

FAX

Carmen Johnson

Fac/Perm/Co ID #	Date	Doc ID#
41-16	9.4.08	5843



Henderson Building
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JEISGO@joyceengineering.com



To: Tim Jewett

From: Tom Herlihy

Fax:

Pages: 6 - including cover

Phone:

(419) 733-4810
(336) 771-4631

Date:

February 12, 2003

Re: High Point Franchise cc:

- Urgent For Your Use Please Comment Please Reply Please Recycle

• Comments:

Tim,

Attached is The service Area map referenced in The franchise agreement for MRR High Point. Also The sealed and approved minutes from The City dated Today + after approval

CITY OF HIGH POINT, NC
P.O. BOX 230
HIGH POINT, NC 27261



FACSIMILE TRANSMITTAL SHEET

TO: Tom Hertlby	FROM: Lisa B. Vierling, CMC
COMPANY: Joyce Engineering	DATE: 2/12/03
FAX NUMBER: 323-0093	TOTAL NO. OF PAGES INCLUDING COVER:

REFERENCE: Re: Certified Statement- Approval of MRR Franchise

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY FOR INFORMATION

NOTES/COMMENTS: Please let me know if this is not sufficient. If you would like me to also mail you the original, please advise and let me know where it can be mailed.
Thanks!
Lisa

e-mail: lisa.vierling@ci.high-point.nc.us

CITY CLERK'S OFFICE
PHONE: 336-883-3536
FAX: 336-883-3872



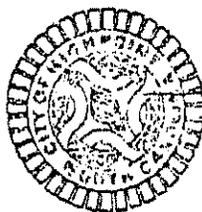
City of High Point

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

Certified Copy

I, LISA B. VIERLING, Clerk of the City of High Point, North Carolina, do hereby certify that the foregoing minutes of the High Point City Council constitute official action by the High Point City Council for approval of a Franchise granted to MRR for the operation of a C & D Sanitary Landfill located in the southeast quadrant of the Kivett Drive and Riverdale Drive intersection in High Point, North Carolina. The public hearing was held on *April 1, 2002* at 5:30 p.m.; Approval of the Franchise at the 1st reading on *June 6, 2002*; Final approval of the Franchise at the 2nd reading on *June 20, 2002*.

WITNESS my hand and the Corporate Seal of the City of High Point, this 12th day of February, 2003.



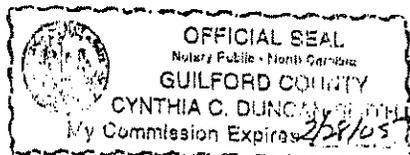
Lisa B. Vierling

Lisa B. Vierling, City Clerk

ACKNOWLEDGEMENT

I, Cynthia C. Duncan-Smith, a Notary Public of said County and State, do hereby certify that LISA B. VIERLING is known to me as City Clerk of the City of High Point; that she 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 12th day of February, 2003.



Cynthia C. Duncan-Smith

Notary Public

Commission Expires: 2/28/05



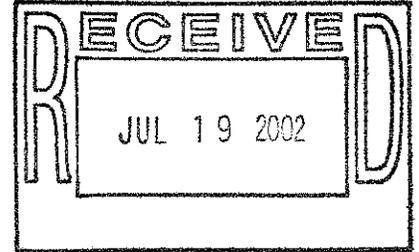
CITY OF High POINT
North Carolina
Office of the City Clerk

JUL 1 2002

REFERENCE
COPY

July 11, 2002

Mr. Chris Roof
MRR of High Point, LLC
421 Raleigh View Road
Raleigh, NC 27610



RE: MRR Franchise for C & D Sanitary Landfill

Dear Chris:

Please find enclosed a copy of the minutes along with a certification. These minutes were unanimously adopted by the High Point City Council on July 1, 2002.

If you have any questions, or require any additional information, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Lisa B. Vierling".

Lisa B. Vierling, CMC
High Point City Clerk

Enclosure



City of High Point

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

Certified Copy

I, LISA B. VIERLING, Clerk of the City of High Point, North Carolina, do hereby certify that the foregoing is a true and accurate copy of the official minutes of the Committee of the Whole Meeting held on June 17, 2002 and the regular meeting of the High Point City Council held on Thursday, June 20, 2002 as unanimously approved by the High Point City Council on Monday, July 1, 2002.

WITNESS my hand and the Corporate Seal of the City of High Point, this 11th day of July, 2002.



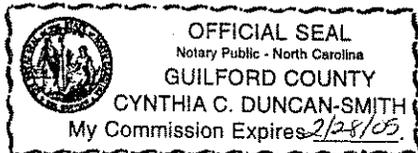
Lisa B. Vierling

Lisa B. Vierling, City Clerk

ACKNOWLEDGEMENT

I, Cynthia C. Duncan-Smith, a Notary Public of said County and State, do hereby certify that LISA B. VIERLING is known to me as City Clerk of the City of High Point; that she 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 11th day of July, 2002.



Cynthia C. Duncan-Smith

Notary Public

Commission Expires: 2/28/05

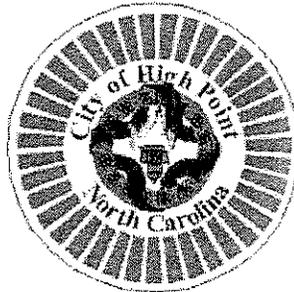
File/Perm/Co ID #	Date	Doc ID#
41-16	9/4/08	DIN 5843

Meeting Minutes

June 17, 2002

City of High Point

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



Meeting Minutes

Monday, June 17, 2002

4:45/5:30 PM

Council Chambers

*Arnold J. Koonce, Jr., Mayor
M. Christopher Whitley, Mayor Pro Tem
William S. Bencini, Albert A. Campbell
Aaron Lightner, M.C. Rowe, David B. Wall
Laura I. Wiley, Ronald B. Wilkins*

ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE

Upon call of the roll, Mayor Arnold J. Koonce, Jr., Mayor Pro Tem Chris Whitley, Councilman Bill Bencini, Councilman Al Campbell, Councilman Aaron Lightner, Councilman Pete Rowe, Councilman David Wall, Councilmember Laura Wiley and Councilman Ron Wilkins were present.

Councilman Wilkins offered the invocation; the Pledge of Allegiance followed.

PRESENTATION OF ITEMS**FINANCE COMMITTEE**

(Chairman Wall and Committee Members Lightner, Whitley and Koonce were present)

Rental Contract Renewal - EZ-Go/Textron Financial Corporation - Golf Carts

020178 Council is requested to authorize the City Manager and Director of Financial Services to renew the rental agreement with EZ-Go and Textron Financial Corporation for golf carts for the Oak Hollow and Blair Park golf courses. Contract to be effective July 1, 2002 through June 30, 2004.

Councilman Campbell expressed concerns regarding approval of this matter due to the city's financial condition and questioned whether the City should approve a 2-year contract. City Manager Strib Boynton explained that the Parks and Recreation staff feels the renewal would be in the City's best interest. Mayor Koonce pointed out that the expenditure would be paid for from the use of the carts and the City would actually make money off the rentals.

The Committee recommended that this matter be placed on Thursday's Agenda with a favorable recommendation for adoption. However, due to one dissenting vote from Councilman Campbell, this matter will be placed on Thursday's Regular Agenda.

A motion was made by Councilman Wall, seconded by Councilman Lightner, that this matter be recommended for approval, consent agenda. The motion carried by the following 8-1 vote:

Votes: **Aye:** - Mayor Koonce, Councilmember Wiley, Councilman Lightner, Councilman Rowe, Councilman Bencini, Councilman Wall, Councilman Wilkins and Councilman Whitley

Nay: - Councilman Campbell

Budget Ordinance - City of High Point - FY 2002/2003

020177 Consideration of the adoption of the following:

1. Financial Plan for Central Services Fund for FY 2002-2003
2. Schedule of Water & Sewer fees and charges to be effective July 1, 2002
3. Schedule of Fees for Planning, Development and Inspections Services to be effective August 1, 2002
4. Budget Ordinance for FY 2002-2003
5. Schedule of Electric Rates (to remain the same as previous year)
6. Schedule of Stormwater Rates (to remain the same as previous year)

The preceding matters were recommended for adoption and will be placed on Thursday's Agenda with a favorable recommendation.

A motion was made by Councilman Wall, seconded by Councilman Bencini, that this matter be recommended for adoption, consent agenda. The motion carried unanimously.

Pending Items**Resolution - In Support of the Present System of Alcoholic Beverage Control**

020148 Council is requested to adopt a resolution supporting the present control system for the sale and distribution of spirituous liquor and desires to retain the City of High Point Alcoholic Beverage Control Board.

PUBLIC SAFETY COMMITTEE

(Chairman Campbell and Committee Members Rowe, Wilkins and Wiley were present)

Ordinance - Secure Dwelling - 112-A N. Hoskins Street

020168 Consideration of ordinance ordering the housing inspector to effectuate the securing of a dwelling located at 112-A N. Hoskins Street belonging to Paul Walker.

The Committee recommended that this matter be placed on Thursday's Agenda with a favorable recommendation to adopt the ordinance ordering the housing inspector to effectuate the securing of a dwelling located at 112-A N. Hoskins Street.

A motion was made by Councilman Campbell, seconded by Councilman Lightner, that this matter be recommended for adoption, consent agenda. The motion carried unanimously.

Ordinance - Secure Dwelling - 112-B N. Hoskins Street - Paul Walker

020169 Consideration of ordinance ordering the housing inspector to effectuate the securing of a dwelling located at 112-B N. Hoskins Street belonging to Paul Walker.

Upon recommendation by the Committee, this matter will be placed on Thursday's Agenda with a favorable recommendation to adopt the ordinance ordering the housing inspector to effectuate the securing of a dwelling located at 112-B N.

Hoskins Street.

A motion was made by Councilman Campbell, seconded by Council Member Wiley, that this matter be recommended for adoption, consent agenda. The motion carried unanimously.

Ordinance- Vacate/Close Dwelling - 1708 Oberlin Drive - Harry Leak

020170 Consideration of ordinance ordering the housing inspector to effectuate the vacating and closing of a dwelling located at 1703 Oberlin Drive belonging to Harry Leak.

The Committee recommended that this matter be placed on Thursday's Agenda with a favorable recommendation for adoption of the ordinance ordering the housing inspector to effectuate the vacating and closing of the dwelling located at 1703 Oberlin Drive.

A motion was made by Councilman Campbell, seconded by Councilman Rowe, that this matter be recommended for adoption, consent agenda. The motion carried unanimously.

Ordinance - Vacate/Close Dwelling - 1231 Tank Ct. - Teague

020171 Consideration of ordinance ordering the housing inspector to effectuate the vacating and closing of a dwelling located at 1231 Tank Court belonging to Melvin Dale Teague.

Councilman Campbell asked Katherine Woody Bossi to update Council regarding this matter. Mrs. Bossi explained that according to the Minimum Housing Code, are required to have utilities connected. She explained that upon inspecting the property on May 7th, it was observed that the tenant was getting power by an extension cord (the power service was disconnected on April 19th). She also pointed out that the property owner was cited for illegal meter tampering and had been notified to have the utilities restored, but they have not.

Councilman Wilkins expressed concerns and explained that he was not sure if he would be able to vote with Council on this matter. Councilman Campbell pointed out that the conditions were unsanitary and this should be enough to warrant further action. Mrs. Bossi added that questionable, illegal activities were observed on the property and the tenant was not paying the rent.

The Committee recommended that this matter be placed on Thursday's Agenda with a favorable recommendation for adoption of the ordinance ordering the housing inspector to effectuate the vacating and closing of the dwelling located at 1231 Tank Court.

A motion was made by Councilman Campbell, seconded by Councilman Lightner, that this matter be recommended for adoption, consent agenda. The motion carried unanimously.

Ordinance - Demolition of Dwelling - 107 N. Hoskins Street - Sherman Little

020172 Consideration of ordinance ordering the housing inspector to effectuate the demolition of a dwelling located at 107 N. Hoskins Street belonging to Sherman Little, c/o Marilyn Williams.

Katherine Woody Bossi, Inspector, distributed photographs of the substandard dwelling and noted that there was no flooring in several places because the furniture fell through. One extension was granted on April 8, 2002, but the conditions still exist and no repairs have been made.

The Committee recommended that this matter be placed on Thursday's Agenda with a favorable recommendation for adoption of the ordinance ordering the housing inspector to effectuate the demolition of a dwelling located at 107 N. Hoskins Street.

A motion was made by Councilman Campbell, seconded by Council Member Wiley, that this matter be recommended for adoption, consent agenda. The motion carried unanimously.

Speed Limit Change - Brentwood Street from Green Drive to Kivett Drive

020173 Consideration of Council approval to establish 35mph speed limit for Brentwood Street from Green Drive to Kivett Drive.

This matter will be placed on Thursday's Agenda with a favorable recommendation for approval of the 35 miles per hour speed limit on this section of Brentwood Street from Green Drive to Kivett Drive.

A motion was made by Councilman Campbell, seconded by Councilman Lightner, that this matter be recommended for adoption, consent agenda. The motion carried unanimously.

Pending Items**Ordinance - Demolition of Dwelling - 611 Arch Street - Beck Property****Management/Randy Beck**

010338 Consideration of ordinance ordering the housing inspector to effectuate the demolition of a dwelling located at 611 Arch Street belonging to Beck Property Management/Randy Beck.

Ordinance - Demolition of Dwelling - 1412 Bethel Drive - Towers

010263 Consideration of ordinance ordering the housing inspector to effectuate the demolition of a dwelling located at 1412 Bethel Drive belonging to Richard Towers, attorney.

PUBLIC SERVICES COMMITTEE

(Chairman Bencini and Committee Members Rowe, Wilkins and Lightner were present)

Application for Franchise to Operate C & D Sanitary Landfill - MRR of High Point, LLC

020070 Monday, April 1, 2002 at 5:30 p.m. was the date established by the High Point City Council to receive public comments on the filing of an application to operate a sanitary landfill for construction and demolition debris by MRR of High Point, LLC. Location for landfill is the southeast quadrant of the Kivett Drive and Riverdale Drive intersection.

Councilman Bencini explained this was the date set for the second reading of the filing of MRR's application for a Franchise to Operate a C & D Sanitary Landfill. (Approval was received at the first reading on June 6th by an 8-1 vote with Councilman Wall casting the dissenting vote.)

The Committee recommended that this matter be placed on Thursday's Agenda with a favorable recommendation for approval of the Franchise with MRR to operate a C & D Sanitary Landfill.

A motion was made by Councilman Bencini, seconded by Mayor Pro Tem Whitley, that this matter be recommended for approval, consent agenda. The motion carried unanimously.

SPECIAL AND PLANNING COMMITTEE

(Chairman Whitley and Committee Members Bencini, Campbell and Wiley were present)

Pending Items**Ordinance - Annexation - Kivett Drive - McIrvin**

020096 Consideration of a voluntary noncontiguous annexation of approximately 30.11 acres located on the north side of Kivett Drive approximately 777 feet east of Kersey Valley Road, pursuant to petition submitted by Richard Harris and Patricia McIrvin.

Ordinance - Rezoning Case 02-11 - Castle McCulloch, Inc. - Kivett Drive

020097 **a.** Conditional Use Highway Business (CU-HB) District A request by Castle McCulloch Inc., to rezone approximately 30 acres from the Agricultural (AG) District in Guilford County's zoning jurisdiction to a Conditional Use Highway Business (CU-HB) District. The site is located along the north side of Kivett Drive, approximately 1,600 feet west of Riverdale Drive. The rezoning request is contingent upon City Council approval of a voluntary annexation request.

b. Conditional Use Permit 02-10 A request by Castle McCulloch Inc. for approval of an accompanying Conditional Use Permit with conditions pertaining to permitted uses, landscaping/buffering and exterior lighting.

Ordinance - Text Amendment - City of High Point - Sidewalk Requirements

020077 Sidewalk Requirements A request by the City of High Point Transportation Department to amend Sections 9-6-16(e) and 9-5-1 of the Development Ordinance pertaining to sidewalk requirements.

Ordinance - Annexation - Kendale Road - Motsinger

020098 Consideration of a voluntary contiguous annexation of approximately 131.79 acres located on the southeast corner of Kendale Road and Sandy Camp Road, pursuant to petition submitted by Thomas L. and Karen Motsinger, et al.

Ordinance - Rezoning Case 02-10 - Ashton Oaks, LLC - Kendale Road

020099 **a.** Conditional Use Residential Single Family-12 (CU RS-12) District A request by Ashton Oaks, LLC. to rezone approximately 131.79 acres from the Agricultural (AG) District in Guilford County's zoning jurisdiction to a Conditional Use Residential Single Family-12 (CU RS-12) District. The site is located on the southeast corner of Kendale Road and Sandy Camp Road. Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

b. Conditional Use Permit 02-10 A request by Ashton Oaks LLC. for approval of an accompanying Conditional Use Permit with conditions pertaining to right-of-way dedication, vehicular access, turn lanes and pedestrian access.

Endorsement of Airport Area Plan

020152 A request for endorsement of the Regional Airport Area Plan, which addresses land use and other policies in response to growth and anticipated development patterns in the area, to several major transportation projects, and to the planned expansion of the Piedmont Triad International Airport. The plan covers parts of Guilford County, Greensboro, High Point, Kernersville and Forsyth County planning jurisdictions.

PUBLIC HEARINGS ON ITEMS

(Prior to the public hearings, those persons desiring to speak on specific cases were duly sworn. All information submitted as evidence, including staff reports, will become a permanent part of the record.)

Finance CommitteePublic Hearing - City Expenditures for Economic Development - Thomas Built Buses

020166 Consideration of expenditures in the amount of \$4,143,800 by the City of High Point for economic development purposes. This investment is to finance site and facility improvements by Thomas Built Buses on property located at the southeast corner of West Fairfield Road and Surrett Drive for the purpose of making it usable for the expansion of a manufacturing facility.

Councilman Wall opened the public hearing and stated that he was extremely proud, relieved and excited that Thomas Built Buses has made the decision to stay and expand in High Point instead of going to South Carolina. He noted the purpose of the public hearing was to solicit comments regarding expenditures in the amount of \$4,143,800 by the City of High Point to Thomas Built Buses for economic development purposes.

Mr. Loren Hill, Director of Economic Development, thanked City Council for their approval and participation in the process and gave a brief overview of the retention and expansion for Thomas Built Buses. He explained that Thomas Built Buses was High Point's largest manufacturing employer and High Point's seventh largest tax payer. The City will receive \$250,000 from Thomas Built this fiscal year for tax revenues. Thomas Built is the leading school bus manufacturer in North America with a 37% share of the school bus market. Mr. Hill stressed that this project was even more important than the 178 new jobs and the increase in the City's tax base because this project assures the retention of the current employees, existing tax base and the jobs/revenues from various local suppliers to the company.

He reported that Randolph and Guilford County, Cities of High Point and Archdale, along with the State of North Carolina have worked closely together to come up with the following combined \$14.1 million investment package: City of High Point's portion totals \$4.5 million (\$4,183,800 in grants and in electrical equipment \$356,500); State of North Carolina will be providing grants, road improvements, tax credits and training in the amount of \$8,480,200; Randolph County will be contributing \$500,000; Guilford County will be providing \$450,000; City of Archdale \$250,000.

Mr. Hill noted that even though the 4.5 million is an unprecedented amount for the City of High Point, it is in line with financial assistance to other companies based on the pay-back period. It is estimated that revenues to be received from Thomas Built Buses for city services would be in excess of \$1 million per year; the City would recoup its \$4.5 million investment in about 4.38 years. If the revenues are added from the existing High Point-Thomas facilities, then the \$4.5 million will be recouped in as few as 2.62 years. Upon approval of the package, a written agreement will be negotiated to protect the city which would include a performance agreement by the company outlining the payment schedule if those performance steps are met.

Mr. Hill commended Council for the leadership shown throughout the process and thanked them for getting the City to this point. He asked Council to favorably consider a grant of \$4,143,800 for the Thomas Built Buses project which would be paid out in 5 years with \$1 million installments during each of the first four years and the balance in the fifth year.

John Thomas, III presented a slide presentation and gave an overview of the history of Thomas Built Buses and shared the Preliminary Design for Plant #2 at a projected cost of \$39,700 million. The impact of the investment for this project would:

- Retain 1,460 jobs for the High Point area;
- Hire 178 new employees at a pay range \$10.84 - \$18.21/hr;
- Indirect employment impact: Triad 350, NC 100;
- Invest \$39.7 million in new facility and equipment
- Gross regional product: Triad \$12 MM, NC \$8MM
- Personal income: Triad \$18 MM, NC \$6MM

He asked Council to support this project and asked for their confirmation tonight.

Coy Williard, Chair of the Economic Development Commission, thanked Council for their support for this project and informed them that the decision of the Economic Development Commission was unanimous in supporting this incentive package.

Lattimer Alexander, At-large candidate, informed Council that he was not necessarily against the incentive package because, he, too, was pleased to hear that Thomas Built Buses will be staying in High Point. However, he expressed concerns regarding the amount of money that would be transferred out of the Electric Fund and wanted to make sure that this would not affect the City's fund balance and that this would not cause an increase in the City's electric rates. He also asked if the City could request that Thomas Built Buses transfer their entire electric service to the City of High Point. He also expressed concerns regarding the amount of money being contributed by Guilford County and felt it should be at least equal to High Point's contribution.

City Manager Strib Boynton responded by explaining that the incentive funds would come from Economic Development (\$250,000 per year) and from the Electric Fund (\$750,000 per year) and no rate increases are anticipated because of this. He noted that the new plant would be on the City's electric and he anticipated more of the operations being on the City's electric in the future. He reassured Mr. Alexander that the Electric Fund would be able to handle this and it would not cause the City to be in violation of the Local Government Commission's rules and regulations. Mr. Boynton felt the incentive package was fair, reasonable and something the City could and needed to do.

The Mayor and Council thanked John Thomas, III and all the people involved in making the decision for Thomas Built Buses to stay in High Point.

There being no one else desiring to speak, the public hearing was closed.

Motion by Councilman Wall, second by Councilman Bencini to suspend the rules relative to placing this matter on the Agenda so that final action can be taken at tonight's meeting. The motion carried unanimously.

Councilman Wall motioned that the City's portion of the incentive package \$4.5 million (\$4,183,800 in grants and in electrical equipment \$356,500) be approved. Councilmember Wiley made a second to the motion which carried by a unanimous vote (9-0).

Public Services Committee

Resolution - Ordering Local Improvements (Sewer) Janice Street - Project No. S-2002-1

020167 Monday, June 17th at 5:30 p.m. is the date established to receive public comments on the final resolution ordering the making of local improvements (sewer) on Janice Street from Arthur Drive to Graylyn Avenue (Project No. S-2002-1).

The public hearing was held on Monday, June 17th at 5:30 p.m. There were no citizens present to offer any comments.

The Committee recommended that this matter be placed on Thursday's Agenda with a favorable recommendation for adoption of the Resolution ordering local improvements (sewer) on Janice Street from Arthur Drive to Graylyn Avenue.

A motion was made by Councilman Bencini, seconded by Councilman Lightner, that this matter be recommended for adoption, consent agenda. The motion carried unanimously.

Special and Planning Committee

Ordinance - Annexation - New Life Family Church - Lawndale Drive

020174 Consideration of the voluntary contiguous annexation of approximately 3.205 acres located at the eastern terminus of Lawndale Drive, pursuant to petition submitted by New Life Family Church.

The public hearing was held on Monday, June 17, 2002 at 5:30 p.m. Herb Shannon of the Planning and Development Department presented the information contained in the staff report. The applicant, New Life Family Church, is requesting to be annexed because of a need for water, sewer and other city services. The 3.395 acre parcel of property is located at the eastern terminus of Lawndale Drive east of Pineroft Street in the City of High Point ETJ area and currently has an RS-9 zoning classification. The use of this property, as a church, is tax exempt and in close proximity to Fire Station #9, which already responds to calls in this area that is served by Pineroft-Sedgefield. The water and sewer maintenance cost should be offset by revenue.

There were no citizens present to speak for or against this request. The public hearing was closed.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption of the Ordinance annexing this property. Annexation to be effective upon adoption.

A motion was made by Mayor Pro Tem Whitley, seconded by Councilman Wilkins, that this matter be recommended for adoption, consent agenda. The motion carried unanimously.

Ordinance - Annexation - Broadus J. Embler, III - Penny Road/Woodpark Drive

020175 Consideration of the voluntary contiguous annexation of approximately 5.2 acres located on the southwest corner of Penny Road and Woodpark Drive, pursuant to petition submitted by Broadus J. Embler, III.

A joint public hearing was held on this matter and related matter- 020176 Ordinance- Rezoning case 02-15- Shugart enterprises, LLC- Penny Road/Woodpark Drive along with accompanying Conditional Use Permit 02-15 on Monday, June 17, 2002 at 5:30 p.m.

Herb Shannon of the Planning and Development Department gave an overview of the annexation request. The petitioner, Broadus J. Embler, III has submitted a petition for a voluntary contiguous annexation of 5.2 acres of undeveloped property located on the southwest corner of Penny Road and Woodpark Drive because of the need for water, sewer and other city services. The annexation to be effective upon adoption. Mr. Shannon also gave an overview of the staff report regarding Rezoning Case 02-15 with corresponding Conditional Use Permit 02-15 which are both associated with the annexation request.

The applicant has offered a Conditional Use Permit with the following conditions with transportation related conditions, right-of-way dedication on Penny Road and Woodpark Road; offered to restrict access to the site to only be from Woodpark Drive; offered conditions regarding turn lanes and pedestrian access; offered landscaping conditions above the minimum required by the ordinance and various screening options.

He stated there were two areas of concerns by staff regarding pedestrian access and roadway improvements. The Transportation Department has recommended that there be a condition to require the applicant to construct a southbound turn lane for traffic on Penny Road turning onto Woodpark Drive and rewording of the pedestrian access condition. Staff recommends approval of the Conditional Use Permit subject to the following amendments:

Amendment #1 Revise Condition II.A.3 to add the following:

(c) Out of any existing available right-of-way, the property owner shall install a southbound right turn lane at the intersection of Woodpark Drive and Penny Road.

Note: The Planning & Zoning Commission recommended deletion of this issue.

Amendment #2 Revise Condition II.A.4 as follows:

4. Pedestrian Access: A pedestrian access plan shall be submitted as part of the Preliminary Plat approval process. The primary component of this plan shall be the installation of sidewalks along Penny Road and Woodpark Drive.

Abigaile Pittman, 210 Louise Avenue, stated she was representing Grover Shugart in the rezoning case and spoke in favor of the request. She voiced concerns regarding two minor, unresolved issues regarding the wording in the permit as follows:

- 1. Applicant has agreed to offer sidewalks, but has asked that a condition be clearly stated that the applicant is offering a sidewalk along Woodpark and Penny Road and didn't want there to be any confusion that they would have to be put in the interior of the townhomes being proposed. They were concerned that the "primary component" of a plan might mean there could be other components, so they wanted it clear that sidewalks would be installed along Woodpark and Penny.*
- 2. Right Turn lane- Ms. Pittman pointed out that the Planning & Zoning Commission did not recommend the installation of a southbound right turn lane at the intersection of Woodpark Drive and Penny Road because Terry Snow's traffic study did not support it. She stated the applicant, Mr. Shugart, asked for some clarity to the wording before it is agreed to. She asked that the words "beyond the existing residential driveway" be added so it is clear that they won't have to relocate any residential driveways and the applicant would agree to this.*

Mayor Pro Tem Whitley asked if there were any citizens present that would like to speak in opposition to the request. There being none, the public hearing was declared closed.

Mayor Pro Tem Whitley recommended that Ms. Pittman contact Andy Grzymiski with the Transportation Department regarding the language on the right-of-way for the turn lane and that Condition II.A.4 be revised to include the struck-through language in the original permit as agreed to by the applicant regarding the pedestrian access.

The Committee recommended that this matter be placed on Thursday's Agenda with

a favorable recommendation for adoption of the ordinance annexing the property with the annexation to be effective upon adoption.

A motion was made by Mayor Pro Tem Whitley, seconded by Councilman Wilkins, that this matter be recommended for adoption, consent agenda. The motion carried unanimously.

Ordinance - Rezoning Case 02-15 - Shugart Enterprises, LLC - Penny Road/Woodpark Drive

020176

a. Conditional Use Residential Multifamily-12 (CU RM-12) District A request by Shugart Enterprises, LLC to rezone approximately 5.20 acres from the Residential Single Family-15 (RS-15) District to a Conditional Use Residential Multifamily-12 (CU RM-12) District. The site is located on the southwest corner of Penny Road and Woodpark Drive. Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

b. Conditional Use Permit 02-15 A request by Shugart Enterprises, LLC for approval of an accompanying Conditional Use Permit with conditions pertaining to right-of-way dedication, vehicular access, turn lanes, pedestrian access, and landscaping & screening.

A joint public hearing was held on this matter and related matter- 020175 Ordinance- Annexation- Broadus J. Embler, III- Penny Road/Woodpark Drive. Please refer to 020175 above for specific comments made at the public hearing regarding this matter.

The Committee recommended the following action regarding these matters be placed on Thursday's Agenda with a favorable recommendation:

- 1. Adopt Ordinance providing for the rezoning of the property amending the Official Zoning Map; and*
- 2. Approval of Conditional Use Permit 02-15 based on the Findings of Fact as outlined in the Staff Report with the condition regarding the right-of-way turn lane to be worked out between transportation and the applicant and with the revised condition II.A.4 to read as follows: Pedestrian Access- A pedestrian access plan shall be submitted as part of the Preliminary Plat approval process, which shall at a minimum provide for the installation of sidewalks along the Penny Road and Woodpark Drive frontages of the rezoning site.*

A motion was made by Mayor Pro Tem Whitley, seconded by Councilman Bencini, that this matter be recommended for adoption, consent agenda. The motion carried unanimously.

ANY OTHER NEW BUSINESS

RESOLUTION- MS. NORTH CAROLINA WHEELCHAIR- KIMBERLY FLOYD

Mayor Koonce recognized a distinguished guest, Ms. Kimberly Floyd, who is the reigning Ms. North Carolina Wheelchair. A resolution was presented to Ms. Floyd by the Mayor.

1ST MEETING IN JULY

Mayor Koonce reminded Council that the regular meeting for Thursday, July 4th would not be held as scheduled; instead a combined meeting will be held on Monday, July 1st at 4:45 p.m.

ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 6:20 p.m. upon motion duly made and seconded.

Arnold J. Koonce, Jr., Mayor

ATTEST:

Lisa B. Vierling, CMC
High Point City Clerk