City of High Point

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

Minutes

Monday, April 15, 2013

4:45 PM

Council Chambers

City Council

Bernita Sims, Mayor
Britt W. Moore, Mayor Pro Tem
James C. Davis, Foster L. Douglas
Jason P. Ewing, Jeffrey J. Golden,
Judith P. Mendenhall, Rebecca R. Smothers,
Jay W. Wagner

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE

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

Present 8 - Mayor Bernita Sims, Mayor Pro Tem Britt Moore, Council Member James Davis, Council Member Jason Ewing, Council Member Jeffrey Golden, Council Member Judy Mendenhall, Council Member Rebecca Smothers, and Council Member Jay Wagner

Absent 1 - Council Member Foster Douglas

REGULAR MEETING ITEMS

FINANCE COMMITTEE - Council Member Moore, Chair
Committee Members: Wagner, Davis and Sims

(all were present)

130103 **Request for Public Hearing Date - FY 2014 FTA Grant**

Council is requested to establish the date of Monday, May 20, 2013 at 5:30 p.m. to receive public comments on the filing of the FY2014 FTA Section 5307 operating, capital and planning grant application for High Point Transit, the Thomasville portion of Davidson County Transportation System, and the area within High Point served by the Guilford County Transportation System.

Attachments: FY 2014 FTA Grant Application - Public Hearing Request

This matter was briefly discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting. The Committee recommended approval.

Established the date of Monday, May 20, 2013 at 5:30 p.m. as the date and time to receive public comments on the filing of the FY 2014 FTA Section 5307 operating, capital and planning grant application for the High Point Transit, the Thomasville portion of Davidson County Transportation System, and the area within High Point served by the Guilford County Transportation System.

A motion was made by Council Member Ewing, seconded by Council Member Mendenhall, that Monday, May 20, 2013 at 5:30 p.m. be approved as the date and time to hold a public hearing on the filing of the FY2014 FTA Grant. The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

130104 **Memorandum of Understanding - Metropolitan Planning Organization**

Council is requested to adopt a Revised Memorandum of Understanding for the

Metropolitan Planning Organization (MPO).

Attachments: MEMORANDUM OF UNDERSTANDING-2013 - Transportation Planning

This matter was discussed briefly during a Finance Committee meeting held at 3:30 p.m. prior to this meeting. The Committee recommended approval.

Adopted a Revised Memorandum of Understanding for the Metropolitan Planning Organization (MPO).

A motion was made by Council Member Mendenhall, seconded by Council Member Wagner, that this Revised Memorandum of Understanding be adopted. The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

130105 **Resolution - Opposing Legislation - Forced Taking of Municipal Utility Systems**

Council is requested to adopt a resolution opposing legislation that provides for the forced taking of municipal utility systems.

Attachments: Resolution - Opposing Legislation - Forced Taking of Municipal Utility System
signed copy of reso opposing legislation re forced taking of municipal utility s

Resolution No. 1297/13-20
Introduced 4/15/2013; Adopted 4/15/2013
Resolution Book, Volume XVIII, Page 20

This matter was briefly discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting. The Committee recommended adoption.

Adopted resolution opposing legislation that provides for the forced taking of municipal utility systems.

A motion was made by Council Member Mendenhall, seconded by Council Member Wagner, that this Resolution be adopted. The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

130106 **Resolution - Preserving Balanced Municipal Revenues**

Council is requested to adopt a resolution urging the North Carolina General Assembly to amend Senate Bill 394 and any other related bills as necessary to preserve balanced municipal revenues.

Attachments: Resolution - Preserve Balance Municipal Revenues
signed copy of reso to amend sb 394.pdf

Resolution No. 1298/13-21
Introduced 4/15/2013; Adopted 4/15/2013
Resolution Book Volume XVIII, Page 21

This matter was briefly discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting. The Committee recommended adoption.

Adopted resolution urging the North Carolina General Assembly to amend Senate Bill 394 and any other related bills as necessary to preserve balanced municipal revenues.

A motion was made by Council Member Mendenhall, seconded by Council Member Wagner, that this Resolution be adopted. The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

130119 **Resolution - Support of Renovation of the Allen Jay Rock Gymnasium**

Council is requested to adopt a Resolution of support for the renovation of the Allen Jay Middle School Rock Gymnasium.

Attachments: Resolution - Renovations to Allen Jay Rock Gymnasium
signed resolution supporting renovation of the alley jay rock gym.pdf

Resolution No. 1299/13-22
Introduced 4/15/2013; Adopted 4/15/2013
Resolution Book Volume XVIII, Page 22

This matter was briefly discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting. The Committee recommended adoption.

Adopted resolution of support for the renovation of the Allen Jay Middle School Rock Gymnasium.

A motion was made by Council Member Mendenhall, seconded by Council Member Wagner, that this Resolution be adopted. The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

130112 **Public Comment Period - Outside Agency Funding Requests FY 2013-2014**

Monday, April 15, 2013 is the date and time established to receive public comments on the outside agency funding requests for the City of High Point annual budget for FY 2013-2014.

Attachments: Outside Agency Funding Requests 2013-2014

Chairman Moore opened the floor for public comments from the outside agencies.

FRIENDS OF JOHN COLTRANE

Patrick Harman with the Hayden-Harman Foundation , 1214 Woodland Place, High Point, addressed council on behalf of The Friends of John Coltrane. He thanked the city for its past support and noted he has served as the Treasurer for the Friends of John Coltrane for the last several years. The Friends of John Coltrane organized in 2009 and is an all-volunteer organization that has been putting on the John Coltrane International Jazz and Blues Festival. They have hosted two festivals thus far with the third festival being planned for this coming Labor Day weekend. Mr. Harman mentioned some of the headliner artists who would be performing at this year's festival. He shared that an estimated 2,400

people have attended the past festivals and pointed out that it takes about five years to establish a festival. He asked the city for support this year of $50,000 to assist them in making the John Coltrane International Jazz and Blues Festival a successful festival.

NC Shakespeare Festival

Pedro Silva, 4105 Pennfield Way, High Point, representing the NC Shakespeare Festival, approached Council for continued support of an in-kind grant that allows them access to the High Point Theatre where they have been performing since 1977. He then introduced Courtney McClellan, who is a member of their artistic acting company, to share a few words about the nature of the city's support and the Shakespeare Festival's service in the he High Point community.

Courtney McClellan, asked Council Council to continue providing NC Shakes with annual grant support associated with its rental of the High Point Theatre. She then shared some statistics of attendance at performances produced by the Shakespeare Festival's renowned productions: Romeo & Juliet, A Christmas Carol, as well as the Shakespeare to Go School Tour. The programs and tour stops benefit schools in the High Point community, The Ritz Theatre on Washington Street, the Roy B. Culler Senior Center, etc ..... Additionally, the NC Shakes budget supports a full complement of youth camps, classes, workshops--al of which provide scholarship support to guarantee virtually that any High Point child can benefit from these extraordinary learning opportunities. She explained that the City of High Point's support plays a vital role in the Shakespeare's festival commitment to serve High Point's diverse population with cultural, artistic, and educational programming that enriches the community and makes it a wonderfully place in which to live and work.

High Point Area Arts Council

Debbie Lumpkins, representing the High Point Area Arts Council, introduced Chair Elect Jeanette McNeill, Dean of GTCC and Joe Gray and noted that Past Chair Jim Morgan sends his regrets and could not attend due to a prior commitment. On behalf of the Arts Council, Ms. Lumpkins asked Council for sustained funding at the level they had last year for their Arts Programs. She noted they have moved into Centennial Station in November and are also requested a one-time capital campaign grant of $200,000 from the city to match the grant they received from the county. She explained they have been working for many years to try to have an Arts Center in this part of Guilford County specifically for High Point residents since High Point is one of the only city's of its size in North Carolina not to have an Arts Center. The Arts Council was able to purchase a building valued at $3,000,000 for less than $1,000,000 and although they have only been at the Centennial Station for six months, they have already burned their first note for $250,000. In addition to the arts programming already in place, Ms. Lumpkins shared their plans to introduce a new entertainment series called "Third Thursdays" and they plan to start a

dinner theatre in May. Ms. Lumpkins pointed out that the arts do have an economic impact and are an economic stimulus for the city. She offered to provide a copy of a national study on the arts and economic prosperities conducted in partnership with Americans for the Arts, which incorporated Guilford County's results.

Jeanette McNeill, Chair Elect for the Arts Council, reiterated the importance of arts to the economic viability for the diversity within the community and stressed the importance that they finally have a place they can call "home" for the arts. She asked Council for positive consideration of support for their funding request.

Theatre Art Galleries (TAG)
Jeff Horney, Executive Director for the Theatre Arts Galleries, distributed some literature for TAG. He focused on the many exhibits and education that TAG provides throughout the year. Mr. Horney noted that this year, they have doubled their annual giving from individuals in the community and they are reaching out to corporate sponsors for the first time. He expressed appreciation for the city's support and encouraged the city to continue that support.

Southwest Renewal Foundation
Dorothy Darr, representing the Southwest Renewal Foundation, asked for the city's help to eliminate kudzu in the southwest quadrant of High Point. She noted they brought goats here for three weeks this past fall and explained goats choke out economic development. Ms. Darr pointed out the kudzu prevents the creek from being seen and this was a public health issue as well because it runs into the Randleman Reservoir where the drinking water is. Ms. Darr felt with very little money, they could do a lot of good and reiterated that before one can visualize the greenway, one has to be able to see the creek. The goats cost about $1,200 and the Southwest Renewal Foundation would like to put the goats in the same 4-acre area they've already grazed to weaken the kudzu plants even more which would result in less manpower efforts, and allow them to graze an additional four acres.

Piedmont Triad Ambulance Rescue- PTAR
Gart Evans, Chairman of the PTAR's Board of Directors, addressed Council on behalf of the Piedmont Triad Ambulance Rescue (PTAR). He introduced Paula Lineberry, who is the Chief of this agency. PTAR is an ambulance and rescue association, a non-profit company that is franchised by Guilford County and they provide emergency and non-emergency ambulance transportation for High Point citizens. He summed it up by informing Council that PTAR is proud to have served the city and community for over 40 years and they are still going strong to help the city fulfill their vision "to make our city the single most livable, safe and prosperous community in America."

Council Member Smothers asked Mr. Evans about the status of the situation

with Guilford County since it was a critical issue last year in terms of their sustainability. Mr. Evans reported that the relationship has considerably improved and they are working very diligently to continue work on the relationship. He explained they have just completed a new franchise agreement which they are taking under advisement, but have not yet received the franchise, so they have basically been operating without one for the past one and a half years. He noted that their call volume last year was down approximately 6,000 calls because of changes in the county's protocol, but those numbers in 2013 have started back on the rise. Council Member Golden asked if it would affect PTAR's operability if they do not get this funding and Mr. Evans replied in the affirmative and further explained that this funding is the only funding they have that helps them provide those services they donate. Council Member Golden then asked who would take the 6,000 as a result of their reduced call volume last year. Mr. Evans explained that PTAR is the only agency that is franchised in Guilford County to assist Guilford County.

Mayor Sims thanked all the agencies for the presentations on their funding requests and expressed appreciation for all the work they do and all the services they provide to the community. She noted Council would be taking all of these funding requests under advisement as they move through the budget.

COMMUNITY HOUSING & NEIGHBORHOOD DEVELOPMENT COMMITTEE - Council Member Douglas, Chair

130107 **Ordinance - Demolition of Dwelling- 524 Radford Street**

Council is requested to adopt an ordinance ordering the inspector to effectuate the demolition of a dwelling located at 524 Radford Street belonging to Macy A. McGill, heirs.

Attachments: Ord to Demolish - 524 Radford Street

Ordinance No. 6986/13-18
Introduced 4/15/2013; Adopted 4/15/2013
Ordinance Book, Volume XVIII, Page 18

Council Member Mendenhall chaired this portion of the meeting due to the absence of Chairman Douglas.

Katherine Bossi, Local Codes Enforcement Supervisor, reported staff conducted the first inspection for this property in September of 2012 which was in response to a citizen complaint regarding the condition of the property; the dwelling has been vacant since 2004. Some of the major violations include: electric system, heating system and some plumbing has been removed from the property. There's some structural damage and a high concentration of mold on the ceiling as well. The property belongs to three heirs who reside in Charlotte and did not attend the hearing. Based on the condition of the property and the numerous Minimum Housing Code violations, the estimated

repairs ($44,200) do exceed 50% of the tax value ($11,800). Ms. Bossi reported there have been no permits, no repairs to the property.

Adopted ordinance ordering the inspector to effectuate the demolition of a dwelling located at 524 Radford Street.

A motion was made by Council Member Mendenhall, seconded by Council Member Ewing, that this Ordinance be adopted. The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

130108 **Ordinance - Demolition of Dwelling - 1103 Pegram Avenue**

Council is requested to adopt an ordinance ordering the inspector to effectuate the demolition of a dwelling located at 1103 Pegram Avenue belonging to Henry J. York, III.

Attachments: Ord to Demolish - 1103 Pegram Avenue

Ordinance No. 6987/13-19
Introduced 4/15/2013; Adopted 4/15/2013
Ordinance Book, Volume XVIII, Page 19

Council Member Mendenhall chaired this portion of the meeting due to the absence of Chairman Douglas.

Katherine Bossi, Local Codes Enforcement Supervisor, advised that this inspection was done at the request from some neighbors because the structure had been vacant for some time and there was a problem with kids in the neighborhood as well as vagrants getting into the structure. The first inspection was conducted April of 2012 which showed that the electrical system, plumbing, heating have all been removed and vandalized from the unit. Ms. Bossi reported that the property owner did not appear for the hearing, but staff did have several conversations with him. Since that time the property owner has been trying to put funds together to make the repairs, but has not been successful. Staff issued the order to repair or demolish with a compliance date of August 10, 2013. The Guilford County tax value is $19,600 with an estimate of repairs $38,050, which does exceed 50% of the current tax value. Ms. Bossi informed Council that she did talk to the property owner prior to this meeting and the property owner informed her that the bank/lender has given him the authorization to proceed with the demolition of the structure and he hopes to have it removed within 30 days.

Council Member Moore pointed out the pictures show that the property owner had attempted to fix the structure, and felt it was unfortunate that things going on in the community with thefts and vagrants kept him from carrying his intentions through. He felt the property owner was being forced into doing the

demolition at the taxpayer's expense. Council Member Mendenhall pointed out the property owner intends to take care of the demolition.

Adopted ordinance ordering the inspector to effectuate the demolition of a dwelling located at 1103 Pegram Avenue.

A motion was made by Council Member Mendenhall, seconded by Council Member Ewing, that this Ordinance be adopted. The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

COMPREHENSIVE PLANNING COMMITTEE - Council Member Smothers, Chair

130109

Resolution of Intent- Street Abandonment Case 13-02

Approval of a Resolution of Intent that establishes a public hearing date of May 20, 2013 at 5:30 p.m. to consider the following street abandonment requests from West-Locke, Ltd and the Technical Review Committee:

a. A request by West-Locke, Ltd to abandon the northern portion of an unimproved 7-foot wide alley, running in a north to south direction, within the western portion of the block bounded by Westwood Avenue, N. Lindsay Street, Gatewood Avenue and Lock Street.
b. A request by the Technical Review Committee to abandon the southern portion of an unimproved 7-foot wide alley, running in a north to south direction, within the western portion of the block bounded by Westwood Avenue, N. Lindsay Street, Gatewood Avenue and Lock Street.
c. A request by the Technical Review Committee to abandon a 10-foot wide unimproved alley, running in an east to west direction, within middle of the block bounded by Westwood Avenue, N. Lindsay Street, Gatewood Avenue and Lock Street.
d. A request by the Technical Review Committee to abandon 12-foot wide alley, partially improved with a private driveway, running in a north to south direction within the eastern portion of the block bounded by Westwood Avenue, N. Lindsay Street, Gatewood Avenue and Lock Street.

Attachments: 02. Resol of Intent Street Abandonment 13-02

Resolution No. 1300/13-23
Introduced 4/15/2013; Adopted 4/15/2013
Resolution Book, Volume XVIII, Page 23

Adopted Resolution of Intent establishing a public hearing date of Monday, May 20, 2013 at 5:30 p.m. as the date and time to solicit comments regarding the following street abandonment requests:

a. A request by West-Locke, Ltd to abandon the northern portion of an unimproved 7-foot wide alley, running in a north to south direction, within the western portion of the block bounded by Westwood Avenue, N. Lindsay Street, Gatewood Avenue and Lock Street.
b. A request by the Technical Review Committee to abandon the southern portion of an unimproved 7-foot wide alley, running in a north to south direction, within the western portion of the block bounded by Westwood Avenue, N. Lindsay Street, Gatewood Avenue and Lock Street.
c. A request by the Technical Review Committee to abandon a 10-foot wide unimproved alley, running in an east to west direction, within middle of the block bounded by Westwood Avenue, N. Lindsay Street, Gatewood Avenue and Lock Street.
d. A request by the Technical Review Committee to abandon 12-foot wide alley, partially improved with a private driveway, running in a north to south direction within the eastern portion of the block bounded by Westwood Avenue, N. Lindsay Street, Gatewood Avenue and Lock Street.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that this Resolution be adopted. The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

130110 **Resolution of Intent - Annexation Case ANX13-02**

Approval of a Resolution of Intent that establishes a public hearing date of May 20, 2013 at 5:30 p.m. to consider a voluntary contiguous annexation of approximately 66.8 acres lying at the southwest corner of Johnson Street and Sandy Ridge Road.

Attachments: 03. Resol of Intent Annex 13-02

Resolution No. 1301/13-24
Introduced 4/15/2013; Adopted 4/15/2013
Resolution Book, Volume XVIII, Page 24

Adopted a Resolution of Intent establishing a public hearing date of May 20, 2013 at 5:30 p.m. to consider a voluntary contiguous annexation of approximately 66.8 acres lying at the southwest corner of Johnson Street and Sandy Ridge Road.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that this Resolution be adopted. The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

130111 **Minor Amendment to Conditional Use Permit Case 02-34 - Mike Carr**

Approval of a Minor Amendment to CUP 02-34 to allow one additional access point to

Old Plank Road for property on the north side of Old Plank Road between N. Main St. and Ashebrooke Drive.

Attachments: 04. Minor Amendment 02-34 - Mike Carr

Note: Staff report for this minor amendment is hereby attached in Legistar as a permanent part of these proceedings.

Approved a Minor Amendment to CUP 02-34 to allow one additional access point to Old Plank Road for property on the north side of Old Plank Road between N. Main Street and Ashebrooke Drive, based on staff's analysis as contained in the staff report and staff's determination that the applicant's request is found to result in equal or better performance relative to the objectives and purposes of the original CUP condition.

A motion was made by Council Member Smothers, seconded by Mayor Pro Tem Moore, that this Amendment be approved. The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

PUBLIC HEARINGS - 5:30 P.M.

COMMUNITY HOUSING & NEIGHBORHOOD DEVELOPMENT COMMITTEE - Council Member Douglas, Chair

130113 **Public Hearing - Annual Action Plan 2013-2014 - Community Development and Housing**

Monday, April 15, 2013 at 5:30 p.m. is the date and time established to receive public comments on the 2013-2014 Annual Action Plan for the City of High Point Community Development and Housing Department.

Attachments: Annual Action Plan - Community Development

Note: The power point presentation is hereby attached in Legistar as a permanent part of these proceedings.

Mayor Sims announced that this is the date and time set for the second reading of the Annual Action Plan by the Community Development & Housing Department. [The first public hearing was held on April 15, 2013]

Council Member Mendenhall chaired this portion of the meeting due to the absence of Council Member Douglas.

Mike McNair, Director of Community Development & Housing, presented the information contained in the Annual Action Plan. The Annual Action Plan process has met HUD citizen participation requirements for plan development such as public availability of the proposed Plan, public hearings on the Plan, and the public comment period.

Mayor Sims asked if the city would be able to reapply for the other funding

sources. Mr. McNair explained the city would be able to reapply for the Lead Hazard Control Program funding every second year and would be eligible to reapply this upcoming round. He reported that the Neighborhood Stabilization Program funding was uncertain, and depends on what Congress approves. He mentioned that the Shelter Plus Care Program will be transferred to the High Point Housing Authority at their request because it was felt they could provide a greater opportunity for permanent housing to allow folks to get out of the temporary situations into permanent situations. Mayor Sims then inquired as to how the income limits and rents compare to other areas in the State. Mr. McNair explained the income limits are received by HUD and based on Census data and the numbers are specific to the High Point, Greensboro MSA which determine the standards or the eligibility limits that are used for people seeking assistance. Regarding the rents, Mr. McNair noted the income limits and rents drive the calculations of the fair market rents and HUD looks at the prevailing rents in the area and compares that to prevailing incomes.

Council Member Ewing questioned the infill development. Mr. McNair explained the infill development funds allow the city to purchase property so it's ready to build on when an opportunity arises. He noted HOME funds are leveraged for the actual construction and shared that staff tries to use the HOME funds for strategic acquisition throughout the community.

Regarding the Public Service Grants, Mr. McNair reported that the Citizens Advisory Council (CAC) received requests from agencies in the amount of $85,750 and the CAC spent a good eight hours deliberating, hearing the presentations from the recipients, etc.... He explained the Affordable Housing Program basically helps the city do one of three things: either improving the condition of housing; helping someone access housing; or constructing housing. He mentioned the amendment to the Section 108 Loan Fund for the Addington Ridge development which has been submitted to HUD for review/approval. Mr. McNair also reported that through the Lead Hazard Control program the city has helped over 120 children who now live in lead-free environments.

Following the conclusion of Mr. McNair's presentation, Chairwoman Mendenhall opened the floor for comments from the public. There being none, the public hearing was declared closed.

Acknowledgement that the second and final public hearing was held on the 2013-2014 Annual Action Plan. The Annual Action Plan will be on the agenda for the May 6, 2013 meeting for action. Staff is recommending Council's favorable recommendation for approval of the Plan.

A motion was made by Council Member Mendenhall, seconded by Council Member Smothers, acknowledging that the required public hearing was held for the 2013-2014 Annual Action Plan. The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

COMPREHENSIVE PLANNING COMMITTEE - Council Member Smothers, Chair

130114 **Ordinance - Text Amendment 13-03 - City of High Point**

A request by the City of High Point City Manager's Office to amend Table 4-7-1 (Permitted Use Schedule) of the Development Ordinance to add Fabricated Sheet Metal Work as a permitted use in the Light Industrial (LI) District and in the Heavy Industrial (HI) District.

Attachments: 05. Text Amendment 13-03 - City of HP

Ordinance No. 6988/13-20
Introduced 4/15/2013; Adopted 4/15/2013
Ordinance Book, Volume XVIII, Page 20

The public hearing regarding this matter was held on Monday, April 15, 2013 at 5:30 p.m.

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

Mr. Robbins explained this is a simple text amendment affecting Table 4-7-1 and staff was basically adding a use (Fabricated Sheet Metal Work) to the permitted use schedule. The request came about as a result of an economic development issue that came before staff for this use to exist within a property that is zoned LI currently, but has a CU-LI designation on the property as well. Staff made a determination that the use as described is permitted in the HI District currently, but not the LI District, so staff is recommending it be added to the LI District so the applicant can proceed with their plans for the property. The Planning & Zoning Commission heard this matter at their March 26, 2013 meeting and unanimously recommended approval.

Council Member Ewing asked if there are any LI zones that could possibly be negatively impacted if this is approved. Mr. Robbins explained staff did review all the uses within this particular group industrial classification and was of the opinion there would be nothing that would result in a negative impact in terms of an LI type application.

At this time, Chairwoman Smothers, opened the public hearing and asked if there were any comments in support of or in opposition to this request. There being none, the public hearing was closed.

Adopted Ordinance approving Text Amendment 13-03 amending Table 4-7-1 (Permitted Use Schedule) of the Development Ordinance to add Fabricated Sheet Metal Work as a permitted use in the Light Industrial (LI_ District and in the Heavy Industrial (HI) District) based on consistency with the City's Land Use Plan and adoption of staff's findings as contained in the staff report.

Additionally, the City Council considers this action to be reasonable and in the public interest because: 1) it is a minor change that is consistent with he definition of the Light Industrial district; 2) the use is more closely related to other permitted LI district uses; and 3) it will assist certain businesses by expanding potential for locating within the city.

A motion was made by Council Member Smothers, seconded by Mayor Pro Tem Moore, that this Ordinance approving Text Amendment 13-03 be adopted. The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

130115 **Resolution - Street Abandonment Case 13-01 - City of High Point**

a. A request by the Technical Review Committee to abandon an unimproved right-of-way lying along the east side of Hodgin Street, approximately 410 feet north of Elgin Avenue.
b. A request by the Technical Review Committee to abandon a portion of an unimproved right-of-way lying along the north side of Elgin Avenue, between Hodgin Street and Westchester Drive.

Attachments: 06. Resol - Street Abandonment 13-01 - CHP

Resolution No. 1302/13-25
Introduced 4/15/2013; Adopted 4/15/2013
Resolution Book, Volume XVIII, Page 25

The public hearing for this matter was held on Monday, April 15, 2013 at 5:30 p.m.

Herb Shannon of Planning & Development provided an overview of the staff report for Street Abandonment Case 13-01. Mr. Shannon pointed out these right-of-ways were never improved mainly due to the proximity of a stream running along it and the steep terrain and flood zones association with this area. Abandonment of the right-of-way should not prohibit any abutting property owners from having access to their property. The Planning & Zoning Commission reviewed these street abandonments at the March 26, 2013 meeting and recommended approval.

Following the conclusion of the staff report, Chairwoman Smothers opened the public hearing for comments. There being none, the public hearing was closed.

Adopted Resolution approving Street Abandonment Case 13-01 based on the findings outlined in the staff report that the abandonment is found not to be contrary to the public's interest and is found not to deprive owners in the vicinity of the right-of-way reasonable means of ingress and egress to their property.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that this Resolution authorizing the abandonment of an unimproved right-of-way lying along the east side of Hodgin Street, approximately 410 feet north of Elgin Avenue and abandonment of an unimproved right-of-way lying along the north side of Elgin Avenue, between Hodgin Street and Westchester Drive be adopted. The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

130116 **Ordinance - Annexation Case 13-01 - 350 South Land Holdings, LLC**

A request by 350 South Land Holdings, LLC, to consider a voluntary non-contiguous annexation of approximately 79 acres lying along the west side of Sandy Ridge Road, approximately 375 feet south of National Service Road.

Attachments: 07. Ord - Annexation 13-01 - 350 South Land Holdings

Annexation 13-01 - 350 South Holdings - Adopted copy

The joint public hearing for this matter and related matters 120302 Rezoning Case 12-11- 350 South Land Holdings, LLC and 120303 Development Agreement- 350 South Land Holdings, LLC was held on Monday, April 15, 2013.

_____Transcript: Public Hearing- April 15, 2013_____

Chairwoman Smothers*: There are three different items tonight for public hearing that are interrelated. The first is a voluntary petition for annexation Case 13-01 and that is related to 79 acres lying along the westside of Sandy Ridge Road. This is adjacent to a previous annexation that was petitioned and heard and approved by City Council in November of 2012. The effective date of that annexation is May 19th of this year. In order, just to make it easier for all to understand the information about this case, we will hear some summaries of these three public hearings pretty much as a body together. The first is the annexation. The second would be the rezoning, which again, is a continuation of what had been heard previously with the addition of the 79 acres. Also in that rezoning, is an application that has been submitted. There is an amendment that has been passed out this evening that contained some additional language that everybody has in front of them. And then, the third item as part of the overall package is a development agreement with 350 South Land Holdings and the city. This has been a document that has been worked on long and hard. And, in fact, I think you'll probably hear from staff and from the developer that there's still some further definition of some of the technical terms to be detailed. However, it is in consultation with the mayor and staff, it is the intent of Council to go ahead and have the public hearing on the annexation tonight and that hearing will probably be closed at the end. The rezoning and the development agreement public hearings will be continued until May 6th and this relates back again to the further refinement of the definitions and the matters pertaining to the development ordinance….I mean the development agreement that will be revealed this evening. So just know that we're talking about 79 acres, not the rest of the 510. So, Mr. Robbins, Mr. Burnette, Mr. Shannon. I'm not sure who's on first on this one. Okay, the annexation. Then if you want to go ahead and …..*

I'm not sure if they need a timeline.

Herb Shannon*: I can briefly touch base on that. The first item is…..let's back up one moment. Herb Shannon, City of High Point Planning Department. I'll brief you on the annexation and the rezoning case. The annexation application 13-01 is a voluntary non-contiguous annexation application. That is for this area highlighted in red and as you have noted, that is associated with the overall business park development. And the previous annexation, which you reviewed and approved in November that is Case 12-05*

which is highlighted in the purple color. Just to note to everyone, the general location, you have I-40 to the north and Sandy Ridge Road along the eastern boundary of the annexation site. This is a request to annex approximately 79 acres. It is a voluntary annexation request. It is associated with the request the Council reviewed in November for approximately 431 acres. The applicant is proposing a business/industrial park in the northwestern portion of the city's planning area. The Planning & Zoning Commission and the City Council reviewed the annexation and its associated rezoning application in November of 2012. The annexation Case 12-05, that area highlighted in purple, was approved with an effective date of May 19, 2013. No action was taken on the rezoning at that time. The 79 acres that's under consideration this evening for a voluntary annexation is proposed to be part of that business/industrial park and provides access for that development to Sandy Ridge Road.

Key items to note as far as annexation policy as it relates to that 79 acres. First proximity to the existing city limits. The areas that you see highlighted in gray are in the county. Those areas you see highlighted in white are properties that had been annexed by the City of High Point. Further to the south, you have an existing subdivision Saddlebrook and south of that Presbyterian Home development. You have an existing annexation or corporate limits to the north at the intersection of Sandy Ridge and Tyner Loop Road and also to the east. City utilities are available in this area and there are existing city service vehicles that are currently traveling up and down this section of Sandy Ridge Road.

As far as the rezoning application, as you recall in November of last year, you did review the 431 acres for a rezoning. No action was taken. The applicants amended that request to add the 79 acres. That is why it's proceeding back through the public hearing process. Just some key items to note regarding the rezoning request….it's pretty much the same proposal that the Council reviewed in November. The main difference as far as conditions is regarding transportation conditions. The applicants transportation engineer revised their traffic study and they have been meeting with the city's transportation department and have updated those transportation-related conditions. And a copy of the transportation department memorandum is included in your packet.

Just a quick summary of the proposed zoning-it's proposed to be a PUD zoning, a planned unit development. PUDs are floating districts. They are permitted anywhere within the city limits. Their development is governed by a Master Plan which is included in your packet in the conditions of the Conditional Zoning Ordinance. The proposed PUD zoning will be split into two phases. Bob, if you can bring up the next item. I believe it's going to be….the next group of items on the bottom. You had this in your packet. No, it's the Zoning Case 12-11. The conditions of the Zoning Ordinance proposed by the applicant divides the site into two phases: Phase One and Phase Two. The area to be added is highlighted in yellow. That provides access frontage along Sandy Ridge Road. The Phase One area generally lying to the south and east of Adkins Road….this area. The ordinance proposed by the application notes development that uses are permitted in the Agriculture District, the Corporate Park District, and the Light Industrial District. Those higher intensity uses that you find in the Heavy Industrial District have not been proposed. Phase two, that's the area lying to the north and west of Adkins Road. The only uses permitted in that area at this time are Agricultural uses. That will serve as a temporary holding zone for that area until such time as utility expansions and road improvements are provided to

support Corporate Park and Light Industrial uses in that area.

I would note that the city's planning area extends up to I-40 and west just over the Guilford/Forsyth County line. The city has annexation agreements with abutting cities with Greensboro, Kernersville that highlights our boundary areas and the city Land Use Map designates all this area as Restricted Industrial. I would also note that this area is within the Airport Overlay Zone 2 which prohibits any residential development. I would point out that prohibition on residential development is specifically for property within the city limits. It does not apply to property that is not within the city limits within Guilford County's jurisdiction. There's been some confusion on that about property owners not within the city that those regulations on prohibiting residential uses only apply for property annexed into the city. And based upon studies that the City Council has adopted the past twelve years with the expansion of FedEx and nighttime noise, this area was granted a Restricted Industrial land use designation and the Airport Overlay Zone prohibits new residential development for land areas annexed into the city into this area.

Key items to point regarding rezoning….first, there have been changes in this area. The FedEx expansion, the noise impact impacted this area so the Land Use Plan designates this area for Restricted Industrial Use. Second, I would note Unified Development….having all this area under one Unified Development, one Master Plan allows for the ability Master Plan this area and not have scattered individual industrial developments and also provides the opportunity to higher development standards as conditioned in the Conditional Zoning Ordinance to be imposed on development for this area. And finally, I would note that the applicant's list of permitted uses excludes a majority of the higher intensity uses and the LI and CP proposed are consistent with other restricted industrial areas that have been zoned in this northern portion of the city's planning area. As addressed in the staff analysis section of the report, conditions offered by the applicant address the objectives of the Land Use Plan and staff is recommending approval of this request. This item was reviewed by the Planning & Zoning Commission at their March public hearing and they recommended approval by a vote of 4 to 3. That is a quick overview of both the annexation and the rezoning. Are there any questions?

***Chairwoman Smothers**: Thank you, Mr. Shannon. Are there any questions from staff at this point? If not, thank you. Would the petitioner like to make comments at this time?*

***Tom Terrell**: Thank you, Ms. Smothers, members of Council. I'm Tom Terrell, 529 W. Parkway. It's my privilege to be here tonight representing 350 South Land Holding. 350 South Land Holding is owned by Mr. D. H. Griffin, a man who has done quite a bit for this community. He's certainly somebody who has done a lot for this economy in terms of job creation. Mr. Griffin, would you just raise your hand or stand up so everybody can see you? Thank you. Also with me here tonight working with 350 South Land Holding is Mr. Bob Dischinger from Evans Engineering. Many of you have seen quite a few maps of this tract. That's Mr. Dischinger's handiwork. If you have an engineering question, I'm going to step aside very quickly and ask him to take the podium. Also here is Frank Amenya with Davenport Transportation. Sometimes the issues will boil down to transportation. We worked very closely with staff, but if you get into any details, I will ask Mr. Amenya to step forward. Broad speaking, with the addition of this 79 acres right here in yellow, we are now creating what I am told is the largest annexation in the City of High Point's history.*

When this proposal was considered last November, there was one critical piece missing and that critical piece is right here-this yellow tract that we're looking at-because that critical piece provides access to Sandy Ridge Road. That tract is now owned by 350 South Land Holding. With the addition of this 79 acres and the acquisition by 350 South, we have enabled the City of High Point are creating the pathway for the City of High Point to have another high quality industrial park that's close to an interstate. It's two miles from an airport that will allow the city to continue to increase its tax base. It will allow the city to continue to increase jobs as we move forward year-to-year and into the next decade. It is in the right location. Now, based upon our experience and previous public hearings, I can almost predict that there will be one or two people who will come up tonight and encourage you to leave this tract in some form of low density residential development, but I can assure you that every single study and every single growth plan, comprehensive plan and land use plan adopted by the City of High Point City Council calls for this land right here to be some form of corporate park or industrial park for its ideal use.

We have met, just late last week, I think some of you may have gotten some communications from the Maple Creek Homeowner's Association. It was a very collaborative, very positive meeting. We sat down with them. And we would like to add two conditions. You have those in front of you, but very quickly describe….if you will look right off Joe Drive, this is the Maple Creek Subdivision and this is the tract of land we're talking about. There will be a 50-foot buffer right there. They have asked that we enhance the buffer with a solid row of evergreens. We are delighted to do that. And also, there is no one with a totally clear crystal ball. We don't know what would or could develop in this small area because there's a stream that crosses right here. It actually creates a small tract. But there's a possibility there could be parking or outdoor lights and they've asked that however it develops, that the lighting has the kind of design so that they don't broadcast broadly outward into neighbor's homes. We are very quickly and gladly to offer that condition.

Moving to the Development Agreement-this is a wonderful tool that we now have in the North Carolina toolbox. We did not have this prior to 2005. What it does is allows developers and municipalities to work collaboratively for complex, multi-tract, long-range development so that you can very carefully plan your infrastructure growth to meet the projects needs and the city's needs and you can work together. Because this is talking about the payment of millions of dollars and you want to make sure the cash flow in and the cash flow out are not creating any problems for anybody. But it's a wonderful tool for that. And a lot of it deals with timing. There are a few details as Ms. Smothers said….that we're working on. These are all very technical. We're tightening some definitions. We are clarifying some dates in this agreement. We want to make sure that the state statutory definitions and the local zoning ordinance definitions are entirely consistent. It's that level of detail. So that over the next twenty years when other people are here in our place, they know exactly what they are looking at. We do ask for your approval on that. We do support continuing this until May 6th, but we do hope that we will have every detail planned for a committee meeting by tomorrow. I'm delighted to answer questions. Also Mr. Amenya and Mr. Dischinger are here as well.

***Chairwoman Smothers**: Are there any questions for Mr. Terrell?*

***Mayor Pro Tem Moore**: Not directly I think to Tom, but it does relate to the part about what you said. Herb, what was the restriction in this area that you were stating about that's currently….as far as residential development? Could you refresh that statement for me please?*

***Herb Shannon**: This northwestern portion of the city planning area is in Zone 2 of the Airport Overlay. Any new land area in the city, residential uses would be prohibited. So any annexations within this area could not be zoned residential.*

***Mayor Pro Tem Moore**: Now….that was as a result of the expansion of the FedEx and the noise cones which went into place when?*

***Herb Shannon**: I believe it was in 2003 and was updated two years ago.*

***Council Member Smothers**: Further questions? If not, I presume there are probably some folks here who would like to make comments tonight. Is there anyone who would like to comment on the annexation of this 79 acres or either on the rezoning issue? If so, would you please come up and give us your name and address and we would hope that you could possibly confine your comments to three minutes or so. The mic is open.*

***Dennis Robinson**: Thank you to the Council. I'm Dennis Robinson. Mr. Shannon if I could use your pointer just a moment. I'm Dennis Robinson. I live at 2611 Sandy Ridge Road which basically is right here. The property right there I own as well, as well as 2525 Sandy Ridge Road. My sister owns the property at 26, correction…2521 Sandy Ridge Road which basically if you'll look everything that borders between Sandy Ridge Road and the outlined area there is either owned by she or I. She wasn't able to be here tonight to speak and asked that I speak on her behalf. I'm certainly not here to oppose it. I've talked to Mr. Griffin several times. I've spoken to Mr. Terrell and I'm not here opposing whatsoever. I would like for consideration be given to the same as Maple Creek there. Mr. Terrell and I have actually spoke of that. I have not had the opportunity to speak to Mr. Griffin on it. Basically just as a privacy buffer consideration. Again, I'm not opposing whatsoever. We know growth is inevitable and for those obviously that have lived in the community as many years as we have and basically 2525 Sandy Ridge Road is where my sister and I both were raised. We've always heard that at any point in time, Greensboro, High Point, Kernersville and Winston Salem are all going to touch and we all thought that would never happen, but we are certainly seeing that happen now. So, again, that's the only thing I'd like to say. I'm not opposing whatsoever. I would just like to see the consideration given to us with that property around there that's been given to Maple Creek.*

***Council Member Smothers**: Mr. Robinson, when did you….you mention you haven't spoken to Mr. Griffin. When did you speak to Mr. Terrell?*

***Dennis Robinson**: Three weeks ago probably.*

***Tom Terrell:** Two and half.*

***Dennis Robinson**: I had spoke to Mr. Griffin prior to that. We did not actually discuss the*

buffer at that time because we were waiting to see what the actual outcome would be. Thank you.

***Tom Terrell**: May I make that offer?*

***Council Member Smothers**: You may.*

***Tom Terrell**: If we could put it in the record and I will follow this up with a writing, but that's a very reasonable request. You're referring to the entrance right here. We will make sure that there is a solid row of evergreens to protect Mr. Robinson and his sister from that entrance right there and I will make that a written commitment.*

***Dennis Robinson**: Also, in addition to that if you could come along the back line. There are a row of Leylands there already to the point of where they come to and do the same with the lighting there that you did for Maple Creek.*

***Tom Terrell**: We will make that same commitment.*

***Chairwoman Smothers**: We will need, then, in writing that addition to Item B and I guess it would be number 4 on page 11 which is right after the Maple Creek Subdivision inclusion that you have. And this will be continued, Mr. Robinson, so there will be time for that to be added. But it is on the record that has been offered.*

***Dennis Robinson**: Thank you.*

***Chairwoman Smothers**: Is there anyone else who would like to speak?*

***Rick Moody**: My name is Rick Moody. I'm at 2503 Sandy Ridge Road. My property is adjacent to the Sampson's property. I'd like to propose the same as a buffer.*

***Tom Terrell**: I didn't hear where your property is.*

***Rick Moody**: My property….*

***Chairwoman Smothers**: What is the address again, Mr. Moody?*

***Rick Moody**: 2503 Sandy Ridge. My property starts right here. All this section right here is my property. Those two tracts and this other section.*

***Tom Terrell**: Evergreens? Okay, we will make the same offer.*

***Chairwoman Smothers**: Between now and May 6th.*

***Tom Terrell**: We'll put that in writing.*

***Rick Moody**: Thank you.*

***Chairwoman Smothers**: Thank you.*

***Susan Koger**: My name is Susan Koger and I live in High Point, Eastchester Drive, but we own property at 611 Lakedale which is my step-father's property that we still own. My question is….the last time when I asked Mr. Terrell what was a floating zone and what exactly does that mean…I never got an answer. My thing is I know you're going to widen the roads and I want to know what roads you're going to widen and I'm sure you're going to widen quite a few other than just Sandy Ridge. We're just right off of Sandy Ridge and I think the map says Adkins, but I think that's really Endicott and then it turns into Lakedale and then you turn onto Adkins and that's where our property is. Our property is close to Phase One. I didn't bring my map, sorry.*

***Chairwoman Smothers**: Could you give us that address again?*

***Susan Koger**: 611 Lakedale.*

***Chairwoman Smothers**: And that is your step-fathers?*

***Susan Koger:** Deceased, yes. It's still our property.*

***Mayor Pro Tem Moore**: Herb, can you hit that with a pointer?*

***Susan Koger**: I didn't bring my map. Actually after Sandy Ridge, that's Endicott, then it goes to Lakedale, then to Adkins.*

***Chairwoman Smothers**: Well is it in the subdivision?*

***Susan Koger**: I don't know the name of the subdivision. I don't think it is. It's on Lakedale. Like I said, I didn't bring my map. I think ours is right there where it kind of dips down. It's near Phase One. Sorry I didn't bring a map. But I just wanted to know what roads you were going to be widening and I think I brought up last time, the fear of decreasing our property because if you do widen the road where our house is, it's going to go closer to our front door which, of course, will decrease the property value. I just want to know which roads. I'm sure you're going to be increasing some roads because they are only two lanes. I'm curious as far as which ones you're going to do. Those are my concerns. Thank you.*

***Chairwoman Smothers**: So your questions relate to the expansion of the roadway. I don't know that all the internal roads have been finally engineered.*

***Tom Terrell**: I can address that. Herb, I think we might want to leave this up here on the podium. First of all, we do not know what the internal roads are going to be. There are solid prospects that this development has been speaking with over the many months. No one has committed. When there is a commitment, then the internal roads will be cast in some way. This is Adkins Road. There is no access to Adkins Road until there is a full-blown traffic study that discussed development in Phase Two….that is a provision written into the Development Agreement. So there will not be traffic coming here for any type of Adkins Road widening at any time for Phase One. The discussions right now are for, at some point, for Gallimore Dairy Road which is right here, to come across this tract*

to Boylston or possibly Clinard Farm Road to cross right here and come up to Boylston. Now those roads would be created newly. They would not be widened. Now there is a State NCDOT widening project for Sandy Ridge. That has been an on-going effort prior to the city even thinking about this being an industrial area. I learned a couple of weeks ago that Mr. McDonald actually worked on this when he was with Kimley-Horne and was actually doing studies on Sandy Ridge Road widening. And that is a widening that this development is participating in to the extent that there will be a dedication of right-of-way or anything like that. If you want to get into this layer of detail, the traffic study has submitted several different types of improvements that the developer shall make along this area as part of that road widening. There would be some addition of medians and some signalization requirements that are in the memo from the Transportation Department. I don't know if those are the roads that you are talking about. If you're thinking that there's going to be a widening of Adkins Road at any time….does that really get down to your question?

***Susan Koger**: Very closely. That and you've got Endicott and Lakedale. Lakedale is right in the curve.*

***Tom Terrell**: The only other discussed roads that have been in long-term discussion….this is Phase Two. At some future time it will be a potential realignment at Endicott to go up to where Norcross is. But this is just one of those things in a discussion among people who may or may not have any impact on that 15-20 years from now. So that's where that is. At this point, the best thing to know is Phase Two is something that we're not planning, except maybe on a long-term basis. There will be no traffic out at Adkins.*

***Susan Koger**: Lakedale is….*

***Tom Terrell**: Right here?*

***Chairwoman Smothers**: It doesn't sound like there's any roads going near that that are planned.*

***Tom Terrell**: As to the floating district, I don't know….Mr. Burnette might be the one you want to hear that answer from. She asked about a floating zoning district.*

***Lee Burnette**: Basically what it means is the applicant has a right to apply for it. The City Council doesn't apply. The applicant requests that the City Council consider it. That's the difference. Whereas all the other zoning districts, they can be applied for.*

***Chairwoman Smothers**: Is there anyone else who would like to speak either for or against? If not, I'm going to continue….first of all,* **I'm going to close the public hearing on the annexation and I would make a motion that the petition for annexation be effective with an effective date of May 19, 2013.**

***Mayor Sims**: I have a motion for the annexation to be approved with an effective date of May 19, 2013. Is there a second to this motion?*

Council Member Mendenhall: Second.

***Mayor Sims**: We have a motion and a second. Is there any further discussion on the part of Council regarding the motion?*

***Chairwoman Smothers**: I would presume in that motion that the petitioner who has asked for the annexation would make it subject to the approval of the zoning and the….*

***Tom Terrell:** May I ask for an amendment to your motion, Ms. Smothers? We were expecting that there would be a continuation of the hearing and the decision until May 6th on all matters. There are some underlying contract issues on the acquisition of some remaining tracts and if all of the decisions are made tonight even if they are effective later, it triggers some acquisition prior to some development agreement finality.*

***City Attorney JoAnne Carlyle**: This is the same language that we discussed earlier. It matches up with the prior….the bigger parcel. It's exactly the same.*

***Tom Terrell**: Okay, so this is…*

***City Attorney JoAnne Carlyle**: Approve tonight, but with the effective date.*

***Tom Terrell**: On the annexation of the 79 acres only?*

***Chairwoman Smothers**: Yes. Does everybody understand that? It's just consistent with what had been done previously.*

***Mayor Sims**: Is there any other discussion on the part of the Council or questions concerning the motion?*

***Council Member Wagner**: What was done previous was contingent on the approval of the agreement?*

***Mayor Sims**: Absolutely.*

***Chairwoman Smothers**: Right, and those will be continued and voted on at the same time.*

***Council Member Mendenhall**: So this is also contingent on the other stuff?*

***City Attorney JoAnne Carlyle**: Yes, you may want to put that in your motion. Do you want that also, Tom?*

***Chairwoman Smothers**: That's why I edited that while ago.*

***Tom Terrell:** Contingent upon the development agreement and the rezoning.*

***Chairwoman Smothers**: Well we don't annex without establishing zoning anyway.*

***City Attorney JoAnne Carlyle**: Right, with those being effective on May 6th.*

***Mayor Sims**: Do you want to restate the motion so that everybody is clear about what they are voting on?*

Council Member Smothers: I move that the petition for voluntary annexation be accepted for the 79 acres that is on the agenda tonight effective date of May 19th, subject to rezoning and the development agreement that we will hear in a minute that will have an action date of May 6th.

Then we have the rezoning and the development agreement which I will move, the public hearings will be continued until May 6th.

In the fullness of disclosure I will also say that it is the intent of Council to discuss the development agreement tomorrow at the Comprehensive Planning Committee. These are the details that Mr. Terrell referenced earlier that were still being defined. There will not be action, there will be discussion and those particular items that would change from what draft we have before us would be finalized. But here again, the public hearing on those particular items will still be on for May 6th as continued.

[end of transcript]

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that this Ordinance be adopted. The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

120302 **Rezoning Case 12-11 - 350 South Land Holdings, LLC**

A request by 350 South Land Holdings, LLC to rezone approximately 510 acres from the Agricultural (AG), Residential Single Family-40 (RS-40) and Light Industrial (LI) Districts, within Guilford County's zoning jurisdiction, to a Planned Unit Development-Mixed (PDM) District. The property is generally lying south of I-40, west of Sandy Ridge Road, north of Boylston Road and east of Bunker Hill Road. Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request for an approximately 79 acres portion of the zoning site fronting along Sandy Ridge Road.

Attachments: Rezoning Case 12-11 - 350 South Land Holdings - Amended Staff Report (04 amendment distributed on april 15 2013 (120302).pdf

The joint public hearing for this matter and related matters 130116 Annexation Case 13-01- 350 South Land Holdings, LLC and 120303 Development Agreement- 350 South Land Holdings, LLC was held on Monday, April 15, 2013.

For specific comments made at the public hearing, please refer to 130116 Annexation Case 13-01- South Land Holdings, LLC.

Continued the public hearing to Monday, May 6, 2013 at 5:30 p.m. for Rezoning Case 12-11- 350 South Land Holdings, LLC.

Chairwoman Smothers announced that it is the intent of the City Council for this matter to be discussed in a Comprehensive Planning Committee meeting tomorrow, April 16th at 4:00 p.m.

A motion was made by Council Member Smothers, seconded by Council Member Wagner, that the public hearing for this Rezoning Case be continued to Monday, May 6, 2013 at 5:30 p.m.. The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

120303 **Development Agreement - 350 South Land Holdings, LLC**

A request by 350 South Land Holding, LLC; Bland Property Investments, LLC; James S. Hedgecock and wife Elizabeth A. Hedgecock; and Michael Raymond Hedgecock and wife Christy M. Hedgecock to enter into a Development Agreement with the City of High Point for properties associated with Zoning Case 12-11, pursuant to N.C. General Statute 160A-400.20 et. seq., for a proposed multi-phased 510-acre development consisting of corporate park, industrial and commercial uses. A copy of the proposed development agreement is available for public inspection in the office of the Planning & Development Department.

Attachments: 350 South Land Development Agreement (May 6 final)

The joint public hearing for this matter and related matters 130116 Annexation Case 13-01- 350 South Land Holdings, LLC and 120302 Rezoning Case 12-11- 350 South Land Holdings, LLC was held on Monday, April 15, 2013 at 5:30 p.m.

Continued the public hearing for this Development Agreement- 350 South Land Holdings, LLC to Monday, May 6, 2013 at 5:30 p.m..

Chairwoman Smothers announced that it is the intent of the City Council for this matter to be discussed in a Comprehensive Planning Committee meeting tomorrow, April 16th at 4:00 p.m.

A motion was made by Council Member Smothers, seconded by Council Member Wagner, that the public hearing on this Development Agreement be continued to Monday, May 6, 2013 at 5:30 p.m. The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS

130117 **Approval of the following Minutes:**

Community Housing & Neighborhood Development Committee meeting held Tuesday, March 26th @ 9:00 a.m.
High Point City Council Regular Meeting held Monday, April 1st @ 4:45/5:30 p.m.

Attachments: March 26 2013 Comm. Housing & Neighborhood Development Committee.pd
April 1 2013 High Point City Council.pdf

Approved the preceding minutes as submitted.

A motion was made by Council Member Mendenhall, seconded by Mayor Pro Tem Moore, that the preceding minutes be approved. The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

BOARDS AND COMMISSIONS APPOINTMENTS AND VACANCY REPORT

120229 **Boards and Commissions - Vacancies**

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

Attachments: term expirations spreadsheet vacancy report.pdf

This information is attached for informational purposes only. No action is required on this item.

ADJOURNMENT

Upon motion duly made and seconded, the meeting was adjourned to Tuesday, April 16, 2013 at 4:00 p.m.

Respectfully Submitted,

_____
Bernita Sims, Mayor

Attest:

_____
Lisa B. Vierling, MMC
City Clerk