. The motion carried by the following unanimous 7-0 vote:**

Aye (9): Mayor Wagner, Mayor Pro Tem Ewing, Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Williams, and Council Member Jones

Absent (2): Council Member Peters, and Council Member Hudson

**Ordinance No. 7536/19-53**

**Ordinance Book Volume XX, Page 165**



**2019-270      Resolution - Findings and Determinations - General Obligation Bonds**

City Council is requested to approve a resolution making certain findings related to the authorization and issuance of \$50 million General Obligation Bonds (GOB) pursuant to a bond referendum to be held November 5, 2019 and filing of an application for said bonds with the Local Government Commission.

*Eric Olmedo, Managing Director made a PowerPoint Presentation (PPP) on the General Obligation Bonds; stated the bond issue would not require a tax increase; spoke to the city's strong bond rating; and to the \$50 million in bonds being used for roads/transportation, parks and recreation, and affordable housing.*

*Bobby Fitzjohn, Financial Services Director stated it would be two separate resolutions to be voted on as follows: Resolution directing the publication of Notice of Intention to apply to the Local Government Commission for Approval of Bonds; and Resolution making certain statements of fact concerning proposed bond issue and authorizing the application with the Local Government Commission.*

*Council Member Jones inquired on a timeframe for the City Lake pool to be closed for upgrades. Greg Demko, City Manager replied no timeframe was established at this time.*

Adopted a Resolution making certain findings related to the authorization and issuance of \$50 million General Obligation Bonds (GOB) pursuant to a bond referendum to be held November 5, 2019 and filing of an application for said bonds with the Local Government Commission.

**A motion was made by Mayor Pro Tem Ewing, seconded by Council Member Jones, that this resolution for making certain statements of fact concerning proposed bond issue be adopted. The motion carried by the following unanimous 7-0 vote:**

Aye (9): Mayor Wagner, Mayor Pro Tem Ewing, Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Williams, and Council Member Jones

Absent (2): Council Member Peters, and Council Member Hudson

**Resolution No. 1847/19-33  
Resolution Book Volume XX, Page 106**

**A motion was made by Mayor Pro Tem Ewing, seconded by Council Member Jones, that this resolution for notice of intention to apply to the Local**



**Government Commission for approval of bonds be adopted. The motion carried by the following unanimous 7-0 vote:**

Aye (9): Mayor Wagner, Mayor Pro Tem Ewing, Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Williams, and Council Member Jones

Absent (2): Council Member Peters, and Council Member Hudson

**Resolution No. 1848/19-34**

**Resolution Book Volume XX, Page 107**

**2019-283      Resolutions/Orders - City of High Point/Forsyth County - Tax Collection**

City Council is requested to authorize the appropriate City Official to execute an agreement between Forsyth County and the City of High Point for the collection of the 2019 and for the collection of 2018 and prior years' taxes by the Forsyth County Tax Administration office for areas of High Point located in Forsyth County.

*Eric Olmedo, Managing Director, discussed the agreement; stated it was required; and spoke to the annual affirmation with Forsyth County for their ability to collect taxes.*

Adopted a Resolution authorizing the appropriate City Official to execute an agreement with Forsyth County for the collection of the 2019 and for the collection of 2018 and prior years' taxes for properties in High Point that are located in Forsyth County.

**A motion was then made by Council Member Moore, seconded by Mayor Pro Tem Ewing, that the resolution for the agreement between the City of High Point and Forsyth County be adopted. The motion carried by the following unanimous 7-0 vote:**

Aye (9): Mayor Wagner, Mayor Pro Tem Ewing, Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Williams, and Council Member Jones

Absent (2): Council Member Peters, and Council Member Hudson

**Resolution No. 1849/19-35**

**Resolution Book Volume XX, Page 108**

**A motion was made by Council Member Moore, seconded by Mayor Pro Tem Ewing, that this resolution for Tax Collection for 2018 and prior years be adopted. The motion carried by the following unanimous 7-0 vote:**



Aye (9): Mayor Wagner, Mayor Pro Tem Ewing, Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Williams, and Council Member Jones

Absent (2): Council Member Peters, and Council Member Hudson

**Resolution No. 1850/19-36**

**Resolution Book Volume XX, Page 109**

**PENDING ITEMS**

**2018-169      Amendment to License Agreement - Cingular Wireless PSC, LLC (AT&T)**

City Council is requested to approve an Amendment to the License Agreement with Cingular Wireless PCS, LLC (AT&T) which allows the location of communication equipment at the City's Ward Water Plant; and authorize the City Manager to execute the agreement.

*Note: This matter was initially heard by City Council on May 21, 2018, at which time action was taken to refer it to the Finance Committee at the suggestion of City Attorney JoAnne Carlyle due to necessary clean-up on the contract in general as the company has changed hands and names.*

**COMMUNITY HOUSING, NEIGHBORHOOD DEVELOPMENT AND PUBLIC SAFETY COMMITTEE** - Council Member Golden, Chair

**2019-272      Resolution - Authorization to Convey Property**

City Council is requested to adopt a Resolution authorizing the conveyance of properties at 3910 Kim Drive, 818 Mobile Street, 815 Mobile Street, to Housing Consultants Group (HCG) for the purposes of selling the properties at a negotiated price to income eligible buyers.

*Michael McNair, Community Development and Housing Director spoke to authorizing the conveyance of the said properties to HCG for the purposes of selling the properties at a negotiated price to income eligible buyers.*

Adopted Resolutions authorizing the conveyance of properties at 3910 Kim Drive, 818 Mobile Street, 815 Mobile Street, to Housing Consultants Group (HCG).

**A motion was made by Council Member Golden, seconded by Council Member Williams, that the resolutions for conveyance of properties at 3910 Kim Drive, 818 Mobile Street, and 815 Mobile Street be adopted. The motion carried by the following unanimous 7-0 vote:**



Aye (9): Mayor Wagner, Mayor Pro Tem Ewing, Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Williams, and Council Member Jones

Absent (2): Council Member Peters, and Council Member Hudson

**Resolution No. 1851/19-37**  
**Resolution Book Volume XX, Page 110**

**Resolution No. 1853/19-39**  
**Resolution Book Volume XX, Page 112**

**Resolution No. 1854/19-40**  
**Resolution Book Volume XX, Page 113**

**PLANNING & DEVELOPMENT COMMITTEE** - Council Member Williams, Chair

**2019-273      Resolution of Intent - Annexation 19-05**

Approval of a Resolution of Intent that establishes a public hearing date of Monday, July 15, 2019 at 5:30 p.m. to consider a voluntary contiguous annexation of an approximate 12.6-acre parcel lying approximately 2,100 feet north of the intersection of Skeet Club Road and Birchgarden Drive, at the northern terminus of Village Springs Drive. The property is also known as Guilford County Tax Parcels 169942.

Adopted a Resolution of Intent establishing a public hearing date of Monday, July 15, 2019 at 5:30 p.m. to consider a voluntary contiguous annexation of an approximate 12.6-acre parcel lying approximately 2,100 feet north of the intersection of Skeet Club Road and Birchgarden Drive at the terminus of Village Springs Drive.

**A motion was made by Council Member Williams, seconded by Mayor Pro Tem Ewing, that this resolution be adopted. The motion carried by the following unanimous 7-0 vote:**

Aye (9): Mayor Wagner, Mayor Pro Tem Ewing, Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Williams, and Council Member Jones

Absent (2): Council Member Peters, and Council Member Hudson

**Resolution No. 1852/19-38**  
**Resolution Book Volume XX, Page 111**



**2019-274      Right of Way Encroachment RE-19-0010 - Huntington Furniture Industries Inc.**

A request by Huntington Furniture Industries Inc for a 2.47 square foot encroachment to install a portion of a railing and stair within the E. Green Drive right-of-way.

*Samuel Hinnant, Senior Planner, spoke to the staff's recommendation for approval of the encroachment; and stated the request went through the TRC review process.*

Approved Right-of-Way Encroachment RE-19-0010 by Huntington Furniture Industries for a 2.47 square foot encroachment to install a portion of a railing and stair with the E. Green Drive right-of-way.

**A motion was made by Council Member Ewing, seconded by Council Member Jones, that this matter be approved. The motion carried by the following unanimous 7-0 vote:**

Aye (9): Mayor Wagner, Mayor Pro Tem Ewing, Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Williams, and Council Member Jones

Absent (2): Council Member Peters, and Council Member Hudson

**2019-275      Right of Way Encroachment RE-19-0011 - Verizon Wireless**

A request by Verizon Wireless to replace five (5) existing City of High Point poles with small-cell concealed poles and add one (1) new small-cell concealed pole within the Meeting Way, Piedmont Parkway, and Mendenhall Oaks Parkway rights-of-way.

*Samuel Hinnant, Senior Planner, recognized the Verizon representatives in attendance who were available for questions; explained the process of the pole installation; and spoke to the staff's recommendation for approval.*

*Mayor Pro-Tem Ewing inquired on the height of the poles. Mr. Hinnant replied the new poles would be 35 feet tall.*

Approved Right-of-Way- Encroachment RE-19-0011 as requested by Verizon Wireless to replace five (5) existing City of High Point poles with small-cell concealed poles and add one (1) new small-cell concealed pole within the Meeting Way, Piedmont Parkway, and Mendenhall Oaks Parkway rights-of-way.

**A motion was made by Council Member Williams, seconded by Council Member Jones, that this matter be approved. The motion carried by the following unanimous 7-0 vote:**



Aye (9): Mayor Wagner, Mayor Pro Tem Ewing, Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Williams, and Council Member Jones

Absent (2): Council Member Peters, and Council Member Hudson

### **PUBLIC HEARINGS – Planning and Development Committee**

#### **2019-276      Ordinance - Annexation 19-03 - City of High Point**

A request by the City of High Point to consider a voluntary contiguous annexation of an approximate 0.48-acre parcel lying along the south side of Kivett Drive, approximately 275 feet west of Kersey Valley Road. The property is also known as Guilford County Tax Parcel 161079.

#### *Transcript*

**Herb Shannon:** *Herb Shannon with the Planning & Development Department. The next three agenda items: Annexation Case 19-03, Zoning Map Amendment 19-10, and Special Use 19-01 are all related. Staff will provide a combined presentation. I would remind Council that the Development Ordinance notes that you're only going to receive a forwarding recommendation from the Planning & Zoning Commission on the rezoning portion of these presentations. City Council is the only body that reviews annexations and Special Use permits. The zoning portion of your analysis, Council must provide a consistency and reasonableness statement. These items are related. If there is any discussion, it may go back and forth between the various items. Because there is a Special Use Permit, which is a quasi-judicial item, staff would recommend at this point you swear in all parties who wish to speak on the Special Use Permit at this time. So, anyone who wishes to speak, please come up to be sworn in. Any member of the public that wishes to speak?*

*[oaths administered by the city clerk at this time]*

**Planner Herb Shannon:** *Just a little background for Council. These requests pertain to an expansion of the Kersey Valley Landfill that's located along both sides of Kersey Valley Road, south of Kivett Drive, east of Jackson Lake Road, and approximately 360 feet west of Dan Lee Road. This landfill was first issued solid waste management permits in October 1980 and the property was annexed into the city limits in December of 1980. Initial landfill activities were initially just along the west side of the property, west of Kersey Valley Road. In the 1990s, there was an expansion of that facility that allowed it to operate on both sides of this roadway. During the preceding 39 years there have been several annexations and rezonings and special use permits, which has expanded this facility to its current*



*configuration. The presentation before you, that's the location of the entire facility. It's in the southeastern portion of the city's planning area.*

*The first item is regarding an **annexation**. It's a request to annex this area right here. That is a .48-acre parcel that the city purchased, and the request is for it to be annexed so that it can be added to the landfill facility. This is a logical progression of the city's annexation policy as this parcel is surrounded on three sides by the existing landfill and annexation of this site will not impact the ability for the city to provide services in this area. This area is already served by city facilities. This is a blow-up of that area. I would just note for the members of the public, those areas that you see highlighted in white are property that's already part of the city's corporate limits. Those areas in gray are unincorporated Guilford County. This annexation is only for that .48-acre parcel. It does not include any of the surrounding areas. Just the parcel that is owned by the city of High Point.*

*Staff is recommending approval of this request to annex this .48-acre parcel into the city's corporate limits.*

*Next, the **rezoning** request. This is the total area proposed for rezoning. This zoning map amendment is proposed for rezoning. This zoning map amendment proposes to rezone approximately 176 acres to facilitate this expansion. There will be no change in the property except for that .48-acre parcel that's being added in.*

*With the adoption of the current Development Ordinance in 2016, and it came into effect in January of 2017, planning staff had recommended to the public services department that this proposed amendment will be a good time to update zoning of their facility. Currently, it's an Agriculture zoning covering the landfill. Under the new Development Ordinance, landfill-type uses are permitted in both the Agriculture and Heavy Industrial District, but the Agriculture District is primarily established for lands for agriculture-related uses, preserving agriculture forest areas, and for protecting environmental sensitive lands. Whereas the Heavy Industrial District has been established for heavy manufacturing, assembly. Industrial uses of a large scale with heavy exterior of movement of vehicles and environmental and visual impacts. The Heavy Industrial District more accurately reflects the manner in which lands along the south side of Kivett Drive are being uses and the combination of the city's landfill and an abutting construction debris landfill make up the largest land uses in that area. And this district accurately reflects the manner in which lands along the south side of Kivett Drive are being uses. The combination of the city's landfill and an abutting construction demolition landfill make up the largest land uses in this area. This district just accurately reflects the manner in which that land is being used.*

*The Planning and Development Department is recommending approval of the rezoning of this 176 acres to the HI District. Now, this request was reviewed by*



the Planning & Zoning Commission at their May public hearing and the Commission recommended approval by a vote of 7-0. Included in their recommendation was a statement that the Commission adopted that the zoning map amendment is consistent because the site is designated heavy industrial which includes large waste-related services. Furthermore, the Commission stated that the request is reasonable because the proposed HI District more accurately reflects the uses and manner and intensity of that 176 acres for the landfill.

Finally, for your consideration is a special use permit to expand the landfill. There are two parts to this expansion. The first part, the area that's being annexed, that .48-acre area, to expand the existing special use permit to create a new special use permit that adds that area to the landfill. This parcel is on the edge of the landfill, so there will be no active waste storage activity there. It would just be added to the perimeter buffer. The second area of expansion would be this area highlighted in green, this 19.2-acre area. Now you have Kivett to the north of Kersey Valley Road. There is an existing landfill activity, waste storage to the west. An existing waste storage to the east of Kersey Valley Road. The proposal is to merge those two areas, the areas you see highlighted in green, to expand the landfill into that area. Now that merging would be in conjunction with plans that public services has in conjunction with working with DOT to realign Kersey Valley Road. The proposal is that Kersey Valley Road be aligned in this general alignment to connect over to Jackson Lake Road. Access will still be provided from the right-of-way to these existing homes in this area. It's only this area highlighted in red that is proposed or will be looked at in the future for abandonment and the merging of the two cells of the landfill for future expansion.

Now, with a **special use permit**, there are findings and those are outlined in your staff report. Real briefly, we **evaluated any dangers to public health and safety**. The regulations of a solid waste landfill including environmental monitoring is enforced by the state by the Department of Environmental Quality. The existing landfill and the proposed expansion will be designed with a liner and leachate collection system and water quality and air quality will be monitored. And the state does come out and routinely inspect the facility. **Subject to approval of the zoning request, the request will be in compliance with all the standards of the Heavy Industrial District.**

We also looked at any type of **injury to abutting properties**, or if this request was a **public necessity**.

The city's latest population estimate notes our population is a little over 114,000. So, the ability to provide adequate solid waste disposal is a necessity and any type of ability to expand the lifespan of the facility is also key. It's also important to note that this is not a new land use. This area has been actively used for this type of use since the 1980s. The only real expansion is that right-of-way proposed to be abandoned in the future. The current existing boundary of the facility that you see outlined in black, that is pretty much staying the same except for this one parcel



*that's being added. There are existing buffer areas 300 to 400 feet from active storage area that will also be maintained. The applicant also hired a land appraiser to do an evaluation and they will provide information on their appraisal, but the summary information is part of your packet.*

*Finally, **harmony with the area.** This is not the only industrial use in this area. Directly to the southeast, you have a 155-acre construction demolition and debris facility. To the northeast at the intersection of Riverdale and Kivett extending all the way up almost to Business-85, you have the existing Martin Marietta quarry that's actively being used. And to the west you have several industrial uses: a large truck manufacturing facility, and an asphalt plant. So, this is not a situation where establishing this type of use in the area where there aren't other similar heavy industrial type uses.*

*The Planning and Development Department is recommending approval of the request of the special use permit to permit a major landfill in the Heavy Industrial Zoning District and the accompanying special use permit. That is a summary of the annexation, the rezoning, and the special use permit. Are there any questions for the planning department at this time?*

**Council Member Jason Ewing:** *Herb, I've got a couple of questions. First, the realignment of Kersey Valley to Jackson Lake, I would assume that the abandonment of the section running between the two landfills would not occur until that road has been constructed and opened.*

**Planner Herb Shannon:** *That is correct and that is one of the conditions within the special use permit, that that abandonment must be completed and there can be no landfill activities until such time as that realignment is constructed and open.*

**Council Member Jason Ewing:** *Second question....you said that landfills can operate in either the AG or the HI zoning. With everything north within the county limits of Kivett Drive being R-5, obviously from an adjacency standpoint and property values, residential neighborhoods adjacent to agricultural is going to have a little bit better resale than heavy industrial.*

**Planner Herb Shannon:** *I will let the appraiser get into that evaluation, but regardless of the zoning, how is the property being used? Whether you call it agricultural or heavy industrial, there's still a landfill activity there and that was the key point that staff was looking at. And also that reflects better the manner of how the property is actually being used. There is no long-term environmental protection in this area. There's no long-term agricultural use in this area. The Land Use Plan specifically notes this area for industrial. This is the Land Use Map. Everything that you see highlighted in yellow is low density residential. The dark pink is heavy industrial, the light pink is light industrial. So, the adopted Land Use Map specifically notes that area south of Kivett for industrial type uses.*



*So, this will allow the zoning to more accurately not only reflect the use of the property, but accurately reflect how the Land Use Plan classifies this area.*

*Chairman Chris Williams: Any other questions? Herb, what's the ballpark on the closure of that?*

*Planner Herb Shannon: I will let the Public Services Department provide you that information. That is down the road, but they can give you more detailed technical information on that portion of the proposal. The abandonment is not for you to approve tonight, that's just information that will be coming up in the future.*

**Chairman Chris Williams:** *I was just curious.*

**Council Member Jeff Golden:** *Just for my information, Herb, on that little area that we're talking about annexing, are those three residential structures on there?*

**Planner Herb Shannon:** *There's a single-family dwelling on that property that is vacant. That is owned by the City of High Point, but that was previously a single-family dwelling and you had two accessory structures.*

**Chairman Chris Williams:** *Are there any other questions for Herb? Thank you, Mr. Shannon. I guess now I'll go ahead and open up the public hearing portion of this.*

**Assistant Public Services Director Robby Stone:** *I'll just go ahead and address your question. The life expectancy of the landfill goes to 2035.*

**City Attorney JoAnne Carlyle:** *There's a couple of ways that you can handle this. You can separate them. You have to vote on them separately and in the order for which they appear on the agenda. But, you can go ahead and make notice of the separation at the public hearing on the topics. First the annexation, then close it and vote. But, since some of the testimony that you're hearing is going to bleed over into the quasi-judicial part, you know, you may want to just designate for the clerk's minutes that comments throughout can apply to the quasi-judicial decision. But then you'll individually vote on the annexation and the.....*

**Chairman Chris Williams:** *So, just do the public hearing, then final action.*

**City Attorney JoAnne Carlyle:** *Just leave the public hearing open understanding that the testimony that you hear with regards to consideration of Findings of Fact will only apply to the quasi-judicial part which is the actual Special Use Permit.*

**Council Member Victor Jones:** *So, the only special use part of it actually that little parcel for the quasi-judicial?*

**Chairman Chris Williams:** *It's just the special use, that's the quasi-judicial part.*



**City Attorney JoAnne Carlyle:** *The others are just public hearings.*

**Chairman Chris Williams:** *So, with that said, is there anyone that wants to speak to the other two items without being sworn in?*

**Assistant Public Services Director Robby Stone:** *We do have our landfill consultant and our appraiser here that are prepared to speak and give a short presentation if you'd like to hear from them as well.*

**Pieter Scheer:** *Good evening. I'm with Smith Gardner and had the pleasure of working with your landfill for some time now. My portion of the meeting is to provide information concerning the future Area 3 expansion of the Kersey Valley Landfill. It's a municipal solid waste or we call it a MSW landfill. We are required by North Carolina Solid Waste Management rules to have this portion of the meeting. The capacity of the landfill including the proposed Area 3 expansion exceeds 110% of the currently approved capacity. Also, a portion of the expansion is outside of the currently approved facility boundary as far as your solid waste permit goes. The format of this part of the meeting will be a short presentation including description of the landfill proposed site development. We're actually going to hold off on questions until Brian speaks, who is the appraiser with Crowder. He will provide some discussion as well.*

*These are the current existing conditions at the landfill facility. The city currently owns and operates the Kersey Valley Landfill located off of Kivett Drive in High Point. The main access for the facility is and will continue to be in the northeast portion of the landfill off Kivett Drive. The facility is permitted for the disposal of municipal solid waste under State Solid Waste Permit 41-04. The city also conducts several other activities at the facility in addition to the landfill including wood waste processing, that's the southwest area of the landfill. Then also operation of the convenient center for handling small loads and recyclables. Existing infrastructure at the site includes scale and a scale house, stormwater basins, leachate pump station, an off-site force main, a leachate storage tank, maintenance building, and an administrative building.*

*Based on current projections, the active Area 2 landfill unit, and that is the area located on the east side of Kersey Valley Road, is projected to reach capacity around 2024. As Area 2 approaches its capacity, the city will need to expand laterally into the Area 3 landfill unit. Development of Area 3 will require the addition of approximately 11.7 acres of property into the facility. Again, this is the facility boundary from a solid waste perspective. Those acres already are in your special use permit with the exception of the .48-acre property in consideration tonight. This additional property includes those already owned by the city and the right-of-way along Kersey Valley Road.*



*Shown on this drawing here are the conceptual base grades for Area 3 expansion. The proposed Area 3 landfill unit will encompass about 19.2 acres. That's a lined area and it will connect directly with the existing Area 1 unit to the west and the active area unit on the east. Similar to existing Areas 1 and 2, Area 3 will have a liner and leachate collection system which will be designed, permitted, and constructed in accordance with state solid waste rules.*

*Shown on this drawing are the conceptual final grades for Areas 1 through 3. Upon reaching final grades all areas will be covered with a final cover system and that, again, will be designed, permitted, and constructed according to state rules.*

*We already have a 23+ portion of the western side of the landfill in much of Area 1 that already has final cover system in place that they did just a few years ago. This table provides a summary of the existing and proposed landfill capacity. An average disposal rate of 120,000 tons per year. Area 3, which has a gross capacity of approximately 4.6 million cubic yards is expected to have a life expectancy of about 20 years.*

*In addition to landfill capacity and service life projection, some that I noted already, North Carolina Division of Waste Management that is part of DEQ, their policy requires local governments to approve the service area as well as the waste type to be disposed of and the maximum disposal rate for the facility. Additionally, North Carolina General Statute 160A-325 requires consideration of alternative sites and socio-economic demographic data for all site expansions located within one mile of an existing sanitary landfill.*

*As for service area, the landfill has and will continue to serve the counties of Guilford, Randolph, Davidson, and Forsyth, of course in the state of North Carolina. Based on solid waste management annual reports at the facility, the city has disposed of an average of approximately 113,000 tons per year of waste over the past five reporting years. It's documented in the prior local government approval process back in 2006. The city set a maximum disposal rate of 200,000 tons per year for the landfill. Actual annual and daily amounts of waste are certainly expected to vary but they will not exceed the proposed annual maximum.*

*Similar to studies performed for past expansions for the landfill, we have more recently performed the socio-economic and alternative site study which is included with our site study report for Area 3. Potential alternative sites were evaluated using the available mapping including the city's Land Use Plan map. Giving existing and planned development in the city and the lack of undeveloped properties of suitable size and location, there does not appear to be a site within the city's jurisdiction which offers any benefit over expansion of the current facility, particularly due to the cost of things such as construction of infrastructure.*

*Socio and economic graphic data for the city of High Point Census Tract 166 where the landfill is located, the area immediately surrounding the landfill facility. We*



*do a one-mile radius from the city. Those all were evaluated in the existing landfill industrial sites were considered in the area to determine if any disproportionately high or adverse impact or minority or low-income populations existed. Based on our look, no obvious impacts were identified during this evaluation. This is similar to past evaluations.*

*Potential impacts and mitigation measures were reviewed. Other than the plan closing a portion of the Kersey Valley Landfill as we discussed, no new potential impacts will be created by the proposed expansion. Also, there are suitable measures in place or will be in place such as liner systems, leachate collection, management systems, erosion sedimentation control measures and other environmental monitoring systems and programs. And at this point we'll skip over the questions for the moment, but Mr. Crowder will come up and talk about evaluations.*

**Brian Crowder:** *Good evening. My name is Brian Crowder. I'll go over a little bit about my qualifications and what I do and then the way I went about my analysis. I'm a North Carolina State Certified Appraiser with 11 years of experience working the entire time with Hylton-Crowder & Associates. I started my appraisal career immediately upon graduating from North Carolina State University. I've appraised numerous types of properties and provided consulting assignments for multiple property types including single-family residential, multi-family residential, vacant land, commercial, industrial, office, institutional among others. I have the MAI and SRA designations from the Appraisal Institute which is the largest recognized professional organization in the world, which both require extensive courses, exams, and experience. Some of the requirements that I met to achieve those designations include a college degree or its equivalent, extensive education classes including multiple advance classes that were a week long, each of which require passing an exam at the end in order to receive credit. I received credit for 4,500 of specialized experience. Of this 4,500 hours, three random appraisals were chosen by the Appraisal Institute, analyzed, graded, and interviews were conducted upon them. I completed a general demonstration of knowledge report which is considered somewhat similar to a Thesis paper. Every analytical section of this report had to provide adequate justification, support, and documentation. Had to provide market data to support every adjustment made within the report, and then was graded on it. I also had to pass a 16-hour comprehensive exam that had four modules, each of which was four hours long. The MAI designation has long been recognized by courts of law, government agencies, financial institutions, and investors as a mark of excellence in the field of real estate evaluation and analysis and is recognized not only in the United States, but all across the world. In addition, I regularly attend seminars and continuing education to be informed of emerging trends, changes in appraising, and to maintain my license.*

*The report I completed was not an appraisal. I was not asked to place a market value on a house or use of land. Rather this was a consulting assignment to*



*determine if the proposed Kersey Valley Landfill expansion would have a measurable impact on the adjoining or abutting property and if so, if that impact would be an injury that is substantial. I was also asked to determine if the proposed expansion is in harmony within the area that it's to be located.*

*To reach a conclusion, I used analyses and methodologies that are taught by and consistent with the regulations set forth by the Appraisal Standards Board, which conform with the Uniform Standards of Professional Appraisal Practice which is commonly referred to as USPAP. These standards have been developed, perfected, and tested over many decades and they are updated every two years to better conform to current lending and appraisal practices. These are standards that are relied upon by every financial institution in this country for lending purposes and for real estate transactions and they are also used and accepted by all state and federal trial courts. These same methods and standards were applied to perform my study to determine whether the proposed Kersey Valley Landfill expansion would substantially injure the value of the adjoining or abutting properties and would be in harmony with the area in which it is to be located. In conforming with these standards, I found several other facilities that were similar and some in other cases that had potential for a greater impact. These are called paired sales analysis. Appraisers use these a lot to determine what adjustments to make on certain properties, more common to comparable sales or comps. If any of you have obtained a bank loan or a mortgage to buy your house it's most likely an appraisal was required that used this paired sales or sales comparison methodology. At each facility that I used to compare this, I found an adjoining or abutting property near that facility that recently had sold and then compared this property to sales of other similar properties within the same general time period and the same marketing area, yet far enough away from that facility that the impact would not have any potential impact at all.*

*The appraisal term for a use that has the potential a diminution in value to nearby properties is called "external obsolescence." It's a type of depreciation and it's generally incurable by the owner, landlord, or tenant. So, you can't fix it because it's away from that property. External obsolescences can be caused by different factors that include traffic, odor, noise, environmental hazards, or visual appearance. The data I collected and analyzed shows objectively how people actually choose to spend their resources as they invest in their homes, land, and other types of properties. The data shows homes and any other uses adjoining or abutting facilities like the Kersey Valley Landfill expansion and even more intense facilities in other cases that I studied are not injured or impacted by the facility.*

*Based on the objective data in the study I concluded that the Kersey Valley Landfill expansion in accordance with the rules and restrictions it must follow will not substantially injure the value of the adjoining or abutting properties and will be in harmony with the area in which it is to be located. Not only will there be no substantial injury or depreciation, these studies demonstrated why there would be*



*no injury or demonstration at all. If you have any questions, I'd be happy to answer them for you.*

**Chairman Chris Williams:** *Any questions? Thank you. Is there anyone else to speak to these items? Seeing none, I'm going to close the public hearing portion and I'm just going to go down the way it's listed on the agenda.*

***I'll make a motion to approve item 2019-276 Ordinance- Annexation 19-03 city of High Point.***

**Mayor Pro Tem Jason Ewing:** *Second.*

**Mayor Jay Wagner:** *There's a motion and a second for approval of the Annexation Ordinance. Is there any discussion? Hearing none, all those in favor please signify by saying Aye.*

**Mayor Jay Wagner, Mayor Pro Tem Jason Ewing, Council Member Don Scarborough, Council Member Britt Moore, Council Member Jeff Golden, Council Member Chris Williams, and Council Member Victor Jones:** *Aye*

**Mayor Jay Wagner:** *That motion passes. [7-0 vote] [Council Member Monica Peters and Council Member Wesley Hudson were absent]*

**Ordinance No. 7537/19-54**  
**Ordinance Book Volume XX, Page 166**

**Chairman Chris Williams:** *Next, I will make a motion to approve item 2019-277 Ordinance- Zoning Map Amendment 19-08 as it is consistent with the city's adopted plans and it is reasonable in the public interest as stated in the staff report.*

**Mayor Pro Tem Jason Ewing:** *Second.*

**Mayor Jay Wagner:** *There's a motion and a second for approval of the Zoning Map Amendment for this item. Is there any discussion? Alright, hearing none, all those in favor please signify by saying Aye.*

**Mayor Jay Wagner, Mayor Pro Tem Jason Ewing, Council Member Don Scarborough, Council Member Britt Moore, Council Member Jeff Golden, Council Member Chris Williams, and Council Member Victor Jones:** *Aye*

**Mayor Jay Wagner:** *Is there anyone opposed? [none] That motion passes. [7-0 vote] [Council Member Monica Peters and Council Member Wesley Hudson were absent]*

**Ordinance No. 7538/19-55**



***Ordinance Book Volume XX, Page 167***

***Chairman Chris Williams:*** *Last, I will make a motion to approve item 2019-278 Special Use 19-01 city of High Point.*

***Council Member Britt Moore:*** *Second.*

***Mayor Jay Wagner:*** *There's a motion and a second for approval of the Special Use Permit. Is there any discussion? Hearing none, all those in favor please signify by saying Aye.*

***Mayor Jay Wagner, Mayor Pro Tem Jason Ewing, Council Member Don Scarborough, Council Member Britt Moore, Council Member Jeff Golden, Council Member Chris Williams, and Council Member Victor Jones:*** *Aye*

***Mayor Jay Wagner:*** *Is there anyone opposed? [none] That motion passes. [7-0 vote] [Council Member Monica Peters and Council Member Wesley Hudson were absent]*

***Chairman Chris Williams:*** *Thank you, Mayor. That's all I have.*

*[end of transcript]*

**2019-277      Ordinance - Zoning Map Amendment 19-08 - City of High Point**

A request by the City of High Point to rezone approximate 176 acres from the Residential Single Family-5 (R-5) District and the Agricultural/Rural (AGR) District to the Heavy Industrial (HI) District. The site consists of multiple parcels lying along both sides of Kersey Valley Road, south of Kivett Drive, east of Jackson Lake Road and approximately 360 feet west of Danlee Road. Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

The joint public hearing for this matter and related matters **2019-276 Annexation 19-03** and **2019-278 Special Use 19-01** was held on Monday, June 17, 2019 at 5:30 p.m.

*Note: For specific comments made at the joint public hearing for this matter, please refer to **2019-276 Ordinance- Annexation 19-03- City of High Point.***

Adopted Ordinance approving Zoning Map Amendment 19-08 based on the following Consistency & Reasonableness Statements as outlined in the staff report:

The Zoning Map Amendment is consistent because the site is designated Heavy Industrial, which includes large waste related services. Furthermore, the request is reasonable because the proposed HI District more accurately reflects the use, manner and intensity of the 176-acre landfill site.



**Ordinance No. 7538/19-55****Ordinance Book, Volume XX, Page 167****2019-278      Special Use 19-01 - City of High Point**

A request by the City of High Point to allow a Major Landfill on approximately 176 acres in the Heavy Industrial (HI) District. The site consists of multiple parcels lying along both sides of Kersey Valley Road, south of Kivett Drive, east of Jackson Lake Road and approximately 360 feet west of Danlee Road.

The joint public hearing for this matter and related matters **2019-276 Annexation 19-03** and **2019-277 Zoning Map Amendment 19-08** was held on Monday, June 17, 2019 at 5:30 p.m.

*Note: For specific comments made at the joint public hearing for this matter, please refer to **2019-276 Ordinance- Annexation 19-03- City of High Point.***

Approved Special Use 19-01 to allow a Major Landfill on approximately 176 acres in the Heavy Industrial (HI) District.

**GENERAL BUSINESS AGENDA****2019-280      Reappointment - Board of Adjustment - Nho Bui and Matt Witmeyer**

City Council is requested to recommend the reappointment of Nho Bui and Matt Witmeyer to the Board of Adjustment. This appointment will be effective immediately and will expire July 1, 2022.

**A motion was made by Mayor Wagner, seconded by Mayor Pro Tem Ewing to reappoint Nho Bui and Matt Witmeyer to the Board of Adjustment. The motion carried by the following unanimous 7-0 vote.**

Aye (9): Mayor Wagner, Mayor Pro Tem Ewing, Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Williams, and Council Member Jones

Absent (2): Council Member Peters, and Council Member Hudson

**2019-285      Appointment – Historic Preservation Commission**

City Council is requested to confirm the appointment of Brenda Stewart and Holly Davis to the Historic Preservation Commission. Ms. Stewart's appointment will be effective immediately and will expire on 7/1/2021. Ms. Davis' appointment will be effective 7/1/2019 and will expire 7/1/2022.



**A motion was made by Mayor Wagner, seconded by Council Member Williams to appoint Brenda to the Historic Preservation Commission. The motion carried by the following unanimous 7-0 vote.**

Aye (9): Mayor Wagner, Mayor Pro Tem Ewing, Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Williams, and Council Member Jones

Absent (2): Council Member Peters, and Council Member Hudson

**2019-286      Appointment – Planning & Zoning Commission**

City Council is requested to confirm the appointment of Thaddeus Juszczak to the Planning & Zoning Commission. Mr. Juszczak's appointment will be effective 7/1/2019 and will expire on 7/1/2022.

**A motion was made by Mayor Wagner, seconded by Mayor Pro Tem Ewing to appoint Thaddeus Juszczak to the Planning & Zoning Commission. The motion carried by the following unanimous 7-0 vote.**

Aye (9): Mayor Wagner, Mayor Pro Tem Ewing, Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Williams, and Council Member Jones

Absent (2): Council Member Peters, and Council Member Hudson

**2019-287      Reappointment/Appointment – Theatre Advisory Board**

City Council is requested to confirm the reappointment of Ken Mickey and the appointment of Leslie Graham to the Theatre Advisory Board. The appointments will be effective immediately and will expire 6/1/2022.

**A motion was made by Mayor Wagner, seconded by Mayor Pro Tem Ewing to reappoint Ken Mickey and appoint Leslie Graham to the Theatre Advisory Board. The motion carried by the following unanimous 7-0 vote.**

Aye (9): Mayor Wagner, Mayor Pro Tem Ewing, Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Williams, and Council Member Jones

Absent (2): Council Member Peters, and Council Member Hudson

Aye (9): Mayor Wagner, Mayor Pro Tem Ewing, Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Williams, and Council Member Jones

Absent (2): Council Member Peters, and Council Member Hudson



**2019-290      Reappointments – Planning & Zoning Commission**

City Council is requested to confirm the reappointment of Ray Wheatley to the Planning & Zoning Commission. Reappointment to be effective July 1, 2019 and will expire July 1, 2022.

**Mayor Pro Tem Ewing moved to suspend the rules to add this matter to the agenda for consideration. Council Member Moore made a second to the motion, which carried by a 7-0 unanimous vote. [Council Members Hudson and Peters were absent]**

**A motion was made by Mayor Wagner, seconded by Mayor Pro Tem Ewing to reappoint Ray Wheatley to the Planning & Zoning Commission. The motion carried by the following unanimous 7-0 vote. [Council Members Hudson and Peters were absent]**

Aye (9): Mayor Wagner, Mayor Pro Tem Ewing, Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Williams, and Council Member Jones

Absent (2): Council Member Peters, and Council Member Hudson

**2019-294      Reappointment – Historic Preservation Commission**

City Council is requested to confirm the reappointment of Annette Cox to the Historic Preservation Commission. Reappointment to be effective July 1, 2019 and will expire July 1, 2022.

**Mayor Pro Tem Ewing moved to suspend the rules to add this matter to the agenda for consideration. Council Member Moore made a second to the motion, which carried by a 7-0 unanimous vote. [Council Members Hudson and Peters were absent]**

**A motion was made by Mayor Wagner, seconded by Mayor Pro Tem Ewing to reappoint Annette Cox to the Historic Preservation Commission. The motion carried by the following unanimous 7-0 vote.**

Aye (9): Mayor Wagner, Mayor Pro Tem Ewing, Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Williams, and Council Member Jones

Absent (2): Council Member Peters, and Council Member Hudson



**2019-291      Second amendment to the City Manager's Contract**

City Council is requested to approve the second amendment to the City Manager's contract.

**Mayor Pro Tem Ewing moved to suspend the rules to add this matter to the agenda for consideration. Council Member Moore made a second to the motion, which carried by a 7-0 unanimous vote. [Council Members Hudson and Peters were absent]**

**A motion was made by Mayor Wagner, seconded by Mayor Pro Tem Ewing to approve the second amendment to the City Manager's contract. The motion carried by the following unanimous 7-0 vote.**

Aye (9): Mayor Wagner, Mayor Pro Tem Ewing, Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Williams, and Council Member Jones

Absent (2): Council Member Peters, and Council Member Hudson

*Mayor Pro Tem Ewing stated for the record "it is the Mayor's birthday" followed with a song selection of "Happy Birthday".*

**2019-279      Minutes To Be Approved**

Special Meeting of Council (Budget Work session); Wednesday, May 29th @ 3:00 p.m.

Finance Committee Meeting Thursday, May 30th @ 4:00 p.m.

Regular Meeting of Council; Monday, June 3rd @ 5:30 p.m.

Community Housing, Neighborhood Development, & Public Safety

Committee Meeting; Tuesday, June 4th @ 10:00 a.m.

Prosperity & Livability Committee Meeting; Wednesday, June 5th @ 9:00 a.m.

**A motion was made by Mayor Pro Tem Ewing, seconded by Council Member Williams, that the preceding minutes be approved. The motion carried by the following unanimous 7-0 vote:**

Aye (9): Mayor Wagner, Mayor Pro Tem Ewing, Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Williams, and Council Member Jones

Absent (2): Council Member Peters, and Council Member Hudson



**2019-292      Annual Performance Evaluations for the City Manager, City Attorney, and City Clerk**

*Mayor Wagner spoke to the closed session held prior to this meeting for evaluation of three employees; stated he was very satisfied with their job performance and recommended salary increases for each effective July 1, 2019 as follows:*

- *City Manager (3% increase)*
- *City Attorney (2.5% increase)*
- *City Clerk (5% increase)*

**Mayor Pro Tem Ewing moved to suspend the rules to add this matter to the agenda for consideration. Council Member Moore made a second to the motion, which carried by a 7-0 unanimous vote. [Council Members Hudson and Peters were absent]**

**Mayor Wagner moved approval of the salary increases for the city manager, city attorney, and city clerk, Mayor Pro Tem Ewing made a second to the motion, which carried by the following unanimous vote.**

Aye (9): Mayor Wagner, Mayor Pro Tem Ewing, Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Williams, and Council Member Jones

Absent (2): Council Member Peters, and Council Member Hudson

**ADJOURNMENT**

There being no further business to come before Council, the meeting adjourned at 7:17 p.m. upon motion duly made by Mayor Pro Tem Ewing and second by Council Member Williams.

Respectfully Submitted,

---

Jay W. Wagner, Mayor

Attest:

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Mary S. Brooks, Deputy City Clerk



**HIGH POINT CITY COUNCIL  
SPECIAL MEETING  
JUNE 24, 2019 – 3:00 P.M.  
3RD FLOOR LOBBY CONFERENCE ROOM**

**MINUTES**

**Present:**

Mayor Jay Wagner, Mayor Pro Tem Jason Ewing (Ward 6); Council Member Don Scarborough (At Large); Council Member Britt Moore (At Large), Council Member Chris Williams (Ward 2); Council Member Monica Peters (Ward 3); Council Member Wesley Hudson, and Council Member Victor Jones (Ward 5)

**Absent:**

Council Member Jeffrey Golden (Ward 1)

**Staff Present:**

Greg Demko, City Manager; Randy McCaslin, Deputy City Manager; JoAnne Carlyle, City Attorney; Mary Brooks, Deputy City Clerk; and Lisa Vierling, City Clerk

**News Media Present:**

None present

Mayor Wagner called the meeting to order at 3:02 p.m.

The Special Meeting was called for the purpose of holding a Closed Session pursuant to N.C. General Statute 143-318.11(a)(6) for personnel.

**Closed Session (Personnel)**

**Council Member Jones moved to go into Closed Session Mayor Pro Tem Ewing made a second to the motion, which carried by an 8-0 unanimous vote.**

Upon reconvening into Open Session at 3:56 p.m., Mayor Wagner announced there would be no action or announcements made as a result of the Closed Session.

**Adjournment**

The meeting adjourned at 3:56 p.m. upon motion duly made and seconded.

Respectfully Submitted,

_____  
Jay W. Wagner, Mayor

Attest:

_____  
Lisa B. Vierling, City Clerk

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# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Ordinance to Demolish – 704 Mint Ave.

**From:** Michael McNair, Director  
Community Development & Housing

**Meeting Date:** 7/15/19

**Public Hearing:** No

**Advertising Date:**

**Advertised By:**

**Attachments:**

- A. Staff report
- B. Ordinance to Demolish
- C. Photos
- D. Maps

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### **PURPOSE:**

A request by Community Development and Housing – Local Codes Section to adopt an ordinance ordering the inspector to demolish the dwelling at 704 Mint Ave.

### **BACKGROUND:**

After a Complaint and Notice of Hearing was issued and a hearing held, an Order to Repair or Demolish was issued on 2/27/19. No action occurred by the compliance date of 3/27/19. The necessary repairs to the dwelling exceed its current tax value and the demolition is warranted.

### **BUDGET IMPACT:**

Funds are available in the Department budget for the demolition and asbestos testing of the structure(s), and for the asbestos removal if present.

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

Staff recommends the adoption of the requested ordinance to demolish this single family dwelling and all outbuildings on the property.

### **PENDING ACTION:**

The ordinance becomes effective from the date of adoption. If there is no action by the property owner by the effective date of the ordinance, then asbestos testing and the demolition bid process will begin and the structure will be removed by the City. After City demolition, the property owner is billed for the cost. If the bill is unpaid, the City places a lien on the property.



**COMMUNITY DEVELOPMENT AND HOUSING  
CODE ENFORCEMENT  
HOUSING ENFORCEMENT DIVISION**

**ORDINANCE  
REQUEST:**

Ordinance to Demolish

**PROPERTY  
ADDRESS:**

704 Mint Ave.

**OWNER:**

Olivia Spencer

**REASON FOR  
INSPECTION:**

Inspector initiated inspection

**FIRST  
INSPECTION:  
2/6/19**

Summary of Major Violations

1. Repair or replace rotten roof sheathing and rafters, roof covering
2. Repair or replace ceiling material throughout the house
3. Repair or replace rotten floor joists, sheathing and floor covering
4. Repair or replace loose and hanging electrical outlets/fixtures
5. Repair or replace wall material/covering throughout

**HEARING  
RESULTS:  
2/27/19**

The owner Olivia Spencer appeared for the hearing. The minimum housing process was explained to her. Ms. Spencer stated that she did not have the money to repair the property due to being on a fixed income. She stated she will try to sell the house. The inspector did make her aware that she would need to disclose to any buyer that there is a minimum housing case on the property. It was determined there are several violations of the Minimum Housing Code. There are multiple violations of the minimum housing code in the house that make it unsafe. In its present state, necessary repairs to the dwelling exceed 65% of the value of the structure.

**ORDER(S)  
ISSUED:  
2/27/19**

Order to Repair or Demolish  
Date of Compliance 3/27/19

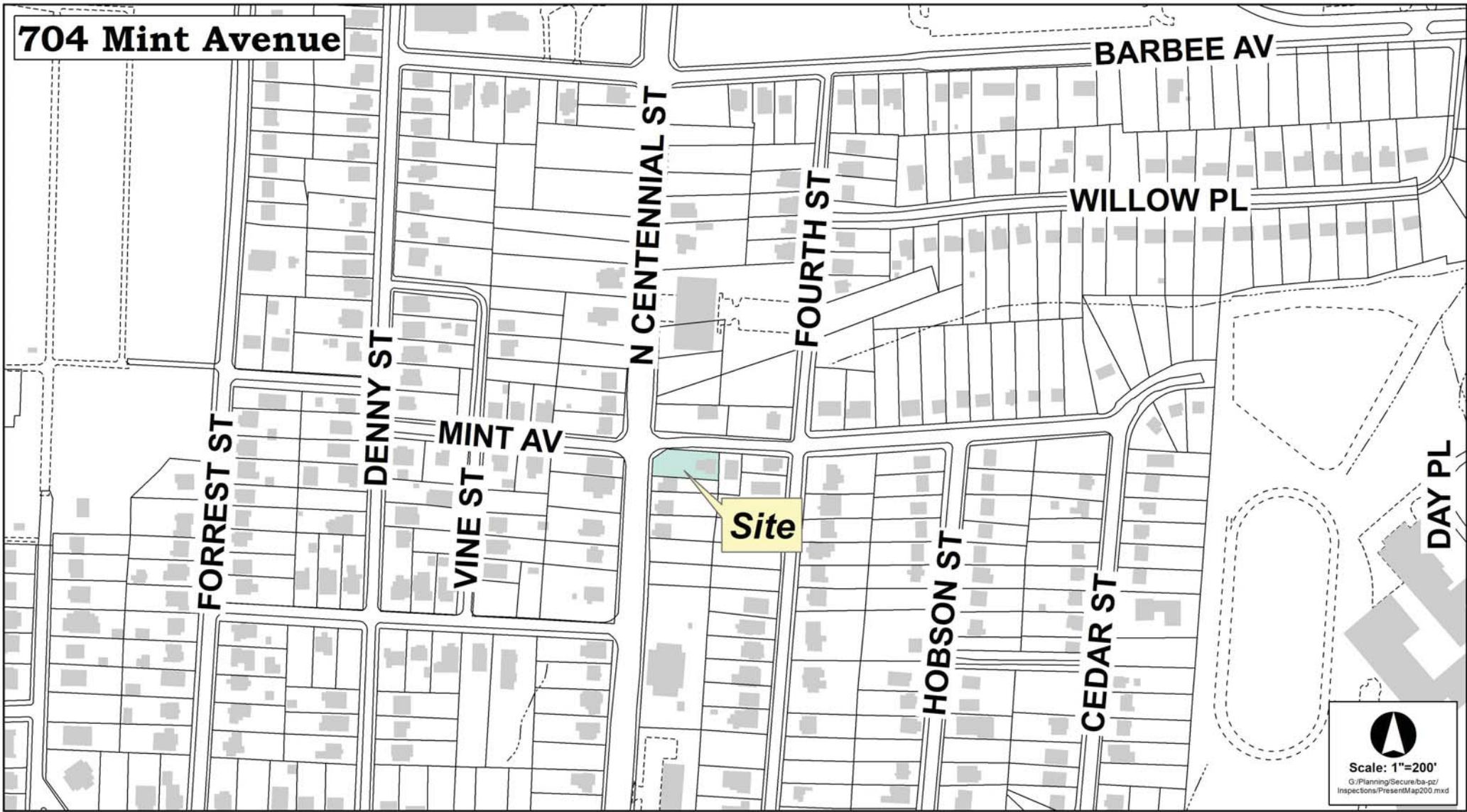
**APPEALS:**

No appeals to date.

**OWNER  
ACTIONS:**

None





704 Mint Avenue

BARBEE AV

WILLOW PL

DAY PL

Site

Scale: 1"=200'  
G:\Planning\Secure\ba-pz\Inspections\PresentMap200.mxd





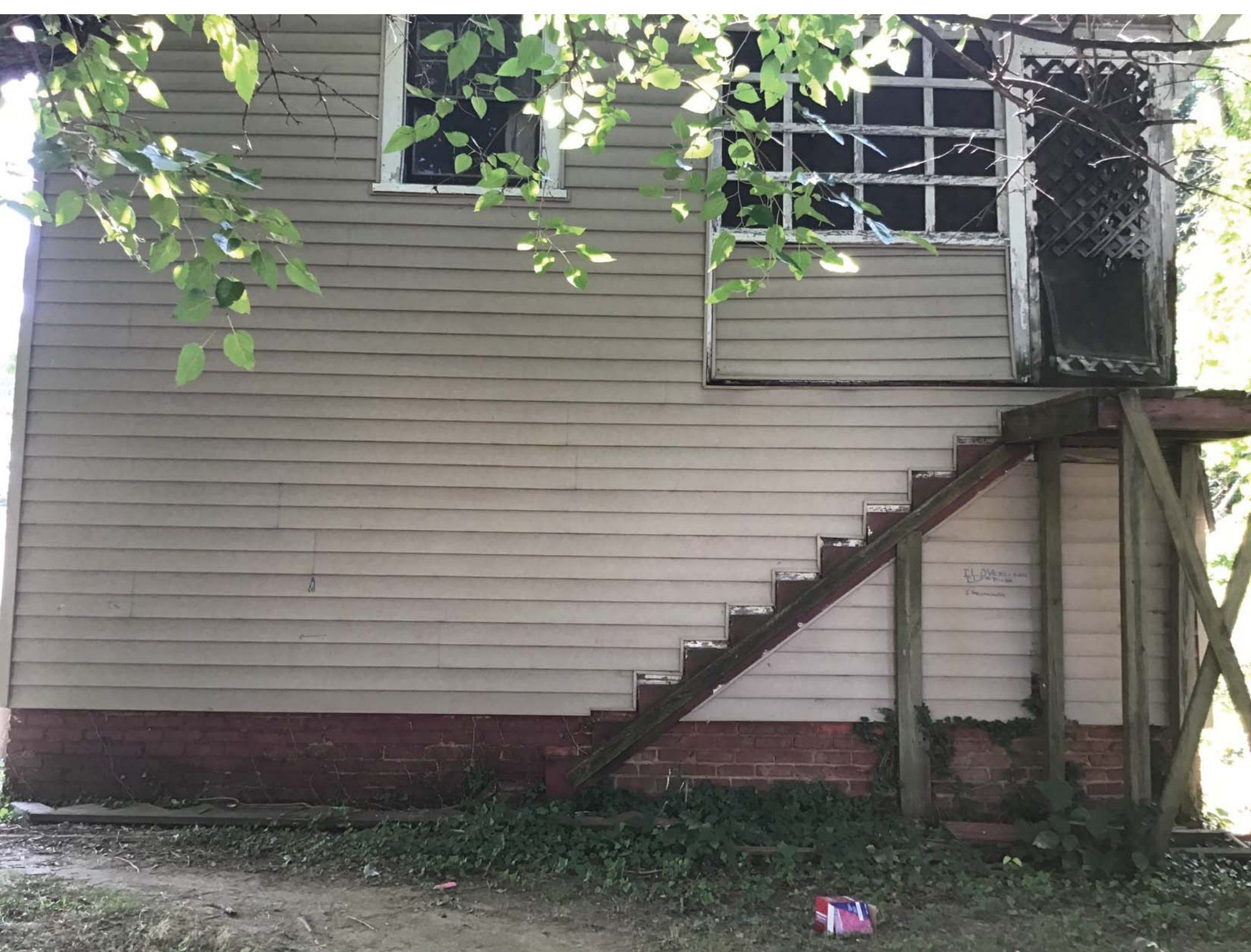






















# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Resolution of Intent for a Voluntary Contiguous Annexation  
Annexation 19-04 (*Cathy Jean Hedgecock*)

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

**Meeting Date:** July 15, 2019

**Public Hearing:** No

**Advertising Date:** Not applicable

**Advertised By:** Not applicable

**Attachments:** A. Resolution of Intent for Annexation 19-04  
B. Map of property proposed to be annexed

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### PURPOSE:

Approval of a Resolution of Intent that establishes a public hearing date to consider a voluntary contiguous annexation request.

### BACKGROUND:

Resolution of Intent for Annexation 19-04 is enclosed.

### BUDGET IMPACT:

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

### RECOMMENDATION / ACTION REQUESTED:

Staff requests City Council set a public hearing date of Monday, August 19, 2019, for this request.



**PUBLISH ONCE: Friday, August 2, 2019**

**RESOLUTION TO ESTABLISH A  
PUBLIC HEARING DATE FOR  
VOLUNTARY CONTIGUOUS ANNEXATION  
(AN-19-04)**

WHEREAS, the City Council has been petitioned to annex the property of Cathy Jean Hedgecock. The proposed annexation site is approximately 14.6 acres and lies approximately 350 feet west of Skeet Club Road and surrounded on three sides by the Joyce Circle right-of-way. The property is also known as Forsyth County Tax Parcel 6892-19-2761.00 and 6892-19-5337.

WHEREAS, the City Clerk is in receipt of said petition and has determined its sufficiency in accordance with G.S. 160A-31;

NOW, THEREFORE BE IT RESOLVED, THAT THE CITY COUNCIL establishes Monday, August 19, 2019, at 5:30 p.m., in the Council Chambers in the Municipal Building at 211 South Hamilton Street, High Point, North Carolina, as the date for the public hearing regarding the requested annexation.

Any interested party will be permitted to be heard at the public hearing. The meeting facilities of the City of High Point are accessible to people with disabilities. If you need a special accommodation, call (336) 883-3298 or the TDD# (336) 883-8517.

Following the public hearing, the City Council shall have authority to adopt an ordinance annexing the territory described in the petition. The City Council shall have authority to make the annexing ordinance effective immediately or on any specified date within six (6) months from date of passage of ordinance.

Further information pertaining to this request is available for public inspection upon request at the Planning and Development Department in the Municipal Office Building, 211 South Hamilton Street, Room 316, High Point, North Carolina, (336) 883-3328 or FAX (336) 883-3056.

By order of the City Council,  
This the 15th day of July, 2019

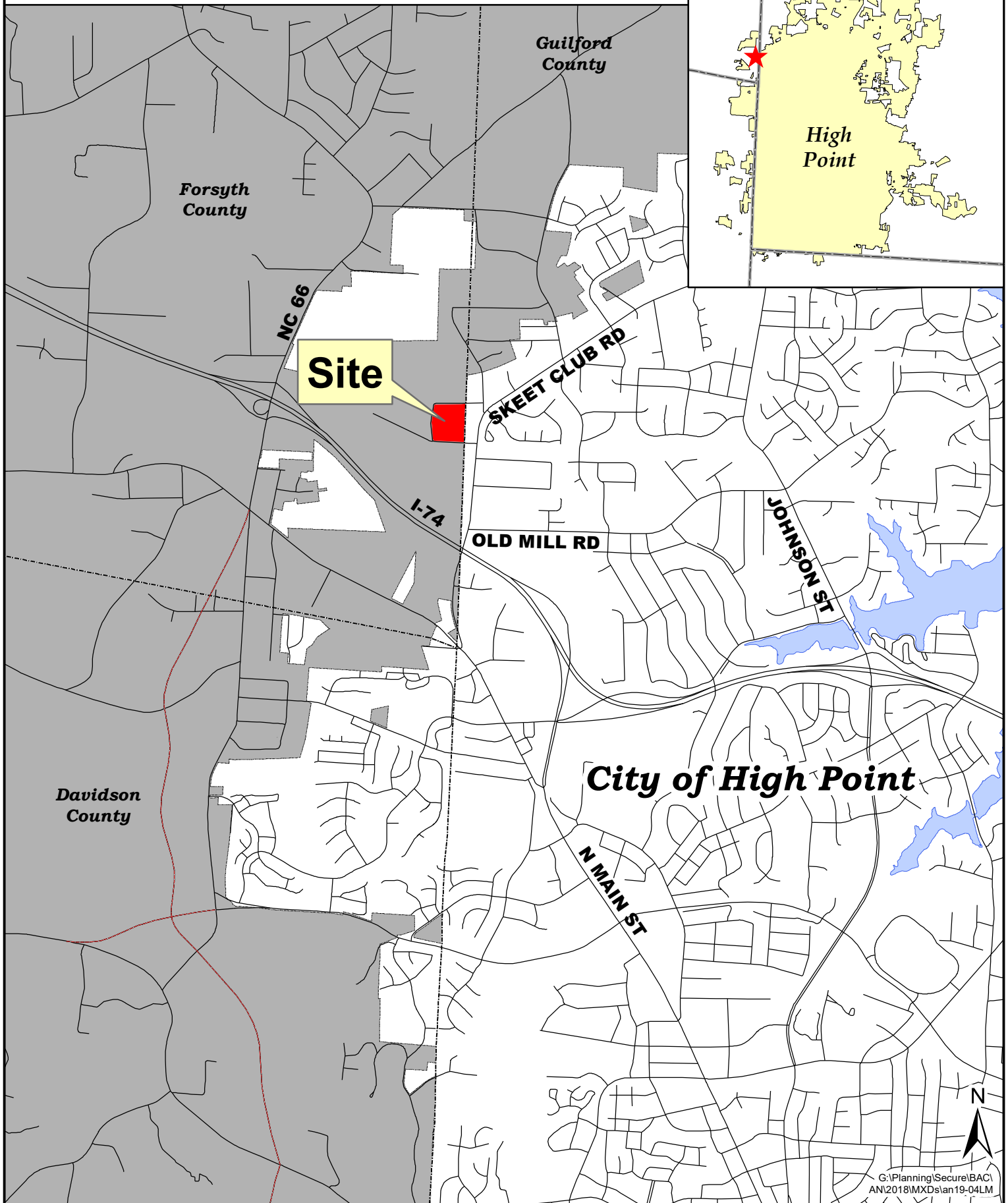
Lisa B. Vierling, City Clerk



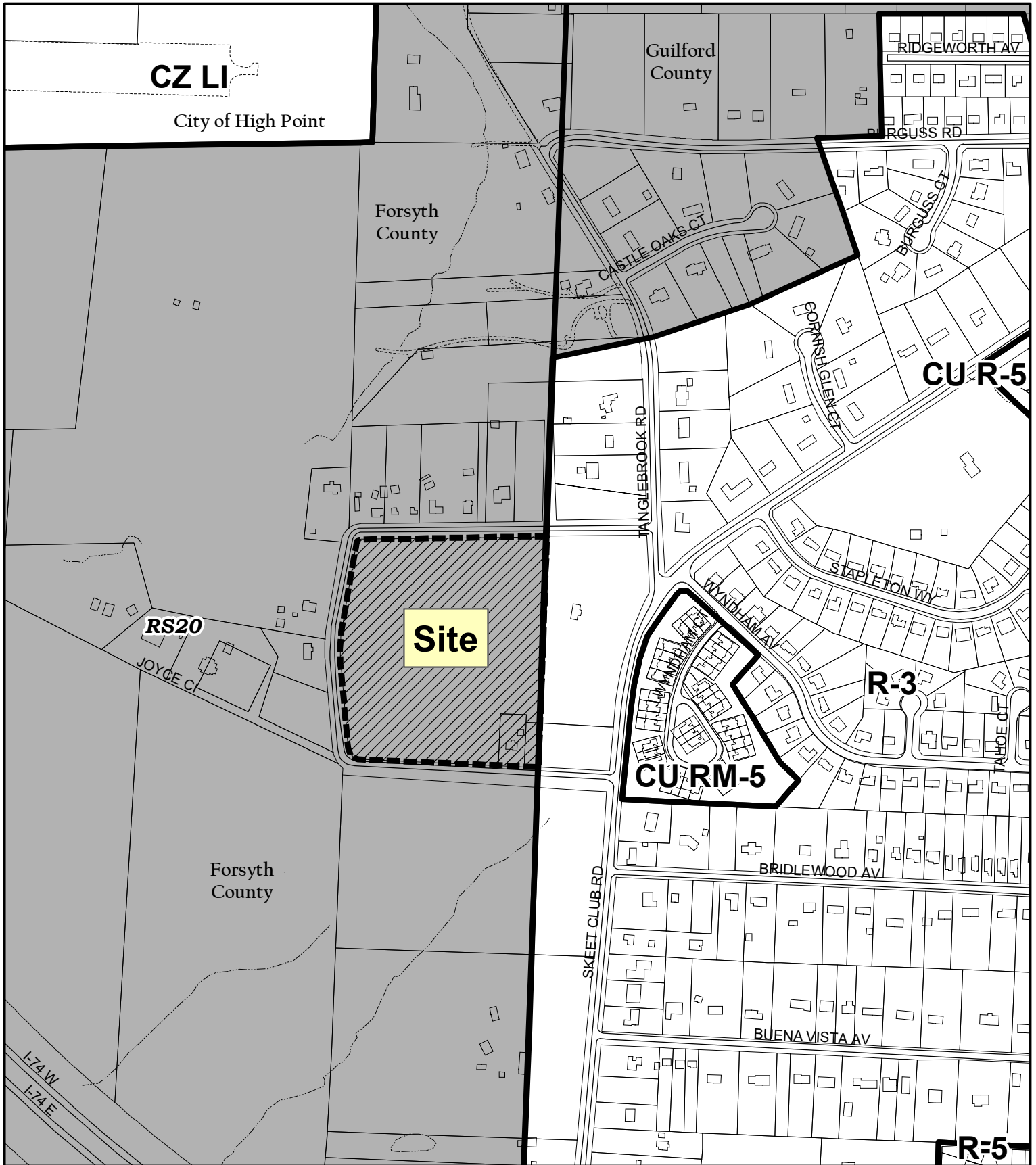
# LOCATION MAP

ANNEXATION CASE: AN-19-04

Applicant: Cathy Jean Hedgecock







**ANNEXATION REQUEST AN-19-04**

**Applicant:** Cathy Jean Hedgecock  
**Area:** 14.6 areas (approximate)

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

**Planning & Development  
Department**

**City of High Point**



**Scale: 1"=500'**  
G:/Planning/Secure/BAC/  
AN/2019/MDXs/an19-04



# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Ordinance to Demolish – 609 Woodbury St.

**From:** Michael McNair, Director  
Community Development & Housing

**Meeting Date:** 7/15/19

**Public Hearing:** No

**Advertising Date:**

**Advertised By:**

**Attachments:**

- A. Staff report
- B. Ordinance to Demolish
- C. Photos
- D. Maps

---

### **PURPOSE:**

A request by Community Development and Housing – Local Codes Section to adopt an ordinance ordering the inspector to demolish the dwelling at 609 Woodbury St.

### **BACKGROUND:**

After a Complaint and Notice of Hearing was issued and a hearing held, an Order to Repair or Demolish was issued on 1/30/19. No action occurred by the compliance date of 3/5/2019. The necessary repairs to the dwelling exceed its current tax value and the demolition is warranted.

### **BUDGET IMPACT:**

Funds are available in the Department budget for the demolition and asbestos testing of the structure(s), and for the asbestos removal if present.

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

Staff recommends the adoption of the requested ordinance to demolish this single family dwelling and all outbuildings on the property.

### **PENDING ACTION:**

The ordinance becomes effective from the date of adoption. If there is no action by the property owner by the effective date of the ordinance, then asbestos testing and the demolition bid process will begin and the structure will be removed by the City. After City demolition, the property owner is billed for the cost. If the bill is unpaid, the City places a lien on the property.



**COMMUNITY DEVELOPMENT AND HOUSING  
CODE ENFORCEMENT  
HOUSING ENFORCEMENT DIVISION**

**ORDINANCE  
REQUEST:**

Ordinance to Demolish

**PROPERTY  
ADDRESS:**

609 Woodbury St.

**OWNER:**

Hughes Family LLC

**REASON FOR  
INSPECTION:**

Old case from Softnet

**FIRST  
INSPECTION:  
11/2/2016**

Summary of Major Violations

1. Repair or replace rotten/deteriorated roof sheathing & covering
2. Install or repair floor covering throughout house
3. Repair or replace subfloor in bedroom
4. Repair or replace foundation wall
5. Repair or replace outlets in kitchen

**HEARING  
RESULTS:  
1/28/19**

No one appeared for the Hearing. It was determined there are several violations of the Minimum Housing Code. There are multiple violations of the minimum housing code in the house that make it unsafe. In its present state, necessary repairs to the dwelling exceed 65% of the value of the structure.

**ORDER(S)  
ISSUED:  
1/30/19**

Order to Repair or Demolish  
Date of Compliance 3/5/19

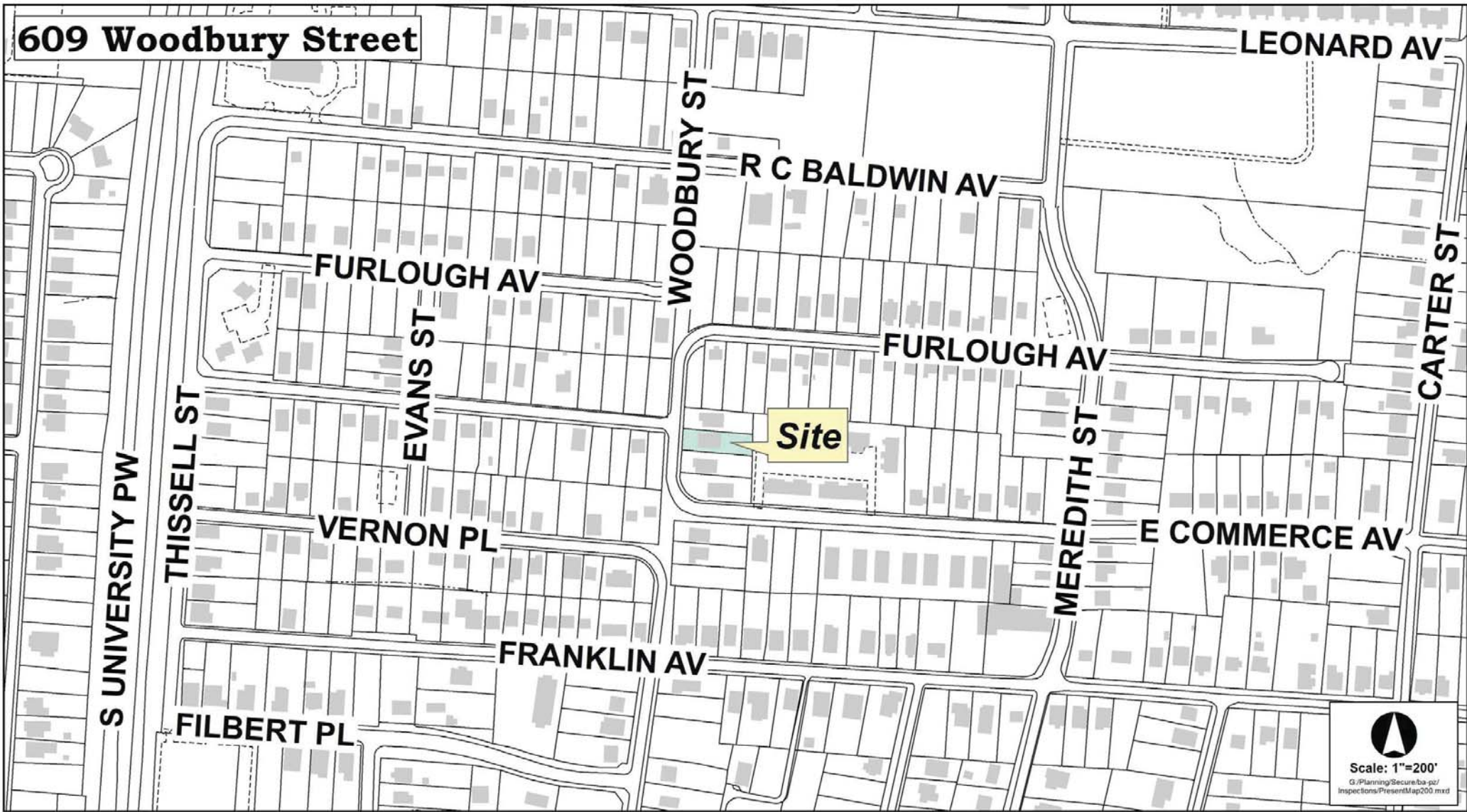
**APPEALS:**

No appeals to date.

**OWNER  
ACTIONS:**

The owner applied for a demolition permit 2/11/19, permit was issued 5/28/19. Demolition permit was ready to be issued 3/7/2019. As of 7/3/19 the property has not been demolished.































# CITY OF HIGH POINT

## AGENDA ITEM



**Title: Special Use 19-01**

Adoption of Findings of Fact and Conclusions of Law  
(City of High Point)

**From:** JoAnne Carlyle, City Attorney; and  
Lee Burnette, Planning & Development  
Director

**Meeting Date:** Monday, July 15, 2019

**Public Hearing:** Not Required

**Advertising Date:** Not applicable

**Advertised By:** Not applicable

**Attachments:** Findings of Fact and Conclusion of Law for SU-19-01

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### **PURPOSE/BACKGROUND:**

On June 17, 2019, the City Council held a public hearing for Special Use 19-01 in which the Council received public comments. After completion of a hearing on the matter, Council voted to approve the request. As part of the process, Council is requested to adopt the Findings of Fact and Conclusions of Law in reference to the approval of Special Use Permit 19-01.

### **BUDGET IMPACT:**

There is no budget impact.

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

Staff recommends the City Council adopt the attached Findings of Fact and Conclusions of Law in reference to Special Use Permit 19-01.



**APPROVAL OF SPECIAL USE PERMIT 19-01  
(3940 Kivett Drive and 6420 Old Kivett Loop, High Point, NC)**

**CITY OF HIGH POINT CITY COUNCIL  
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This application for a Special Use Permit (“SUP”), for a Major Landfill facility in a Heavy Industrial (“HI”) District, came before the High Point City Council (“Council”) on June 17, 2019 for a quasi-judicial hearing (“Hearing”). Based on the testimony of the witnesses, the documentary evidence, the application and related materials, the exhibits, the Staff Report and other evidence presented at the Hearing, the Council finds that the SUP should be approved, and in support thereof, makes the following Findings of Fact and Conclusions of Law as required by N.C. Gen. Stat § 160A-388(e2)(1):

**FINDINGS OF FACT**

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

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

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

2. The subject property (Guilford County Tax Parcels 161052, 161053, 161078, 161079, 161100, 161102, 161103, 161105, 161498, 161505, 161526, 161527, 202910, and 202911) addressed as 3940 Kivett Drive and 6420 Old Kivett Loop, lies south of Kivett Drive, along both sides of Kersey Valley Road, east of Jackson Lake Road and approximately 360 feet west of Danlee Road, in the City of High Point, and consists of approximately 176 acres of land. The City of High Point is the property owner and the City of High Point Public Service Department is the applicant (“Applicant”).

3. The site has a moderate to severely sloping terrain and is mostly used as a solid waste landfill (City of High Point Kersey Valley Landfill). Development is subject to the



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

4. The property has a Heavy Industrial (HI) District zoning designation based upon City Council approval of Zoning Map Amendment 19-08 (ZA-19-08); which was also approved by the City Council on June 17, 2019. The HI district is established to accommodate heavy manufacturing, assembly, fabrication, processing, distribution, storage, research and development, and other industrial uses that may be large-scale or otherwise have extensive exterior movement of vehicles, materials, and goods, and greater potential for adverse environmental and visual impacts.

5. Pursuant to the City of High Point Development Ordinances (“HPDO”), Table 4.1.9 “Principal Use Table”, Waste Related Services is under the Industrial Use Classification. Use types under Waste Related Services include Major Landfill. A Major Landfill is defined by the HPDO as a solid waste or sanitary landfill designed to collect and store nonhazardous household waste.

6. Pursuant to the HPDO, a SUP is required before a Major Landfill use may be placed or expanded in a HI District. The applicant is requesting a SUP to expand an existing Major Landfill. The Kersey Valley Landfill was first issued a Solid Waste Management Permit on October 28, 1980 and was annexed into the City’s corporate limits on December 29, 1980. Additional approvals were granted in 1996 (SU-96-08) to expand the landfill to the east side of Kersey Valley Road. In 2006 and 2015, amendments to SU-96-08 were granted to expand the landfill to its current configuration.

7. This application, Special Use 19-01 (“SU-19-01”), proposes to expand the existing Major Landfill facility by adding a 0.48-acre parcel and by designating an additional 19.2 acres to the active waste storage area. Details of this request are as follows:

- (a) Expansion Area #1 (0.48-acres): This expansion consists of a 0.48-acre parcel (Guilford County Tax Parcel 161079) that fronts along Kivett Drive and is surrounded on three sides by the existing Kersey Valley landfill facility. Based on its location at the perimeter of the overall facility, active waste storage cannot be conducted on this parcel. It will be incorporated into the facilities perimeter buffer area and may also be used for the construction of related accessory structures (See Exhibit #1).
- (b) Expansion Area #2 (19.2 acre waste storage expansion): The landfill currently has two active waste storage areas, one lying east of Kersey Valley



Road and the other lying west of Kersey Valley Road. The Public Service Department is proposing that the North Carolina Department of Transportation (NCDOT) abandon that portion of Kersey Valley Road abutting the landfill and allow rerouting of the road westward to intersect with Jackson Lake Road. With the road abandonment, the two separate waste storage cells can be combined to create an additional 19.2 acres of waste storage and add approximately 20 years to the lifespan of the Kersey Valley Landfill (See Exhibits #1 and 2).

8. The zoning and uses of land adjacent to the Property are outlined below:

<b>Adjacent Property Zoning and Current Land Use</b>		
North	Light Industrial (LI) District General Business (GB) District Conditional Use General Business (CU-GB) District Residential Single Family-40 (RS-40) District ( <i>Guilford County</i> ) Agricultural (AG) District ( <i>Guilford County</i> )	Vacant industrial building, automotive repair facility, single family dwellings and undeveloped parcels
South	Agricultural/Rural (AGR) District Residential Single Family – 5 (R-5) District Conditional Use Light Industrial (CU-LI) District Conditional Use Agricultural/Rural (CU AGR) District Residential Single Family-40 (RS-40) District ( <i>Guilford County</i> )	Single family detached dwellings and undeveloped parcels
East	Residential Single Family-40 (RS-40) District ( <i>Guilford County</i> ) Conditional Use Agricultural/Rural (CU-AGR) District	Single family detached dwelling, undeveloped parcel and a construction and demolition debris landfill
West	Light Industrial (LI) District	Single family detached dwellings and undeveloped parcels

9. The SU application is carrying forward applicable conditions from SU-96-08 into SU-19-01 and includes a special use site plan (“SU Site Plan”) depicting activity associated with the expansion of the Major Landfill facility. The special use application also included the following additional supporting documents:

- (a) Applicant response to special use findings
- (b) Impact Study of Kersey Valley Landfill Expansion prepared by Hylton, Crower & Associates (Certified North Carolina General Appraiser)
- (c) Site Study – City of High Point Kersey Valley MSW Landfill – Area 3. Prepared by Smith-Gardner Inc. Engineering Firm



(d) Appendix A to Site Study. Report of Site Investigation and Remedial Engineering (Hazen and Sawyer, PC 1992)

These documents can be viewed in the official case file in Accela Citizen Access, under Record ID SU-19-01 using the following weblink:

<https://acceladmz.highpointnc.gov/chpaca/Account/RegisterDisclaimer.aspx>

10. The Applicant conducted a Citizen Information Meeting, per standards of Section 2.3.3 of the HPDO and submitted a Citizen Information Meeting Report to the City of High Point Planning and Development Department. The Citizen Information Meeting Report is part of the staff report for SU-19-01 submitted to the High Point City Council.

11. During the Hearing, testifying in support of the request, on behalf of the Applicant, was Mr. Pieter K. Scheer, P.E. Vice President and Senior Engineer for Smith & Gardner Inc., 14 N. Boylan Avenue, Raleigh, NC 27603. His firm is the lead consultant for the City of High Point in the design and construction of the proposed expansion of the landfill. This firm prepared the “Proposed Facility Plan Information Report” and engineering drawings that make up the SUP Site Plan. Mr. Scheer provided an overview of the project, manner in which the City must address State of North Carolina waste management laws, including water and air protection measures, and he addressed technical questions from the City Council.

12. Also testifying in support of the SUP was Mr. Brian R. Crowder, MAI, SRA. Mr. Crowder is a Staff Appraiser for Hylton-Crowder & Associates (North Carolina Certified General Appraiser – Lic #A7529), 132 E. Parris Avenue, High Point, NC. He provided a summary of his educational background and course work to become a certified appraiser, summary of his professional affiliations and a summary of his 10 years of experience as an appraiser with Hylton-Crowder & Associated. Mr. Crowder presented an overview of the Impact Study he conducted of the Kersey Valley Landfill expansion, including summary of sales comparison analysis. Finally, he outlined the conclusions of the study which stated:

- (a) The expansion of the Kersey Valley Landfill in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting properties. In addition, this data and our experience not only demonstrate that there will be no “substantial” injury or depreciation to adjoining, abutting, or nearby properties, it indicates that there will be no injury or depreciation; and
- (b) The proposed Kersey Valley Landfill expansion will be in harmony with the area. The development of the area includes the already existing Kersey Valley Landfill, the Waste Industries High Point Construction and Demolition Landfill, the Martin Marietta Rock Quarry, uses that are similar to the proposed expansion. Expanding the Kersey Valley Landfill would not change the dynamic of the area. In fact, with the current Kersey Valley Landfill



already in operation, the use of the land will not change providing further proof that the expansion will be in harmony with the area.

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

### **CONCLUSIONS OF LAW**

Pursuant to the foregoing FINDINGS OF FACT, Section 2.4.12 of the City of High Point Development Ordinance and other applicable law, the Council, by a unanimous 7-0 vote, makes the following Conclusions of Law:

1. Based on the evidence in the record, the Council finds as a matter of law that the request to expand the Kersey Valley Landfill and establishment of a new Special Use Permit (SU-19-01), as submitted by the Applicant, will meet all required standards of the Development Ordinance.

2. The Applicant bears the burden of proving to the Council, by competent, material and substantial evidence, that the proposed Major Landfill facility meets the standards in Section 2.4.12(C) of the City of High Point Development Ordinance. If the Applicant fails to meet its burden of producing competent, material and substantial evidence as to any one of the standards, the SUP must be denied.

3. In this case, the Council finds that the SUP should be approved, for the following reasons, pursuant to Section 2.4.12(C):

- (a) Based upon evidence and testimony presented by the Applicant and its representatives and the findings in the Planning & Development Department Staff Report SU-19-01, the request will not materially endanger the public health or safety if located where proposed. The City is required to maintain compliance with environmental permits for the site including both solid waste and air quality permits. Furthermore, based upon the expert testimony of the applicant engineer, Mr. Pieter K. Scheer, P.E. Vice President and Senior Engineer for Smith & Gardner Inc., the following aspects further address public health and safety.
  - i) The existing landfill and future Area 3 expansion is and will be designed with a liner and leachate collection system and water quality and landfill gas (LFG) monitoring systems meeting the requirements of State solid waste rules. The City is required to



maintain compliance with environmental permits for the site including both solid waste and air quality permits. Additionally, the facility is routinely inspected by representatives of the NC Department of Environmental Quality.

- ii) Once the landfill reaches its capacity, a final cover system is required. This final cover system prevents contact with the waste mass and, in conjunction with LFG collection components also aids the control of LFG and odors.
  - iii) The facility will have a singular main entrance for waste hauling vehicles and the public. This entrance has a right turn lane in place which eases traffic congestion and facilitates turning movements. As part of the development of Area 3, the portion of Kersey Valley Road through the facility will be closed to public access. Thus, the safety of the intersection of Kivett Drive and Kersey Valley Road will be improved.
- (b). Based upon evidence and testimony presented by the Applicant and its representatives and the findings in the Planning & Development Department Staff Report for SU-19-01; the requested Major Landfill facility complies with all required standards, conditions, and specifications of the Development Ordinance, including Chapter 4: “Uses” of the City of High Point Development Ordinance.
- (c). Based upon the expert testimony and property impact study of licensed real estate appraiser, Mr. Brian Crowder, and the findings in the Planning & Development Department Staff Report for SU-19-01; the requested Major Landfill facility will not substantially injure the value of the abutting land. A Major Landfill use has been established in this area since 1980, this request is not introducing a new land use to the area. Furthermore, except for the road right-of-way proposed for abandonment, the 19.2 acre expansion of waste storage area is already part of the Kersey Valley Landfill facility;
- (d). Based upon evidence and testimony presented by the Applicant and its representatives and the findings in the Planning & Development Department Staff Report for SU-19-01; the requested Major Landfill facility will be in harmony with the area. The existing landfill has an established perimeter buffer area that provides approximately 300 to 400 feet of separation between active waste storage areas and adjacent parcels. The merger of the two waste storage areas will maintain this



current buffer standard. Furthermore, the proposed expansion is consistent with other heavy industrial type uses that have developed in this area. Directly to the east of this facility is a 155-acre construction and demolition debris landfill. A Martin Marietta Quarry, on approximately 277 acres, lies one-quarter mile to the east. Also, to the southwest of the site, over 80 acres of land is currently used as a trucking distribution facility and as an asphalt plant.

- (e). Based upon evidence and testimony presented by the Applicant and its representatives and the findings in the Planning & Development Department Staff Report for SU-19-01; the requested Major Landfill facility is in general conformity with the City's adopted policy guidance. Goals #4 and #5 of the City's Land Use Plan speaks to ensuring that all required public services and facilities are sequenced to meet demands of development; and promoting an urban growth pattern that occurs in an orderly fashion. The ability to provide for effective solid waste disposal, and when possible to expand the lifespan of such facilities, is a public necessity. This proposed expansion will add approximately 20 years to the life span of the Kersey Valley landfill. Finally, the adopted Land Use map classifies lands south of Kivett Drive as Heavy Industrial and Light Industrial, which includes large waste related services. The proposed expansion is consistent with adjacent industrial related uses and established land use policies in this area.

ACCORDINGLY, based on the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, the Applicant's request for a special use permit for a Major Landfill facility is unanimously APPROVED by a vote of 7-0 subject to the following conditions which were offered and agreed to by the Applicant:

Part I. USE: Major Landfill

Part II. Conditions:

1. The special use shall be subject to the provisions and requirements of:
  - (a) The "Design Report for the Kersey Valley Landfill – Phase 2, High Point, North Carolina" (also prepared by G.N. Richardson & Associates, Inc. (now Smith Gardner, Inc.), as revised through September 1996);



- (b) Permit to Construct Application – City of High Point - Kersey Valley MSW Landfill – Phase 3, High Point, North Carolina (Prepared by G.N. Richardson & Associates, Inc. as revised through November 1999);
- (c) Permit to Construct Application – City of High Point - Kersey Valley MSW Landfill - Phases 3A & 4, High Point, North Carolina (Prepared by Richardson Smith Gardner & Associates, Inc. (now Smith Gardner, Inc.) as revised through January 2009);
- (d) Permit to Construct Application – City of High Point - Kersey Valley MSW Landfill - Phases 5A & 5B, High Point, North Carolina (Prepared by Smith Gardner, Inc. as revised through January 2015);
- (e) Site Study – City of High Point Kersey Valley MSW Landfill – Area 3. Prepared by Smith Gardner Inc.; and
- (f) Future permit application(s) for development of Area 3 as approved by the North Carolina Department of Environmental Quality (“NCDEQ”).

These documents constitute the operational plan for the facility and are intended to comply with the North Carolina Solid Management Rules (15A NCAC 13B as periodically amended), which are enforced by the NCDEQ.

- 2. That the landscape plan be amended to depict the western portion of the special use site, and that the plan notes a requirement that existing vegetation be preserved and maintained within 50 feet of Jackson Lake Road.
- 3. Right of way dedication: The property owner shall dedicate a minimum of fifty (50) feet of right-of-way along the Kivett Drive frontage of the zoning site as measured from the existing centerline.
- 4. The City of High Point Director of Transportation and the North Carolina Department of Transportation (“NCDOT”) shall approve all vehicular access construction and improvements.
- 5. Solid waste disposal shall not be permitted in Area 3 (approximately 19.2 acres between and adjoining existing Area 1 to the west and existing Area 2 to the east) until that portion of Kersey Valley Road abutting the facility is abandoned and the rerouting of Kersey Valley Road to Jackson Lake Road is open to the public. An exception being that incremental construction and use of Area 3 is allowed prior to completion of the rerouting project so long as Kersey Valley Road remains open to the public.

Part III. Special Use Permit Plan: Development shall be in accordance with the attached Special Use Permit site plan. This Special Use Permit and approved site plan are



perpetually binding on this property, unless subsequently amended as provided in the Development Ordinance or until a use otherwise permitted in the zoning district is established.

This the 15th day of July 2019.

_____  
Jay W. Wagner, Mayor

ATTEST:

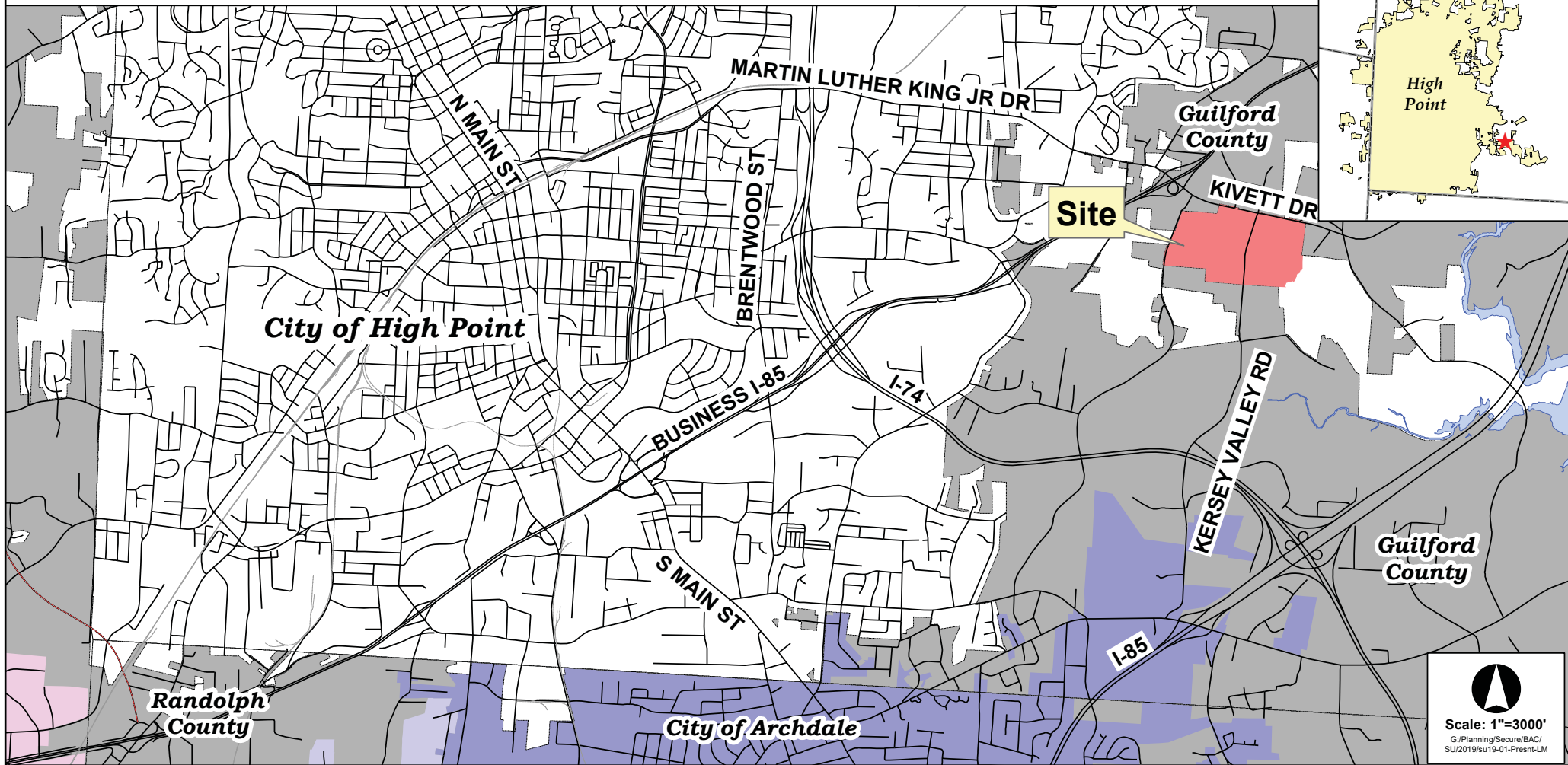
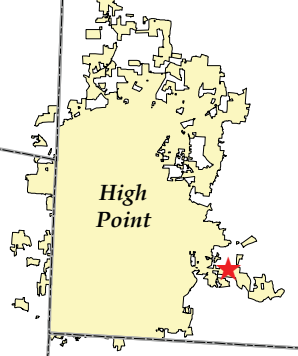
_____  
Lisa B. Verling, City Clerk



# LOCATION MAP

SPECIAL USE PERMIT SU-19-01  
Applicant: City of High Point

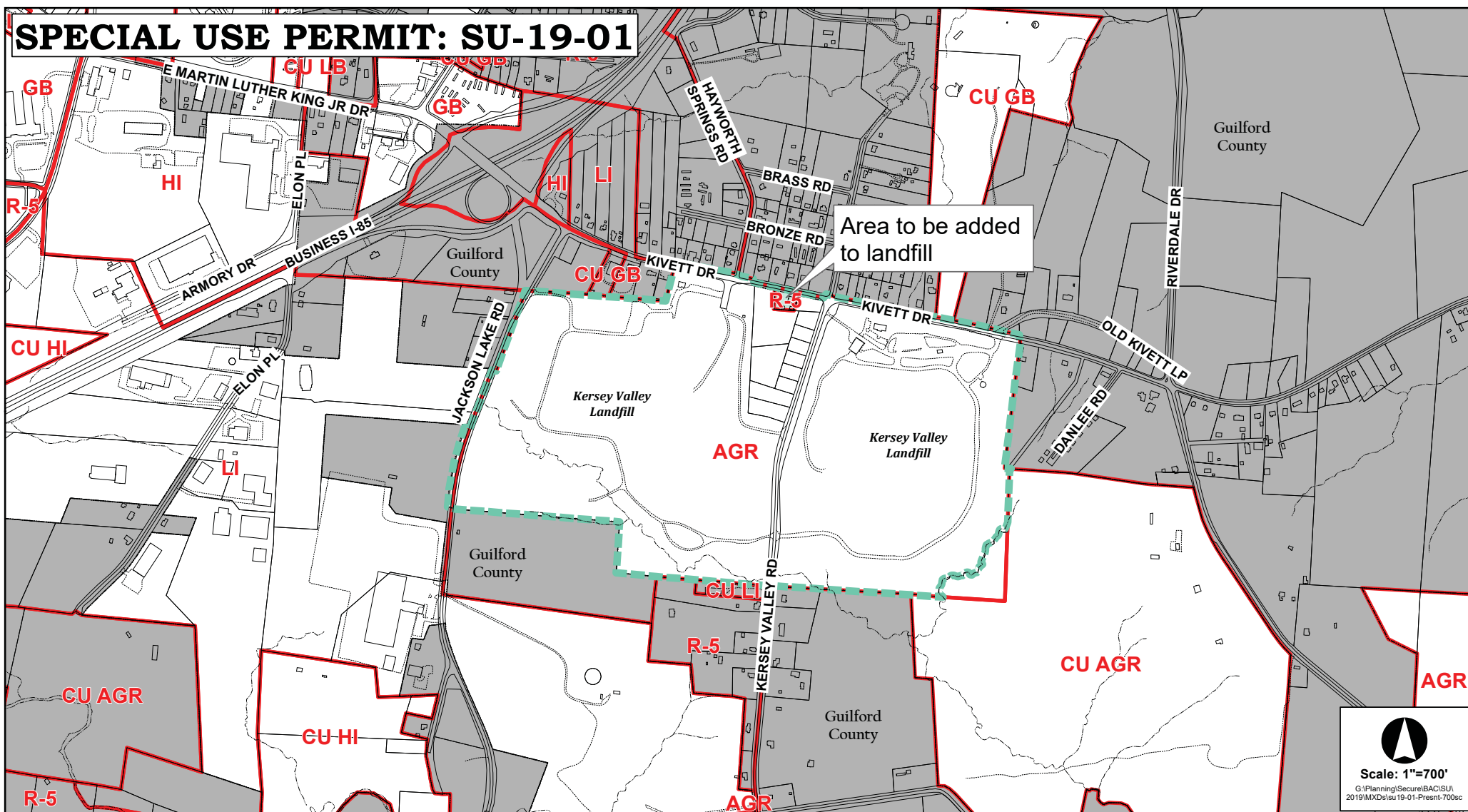
## Vicinity Map



  
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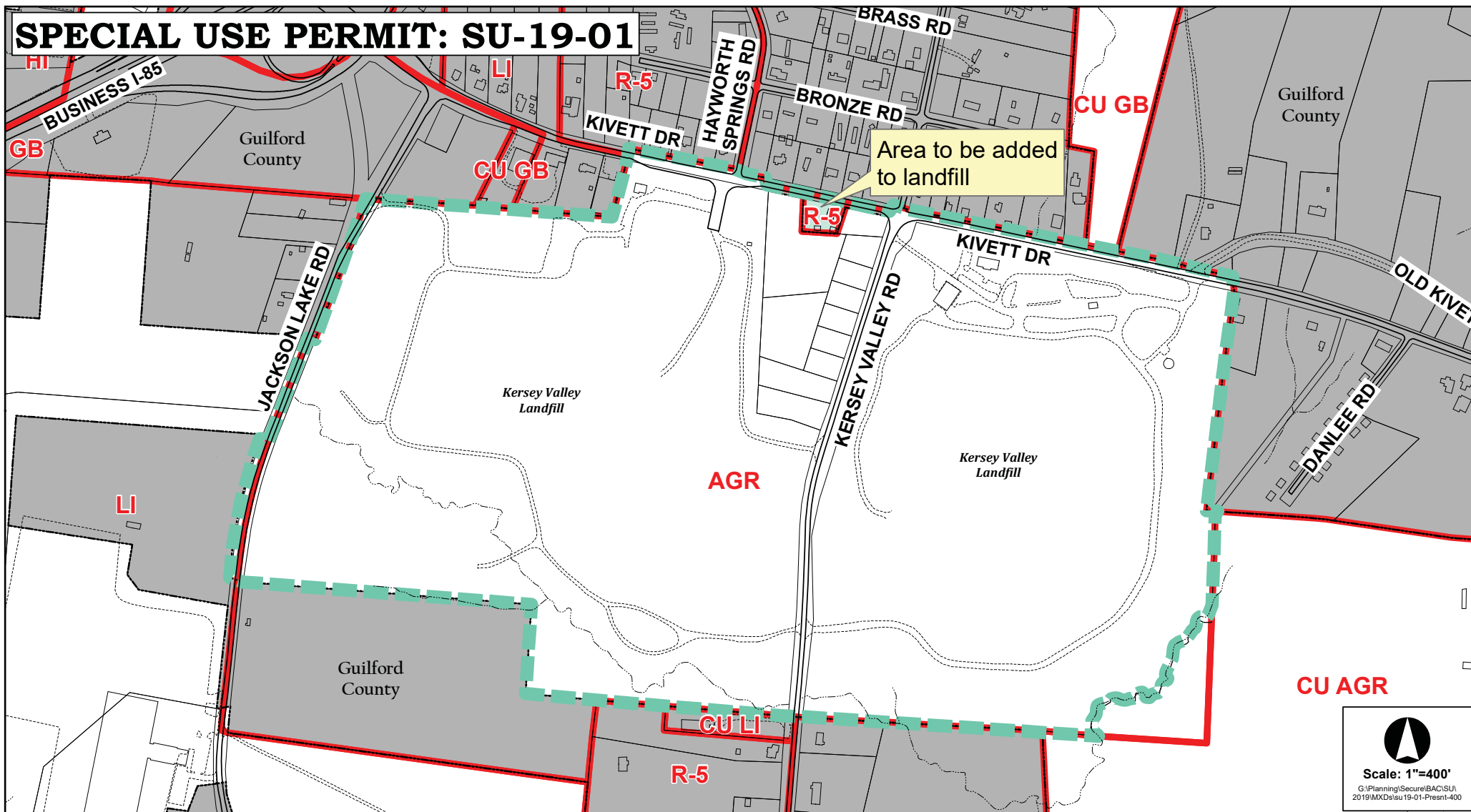


**SPECIAL USE PERMIT: SU-19-01**





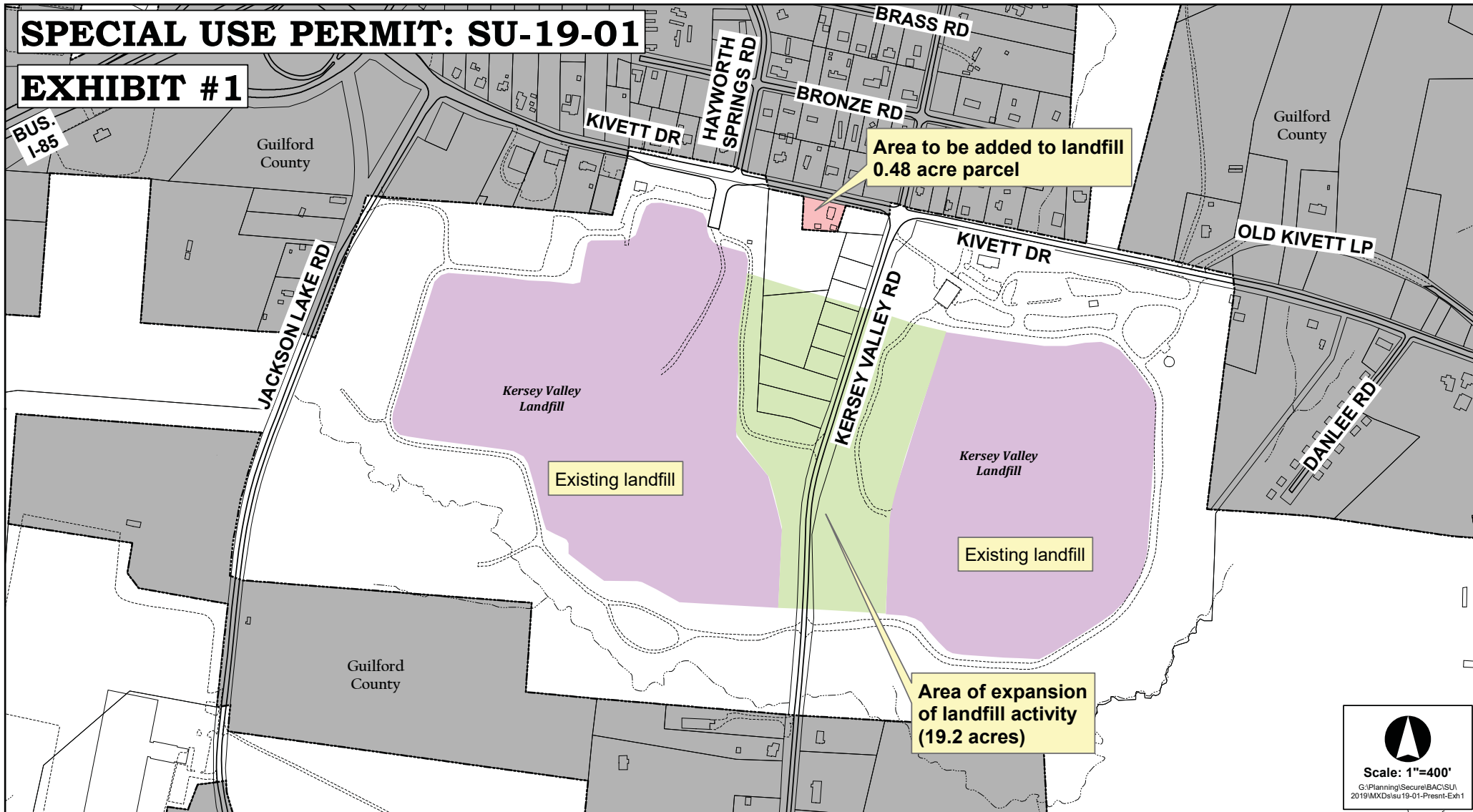
# SPECIAL USE PERMIT: SU-19-01





# SPECIAL USE PERMIT: SU-19-01

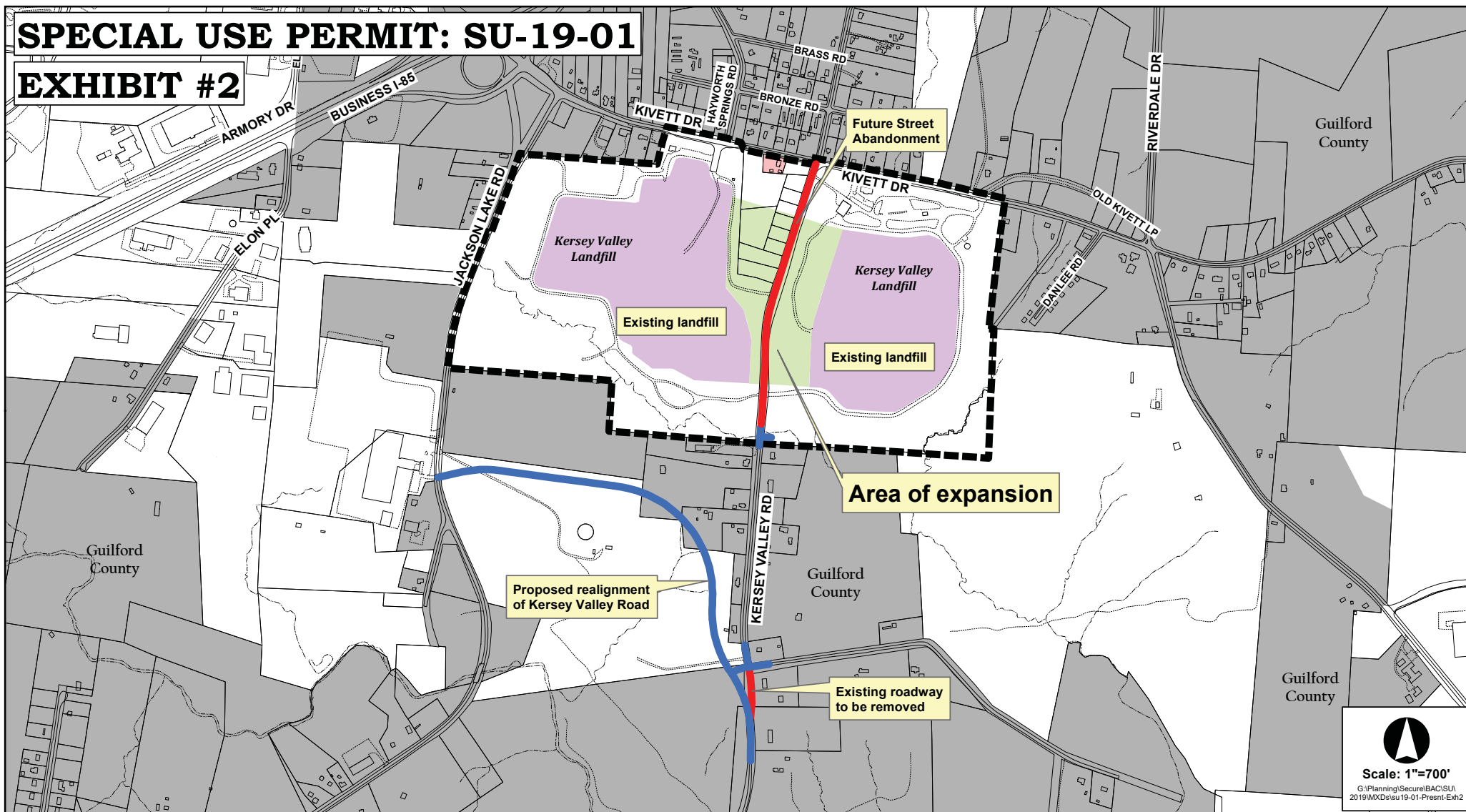
## EXHIBIT #1





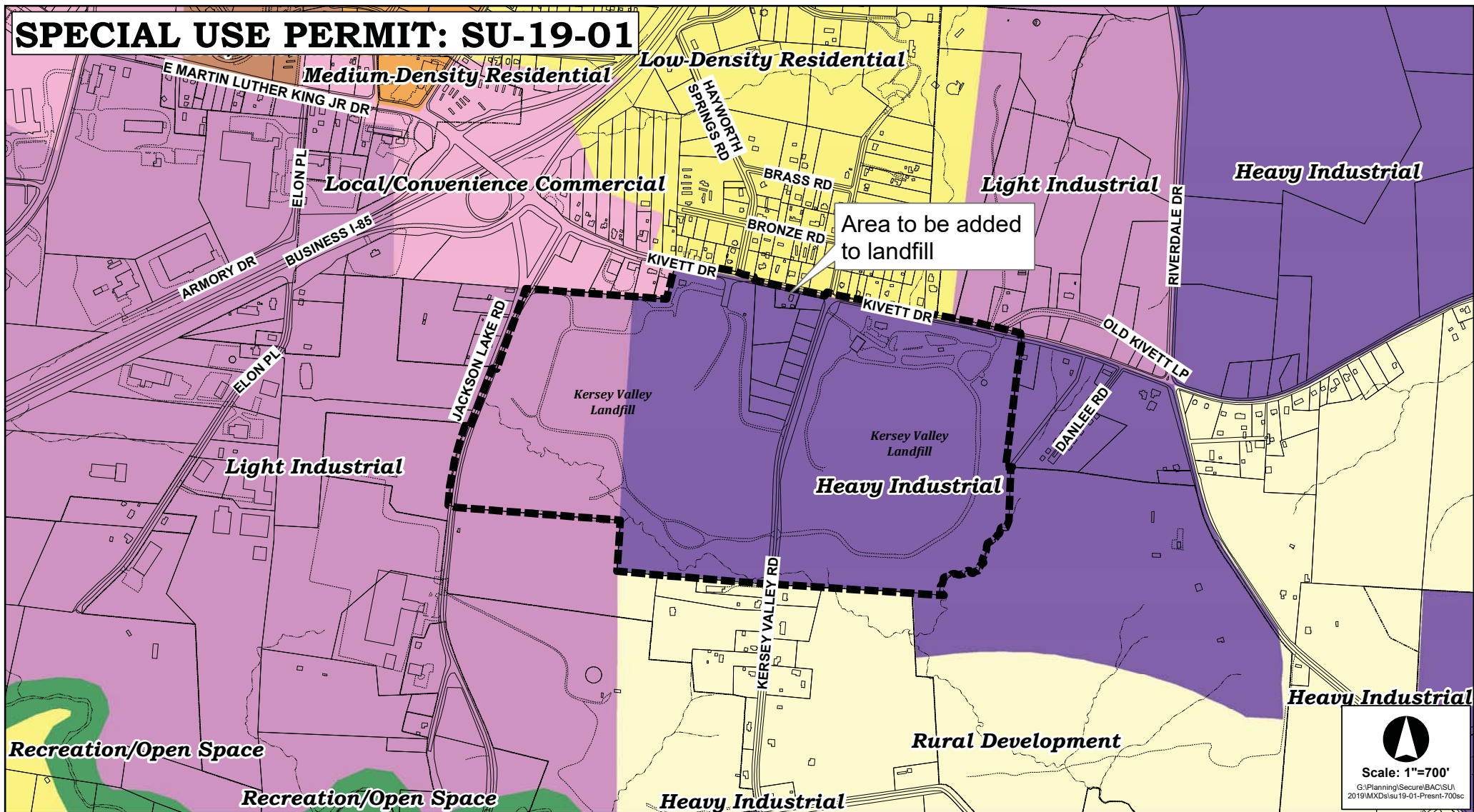
# SPECIAL USE PERMIT: SU-19-01

## EXHIBIT #2



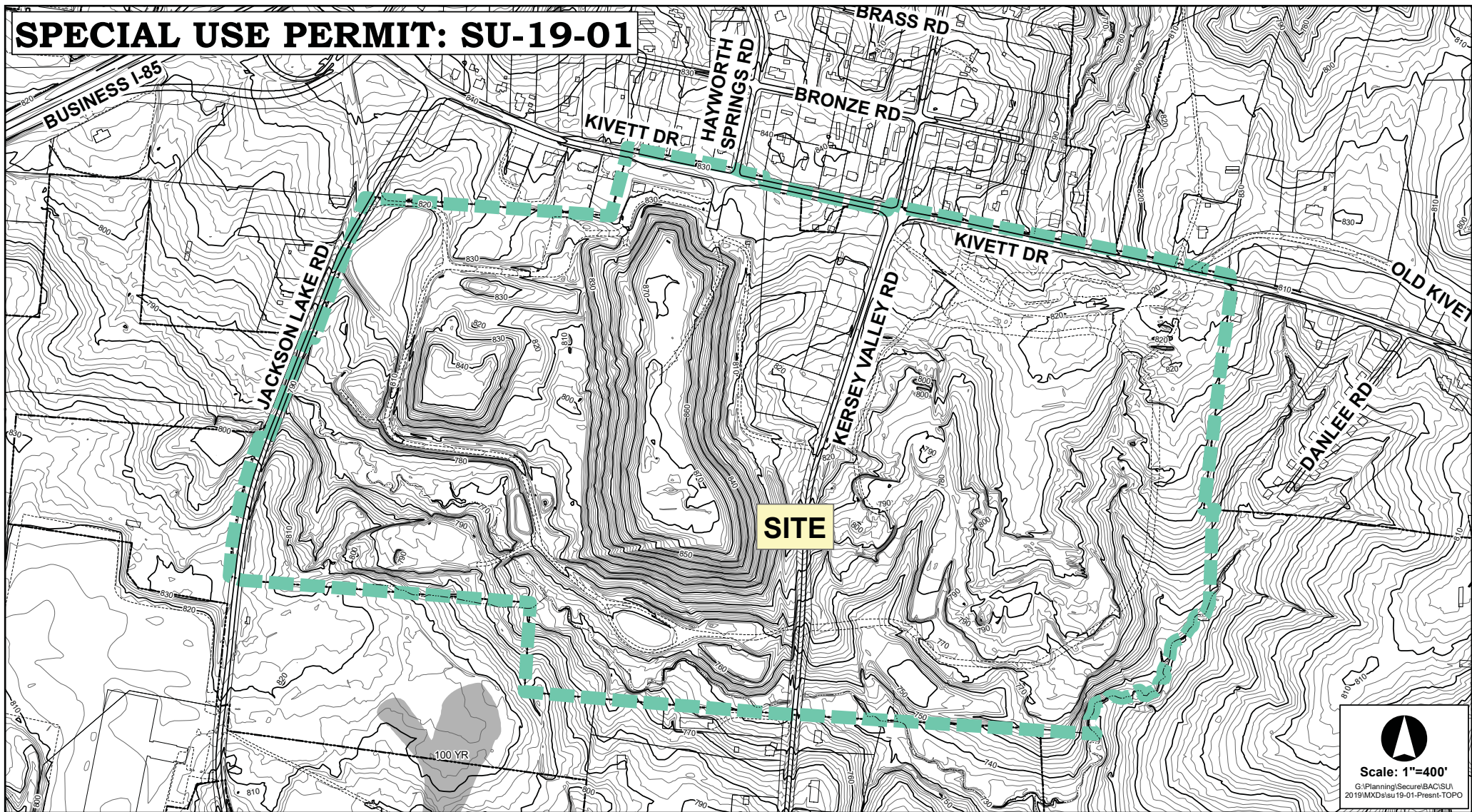


# SPECIAL USE PERMIT: SU-19-01



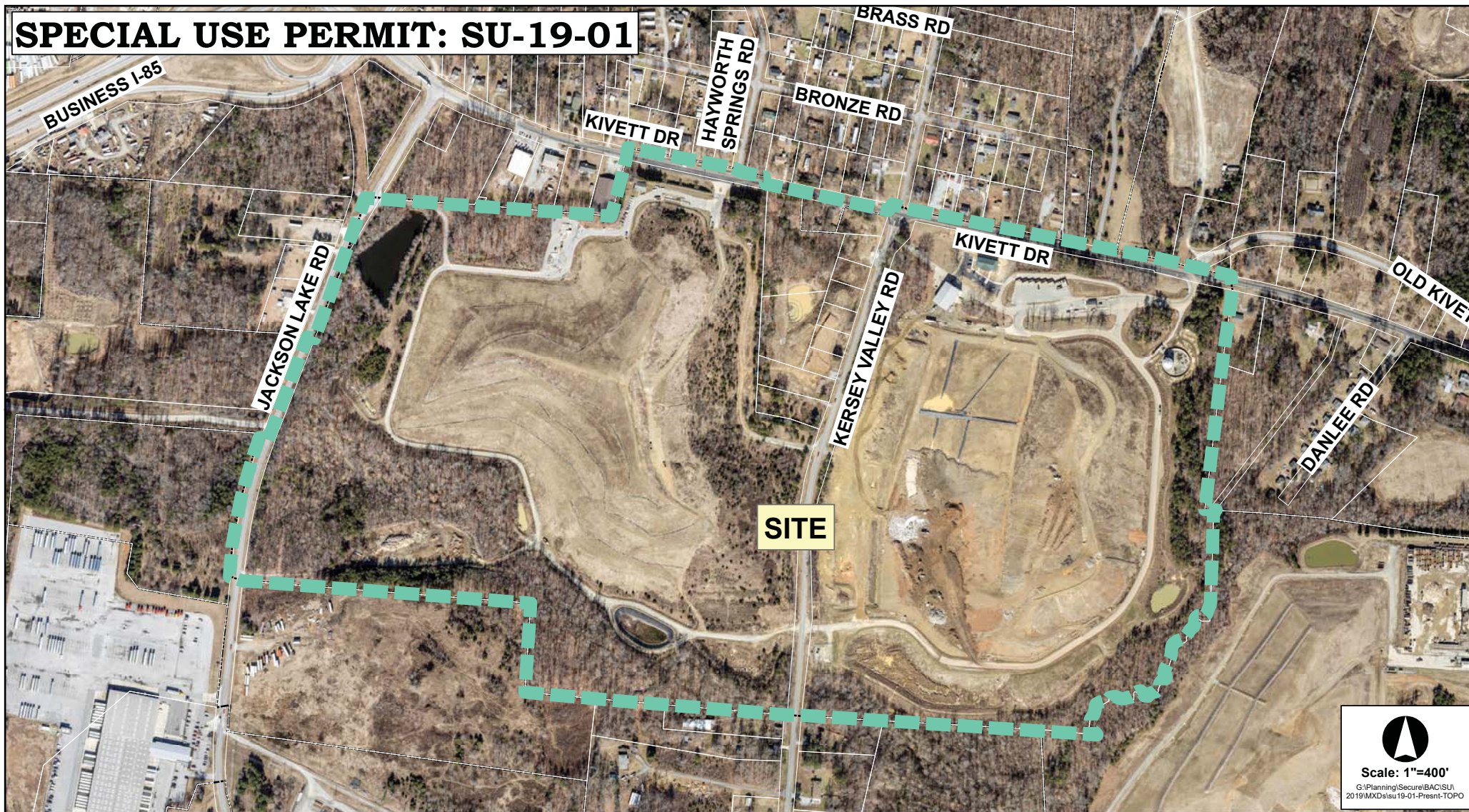


# SPECIAL USE PERMIT: SU-19-01





# SPECIAL USE PERMIT: SU-19-01



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## CITY OF HIGH POINT

### KERSEY VALLEY LANDFILL FACILITY RESOLUTION TO APPROVE THE AREA 3 LANDFILL EXPANSION

BE IT RESOLVED that the High Point City Council hereby grants approval for the issuance of a solid waste permit by the NC DEQ's Division of Waste Management (DWM) for the proposed Area 3 municipal solid waste (MSW) landfill unit at the City's Kersey Valley Landfill facility in compliance with North Carolina Solid Waste Management Rules T15A NCAC 13B .1618(c)(5)(A).

The proposed Area 3 landfill unit consists of approximately 19.2 acres of waste footprint located within the incorporated limits of the City of High Point as shown the attached **Drawing S1**. The City Council hereby approves the following items related to the landfill facility:

1. Service Area:  
The landfill facility serves the Counties of Guilford, Randolph, Davidson, and Forsyth in the State of North Carolina (approximate population of 1,143,706 people based on Census 2010 data and 1,222,734 based on 2018 estimates).
2. Waste Types and Disposal Rates:  
The landfill facility will accept municipal solid waste (MSW) at a maximum rate of 200,000 tons/year (791 tons/day based on 253 operating days per year).
3. Landfill Capacity:  
The landfill facility will provide the following gross capacities (volume of waste plus periodic and final cover soil) consistent with the contours shown on the attached **Drawings S2 and S3**:

Landfill Unit	Waste Footprint	Gross Capacity
Area 1 (Phases 1-3A) (Existing)	39.1 Acres	3,343,678 CY
Area 2 (Phases 4-5B) (Existing)	28.1 Acres	2,574,276 CY
Area 3 (Phases 6-10) (Proposed)	19.2 Acres	4,611,076 CY

4. Landfill Service Life:  
The Area 3 landfill unit is projected to have an approximate service life of approximately 20 years based on an average disposal rate of 120,000 tons/year.

Adopted, this ____ day of June, 2019.

**HIGH POINT CITY COUNCIL**

---

Jay W. Wagner, Mayor

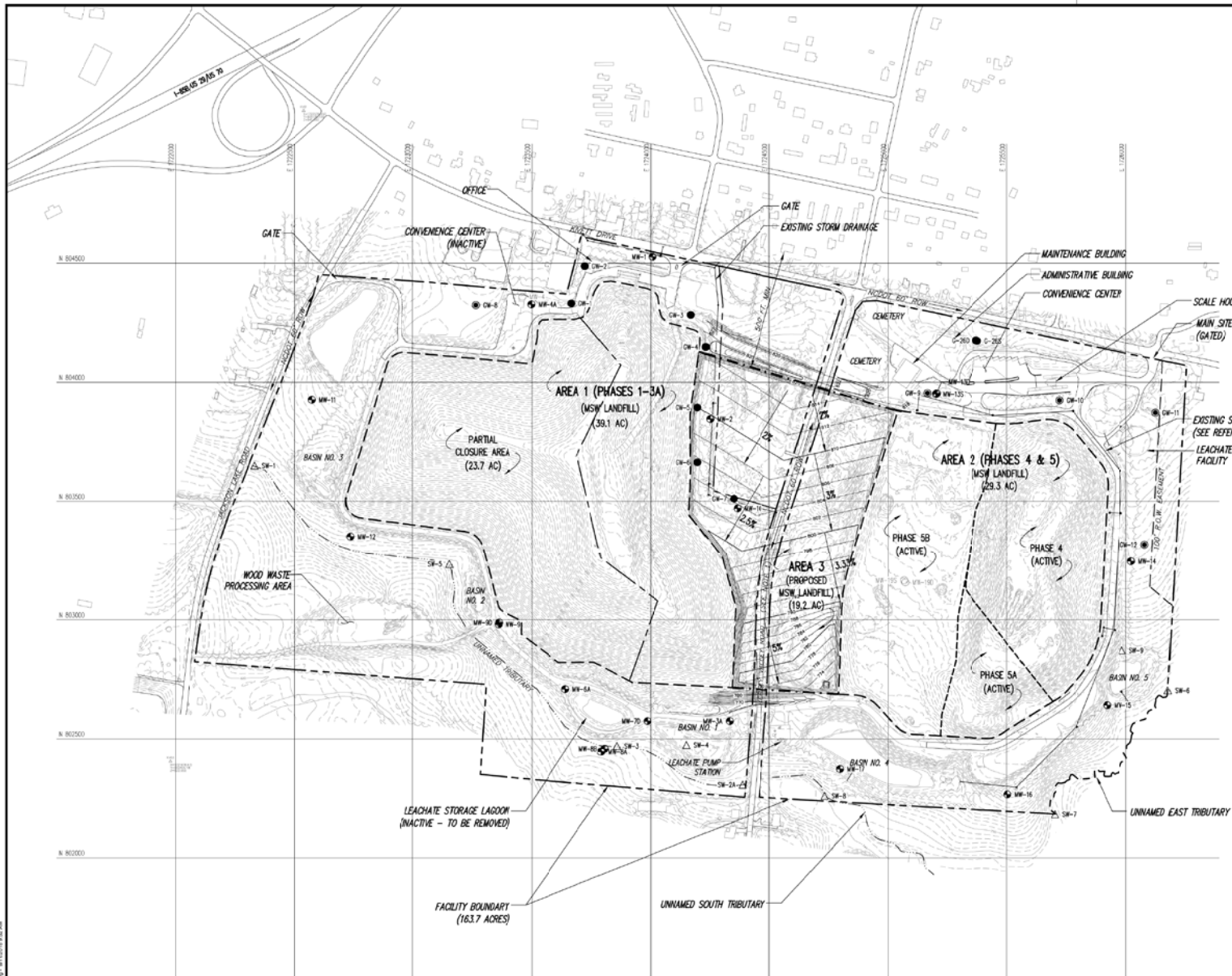
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Attest: Lisa B. Vierling  
City Clerk



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**CITY OF HIGH POINT  
DEPARTMENT OF  
PUBLIC SERVICES  
HIGH POINT, NC**

PREPARED BY: _____ NC LIC. NO. F-1376 (ENGINEERING)  
SC-COA NO. 020489

**SMITH+**  
**GARDNER**  
ENGINEERS

84 N. Boylan Avenue, Raleigh NC 27603 | 919.828.0577  
8526 Richland St., Columbia SC 29201

SEAL:

Designated By: *Peter K. Sohr*

02/18/2019

02/8/2019

SEAL

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PROJECT TITLE:

**KERSEY VALLEY MSW LANDFILL  
AREA 3  
PROPOSED FACILITY PLAN**

DRAWING TITLE
---------------

### SITE DEVELOPMENT PLAN BASE GRADES

**LEGEND**

————	EXISTING 10' CONTOUR
-----	EXISTING 2' CONTOUR
- - - - -	PROPERTY LINE
=====	SOIL SURVEY BOUNDARY
~~~~~	SOC. STOPPING BOUNDARY (APPROXIMATE)
~~~~~	STREAM (PERIMETER AND INTERTEXT)
~~~~~	LIMITS OF DISPOSAL AREA (LAND)
~~~~~	LIMITS OF PROPOSED AREA 3
● MW-9	EXISTING MONITORING WELL
○ MW-103	ABANDONED MONITORING WELL
△ SW-3	EXISTING SURFACE WATER MONITORING POINT
● SW-3	EXISTING LANDFILL GAS MONITORING WELL (SW-3 MONITOR ON C-12 ARE APPROPRIATE LOCATIONS)
● SW-7	EXISTING LANDFILL GAS MONITORING WELL (NOT INCLUDED IN RESOLVE MONITORING NETWORK)

**NOTES**

1. THE CITY INTENDS TO ASSUME CONTROL, AND CLOSE TO PUBLIC ACCESS, THE PORTION OF KERSEY VALLEY ROAD THROUGH THE SITE. RELATED WORK IS ONGOING WITH THE MCDOT.
2. GRADES SHOWN FOR AREA 3 REPRESENT TOP OF SUBGRADE.

## REFERENCES

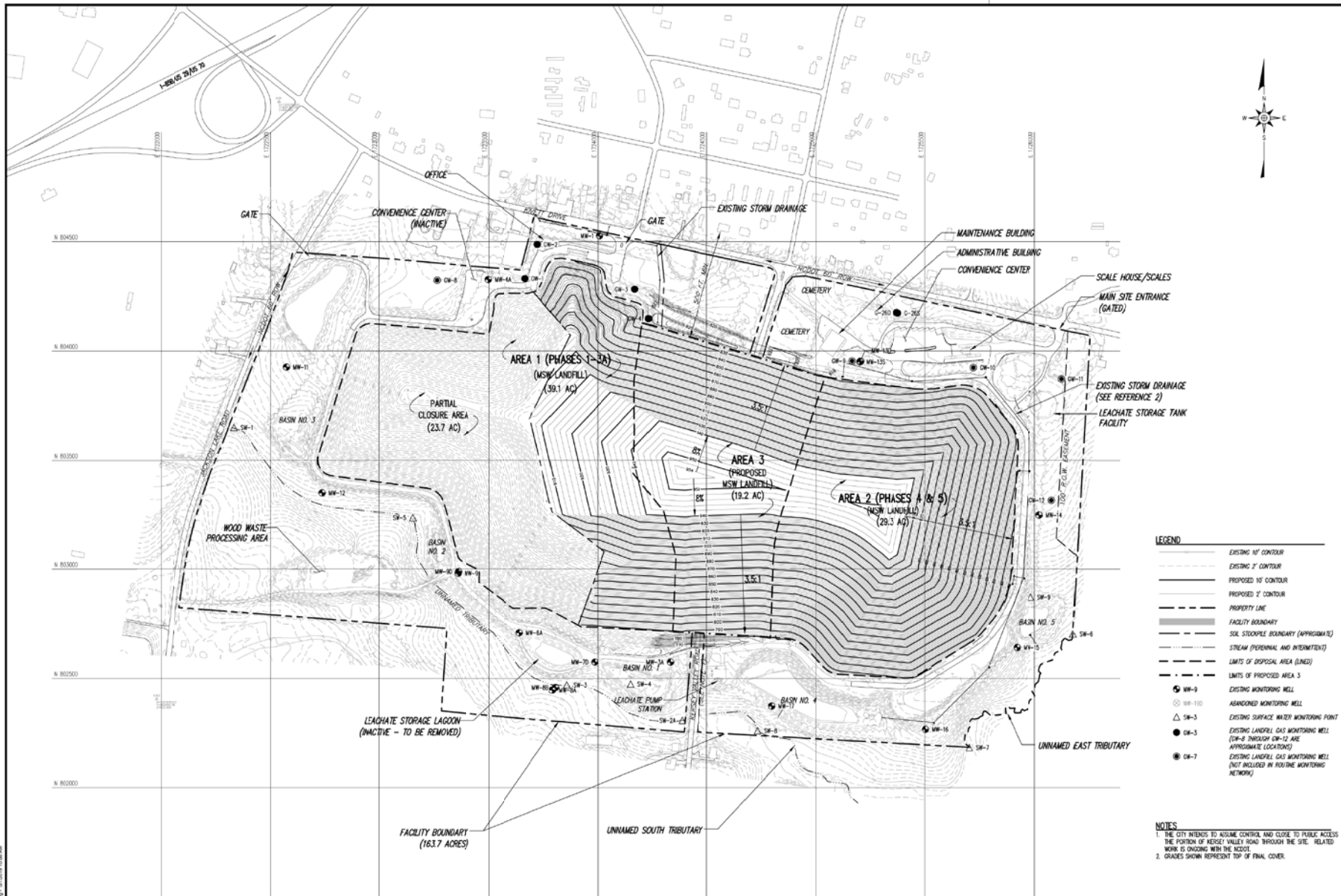
1. EXISTING TOPOGRAPHY PROVIDED BY SPATIAL DATA CONSULTANTS, INC., DATED MAY 16, 2017. TOPOGRAPHY IN ACTIVE AREAS (AREA 2) FROM LAS FLIGHT DATED JUNE 26, 2018 BY NITHERS RAVENEL, CARY, NC.
2. STORM DRAINAGE AS-BUILT SURVEY DATED AUGUST 20, 2010 BY C. EDWARD MOORE, JR., PLS, SUMMERFIELD, NC.

A horizontal scale bar with four segments. Above the bar, the numbers 0, 200, 400, and 600 are placed at the segment boundaries. The segments alternate in shading: the first segment (0-200) is white, the second (200-400) is black, the third (400-600) is white, and the fourth (600-700) is black.

DESIGNED:	P.K.S.	PROJECT NO:	HPOINT 17-1
DRAWN:	C.T.J.	SCALE:	AS SHOWN
APPROVED:	PKS	DATE:	MAY 2019
FILE NAME:	HP-D0540		
SHEET NUMBER:	DRAWING NUMBER:		

2	S2
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3 XCAO High Point/Hpoint 17.1 Fahrenheit-D3540 dew - 5/7/2019 10:08 AM

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PREPARED FOR:

**CITY OF HIGH POINT  
DEPARTMENT OF  
PUBLIC SERVICES  
HIGH POINT, NC**

PREPARED BY:

**SMITH+**  
**GARDNER**  
ENGINEERS

14 N. Boylan Avenue, Raleigh NC 27603 | 919.828.0577  
1526 Richland St., Columbia SC 29201

SEAL



SEAL

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PROJECT TITLE:

**KERSEY VALLEY MSW LANDFILL  
AREA 3  
PROPOSED FACILITY PLAN**

DRAWING TITLE

### SITE DEVELOPMENT PLAN FINAL COVER GRADES

**LEGEND**

- |           |                                                                                          |
|-----------|------------------------------------------------------------------------------------------|
| —————     | EXISTING 1 ST CONTOUR                                                         |
| —————     | EXISTING 2 ND CONTOUR                                                         |
| —————     | PROPOSED 1 ST CONTOUR                                                         |
| —————     | PROPOSED 2 ND CONTOUR                                                         |
| - - - - - | PROPERTY LINE                                                                            |
| ▬▬▬▬▬     | SOIL SCOUTPLOT BOUNDARY                                                                  |
| ▬▬▬▬▬     | SOIL SCOUTPLOT BOUNDARY (APPROXIMATE)                                                    |
| ▬▬▬▬▬     | STREAM PERMANENT AND INTERMITTENT                                                        |
| ▬▬▬▬▬     | LIMITS OF DISPOSAL AREA (LINED)                                                          |
| ▬▬▬▬▬     | UNITS OF PROPOSED AREA 3                                                                 |
| ◉ W-9     | EXISTING MONITORING WELL                                                                 |
| ◉ W-10    | ADJACENT MONITORING WELL                                                                 |
| ◉ W-3     | EXISTING SURFACE WATER MONITORING POINT                                                  |
| ◉ W-3     | EXISTING LANDFILL GAS MONITORING WELL<br>(W-8 THROUGH W-12 ARE<br>APPROXIMATE LOCATIONS) |
| ◉ W-7     | EXISTING LANDFILL GAS MONITORING WELL<br>NOT INCLUDED IN FILLING MONITORING<br>NETWORK   |

## NOTES

1. THE CITY INTENDS TO ASSUME CONTROL AND CLOSE TO PUBLIC ACCESS THE PORTION OF KERSEY VALLEY ROAD THROUGH THE SITE. RELATED WORK IS ONGOING WITH THE NCDOT.
2. GRADES SHOWN REPRESENT TOP OF FINAL COVER.

## REFERENCES

1. EXISTING TOPOGRAPHY PROVIDED BY SPATIAL DATA CONSULTANTS, INC., DATED MAY 16, 2017. TOPOGRAPHY IN ACTIVE AREAS (AREA 2) FROM UAS FLIGHT DATED JUNE 26, 2018 BY WITHERS RAVENEL, CARY, NC.
2. STORM DRAINAGE AS-BUILT SURVEY DATED AUGUST 20, 2010 BY G. EDWARD MOORE, JR., PLS, SUMMERFIELD, NC.



**RESOLUTION REQUESTING THE GUILFORD COUNTY BOARD OF  
COMMISSIONERS TO APPOINT A QUALIFIED REPRESENTATIVE TO THE HIGH  
POINT PLANNING & ZONING COMMISSION TO REPRESENT THE  
EXTRATERRITORIAL ZONING JURISDICTION**

**WHEREAS**, the Guilford County Board of Commissioners has granted extraterritorial zoning jurisdiction to the City of High Point, and;

**WHEREAS**, the General Statutes of North Carolina (G.S. 160A-362) require that such extraterritorial areas be represented with the membership of the Planning & Zoning Commission, and;

**WHEREAS**, said statutes provide for the manner in which members of said Commission who represent an extraterritorial area are appointed, and;

**WHEREAS**, said statutes state that if a board of county commissioners fails to make ETJ appointments within 90 days after receiving a resolution from the city council requesting that they be made, then the city council may make those appointments.

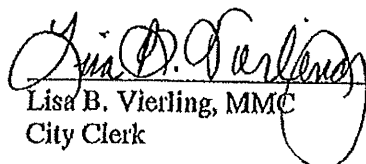
**WHEREAS**, on July 14, 2016, the Guilford County Board of Commissioners appointed John McKenzie to serve as High Point's ETJ representative on the Planning & Zoning Commission, and;

**WHEREAS**, Mr. McKenzie's term expired on July 1, 2019 and he no longer desires to serve in this capacity, and;

**WHEREAS**, the appointment should be effective immediately upon appointment and should expire on July 1, 2022. This will ensure that the terms will remain staggered on the High Point Planning & Zoning Commission.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, NORTH CAROLINA** that the Guilford County Board of Commissioners is requested to appoint a qualified representative to the High Point Planning & Zoning Commission to represent the extraterritorial zoning area.

Adopted by the High Point City Council  
This 15th day of July 2019

  
Lisa B. Vierling, MMC  
City Clerk





AN ORDINANCE AMENDING "THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE," PURSUANT TO SECTION 2.4.19, ZONING MAP AMENDMENT, OF THE DEVELOPMENT ORDINANCE.

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

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on June 25, 2019 and before the City Council of the City of High Point on July 15, 2019 regarding **Zoning Map Amendment Case 19-10 (ZA-19-10)** a proposed amendment to the Official Zoning Map of the "City of High Point Development Ordinance";

WHEREAS, notice of the public hearings were published in the High Point Enterprise on June 16, 2019, for the Planning and Zoning Commission public hearing and on July 3, 2019 and July 10, 2019, 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 July 15, 2019.

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

**SECTION 1**

That the Official Zoning Map of the City of High Point be amended to establish the following described area as a: **Conditional Zoning Residential Single Family – 7 (CZ R-7) District**. The property is approximately 12.6 acres, lying approximately 2,100 feet north of the intersection of Skeet Club Road and Birchgarden Drive at the northern terminus of Village Springs Drive. The property is also known as Guilford County Tax Parcel 169942.

**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 uses allowed in the Residential Single Family – 7 (R-7) District subject to the standards of the Development Ordinance and the specific conditions listed in this ordinance.

**Part II. CONDITIONS:**

**A. Development and Dimensional Requirements.**

1. **Density:** A maximum of 46 dwelling units shall be permitted.



SECTION 3

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

SECTION 4

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

SECTION 5

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

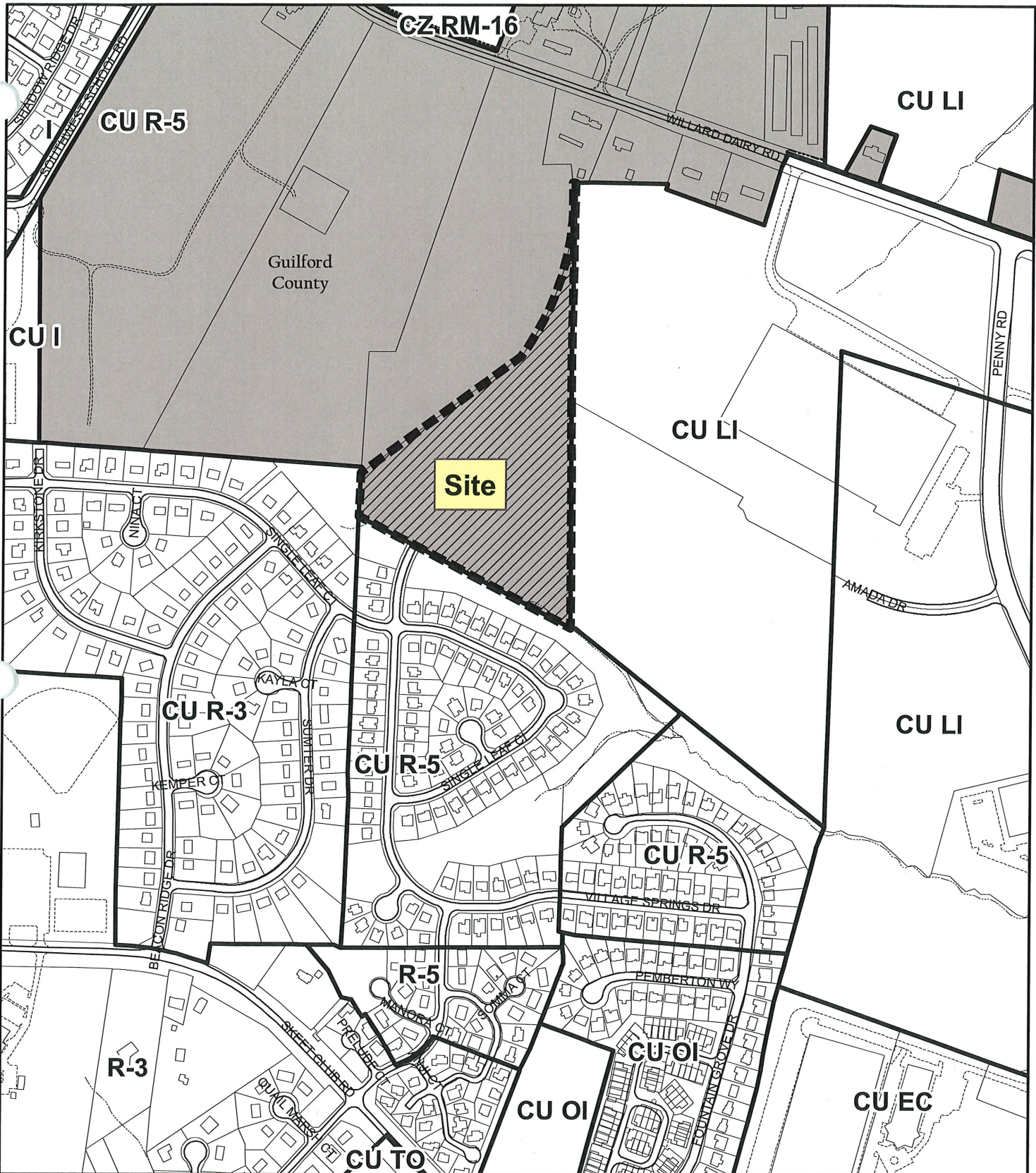
SECTION 6.

This ordinance shall become effective upon the date of adoption.

15th day of July, 2019.

Lisa B. Vierling, City Clerk





## ZONING MAP AMENDMENT ZA-19-10

From: Agricultural (Guilford County)  
To: Conditional Zoning Residential Single Family-7 (High Point)

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

Planning & Development  
Department

City of High Point



Scale: 1"=600'  
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# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Historic Marker Request  
(Rev. Benjamin Elton Cox)

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

**Meeting Date:** July 15, 2019

**Public Hearing:** No

**Advertising Date:** NA

**Advertised By:** NA

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

---

### PURPOSE:

A request by The Southwest Renewal Foundation of High Point, Inc. for approval of a historic marker to recognize Rev. Benjamin Elton Cox to be located ½ block west of the former site of Pilgrim Congregational Church in the 400 block of W. Taylor Avenue.

### BACKGROUND:

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

### BUDGET IMPACT:

The Southwest Renewal Foundation of High Point, Inc. is purchasing this marker.

### RECOMMENDATION / ACTION REQUESTED:

- A. Staff recommended approval of this request as outlined in the attached staff report.
- B. On June 12, 2019, the Historic Preservation Commission recommended approval of this request by a vote of 7-0.



## **HISTORIC PRESERVATION COMMISSION RECOMMENDATION**

### **Historic Marker Request recognizing Reverend Benjamin Elton Cox**

At its June 12, 2019 meeting, the Historic Preservation Commission reviewed a request for a historic marker recognizing Rev. Benjamin Elton Cox. Eight members of the Commission were present. Mr. David Fencl, Senior Planner, presented the request and recommended approval of the request as outlined in the staff report.

The Historic Preservation Commission determined that the proposed marker met the minimum evaluation criteria of the Historic Marker Policy, which includes the individual's contribution that is the subject of the request occurred at least 50 years before the request, no public or private markers recognize Rev. Benjamin Elton Cox individually, and the location of the proposed marker is within the corporate limits. The Historic Preservation Commission also determined that the proposed marker will be consistent in appearance with several existing City markers and recommended approval of the historic marker request, as recommended by staff, by a vote of 7-0. Julius Clark abstained from voting but indicated that he supported the request.





**To:** Historic Preservation Commission Members

**From:** David Fencl, Senior Planner

**Meeting Date:** June 12, 2019

**Subject:** Rev. Benjamin Elton Cox Historic Marker Request by the Southwest Renewal Foundation of High Point, Inc.

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**PURPOSE:**

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

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

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

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

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



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

**STAFF ANALYSIS:**

According to the information supplied with this Historic Marker Request, Reverend Benjamin Elton Cox was an American nonviolent civil rights activist and one of the original 13 Freedom Riders, who pastored Pilgrim Congregational Church from 1958-1968 in the historic Southside Neighborhood. The marker is proposed to be erected ½ block west of the former site of Pilgrim Congregational Church in the 400 block of W. Taylor Avenue in front of the new one-acre Botanical Woodland Teaching Garden alongside the Southwest High Point Heritage Greenway.

Rev. Cox was one of the most important national nonviolent Civil Rights leaders during his decade in High Point as one of the original 13 Freedom Riders who protested segregation on Interstate buses in the South. Rev. Cox trained William Penn High School students in the methods of nonviolence helping them organize the first high school sit-in in the United States at the High Point Woolworths on February 11, 1960. Rev. Cox also organized the first High Point Chapter of the Congress of Racial Equality (CORE) and served as NC and National Field Secretaries for both CORE and the NAACP.

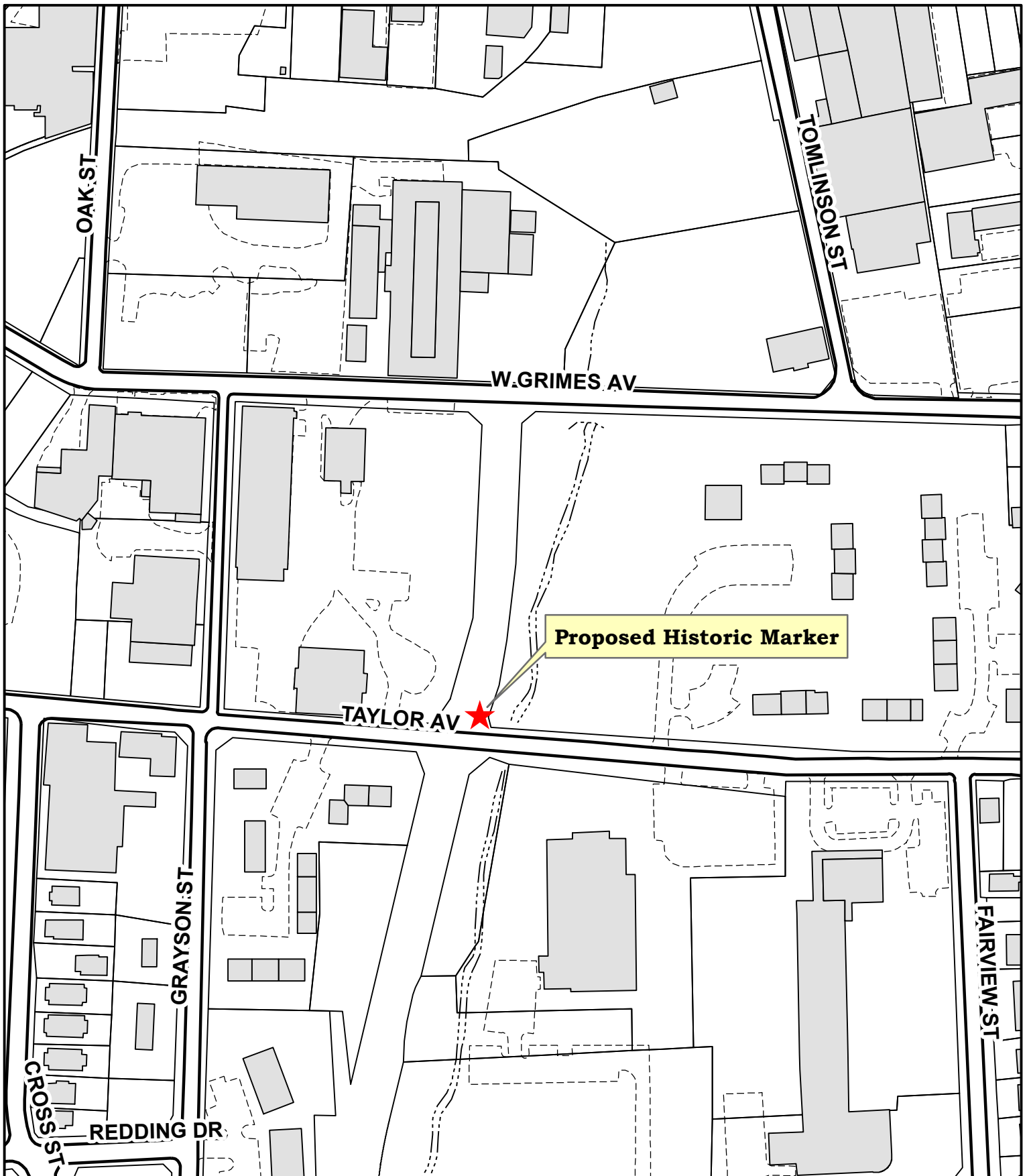
Staff believes that this historic marker request meets the minimum evaluation criteria due to the period of Rev. Cox's activity in High Point being more than 50 years ago, there are no other historic markers recognizing Rev. Cox individually in High Point and the marker's proposed location is within the City of High Point and within public view. The applicant has submitted information that documents Rev. Cox's significance at the local, state and national level.

**RECOMMENDATION / ACTION REQUESTED:**

Staff recommends the Historic Preservation Commission recommend approval of the historic marker request recognizing Reverend Benjamin Elton Cox. This historic marker request meets the minimum evaluation criteria, and with the documentation submitted, staff believes this request meets all of the relevant evaluation criteria of the Historic Marker Policy.

**Attachments:** Rev. Benjamin Elton Cox Historic Marker Location Map  
Historic Marker Request and Documentation





**HISTORIC MARKER REQUEST**

400 Block of West Taylor Avenue  
Reverend Benjamin E. Cox



Proposed marker location

Planning & Development  
Department

City of High Point



Scale: 1"=200'



## City of High Point Historic Marker Request

### Request

Create and place a cast aluminum historic marker [pictures below], designed according to the City of High Point Historic Marker Policy, manufactured by Sewah, Inc., the company who manufactures the NC State Highway Historic markers, to recognize the **Reverend Benjamin Elton Cox (1931-2011)**, an American nonviolent civil rights activist and one of the original 13 Freedom Riders, who pastored **Pilgrim Congregational Church** from 1958-1968 in the historic African American Southside Neighborhood. The marker will be placed ½ block west of Pilgrim Congregational Church (now gone) in the 400 block of W. Taylor Avenue in the new one-acre *Botanical Woodland Teaching Garden* alongside the *SW High Point Heritage Greenway*. The Southwest Renewal Foundation of High Point, Inc. will pay for the marker. The City of High Point Historic Marker Policy requires a black background with silver lettering and the City of High Point seal at the top.



The first historic marker approved under the current City of High Point Historic Marker Policy was installed July 4, 2016 in Highland Cotton Mills Village at S. Elm and Mill Avenue, near the future Southwest High Point Heritage Greenway, funded by the Southwest Renewal Foundation of High Point, Inc. in partnership with the Marion Stedman Covington Foundation, Highland Village Neighborhood Association and City of High Point.





City Transfer and Storage Company Historic Marker was unveiled February 14, 2019 at the trailhead of the future Southwest High Point Heritage Greenway in the 100 block of W. High Avenue at the company's original site in partnership with City Transfer and Storage Company, Southwest Renewal Foundation and the City of High Point.

## Evaluation Criteria

Documentation/Primary Sources for Site: The early site of Pilgrim Congregational Church is confirmed through City of High Point Directories located in the NC Heritage Room of the High Point Public Library. Local historian and documentarian Phyllis Bridges describes the church as starting in 1890 in a store front on S. Main Street by the Rev. Zachariah Simmons and moving to W. Taylor Avenue at Fairview Street in 1895. (email Phyllis Bridges to Dorothy Darr, February 27, 2017) High Point City Directories confirm the site of the church on W. Taylor at Fairview from 1902 through 1967. (Please see also a seven-minute documentary on the history of the church [https://youtu.be/8_7wyX2texk](https://youtu.be/8_7wyX2texk) submitted by Bridges and current pastor of the church, the Reverend Angela Roberson.)



Documentation/Primary Sources for Rev. Cox: Documentation for the historical significance of the Rev. Benjamin Elton Cox can be found in well over 10 different primary sources which puts this civil rights history into the accepted record of public information. (For a more detailed description of Cox's civil rights activities on the state and national scene during his decade in High Point, please see appendices.) Cox was one of the most important national nonviolent civil rights leaders of the early 1960s. His work as a nonviolent Civil Rights leader during this decade of 1958-1968 in High Point is unapparelled.

Rev. Cox moved to High Point in 1958 as the young pastor of Pilgrim Congregational Church in the Southside Neighborhood after graduating from Livingstone College in Salisbury NC and Howard University School of Divinity. He served on the High Point School Desegregation Committee in 1959. In 1960, Cox was asked to train William Penn High School students in the methods of nonviolence helping them organize the first high school student sit-in in the US. The following year, in May 1961, he became one of the original 13 Freedom Riders. He organized the first High Point Chapter of the Congress of Racial Equality (CORE) and served as NC and National Field Secretaries for both CORE and the NAACP. As CORE moved towards militancy in the mid-1960s, Cox remained loyal to nonviolence as exemplified by Martin Luther King (who was assassinated in 1968).

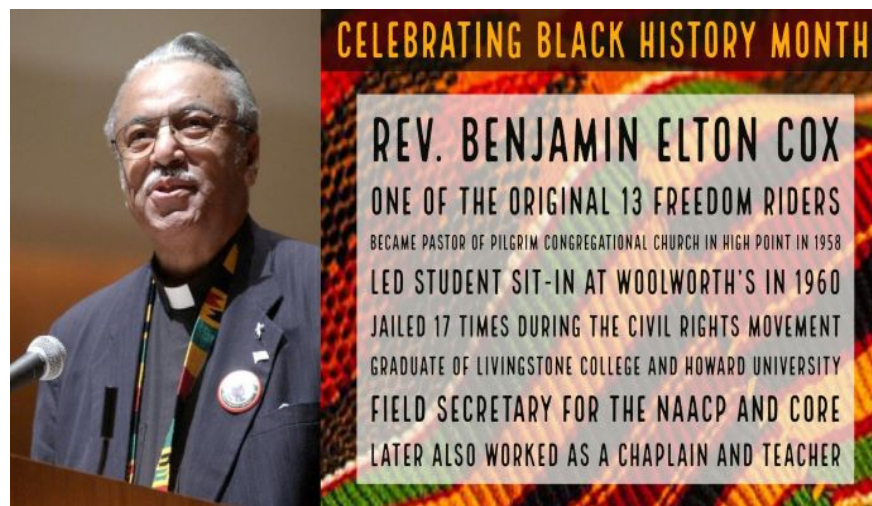
Rev. Cox's reputation alone as one of the Original 13 Freedom Riders in 1961 while Pastor of the Pilgrim Congregational Church in High Point deserves recognition in High Point's Southside Neighborhood with an historic marker. That year, James Farmer of the Congress of Racial Equality recruited Cox to join the first Freedom Ride to protest segregation on interstate buses. The Supreme Court had ruled that segregated public buses were unconstitutional, but southern states had ignored the rulings and the federal government did nothing to enforce them. The first Freedom Ride left Washington, D.C. in May, 1961, and met with considerable resistance and violence along the way. Cox escaped by accident the burning of the first bus, because he returned home to High Point to preach to his congregation on Mother's Day. Despite this violence, he returned to Alabama to finish the Freedom Ride. Over the years, Cox was arrested seventeen times. One arrest led to a Supreme Court case, Cox v. Louisiana, that declared "breach of peace" laws unconstitutional.



Currently there is no recognition of Cox in the Southside Neighborhood. His leadership is mentioned on a historic marker in east High Point commemorating the sit-ins. But no trace remains of Cox in the Southside Neighborhood where he served as a pastor and led the campaign for civil rights both here in North Carolina and across the nation.

References to Cox's Civil Rights leadership in High Point include:

- A) The City of High Point celebrated Rev. Cox on its website one year in recognition of Black History Month:



- B) The Woolworth Student Sit-In historic marker in east High Point on S. Wrenn lists Cox as a leader in the nonviolent civil rights protest by William Penn High School Students February 11, 1960.





C). The *African American Heritage Guide*, published by the High Point Convention and Visitors Bureau, recognizes the Rev. Benjamin Elton Cox in the 1960s as “a leader in the black community of High Point...bringing a sense of dignity, worth, unity, and fearlessness to his people. He organized groups to encourage voter registration and to secure entrance and service in all public places for African Americans.”

Site and Its Significance: The site of Pilgrim Congregational Church throughout much of the 20th Century was located in the historic, mixed-use, commercial blocks of W. Taylor Avenue and Fairview Streets between W. Green and S. Elm Streets in the traditional African American Southside Neighborhood in southwest High Point. This commercial district was made up of a number of churches, including Pilgrim Congregational Church, Fairview Elementary School, cafes, groceries, a sweet shop, dry cleaner, billiard room, barber shop, and other small local businesses which were destroyed in the late 1960s during urban renewal in High Point. A large highway was planned down the middle of the Southside Neighborhood dividing the community in two. Fairview Elementary School was rebuilt on its current site, but these local, small local businesses never returned. Rev. Cox left High Point in 1968 and Pilgrim Congregational Church moved across town to a new site, its current location on the east side at 401 Gordon Road.

Two major highways dividing High Point’s African American neighborhoods were planned and built on the east side during urban renewal starting in the late 1960s-- Kivett Drive (now Dr. Martin Luther King, Jr. Blvd.) and College Drive (now University Parkway). But the large highway planned to divide the historic African American Southside Neighborhood was never constructed. Its dedicated right-of-way running from W. Grimes south is now being transformed into the Southside Greenway--Phase 3 of the *SW High Point Heritage Greenway* (please see map attached). This phase will connect Goldston and Southside Parks, cross W. Taylor, and run north from W. Grimes, via Tomlinson to W. Russell to connect to Phase 1 of the greenway. (Phase 1 connects to the city’s mass transit facilities—Amtrak Station, Hi-Tran and PART bus terminals--at W. High and S. Main Streets.)

The public site chosen for the **Rev. Benjamin Elton Cox Historic Marker** is on Phase 3 of the greenway, ½ block west of the original site of Pilgrim Congregational Church, at the entrance to the new \$26,000 *Botanical Woodland Teaching Garden*



now under construction. The garden features 76 new trees and shrubs, 3 figure eight gravel walking paths, and a new 10-foot wide asphalt greenway alongside the woodland and Richland Creek, as well as benches, signage identifying the trees, and public art. The woodland is diagonally across from Southside Park and Recreation Center, Fairview Elementary School, and Southside Boys and Girls Club.

The site to be recognized is over 50 years old. The person to be commemorated carries local, state, and national significance as an American Civil Rights activist and one of the original 13 Freedom Riders. The location is within the corporate limits of the City of High Point. The site is in public view along a state road (W. Taylor Avenue) and the *Southwest High Point Heritage Greenway*.

Partners with the Southwest Renewal Foundation who sponsored the woodland garden and helped with this historic marker include: NC Urban Forest Council, NC Clean Water Management Trust Fund, Guilford County Soil and Water Conservation District, City of High Point, Deal Foundation, St. Mary's Episcopal Church, Episcopal Diocese of NC, Hayden-Harman Foundation, Piedmont Triad Regional Council, High Point Arts Council, High Point Convention and Visitors Bureau, Sandy Dunbeck (in memory of her mother, a nature artist), Kao Specialties Americas, TAG, and the 400th Commemoration Committee of African Americans in the US.

### **Marker Inscription**

#### **Rev. Benjamin Elton Cox (1931-2011)**

An American nonviolent Civil Rights activist and preacher, one of the original 13 Freedom Riders, and Pastor 1958-1968 of Pilgrim Congregational Church located originally ½ block east.

*Erected by the Southwest Renewal Foundation of High Point, Inc.,  
Civic Partners, and City of High Point  
Dedicated October 11, 2019*

Dorothy Darr, Director, Southwest Renewal Foundation of High Point, Inc.,  
[dorothy1@northstate.net](mailto:dorothy1@northstate.net) or [info@highpointssouthwest.org](mailto:info@highpointssouthwest.org), 336-887-5130  
[www.highpointssouthwest.org](http://www.highpointssouthwest.org)

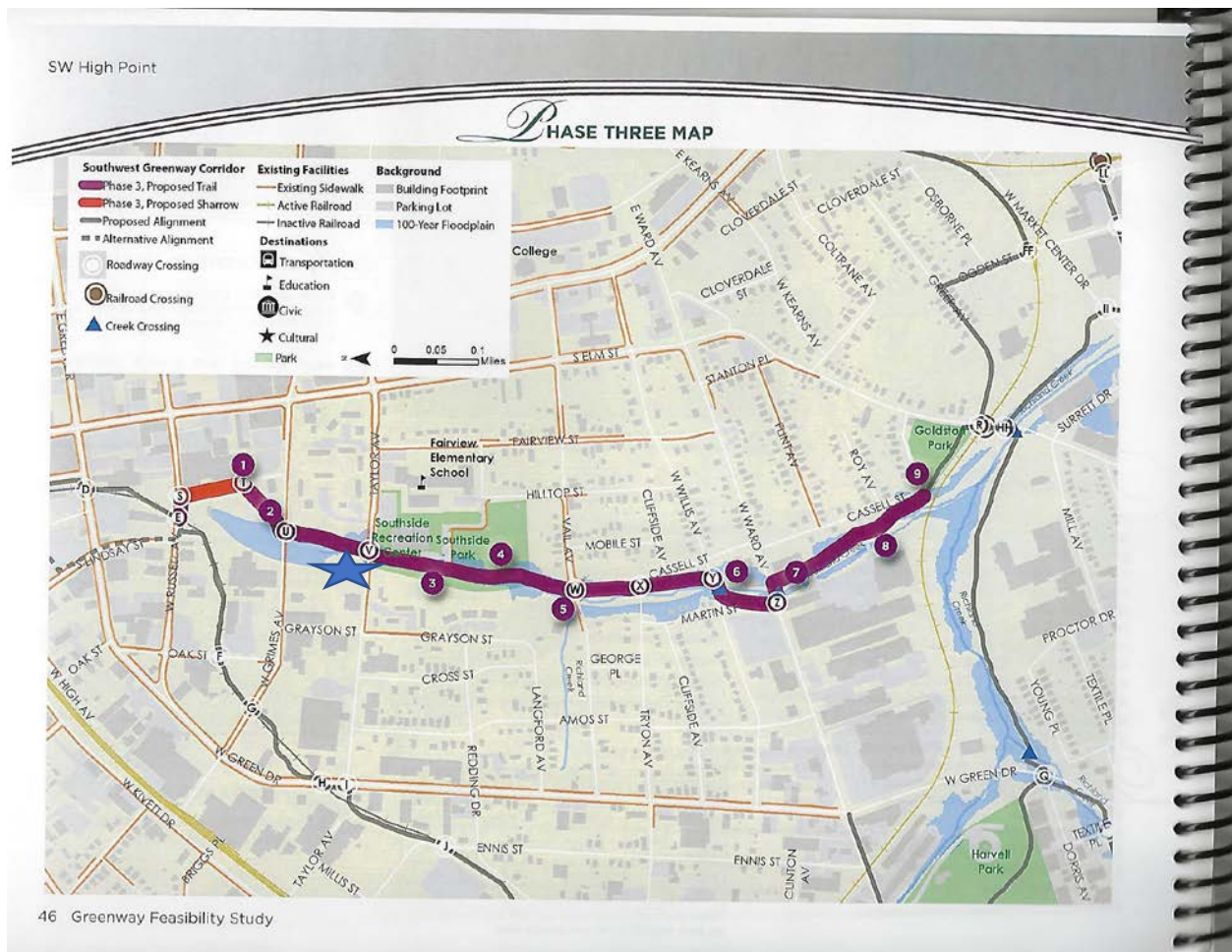




## APPENDIX A: PHASE 3 OF THE SW HIGH POINT GREENWAY



MARKER LOCATION





## APPENDIX B: Civil Rights Digital Library

<http://library.uncg.edu/depts/archives/civrights/detail-bio.asp?bio=33>

### Cox, B. Elton (Benjamin Elton)

#### Biography:

"Reverend Benjamin Elton Cox Sr. was born on June 19, 1931, in Whiteville, Tennessee, the seventh of sixteen children. He first participated in civil rights demonstrations at the age of fifteen, protesting outside of a A&W Root Beer drive-in restaurant in Kankakee, Illinois. At the age of sixteen, Cox served as national field secretary for the NAACP, organizing youth chapters. Although Cox dropped out of high school to help his family financially by shining shoes, in 1950 he was able to graduate from Joliet Township High School, an integrated school in Joliet, Illinois. Cox then attended Livingstone College in Salisbury, North Carolina, and graduated in 1954 with a major in sociology and a minor in history. After college, he attended Hood Seminary in Salisbury, but he finished his theological studies in 1957 at the Howard University School of Religion. Cox moved to High Point, North Carolina, to become pastor of Pilgrim Congregational Church, and quickly became active in the community by serving on the High Point School Desegregation Committee in 1959. After the Greensboro Four's sit-in at Woolworth's in 1960, he organized a group of local high school students to participate in the Greensboro demonstrations. In 1961, Cox founded the first Congress of Racial Equality (CORE) chapter in High Point and was hired as the North Carolina Field Secretary. Following a meeting with CORE director James Farmer, Cox went to Washington, D.C., for training in nonviolent response to harassment and mistreatment. Cox was one of the thirteen original Freedom Riders in May 1961 and was involved in the Freedom Highways workshop held at Bennett College in July 1962. In December 1961, Cox went to Baton Rouge, Louisiana, and was arrested while leading a peaceful demonstration; in the resulting case, *Cox v. Louisiana*, the U.S. Supreme Court declared this use of the state's "breach of peace" law unconstitutional. Cox was also instrumental in getting many North Carolina public establishments to integrate, notably McDonald's franchises. Cox's involvement with the civil rights movement resulted in seventeen arrests and multiple death threats. He resigned from CORE in 1965 when black power advocates came to dominate the organization, and later moved to Jackson, Tennessee." --From Greensboro VOICES Biography, "Cox, Ben Elton ("Ben"), Sr." accessed 8 October 2008,



## Preaching and the civil rights movement

After his ordination in 1958, he (Cox) became a pastor of Pilgrim Congregational Church in [High Point, North Carolina](#).^[2]

He was a popular preacher in the area and received the name "Belton' Elton" during the course of his freedom rides.^[2]

Cox quickly gained a reputation for being a strong supporter of the [civil rights movement](#). He started desegregation efforts in local schools, serving as an advisor for NAACP Youth Council, and participating as an observer for the [American Friends Service Committee](#).^[2]

After the [Greensboro sit-ins](#) in February 1960, he encouraged local students to participate in their own sit-ins, under the condition they stay non-violent.^[2]

Cox views on being non-violent were very strong. He soon caught the attention of the national [NAACP](#) leaders, including [James Farmer](#). Farmer hired Cox to help stump the south.^[2]

Shortly after Farmer hired Cox, Farmer became executive director of [CORE](#). Cox soon received a call from Farmer, wanting to know if Cox would be willing to join the [Freedom Rides](#) due to his background as being an ordained minister. Cox agreed and showed up in Washington wearing formal clothing, in case anyone was questioning if the Ride lacked divine guidance.^[2]

Cox was one of one of the two ordained ministers, the other being J. Metz Rollins from [Nashville](#). Rollins soon had to bow out leaving Cox as the only preacher and [John Lewis](#) as the sole representative of the Nashville movement.^[2]

To parallel the efforts of CORE field secretaries, Cox traveled across the South during the Spring and Summer of 1960. Cox was spreading the gospel of nonviolence to students. Many student activists were accepting of the message. Despite the many instances of white supremacists provoking violence, the sit-ins continued without a violent race war that many predicted would occur. ^[2]

In the summer of 1961, he participated in the [CORE](#) Freedom Ride from Missouri to Louisiana on July 8-15 1961. He defended his actions in the [Freedom Ride](#) by stating in the film [Freedom Riders](#), "If men like [Governor Patterson](#) [of Alabama] and [Governor Barnett](#) of Mississippi... would carry out the good oath of their office, then people would be able to travel in this country. Then people in [Tel Aviv](#) and [Moscow](#) and [London](#) would not pick up their newspaper for breakfast and realize that America is not living up to the dream of [liberty and justice for all](#)."^[3]

Cox was arrested seventeen times over the course of a few decades. ^[3]



## APPENDIX D: **Freedom Rider endured jail, shootings, attacks to get out black vote**

The Jackson Sun

Before Ben Elton Cox Sr. left to join the Freedom Riders in 1961, he wrote his will and sent it to his parents.

Though they were trained to be nonviolent, the riders were well aware of the violence and death threats that would follow them as long as they were part of the civil rights movement.



Ben Cox

As a Freedom Rider, Cox said he got accustomed to driving at night in order to cover a lot of ground and avoid racist attacks. Driving at high speeds on dark Southern roads, Cox said he would tell his colleagues: "We can't outrun bullets."

Cox was no stranger to bullets.

"I've been in 37 states for civil rights and in jail 17 times. My life has been threatened 87 times in writing," Cox said. "I've been shot at trying to get people to register to vote."

During a voter education ride, Cox and others stayed the night at a house in Tallahassee, Fla., when shots were fired into the home. "Three of the original Freedom Riders went into hiding" because of the constant threats and have never been heard from since, Cox said.

Cox, a native of Whiteville, started preaching at 17 and joined the civil rights movement when he was 26.

Now 69 and living in Jackson, Cox said it's a shame that some people today still don't vote.

"The only equality we have in this day and age is the ballot," said Cox, a teacher in the Jackson-Madison County school system.

As early as age 5, Cox knew that things were unequal.

"Before we went downtown, our parents gave us a lecture. You could not look white people straight in the eye. You must make sure you say, 'Yes sir' and 'Yes ma'am.' If whites were walking on the sidewalk, you had to get off the sidewalk to let them pass," Cox said. "As a child, I thought that was awful."

Cox grew up to become a soldier on the battlefield for civil rights. He stayed in the Lorraine Motel in Memphis shortly before Dr. Martin Luther King Jr. was assassinated on a motel balcony.

Cox had several opportunities to meet with King. To this day, he marvels at the magnitude of the man.

"I was with Dr. King four times. If you were in his presence, you would melt like butter on a hot piece of toast."



## APPENDIX E

### **BENJAMIN ELTON COX OBITUARY**, The Jackson Advocate (excerpts):

<http://www.jacksonadvocateonline.com/rev-ben-elton-cox-sr-freedom-rider-passes-at-79/>

“The Rev. Ben Elton Cox, Sr., the veteran Freedom Rider who survived an Amiston, Ala., bus burning to lead four others on a Trailways bus ride to integrate travel facilities in Little Rock, has died—a month before the 50th Anniversary of the Arkansas Reunion...”

“As a member of the NAACP, he once said, ‘I’ve been in 37 states for civil rights and in jail 17 times. My life has been threatened 87 times in writing,’ cox said. “I’ve been shot at trying to get people to register to vote.”

“He led a life dedicated to the pursuit of freedom and equality,” said Dr. John A. Kirk, chair of UALR’s Department of History, and a scholar of civil rights history. ‘As well as leading the Freedom Rides in Little Rock, Rv. Cox was one of the original 13 riders on the very first Congress for Racial Equality Freedom Ride in 1961, I had the pleasure and privilege of speaking with him at a conference at the University of Florida a number of years ago. He was a fine, upstanding and humble man whose presence will be sorely missed.’

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## APPENDIX F: Various quotes and anecdotes:

Speaking on a panel with Freedom Riders at the University of Illinois at Urbana, Cox told his audience, "You're looking at a man who's an ordained minister, preaching since I was 17. "I'm 72. And since I realized what segregation was at the age of four, I have never had one day of total freedom in the land of the free and the home of the brave. I've either been discriminated against, or heard about it or listened to other confessions about it. But yet, I love America. As far as I'm concerned, it's the greatest country on earth. If you find one better, call me collect."

**Ben Cox Jr.** said his father spoke little about his role in the Freedom Rides and the civil rights movement. The younger Cox believes his father wanted to shield him from the darker things he'd experienced.

Dorothy Kendall Kearns, who knew Cox personally during his time in High Point, says the only reason he escaped the burning of the bus during the first Freedom Ride, was that he came home to High Point to preach to his congregation on Mother’s Day. Despite the violence, he returned to Alabama and completed the ride.



**Text Amendment: TA-19-03**

Ordinance #

Applicant: City of High Point

**AN ORDINANCE AMENDING THE CITY OF HIGH POINT  
DEVELOPMENT ORDINANCE**

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

**WHEREAS**, public hearings were held before the Planning and Zoning Commission on June 25, 2019 and before the City Council on July 15, 2019 regarding Text Amendment TA-19-03; and

**WHEREAS**, notice for the public hearings was published in the High Point Enterprise on June 16, 2019 for the Planning and Zoning Commission public hearing and on July 3, 2019 and July 10, 2019 for the City Council public hearing, pursuant to Chapter 160A-364 of the General Statutes of North Carolina;

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

**SECTION 1.**

*(Regarding consistency of terminology for 'solid waste collection facilities' and 'loading space')*

**PART A.**

Section 3.7.6.C. *District Standards*, regarding the Planned Development-Periphery district, is hereby amended as follows:

2. **Off-Street Parking and Loading Space** Development in a PD-P district shall comply with the following:
  - (a) *(unchanged)*
  - (b) Section 5.4.7.I, Stacking Spaces;
  - (c) and (d) *(unchanged)*



**PART B.**

Section 4.4.5. *Standards for Specific Accessory Uses*, is hereby amended as follows:

- P. **Solid Waste Collection Facilities** See Section 5.6. Screening for the applicable standards

**PART C.**

Section 5.4.1. *Purpose and Intent*, regarding off-street parking and loading, is hereby amended as follows:

**5.4.1. – Purpose and Intent**

The purpose and intent of this section is to ensure the provision of safe off-street parking and loading **facilities space** for development allowed by this Ordinance. The standards in this section are intended to avoid requiring an over-supply of parking that pose economic and environmental impacts while ensuring off-street parking is provided to mitigate impacts to streets and neighborhoods.

**PART D.**

Section 5.4.7. *Standards for Off-Street Parking Spaces and Loading Areas* is hereby amended as follows:

**5.4.7. – Standards for Off-Street Parking Spaces and Loading Areas Space**

Off-street parking, stacking and loading spaces along with drive aisles and private drives are referred to as “vehicular use area”. Vehicular use areas shall meet the standards of this section.

A. **General**

1. All required off-street parking, stacking, and loading spaces shall be located on the same zone lot as the principal use it serves, except as allowed in Section 5.4.8. Parking Alternatives.
2. All required off-street parking, stacking, and loading spaces shall not be used for any other purpose, including but not limited to the storage or display of goods or the sale, lease, storage or repair of vehicles.
3. *(unchanged)*
4. Off-street loading spaces shall not be located in any required parking space or protrude into any public street.



D. **Vehicle Backing**

1. *(unchanged)*
2. Except in the CB district, off-street loading **space** shall be designed so that no backing into or from a public street is necessary.

- G. **Dimensional Standards for Loading Spaces***-(remove 's')* Except for loading spaces used by semi-tractor trailers, off-street loading spaces shall be at least 12 feet wide and at least 25 feet long. Off-street loading spaces used by semi-tractor trailers shall be at least 60 feet long. Overhead clearance shall be at least 14 feet.

I. **Stacking Spaces***-(remove 's')*

1. **General** Uses with drive-through facilities and other auto-oriented uses where vehicles queue up to access a service shall provide adequate stacking spaces on-site for the uses or buildings in accordance with this section. Such uses include but are not limited to: restaurants with drive-through, convenience store with fuel sales, and other uses with service bays or drive-throughs.
2. **Design** Stacking spaces **are is** subject to the following design and layout standards:
  - (a) **Size Individual S** Stacking spaces shall be a minimum of 9 feet wide and 16 feet long.
  - (b) **Traffic Movements** Stacking spaces shall not impede vehicular traffic movements or movements into or out of parking spaces, whether on-site or off-site.
  - (c) **Bicycle and Pedestrian Movement** Stacking spaces shall not impede on-site or off-site bicycle or pedestrian traffic movements, whether on-site or off-site.
  - (d) **Separation** Stacking spaces shall be clearly delineated through such means as striping, landscaping, pavement design, or curbing.

K. **Surface Material**

1. All required parking spaces, drives, and loading spaces in a vehicular use area shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights, except as provided in this section.



**PART E.**

Section 5.5.6.C. *Shrub Size and Type*, regarding plant material specifications, is hereby amended as follows:

1. Required shrubs in a Type A landscape yard or shrubs located parallel to the edge of parking lots, access drives, loading ~~and unloading areas~~ space, and outdoor storage shall be evergreen.
2. thru 5. *(unchanged)*

**PART F.**

Section 5.6.3. *Exemptions*, regarding screening, shall be amended as follows:

**5.6.3. – Exemptions**

The following shall be exempt from the standards in this section:

- A. **Heavy Industrial (HI) District** Solid waste collection facilities, loading ~~facilities docks and bays~~, and ground-based mechanical equipment in the HI district are exempt from the requirements of this section, unless the structure or equipment is within 100 feet of a lot with an existing residential use.
- B. **Loading Docks and Bays**
  1. Loading docks and ~~loading~~ bays in the CB and MX districts are exempt from the requirements of this section.
  2. Loading docks and ~~loading~~ bays in the LI district that face an industrial street are exempt from the requirements of this section.
  3. and 4. *(unchanged)*

**PART G.**

Section 5.6.5. *Specific Standards for Solid Waste Facilities*, is hereby amended as follows:

**5.6.5 – Specific Standards for Solid Waste Collection Facilities**

*(remainder of section unchanged)*



**PART H.**

Section 5.6.6. *Screening Methods*, is hereby amended as follows:

**5.6.6. – Screening Methods**

Solid waste collection **facilities**, loading **facilities docks and bays**, and ground-based mechanical equipment may be screened by any of the following methods, in single use or in combination:

A. thru D. (*unchanged*)

**PART I.**

Section 5.14.4.B. *Development Standards*, regarding the Large Retail development type, is hereby amended as follows:

2. **Site Standards**

(a) thru (c) (*unchanged*)

(d) **Loading Docks and Loading Bays** Loading docks and **loading** bays shall:

(1) thru (3) (*unchanged*)

**SECTION 2.**

Section 5.9.3.A. *Areas Where Sidewalks Do Not Exist*, regarding sidewalk exemptions, is hereby amended as follows:

A. ~~**Areas Where Sidewalks Do Not Exist**~~ **Residential Areas** Along local and sub-collector residential streets where the TRC finds the following conditions exist:

1. The proposed development is within an area consisting predominately of single-family detached residential development, where no sidewalks are present **and have not been otherwise required.**

**B. Subdivisions and Group Developments Along an existing local or sub-collector street abutting a proposed development where the TRC finds the following conditions exist:**



- 1. No new pedestrian facilities are planned along the existing street; and**
- 2. The abutting street does not have a sidewalk and has minimal potential for additional development along it such that the need for pedestrian facilities is greatly reduced; or**
- 3. Sidewalk construction is deemed substantially challenged or unreasonable due to existing topography or other physical constraints.**

Existing subsections B. **Industrial Areas**, C. **Cul-De-Sac and Dead End Streets** and D. **Controlled Access Roads** shall be re-lettered as **C.**, **D.** and **E.** respectively.

### **SECTION 3.**

*(Regarding the maximum total area of accessory buildings on a lot)*

#### **PART A.**

Section 4.4.4.A. *Dimensional Standards*, regarding Standards for Accessory Structures, is hereby amended as follows:

##### **A. Dimensional Standards**

- 1. Nonresidential Aa** accessory structures, which include accessory buildings, shall meet the applicable zoning district dimensional standards, except as provided in this section and in Section 10.2.4.G. Setback Encroachments.
- 2. Transitional Office District (TO) The maximum total area of all accessory buildings on the lot in a TO district shall not exceed 50 percent of the gross floor area of the principal structure or 600 square feet, whichever is greater.**

#### **PART B.**

Section 4.4.4.D. *Residential Accessory Structures*, is hereby amended as follows:

1. thru 3. *(unchanged)*
4. **Accessory Buildings**
  - (a) **Location** In addition to the setback requirements, accessory buildings shall be located behind the front building line of the principal structure, except on lots **greater than** 2 acres in area **or**



**larger**, for which 1 accessory building may be located in front of the principal structure provided it meets the street setback.

(b) **Size**

- (1) For lots less than 2 acres in area, the maximum total area of all accessory buildings on the lot shall not exceed 50 percent of the gross floor area of the principal structure or 600 square feet, whichever is greater.**
- (2) For lots that are 2 acres or more, but less than 5 acres in area, the maximum total area of all accessory buildings on the lot shall not exceed 200 percent of the gross floor area of the principal structure or 2500 square feet, whichever is greater.**
- (3) For lots that are 5 acres or more in area, there is no maximum total area for accessory buildings.**

**SECTION 4.**

*(Regarding the definition and use of the terms 'vacant land' and 'undeveloped land')*

**PART A.**

Section 5.2.3.H. *Connection Required*, regarding cross-access, is hereby amended as follows:

- H. **Connection Required** Development ~~on vacant land~~ subject to these standards shall ~~install~~ **include** cross-accessways **installed** to the shared property line. However, if the abutting landowner that does not already have a cross-accessway stub is unwilling to allow the cross-accessway to be built to the shared property line due to the impact of the grading equipment or other construction activity on their property, then the Transportation Director shall notify the unwilling property owner that they will be responsible for completing the cross-accessway when ~~their property is developed~~ **development subject to these standards occurs there.**



**PART B.**

Section 5.5.11.C. *Landscape Yard Type Application*, is hereby amended as follows:

1. thru 5. (*unchanged*)

**6. For purposes of determining the required landscape yard type, vacant land, as defined by this Ordinance, shall be assigned a land use intensity score by the Planning and Development Director, based upon the most recent use of the property, and with consideration given to its current zoning.**

Table 5.5.11.C2 *Type of Landscape Yard Required*, is hereby amended as follows:

TABLE 5.5.11.C2: TYPE OF LANDSCAPE YARD REQUIRED						
A = Type A buffer   B = Type B buffer   C = Type C buffer   D = Type D buffer   n/a = no buffer required						
LAND USE INTENSITY OF PROPOSED USE	LAND USE INTENSITY OF EXISTING ADJACENT USE					
	1	2	3	4	5	<u>VACANT UNDEVELOPED LAND</u>
1	n/a	n/a	n/a	n/a	n/a	n/a
2	C	n/a	C	B	B	D
3	B	B	n/a	C	B	D
4	A	A	C	n/a	C	D
5	A	A	B	C	n/a	n/a



**PART C.**

Table 5.10.6.A. *Maximum Illumination Levels*, is hereby amended as follows:

TABLE 5.10.6.A: MAXIMUM ILLUMINATION LEVELS	
ABUTTING USE [1]	MAXIMUM ILLUMINATION VALUE AT LOT LINE (FOOTCANDLES)
Residential use or <del>vacant</del> <b>undeveloped</b> land zoned for residential development	1.0
Institutional use	1.5
Commercial use or <del>vacant</del> <b>undeveloped</b> land zoned for uses other than residential[2]	2.5
Vehicular use area	2.5
NOTES:	
[1] See Table 4.1.9, Principal Use Table	
[2] Includes mixed-use development	

**PART D.**

Section 5.14.6.A. *Purpose and Intent*, regarding the pocket neighborhood development type, is hereby amended as follows:

- A. **Purpose and Intent** The pocket neighborhood development type is proposed to establish standards to facilitate the voluntary development of a group of smaller single-family detached dwellings built in close proximity to one another around a small green or open space with off-street parking areas to the rear or in common areas. This approach is well-suited to small, vacant **or undeveloped** infill sites in established neighborhoods.



**PART E.**

Section 5.14.7.A. *Purpose and Intent*, regarding the tiny home neighborhood development type, is hereby amended as follows:

- A. **Purpose and Intent** The tiny home neighborhood development type is proposed to establish standards to facilitate the voluntary development of a group of very small single-family detached dwellings built in close proximity to one another on minimally sized lots and including common open space. This approach is well-suited to small, vacant **or undeveloped** infill sites in established neighborhoods.

**PART F.**

Section 10.4. *Definitions*, is hereby amended to add the following new definitions, which shall be placed in alphabetic order:

<b><u>LAND, UNDEVELOPED</u></b>	<b><u>Land is considered to be undeveloped when it is in its natural state, or when prior evidence of development such as buildings, other structures and vehicular use areas have been removed or substantially removed.</u></b>
<b><u>LAND, VACANT</u></b>	<b><u>Land is considered to be vacant when evidence of development exists such as buildings, other structures and vehicular use areas, but no occupancy or active use of the land exists.</u></b>

**SECTION 5.**

Section 5.10.6.B. *Maximum Height*, regarding general standards for on-site exterior lighting, is hereby amended as follows:

- B. **Maximum Height** ~~Except for outdoor public recreation, outdoor assembly, and similar uses, the~~ height of exterior lighting, whether mounted on poles, walls, or by other means, shall be no greater than 35 feet above grade at the base of the fixture, **except for the following:**
- 1. Lighting for outdoor public recreation, outdoor assembly and similar uses; and**



- 2. Where a larger pole is needed in order to accommodate multiple light fixtures, cameras, other equipment, or wind load requirements for attached banners, etc. the maximum height may be increased up to 45 feet.**

## **SECTION 6.**

Section 10.4. *Definitions*, is hereby amended to delete the following definition:

<b><del>PARKING SPACE, ACCESSIBLE</del></b>	<b><del>A space designed for the parking or temporary storage of 1 motor vehicle in addition to the space necessary for the ingress and egress from the vehicle by a disabled person and any equipment needed for that purpose.</del></b>
-------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## **SECTION 7.**

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 8.**

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

## **SECTION 9.**

This ordinance shall become effective upon adoption.



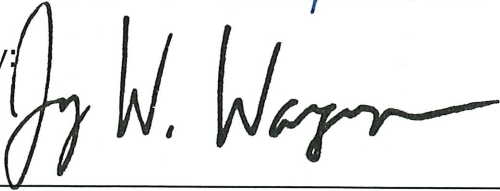
**Text Amendment: TA-19-03**

Ordinance #

Applicant: City of High Point

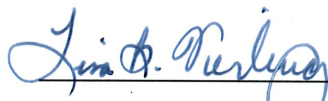
Adopted by the City Council  
City of High Point, North Carolina  
The 15th day of July, 2019

By:

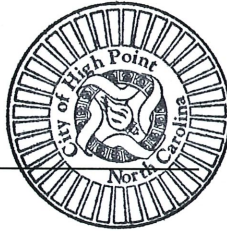


Jay W. Wagner, Mayor

ATTEST:



Lisa B. Vierling, City Clerk





Legislative No. 2019-312

Ordinance No. 7540/19-57

BK: R 8175

PG: 407-410

RECORDED:

07-18-2019

10:27:44 AM

BY: MARY MORGAN

DEPUTY-HP



2019037294

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. 7540 / 19-57

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

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

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

WHEREAS, a public hearing on this annexation was held at the Municipal Building at 5:30 p.m. on the 15th day of July, 2019; 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 July 15, 2019.

**ANNEXATION DESCRIPTION**

Annexation Case 19-05 (AN-19-05)

Shirley Harrison Johnson and Gary Sisk Johnson

Guilford County Tax Parcel 169942

Beginning at a new iron pipe set in the line of property owned by the United States of America (DB 3427 PG 1276), said iron being in the eastern line of Edward Willard (DB 4507 PG 1869), and having NC State Plane Coordinates (US Feet, NAD 83) of N 835969.35, E 1711549.99,



running thence on a curve to the left with the property of USA having a radius of 1000.'00' a chord bearing and distance of N 57 deg 15 min 29 sec E 737.81' to an existing iron pipe, and continuing on a curve to the left having a 1000.00' radius a chord bearing and distance of N 15 deg 44 min 46 sec E 679.57' to a new iron pipe, the SW corner of Salvador Cortez (DB 6247 PG 253), running thence with the southern line of Cortez S 88 deg 03 min 56 sec E 13.18' to an existing iron pipe, the NW corner of Legacy Classic Furniture, Inc. (DB 6564 PG 1942), running thence with their western line S 00 deg 53 min 50 sec W 657.11' to an existing iron pipe and S 00 deg 21 min 57 sec W 177.34' to an existing iron pipe, the NW corner of Amada North America, Inc. (DB 8045 PG 2749), running thence with their western line S 00 deg 18 min 47 sec W 853.71' to a new iron pipe, the NE corner of Waterford Village Homeowners Association (DB 6416 PG 357), running thence with their northern line N 63 deg 02 min 33 sec W 908.77' to a new iron pipe set in the eastern line of Waterford Meadows Homeowners Association (DB 5130 PG 364), running thence with their eastern line and the eastern line of the afore referenced Edward Willard N 02 deg 02 min 04 sec E 223.55' to the point and place of beginning, containing 12.618 acres, more or less.

SECTION 2. Upon and after July 15, 2019 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 15th day of July, 2019.  
Lisa B. Vierling, City Clerk



City Clerk's Office

Mary Brooks  
DEPUTY CITY CLERK

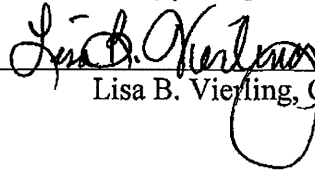


City of High Point  
Municipal Office Building  
211 South Hamilton Street  
High Point, NC 27261

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 July 15, 2019 and upon approval by City Council will be recorded in Book 94 of the Official Minute Books and Ordinance Book XX, Ordinance No. 7540/19-57, page 169 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 17th day of July 2019.

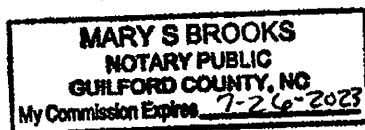
  
Lisa B. Vierling, City Clerk

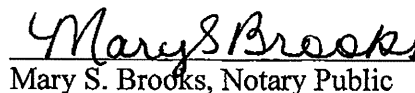


ACKNOWLEDGEMENT

I, Mary S. Brooks, 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.

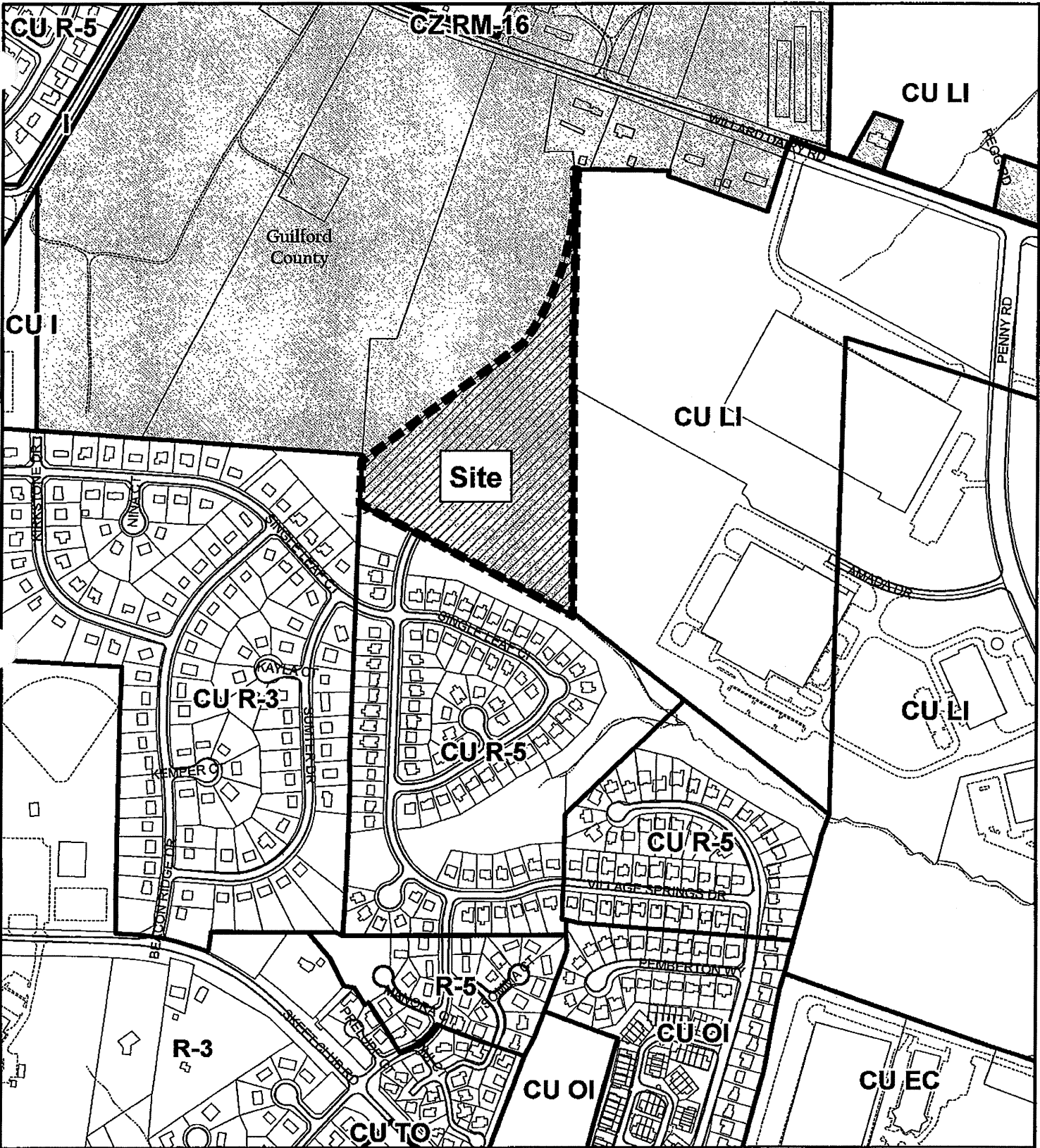
WITNESS my hand and official Notarial Seal, this 17th day of July 2019.



  
Mary S. Brooks, Notary Public

Commission Expires: 7/26/2023





**ANNEXATION REQUEST AN-19-05**

**Applicant:** Gary S. and Shirley H. Johnson  
**Area:** 12.84 acres (approximate)

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

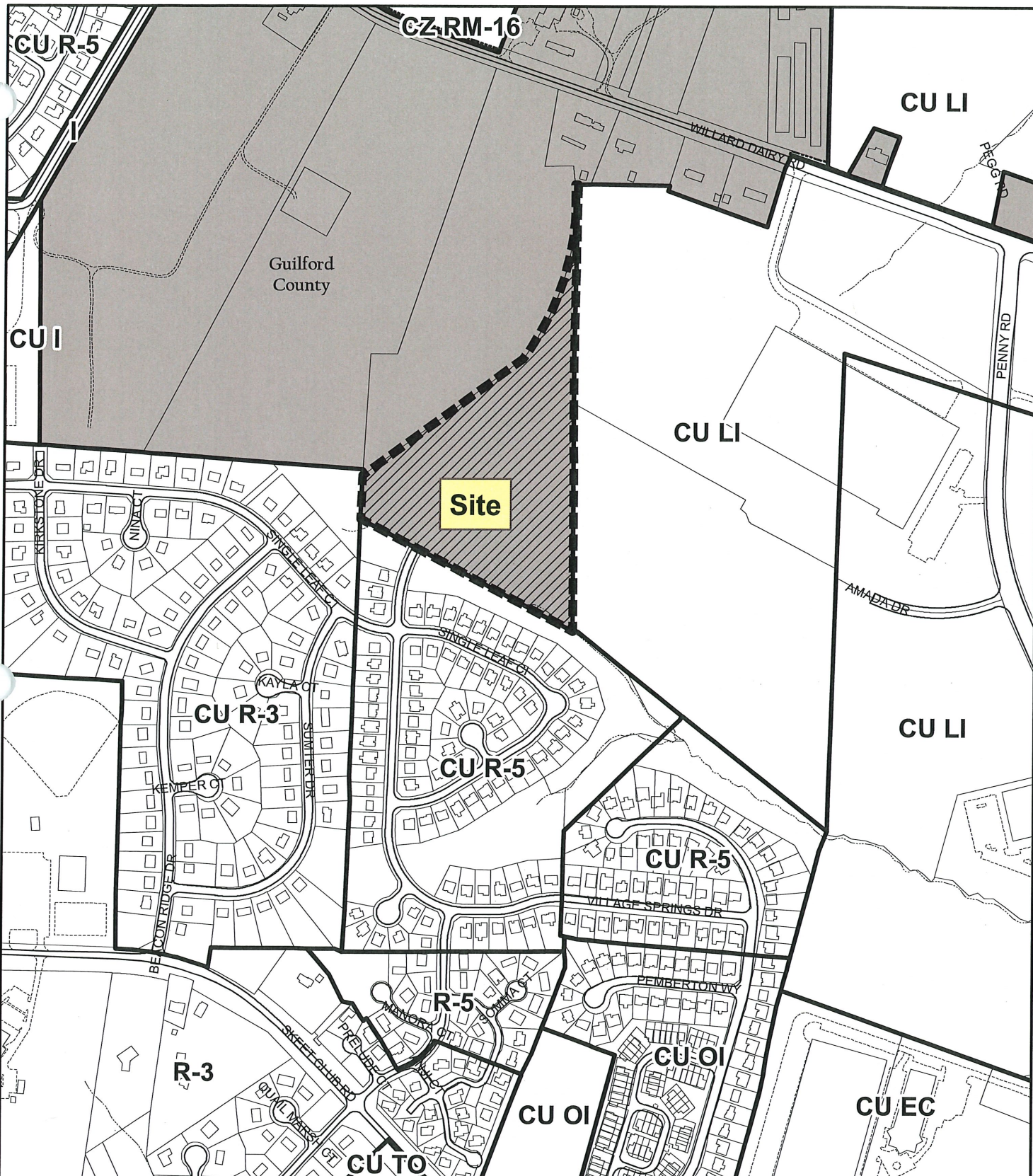
**Planning & Development  
Department**

**City of High Point**



**Scale: 1"=600'**  
G:\Planning\Secure\BAC\AN2019\MXDs\an19-05





## ANNEXATION REQUEST AN-19-05

Applicant: Gary S. and Shirley H. Johnson  
Area: 12.84 acres (approximate)

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

Planning & Development  
Department

City of High Point



Scale: 1"=600'  
G:\Planning\Secure\BAC\AN\2019\MXDslan19-05



Pick up COHP

I, David B. Coe, certify that this plat was drawn under my supervision from an actual survey made under my supervision (see description recorded in Book 8543, page 2269); that the boundaries not surveyed are clearly indicated as drawn from information found in Book 6343 page 2269; that the ratio of precision or positional accuracy as calculated in 1:10,000; that this plat was prepared in accordance with G.S. 47-30 or provided, witness my original signature, license number and seal this 22 day of June, A.D. 2019.

David B. Coe  
NC RLS #3320



I, David B. Coe, Registered Land Surveyor #3320, certify that this survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street. For the purposes of this subsection, an "existing parcel" or "existing easement" is an area of land described in a single, legal description or legally recorded subdivision that has been or may be legally conveyed to a new owner by deed in its existing configuration.

David B. Coe, RLS #3320

## City Council Annexation Approval

The Annexation Ordinance for this property was approved by High Point City Council on JULY 15, 2019

with the effective date of annexation being JULY 15, 2019 and the following reference number 7540/19-57

Signed: [Signature]  
Mayor

THIS PLAT DOES NOT REQUIRE CERTIFICATE OF APPROVAL BY THE N.C. DIVISION OF HIGHWAYS AS PROVIDED IN G.S. 136-102.6, SECTION (G).

I, David B. Coe, certify that this map was drawn under my supervision from an actual conventional survey performed under my supervision using GPS for control. Properly described in Deed Book 8527 Page 373.3, that any boundary lines not surveyed are shown as dashed lines and that the ratio of precision is a minimum of 1:10,000. The following information is pertinent to the GPS portion of the survey:  
Class of Survey: A Postpositional Accuracy 810' Type of GPS: RTK  
Date of Survey: 2 MAR 2019, Units: US Survey Feet  
Datum/Epoch: NAD83(2011) Published/Fixed Control: NCES VRS/RTN  
Geoid Model: 2012 Combined Factor: 0.999931503

PARCEL 169931  
WILLARD, EDWARD L.  
DB 4507, Pg. 1869  
(OUTSIDE CITY LIMITS)

PARCEL 169941  
UNITED STATES OF AMERICA  
DB 3427, Pg. 1276  
(OUTSIDE CITY LIMITS)

WATERFORD MEADOWS  
HOMEOWNERS ASSOC.  
"COMMON AREA"  
DB 5130, Pg. 364  
PB 123, Pg. 50  
PARCEL 206037  
INSIDE CITY LIMITS

PARCEL 214386  
(INSIDE CITY LIMITS)

PIN#: 7813159854  
DB 5527, Pg. 975  
TOTAL ANNEXATION AREA  
12.618± ACRES

Area annexed and existing City limits recorded in PB 152 PG 99 in the Guilford County Register of Deeds Office.

This property is located within the City of High Point Airport Overlay District and is subject to aircraft overflights and to aircraft noise that may be objectionable dependent upon the use and location of the property. Please refer to the city's Airport Overlay District regulations and the City of High Point Department of Planning & Development for more information on potential noise impacts.

The owner(s) of this subdivision are required to provide notification that this property is within the Airport Overlay District to all prospective lot purchasers, by means of a written disclosure statement.

## LINE TABLE

LINE	BEARING	DISTANCE
L1	S 06°15'34" E	87.56'
L2	S 88°03'56" E	13.18'
L3	S 88°03'55" E	44.52'
L4	S 01°32'34" W	13.32'
L5	S 87°53'30" E	16.99'

## CURVE TABLE

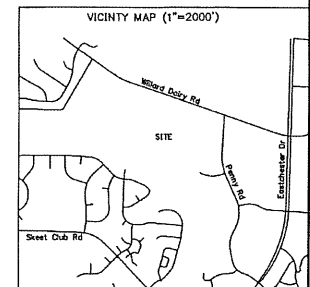
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	1000.00'	755.67'	737.81'	S 57°15'29" W
C2	1000.00'	693.36'	679.57'	S 15°44'46" W

BK: P 200  
PG: 135-135  
RECORDED  
07-18-2019  
BY: MARY MORGAN  
COUNTY: GUILFORD  
COUNTY: GUILFORD

NC FEE \$21.00

## LEGEND

Line Surveyed  
Line Not Surveyed (calculated)  
Iron Found  
Iron Set  
Point not monumented  
Stream or Creek  
Concrete monument  
Power Pole  
Sanitary Sewer Man Hole  
Water Meter  
Electric Overhead Line  
Street Address  
Sight Easement



0' 100' 200' 300'

ANNEXATION MAP FOR  
Shirley H. Johnson and Gary S. Johnson

SCALE	COUNTY	TOWNSHIP	DATE	PREC. RATIO
1" = 100'	Guilford	DEEP RIVER	24 June 2019	1:10,000 ±

PROPERTY DESC: (see map body)

COE FORESTRY & SURVEYING F-01411 P.O. BOX 34 WALLBURG, N.C. 27373 PHONE/FAX (336) 769-4673 coefor@gmail.com	JOB # 18043MP SURVEYED BY LE/DK
----------------------------------------------------------------------------------------------------------------------	------------------------------------------

DRAFTED BY: dH DBC



# CITY OF HIGH POINT

## AGENDA ITEM



**Title: ETJ Appointment– Planning & Zoning Commission**

**From:** City Clerk's Office

**Meeting Date:** July 15, 2019

**Public Hearing:** N/A

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

**Attachments:** Memo

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### **PURPOSE:**

To adopt a Resolution requesting the Guilford County Board of Commissioners to appoint a qualified representative to the High Point Planning & Zoning Commission to represent the Extraterritorial Zoning Jurisdiction (ETJ).

### **BACKGROUND:**

John McKenzie is currently serving as the ETJ member on the High Point Planning & Zoning Commission. His term expired on July 1, 2019 and he no longer desires to serve in this capacity. N.C. General Statute 160A-362 provides for the manner in which ETJ members are appointed. Upon adoption of the Resolution by the High Point City Council, it will be forwarded to the Guilford County Commissioners for consideration. If they fail to make the ETJ appointment within 90 days after receiving a resolution from the city council requesting the appointment, the city council may then make the appointment.

### **BUDGET IMPACT:**

N/A

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

Council is requested to adopt the Resolution requesting the Guilford County Board of Commissioners appoint a qualified representative to the High Point Planning and Zoning Commission as the ETJ member for High Point.



City Clerk's Office

Mary Brooks

DEPUTY CITY CLERK



**MEMORANDUM**

**TO:** Robin Keller, Clerk to the Board  
Guilford County Board of Commissioners

**FROM:** Mary S. Brooks  
High Point Deputy City Clerk *MSB*

**DATE:** July 15, 2019

**SUBJECT:** Appointment to the High Point **Planning & Zoning Commission** as the Extra-Territorial Jurisdiction (ETJ) Member

John McKenzie is currently representing the City of High Point as the ETJ member on the Planning & Zoning Commission. His term expired on July 1, 2019. Mr. McKenzie no longer desires to serve in this capacity. Since this is an ETJ appointment, the Guilford County Commissioners is responsible for making the appointment.

The city of High Point respectfully requests a qualified representative be appointed to the High Point Planning & Zoning Commission to represent the extra-territorial zoning jurisdiction. The length of terms on this commission is three years. The city of High Point also respectfully requests that the appointment expire on July 1, 2022 to ensure that the terms remain staggered on the High Point Planning & Zoning Commission.

Thanking you in advance for consideration of this appointment.



**RESOLUTION REQUESTING THE GUILFORD COUNTY BOARD OF  
COMMISSIONERS TO APPOINT A QUALIFIED REPRESENTATIVE TO THE HIGH  
POINT PLANNING & ZONING COMMISSION TO REPRESENT THE  
EXTRATERRITORIAL ZONING JURISDICTION**

**WHEREAS**, the Guilford County Board of Commissioners has granted extraterritorial zoning jurisdiction to the City of High Point, and;

**WHEREAS**, the General Statutes of North Carolina (G.S. 160A-362) require that such extraterritorial areas be represented with the membership of the Planning & Zoning Commission, and;

**WHEREAS**, said statutes provide for the manner in which members of said Commission who represent an extraterritorial area are appointed, and;

**WHEREAS**, said statutes state that if a board of county commissioners fails to make ETJ appointments within 90 days after receiving a resolution from the city council requesting that they be made, then the city council may make those appointments.

**WHEREAS**, on July 14, 2016, the Guilford County Board of Commissioners appointed John McKenzie to serve as High Point's ETJ representative on the Planning & Zoning Commission, and;

**WHEREAS**, Mr. McKenzie's term expired on July 1, 2019 and he no longer desires to serve in this capacity, and;

**WHEREAS**, the appointment should be effective immediately upon appointment and should expire on July 1, 2022. This will ensure that the terms will remain staggered on the High Point Planning & Zoning Commission.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, NORTH CAROLINA** that the Guilford County Board of Commissioners is requested to appoint a qualified representative to the High Point Planning & Zoning Commission to represent the extraterritorial zoning area.

Adopted by the High Point City Council  
This 15th day of July 2019

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Lisa B. Vierling, MMC  
City Clerk