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Backus	05/05/2011	12930	41-16

**APPROVED**  
**DIVISION OF WASTE MANAGEMENT**  
**SOLID WASTE SECTION**

Date 05/05/2011 By Patricia M. Backus

**ATTENTION** Part **II** Document **19**  
Permit **41-16** Permit DIN **12929**

**SUBSTANTIAL AMENDMENT APPLICATION  
FOR C & D LANDFILL PERMIT**

**WCA of High Point (Permit #41-16)  
Guilford County, North Carolina**

Prepared for

**WCA of High Point**

5830 Riverdale Drive  
Jamestown, North Carolina 27282



**June 2010**

Revised by Golder Associates  
through February, 2011

***David Garrett, P.G., P.E.***

Engineering and Geology

5105 Harbour Towne Drive, Raleigh, NC 27604

Telephone/Fax (919) 231-1818



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Backus	05/05/2011	12930	41-16

<b>APPROVED</b>	
DIVISION OF WASTE MANAGEMENT SOLID WASTE SECTION	
Date <b>05/05/2011</b>	By <i>Patricia M. Backus</i>
Attachment <b>1</b> Part <b>II</b> Document <b>19</b>	
Permit <b>41-16</b> Permit DIN <b>12929</b>	

**Golder Associates NC, Inc.**

5B Oak Branch Drive  
Greensboro, NC 27407  
Telephone (336) 852-4903  
Fax (336) 852-4904



February 9, 2011

Project No. 063-6526001

Department of Environment and Natural Resources  
Division of Waste Management  
Solid Waste Section  
401 Oberlin Road, Suite 150  
Raleigh, North Carolina 27605  
919-508-8400



Attention: Ms. Pat Backus, P.E.  
Environmental Engineer

**Re: Response to Comments  
Substantial Permit Application  
WCA of High Point C&D Landfill, Permit No. 41-16  
Guilford County, North Carolina**

Dear Ms. Backus,

On behalf of WCA of High Point, LLC, a subsidiary of WCA Waste Corporation, Golder Associates NC, Inc. (Golder) is submitting this response letter to comments presented in the October 7, 2010, letter from the Division of Waste Management, Solid Waste Section regarding the *Substantial Permit Amendment Application*, for the WCA of High Point Construction and Demolition Landfill. Your comments are provided below in bold italics followed by our responses:

***Application Format***

- 1. The sheet size of drawings should be at least 22 inches by 34 inches. Since the drawings at the end of Section 2 were previously provided in a larger size and have not been changed, I will accept those in the 8 ½ x 11 format. However, I do need to be able to see the drawings in Section 3. Please provide larger drawings***

Drawings SA1 and SA 2 included in Section 3 have been revised and provided as 24x36-inch drawings (attached).

- 2. Based on the sheet size provided, the scale on Drawing SA1 (Figure A) is incorrect. The drawings that you are presenting to me for review should be to an accurate scale.*

Drawing SA1 has been revised and is presented to scale.

- 3. Drawing SA2 (Figure b) states that scale is "as shown"; however, no scale is shown.*

Drawing SA2 has been revised and is presented to scale.

- 4. The date of the drawings, June 2010, is after the seal date, April 13, 2010.*

The drawings have been revised and have been resealed in February 2011.

### ***Application Requirements***

***A substantial amendment to the permit must be prepared in accordance with paragraph (c.) of Rule .0535 as stated in 15A NCAC 13B.0533(a)(3). A complete application must contain local government approval in accordance with Subparagraph (c.)(11) of Rule .0536.***

- 1. The application did not include documentation of public notice, mailings to property owners sharing a common border, content of mailings, or documentation of the public meeting as required under 15A NCAC 13B .0536(c.)(11)(C.)-(E).*

High Point City Council held a public hearing on the application by WCA of High Point to modify its franchise to operate a Construction and Demolition Debris Landfill. The hearing was held on January 3, 2011 at 5:30 p.m. in the City Council Chambers, City Hall, 211 South Hamilton Street, High Point. Adjacent landowners were notified by means of a U.S. Postal Service registered letter, return receipt requested. Documentation of public notice, mailings to property owners sharing a common border (example), and documentation of the public meeting is attached.

### ***Operations Plan Amendment***

- 1. In the second paragraph of 1.0 Foreword, it is stated that the recycling facility has ample space for pallets and cardboard as shown on Figure B. Yet, in 3.3 Operating Conditions, it is stated that source separated wood pallets must be unloaded onto the sorted clean wood pile or in a wood materials container and the cardboard must be unloaded directly into a storage container. Please explain the "PALLET" area shown in Drawing SA2.*

Drawing SA2 has been revised and no longer depicts a pallet disposal area. Note that stockpiles for clean wood and recycled aggregate may ebb or extend across

usable storage areas dependent on incoming materials and use/sales of recycled materials

- 2. The first sentence of the Operating Conditions should be changed to read the following:*

*Source separated wood pallets and cardboard from non-C&D waste sources may be accepted at the facility for recycling, but the materials must not be unloaded onto the general tipping floor (where the C&D wastes are unloaded). Rather, wood pallets must be directly loaded onto the clean wood pile or into a wood materials container and cardboard must be unloaded directly into a storage container*

Section 2.1.1 of the Operations Plan has been revised to reflect the above and is attached (see revised Operations Plan pages 5 and 5A)

- 3. The first sentence in the second paragraph of 3.3 Operating Conditions states that non-recyclable materials may arrive with loads of pallets and cardboard. If the wood pallets and cardboard are source separated, there shouldn't be any non-recyclable materials.*

So noted.

However, should any non-recyclable material arrive with loads of source sorted pallets and cardboard, either the load will be rejected or, if the quantity of non-recyclable materials is de minimis, the non-recyclable materials which arrive with the loads of pallets or cardboard shall be segregated and placed in containers or trucks by the end of each working day working day. Any such non-recyclable materials will be transported for proper disposal at a duly permitted facility when the container is full.

Section 2.1.1 of the Operations Plan has been revised to reflect the above and is attached (see revised Operations Plan pages 5 and 5A)

- 4. I would prefer that the appropriate pages of the Operations Plan be modified or replaced This can be done by using the same page format and putting the revision date, and engineering firm.*

The changes from the Substantial Permit Amendment Application have been incorporated into the appropriate pages of the Operations Plan. Please insert attached revised pages 5 (revised service area) and 5/5A (recycling of cardboard and pallets) into the facility's Operations Plan.

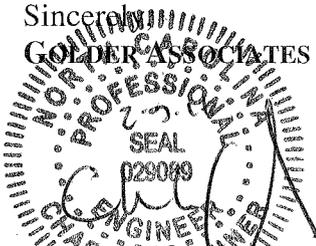
- 5. In the past, the storage area on the reclamation facility plan were labeled with the materials. In 2.1.5 it is noted that drawing OP-1 has a layout of the designated storage areas. Please add this back on your drawing.*

Drawing OP-1 has been revised to label designated storage areas on the reclamation facility. A copy of the revised drawing is attached.

Three copies of the revised pages of the Operations Plan (pages 4, 5 and 5A) and Drawings (SA-1, SA-2, OP-1) revised per the comments as discussed above are attached.

On behalf of WC of High Point, we would like to thank you for your attention to, and assistance with, the *Application for Substantial Permit Amendment*, WCA of High Point C&D Landfill. If you have any additional questions, please contact the undersigned at 336-852-4903.

Sincerely,  
GOLDER ASSOCIATES NC, INC.



Charles Hiler, P.E.  
Senior Consultant

Enclosures

C: John Walker, Landfill Manager, WCA of High Point, 5830 Riverdale Drive, Jamestown,  
NC 27282, 336-886-3560  
Nick Marotta, Regional Engineer, WCA Waste Corporation, 40 Estes Plant Road,  
Piedmont, SC 29673, 864-845-8355  
file

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## **David Garrett & Associates**

*Engineering and Geology*



June 2, 2010

Mr. John Murray, PE, Regional Engineer  
NC DENR Division of Waste Management  
Mooresville Regional Office  
Solid Waste Section  
Mooresville, North Carolina 28115

RE: Application for Substantial Permit Amendment  
WCA of High Point CDLF and Processing Facility  
Service Area Increase and Waste Acceptance Change  
NC DENR Solid Waste Permit No. 41-16

Dear Mr. Murray:

On Behalf of WCA Waste Corporation and WCA of High Point, LLC (the “Facility”), I am pleased to submit this application for a substantial permit amendment to allow a larger service area for the CDLF – to be consistent with a recently approved franchise agreement with the local jurisdiction – and to allow the processing of cardboard and wood waste from non-C&D sources. WCA is aware of the permit amendment application and will submit the fee promptly upon receipt of an invoice from the Division. Please find attached the following documents to support this application:

1. Franchise Ordinance No. 6622/09-22 from the City of High Point, authorizing WCA of High Point to expand its service.
2. Amendment to the current Operations Plan, which describes the processing of cardboard and pallets on the Reclamation Pad – not in the CDLF.
3. A copy of the current Operations Plan (approved with the most recent permit renewal), prepared November 2008 by Golder Associates, presented verbatim.
4. An updated facility plan that shows the approximate stockpile locations.

Please contact me at your earliest convenience if you have questions or comments, or if I may be of further service.

  
Project Consultant

cc: Nick Marotta, John Walker, Vernon Smith – WCA of High Point, LLC

**5105 Harbour Towne Drive • Raleigh • North Carolina • 27604**  
919-418-4375 (Mobile) • 919-231-1818 (Office/fax) • E-mail: david@davidgarrettpe.com

**WCA of High Point, LLC**  
CDLF and Reclamation Facility  
Substantial Amendment  
Permit 41-16

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ATTACHMENTS

1 Franchise Ordinance No. 6622/09-22 from the City of High Point

2 Operations Plan prepared November 2008 by Golder Associates

3 Updated Facility Plan Drawing (Figure A)

    Updated Reclamation Pad Layout (Figure B)

**APPLICANT SIGNATURE**

Name of Facility WCA of High Point, LLC (NC Solid Waste Permit 41-16)

I certify under penalty of law that this document and all attachments were prepared under my direction of supervision and that the information provided in this application is true, accurate, and complete to the best of my knowledge.

I understand that North Carolina General Statute 130A-22 provides for administrative penalties of up to fifteen thousand dollars (\$15,000.00) per day per each violation of the Solid Waste Management Rules. I further understand that the Solid Waste Management Rules may be revised or amended in the future and that the facility siting and operation of this solid waste management facility will be required to comply with all such revisions or amendments.

*View Smith*                      VIEW SMITH                      6/3/10  
Signature                                      Print Name                                      Date

VICE-PRESIDENT  
Title

WCA of High Point, LLC  
Business affiliation

This **Substantial Amendment** was prepared for the WCA of High Point, LLC Recycling Facility in accordance with **15A NCAC 13B .0531, et seq.** This Amendment modifies the **Permit to Construct** for Phase 2 of the C&D landfill (CDLF) and **Permit to Operate** for Phase 1 and the Waste Reclamation Pad, **Permit #41-16** issued on February 20, 2009, i.e., the current permit in effect at the time this document was prepared. The **Facility Plan** and **Operations Plan** were submitted ca. 2008 (by others) and remain essentially unchanged with respect to the operation of the landfill and recycling facility, except this amendment includes the expansion of the **Service Area** to reflect the current franchise agreement with the City of High Point (see **Attachment 1**), and an amendment to the Operations Plan for the Waste Reclamation Pad (see **Attachment 2**) allows the processing of pallets and cardboard derived from non-C&D sources.

The Waste Reclamation Pad is located near the CDLF adjacent to the scales and offices, as shown in **Figure A**. The Recycling Facility has ample space for the inclusion of pallets and cardboard, without the need for additional construction or operational changes, as shown in **Figure B**. The Operational Conditions contained in the February 20, 2009 Permit to Operate will remain in effect. The daily intake tonnage approved for the facility will remain unchanged. All drainage control requirements are being met and the facility has been in compliance with material storage requirements for the last several inspections. Detailed descriptions of the plan amendments are presented in the following sections.

This Substantial Amendment is intended to become effective upon approval by the NC DENR Division of Waste Management, Solid Waste Section, and shall remain in effect throughout the life of the facility, pending any and all future permit modifications or amendments.

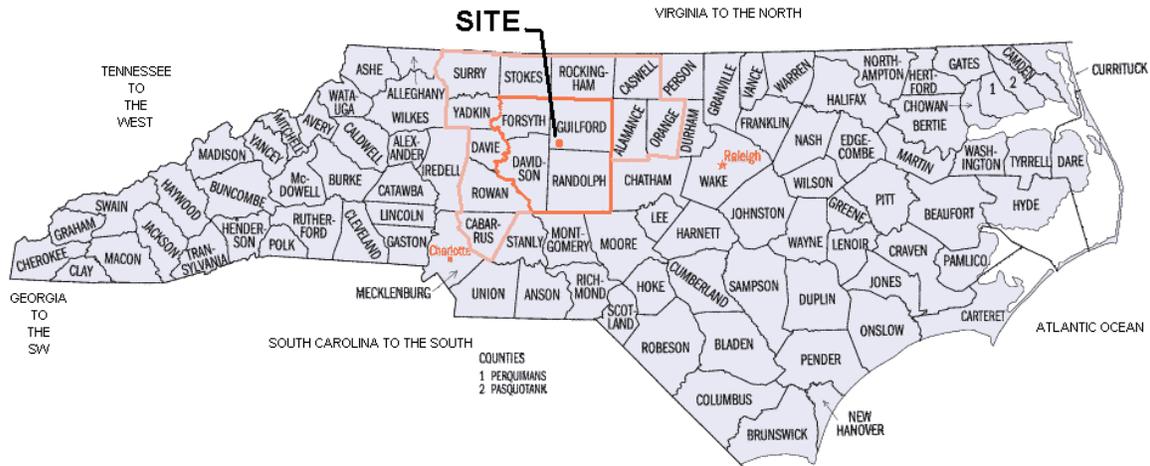
## 2.0 FACILITY PLAN AMENDMENT (15A NCAC 13B .0533)

### 2.1 General Conditions

This document modifies Attachment 3, Part I, Item 3 of the February 20, 2009 Permit to Construct and Permit to Operate, pertaining to the service area. This document also modifies Section 1.3.2 of the approved Operations Plan, provided in the Permit to Construct application prepared by Golder Associates, November 2008.

### 2.2 Expanded Service Area

Franchise Ordinance No. 6622/09-22 from the City of High Point, authorizes the facility to expand its service area to include ten additional counties; the expanded franchise territory i.e., the service area) shall include the counties of Guilford, Randolph, Davidson, Forsyth (the original four), plus Rockingham, Caswell, Alamance, Orange, Cabarrus, Rowan, Davie, Yadkin, Surry and Stokes.



## **3.0 OPERATIONS PLAN AMENDMENT (15A NCAC 13B .0542)**

### **3.1 General Conditions**

This document modifies Attachment 3, Part I, Item 6 of the February 20, 2009 Permit to Construct and Permit to Operate, pertaining to the permitted waste stream. This document also modifies Section 1.3.1 and 1.3.2 of the approved Operations Plan, provided in the Permit to Construct application prepared by Golder Associates, November 2008.

### **3.2 Approved Non-C&D Waste Streams**

Upon approval by the NC Division of Waste Management, Solid Waste Section, this document authorizes the facility to accept pallets and cardboard for recycling – not disposal on the premises – in accordance with the specific conditions outlined in the following sections. The facility is directed to follow all existing Operational Conditions listed in the permit and approved Operations Plan prepared by Golder Associates, November 2008, including (but not limited to) the material acceptance criteria for non-C&D wastes, allowable material storage quantities, record keeping and reporting.

### **3.3 Operating Conditions**

Source separated wood pallets and cardboard may be accepted at the facility for recycling, but the materials must not be unloaded onto the general tipping floor (where the C&D wastes are unloaded). Rather, wood pallets must be directly unloaded onto the sorted clean wood pile or into a wood materials container. Cardboard must be unloaded directly into a storage container.

Non-recyclable materials that may arrive with loads of pallets or cardboard must be segregated and securely placed in containers or trucks by the end of each operating day and must be transported for proper disposal (at a duly permitted facility) when the container is full. Storage of mulched and processed wood must be in compliance with applicable storm water runoff rules and regulations.

The facility must maintain records of the amount of clean wood waste and cardboard received at the facility separately from the incoming C&D waste stream, including daily records of the wastes received and origins of the loads. The facility must maintain records of the amounts of clean wood waste and cardboard stored on site at a given time and that which is transported out of the facility for recovery or other final disposition, including the destination and amount, to be compiled on a monthly basis. Additional records of when and how much clean wood waste is ground and stored as processed material shall be kept, in addition to records for unprocessed materials.

ATTACHMENT 1

Franchise Ordinance No. 6622/09-22 from the City of High Point

City Clerk's Office

Lisa B. Vierling, MMC  
CITY CLERK



STATE OF NORTH CAROLINA

GUILFORD COUNTY

**CLERK'S CERTIFICATION**

I, Lisa B. Vierling, City Clerk of the City of High Point, North Carolina, do hereby certify that the attached is a true and correct copy of **Ordinance No. 6622/09-22** which was adopted at a meeting of the High Point City Council on the 18<sup>th</sup> day of May, 2009, the original of which is now on file in the office of the City Clerk of High Point, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the City of High Point, North Carolina this 30<sup>th</sup> day of June, 2009.

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

Ordinance Amending and Expanding  
A Solid Waste Franchise to WCA of High Point, LLC.  
Pursuant to N.C. Gen. Stat §§ 160A-319, 130A-294,  
And City Ordinance 11-8-5(2)

Recitals

- 1) MRR of High Point, LLC ("MRR") was issued a solid waste franchise on December 20, 2001 for a Construction and Demolition Debris (C&D) Recycling Facility and Landfill on Riverdale Road. On May 3, 2004, the MRR franchise was amended and expanded to include all of Randolph, Davidson, Forsyth and Guilford counties.
- 2) MRR sold its facility to WCA of High Point, LLC ("WCA"). The City of High Point approved the transfer of MRR's franchise to WCA on February 21, 2005.
- 3) WCA applied pursuant to City Code 11-8-5(2) and N.C. Gen. Stat. §§130A-294(b)(2)(a) and 160A-319 to expand its franchise area to include the existing four counties plus Rockingham, Caswell, Alamance, Orange, Cabarrus, Rowan, Davie, Yadkin, Surry and Stokes counties and to amend the terms of its franchise to provide for payment of a host fee equal to forty cents per ton for disposed waste from the additional counties.
- 4) At a regularly scheduled city council meeting on May 4, 2009, following statutory requirements for public notice and after placing a copy of its application in the High Point Public Library, WCA presented evidence related to, among other things: a) a statement of the population to be served; b) a description of the volume and characteristics of the waste stream; c) a projection of the useful life of the landfill; d) an explanation of how the franchise is consistent with Guilford County's Solid Waste Management Plan; e) procedures to be followed for oversight and regulation of fees and rates to be charged; f) a facility plan; and g) the qualifications of the applicant to operate a sanitary landfill.
- 5) After a public hearing on May 4, 2009, the High Point City Council voted unanimously to expand WCA's franchise to include the ten additional counties and to amend the franchise to include payment of a host fee.
- 6) Upon a second reading and consideration by the High Point City Council on May 18, 2009, the City Council voted unanimously to expand WCA's franchise to include the ten additional counties and to amend the franchise to include payment of a host fee.

Be it ordained by the City Council of the City of High Point that:

Sec. 1 WCA of High Point, LLC is hereby granted an amended franchise to operate a Construction and Demolition Debris Recycling Facility and Landfill on Riverdale Road for thirty years, beginning on February 21, 2005 and continuing until February 21, 2035, pursuant to the Application for Solid Waste Facility Franchise filed

Amendment filed with the City of High Point and attached hereto and incorporated herein by reference.

Sec. 2           The franchise territory shall include the following counties: Guilford, Randolph, Davidson, Forsyth, Rockingham, Caswell, Alamance, Orange, Cabarrus, Rowan, Davie, Yadkin, Surry and Stokes.

Sec. 3           WCA shall pay the City of High Point an annual host fee equal to forty cents per disposed ton of all waste originating in Rockingham, Caswell, Alamance, Orange, Cabarrus, Rowan, Davie, Yadkin, Surry and Stokes counties. The host fee shall be due on a calendar year basis and shall be paid no later than January 31<sup>st</sup> of the succeeding calendar year.

Sec. 4           This ordinance is effective upon adoption of its second reading.

Adopted 1) May 4, 2009  
          2) May 18, 2009

Lisa B. Vierling, MMC  
City Clerk

addition of the following counties to its service area: Rockingham, Caswell, Alamance, Orange, Cabarrus, Rowan, Davie, Yadkin, Surry and Stokes Counties.

**III. Description of Area and Population to be Served** (G.S. 130A-294(b)(2)(a); City Code 11-8-5(2))

**A. Description of Area**

Attached as Exhibit 3 is a map of the state of North Carolina showing the existing four county franchise area highlighted in black and the additional ten counties in green. There are sixteen (16) other C&D landfills in these fourteen counties or within fifty miles of the WCA facility, and several other C&D landfills outside of these fourteen counties that are more easily accessible to construction sites than the WCA landfill in High Point. Attached as Exhibit 4 is a map showing the location of other C&D landfills within this fourteen (14) county area. Unless a builder specifically needed to recycle C&D debris, these other landfills are substantially closer, easier to reach and cheaper to access (it costs an average of \$75 per hour to run a truck with C&D debris).

**B. Population to Be Served**

The population of each county below is an estimate provided by the U.S. Census Bureau for 2006, obtained from the bureau's website <http://quickfacts.census.gov>.

Davidson County	156,530
Forsyth County	338,774
Guilford County	465,931
Randolph County	<u>140,145</u>
Pop. existing franchise	1,101,380
Alamance County	142,661
Cabarrus County	156,395
Caswell County	23,261
Davie County	40,035
Orange County	120,100
Rockingham County	93,063
Rowan County	136,254
Stokes County	46,168
Surry County	72,687
Yadkin County	<u>38,056</u>
Pop. requested area	868,680

**C. C&D Alternatives to WCA**

## Documentation of Public Notice and Hearings

Publication in Local Newspaper

Example Notification to Adjacent Landowners

Copy of Ordinance Granting Franchise

Meeting Minutes, High Point City Council (May 4, 2009; May 18, 2009; January 3, 2011, January 18, 2011)

NORTH CAROLINA  
GUILFORD COUNTY

AFFIDAVIT OF PUBLICATION

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths, personally appeared Carol F. Elliott who being first duly sworn, deposes and says: that she is Adv Billing Mgr of THE HIGH POINT ENTERPRISE, INC., engaged in the publication of a newspaper known as THE HIGH POINT ENTERPRISE, published, issued, and entered as second class mail in the City of High Point in said County and State; that (she) is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in The High Point Enterprise on the following dates: \_\_\_\_\_

March 30, 2009

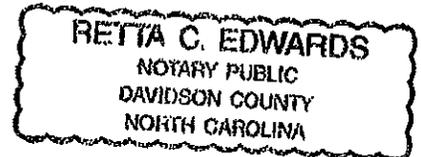
and that the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

This 1st day of November 20 10  
Carol F. Elliott

Sworn to and subscribed before me, this 1st day of November, 20 10

Retta C. Edwards  
Notary Public

My Commission Expires 1-10-2011  
My Commission expires \_\_\_\_\_



Notice of Public Hearing before the High Point City Council For the Modification of a Franchise for a Sanitary Landfill

PLEASE TAKE NOTICE that the High Point City Council will hold a public hearing on the application by WCA of High Point, LLC to modify its franchise to operate a sanitary landfill. The hearing will be held on Monday, May 4, 2009 at 5:30 p.m. in the City Council Chambers, City Hall, 211 South Hamilton Street, High Point, North Carolina. The franchise modification is proposed pursuant to N.C. Gen. Stat. 130A-204 of the North Carolina General Statutes and Chapter 91-8.5 of the High Point City Code. The sanitary landfill is located at 5830 Riverdale Road.

The public hearing will begin at 5:30 p.m. WCA Waste Corporation will present its application to the High Point City Council. Any other citizens who wish to speak in favor of the application will have an opportunity to speak. After all speakers in favor of the application have spoken, any citizen who opposes or has questions about the application may speak. A copy of the application for the franchise modification will be on file at the High Point Public Library for inspection and copying by the public. Interested citizens should ask for the document titled "WCA of High Point LLC; Application for Solid Waste Facility Franchise Amendment."

The information in the application is summarized as follows: 1) The requested franchise expansion is from the existing WCA service area of Guilford, Randolph, Davidson and Forsyth counties to the following counties: Rockingham, Caswell, Alamance, Orange, Cabarrus, Rowan, Davie, Yadkin, Surry and Stokes; 2) The existing franchise area population is approximately 1.1 million people and the expansion area contains approximately 900,000 people; 3) There are at least sixteen alternative construction and demolition debris facilities within fifty miles of High Point; 4) The incoming waste will be exclusively construction and demolition debris as defined in North Carolina Administrative Code 15A NCAC 13(b).0532(8); 5) WCA has a recycling operation that recycles approximately thirty-five percent of incoming waste; 6) The projected useful life of the landfill is between thirty and forty years; 7) The recycling component makes this request consistent with the High Point Solid Waste Management Plan; 8) Governmental oversight will primarily be through the NC DENR Division of Waste Management; 9) Fees and rates will be market-driven; 10) The applicant's legal status is WCA of High Point LLC; 11) WCA of High Point is a wholly-owned subsidiary of WCA Waste Corporation, whose principals own and operate solid waste facilities throughout the southern and western states; 12) Local and regional management has several years experience in the solid waste industry; 13) The franchise will be thirty years from February 21, 2005 (until February 21, 2035); 14) WCA offers a host fee of \$.40 per ton that would generate approximately \$4,800 per year for the City of High Point.

All interested parties are invited to present comments at the public hearing regarding this application for franchise expansion.

Lisa Vierling  
City Clerk, High Point, NC

March 30, 2009

Sample notification  
to adjacent landowner

WCA of High Point, LLC  
5830 Riverdale Drive  
High Point, NC 27282

December 1, 2010

Frank P. Kersey  
1325 Kersey Valley Road  
High Point, NC 27263

**RE: PUBLIC HEARING NOTICE:  
MODIFICATION OF FACILITY FRANCHISE AGREEMENT  
WCA OF HIGH POINT, LLC, CONSTRUCTION AND DEMOLITION DEBRIS  
LANDFILL AND RECLAMATION FACILITY  
PERMIT NO 41-16**

Dear Frank P. Kersey:

Notice is hereby given that the High Point City Council will hold a public hearing on the application by WCA of High Point to modify its franchise to operate a Construction and Demolition Debris Landfill. The hearing will be held on January 3, 2011 at 5:30 p.m. in the City Council Chambers, City Hall, 211 South Hamilton Street, High Point, North Carolina.

The C&D landfill is located at 5830 Riverdale Road and has been in operation since 2004. The C&D landfill facility property consists of approximately 154 acres, of which 49.2 acres will be used for C&D waste disposal (the active landfill footprint is approximately 23 acres as of this date). A copy of the application for the franchise modification is on file at the High Point Public Library for inspection and copying by interested parties. Interested parties should ask for the document titled "WCA of High Point LLC: Application for Solid Waste Franchise Amendment."

The information in the application is summarized as follows:

1. The requested franchise expansion is from the existing service area of Guilford, Randolph, Davidson, and Forsyth counties to the following: Guilford, Randolph, Davidson, Forsyth, Rockingham, Caswell, Alamance, Orange, Cabarrus, Rowan, Davie, Yadkin, Surry, and Stokes counties;
2. The incoming waste will be exclusively construction and demolition debris waste as defined in the North Carolina Administrative Code 15A NCAC 13(b) .0532(8);
3. WCA has a recycling operation that recycles approximately thirty-five percent of incoming waste;
4. The projected useful life of the landfill is between thirty and forty years; and
5. The franchise will be thirty years from February 21, 2005.

Please note that item 1 reflects the requested modification while items 2-5 reflect provisions in the original franchise agreement which are carried forward.

John Walker  
WCA of High Point, LLC

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

1. Article Addressed to:

Frank P. Kersey  
1325 Kersey Valley Rd.  
High Point, NC. 27603

2. Article Number  
(Transfer from service label)

7006 2760 0005 5001 8892

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *F. P. Kersey*  Agent  Addressee

B. Received by (Printed Name)

C. Date of Delivery

*Kersey* *12-2-10*

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

- Certified Mail  Express Mail
- Registered  Return Receipt for Merchandise
- Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

City Clerk's Office

Lisa B. Vierling, MMC  
CITY CLERK



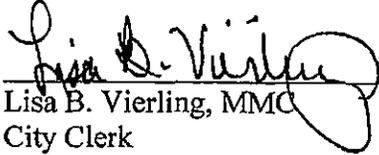
STATE OF NORTH CAROLINA

GUILFORD COUNTY

**CLERK'S CERTIFICATION**

I, Lisa B. Vierling, City Clerk of the City of High Point, North Carolina, do hereby certify that the attached is a true and correct copy of **Ordinance No. 6622/09-22** which was adopted at a meeting of the High Point City Council on the 18<sup>th</sup> day of May, 2009, the original of which is now on file in the office of the City Clerk of High Point, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the City of High Point, North Carolina this 30<sup>th</sup> day of June, 2009.

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

Ordinance Amending and Expanding  
A Solid Waste Franchise to WCA of High Point, LLC.  
Pursuant to N.C. Gen. Stat §§ 160A-319, 130A-294,  
And City Ordinance 11-8-5(2)

Recitals

- 1) MRR of High Point, LLC ("MRR") was issued a solid waste franchise on December 20, 2001 for a Construction and Demolition Debris (C&D) Recycling Facility and Landfill on Riverdale Road. On May 3, 2004, the MRR franchise was amended and expanded to include all of Randolph, Davidson, Forsyth and Guilford counties.
- 2) MRR sold its facility to WCA of High Point, LLC ("WCA"). The City of High Point approved the transfer of MRR's franchise to WCA on February 21, 2005.
- 3) WCA applied pursuant to City Code 11-8-5(2) and N.C. Gen. Stat. §§130A-294(b)(2)(a) and 160A-319 to expand its franchise area to include the existing four counties plus Rockingham, Caswell, Alamance, Orange, Cabarrus, Rowan, Davie, Yadkin, Surry and Stokes counties and to amend the terms of its franchise to provide for payment of a host fee equal to forty cents per ton for disposed waste from the additional counties.
- 4) At a regularly scheduled city council meeting on May 4, 2009, following statutory requirements for public notice and after placing a copy of its application in the High Point Public Library, WCA presented evidence related to, among other things: a) a statement of the population to be served; b) a description of the volume and characteristics of the waste stream; c) a projection of the useful life of the landfill; d) an explanation of how the franchise is consistent with Guilford County's Solid Waste Management Plan; e) procedures to be followed for oversight and regulation of fees and rates to be charged; f) a facility plan; and g) the qualifications of the applicant to operate a sanitary landfill.
- 5) After a public hearing on May 4, 2009, the High Point City Council voted unanimously to expand WCA's franchise to include the ten additional counties and to amend the franchise to include payment of a host fee.
- 6) Upon a second reading and consideration by the High Point City Council on May 18, 2009, the City Council voted unanimously to expand WCA's franchise to include the ten additional counties and to amend the franchise to include payment of a host fee.

Be it ordained by the City Council of the City of High Point that:

Sec. 1 WCA of High Point, LLC is hereby granted an amended franchise to operate a Construction and Demolition Debris Recycling Facility and Landfill on Riverdale Road for thirty years, beginning on February 21, 2005 and continuing until February 21, 2035, pursuant to the Application for Solid Waste Facility Franchise filed

Amendment filed with the City of High Point and attached hereto and incorporated herein by reference.

Sec. 2           The franchise territory shall include the following counties: Guilford, Randolph, Davidson, Forsyth, Rockingham, Caswell, Alamance, Orange, Cabarrus, Rowan, Davie, Yadkin, Surry and Stokes.

Sec. 3           WCA shall pay the City of High Point an annual host fee equal to forty cents per disposed ton of all waste originating in Rockingham, Caswell, Alamance, Orange, Cabarrus, Rowan, Davie, Yadkin, Surry and Stokes counties. The host fee shall be due on a calendar year basis and shall be paid no later than January 31<sup>st</sup> of the succeeding calendar year.

Sec. 4           This ordinance is effective upon adoption of its second reading.

Adopted 1) May 4, 2009  
          2) May 18, 2009

Lisa B. Vierling, MMC  
City Clerk

addition of the following counties to its service area: Rockingham, Caswell, Alamance, Orange, Cabarrus, Rowan, Davie, Yadkin, Surry and Stokes Counties.

**III. Description of Area and Population to be Served** (G.S. 130A-294(b)(2)(a); City Code 11-8-5(2))

**A. Description of Area**

Attached as Exhibit 3 is a map of the state of North Carolina showing the existing four county franchise area highlighted in black and the additional ten counties in green. There are sixteen (16) other C&D landfills in these fourteen counties or within fifty miles of the WCA facility, and several other C&D landfills outside of these fourteen counties that are more easily accessible to construction sites than the WCA landfill in High Point. Attached as Exhibit 4 is a map showing the location of other C&D landfills within this fourteen (14) county area. Unless a builder specifically needed to recycle C&D debris, these other landfills are substantially closer, easier to reach and cheaper to access (it costs an average of \$75 per hour to run a truck with C&D debris).

**B. Population to Be Served**

The population of each county below is an estimate provided by the U.S. Census Bureau for 2006, obtained from the bureau's website <http://quickfacts.census.gov>.

Davidson County	156,530
Forsyth County	338,774
Guilford County	465,931
Randolph County	<u>140,145</u>
Pop. existing franchise	1,101,380
Alamance County	142,661
Cabarrus County	156,395
Caswell County	23,261
Davie County	40,035
Orange County	120,100
Rockingham County	93,063
Rowan County	136,254
Stokes County	46,168
Surry County	72,687
Yadkin County	<u>38,056</u>
Pop. requested area	868,680

**C. C&D Alternatives to WCA**

# **City of High Point**

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



## **Meeting Minutes**

**Monday, May 4, 2009**

**4:45:00 PM**

**Council Chambers**

*Rebecca R. Smothers, Mayor  
William S. Bencini, Mayor Pro Tem  
Latimer B. Alexander, IV, Mary Lou Blakeney,  
Foster Douglas, John Faircloth, Michael D. Pugh,  
Bernita Sims, M. Christopher Whitley*

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

Present: Mayor Smothers, Council Member Bencini, Council Member Alexander, Council Member Sims, Council Member Blakeney, Council Member Douglas, Council Member Faircloth, Council Member Pugh and Council Member Whitley

**APPROVAL OF THE MINUTES FROM PREVIOUS MEETING**

The minutes of the following meetings were unanimously approved as submitted upon motion by Council Member Sims and second by Council Member Pugh.

Finance Committee Meeting; Monday, April 20th @ 3:30 p.m.

Combined Meeting; Monday, April 20th @ 4:45/5:30 p.m.

Manager's Briefing; Tuesday, April 21st @ 4:00 p.m.

**FINAL ACTION TAKEN AT THIS MEETING**

At the conclusion of the Committee of the Whole Session, and after all matters were heard by Council, **motion was made by Council Member Alexander seconded by Council Member Whitley to suspend the rules in order to take final action on these matters at tonight's meeting. The motion carried unanimously. [8-0 vote] [Council Member Douglas was excused from the meeting right after the public comment period]**

**Motion was then made by Council Member Sims, seconded by Council Member Whitley that all Committee recommendations stand as final action regarding these matters. The motion carried unanimously. [8-0 vote] [Council Member Douglas was excused from the meeting right after the public comment period]**

Note: As a result of this action, there is no need for the Thursday morning meeting.

**PRESENTATION OF ITEMS****FINANCE COMMITTEE - Council Member Whitley, Chair**

**Committee Members: Bencini, Douglas and Alexander**

**(all were present)**

**Contract - Bid No. 37 - Water Transmission Line - HWY 62****090095**

Approval of contract awarding Bid No. 37 for the construction of the Water Transmission Line - Hwy. 62. Purchasing and Public Services recommends that contract be awarded to Triangle Grading & Paving in the amount of \$3,373,416.50 which is the lowest responsible and responsive bidder meeting specifications.

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

*It was noted that this bid came in at \$3 million lower than the projected estimates.*

*The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval.*

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Approved contract with Triangle Grading & Paving for the Highway 62 Water Transmission Line in the amount of \$3,373,416.50 which is the lowest responsible and responsive bidder meeting specifications.

A motion was made by Council Member Whitley, seconded by Council Member Sims, that this matter be approved. The motion carried unanimously.

#### **Contract - Bid No. 44 - Bulk Container Service**

##### **090096**

Approval of contract awarding Bid No. 44 for Bulk Container Service. Purchasing and Public Services recommends that contract be awarded to Republic Waste Services in the amount of \$473,541.12 which is the lowest responsible and responsive bidder meeting specifications.

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

*The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval.*

Approved contract with Republic Waste Services for Bulk Container Service in the amount of \$473,541.12 which is the lowest responsible and responsive bidder meeting specifications.

A motion was made by Council Member Whitley, seconded by Council Member Sims, that this matter be approved. The motion carried unanimously.

#### **Budget Ordinance Amendment - Core City Project**

##### **090097**

Adoption of an ordinance amending the 2008-2009 budget ordinance to appropriate funds in the amount of \$6,000.00 through the High Point Community Foundation for the Core City Project.

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

*The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.*

Adopted ordinance amending the 2008-2009 Budget Ordinance to appropriate funds in the amount of \$6,000 through the High Point Community Foundation for the Core City Project.

A motion was made by Council Member Whitley, seconded by Council Member Sims, that this matter be adopted. The motion carried unanimously.

#### **Contract - Water Tank and Pump Station - Ward Water Treatment Plant**

##### **090102**

Approval of proposed contract to award Bid No. 38 for construction of Water Tank and Pump Station at the Ward Water Treatment Plant.

*prior to this meeting.*

*The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval.*

Approved contract with CB&I, Inc. for construction of the Water Tank and Booster Pump Station in the amount of \$2,862,000.00 which is the lowest responsible and responsive bidder meeting specifications.

A motion was made by Council Member Whitley, seconded by Council Member Sims, that this matter be approved. The motion carried unanimously.

### **Community Development and Housing Department - 2009-2010 Annual Action Plan**

#### **090091**

Monday, April 20, 2009 at 5:30 p.m. is the date and time established to receive public comments on the submission of the 2009-2010 Annual Action Plan to the Department of Housing and Urban Development (HUD).

*The public hearing for this matter was held on Monday, April 20, 2009 at 5:30 p.m. and this matter was placed on the May 4, 2009 Agenda for final action.*

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

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval of the 2009-2010 Annual action Plan.

A motion was made by Council Member Whitley, seconded by Council Member Sims, that this matter be approved. The motion carried unanimously.

### **Pending Items**

#### **Revised Economic Incentive Policy**

#### **090050**

Council is requested to adopt a revised economic incentive policy redirecting incentive dollars to the Core City and south High Point.

*This matter remains pending in the Finance Committee. Action was taken to place it on the pending list on March 5, 2009.*

### **PUBLIC SAFETY COMMITTEE - Council Member Faircloth, Chair**

**Committee Members: Douglas, Pugh and Alexander**

**(all were present)**

**There were no matters appearing on the Agenda for consideration by the Public Safety Committee.**

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**PUBLIC SERVICES COMMITTEE - Council Member Sims, Chair**  
**Committee Members: Blakeney, Faircloth, Whitley and Alexander**

(all were present)

There were no matters appearing on the Agenda for consideration by the Public Services Committee.

**PLANNING & DEVELOPMENT COMMITTEE - Council Member Bencini, Chair**  
**Committee Members: Blakeney, Pugh, Sims and Faircloth**

(all were present)

There were no matters appearing on the Agenda for consideration by the Planning & Development Committee with the exception of the public hearing items.

**PUBLIC COMMENT PERIOD - 5:15 P.M.**

**High Point University Development Concerns on Guyer**

Larry Chason, who resides at 1417 Guyer Street, addressed Council. Mr. Chason commented that since the High Point University construction his life has been miserable. He reiterated his concerns about the following:

1. Flooding continues due to the construction of the parking lot next to his property;
2. Sewer back-up problems continue and he felt the sewer system is not adequately sized to handle the recent development;
3. No permits have been posted by the university

Mr. Chason expressed frustration at High Point University because they did not offer him enough money for his property and pointed out that the squeeze play by High Point University would have worked if they would have agreed to pay them \$250,000 like they did for Anita Bowman's property on W. College.

He accused the city of playing favoritism with the university and shared some photographs. He pointed out one of the photos shows a High Point dump truck on the university property. He also called Council's attention to an electric department bucket truck in the parking lot of The Village replacing lights. Council informed Mr. Chason that the university does lease the lights from the city.

Mr. Chason informed Council that he has retained an outside attorney to represent him because the city continues to ignore his concerns.

Mayor Smothers asked staff to report back to Council regarding the sewer problem in this area.

**NC Shakespeare Festival**

Pedro Silva, 4105 Pennfield Way, High Point addressed Council on behalf of the North Carolina Shakespeare Festival. He mentioned that he recently mailed a letter to

the manager's attention seeking the Arts Council's support to redirect funding from its annual commitment to the High Point Arts Council directly to the Shakespeare Festival. He stated he was present to answer any questions/concerns that Council may have so that it could be considered in the decision-making process.

Mayor Smothers asked if they had requested funding from Guilford County. Mr. Silva replied that they cannot as per the new funding affiliate policy of the High Point Arts Council. He did note that the Shakespeare Festival has expressed its concerns informally to a couple of the Guilford County Commissioners and it is possible that funding might be made available. Council Member Sims asked how much they had received in funding for this current fiscal year from the Arts Council and how they would respond to the shortfall should the Arts Council not fund them at the same level they're accustomed to. Mr. Silva noted they have received about \$75,000 for the current fiscal year that will end June 30th and he couldn't say how much they would receive, but they have requested that the city make a direct allocation to the Shakespeare Festival that would be equivalent to the amount they received this fiscal year from the Arts Council and they would disaffiliate from the Arts Council beginning July 1.

Council Member Faircloth asked about the timing of the signed contract/agreement between the NC Shakespeare Festival and the High Point Arts Council. Mr. Silva replied that the agreement between them is signed annually and it was signed around mid-September of last year. He explained that the NC Shakespeare Festival did put in a formal request late last year asking for an exemption of the prohibition which was denied by the Arts Council. Council Member Faircloth inquired about this last agreement compared to past agreements and Mr. Silva noted they were essentially similar, but past agreements did not bar an affiliate from approaching Guilford County for project support and the NC Shakespeare Festival would annually approach the county for support of their educational programming because there was the ability at that time up until this current fiscal year to ask for those special project grants from the county. He added that the adjustment in the policy for this current fiscal year prohibits an agency from asking the county for any funds of any kind.

Mayor Smothers asked about the amount the NC Shakespeare Festival pays for rent of the Theatre and if they plan to do the same number of productions in the next fiscal year. Mr. Silva replied the total amount was \$70,342.55 for their past fiscal year (January through December) and they were very hopeful that they will do the same number of productions in the next fiscal year as in the previous fiscal year, but because the environment is very challenging, they would have to make the decision that would be in the best interest of securing and stabilizing the organization. Mr. Silva was asked about any outstanding debt on property and noted that they continue to have a note at a bank that's about \$1,080,000.00.

Council Member Pugh thanked Mr. Silva for taking the step to make an investment in the Core City (a distressed area) to bring life to the area. Mr. Silva noted they were very excited and enthusiastic about what they can bring to that area and the community overall.

Mayor Smothers explained that until the city gets into the budget process, there wouldn't be any decision made. She asked about the lack of presence from a representative of the Shakespeare Festival when the city had the public hearing for outside agency funding requests. Mr. Silva explained that although he knew it was the time the Arts Council would be making its request, he was not aware this was the time for public comments regarding funding of outside agencies--otherwise the NC Shakespeare Festival would have definitely been represented. Mr. Silva thanked Council for the opportunity to clarify any of the questions or concerns.

#### More Concerns on Guyer

Steve Hinkle, who resides at 1424 Guyer Street, High Point addressed Council. He reiterated problems and concerns that Mr. Chason spoke of previously (water pressure and sewage problems) and the city needs to investigate it so it can be rectified. The Mayor asked that staff do an assessment of the problems in the area with a report coming back to Council. He also questioned the rules/regulations for development (specifically for signs in this case) and felt the rules/regulations since High Point University does not seem to abide by the same rules that govern other commercial property in the city.

#### Boy Scouts Recognized- Troop #23

Several Boy Scouts were recognized who were working on their Communications Merit Badge.

### **PUBLIC HEARINGS ON ITEMS - 5:30 P.M.**

#### **Planning & Development Committee - Council Member Bencini, Chair**

#### **Public Hearing - WCA of High Point, LLC - Modification of a Franchise for a Sanitary Landfill- 1st Reading**

##### **090098**

Monday, May 4, 2009 at 5:30 p.m. is the date and time established to receive public comments on an application by WCA of High Point, LLC to modify its franchise to operate a sanitary landfill in High Point.

The public hearing for this matter was held on Monday, May 4, 2009 at 5:30 p.m.

*Note: The Application for Solid Waste Facility Franchise Amendment compiled by Smith Moore Leatherwood, LLP will be attached to Legistar as a permanent part of these proceedings.*

*This matter will require 2 readings before action can be taken.*

***Pursuant to N.C. General Statute 160A-76 states that No ordinance making a grant, renewal, extension, or amendment of any franchise may be finally adopted until it has been passed at two regular meetings, and such action must be taken by means of an ordinance.***

*Prior to the conclusion of the public hearing, Council Member Douglas asked to be excused due to a prior commitment. Motion by Council Member Whitley, second by Council Member Sims to excuse Council Member Douglas. The meeting carried unanimously. [9-0 vote]*

*Chairman Bencini opened the public hearing and asked for comments.*

*Tom Terrell, 529 W. Parkway, legal representative for WCA of High Point, spoke in favor of the request. He noted that this was simply a request to extend the franchise for this facility (construction/demolition/debris facility located next to High Points Municipal Solid Waste facility). The reason for the request is to engage in green building practices which requires recycling. He explained when the landfill was originally approved the projection of the average daily intake would be 700 tons per day, but for the last eight or nine years, WCA and its predecessor have been taking in on average about half of that amount. He noted this would not be a negligible impact, nor would it change the lifespan of the landfill, but at best it would probably result in 50 additional tons a day.*

*Mr. Terrell acknowledged and introduced John Walker, General Manager of the facility; Chad Morris, Sales Manager for WCA; and Vernon Smith, the Regional Vice President who oversees several of WCA's facilities, who were available to answer any questions.*

*Council Member Alexander asked about the number going out on the recycling side and if the anticipated increase of 50 tons a day would help them be more efficient in the plan to increase the recycling possibilities. It was noted that the price is determined by the amount of material brought in so the more material brought in and removed would certainly increase profitability. Council Member Alexander asked if the facility accepts hazardous materials such as lead paint. Mr. Terrell replied that for wood to be recycled, it either has to be a stump or limb that goes to mulch, or it has to be something like a clean 2 x 4 that could be recycled. He noted that the guidelines prohibit any dumping of any kind of painted or pressure treated wood in the facility. Mr. Terrell pointed out the materials coming into the facility are inspected on three occasions and the items that are not supposed to be there are caught pretty quickly. Council Member Sims asked what the incentive would be for a construction company to dump at a recycling facility versus a facility closer to them. Mr. Terrell explained there are many companies that now sell green building products and to attain that certification, there are strict guidelines with one being recycling. He noted this was part of a marketing plan to attract buyers for a subdivision or a particular home and the builder might be getting more money by doing that, but with the agreement they would be properly dispose of the materials. He added that the closes facility that does the recycling is in Raleigh.*

*Council Member Faircloth asked why other cities were not taking advantage of this opportunity. Mr. Boynton explained this question would be better suited for WCA, but that it was very fortunate that they chose to make the investment in High Point*

*because it keeps the volume out of our landfill.*

*Mayor Smothers pointed out that the facility would be heavily regulated by the State and that the downturn in the economy probably has affected the waste stream too.*

*Chairman Bencini asked if anyone else was present who would like to comment. There being none, he declared the public hearing closed.*

*Following the conclusion of the public hearing, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval of the 1st Reading of the Franchise Amendment as requested by WCA of High Point, LLC.*

Approved the 1st Reading of the Franchise Amendment as requested by WCA of High Point, LLC.

The second reading will take place on May 18th at which time official action can be taken.

**A motion was made by Mayor Pro Tem Bencini, seconded by Council Member Alexander, that this matter be approved. The motion carried by the following vote:**

**Votes:** Aye: Mayor Smothers, Council Member Bencini, Council Member Alexander, Council Member Sims, Council Member Blakeney, Council Member Faircloth, Council Member Pugh and Council Member Whitley  
Absent: Council Member Douglas

### **Resolution - Street Abandonment 09-06 - City of High Point**

#### **090099**

A request by the Technical Review Committee to abandon an unimproved portion of right of way known as Eugene Avenue, lying north of Sinclair Avenue, between Clifton Street and Old Thomasville Road.

*The public hearing regarding this matter was held on Monday, May 4, 2009 at 5:30 p.m.*

*Mark Schroeder of Planning and Development gave an overview of the staff report.*

*Chairman Bencini opened the public hearing and asked if anyone was present who would like to comment. There being no one present to comment, the public hearing was closed.*

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

Adopted Resolution authorizing the abandonment of an unimproved portion of right-of-way known as Eugene Avenue, lying north of Sinclair Avenue, between Clifton Street and Old Thomasville Road.

A motion was made by Mayor Pro Tem Bencini, seconded by Council Member Sims, that this matter be adopted. The motion carried by the following vote:

Votes: Aye: Mayor Smothers, Council Member Bencini, Council Member Alexander, Council Member Sims, Council Member Blakeney, Council Member Faircloth, Council Member Pugh and Council Member Whitley  
Absent: Council Member Douglas

#### **Resolution - Street Abandonment 09-07 - City of High Point**

##### **090100**

A request by the Technical Review Committee to abandon an unimproved portion of an unnamed right of way, lying west of Van Buren Street, between Eugene Avenue and Preferred Way.

*The public hearing regarding this matter was held on Monday, May 4, 2009 at 5:30 p.m.*

*Mark Schroeder of Planning and Development gave an overview of the staff report.*

*Chairman Bencini opened the public hearing and asked if anyone was present who would like to comment. There being no one present to comment, the public hearing was closed.*

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

Adopted Resolution authorizing the abandonment of an unimproved portion of an unnamed right-of-way, lying west of Van Buren Street, between Eugene Avenue and Preferred Way.

A motion was made by Mayor Pro Tem Bencini, seconded by Member Blakeney, that this matter be adopted. The motion carried by the following vote:

Votes: Aye: Mayor Smothers, Council Member Bencini, Council Member Alexander, Council Member Sims, Council Member Blakeney, Council Member Faircloth, Council Member Pugh and Council Member Whitley  
Absent: Council Member Douglas

#### **Resolution - Street Abandonment 09-08 - City of High Point**

##### **090101**

A request by the Technical Review Committee to abandon an unimproved portion of a right of way known as Tank Avenue, lying west of Redding Drive, between Clinton Avenue and Tryon Avenue.

*The public hearing regarding this matter was held on Monday, May 4, 2009 at 5:30 p.m.*

*Mark Schroeder of Planning and Development gave an overview of the staff report.*

*Chairman Bencini opened the public hearing and asked if anyone was present who would like to comment. There being no one present to comment, the public hearing was closed.*

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

Adopted Resolution authorizing the abandonment of an unimproved portion of a right-of-way known as Tank Avenue, lying west of Redding Drive, between Clinton Avenue and Tryon Avenue.

**A motion was made by Mayor Pro Tem Bencini, seconded by Member Faircloth, that this matter be adopted. The motion carried by the following vote:**

**Votes:** Aye: Mayor Smothers, Council Member Bencini, Council Member Alexander, Council Member Sims, Council Member Blakeney, Council Member Faircloth, Council Member Pugh and Council Member Whitley  
Absent: Council Member Douglas

## **ADJOURNMENT**

There being no further business to come before Council, the meeting adjourned at 6:10 p.m. upon motion duly made and seconded.

Respectfully Submitted,

\_\_\_\_\_  
Rebecca R. Smothers, Mayor

Attest:

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

# **City of High Point**

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



## **Meeting Minutes**

**Monday, May 18, 2009**

**4:45:00 PM**

**Council Chambers**

*Rebecca R. Smothers, Mayor  
William S. Bencini, Mayor Pro Tem  
Latimer B. Alexander, IV, Mary Lou Blakeney,  
Foster Douglas, John Faircloth, Michael D. Pugh,  
Bernita Sims, M. Christopher Whitley*

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## ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE

Mayor Smothers led the invocation; the Pledge of Allegiance followed.

Present: Mayor Smothers, Council Member Bencini, Council Member Alexander, Council Member Sims, Council Member Douglas, Council Member Faircloth, Council Member Pugh and Council Member Whitley

Absent: Council Member Blakeney

## APPROVAL OF THE MINUTES FROM PREVIOUS MEETING

The minutes of the following meetings were unanimously approved as submitted upon motion by Council Member Sims and second by Council Member Pugh.

Finance Committee Meeting; Monday, May 4th @ 3:30 p.m.

Combined Meeting; Monday, May 4th @ 4:45/5:30 p.m.

Planning & Development Committee; Tuesday, May 5th @ 2:30 p.m.

Manager's Briefing; Tuesday, May 5th @ 4:00 p.m.

## FINAL ACTION TAKEN AT THIS MEETING

At the conclusion of the Committee of the Whole Session, and after all matters were heard by Council, **motion was made by Council Member Whitley seconded by Council Member Faircloth to suspend the rules in order to take final action on these matters at tonight's meeting. The motion carried unanimously. [8-0 vote] [Council Member Blakeney was absent]**

**Motion was then made by Council Member Whitley, seconded by Council Member Sims that all Committee recommendations stand as final action regarding these matters. The motion carried unanimously. [8-0 vote] [Council Member Blakeney was absent]**

Note: As a result of this action, there is no need for the Thursday morning meeting.

## PRESENTATION OF THE 2009-2010 ANNUAL BUDGET - CITY MANAGER

City Manager Strib Boynton presented the 2009-2010 Proposed Budget to Council. He pointed out the proposed budget was nearly \$4 million below the current budget and was prepared by staff with an eye both at 2009-2010, but looking ahead to 2010-2011 when the accumulative impact and slow down of the economy will make its impact. Mr. Boynton also advised Council to be prepared for the city's fund balance to drop below the LGC's minimum 8% guideline and below the city's policy of 10%. The proposed budget was balanced with no property tax rate increase; a 4% electrical retail rate to be effective July 1st corresponding to a 4\$ wholesale rate increase at the same time; a 4.9% water/sewer rate increase for January of 2010 directly attributable to the cost of the first phase to expand the Westside Wastewater Plant as well as the money necessary to finance the Randleman waterline and storage facilities and other related improvements. Mr. Boynton also shared that more than \$9 million in historically shared monies from the State of North Carolina and Guilford County would be at risk in the coming budget.

**Budget Review Schedule**

Mayor Smothers called Council's attention to the proposed schedule for budget reviews to discuss the budget. By acclamation, Council accepted the schedule as presented. Said schedule will be posted accordingly.

Mr. Boynton noted the proposed budget would be on file for public inspection at City Hall, on the city's website as well as the Library and Chamber of Commerce.

Council Member Whitley reiterated some of the statements he made earlier during the Finance committee meeting. He asked Council to keep in mind the anticipated reduction in the fund balance and for any increase in projects or programs not in the budget, Council would have to consider what programs/projects could be removed. He pointed out that it was now Council's responsibility for making changes or reductions where needed.

**PRESENTATION OF ITEMS**

**FINANCE COMMITTEE - Council Member Whitley, Chair**  
**Committee Members: Bencini, Douglas and Alexander**

(all were present)

**Contract - Bid No. 48 - Chemicals for Water & Wastewater Treatment Plants****090103**

Approval of contract awarding Bid No. 48 for the purchase of Chemicals for Water & Wastewater Treatment Plants. Purchasing and the Public Services Department recommends that contract be awarded to various vendors who are the lowest responsible and responsive bidders meeting specifications for a total award of \$374,208.95.

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

*The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval.*

Approved bid for the purchase of chemicals for the Water and Wastewater Treatment Plants awarding the contracts to the various vendors who are the lowest responsible and responsive bidders meeting specifications for a total award of \$374,208.95.

A motion was made by Council Member Whitley, seconded by Council Member Alexander, that this matter be approved. The motion carried unanimously.

**Contract - Bid No. 49 - Polymer for Eastside Wastewater Treatment Plant**

**090104**

Approval of contract awarding Bid No. 49 for the purchase of Polymer for Eastside Wastewater Treatment Plant. Purchasing and the Public Services Department recommends that contract be awarded to Polydyne in the amount of \$276,000.00 which is the lowest responsible and responsive bidder meeting specifications.

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

*The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval.*

Approved bid for the purchase of polymer for the Eastside Wastewater Treatment Plant awarding the contract to Polydyne in the amount of \$276,000 which is the lowest responsible and responsive bidder meeting specifications.

**A motion was made by Council Member Whitley, seconded by Council Member Alexander, that this matter be approved. The motion carried unanimously.**

**Contract - Bid No. 1281 - Dry Transformers for the Electric Department****090105**

Approval of contract for Bid No. 1281 for the purchase of three dry type transformers for the Electric Department. Purchasing and the Electric Department recommends that contract be awarded to Irby Company in the amount of \$131,127.37 which is the lowest responsible and responsive bidder meeting specifications.

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

*The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval.*

Approved bid awarding the contract in the amount of \$131,127.37 to Irby Company for the purchase of three dry-type transformers for the Electric Department.

**A motion was made by Council Member Whitley, seconded by Council Member Alexander, that this matter be approved. The motion carried unanimously.**

**Contract - Bid No. - Tub Grinder For Ingleside Compost Facility****090106**

Approval of contract awarding Bid No.45 for the purchase of a Tub Grinder for the Ingleside Compost Facility. Purchasing and the Public Services Department recommends that contract be awarded to Morbark, Inc. in the amount of \$655,437.27 which is the lowest responsible and responsive bidder meeting specifications.

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

*The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval.*

Approved bid awarding the contract for the purchase of a Tub Grinder for the Ingleside Compost Facility to Morbark, Inc. in the amount of \$655,437.27 which is the lowest responsible and responsive bidder meeting specifications.

A motion was made by Council Member Whitley, seconded by Council Member Alexander, that this matter be approved. The motion carried unanimously.

#### Resolution - NCMPA1 Energy Star Home Rebate Program

##### 090107

Adoption of a resolution supporting the NCMPA1 Energy Star Home Rebate Program.

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

*The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval.*

Adopted resolution supporting the NCMPA1 Energy Star Home Rebate Program.

Resolution No. 1515/09-43

Introduced 05/18/09

Adopted 05/18/09

Resolution Book Volume XVI, Page 157

A motion was made by Council Member Whitley, seconded by Council Member Alexander, that this matter be adopted. The motion carried unanimously.

#### Condemnation Proceedings - 1011 Charlotte Avenue - Charlotte Avenue Storm Water Project

##### 090108

Council is requested to authorize the City Attorney's office to proceed with the condemnation proceedings on property located at 1011 Charlotte Avenue belonging to Wayne Howard, ut ex. This condemnation is necessary for the Charlotte Avenue Storm Water project.

*This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting with a recommendation to send it to the City Council with a favorable recommendation.*

*Chairman Whitley asked if there was anyone present who would like to comment regarding these condemnation proceedings.*

*Mr. James Howard, speaking on behalf and representing his father, Wayne Howard who is the owner of the property, addressed Council. Mr. J. Howard asked the City Council to consider the impact that the eminent domain will have on the citizenry. He stated the city has approached his father to basically seize his property to put in a drain water run-off through his property. He felt the amount offered by the city for his father's property was "woefully below market value" and appealed to Council for*

consideration of another option as to not have such an adverse effect on his father's property. He suggested the drain could run through the property to the east. Mr. J. Howard explained that his father owns several homes in High Point that he uses as a source of income in his retirement and the city's offer falls short of what they feel is fair and reasonable. Chairman Whitley asked Mr. Howard if they had obtained their own appraisal from an independent company. Mr. J. Howard replied that they have not, but they are prepared to do so.

The property owner, Mr. Wayne Howard, pointed out the problem has been there since late 1950 and he couldn't figure the exact cause or if there's even a problem. He stated he was satisfied with it just the way it is because it's been like that for the past 30 years. Mr. J. Howard expressed concerns with the method used for calculating the value. Although the county's assessed value for the property is \$60,700, his father felt it should be more in line with the actual replacement value plus the price of the lot. Council Member Pugh mentioned the possibility of a property exchange and if that might possibly help them out of the situation and Mr. W. Howard stated he could not do a property exchange taking into consideration the price that he was offered for his property and the fact that this property is at a prime location. Mr. J. Howard explained that the tenant has actually been there for 15 years and they have never really raised the rent which is \$550 per month. They also own other properties in other areas in the city with the same floor plan that are rented in the range of \$650 to \$750 per month.

Mayor Smothers explained that Mr. Howard's property on Charlotte Avenue was studied because of the storm water problem and asked Richard McMillan, Asst. Director of Public Services, to describe some of the engineering constraints involved in the project. Mr. McMillan explained that when these houses were built in the 1950's, they were built in a low area and because it was a natural drain D.O.T. put in the culvert. Later on the home builders and property owners put in a home-builder made system that was woefully undersized causing it to collapse over the years which was the cause of Mr. Howard's property along with the property immediately upstream being flooded on numerous occasions. He noted that the city tries to make all attempts to leave properties in place, but in this certain situation it would cost a tremendous amount of money to pipe around this property. At this time, Mr. J. Howard stated he would be interested in looking at the data (i.e. rainfall, topo maps, etc...) that show what type of water runs in from College Village and asked what year flood was used to calculate this. Mr. McMillan noted it was for a 10-year event.

Council Member Sims asked if any consideration is given when property is being condemned that's income producing. City Attorney Fred Baggett explained that although the city uses a certified appraiser to come up with the figure, he would be glad to consider other information from a qualified appraiser as well, should the property owner provide another certified appraisal.

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

Authorized the City Attorney's office to proceed with the condemnation proceedings

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on the property located at 1011 Charlotte Avenue belonging to Wayne Howard, ut. ex. for the Charlotte Avenue Storm Water project.

A motion was made by Council Member Whitley, seconded by Council Member Alexander, that this matter be approved. The motion carried unanimously.

### **Condemnation Proceedings - 806 Old Winston Road - Old Winston Road Improvement Project**

#### **090109**

Council is requested to authorize the City Attorney's office to proceed with condemnation proceedings on property located at 806 Old Winston Road belonging to Wayne J. Howard, ut ex. This condemnation is necessary for the Old Winston Road Improvement project.

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

*The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval.*

Authorized the City Attorney's office to proceed with condemnation proceedings on the property located at 806 Old Winston Road belonging to Wayne J. Howard, ut ex for the Old Winston Road Improvement project.

A motion was made by Council Member Whitley, seconded by Council Member Alexander, that this matter be approved. The motion carried unanimously.

### **Airport Connector Contracts**

#### **090120**

Council is requested to approve the contract with HNTB for the Airport Connector contract.

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

*The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval.*

Approved the contract with HNTB for the Airport Connector contract.

A motion was made by Council Member Whitley, seconded by Council Member Alexander, that this matter be approved. The motion carried unanimously.

### **Pending Items**

#### **Revised Economic Incentive Policy**

#### **090050**

Council is requested to adopt a revised economic incentive policy redirecting incentive dollars to the Core City and south High Point.

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*This matter remains pending in the Finance Committee. Action was taken to place it on the pending list on March 5, 2009.*

**PUBLIC SAFETY COMMITTEE - Council Member Faircloth, Chair**  
**Committee Members: Douglas, Pugh and Alexander**

(all were present)

**Ordinance - Demolition of Structure - 618 Cable Street**

**090110**

Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of structure located at 618 Cable Street belonging to Teresa A. Thomas.

Chairman Faircloth asked Katherine Bossi, Local Codes Enforcement Supervisor, to update Council on this matter.

Ms. Bossi reported that staff conducted the most recent inspection on this property December 16, 2008 and three unsafe violations were cited at that time: no heat, no smoke detectors, and the exit off the back of the house at the stairway was very unstable. Additionally 44 minor violations were found. A hearing was scheduled for January 7, 2009, but the property owner did not appear. At that time, an order to repair or demolish was issued with a 90-day order with a compliance date of April 21st. Ms. Bossi reminded Council this was the housing case where the property owner was out of town and the son appeared before Council on his mother's behalf and asked for additional time so his mother could make the necessary repairs upon her return to High Point. At that time, a vacate or close ordinance was adopted and the structure has been vacant, kept closed and clear of grass and debris since that time. Staff made another inspection on the property and started the next process which is the current repair or demolish order that's presently under consideration by Council at this time. Ms. Bossi reported that conditions still exist and the Guilford County tax value is \$8,600 with estimated repairs at \$17,475 to bring the structure into compliance. She informed Council that a building permit was drawn by the property owner on May 7th.

The property owner, Teresa Thomas, who resides at 1300 E. Commerce addressed Council. She explained that she has been gone for almost two years and returned to High Point on December 29, 2008 and since that time she has obtained a job and working trying to get everything done to the house. She noted the major thing that's needed at this point is the electrical and asked if she could have 45-60 more days to get it done. She pointed out that all the debris has since been cleaned up and she continues to keep the grass mowed and the yard clean.

Chairman Faircloth asked Ms. Thomas if the structure has been secured all this time and she replied in the affirmative. He asked staff about the options available to Ms. Thomas for Council to work with her and Ms. Bossi suggested the following:

1. Council could choose to grant an extension by putting it in pending for 30 days and have staff come back with a progress report, or

2. Council could choose to adopt the ordinance to demolish giving the property owner an additional 30-60 days

Council Member Pugh expressed concerns about the amount of money that has to be put into the house and asked Ms. Thomas if she was going to have the money to make the necessary repairs to bring it into compliance. Mayor Smothers agreed with Council Member Pugh and noted she would feel more comfortable giving Ms. Thomas 30 days with an inspection done and a report back from staff so Ms. Thomas would be clear on what specifically needs to be done.

Ms. Bossi informed Council that basically most of the debris has been removed, but this is all that has been done at this point unless some additional repairs have been made in the last week and a half.

Council Member Douglas asked Ms. Thomas if she was aware of the problems Council has with houses that are left in the community unattended and the effect it has on the neighborhoods. Ms. Thomas replied that she does keep her property clean by keeping the grass low and that it looks good.

Chairman Faircloth suggested this matter be placed in pending for 30 days at which time staff will report back to Council. He informed Ms. Thomas that this was not an intent on Council's part to just give her additional time, but there was an expectation that repairs be done along the way so progress would be noted in staff's report. Mayor Smothers felt it would be important for staff to get an inspection done this week so Ms. Thomas would know what to expect before the 30 days is up.

The Committee recommended this matter be placed in pending for 30 days at which time staff would report back to Council on the status. Matter due back on or around June 18, 2009.

**A motion was made by Member Faircloth, seconded by Council Member Douglas, that this matter be postponed to the Public Safety Committee, due back on June 18, 2009. The motion carried unanimously.**

### **Ordinance - Demolition of Structure - Vacate & Close - 309 Park Street**

#### **090111**

Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of a structure located at 309 Park Street belonging to Anthony J. Pearson.

Katherine Bossi, Local Codes Enforcement Supervisor, updated Council regarding this housing case. The matter was brought to staff's attention after the police department received a complaint regarding conditions of the dwelling which at the time was being used as a boarding house. Staff made an inspection on December 30, 2008. At that time, there were three unsafe violations: no smoke detectors; loose electrical panel; and no heat. Additionally there were 54 other minor violations noted. A hearing was held on January 21, 2009 at which time the structure was determined to be substandard. Since the property owner was not present at the hearing, staff issued a

90-day order to repair or demolish with a compliance date of May 8, 2009. Staff performed an inspection today prior to the meeting and noted the property owner has corrected about 12 of the minor violations, but the others are still outstanding. The Guilford County tax value is \$23,500 with staff's estimated repairs at \$25,900.

Chairman Faircloth asked if it was being used as a boarding house at the time it was inspected. Ms. Bossi replied in the affirmative and noted tenants were still living in the structure. Council Member Sims pointed out the discrepancy in the staff report that says the structure is vacant and Ms. Bossi explained it was a typo and confirmed that the structure was still occupied. Council Member Alexander asked if the repairs that have been done have been done according to code. Ms. Bossi replied that some have been while others have not been. Council expressed concerns that the tenants were allowed to stay in the structure without smoke detectors.

Chairman Faircloth asked the property owner to provide additional information to Council.

Anthony Pearson, 2605 Central Avenue, explained he had some hard-wired smoke detectors in this property, but evidently the inspector didn't see them when he was there. He noted he did take some siding off the back of the house to put on the front of the house and he just hasn't had time to paint the house yet.

Mayor Smothers asked if it was still being used as a boarding house. Mr. Pearson informed Council that he rents to one individual who has two roommates (three individuals are living in the house at this time).

Council Member Pugh expressed concerns about the exposed wiring next to the electrical panel and noted this was a really bad hazard could set the house on fire. Mr. Pearson pointed out that the original sheet given to him by the inspectors didn't have anything on it about the wiring so he wasn't aware there was a problem. The Mayor asked Mr. Pearson about how long he has been renting to the current tenant and he replied about four months. Mr. Pearson pointed out that he initially had problems with the Police Department, but since then the issues have been cleared up.

Council Member Alexander expressed concerns that there was no heat in the house and felt like that was a major issue. Mr. Pearson explained that he has a working furnace sitting in the floor, but just hasn't installed it yet.

Council Member Douglas informed Mr. Pearson that he could not continue pulling from one part of the house to fix another part and that he needed to get the repairs done. Council Member Sims agreed and noted the issue is that Mr. Pearson has not painted the house and the fact that the tenants went through the whole winter without heat doesn't help.

Council Member Alexander stated he would enthusiastically support the order to demolish since Mr. Pearson did not seem to have any compassion for his tenants citing no heat during a cold winter, numerous electrical and unsafe issues and no smoke detectors. He pointed out this was income producing property for Mr. Pearson

and he continues to put peoples lives at risk for his income. Mr. Pearson begged to differ on this point. Chairman Faircloth explained that Council was not finding fault with Mr. Pearson for renting his property, but that the conditions that exist create a very dangerous environment for his tenants.

At this time, Chairman Faircloth moved to adopt the ordinance to demolish. Council Member Alexander made a second.

For further discussion, Council Member Pugh felt the house should be vacated due to it being unsafe. Ms. Bossi agreed that conditions were unsafe which would warrant the structure to be vacated and noted this could be included with the order to demolish.

Chairman Faircloth agreed and amended his motion to include vacating the premises. Council Member Alexander suggested the premises be vacated within seven days. Lee Burnette, Director of Planning and Development, explained an order to vacate comes with an order to demolish and the Mayor expressed concerns about the personal safety of the tenants and noted that could take up to 30 days. Ms. Bossi noted that since the dwelling is currently occupied, if the order is adopted by Council, they would contact Community Development so that they're aware of the situation to see if the tenants can take advantage of relocation assistance. City Attorney Fred Baggett suggested Council should make the vacating order along the same time frame as the demolition.

Mr. Pearson pleaded to the City Council for an additional 60 days to get the repairs completed. Mayor Smothers asked if there was a substitute motion for 60 days. There being no substitute motion, she called for a vote on the original motion for adoption of the ordinance to demolish and the ordinance to vacate and close. The motion carried unanimously.

**Ordinance No. 6619/09-19 (V/C)**                      **Introduced 05/18/09**  
**Adopted 05/18/09**  
**Ordinance Book Volume XVI, Page 104**

**Ordinance No. 6620/09-20 (Demo)**                      **Introduced 05/18/09**  
**Adopted 05/18/09**  
**Ordinance Book Volume XVI, Page 105**

**A motion was made by Member Faircloth, seconded by Council Member Alexander, that this matter be adopted. The motion carried unanimously.**

**PUBLIC SERVICES COMMITTEE - Council Member Sims, Chair**  
**Committee Members: Blakeney, Faircloth, Whitley and Alexander**

**(all were present except Blakeney)**

There were no matters appearing on tonight's Agenda for consideration by the Public Services Committee.

**PLANNING & DEVELOPMENT COMMITTEE - Council Member Bencini, Chair**  
**Committee Members: Blakeney, Pugh, Sims and Faircloth**

(all were present except Blakeney)

**Second Reading - WCA of High Point, LLC - Modification of a Franchise for a Sanitary Landfill**

**090121**

Monday, May 18th is the scheduled date for the second reading on an application by WCA of High Point, LLC to modify its franchise to operate a sanitary landfill in High Point.

*The public hearing and 1st reading was held on Monday, May 4, 2009 at 5:30 p.m. for this Modification of a Franchise for a Sanitary Landfill as requested by WCA of High Point, LLC. at which time it was approved at the 1st reading.*

*Chairman Bencini asked if there were any comments/questions. There being none, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.*

Adopted the Ordinance modifying the Sanitary Landfill Franchise as requested by WCA of High Point, LLC.

**Ordinance No. 6622/09-22                      Introduced 05/04/09**  
**Adopted 05/18/09**  
**Ordinance Book Volume XVI, Page 107**

A motion was made by Mayor Pro Tem Bencini, seconded by Council Member Sims, that this matter be adopted. The motion carried unanimously.

**Resolution of Intent - Street Abandonment 09-12**

**090112**

Approval of a resolution of intent that establishes a public hearing date of June 15, 2009 at 5:30 p.m. to consider a request to close an unimproved portion of a right-of-way known as Hicks Place, lying north of the intersection of W. State Avenue and Hicks Place.

*The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.*

Adopted Resolution of Intent establishing a public hearing date of June 15, 2009 at 5:30 p.m. to consider a request to close an unimproved portion of a right-of-way known as Hicks Place, lying north of the intersection of W. State Avenue and Hicks Place.

**Resolution No. 1516/09-44                      Introduced 05/18/09**  
**Adopted 05/18/09**  
**Ordinance Book Volume XVI, Page 158**

A motion was made by Mayor Pro Tem Bencini, seconded by Council Member Sims, that this matter be adopted. The motion carried unanimously.

### Resolution of Intent - Street Abandonment 09-13

#### 090113

Approval of a resolution of intent that establishes a public hearing date of June 15, 2009 at 5:30 p.m. to consider a request to close an unimproved portion of a right-of-way known as W. Dayton Avenue, lying west of the intersection of Long Street and W. Dayton Avenue.

*The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.*

Adopted Resolution of intent establishing a public hearing date of June 15, 2009 at 5:30 p.m. to consider a request to close an unimproved portion of a right-of-way known as W. Dayton Avenue, lying west of the intersection of Long Street and W. Dayton Avenue.

Resolution No. 1517/09-45

Introduced 05/18/09

Adopted 05/18/09

Resolution Book Volume XVI, Page 159

A motion was made by Mayor Pro Tem Bencini, seconded by Council Member Sims, that this matter be adopted. The motion carried unanimously.

### Planning & Zoning Member Attendance - Jay Wagner

#### 090114

Consideration of the re-instatement of Jay Wagner as a full voting member of the Planning & Zoning Commission.

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

Approved the re-instatement of Jay Wagner as a full voting member of the Planning & Zoning Commission.

A motion was made by Mayor Pro Tem Bencini, seconded by Member Faircloth, that this matter be approved. The motion carried unanimously.

### Appointment: Citizens Advisory Council

#### 090122

Council is requested to confirm the appointment of Jerry Mingo [Mayor's At-Large appointment] to the Citizens Advisory Council. Appointment to be effective immediately and will expire 5/31/2010.

*Since this matter did not originally appear on tonight's Agenda, motion was made by Council Member Alexander, seconded by Council Member Sims to suspend the rules relative to placing it on tonight's Agenda for consideration. The motion carried unanimously.*

*The Committee recommended this appointment be placed on Thursday's Agenda with*

*a favorable recommendation.*

Approved/confirmed the appointment of Jerry Mingo to the Citizens Advisory Council as the Mayor's At-Large appointment. Appointment effective immediately and will expire 5/31/2010.

A motion was made by Council Member Alexander, seconded by Mayor Pro Tem Bencini, that this matter be approved. The motion carried unanimously.

## **PUBLIC HEARINGS ON ITEMS - 5:30 P.M.**

### **Planning & Development Committee**

#### **Ordinance - Text Amendment 09-03 - CHP - "Environmental Regulations"**

##### **090115**

A request by the Planning & Development Department to amend portions of Chapter 7 of the Development Ordinance, entitled "Environmental Regulations" in order to include the Lake Thom-a-Lex Watershed in the Watershed Protection ordinance; exemptions from Watershed Regulations; and Watershed Modifications.

*The public hearing for this matter was held on Monday, May 18, 2009 at 5:30 p.m.*

*Gregg Morris of Planning and Development gave an overview of the staff report. [a copy of the staff report is hereby attached in Legistar as a permanent part of these proceedings]*

*Chairman Bencini opened the public hearing and asked if there was anyone present who would like to speak in favor of or in opposition to this text amendment request. There being none, the public hearing was declared closed.*

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

Adopted ordinance amending portions of Chapter 7 of the Development Ordinance, entitled "Environmental Regulations" in order to include the Lake Thom-a-Lex Watershed in the Watershed Protection Ordinance; exemptions from Watershed Regulations; and Watershed Modifications.

**Ordinance No. 6621/09-21                      Introduced 05/18/09**  
**Adopted 05/18/09**  
**Ordinance Book Volume XVI, Page 106**

A motion was made by Mayor Pro Tem Bencini, seconded by Council Member Sims, that this matter be adopted. The motion carried unanimously.

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**Ordinance - Text Amendment 09-04 - CHP - re Family Care Homes****090116**

A request by the Planning & Development Committee to amend Table 4-5-1 "Permitted Use Schedule" and Section 9-5-2 "Development Standards for Individual Uses" of the Development Ordinance pertaining to Family Care Homes.

*The public hearing for this matter was held on Monday, May 18, 2009 at 5:30 p.m.*

*Bob Robbins of Planning and Development presented an overview of the staff report. [a copy of the staff report is hereby attached in Legistar as a permanent part of these proceedings]*

*Council Member Alexander inquired as to if this ordinance would also cover the city's ETJ area and Mr. Robbins explained that it would because the city has zoning control in these areas. Mayor Smothers noted that although she understands the basis for requests and recommendations, she could not support it because she felt the 1/4 mile could load up a subdivision. Chairman Bencini explained that concerns were voiced when this matter was discussed in Committee and upon the advisement of the city attorney decided to go with the 1/4 mile because there would less likely be a problem. City Attorney Fred Baggett explained that really both could be a problem, but the 1/4 mile is to some unknown extent a little safer and explained the federal government has gone after some ordinances with some rather relaxed distance standards like a 1/4 mile, so it does not insulate the city if Council chooses the 1/4 mile, but would make for a better case. The Mayor pointed out the very fact that there would be 19 non-conforming situations shows there is some clustering. Council Member Faircloth pointed out that a lot of that is driven my market prices that people would pay for a structure of such and to a great extent, he felt it was unfair to lower income neighborhoods to have the smaller area because it would drive more concentration there. He expressed support for the 1/2 mile.*

*Council Member Sims explained there was a lot of discussion back and forth in committee on the 1/4 mile versus the 1/2 mile. She noted that although the 1/2 mile would probably be a little more restrictive, she was not willing to gamble with the fair housing laws when and if it comes down to doing a test case. She was uncertain as to why some would want it to be more restrictive while she understands the concern that people have about these types of houses in neighborhoods, but felt a 1/4 mile would take care of the situation. Council Member Whitley commented that the 1/4 mile did not resolve an issue he had in his neighborhood off of Oakview Road.*

*Council Member Alexander expressed support for the 1/4 mile and felt if something had been in place long ago, there wouldn't be so many non-conforming situations. Council Member Faircloth felt the number of non-conforming situations mentioned would show that to go with the 1/4 mile would make it difficult to go to a 1/2 mile later, but it could be done the other way around.*

*At this time, Chairman Bencini opened the public hearing and asked if there was anyone present who would like to speak in support of or in opposition to this request. There being none, the public hearing was declared closed.*

*Prior to a decision being rendered on this request, Mr. Baggett advised Council to start the process again should Council decide to go with the 1/2 mile. He noted that although the restriction itself is identical, the geographic area and the number of properties affected or potentially affected would be greater.*

**Council Member Alexander** moved approval of Text Amendment 09-04 for a 1/4 mile. **Council Member Sims** made a second to the motion.

**The Mayor called for a vote on the motion. The motion failed by a 3-5 vote as follows:**

Votes: Aye: Council Members Alexander, Douglas and Sims  
 Nay: Mayor Smothers; Mayor Pro Tem Bencini and Council Members Faircloth, Pugh and Whitley  
 Absent: Council Member Blakeney

**Council Member Faircloth** then moved to direct staff to look at the 1/2 mile. **Council Member Bencini** made a second. The motion carried by a 7-1 vote as follows:

Votes: Aye: Mayor Smothers; Mayor Pro Tem Bencini; and Council Members Alexander, Douglas, Faircloth, Pugh, and Whitley  
 Nay: Council Member Sims  
 Absent: Council Member Blakeney

**A motion was made by Council Member Alexander, seconded by Council Member Sims, that this matter be denied. The motion failed by the following vote:**

Votes: Aye: Council Member Alexander, Council Member Sims and Council Member Douglas  
 Nay: Mayor Smothers, Council Member Bencini, Council Member Faircloth, Council Member Pugh and Council Member Whitley  
 Absent: Council Member Blakeney

#### **Resolution - Street Abandonment 09-09 - CHP**

##### **090117**

A request by the Technical Review Committee to abandon a portion of right-of-way known as Ridgeway Place, lying south of W. Ward Avenue, between Prospect Street and Lincoln Drive.

*The public hearing regarding this matter was held on Monday, May 18, 2009 at 5:30 p.m.*

*Bob Robbins of Planning and Development gave an overview of the staff report. [a copy of the staff report is hereby attached in Legistar as a permanent part of these proceedings]*

*Following the presentation of the staff report, Chairman Bencini opened the public hearing and asked for comments. There being no one present to speak for or against the request for Street Abandonment 09-09, the public hearing was closed.*

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

*adoption.*

Adopted resolution authorizing the abandonment of a portion of right-of-way known as Ridgeway Place, lying south of W. Ward Avenue, between Prospect Street and Lincoln Drive.

**Resolution No. 1518/09-46**      Introduced 05/18/09  
**Adopted 05/18/09**  
**Resolution Book Volume XVI, Page 160**

**A motion was made by Mayor Pro Tem Bencini, seconded by Council Member Sims, that this matter be adopted. The motion carried unanimously.**

#### **Resolution - Street Abandonment 09-10 - CHP**

##### **090118**

A request by the Technical Review Committee to abandon an unnamed right-of-way, lying south of West Market Center Drive, between Prospect Street and Starr Drive.

*The public hearing regarding this matter was held on Monday, May 18, 2009 at 5:30 p.m.*

*Bob Robbins of Planning and Development gave an overview of the staff report. [a copy of the staff report is hereby attached in Legistar as a permanent part of these proceedings]*

*Following the presentation of the staff report, Chairman Bencini opened the public hearing and asked for comments. There being no one present to speak for or against the request for Street Abandonment 09-10 the public hearing was closed.*

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

Adopted the resolution authorizing the abandonment of an unnamed right-of-way lying south of West Market Center Drive between Prospect Street and Starr Drive.

**Resolution No. 1519/09-47**      Introduced 05/18/09  
**Adopted 05/18/09**  
**Resolution Book Volume XVI, Page 161**

**A motion was made by Mayor Pro Tem Bencini, seconded by Council Member Sims, that this matter be adopted. The motion carried unanimously.**

#### **Resolution - Street Abandonment 09-11 - CHP**

090119

A request by the Technical Review Committee to abandon an unimproved and unnamed right-of-way, lying north of Baker Road, between Cox Avenue and Ethel Avenue.

*The public hearing regarding this matter was held on Monday, May 18, 2009 at 5:30 p.m.*

*Bob Robbins of Planning and Development gave an overview of the staff report. [a copy of the staff report is hereby attached in Legistar as a permanent part of these proceedings]*

*Following the presentation of the staff report, Chairman Bencini opened the public hearing and asked for comments. There being no one present to speak for or against the request for Street Abandonment 09-11 the public hearing was closed.*

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

Adopted the resolution authorizing the abandonment of an unnamed right-of-way lying north of Baker Road between Cox Avenue and Ethel Avenue.

**Resolution No. 1520/09-48                      Introduced 05/18/09**  
**Adopted 05/18/09**  
**Resolution Book Volume XVI, Page 162**

A motion was made by Mayor Pro Tem Bencini, seconded by Council Member Sims, that this matter be adopted. The motion carried unanimously.

#### **For Information Only:**

##### **Proclamation: High Point's Sesquicentennial Celebration**

*Mayor Smothers issued a Proclamation commemorating High Point's Sesquicentennial celebration urging all High Point residents and corporate citizens to learn more about the city's history and how 150 years of tradition, progress and vision will lead us in the future.*

##### **Proclamation: National Public Works Week**

*Mayor Smothers read the proclamation into the record proclaiming the week of May 17-23 as "National Public Works Week."*

##### **Special Recognition: Robert S. Hopson Award/H.W. Kueffner Award**

*Keith Pugh, Director of Engineering Services, representing the American Public Works Association (APWA), recognized two City of High Point employees chosen to receive the N.C. Chapter Awards. This award program is designed to recognize unsung heroes who exemplify the Public Works professionals ideals. Official award presentations will be made in Greenville, North Carolina during the State Chapter Conference on June 17, 2009.*

*The first award, the Robert S. Hopson Award, is presented annually to a municipal employee who demonstrates outstanding customer service in a supervisory role. Mr. Terry Wayne Mitchell, Sanitation Supervisor in the Environmental Services Division, will be this year's recipient. While Mr. Mitchell was not present, Mr. Pugh shared that he was selected for the award because of his assistance in removing a deer carcass that was floating in a lake that eventually feeds into the city's water supply system.*

*The H. W. Kueffner award is presented annually to a municipal employee who demonstrates outstanding customer service (in a non-supervisory role). This year's winning nominee is Tracy Adams, a buyer in the Financial Services Department. Ms. Adams was chosen for her can-do attitude and willingness to assist customers well beyond what her job description requires.*

*Chris Thompson, Director of Public Services, thanked the Mayor, City Council and city staff for their support. He noted the interaction staff has across the state with its peers is very good and helps in solving problems in the community.*

*Mayor Smothers extended accolades for the city staff and commented that the input the Metropolitan Mayor's Coalition as well as the N.C. League staff has received from High Point particularly from the Public Services and Transportation Department has been invaluable in actually being able to tell the Legislature the possible impacts to the local community regarding some of the bills being considered.*

## **ADJOURNMENT**

There being no further business to come before Council at this time, the meeting was adjourned until 3:00 p.m. on Wednesday, May 19th upon motion duly made and seconded.

Respectfully Submitted,

Attest:

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Lisa B. Vierling, MMC  
City Clerk

City Clerk's Office

Lisa B. Vierling, MMC  
CITY CLERK



**NORTH CAROLINA**

**GUILFORD COUNTY**

I, Lisa B. Vierling, City Clerk, certify that the foregoing is a true and accurate copy of the proceedings of an Official Meeting held by the City Council of the City of High Point, North Carolina, on *January 3, 2011 at 4:45 p.m.* in the High Point Municipal Building as recorded in Minute Book 86, Pages 1-8.

**IN WITNESS WHEREOF**, I have hereunto set my hand and have caused the official corporate seal of said City to be affixed, this the 8<sup>th</sup> day of February, 2011.



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

**NORTH CAROLINA**

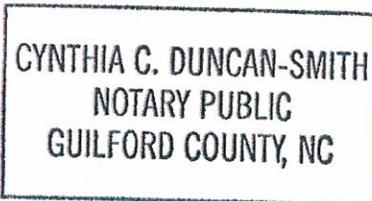
**GUILFORD COUNTY**

I, Cynthia C. Duncan-Smith, a Notary Public, do hereby certify that Lisa B. Vierling, City Clerk, personally appeared before me this day and acknowledged the due execution of the foregoing certification, for the purposes therein expressed.

WITNESS my hand and Notarial Seal this 8<sup>th</sup> day of February, 2011.

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

My commission expires: 1/18/2015



**CITY OF HIGH POINT**

**MUNICIPAL OFFICE BUILDING**

**COMBINED MEETING**

**JANUARY 3, 2011**

**4:45/5:30 P.M.**

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

*Upon call of the roll, Mayor Pro Tem Latimer B. Alexander, IV. (At-Large); and Council Members Britt Moore (At-Large); Bernita Sims (Ward 1); Foster Douglas (Ward 2); Michael D. Pugh (Ward 3); A. B. Henley, III (Ward 4); M. Christopher Whitley (Ward 5); and James W. Corey, Ph.D. (Ward 6) were present.*

*Mayor Rebecca R. Smothers was absent.*

*In the absence of Mayor Smothers; Mayor Pro Tem Alexander presided over the meeting.*

*Mayor Pro Tem Alexander offered the invocation; the Pledge of Allegiance followed.*

**APPROVAL OF THE MINUTES FROM PREVIOUS MEETINGS**

**The minutes of the following meetings were unanimously approved as submitted upon motion by Council Member Sims and second by Council Member Whitley.**

- Finance Committee; Monday, December 20th @ 3:30 p.m.
- Combined Meeting; Monday, December 20th @ 4:45/5:30 p.m.
- Special Meeting; Tuesday, December 28th @ 2:00 p.m.

**FINAL ACTION TAKEN AT THIS MEETING**

*At the conclusion of the Committee of the Whole Session, and after all matters were heard by Council, motion was made by Council Member Sims and seconded by Council Member Corey to suspend the rules in order to take final action on these matters at tonight's meeting. The motion carried unanimously. [8-0 vote] [Mayor Smothers was absent]*

*Motion was then made by Council Member Sims, seconded by Council Member Corey that all Committee recommendations stand as final action regarding these matters. The motion carried unanimously. [8-0 vote] [Mayor Smothers was absent]*

*Note: As a result of this action, there is no need for the Thursday morning meeting.*

**PRESENTATION OF ITEMS**



**FINANCE COMMITTEE** - Council Member Alexander, Chair  
Committee Members: Whitley, Smothers and Corey

[Smothers was absent]

Chairman Alexander asked Council Member Whitley to preside over this portion of the meeting.

**110001**      **State Contract Bid - Transit Bus Equipment - Automatic Vehicle Location System for Dial-A-Lift**

Approval of contract awarding contract for Transit Bus Equipment - Automatic Vehicle Location System for Dial-A-Lift. Purchasing and the Transportation Department recommends that contract be awarded to Digital Recorders, Inc., the State Contract awarded vendor, for the amount of \$140,654.00.

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

*The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval.*

Approved contract with Digital Recorders, Inc. in the amount of \$140,654.00 for Transit Bus Equipment (automatic vehicle location system for Dial-A-Lift).

*A motion was made by Council Member Whitley, seconded by Council Member Sims, that this matter be approved. The motion carried unanimously. [8-0 vote] [Mayor Smothers was absent]*

**110003**      **Budget Ordinance Amendment - Idol Street Property - Workforce Development**

Adoption of a Capitol Project ordinance amending the 2010-2011 Budget Ordinance to appropriate additional funds in the amount of \$83,271.00 for the Idol Street property for renovation of the future JobLink-Workforce Development offices.

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

*The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.*

Adopted Capital Project Ordinance amending the 2010-2011 Budget Ordinance to appropriate additional funds in the amount of \$83,371.00 for the Idol Street property renovations of the future JobLink-Workforce Development Offices.

*A motion was made by Council Member Whitley, seconded by Council Member Sims, that this matter be adopted. The motion carried unanimously. [8-0 vote] [Mayor Smothers was absent]*

**110004**      **Contract - Bid No. - Idol Street Interior Renovations for Workforce Development**

Approval of contract awarding Bid No. 17 for Idol Street Interior Renovations for JobLink-Workforce Development Career Center. Purchasing and Facilities Services recommends that contract be awarded to Holbrook Construction in the amount of \$247,491.55 which is the lowest responsible and responsive bidder meeting specifications.

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

*The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval.*

Approved the award of contract with Holbrook Construction for the Idol Street interior renovations to the Joblink-Workforce Development Career Center in the amount of \$247,491.55 which is the lowest responsible and responsive bidder meeting specifications.

*A motion was made by Council Member Whitley, seconded by Council Member Sims, that this matter be approved. The motion carried unanimously. [8-0 vote] [Mayor Smothers was absent]*

**110007**      **City of High Point 2011 Legislative Goals & Policies/Proposed 2011-2012 NCLM Advocacy Goals**

Council is requested to adopt legislative priorities for the City of High Point for 2011 as well as confirm support for the Proposed 2011-2012 NCLM Advocacy Goals. Council Member Whitley explained this matter was brought up and discussed during the Finance Committee meeting held at 3:30 p.m. prior to this meeting.

**Since this matter did not originally appear on tonight's Agenda, Council Member Whitley made a motion to suspend the rules so that it could be added to the Agenda for consideration. Council Member Sims made a second to the motion which carried unanimously.**

*The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.*

Adopted the City of High Point 2011 Legislative Goals & Policies identifying numbers 1 through 10 as the priorities and confirmed support of the proposed 2011-2012 NCLM Advocacy Goals.

*Note: the draft copy as well as the adopted copy of the City of High Point 2011 Legislative Goals & Policies and the proposed 2011-2012 NCLM Advocacy Goals will be attached in Legistar as a permanent part of these proceedings.*

*A motion was made by Council Member Whitley, seconded by Council Member Douglas, that this matter be adopted. The motion carried unanimously. [8-0 vote] [Mayor Smothers was absent]*

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**PUBLIC SAFETY & COMMUNITY DEVELOPMENT COMMITTEE** – Council

*Member Sims, Chair*

*Committee Members: Alexander, Douglas and Corey*

[all were present]

**110005      Ordinance - Vacate/Close Structure (48 Hour Order) - 913 N. Centennial Street**

Consideration of ordinance ordering the inspector to effectuate the vacating and closing (48 hour order) of property located at 913 N. Centennial Street belonging to Devlin K. Littlejohn.

*Chairwoman Sims explained that staff has requested that the 48-hour order for 905 Hickory Chapel Road be removed due to the repairs being made.*

Removed this matter from the Agenda; action is no longer necessary—repairs already made to the property.

*A motion was made by Council Member Sims, seconded by Council Member Douglas, that this matter be removed. The motion carried unanimously. [8-0 vote] [Mayor Smothers was absent]*

**110006      Ordinance - Vacate/Close Structure (48 Hour Order) - 905 Hickory Chapel Road**

Consideration of ordinance ordering the inspector to effectuate the vacating and closing (48 hour order) of property located at 905 Hickory Chapel Road belonging to Mohammed Sabir and Musarat Shaheen Sab

*Chairwoman Sims explained that staff has requested that the 48-hour order for 913 N. Centennial Street be removed due to the repairs being made to the property.*

Removed this matter from the Agenda; action is no longer necessary due to the gas furnace repairs being completed.

*A motion was made by Council Member Sims, seconded by Council Member Douglas, that this matter be removed. The motion carried unanimously. [8-0 vote] [Mayor Smothers was absent]*

**PLANNING, ECD. DEV. & INFORMATION TECHNOLOGY COMMITTEE** –

*Council Member Whitley, Chair*

*Committee Members: Sims, Henley, and Moore*

[all were present]

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**Pending Items**

- 100325**     **Text Amendment 10-08- City of High Point - re Development Inspections Regulations**  
A request by the City Council to consider a text amendment to Chapter 11, Development Inspection Regulations, of the Code of Ordinance of the City of High Point to include relocation costs paid by the City as cost allowable as a lien against property subject to enforcement action under the minimum housing code.
- Note: This pending matter will be discussed in the Planning, Economic Dev. & Information Technology Committee on Tuesday, February 1<sup>st</sup> @ 8:30 a.m.*
- 100357**     **Resolution - Northwest Area Plan**  
Consideration of a resolution to approve the Northwest Area Plan as requested by the Planning & Development Department.
- Note: This pending matter will be discussed in the Planning, Economic Dev. & Information Technology Committee on Tuesday, January 4th @ 8:30 a.m.*
- 100358**     **Resolution - Land Use Plan Amendment Case 10-04 - City of High Point**  
Consideration of a resolution to amend the city's Land Use Plan in accordance with recommendations of the Northwest Area Plan as requested by the Planning & Development Department. The land area associated with this amendment is approximately 10,260 acres lying within the northwestern portion of the City's Planning area generally lying south of I-40, west of Kendale Road & Sandy Ridge Road, northwest of Skeet Club Road and north of the Davidson/Forsyth County line.
- Note: This pending matter will be discussed in the Planning, Economic Dev. & Information Technology Committee on Tuesday, January 4th @ 8:30 a.m.*

**PUBLIC COMMENT PERIOD - 5:15 P.M.**

*Pat Schreiber, 1717 Sandy Ridge Road, addressed Council in opposition to the Northwest Area Plan. She stated she was opposed to building the north/south connector and felt it was not in compliance with the Heart of the Triad Plan. She also pointed out the plan could not be implemented without an ETJ and felt it was not a prudent use of taxpayer's dollars.*

[copy of Ms. Schreiber's comments will be attached as a permanent part of these proceedings].

**Exhibit Book Volume X, Page 50**

*Jimmy Morgan, 8325 Bull Road, Colfax, also addressed Council in opposition to the Northwest Area Plan. He asked that Council remove any reference to the north/south connector contained in the plan. He felt the Northwest Area Plan contains two separate plans: one that promotes proper environmental stewardship, maintains good livability quality and supports agriculture--North Carolina's economic drive; and the other supports environmental degradation by threatening air and water quality, promotes*

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*sprawl and congestion through unbridled development south by the north/south connector, and spreads downtown degradation.*

[copy of Mr. Morgan's comments will be attached as a permanent part of these proceedings].

**Exhibit Book Volume X, Page 51**

*Steven Turner, 1008 Old Creek Crossing Lane, addressed Council. He brought to Council's attention an issue with speeding vehicles on Westover and Old Plank Road and appealed to Council to add additional policemen so it could be better enforced. He noted as a citizen, he would be willing to pay additional taxes if more policemen could be added so the laws could be enforced. Mayor Pro Tem Alexander encouraged Mr. Turner to contact the Laurel Oak Ranch Board because they have discussed this issue and looked at various strategies. Council Member Pugh felt there should be more enforcement due to it being a chronic issue.*

*Marianne Royle, 1609 Squire Davis Road, Kernersville, also spoke in opposition to the Northwest Area Plan. She questioned the 2011-2012 legislative goals of the NC League of Municipalities and referred to them as being "undemocratic." She expressed concerns regarding the legislation for reforming the annexation laws as well as the legislation that would allow municipal creation or extensions of extra-territorial jurisdictions (ETJ) with county approval. She felt High Point should not have the right to decide the fate of citizens who live on the many thousands of acres in the Northwest Area Plan.*

[copy of Ms. Royle's comments will be attached as a permanent part of these proceedings].

**Exhibit Book Volume X, Page 52**

*Cynthia Davis, 413 Evergreen, addressed Council during the Public Comment period. She posed a question to Council and asked them why the city was paying for bottled water when the city's water is supposed to be safe to drink. She also informed Council that her street was still unsafe and too narrow and should be curbed and guttered and mentioned they were also still having water drainage issues behind their property.*

*Sandra Williams addressed Council regarding some issues she's been having with the High Point Police Department. She informed Council about an incident that happened in February involving the police where they charged her with a drug violation, but she wasn't guilty. Ms. Williams informed Council that she did go to the police department, but they made fun of her and laughed in her face. She requested a polygraph and pleaded with the City Council to help her because she has done no wrong and wants to free her name.*

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**PUBLIC HEARINGS ON ITEMS – 5:30 p.m.****PLANNING, ECONOMIC DEV. & INFORMATION TECHNOLOGY****COMMITTEE** – Council Member Whitley, Chair

Committee Members: Sims, Henley, and Moore

**110002** **WCA of High Point, LLC - Application for Franchise Expansion (1st Reading)**

Monday, January 3, 2011 at 5:30 p.m. is the date and time established to receive public comments to consider an application for a franchise expansion of the WCA Construction and Demolition Debris Landfill that the city approved in 2009.

*Prior to the public hearing, City Manager Strib Boynton disclosed that Tom Terrell, who is representing WCA- the applicant for the franchise expansion agreement, as well as Fred Baggett, the City Attorney, are both members of the Smith-Moore law firm; however, there is no conflict of interest in this matter.*

*Chairman Whitley explained that City Attorney Baggett has joined this law firm since the City Council originally approved the franchise the first time around. The City Council unanimously approved the franchise expansion of the WCA Construction and Demolition Debris Landfill in 2009 and since that time NC DENR has disagreed with the applicant's representation regarding the statutory interpretation on how the notice should have been handled.*

*Tom Terrell, attorney representing WCA, was present to address any concerns and to answer any questions.*

*Chairman Whitley opened the public hearing and asked if there was anyone present who would like to make comments on the WCA of High Point, LLC resubmission of their application that had received prior approval. There being none, the public hearing was declared closed.*

*Following the conclusion of the public hearing, the Committee recommended this matter be placed on Thursday's Agenda for approval of the franchise expansion of the WCA Construction and Demolition Debris Landfill that the city approved in 2009 (1st Reading).*

*A motion was made by Council Member Whitley, seconded by Council Member Sims, that this matter be approved (1<sup>st</sup> Reading). The motion carried unanimously. [8-0 vote] [Mayor Smothers was absent]*

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**For Information Only:****Meeting Reminders:**

**Planning, Economic Dev. & Information Technology Committee** will meet at 8:30 a.m. on Tuesday, January 4th.

**Public Safety & Community Development Committee** will meet at 2:00 p.m. on Tuesday, January 4th.

There will be a **Manager's Briefing Session** on Tuesday, January 4th at 3:30 p.m. for an ElectriCities update. The City of Lexington will also join the meeting.

**ADJOURNMENT**

There being no further business to come before Council, the meeting adjourned at 5:35 p.m. upon motion duly made and seconded.

*Respectfully Submitted,*

  
*Rebecca R. Smothers, Mayor*

*Attest:*

  
*Lisa B. Vierling, MMC.*  
City Clerk

City Clerk's Office

Lisa B. Vierling, MMC  
CITY CLERK



**NORTH CAROLINA**

**GUILFORD COUNTY**

I, Lisa B. Vierling, City Clerk, certify that the foregoing is a true and accurate copy of the proceedings of an Official Meeting held by the City Council of the City of High Point, North Carolina, on *January 18, 2011 at 4:45 p.m.* in the High Point Municipal Building as recorded in Minute Book 86, Pages 9-25.

**IN WITNESS WHEREOF**, I have hereunto set my hand and have caused the official corporate seal of said City to be affixed, this the 8<sup>th</sup> day of February, 2011.



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

**NORTH CAROLINA**

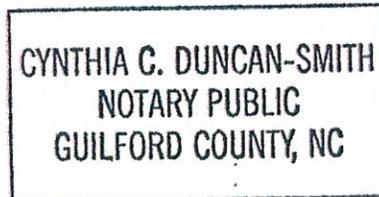
**GUILFORD COUNTY**

I, Cynthia C. Duncan-Smith, a Notary Public, do hereby certify that Lisa B. Vierling, City Clerk, personally appeared before me this day and acknowledged the due execution of the foregoing certification, for the purposes therein expressed.

WITNESS my hand and Notarial Seal this 8<sup>th</sup> day of February, 2011.

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

My commission expires: 1/18/2015



CITY OF HIGH POINT

MUNICIPAL OFFICE BUILDING

COMBINED MEETING

JANUARY 18, 2011

4:45/5:30 P.M.

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

*Upon call of the roll, Mayor Rebecca R. Smothers; Mayor Pro Tem Latimer B. Alexander, IV. (At-Large); and Council Members Britt Moore (At-Large); Bernita Sims (Ward 1); Foster Douglas (Ward 2); Michael D. Pugh (Ward 3); A. B. Henley, III (Ward 4); M. Christopher Whitley (Ward 5); and James W. Corey, Ph.D. (Ward 6) were present.*

*Mayor Smothers offered the invocation; the Pledge of Allegiance followed.*

**APPROVAL OF THE MINUTES FROM PREVIOUS MEETINGS**

The minutes of the following meetings were unanimously approved as submitted upon motion by Mayor Pro Tem Alexander and second by Council Member Whitley.

- Combined Meeting; Monday, January 3rd @ 4:45/5:30 p.m.
- Manager's Briefing (ElectriCities); Tuesday, January 4th @ 3:30 p.m.
- Facilities Tour; Thursday, January 6th @ 9:00 a.m.

*The Deputy Clerk covered the following meetings. The minutes for these meetings were incomplete at the time the previous meetings were distributed to Council for approval and will be forwarded to Council for approval at the February 7th meeting:*

- Finance Committee; Monday, January 3rd @ 3:30 p.m.
- Planning, Economic Development & Information Technology Committee; Tuesday, January 4th @ 8:30 a.m.
- Public Safety & Community Development; Tuesday, January 4th @ 2:00 p.m.

**FINAL ACTION TAKEN AT THIS MEETING**

At the conclusion of the Committee of the Whole Session, and after all matters were heard by Council, motion was made by Council Member Whitley and seconded by Mayor Pro Tem Alexander to suspend the rules in order to take final action on these matters at tonight's meeting. The motion carried unanimously. [9-0 vote]

Motion was then made by Council Member Whitley, seconded by Council Member Sims that all Committee recommendations stand as final action regarding these matters. The motion carried unanimously. [9-0 vote]

*Note: As a result of this action, there is no need for the Thursday morning meeting.*



100358

**Resolution - Land Use Plan Amendment Case 10-04 - City of High Point**

Consideration of a resolution to amend the city's Land Use Plan in accordance with recommendations of the Northwest Area Plan as requested by the Planning & Development Department. The land area associated with this amendment is approximately 10,260 acres lying within the northwestern portion of the City's Planning area generally lying south of I-40, west of Kendale Road & Sandy Ridge Road, northwest of Skeet Club Road and north of the Davidson/Forsyth County line.

*The joint public hearing for this matter and related matter 100357 Resolution-Northwest Area Plan was held on Monday, December 20th at 5:30 p.m. At that time, it was recommended that this matter be placed in Committee for further discussion.*

*Note: Please refer to Matter 100357 Resolution- Northwest Area Plan for specific comments made regarding this matter.*

Adopted resolution amending the city's Land Use Plan in accordance with recommendations of the Northwest Area Plan as requested by the Planning & Development Department.

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

Votes: Aye: Mayor Smothers, Mayor Pro Tem Alexander, Council Member Moore, Council Member Sims, Council Member Douglas, Council Member Henley, Council Member Whitley and Council Member Corey  
Nay: Council Member Pugh

Resolution No. 1651/11-02  
Adopted 1/18/2011  
Resolution Book Volume XVII, Page 2

Introduced 12/20/2010

**Pending Items**

100325

**Text Amendment 10-08- City of High Point - re Development Inspections Regulations**

A request by the City Council to consider a text amendment to Chapter 11, Development Inspection Regulations, of the Code of Ordinance of the City of High Point to include relocation costs paid by the City as cost allowable as a lien against property subject to enforcement action under the minimum housing code.

*Chairman Whitley reported that he had planned to discuss this in committee on February 8th but had received a request from TREBIC, who has an interest in the matter, to postpone it for another couple of weeks because they would be in Washington, D.C. on February 8th.*

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## MISCELLANEOUS

**110012**      **Appointment - Parks & Recreation Commission - Jerry Southern**  
Council is requested to confirm the appointment of Mr. Jerry Southern was the Ward 6 appointment to the Parks and Recreation Commission to fill the unexpired term of Donna Brown.

Approved the appointment of Jerry Southern to the Parks & Recreation Commission.

*A motion was made by Council Member Corey, seconded by Mayor Pro Tem Alexander, that this matter be approved. The motion carried unanimously. [9-0 vote]*

## PUBLIC COMMENT PERIOD

### **Eunice Shepherd: Complaint about Police Department**

*Mayor Smothers explained a public comment period was not part of tonight's agenda, but allowed Ms. Shepherd the opportunity to speak since there were a few minutes to spare prior to the time for the public hearings.*

*Eunice Shepherd, 516 Hill Street, addressed Council regarding a recent incident involving the Police Department that occurred at her residence on Friday, January 14th. She informed Council that the police lied to her to gain entry into her home and stated the police told her that someone broke into her house that had a felony warrant, but once they got inside they were actually looking for her son. She explained the police told her to get out of her own house and she refused because they did not have a search warrant. Mayor Smothers informed Ms. Shepherd that the Police Chief was present at tonight's meeting and suggested she get with him and schedule a time to go in to see him to discuss it once she gives him the opportunity to get the facts together.*

*Council Member Sims asked for staff to provide an updated report to Council regarding this matter.*

## PUBLIC HEARINGS ON ITEMS

**Planning, Economic Dev. & Information Technology Committee** - Council Member Whitley, Chair

*Committee Members: Sims, Henley and Moore*

### **110009**      **Second Reading - WCA of High Point, LLC - Application for Franchise Expansion**

Tuesday, January 18, 2011 at 5:30 p.m. is the date and time established for the second reading to consider an application for a franchise expansion of the WCA Construction and Demolition Debris Landfill. (1st reading was held Monday, January 3, 2011.)

*Chairman Whitley noted this was the 2nd reading of the WCA of High Point application for a franchise and pointed out it was unanimously approved at the 1st reading that was*

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*held on Monday, January 3, 2011 at 5:30 p.m. He asked if there were any additional questions or comments from Council.*

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

*Approved the application for a franchise expansion of the WCA of High Point Construction and Demolition Debris Landfill.*

*A motion was made by Council Member Whitley, seconded by Mayor Pro Tem Alexander, that this matter be approved. The motion carried unanimously. [9-0 vote]*

110010

**Special Use Permit 10-01 - Alicia Layton - E. Parris Avenue/Kirkwood Street**

A request by Alicia Layton for a Special Use Permit to allow a bar with a capacity over 100 persons in a Conditional Use General Business (CU-GB District). The site is lying at the northwest corner of E. Parris Avenue and Kirkwood Street (133 E. Parris Avenue).

[Prior to the public hearing being held on this matter, those persons desiring to speak were duly sworn.]

\_\_\_\_\_ Transcript: Public Hearing: January 18, 2011 \_\_\_\_\_

**Chairman Whitley:** *The next item we have is a special use permit by Alicia Layton. This is on E. Parris Avenue. Some of the groundwork was laid a few months ago so it's back before us again for a modification. Herb are you going to present this?*

*If you're here to speak on this case tonight, you'll need to be sworn in and if you'll come forward.*

**Herb Shannon:** *Yes, the applicant is requesting a special use permit to allow a bar with a capacity of over 100 persons within the Conditional Use General Business District. The site in question is highlighted and cross-hatched on the map. This is East Parris. This is Kirkwood. The parcel in question is lying in the northwest corner of that intersection. A bar with a capacity of 100 persons or less is a permitted use in this Conditional Use General Business District. In order to have a capacity over 100 persons, a special use permit is required. A special use permit is a use in addition to those permitted by right in a zoning district. Such use requires analysis for its potential impact on the site and surrounding property owners. The purpose of the special use permit process is to allow the Planning & Zoning Commission and the City Council the opportunity to perform its analysis.*

*As for surrounding zoning, the site's currently zoned Conditional Use General Business. To the north it is zoned Limited Business and there's an existing multi-tenant retail space. If you had a chance to visit that area that's where you have the Domino's Pizza facility.*

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*To the south, Conditional Use General Business with motor vehicle sales. To the east you have a shopping center zoning where you have an existing bank, a vacant parcel, and to the west there's also a general shopping center. That's the Home Depot facility. The site's currently developed. The front half of the structure is an existing restaurant. The rear half of that building is the area associated with this application. The applicant's currently operating a bar on this site for a capacity under 100 persons and they are requesting this special use permit to increase that capacity. The Land Use Plan designates this area as Community/Regional Commercial. Bob, if you could go to the next slide please. That classification is intended to serve a wide range of retail service uses. Everything that you see in red is designated Community/Regional Commercial and that kind of extends from the Main Street corridor and Eastchester corridor. This designation extends all along Parris Avenue over to Johnson Street.*

*As to the zoning history, there have been several bar uses at this site since the mid-1980s. As you may recall, the site was rezoned to a Conditional Use General Business District in May of 2010 and there have been previous zoning activities to the south. In this corner we have Conditional Use Business District to the south which occurred in the late 1990s. The Development Ordinance requires specific standards to be met for a bar with a capacity over 100 persons and those are outlined on page 10 and 11 of your packet. They pertain to property separation, orientation and screening and this property is meeting those criteria.*

*Staff has not identified any major issues. At the Planning & Zoning Commission meeting, one minor issue pertaining to parking was noted. Staff had noted at that time, there was sufficient area on the site for parking, it just has not been striped. I inspected the site the day the applicant had striped the site, so that is no longer an issue. The parking lot has been striped to meet the requirements of the Development Ordinance. On page 11 and 12 of your packet are the findings pertaining to this request. Key items I will just note.....there is an existing bar on this site; this would just increase the capacity. Since the 1980s there have been several bar uses in this area, so this request is not adding a new use to this area and also touch on the fact that the site is surrounded by commercial uses. The nearest residential use is over 410 feet away and that's just measured property line to property line. So you have a greater distance when you measure from building to building.*

*In conclusion, based upon the conditions and the attached Conditional Use Permit and the preliminary findings outlined in the staff report, staff finds that this request is generally consistent with surrounding zoning and development in this area and complies with the goals and objectives of the Land Use Plan and staff is recommending approval of the requested conditional use permit to allow a bar with a capacity of over 100 persons. The Planning & Zoning Commission reviewed this request at their December 14th meeting and recommended approval by a vote of 6-1. Are there any questions?*

**Council Member Sims:** *Mr. Shannon, this particular location-have we looked at police activity or any of that previous police activity in this area with the existing or preexisting bar that was there before?*

**Herb Shannon:** *No.*

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**Mayor Smothers:** *Is Fuji's still going to operate as a restaurant to the front of it?*

**Herb Shannon:** *Yes. Bob can you go to the next slide please? The Fuji Restaurant will be in the southern half of the building. The area highlighted in gray is the proposed location of this bar associated with this special use permit.*

**Mayor Smothers:** *Well I remember when they came in and they kind of halved the whole thing, but I noticed you said there were 131 parking spaces--does that include those spaces also for the restaurant?*

**Herb Shannon:** *Yes.*

**Mayor Smothers:** *We're going to let a 100 people go in the bar and there's a restaurant out there and they're all going to.....*

**Council Member Alexander:** *Yeah, but I believe the drinking's generally later in the evening. [laughter]*

**Herb Shannon:** *When staff analyzed it, we made the assumption, worst case scenario with both uses at capacity and they are meeting the parking requirements.*

**Council Member Corey:** *They might be carpooling too, right?*

**Council Member Sims:** *What's in excess of 100? I mean where does it cap?*

**Herb Shannon:** *Based upon the existing capacity of the Fuji Restaurant and the amount of parking that's on the site, staff calculates this facility, if approved, could have a capacity of approximately 245 persons.*

**Council Member Pugh:** *Isn't that a four-way stop right there?*

**Council Member Sims:** *Yes.*

**Herb Shannon:** *Four-way stop at that intersection? Yes.*

**Mayor Smothers:** *And it works really well.*

**Council Member Sims:** *You're saying that the bar alone, by itself, is that the number you just gave us?*

**Herb Shannon:** *We based that on the assumption that the restaurant was at maximum capacity and the amount of parking that was on the site, based upon that parking that is remaining, staff estimated a maximum capacity of approximately 245 people. And that's assuming both uses are operating at the same time at maximum capacity.*

**Council Member Sims:** *But what about the bar by itself?*

**Herb Shannon:** *The restaurant and the bar.*

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**Council Member Sims:** *Okay, but you don't have a maximum number on the bar alone-occupancy wise?*

**Herb Shannon:** *It would have to be that 240 number based upon the parking and the Fuji Restaurant. We would not consider them separately because they could be operating at the same time.*

**Council Member Pugh:** *The square footage of the building, does that come into play as far as capacity? And is there any limitation there as far as capacity?*

**Herb Shannon:** 245.

**Council Member Pugh:** *That is the max?*

**Herb Shannon:** *Yes.*

**Mayor Smothers:** *Are the two uses connected in the same building?*

**Herb Shannon:** *No. There's an entrance to the Fuji Restaurant in the front and the entrance to the bar would be to the rear.*

**Council Member Whitley:** *Any other questions?*

**Council Member Henley:** *I've got one more question. I'm trying to understand the calculations. This bar can accommodate 245 people per your calculation?*

**Herb Shannon:** *Yes.*

**Council Member Henley:** *Okay, so that would mean that also the Japanese Steak House is suitable for "x" amount of people and a lot of times that's based on the number of seats in a restaurant, is that still the case?*

**Herb Shannon:** *Yes.*

**Council Member Henley:** *Okay, let's say that's a 100.*

**Herb Shannon:** *The restaurant can have an approved capacity of 155 people.*

**Council Member Henley:** *So you're saying that campus is suitable for 400 people?*

**Herb Shannon:** *Yes.*

**Council Member Henley:** *In that 99 something 100 square foot building?*

**Herb Shannon:** *Yes.*

**Council Member Henley:** *Is it sprinkled?*

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**Herb Shannon:** *I do not know. Mr. Brown from the Inspections Department just said that he does not believe it is sprinkled.*

**Council Member Sims:** *But it would be a requirement, is that correct....with that number of people?*

**Herb Shannon:** *No.*

**Council Member Alexander:** *If it were a new construction, it might be.*

**Council Member Douglas:** *So this is grand-fathered in?*

**Herb Shannon:** *In regards to the sprinkler system?*

**Ed Brown:** *You've got to understand that this is an existing building and had a situation where it was an accepted use to begin with and continues to be an accepted use, so that's where it's predicated that a sprinkler system in this particular situation is not required. If this were a brand new building it would be different, but in this particular case it's already an accepted use and he's permitted to get his occupancy based not only on the construction regulations, but also on the site plan regulations and the 245 persons is an adequate number based on the site plan regulations and it is also an adequate number as far as the construction.*

**Mayor Smothers:** *Thank you Ed.*

**Council Member Corey:** *Is it likely that they'll get 100% of the capacity either in the restaurant or the bar...it's relatively small, is it not?*

**Herb Shannon:** *I don't know. Staff evaluated the worst case scenario both making capacity at the same time.*

**Council Member Corey:** *But that's the worst case scenario?*

**Herb Shannon:** *Yes.*

**Council Member Douglas:** *Herb, when was the last time this was an operational bar?*

**Herb Shannon:** *It's currently used as a bar right now with a capacity under 100 persons. They were previously a bar with a capacity over 100. I believe from the records, 2005 that was a grandfathered use, an existing non-conforming use. They lost their non-conforming status when that specific use bar with a capacity over 100 persons had not operated for 180 days.*

**Chairman Whitley:** *Any other questions?*

**Council Member Sims:** *The section on the back of that that was a private club at one point. Maybe....is there someone here to represent the owner, maybe they can give us some better answers.*

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**Herb Shannon:** *The applicant is here.*

**Chairman Whitley:** *Okay, let's proceed. I'll ask the applicant to come up and state your name and address and proceed.*

**Daryl Layton:** *My name is Daryl Layton and do you want me to say my residential address or the commercial address?*

**Mayor Smothers:** *Whichever.*

**Daryl Layton:** *I'm at 3500 Langdale Drive in High Point. The business is 133B East Parris. First of all, let me apologize. I'm a little under the weather so I'm going to try not to appear to be the village idiot tonight. But I have taken some medication. To give you an overview...basically where I'm coming from, originally we were looking at the location. We had leased it at least six weeks prior to being functional because it takes about that long to get your alcohol permit. We rented the building on September 16, 2010. I have the original capacity certificate here. It is actually written for 270 which is what it was prior to us getting and when the inspectors came, they said they didn't see a problem writing a certificate for 270. Unfortunately, almost exactly a week after we opened on October 26, 2010, we were told, no you can't have 270-you can only have 99. Which is very detrimental to our business and the reason being, and I don't want to slander any other businesses in High Point, but our main goal was we know there are other bars in High Point with very questionable reputations and I wanted to offer a safe location for the college campus to have their events. The reason why it has been detrimental is once the college found out hey they can only have 100 people, then all the fraternities, sororities, soccer teams, etc.... that wanted to have socials and mixer events-they were like, no way Hosea you can't have that many people. So unfortunately the predicament that I'm in is we went with the assumption that we had the original 270, we spent about \$20,000 to make the building much more presentable. I'd like it to be much more presentable than what it is, but I ran out of money unfortunately. We cleaned up the location. We spent the \$600 for the application fee. I spent in the neighborhood of \$1,000 cleaning up the parking lot so we could be in compliance with the zoning. Okay, I'm sorry, I just drew a blank.*

*But to give you a general idea, yes it is a private club. According to the State of North Carolina, since we do not serve food, we have to be a private club in which you do not have to be a member but every person has to be accounted for and signed in. The building is 4,000 square feet. There are four access points. Originally the fire inspector told me I could get rid of one of those access points, and I chose to do it because it was on the side of the building where there was nothing but trees and it was very secluded. It wasn't visible from the street or any other business, so I felt that was just not really a good access point to the building so I blocked that off in compliance with the fire inspector. So it now has three entrances/exits, etc....I'm sorry....like I said I'm on a lot of cold medicine and if you have any questions I'll be more than happy to answer them. Myself, I'm not actually....I just recently moved to High Point. I couldn't tell you much about the previous locations. I know we haven't had any trouble with the law. I'm actually technically still a part-time firefighter and a God-fearing man, so I'm not expecting this place to turn into a place of under-aged drinking or cocaine or drugs or*

*anything like that. If it gets to that point, I'll shut it down. That's just not what I'm all about. I just simply want to offer a safe location for people to come.....*

**Council Member Douglas:** *You mentioned safe. What measures are you putting in place to make it safe?*

**Daryl Layton:** *Well primarily, we are abiding by all the laws of North Carolina which I know some other bars aren't. We have security. We're making sure people are signed in. The only time we allow under-aged persons in the facility is when it is a college-sponsored event and 99% of the time that's a fraternity or a sorority and they can be held accountable so not only do we accept responsibility for it, the sororities and fraternities have to accept responsibility because they can get in trouble as well if they allow some of this silly stuff to go on. So.....I don't want to slander other businesses, it's my understanding that there are other places that the college population has had events where they're synonymous with cocaine, weapons, under-aged consumption and that's absolutely what I'm not about. The mighty green dollar is not that important to me. As I said, if it gets to that point, I'll shut it down because I just don't want that.*

**Council Member Douglas:** *So is this your first bar that you've opened and do you have any past experience?*

**Daryl Layton:** *Yes sir. When I was in college, like I said I was a bartender and I have ran a DJ company for the last 15 years that provides DJ services to restaurants such as JP Looney's, Ham's, and several other smaller bars in the area. So I'm very familiar with the operations and that's basically as I said before why I opened in the area. I found the need and was trying to meet that need. I can't stand here before you and say there's nothing ever going to happen at this facility. I don't want you to think that, but I will do everything within my power to make sure that it doesn't become a nuisance to society or High Point.*

**Council Member Pugh:** *You can't control what happens. You can try to control it, but you can't control every person that walks in the door. If two people decide to fight, you can try to break it up or have security to, but you can't control it. But you are held responsible for it.*

**Daryl Layton:** *Absolutely and that's why I'm trying to take every measure because I understand what the alcohol laws are all about and I do not want to lose my license because then I won't make any money. Like I said, I don't want to badmouth any other places. I just know that we stick by the rules. Other places, they don't have you sign in. They're very lax about the fake IDs. I actually have former police officers-not necessarily High Point-that are my bouncers and unfortunately we did confiscate three fake IDs the other night. Since they are a police officer and they are my bouncer, they're allowed to confiscate them. They don't have to give them back.*

**Council Member Pugh:** *Are you more of a sports bar oriented with food service or anything like that?*

**Daryl Layton:** *My ultimate goal is to have a sports bar, but I had to start somewhere and as I said we don't have a kitchen. The State of North Carolina-they have two places*

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*you could be, a restaurant or you have to be a private club. In fact, there are actually some bars in the area that because their food sales don't exceed their alcohol sales, they actually....even though they have a kitchen and a restaurant, they are also labeled as a private club. One thing you'll find with private clubs around here is that the State of North Carolina requires you to sign in. A majority of them, you just walk in. We make sure that you're signed in and we can account for you. We check the IDs. We have a black light, but unfortunately these fake IDs are getting really, really good-that's why I've asked police officers to help me. They can't technically legally check IDs, but if I'm checking IDs and I have a question I can say, Hey Officer so and so would you mind confirming whether this is real or fake. Mr. Pugh made a good point. I'm not going to guarantee you that nothing's going to happen, but long story short, this is the predicament I'm in. Honestly, I never would have opened the facility if I knew that I could only have 99 people in it. Not really trying to get you to throw sympathy toward me, but if it doesn't get passed, I'm probably going to close it.*

**Mayor Smothers:** *Who did those certificates come from?*

**Daryl Layton:** *They both have the same signature and unfortunately I cannot make the signature out.*

**Mayor Smothers:** *Well I mean, it has.....*

**Strib Boynton:** *What name's on the top of them?*

**Daryl Layton:** *I'm not trying to get anybody in trouble or anything. This is just where I'm at and which way do I go. Are there any other questions? I hope I didn't waste your time. Thank you.*

**Chairman Whitley:** *Anyone else like to come forward and speak regarding this facility?*

*Okay seeing none, I'm going to.....Ms. Davis you need to be sworn in. [oath administered at this time]*

**Cynthia Davis:** *Cynthia Davis. 413 Evergreen Avenue. I am here as a resident with the City of High Point. I have a concern in regards to not necessarily the bar in and of itself as much as the area that surrounds it--Raintree for instance. I think Ms. Sims had a great point looking at the crime in and around the area-not necessarily the bar by itself, but the activity that goes on in the surrounding parts of that. Having served on High Point Community Against Violence, we do have an officer here. The Chief is probably still in the building. Raintree is not that far from this site. Not far from this site, Chad Hodgins' son worked at that Domino's Pizza. There's a plaque outside that Domino's in his memory. There's a huge number of kids if you will that will be coming to the bar and we can't control where they go, but we need to be mindful of the number that is allowed in the bar and knowing the history of what's going on around the area is very important to me as a resident because I feel that we are all responsible for the lives of those within our city and if I didn't say what I was thinking, then I would be guilty of not speaking up. So I just wanted to do that.*

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**Chairman Whitley:** *Thank you. Anyone else? You need to be sworn in. [oath administered]*

**Alicia Layton:** *My name is Alicia Layton, 3500 Langdale Drive.*

**Council Member Sims:** *Can you speak into the microphone?*

**Alicia Layton:** *My name is Alicia Layton, 3500 Langdale Drive. Daryl's my husband. I'm the one that signed up for the permit in the first place. I completely understand what you're saying and as a High Point resident also we live within five minutes of our location. We have done everything within our power to make sure that we don't let the sketchiness around there at all. We have some patrons that come from Raintree apartments, but they have given us no issues whatsoever. And honestly there's usually one night a week that we really have college kids in there unless it is a special function. They tend to stay on campus most of the time, so most of our clientele that we have is within the 28-45 year old range, so it's more so.....we thought we were going to have a lot of college kids, but in the same respect, we're kind of happy we're getting more of a community into it rather than just the younger crowd because they're a headache-a majority of the time, they're a headache. But we do want to give them that option there to where they have somewhere that they're not going to be worried about something bad happening to them because as a private club, that's the one thing that we do enjoy about it is that if we don't want someone in our establishment, we have the right to ask them to leave and there's nothing that they can do about it. You know we have them sign a membership form that has a lot of their information on it. If someone gives us issues, we have that stuff we can give to the police or that we can submit to someone that would need to have that information.*

**Council Member Pugh:** *How many security personnel do you currently have for a 100 folks?*

**Alicia Layton:** *For a hundred, we have between three and four.*

**Council Member Pugh:** *Do you intend to increase that?*

**Alicia Layton:** *Yes. If need be. I mean I can't say that we are actually going to get 200 people in there at any time. I mean that's on a worst case scenario is that we'll have three to four there. If need be, then we would increase that. It's just, honestly, we haven't had any issues. We've been open for over three months now and we haven't had the cops called out there while we're in operation. We haven't had our ABC.....the ABC person has come in already and saw no issues within the way that we are doing our business. We are following all the ALE guidelines and ABC guidelines. We are going straight from the book and if we have any questions, I'm not above calling ALE and asking them what do I need to do about this. You know how can I make this more efficient?*

**Chairman Whitley:** *Anyone else? [none] Okay I'm going to close the public hearing. Any additional comments or questions by members of Council? [none] All right, seeing none, I'm going to place this item on Thursday's Agenda with a favorable recommendation based on the Findings of Fact as outlined in the staff report.*

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**Council Member Alexander: Second.**

*Mayor Smothers: We have a motion and a second. Any further comments? [none] All in favor, please say Aye. Aye. [all] The motion carries. [unanimous] [9-0 vote]*

\_\_\_\_\_end of transcript\_\_\_\_\_

*Approved Special Use Permit Case 10-01 as requested by the petitioner, Alicia Layton, based upon the findings of fact as outlined in the staff report and the determination by staff that the request is generally consistent with the surrounding zoning and development in this area and in compliance with the goals and objectives of the Land Use Plan.*

110011

**National Register Nomination - Model Farm House**

The City Council will consider the nomination application of the Model Farm house, 2058 Brentwood Street, to the National Register of Historic Places, and will make a recommendation to the North Carolina National Register Advisory Committee as to whether the property meets the criteria for listing based upon the information presented in the application and on any testimony given.

*The public hearing for this matter was held on Tuesday, January 18, 2011 at 5:30 p.m.*

*Bob Robbins of Planning and Development gave an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings. The Model Farm is being nominated under two criteria; first as an important agricultural program of the Quaker Church to improve agricultural endeavors in the post Civil War South, and second as an early example of a triple-A roofed, L-plan house in Guilford County. The High Point Historic Preservation Commission reviewed the application on January 12th and made a recommendation to support the application.*

*Mayor Smothers asked if the outbuilding on the property would be part of the historic classification and Mr. Robbins replied it would not--that only the house itself is part of the nomination application. Council Member Alexander asked if it would preclude a structure from being relocated once on the Historic Register. Mr. Robbins replied that it would not preclude relocation of the structure, but in this particular case, it could lessen the historic value because part of the criteria under which it is being judged is the fact that it is in the location that it was constructed originally. Council Member Alexander suggested it could be relocated to the Museum and used as a teaching classroom. Council Member Pugh stated he would love to see it restored and kept in its natural state since there are very few of these homes left.*

*Council Member Sims asked staff about the intentions of the property owner. Mr. Robbins explained that the property owner had requested a rezoning of the property in 2006 and planned to make a bed and breakfast out of the home, but circumstances changed and the property owner is now living in California and trying to sell this property. Council Member Corey stated he personally visited the site and from what he saw, the property was in need of repair and commented on the condition and surrounding uses.*

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*Mayor Smothers expressed concerns about giving the structure historic status just so it could be sold and asked if the property owner or representative was present.*

*At this time, Chairman Whitley opened the public hearing.*

*Jazelle Taylor Wells, 3502 Cloverdale Drive, Greensboro, NC, addressed Council. She explained she took on this project while she was in Graduate School. It was listed in 2001 as a local landmark by Guilford County and she proceeded to provide an overview of the history. Ms. Wells noted that the property owner purchased the property in 2006 with the intention of developing it into a bed and breakfast type area, but her circumstances changed and she had to move out of state. She reported that the property owner hopes that someone can see the property with the same vision that she had and take it and rehab it into a functional part of the community again.*

*Mayor Smothers asked if there has been any interest in the property and Ms. Wells reported that it has been listed through Preservation North Carolina, but the interest has been very slow at this point. Council Member Henley asked if the property owner has granted an easement to Preservation North Carolina. Ms. Wells replied that she is not privy to that information, but has learned that Preservation North Carolina sometimes will own it for a day and then flip it, but the property owner certainly could place easements or covenants on the property. She pointed out that the property owner's motivation was not to get historic designation in order to increase the value, but driven by a sincere passion for the property.*

*Mayor Smothers asked for clarification that the local landmark designation offers some protection for the property and anyone wanting to purchase it could do so and reapply for historic designation. Ms. Wells affirmed that they could do so.*

*Chairman Whitley asked if there were any additional comments from the public regarding this National Register nomination for the Model Farm home. There being none, he declared the public hearing closed and entertained a motion.*

**Motion by Council Member Henley, second by Council Member Sims to approve the nomination application of the Model Farm house located at 2058 Brentwood Street to the National Register of Historic Places and make a favorable recommendation to the North Carolina National Register Advisory Committee based upon the property meeting the criteria for listing based upon the information as outlined in the application and testimony provided at the public hearing.**

*For further discussion, Mayor Smothers reiterated her concerns and felt the person who purchases the property should be the one that makes application and not just somebody wanting to sell the property. Council Member Sims felt it was the owner's prerogative as it relates to what they decide to do with their property. Council Member Henley added that he has personally gone through the very onerous and burdensome process. He pointed out this was only the beginning of a lengthy process and not a financial gain tactic by any means.*

*There being no further discussion, the Mayor called for a vote on the motion. The motion carried by a 6-3 vote as follows:*

**Votes:**        **Aye:** Mayor Pro Tem Alexander, Council Member Moore, Council Member Sims, Council Member Douglas, Council Member Pugh and Council Member Henley

**Nay:** Mayor Smothers, Council Member Whitley and Council Member Corey

*Approved the nomination application of the Model Farm house located at 2058 Brentwood Street, to the National Register of Historic Places with a favorable recommendation to the North Carolina National Register Advisory Committee. The property meets the criteria for listing based upon the information as outlined in the application and based upon the testimony provided at this public hearing.*

### **For Information Only:**

#### **Council Retreat**

*The City Manager reminded Council that the Retreat would be held on Friday, January 21st from 11:30 a.m. to 5:00 p.m. and on Saturday, January 22nd from 8:30 a.m. to 12 Noon at the Parks & Recreation Administrative Office Building located at 136 Northpoint Avenue. It was noted that the Saturday morning session for the City Council would be facilitated by Pamela Palmer of High Point University.*

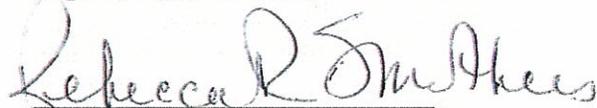
#### **Change in Committee Meeting Schedule**

*Mayor Smothers pointed out there may be some discussion about changing the times of some of the committee meetings. Council Member Sims affirmed this and noted she plans on bringing it up for discussion at the upcoming Council Retreat.*

### **ADJOURNMENT**

**There being no further discussion, the meeting adjourned at 6:10 p.m. upon motion duly made and seconded.**

*Respectfully Submitted,*



**Rebecca R. Smothers, Mayor**

*Attest:*



**Lisa B. Vierling, MMC**  
**City Clerk**

ATTACHMENT 2

Operations Plan prepared November 2008 by Golder Associates

**OPERATIONS PLAN**

**WCA OF HIGH POINT**

**CONSTRUCTION AND DEMOLITION LANDFILL**

**RECLAMATION AREA AND**

**PHASE 2 EXPANSION**

**PERMIT NO. 41-16**

**GUILFORD COUNTY, NORTH CAROLINA**

Prepared for:



WCA of High Point, LLC  
5830 Riverdale Drive  
Jamestown, North Carolina 27282

Prepared by:



Golder Associates NC Inc.  
4900 Koger Boulevard, Suite 140  
Greensboro, North Carolina 27407

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## **1.0 INTRODUCTION**

The WCA of High Point facility is located along the eastern border of the City of High Point, along the west side of Riverdale Drive, SR 1145, beginning approximately 800 feet south of the intersection of Riverdale Drive and E. Kivett Drive in southern Guilford County, North Carolina (See Drawing OP-1). WCA owns and operates a material recovery center and a construction and demolition (C&D) landfill at the facility. This Operations Plan describes how the Facility, Engineering, and Closure Plans prepared for the WCA of High Point, LLC, Construction and Demolition Landfill will be implemented during the life of the facility. The plan has been prepared in compliance with Rules .0535 and .0542 of the North Carolina Solid Waste Management Regulations and consists of drawings and accompanying text that illustrates existing conditions, cell progression, waste placement and daily operations, stormwater control, special waste management, buffer zones and soil borrow procedures.

This section of the Operations Plan discusses the operations that the WCA of High Point, LLC material recovery facility and the proposed Phase 2 disposal area of the WCA of High Point, LLC facility have in common.

### **1.1 GENERAL OPERATIONS**

#### **1.1.1 General Operating Procedures**

All materials enter the site by first passing over the scales, where total weight, source of the load and material type will be noted. After leaving the scales material will either be sent to the landfill for disposal or the reclamation pad. If the incoming load contains large quantities of non-recoverable material it will be taken directly from the scalehouse to the landfill for disposal as detailed in Section 3 of this Plan. Otherwise, materials in the incoming load will be screened and separated for recycling/reuse as detailed in Section 2 of this Plan. Waste materials remaining after the screening process will be sent to the landfill for disposal. Commodities sold (i.e., materials recycled or otherwise reused) are weighed as they leave the site or are otherwise reused.

#### **1.1.2 Owner and Operator**

The facility is owned and operated by WCA of High Point, LLC; 5830 Riverdale Drive; Jamestown, North Carolina. WCA of High Point, LLC, will be responsible for operations and notifying the Solid Waste Section of the identity of the operator in charge. Mr. Michael R. McFeeley, a certified landfill operator, will be directing the contained landfill operations; his phone number is 336.886.3560. In accordance with Rule .0542(j)(2) and N.C.G.S.130A-309.25, Mr. McFeeley or another individual trained in landfill operations shall be on duty at the site while the facility is open for public use and at all times during active waste management operations to ensure compliance with operational requirements.

#### **1.1.3 Operating Hours**

The facility is open to private waste haulers and the public from 7:00 a.m. to 4:30 p.m., Monday through Friday, and on Saturday from 7:00 a.m. to 1:00 p.m. The facility will be closed on the following major holidays: New Years Day, Memorial Day, Independence Day, Labor Day,

Thanksgiving Day, and Christmas Day. If the facility will be closed during other holidays, third party haulers will be notified in advance.

#### **1.1.4 Site Access and Safety**

Access to the facility is controlled through a single access road with a secure gate to prevent access when the facility is not open. A sign containing information required in Rules .0542(j)(5) and .0542(j)(6) (i.e., dumping procedures, hours, permit number, etc.) is posted at the facility entrance. Traffic signs or markers shall be provided as necessary to promote orderly traffic patterns to and from the reclamation pad and/or disposal area and to maintain efficient operating conditions. During operating hours, traffic is routed from the entrance gate and scalehouse to a paved and gravel road leading to the reclamation pad and disposal area. The road is maintained so that it is passable during all weather conditions.

### **1.2 CONTACT INFORMATION**

#### **1.2.1 Operator**

Mr. Michael R. McFeeley, a certified landfill operator, will be directing facility operations; his phone number is 336.886.3560

#### **1.2.2 NC DENR**

Contact information for NC DENR is as follows:

North Carolina Department of Environment and Natural Resources  
Division of Waste Management  
401 Oberlin Road, Suite 150  
Raleigh, NC. 27605  
Phone: (919)508-8400  
Fax: (919)715-3605

Field Operations Branch Head: Mark Poindexter  
Central District Supervisor: Jason Watkins  
Waste Management Specialist: Hugh Jernigan

#### **1.2.3 Emergency**

In the event of an emergency beyond the capacity of the facility staff to address, local emergency personnel will be contacted via 911.

### **1.3 WASTE ACCEPTANCE**

The WCA of High Point facility shall only accept those solid wastes which it is permitted to receive. The facility owner or operator shall notify the Division within 24 hours of attempted disposal of any waste the landfill is not permitted to receive, including waste from outside the area the landfill is permitted to serve. Wastes which may be disposed of at the facility as well as prohibited wastes are described as follows.

#### **1.3.1 Prohibited Wastes**

The following wastes shall not be handled for reuse/recycling purposes or disposed of in the facility:

- Asbestos,
- Containers such as tubes, drums, barrels, tanks, cans, and bottles unless they are empty and perforated to ensure that no liquid, hazardous or municipal solid waste is contained therein,
- Garbage as defined in N.C.G.S.130A-290(a)(7),
- Hazardous waste as defined in N.C.G.S.130A-290(a)(8), to also include hazardous waste from conditionally exempt small quantity generators,
- Industrial solid waste unless a demonstration has been made and approved by the Division that the landfill meets the requirements of Rule .0503(2)(d)(ii)(A),
- Liquid wastes,
- Medical waste as defined in N.C.G.S.130A-290(a)(18),
- Municipal solid waste as defined in N.C.G.S.130A-290(a)(18a),
- Polychlorinated biphenyls (PCB) wastes as defined in 40 CFR 761,
- Radioactive waste as defined in N.C.G.S. 104E-5(14),
- Septage as defined in N.C.G.S.130A-290(a)(32),
- Sludge as defined in N.C.G.S.130A-290(a)(34),
- Special wastes as defined in N.C.G.S.130A-290(a)(40),
- White goods as defined in N.C.G.S.130A-290(a)(44), and
- Yard trash as defined in N.C.G.S.130A-290(a)(45).
- The following wastes cannot be received if separate from C&D waste: lamps or bulbs including but not limited to halogen, incandescent, neon or fluorescent; lighting ballast or fixtures; thermostats and light switches; batteries including but not limited to those from exit and emergency lights and smoke detectors; lead pipes; lead roof flashing; transformers; capacitors; and copper chrome arsenate (CCA) and creosote treated woods.

Waste accepted for disposal at the WCA of High Point C&D Landfill shall be readily identifiable as C&D waste and shall not have been shredded, pulverized, or processed to such an extent that the composition of the original waste cannot be readily ascertained except, as specified as follows.

C&D waste that has been shredded, pulverized or otherwise processed may be accepted for disposal from a facility that has received a permit from an authorized regulatory authority which specifies such activities are inspected by the authority, and whose primary purpose is recycling and reuse of the

C&D material. A detailed waste screening plan and waste acceptance plan shall be made available to the Division upon request.

Further, the WCA of High Point C&D Landfill shall not knowingly dispose any type or form of C&D waste that is generated within the boundaries of a unit of local government that by ordinance:

- Prohibits generators or collectors of C&D waste from disposing that type or form of C&D waste; or
- Requires generators or collectors of C&D waste to recycle that type or form of C&D waste.

### **1.3.2 Acceptable Wastes**

The facility is to receive C&D waste from Guilford, Randolph, Davidson, Forsyth, Rockingham, Caswell, Alamance, Orange, Cabarrus, Rowan, Davie, Yadkin, Surry, and Stokes Counties. The landfill will accept only C&D solid waste which, as defined in Rule .0532(8), includes only solid waste generated solely from the construction, remodeling, repair, or demolition operations on pavement, and buildings or structures. C&D waste does not include municipal and industrial wastes that may be generated by the on-going operations at buildings or structures.

Upon approval from the NC Division of Waste Management, Solid Waste Section, the facility may accept pallets and cardboard for recycling - but not for on-site disposal - in accordance with specific conditions outlined in Section 2.1.1.

Generally, wastewater treatment sludge shall not be accepted for disposal. However, wastewater treatment sludge may be accepted, with the approval of the Division, for utilization as a soil conditioner and incorporated into or applied onto the vegetative growth layer. The wastewater treatment sludge shall neither be applied at greater than agronomic rates nor to a depth greater than six inches. Prior to any placement of wastewater treatment sludge, WCA will contact the Division for approval and will detail the amount of sludge to be accepted and the area upon which the sludge will be placed.

## **2.0 RECLAMATION AREA OPERATIONS PLAN**

This section of the Operations Plan discusses the operation of WCA of High Point, LLC material recovery facility. The recovery facility proposes to accept non-hazardous construction and demolition debris for the purpose of screening, separating, redistributing, and marketing certain components of this select waste stream.

### **2.1 GENERAL OPERATIONS**

#### **2.1.1 Conditions of Acceptance:**

The waste accepted at the site will be debris from building construction, remodeling, repair, and structure demolition. Prior to separation, the debris from each load will be screened visually by trained personnel for potential hazardous materials. Haulers will be notified of acceptable or unacceptable loads and materials prior to dumping.

Acceptable materials include wood, roofing, plastic, ferrous & nonferrous metals, drywall, concrete, cardboard, brick, asphalt, carpet, dirt and other miscellaneous construction and demolition materials. Unacceptable wastes include any regulated quantity of hazardous waste, friable asbestos, any liquid waste, or other materials banned from disposal in C&D landfills by North Carolina rules or statutes. By-pass materials are materials that the facility will accept, but cannot be reclaimed, recycled or sold. Examples of by-pass materials include treated wood, asphalt, roofing materials, visqueen and carpet. The by-pass materials will be disposed of in the construction and demolition landfill.

Source separated wood pallets and cardboard from non-C&D waste sources may be accepted at the facility for recycling, but the materials must not be unloaded onto the general tipping floor (where the C&D wastes are unloaded). Rather, wood pallets must be directly loaded onto the clean wood pile or into a wood materials container and cardboard must be unloaded directly into a storage container.

Should any non-recyclable materials arrive with loads of source separated wood pallets or cardboard, either the load will be rejected or, if the quantity of non-recyclable materials is de minimis, the non-recyclable materials which arrive with the loads of pallets or cardboard shall be segregated and placed in containers or trucks by the end of each working day. Any such non-recyclable materials will be transported for proper disposal at a duly permitted facility when the container is full.

The facility will maintain records of the amount of clean wood waste and cardboard received at the facility separately from the incoming C&D waste stream, including daily records of the materials received and the origins of the loads. The facility will maintain records of the amounts of clean wood waste and cardboard stored on site at a given time and that which is transported out of the facility for recovery or other final disposition, including the destination and amount, to be compiled on a monthly basis. Additional records of when and how much clean wood waste is ground and stored as processed material shall be kept, in addition to records for unprocessed materials.

In order to comply with North Carolina's guidelines for treatment and processing facilities, each load entering and exiting the site will be weighed at the scalehouse. This will be done in order to help document the facility's capability to process and remove recyclable material from the waste stream. Records of weight, material type, and use will be made by the scalehouse attendant. The operator of the facility will review these records monthly and submit them to the North Carolina Solid Waste Section for review on an annual basis.

### **2.1.2 Waste Disposal Sites:**

Materials which cannot be reclaimed or recycled will be disposed of in the WCA of High Point, LLC, C&D Landfill; the landfill sharing Permit Number 41-16. The Coble Sandrock Construction and Demolition Landfill located at 5833 Foster's Store Road; Liberty, NC; Permit Number 0105 will be used as an emergency backup facility, should the need arise.

### **2.1.3 Facility Operators:**

Mr. John Walker, the on-site manager, is responsible for site operations and has received training to recognize hazardous and asbestos-containing material.

#### 2.1.4 Air Quality:

A water line and misting system has been installed to control dust during dry periods. A water truck will also be used as needed.

#### 2.1.5 Storage of Materials:

The following is a list of materials and maximum capacities for designated storage areas prior to removal. Please see Drawing OP-1 for a layout of the designated storage areas on the 425' x 425' reclamation facility pad:

<u>Material</u>	<u>Area/Quantities</u>
Hazardous Material	As needed basis
C&D Residual/By-pass Material	75' x 150' x 20' / approx 8,330 yd <sup>3</sup>
C&D Material (Unprocessed)	125' x 125' x 20' /approx 11,330 yd <sup>3</sup>
Clean Wood	
-Unprocessed (Stockpiled)	75' x 75' x 20' / approx 4,166 yd <sup>3</sup>
-Processed (shredded chips)	75' x 150' x 20' / approx 8,330 yd <sup>3</sup>
Non-Ferrous Metals	
-Insulated Wire	
-UBC (aluminum cans)	50' x 50' x 20' / approx 1,850 yd <sup>3</sup>
-Misc. Aluminum	
-Copper	
Ferrous Metals	75' x 75' x 20' / approx 4,166 yd <sup>3</sup>
Drywall*	50' x 50' x 20' / approx 1,850 yd <sup>3</sup>
Concrete, Asphalt, and Brick	75' x 75' x 20' / approx 4,166 yd <sup>3</sup>
OCC (cardboard)	20' x 50' x 15' / approx 1,500yd <sup>3</sup>
Fines (RSM – Recovered Screened Material)	75' x 150' x 20' / approx 8,330yd <sup>3</sup>
Recoverable Items (doors, lumber, etc...)	25' x 150' x 20' / approx 8,330 yd <sup>3</sup>

\*Due to market considerations there are no plans currently to recover drywall, but the capacity exists to include this material as conditions warrant.

- Commodities should be stored in designated areas only.
- Commodities recovered have a positive monetary value, and are not considered waste products.
- Recovered commodities are sold when market conditions (commodity price/volume) will maximize the economic return on the cost of reclamation. Therefore the time that each commodity will remain stockpiled varies depending on market conditions.

## **2.1.6 Separation and Processing of Material:**

Material will enter the site by first passing over the scales, where total weight, source of the load and material type will be noted. After leaving the scales material will be unloaded onto a concrete pad where it will be screened for unacceptable wastes. Incoming trucks will be held until their loads can be screened, unless there is a high traffic volume. The reclamation center will be responsible for managing unacceptable waste on-site. Materials placed on the processing pad will be processed within two days under normal operating conditions.

Large quantities of non-recoverable material may be taken directly from the scalehouse to the landfill and not subjected to the screening and picking process.

An initial gross separation will occur in the tipping area where dimensional lumber and recoverable items (doors, competent brick/block, and pipe etc...) will be pulled and placed into a designated storage area (See Drawing OP-1). After this gross sort, material will be moved from the tipping area and loaded into a surge/feed hopper which distributes the waste across the conveyer belt leading to the screener. The conveyor moves the material to a heavy duty screener where material that is less than two (2) inches in diameter (fines) is separated. Fines containing large quantities of dirt may be further screed and resold for use in soil applications. If appropriate markets are not available, excess fines will be placed in the landfill.

After screening, a conveyor moves the "overs" material to the picking stations where hand separation of recyclable materials from by-pass (waste) materials occurs. The picking line will be elevated over five (5) separate steel bins. It is anticipated that the configuration of the bins will be as follows: two (2) for clean wood, and one (1) each for ferrous/non-ferrous metal, cardboard, and concrete/asphalt/brick. Materials such as treated wood (i.e. wood that has stains, varnishes, creosote, etc.), roofing, dirt, carpet and other miscellaneous materials that are not hand separated (by-pass material), are deposited at the end of the picking line. By-pass material will be disposed of in the on-site landfill.

During high winds, snowfall events or other unusual circumstances that endanger the safety of personnel and/or clients, the clients will be notified that operations will be discontinued. When dust emissions are high due to dry weather, steps will be taken to reduce the amount of emissions by wetting access and ancillary roads. During wet conditions waste will not be tipped into accumulated precipitation to avoid compromising product quality.

In addition to the procedures discussed above, asphalt shingles may be handled at the facility for recycling as follows:

1. Loads of shingles are delivered to the facility and dumped on the concrete pad.
2. Obvious non-shingle material such as paper, aluminum cans, metals, etc. are removed for recycling or disposal as appropriate.
3. The remaining shingles are then loaded into a truck for transport.
4. The shingles are then delivered to companies authorized/certified to receive them for use in hot mix asphalt (HMA) production such as S.T. Wooten's Zebulon facility.

Only asphalt shingle scrap derived from private, pitched roof, residential reroofing projects for houses and other single family units up to four-plex structures will be accepted for recycling at the facility.

Until such time as the facility has an asbestos screening plan in place, only de minimis quantities of shingles which may be contained in a mixed load of C&D waste will go through the WCA of High Point processing line. The facility will keep records of the amount of asphalt shingles recycled.

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**2.1.7 Final Disposition of Unacceptable Material:**

Because of the possibility that hazardous material could be received at the site, the reclamation center will be considered a small quantity generator, as defined by the United States Environmental Protection Agency (EPA). Under these regulations, the site may accumulate between 100 and 1000 kilograms of hazardous material per month for a 90-day period. The owners plan to contract the transport and disposal of this material to licensed and qualified transporters and permitted treatment, storage and disposal facilities.

**2.1.8 Final Disposition of By-pass Material:**

By-pass material will be shipped as needed or when over 8,333 cubic yards is accumulated, to the on-site construction and demolition debris landfill associated with this application. In the event of a major disturbance to the on-site landfill, by-pass material will be shipped to Coble's Sandrock, as described in the Section (2.1.2).

**2.1.9 Final Disposition of Recyclables:**

|

**(Continued on following page.)**

## **2.2 Material Screening Plan:**

### **2.2.1 Purpose:**

The purpose of this plan is to comply with NCAC T15A.13B.0302(2). The key elements of the plan include:

- 1) Visual inspection of each load that enters the facility,
- 2) Records of all inspections,
- 3) Training of facility personnel to recognize regulated hazardous and unacceptable waste, including asbestos containing materials; and,
- 4) A contingency plan to properly manage any unacceptable wastes.

### **2.2.2 Procedure for Visual Inspections:**

1) Initial visual inspections will begin as each truck unloads their shipment onto a concrete pad, and prior to the shipment being loaded onto the processing equipment. The truck and driver will be detained if unacceptable material is discovered during the unloading process.

2) The shipment will be spread with a Bobcat and/or hand tools as appropriate. Loads that include items such as large, closed containers will be hand-raked to avoid possible rupturing of the containers. Minimum safety equipment will include:

- Leather or Rubber gloves,
  - Safety boots,
  - Safety glasses,
  - Long handled hoe,
  - Hardhats,
  - Dust masks and,
  - Fire Extinguishers.
- 3) The Shipment will be examined for unacceptable and/or hazardous waste and safety hazards. Materials which are deemed unacceptable are detailed in Section 1.3

4) In the event that unacceptable wastes are found in a shipment, the appropriate actions are as follows:

- Hold suspect waste for identification by on-site personnel and, if necessary, confirmation by others such as a contract laboratory, hazardous waste management firm, or state and/or federal regulator,
- Interview driver and hauler to identify the source of suspect waste in the load,
- Hold rejected shipment for generator,
- Arrange for a hazardous or liquid waste collection by a licensed collector and,
- Properly clean the screening area to prevent contamination.

5) Document Actions:

- Record inspection results,
- Retain reports and,
- Report hazardous or unacceptable shipments to the Solid Waste Section – DENR

**2.2.3 Record Keeping:**

Report forms for record-keeping purposes are included in Appendix OP-1. These forms will be completed when unacceptable materials are observed. All reports and resulting correspondence will be maintained at the WCA of High Point, LLC, facility office..

**2.3 Management Plan for Unacceptable Materials:**

In the event that unacceptable material is unloaded on the processing pad, the entire shipment will immediately be isolated. The waste will be held until it can be shipped to a hazardous waste disposal unit. During the interim, the waste will be properly secured against unauthorized removal, segregated from all other operations and protected against inclement weather conditions. In addition, proper storage will be dictated by RCRA 40 CFR 264 (Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities) and other applicable regulations. It will be the hauler's responsibility to pay for the disposal of unacceptable materials. It will be the responsibility of the facility owner to contract the proper transport and disposal of the unacceptable material by qualified personnel.

**2.4 Management Plan for By-pass Material:**

By-pass material includes treated wood, roofing materials, dirt, carpet, wet drywall and other miscellaneous material. The by-pass material will be taken to the on-site landfill.

**2.5 Management Plan for Recyclable/Reclaimable Material:**

Reclaimable material will include clean wood, plastic, nonferrous metals, ferrous metals, drywall, cardboard, concrete, brick and asphalt. Clean wood products that have been deemed recyclable will be ground for shipment and then shipped as boiler fuel, furniture pressboard or mulch. Concrete and asphalt will be stored on-site and when quantities reach an appropriate level, a mobile crushing unit will be brought to the site for further processing. The crushed material will be stockpiled on site for use as road base material. Other reclaimable material will be shipped off-site as the quantities and market conditions reach an appropriate level.

**2.6 Equipment Information:**

**2.6.1 Capability and Arrangement of Processing Equipment:**

The system includes the following equipment or equivalent:

**One 15 cubic yard feed hopper** – Complete with variable speed hydraulic or electric motor. Hopper consists of an open feed hopper with heavy-duty 3-ply belt and spring loaded impact plate. The support frame and hopper sides will be engineered with heavy-duty materials designed for the C&D application.

**One 56'x60" Incline Belt** – Hydraulic or electric driven belt will carry material from the hopper to the screen. The feed section will consist of a heavy-duty impact plate to absorb impact of material from the hopper and high skirt boards with 35-degree troughing idlers to prevent spillage.

**One 6x20 Step Deck Incline Screen with Punch Plate Screens** – Screen box will be mounted in a support tower with walkways for access and maintenance. Approximate weight: 25,000 lbs.

**One 4030 Conveyor** – Hydraulic/electric powered radial stacking conveyor to stockpile fines from screen.

**One 60"x100', 5 bay Elevated Picking Belt** – Complete with 20' of transfer belt from screen and 80' of picking belt. Includes roof and walkway with 10-drop chutes for sorting. Safety rails and emergency stop cables included.

**Portable Grizzly Grinding Mill (or equivalent)** – Vertical grinder processes wood, rigid plastics, and other commodities to 4" minus.

The throughput capacity for the recycling equipment is 60 tons per hour. This would give the facility the ability to process approximately 480 tons during an eight-hour shift. A general schematic of the picking line is attached.

### 2.6.2 Loading Equipment:

1) Caterpillar 322 Hydraulic Excavator or equal: The primary function of this equipment will be to load material from the tipping area to the feed hopper.

Pertinent specifications of this equipment include:

- Maximum operating weight: 35,900 lbs.
- Gross diesel engine power: 102 HP
- Minimum bucket size: 0.48 cy
- Shipping length: 27' -9 ½"
- Shipping height: 9' -1 25/64"
- Maximum loading height is approximately 28'
- Track-based undercarriage

2) Caterpillar Wheel Loader 938 & 950 or equal: The primary function of this piece of equipment will be to push material on the tipping pad towards the excavator and presorted material away from the excavator. In addition, it will be used to load reclaimed and by-pass material on to receiving trucks to be shipped from the site.

Pertinent specifications of this equipment include:

- Maximum operating weight: 27,510 lbs.
- Gross diesel engine power: 137 HP
- Maximum shipping length with bucket: 24' – 5"
- Shipping height: 10' – 8"
- Maximum loading height is 16' -8"
- Wheel-based undercarriage

### **2.6.3 Other Equipment:**

- 1) A mobile crushing unit will be brought on-site on an as needed basis for crushing concrete.
- 2) 330-gallon portable water tank: Provide water at various locations.

### **2.7 Fire Department Response:**

A letter from the City of High Point's Fire Department concerning the ability of the department to respond to an emergency at the facility is included in the Construction Plan Application.

### **2.8 Asbestos Containing Materials Management:**

The purpose of this section is to describe the asbestos awareness training, and handling of asbestos-containing materials (ACM's) that potentially are in the C&D waste stream when processing construction and demolition materials.

#### **2.8.1 Awareness Training**

All employees associated with C&D processing will undergo awareness training, and there will be an onsite employee/representative who will have completed an approved Contractor/Supervisor training class. The components of the processing employee's Asbestos Awareness Training shall include (1) types of asbestos, (2) health effects of asbestos, and (3) common uses in building materials. Onsite employees will also take annual refresher training courses.

#### **2.8.2 Operations**

Operation of the reclamation facility as related to management of ACM is outlined as follows:

- Upon receipt of waste, all trucks will be properly covered until such time that unloading is required.
- All incoming loads to the processing area will be examined by the pre-sort area employee.
- Initial visual inspection will occur when the vehicles dump their loads onto the waste receiving pad and pre-sort area.

- The pre-sort area employee will serve as the asbestos inspector whose duties include checking each load for possible asbestos containing materials.
- The equipment operator responsible for loading material from the processing area into the feed hopper will perform another visual inspection during the loading process.
- Appropriate facilities and operations will be in place to minimize dust. A hydrant and a hose bib are located at the processing area, and misters will be provided at the loading hopper.
- All screening employees will be provided protective breathing masks for use while processing/screening waste.
- Should suspected ACM be observed, the material will be immediately dampened until there is no visible dust and will then be covered or bagged and segregated from all activities. Even wetted, the suspected ACM should not be crushed, shredded or otherwise processed prior to transport for disposal,
- A licensed asbestos inspector will take a sample for analysis.
- Upon discovery of regulated asbestos, the reclamation facility will alter operations as necessary for the asbestos to be properly removed by a licensed company.
- The designated licensed company is Demolition & Asbestos Removal Inc. (DARI) located in Greensboro, NC.

## **2.9 Financial Assurances:**

The facility proposes to use a financial assurance bond with a company acceptable to the State. This bond will be issued with the Division of Waste Management – Solid Waste Section as the benefactor for the purpose of remedial clean up at the site and will include the on-site landfill.

### **3.0 PHASE 2 EXPANSION**

This section of the Operations Plan discusses the operation of the proposed Phase 2 disposal area of the WCA of High Point, LLC facility. The facility proposes to accept non-hazardous construction and demolition debris for disposal.

#### **3.1 OPERATION DRAWINGS**

##### **3.1.1 Existing Conditions**

WCA of High Point, LLC owns and operates the WCA of High Point C&D Landfill in Guilford County. Approximately 315 tons of C&D solid waste is managed daily at the site, which is located at 5830 Riverdale Drive; High Point, NC. Based on their experience at the facility, approximately 60% of the C&D waste brought to the facility will be reclaimed; the remaining 40% will be disposed of in the proposed Phase 2 Expansion. The facility began accepting waste in February 2001 and contains a 12.1-acre, active, unlined landfill (Phase 1).

On-site development consists of a C&D disposal area, a main entrance road, access roads, scale and scalehouse, recycling processing area, material storage area, and erosion and sediment control features. See Drawing OP-1 for an illustration of existing conditions at the site.

##### **3.1.2 Proposed Phase 2**

The Phase 2 disposal area described in the Engineering Plan consists of 9.4 acres immediately north and east of the active Phase 1 area. The Phase 2 area shall be filled using the area method. The initial waste placement area, transition contours, cell access, and final contours for Phase 2 are detailed on Drawing OP-2.

Uncontaminated stormwater will be collected and conveyed along the perimeter of the active cells to the existing sediment basin and proposed sediment trap(s) as shown on Drawing OP-3.

##### **3.1.3 Proposed Future Development**

Four additional phases of development for C&D solid waste disposal are proposed for the site. The proposed development is located in areas that have previously been designated as suitable for landfill development and has been described in more detail in the previously submitted Site Plan Application (Joyce Engineering, Inc, last revised April 2003). Development of subsequent phases (3 through 7) will progress west to east.

## **3.2 SITE OPERATION**

### **3.2.1 Landfill Equipment**

Operation and maintenance of the site will be the responsibility of the landfill operator. The minimum operations heavy equipment available to support landfill operations is as follows:

- Dozer
- Water truck
- Steel wheel compactor
- Track excavator
- Track loader
- Articulated on-site truck

Other equipment will be purchased or rented as required for the facility operations.

### **3.2.2 Dust, Odor, Vector and Litter Control**

#### **3.2.2a Dust Control**

Dust will be controlled by wetting or placing stone in areas susceptible to dusty conditions. Oil cannot be used for dust control.

#### **3.2.2b Odor and Vector Control**

Odors and disease vectors will be controlled in order to protect human health and the environment by minimizing the working face size and by the use of weekly cover. Cover requirements are described in more detail in Section 3.5.3 of this plan.

#### **3.2.2c Litter Control**

Prompt compaction of waste at the working face is the primary method used to control blowing litter. Temporary fencing and/or diking may be provided to contain windblown waste during operations. In addition, windblown material resulting from the operation shall be collected and disposed of properly by the owner and operator at the conclusion of each operating day.

### **3.2.3 Fire Control**

Incoming waste loads shall be observed by site operators for evidence of fire, such as flames, smoke, or the odor of burning material. Burning loads will be extinguished before dumping, if possible. If there is evidence of fire in the landfill itself, the landfill operator will be notified immediately. If possible, the waste will be removed or segregated from other waste in the disposal area. The landfill operator will evaluate the situation to determine whether the fire can be extinguished using fire extinguishers or equipment present at the site, or if off-site equipment will be needed. If necessary, the local fire department will be called to render assistance in extinguishing the fire. Pinecroft

Sedgefield Fire Station No. 22 services the fire district surrounding the site and has been contacted regarding the potential need for assistance at the facility.

If there is a fire or explosion at the landfill, the operator must notify the Division of Solid Waste Management and report whether the fire has been controlled and what (if any) environmental damage may have occurred. The Division of Waste Management Rule .0542(i)(4) requires that fires or explosions that occur at the landfill be reported verbally to the Division within 24 hours and in writing within 15 days. Written notification shall include the suspected cause of fire or explosion, the response taken to manage the incident, and the action(s) to be taken to prevent the future occurrence of fire.

Fire extinguishers shall be located on each piece of equipment on site. Equipment operators shall be trained in the use of these extinguishers. Fire extinguishers will be used for small, localized fires. A stockpile of soil shall be maintained near the working face to be used for extinguishing small surface fires that may be too large to control with the fire extinguishers carried on the landfill equipment.

Emergency equipment will be called in the case of fires too large to be extinguished with fire extinguishers or soil as described above. Water contained in the sedimentation ponds or inactive borrow areas can be used in an emergency to aid local firefighters in extinguishing large fires.

#### **3.2.4 Open Burning**

Open burning of solid waste, except for the approved burning of land clearing debris generated on-site or debris from emergency clean-up operations is prohibited. (See Division of Waste Management Rule .0542(i)(2).) No instance of such burning may be undertaken without prior approval from the Division.

#### **3.2.5 Scavenging/Salvaging**

The unauthorized removal of waste and scavenging at the landfill is prohibited by Rule .0542(j)(8). Removal of recyclable or reusable items may be authorized by the Division when recovery of such items can be accomplished with no risk to landfill staff or the general public and must be completed prior to disposal on the working face. No removal/scavenging of recyclable or reusable items will be permitted from the working face.

### **3.3 WASTE ACCEPTANCE AND DISPOSAL REQUIREMENTS**

The WCA of High Point C&D Landfill shall only accept those solid wastes which it is permitted to receive. The landfill owner or operator shall notify the Division within 24 hours of attempted disposal of any waste the landfill is not permitted to receive, including waste from outside the area the landfill is permitted to serve. Wastes which may be disposed of at the facility as well as prohibited wastes are detailed in Section 1.3 above. The landfill waste screening program is described as follows.

#### **3.3.1 Waste Screening Program**

WCA of High Point has developed a waste screening program in accordance with North Carolina's Solid Waste Management Regulations, Rule .0544(e). This Rule states that owners/operators of a

C&D Landfill must implement a program at the facility for detecting and preventing the disposal of industrial, hazardous, liquid, municipal solid waste and excluded wastes, except as specifically authorized by the effective facility permit or by the Operating Plan. This program shall include, at a minimum:

- Random inspections of incoming loads or other comparable procedures;
- Records of any inspections;
- Training of facility personnel to recognize industrial, hazardous, liquid, municipal and excluded waste; and
- Development of a contingency plan to properly manage any identified industrial, hazardous, liquid, municipal or excluded waste. The plan must address identification, removal, storage and final disposition of the waste.

### **3.3.1a Random Selection**

Random inspection of vehicles will be conducted on a regular basis. The selection must be at least one vehicle per week, but not less than one percent by weight of the waste stream based on the previous week's total. The personnel conducting the inspection will randomly select the load at the working face of the landfill; the inspection will be completed in a designated area near the working face. A random truck and time will be selected (e.g., the second load after 8:00 a.m.) on the day of inspections.

### **3.3.1b Record Keeping**

Results of random inspections shall be recorded; sample report forms are included in Appendix OP-1. One form shall be completed for each inspection. All reports and resulting correspondence are to be maintained at the WCA of High Point C&D Landfill office for the life of the landfill and during the post-closure period. The presence of any industrial, hazardous, liquid, municipal solid waste or otherwise prohibited wastes identified during random inspections shall be reported to DENR Solid Waste Section.

### **3.3.1c Training**

Inspections will be carried out and supervised by landfill staff trained to identify and manage hazardous and liquid waste.

### **3.3.1d Random Waste Inspection**

The following action plan required by Rule .0544(e)(4) details the procedure for conducting random waste inspections.

- Stop the selected vehicle prior to the working face of the landfill.
- Notify the driver of the inspection.

- Direct the vehicle to the inspection area. The inspection area may be either a permanently designated location or a temporary location adjacent to the working face.
- If possible, perform a visual observation of the waste prior to unloading. If unauthorized waste is observed, or suspected, the vehicle shall be prohibited from unloading, and shall be directed out of the facility.
- If no unauthorized waste is observed or suspected from the visual observation, or if a visual observation is not possible, the vehicle shall discharge the load at the inspection area. The driver shall remain at the inspection area while the inspection is performed, unless a safety concern requires evacuation of the area. Equipment shall spread and turn the waste to facilitate a visual observation of the load contents. If no unauthorized waste is identified, the waste shall be transferred to the working face for disposal.
- If unauthorized waste is identified in the load, and the unauthorized waste is not a regulated hazardous waste, a regulated medical waste, a regulated toxic waste, a regulated nuclear waste, or a waste which requires special handling, the waste shall be loaded back into the vehicle and removed from the facility.
- If acceptability of the waste cannot be determined by visual observation, the waste can either be rejected and loaded back into the vehicle and removed from the facility, or samples of the waste can be taken to determine acceptability. Testing shall be selected based on the reason for the suspicion of unacceptability.
- Unauthorized wastes suspected of being a regulated hazardous waste, a regulated medical waste, a regulated toxic waste, or a regulated nuclear waste shall be managed in accordance with all applicable federal, state and local regulations. WCA will contact the Guilford County HAZMAT by calling 911. Response personnel shall have all appropriate licenses and/or certifications and will respond within 24 hours.
- Should suspected ACM be observed, the material will be immediately dampened until there is no visible dust and will then be covered or bagged and segregated from all activities. A licensed asbestos inspector will take a sample for analysis. If regulated asbestos is discovered, the landfill will alter operations as necessary for the asbestos to be properly removed by a licensed company (The designated licensed company is Demolition & Asbestos Removal Inc. (DARI) located in Greensboro, NC.)

### **3.4 ANNUAL REPORT**

In accordance with NCGS 130A-309.09D, on or before August 1 of each year, WCA of High Point will report to the Solid Waste Section the amount of waste received in tons at this facility and disposed in the landfill units. Data will be transmitted on forms prescribed by the Section. The reporting period shall be for the previous year beginning July 1 and ending on June 30 and shall detail the amount of waste received and disposed in the landfill in tons, compiled on a monthly basis by county or transfer station of origin and by specific waste type if diverted to a specific unit within the

permitted facility. The completed report shall be forwarded to the Regional Waste Management Specialist for the facility.

### **3.5 WASTE PLACEMENT**

#### **3.5.1 Cell Progression**

The Phase 2 area will be filled using the area method in general accordance with the Annual Phasing Plan (Drawing OP-2).

Uncontaminated stormwater will be collected and removed along the western portion of the active cells as shown on Drawing OP-3. Stormwater will be diverted or pumped from the collection area into the stormwater channels that convey flow into the sediment basin or sediment traps that support the facility.

#### **3.5.2 Waste Placement and Compaction**

Solid wastes will be tipped as closely as possible to the working face of landfill, then spread. The size (length and width) of the working face will vary depending on the rate of waste acceptance on a given day, weather conditions and other factors, but will be maintained as small as possible. Compactors will be used to maximize in-place waste density by compacting wastes in thin flat lifts, typically less than ten (10) feet thick.

Previous estimates have determined that the approximate in-place density of waste and soil achieved at the site is approximately 1,300 pounds per cubic yard. The waste density calculation will be reviewed periodically, and operational procedures may be revised to improve the efficiency of the site.

#### **3.5.3 Cover Material**

##### **3.5.3a Weekly Cover**

As required by Rule .0542(f), the owners or operators of all C&D Landfills must cover disposed solid waste with either six (6) inches of earthen material or an approved alternate daily cover when the waste disposal area exceeds one-half acre and at least once weekly. Cover shall be placed at more frequent intervals if necessary to control disease vectors, fires, odors, blowing litter, and scavenging. A notation of the date and time of the cover placement shall be recorded in the operating record as specified in Rule .0542(n).

##### **3.5.3b Intermediate Cover**

Areas which will not have additional wastes placed on them for three (3) months or more, but where final termination of disposal operations has not occurred, shall be covered and stabilized with vegetative ground cover or other stabilizing material as approved by the Division as specified in Rule .0542(f)(2).

### **3.5.4 Alternate Cover**

Alternative materials of an alternative thickness (other than at least six inches of earthen material) may be approved by the Division if the owner or operator demonstrates that the alternative material and thickness control disease vectors, fires, odors, blowing litter, and scavenging without presenting a threat to human health and the environment.

Proposed alternate cover includes 'fines' from WCA of High Point's material recovery facility (operations described in Section 2.0) for alternate weekly cover. These fines are a material generated during processing of C&D material and are largely composed of soil and minor fractions of the C&D waste stream. In addition, WCA of High Point proposes to use mulch mixed with soil as an alternate weekly cover. If a mixture of mulch and soil is used as an alternate cover, the mulch content of the weekly cover shall not exceed fifty percent (50%).

### **3.6 EROSION AND SEDIMENT CONTROL**

Erosion and sediment will be controlled on the site to prevent the discharge of pollutants into waters of the United States, including wetlands, that violates any requirements of the Clean Water Act. This includes, but is not limited to, the National Pollutant Discharge Elimination System (NPDES) requirements, Section 402. In addition, the site shall not cause the discharge of nonpoint sources of pollution to waters of the United States, including wetlands, that violates any requirement of an area-wide or State-wide water quality management plan that has been approved under Section 208 or 319 of the Clean Water Act, as amended. Surface water shall be diverted from the operational area and shall not be impounded over or in waste.

All vegetative and structural erosion and sediment control practices have been designed to prevent excessive on-site erosion and to control sediment from leaving the facility. All sediment control devices shall be constructed and maintained according to the North Carolina Erosion and Sediment Control Planning and Design Manual. A copy of the *WCA of High Point C&D Landfill, Phase 2 Expansion, Erosion and Sediment Control Plan* has been prepared and sent to the Land Quality Section for approval. A copy of the Plan is included as Appendix EP-4 of the Engineering Plan, with drainage structures, slope drains, diversion berms and other pertinent details shown on drawings EP-4 and EP-8 through EP-10.

### **3.7 Environmental Monitoring PLANS**

Rule .0544 requires preparation of a Monitoring Plan which addresses groundwater monitoring, surface water monitoring, landfill gas monitoring, and waste acceptability program. The Monitoring Plan consists of individual plans discussed as follows:

#### **3.7.1 Groundwater Monitoring Plan**

A Groundwater Monitoring Plan, including information on the proposed ground-water monitoring system(s), sampling and analysis requirements, and detection monitoring requirements that fulfills the requirements of Part (1)(A) through (1)(E) of Rule .0544(b) is included as Appendix OP-3 of this Plan and as the WCA of High Point C&D Landfill *Water Quality Monitoring Plan*, Appendix DH-E of the *Design Hydrogeologic Report*, prepared for the Phase 2 Expansion.

### **3.7.2 Surface Water Monitoring Plan**

A Surface Water Monitoring Plan has been designed to detect the effects of the facility on surface water in the area in general accordance with Rule .0544(c). This plan is included as Appendix OP-4 of this Plan and as the WCA of High Point C&D Landfill *Water Quality Monitoring Plan*, Appendix DH-E of the *Design Hydrogeologic Report*, prepared for the Phase 2 Expansion.

### **3.7.3 Landfill Gas Control Plan**

Landfill gas is a by-product from the decomposition of organic waste in a landfill. To protect public health and safety in the vicinity of the landfill, landfill gas produced by the decomposition of C&D waste will be controlled and monitored during the operational, closure, and post-closure periods. A gas management plan, including gas monitoring, will be implemented for the purpose of maintaining the concentration of methane gas below the following regulatory levels:

- 1) The concentration of methane gas generated is not to exceed 25 percent of the lower explosive limit (LEL) for methane in on-site structures (excluding gas control or recovery system components);
- 2) The concentration of methane gas is not to exceed the LEL for methane at the facility property boundary; and
- 3) The facility does not release methane gas or other explosive gasses in any concentration that can be detected in off-site structures.

The landfill gas management plan is currently proposed to include monitoring and passive gas vents in the landfill. Remedial measures will be implemented as required to mitigate a potential gas migration problem.

#### **3.7.3a General**

Landfill gas monitoring at the WCA of High Point C&D Landfill will be performed during the active life of the landfill and throughout the post-closure care period. At a minimum, quarterly monitoring will be conducted at all subsurface gas detection probes and in all structures located on the landfill property.

Gas detection probes will be installed on the site as shown on Drawing No. EP-5; additional probes shall be installed as additional phases are constructed. Gas detection probes will be installed to a depth at least equal to the maximum depth of waste in the area of the monitoring point or the water table, whichever is encountered first. Probe locations will likely be field engineered due to varying topography adjacent to expansion areas that may limit access with a drill rig. A gas detection probe detail can be found on Drawing No. EP-7. Construction records for the gas probes will be submitted to the Division upon completion.

Passive landfill gas vents will be installed along with the final cover system to allow release of gas to the atmosphere. These vents will be installed at a density of approximately one per two acres of cap surface area. A construction detail of these vents is included on Drawing No. EP-7.

### **3.7.3b Landfill Gas Monitoring Procedure**

**Record Keeping:** The operator will record the date, time, location, sampling personnel, atmospheric temperature, reported barometric pressure, and general weather conditions at the time of sampling, in addition to the concentration of combustible gases (See Boundary Gas Probe Monitoring Log, Appendix OP-2). The records will be maintained in the landfill operating record.

**On-site Structures:** Gas monitoring in on-site structures will be conducted during regular quarterly monitoring events at the earliest possible time after the structure has been unused (e.g., morning). The monitoring locations will be in corners along floors and ceilings, at cracks in the floor, and at other areas likely to accumulate gas. Gas monitoring will also be conducted in any confined space requiring the entry of personnel for maintenance or inspection. The monitoring will take place prior to entry by personnel, and entry into confined spaces will be conducted in accordance with OSHA's confined space entry regulations.

**Gas Detection Probes:** Gas monitoring in detection probes will consist of attaching the monitor to each tubing within the probes, and recording both the initial concentration and steady state concentration of combustible gases. Solid Waste Association of North America (SWANA) guidelines for purging wells and other monitoring procedures will be followed.

**Equipment:** A portable combustible gas monitor, measuring the concentration of combustible gases in units of percent of lower explosive limit, shall be used to conduct gas monitoring. Lower explosive limit (LEL) means the lowest percent by volume of a mixture of combustible gas in air that will propagate a flame at 25 degrees Celsius and atmospheric pressure. The gas monitor shall be calibrated to methane using the manufacturer's calibration kit and procedure before the monitoring activities begin.

### **3.7.3c Response to Landfill Gas Exceedances**

The regulatory maximum levels for methane gas are the LEL at the facility boundary and 25% LEL in on-site structures. At a minimum, the following actions will be taken if methane gas levels exceed those standards:

- Immediate steps necessary to protect human health will be identified and implemented. If the standard in structures is exceeded, these will include:
- Elimination of smoking materials and all ignition sources;
- Evacuation of all personnel;
- Ventilation of the structure;
- Personnel will not be allowed to reenter the building except to perform gas monitoring until the results of additional monitoring indicate that methane concentrations are stabilized below 25% LEL; and
- Assess the origin and pathways of the gas migration.
- The Solid Waste Section will be notified immediately;

Within seven days of detection, the monitoring results will be placed in the Operating Record and WCA of High Point will indicate actions taken and actions proposed to resolve the problem. Within 60 days of detection, WCA of High Point will develop and implement a landfill gas remediation plan

for the combustible gas releases and notify the Division that the plan has been implemented. The plan will describe the nature and extent of the problem and the proposed remedy, and, if required, a copy of the Plan will be placed in the facility Operating Record.

### **3.8 SURVEY FOR COMPLIANCE**

Within 60 days of the permittee's receipt of the Division's written request and as may be required by Rule .0542(m), WCA of High Point shall conduct a survey of active or closed portions of unit or units at the facility in order to determine whether operations are being conducted in accordance with the approved design and operational plans. The permittee shall report the results of such survey, including a map produced by the survey, to the Division within 90 days of receipt of the Division's request. The survey shall be performed by a registered land surveyor duly authorized under North Carolina law to conduct such activities.

The survey may be required by the Division:

- 1) If there is reason to believe that operations are being conducted in a manner that deviates from the plan listed in the effective permit, or
- 2) As a verification that operations are being conducted in accordance with the plan listed in the effective permit.

### **4.0 RECORDKEEPING REQUIREMENTS**

The owner and operator of a C&D Landfill shall record and retain at the facility, or in an alternative location near the facility approved by the Division, in an operating record the following information which shall be furnished to the Division according to the permit or upon request, or be made available for inspection by the Division:

- Records of random waste inspections, monitoring results, certifications of training, and training procedures required by Rule .0544 and Sections 2.3 and 3.3 of this Plan;
- Amounts by weight of solid waste received at the facility to include, County or transfer station of generation, consistent with NCGS 130A-309.09D and as required by Section 3.4 of this Plan;
- Any demonstration, certification, finding, monitoring, testing, or analytical data required by Rules .0544 through .0545 and the facility *Water Quality Monitoring Plan*;
- Any closure or post-closure monitoring, testing, or analytical data as required by Rule .0543 and the facility *Closure/Post-Closure Care Plan*;
- Any cost estimates and financial assurance documentation required by Rule .0546;
- Notation of date and time of placement of cover material; and
- All audit records, compliance records and inspection reports.

The operating record shall also include:

- A copy of the approved operation plan required by 15A NCAC 13B .0542 and the engineering plan required by Rule .0539 of this Section;
- A copy of the current Permit to Construct and Permit to Operate; and
- The Monitoring Plan, in accordance with Rule .0544 of this Section, included as appendices to the Operation Plan

(end.)

**RANDOM WASTE INSPECTION FORM**

FACILITY: \_\_\_\_\_ PERMIT NO.: \_\_\_\_\_

LOCATION: \_\_\_\_\_ DATE: \_\_\_\_\_

INSPECTOR: \_\_\_\_\_

Waste Name(s) & Address(es)

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

Waste Hauler: \_\_\_\_\_

Address: \_\_\_\_\_

Driver's Name: \_\_\_\_\_

Waste Accepted  Waste Rejected  Waste Held

Notified: Waste Source  Hauling Management  Site Management

State  Federal

Personnel Conducting the Inspection: \_\_\_\_\_

Supervisor Conducting the Inspection: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

Witness: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

Driver: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

Other: \_\_\_\_\_

Company: \_\_\_\_\_ Title: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_ Time: \_\_\_\_\_ AM  PM

ADDITIONAL COMMENTS: see pages 2 - 3

**RANDOM WASTE INSPECTION FORM**

Page 2 of 3

**INSPECTION CHECK LIST:** (Check all that apply)

(If "YES", please explain in the space provided below)

	YES	NO
1. Powders/Dusts	_____	_____
Identified: _____		
Unknown	_____	_____
2. Unacceptable Saturation	_____	_____
3. Odor/Fumes	_____	_____
Strong	_____	_____
Faint	_____	_____
Describe: _____		
4. Heat	_____	_____
Item: _____		
5. Battery	_____	_____
6. Oil	_____	_____
7. Biomedical	_____	_____
8. Radioactivity	_____	_____
9. Ashes/Residue	_____	_____
10. Sod/Soil	_____	_____
11. Asbestos (not properly contained)	_____	_____
12. PCB	_____	_____
13. Out of Area Waste	_____	_____

Explanation:

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**RANDOM WASTE INSPECTION FORM**

Page 3 of 3

REJECTED/UNIDENTIFIED WASTE

REJECTABLE WASTE DESCRIPTION: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WASTE:      Rejected                       Accepted   
NOTIFIED:    Waste Source                       Hauling Management   
                  Site Management                       State                       Federal

REJECTED WASTE TRANSPORTED BY:

Hauler Address: \_\_\_\_\_  
\_\_\_\_\_

Destination: \_\_\_\_\_  
\_\_\_\_\_

ACCEPTED WASTE:

Contained area: \_\_\_\_\_

Secured by: \_\_\_\_\_

Lab to complete testing: \_\_\_\_\_

ADDITIONAL COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## Drawings

SA-1: Reclamation Pad Layout – Figure A

SA-2: Reclamation Pad Layout – Figure B

OP-1: Existing Conditions

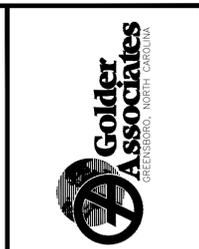
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**LEGEND**

- EXISTING 10 FT. CONTOUR
- EXISTING 2 FT. CONTOUR
- PROPERTY LINE
- STREAM
- TREELINE
- EXISTING ROAD
- LIMIT OF WASTE (PERMITTED)
- MONITORING WELL LOCATION IDENTIFICATION  MW-3
- SPRINGHEAD LOCATION AND IDENTIFICATION  SPRINGHEAD
- BENCH MARK  BM-1
- SEDIMENT BASIN  SB-1

NOTE:  
 1. DRAWING BASED ON SITE PLAN PREPARED BY JOYCE ENGINEERING, INC. DATED JULY 7, 2004.  
 2. BASE DIGITAL MAPPING WITHIN THE BOUNDARY SHOWN BY SPATIAL DATA CONSULTANTS INC. DATE OF AERIAL FLYOVER 3/27/01.  
 3. DIGITAL MAPPING OUTSIDE BOUNDARY PROVIDED BY THE CITY OF HIGH POINT DEPARTMENT OF PLANNING AND DEVELOPMENT. DATE OF AERIAL FLYOVER 1998.  
 4. EXISTING CONDITIONS SHOW PHASE 1 FILLED TO PERMITTED GRADES.



REV	DATE	CH	DES	CHK	CDD	CF	CDH	RW
1.	1/19/2011	CH	DES	CHK				

RESPONSE TO COMMENTS:  
 SUBSTANTIAL PERMIT AMENDMENT

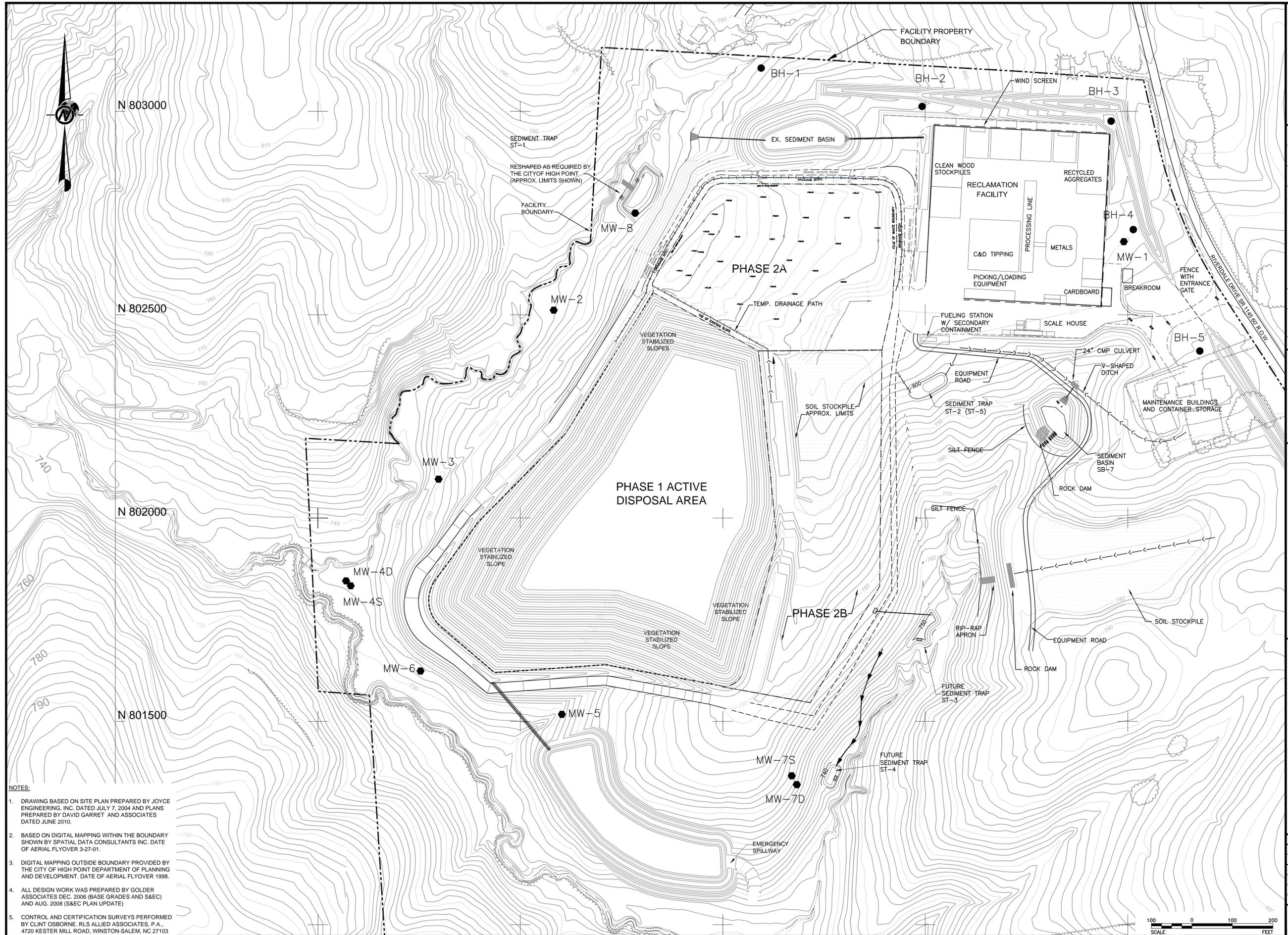
PROJECT: WCA OF HIGH POINT CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL AND RECLAMATION FACILITY GUILFORD COUNTY, NC

TITLE: **EXISTING CONDITIONS PLAN**

PROJECT No.	063-6526
FILE No.	
REV.	SCALE AS SHOWN
DESIGN	CH 12/19/06
CADD	JDS 12/19/06
CHECK	
REVIEW	

DWG. OP-1

Version: 063-10-10-11.dwg Date: 12-14-2011 1:48pm



N 803000

N 802500

N 802000

N 801500

- NOTES:**
1. DRAWING BASED ON SITE PLAN PREPARED BY JOYCE ENGINEERING, INC. DATED JULY 7, 2004 AND PLANS PREPARED BY DAVID GARRET AND ASSOCIATES DATED JUNE 2010.
  2. BASED ON DIGITAL MAPPING WITHIN THE BOUNDARY SHOWN BY SPATIAL DATA CONSULTANTS INC. DATE OF AERIAL FLYOVER 3-27-01.
  3. DIGITAL MAPPING OUTSIDE BOUNDARY PROVIDED BY THE CITY OF HIGH POINT DEPARTMENT OF PLANNING AND DEVELOPMENT. DATE OF AERIAL FLYOVER 1998.
  4. ALL DESIGN WORK WAS PREPARED BY GOLDER ASSOCIATES DEC. 2006 (BASE GRADES AND S&EC) AND AUG. 2008 (S&EC PLAN UPDATE)
  5. CONTROL AND CERTIFICATION SURVEYS PERFORMED BY CLINT OSBORNE, RLS ALLIED ASSOCIATES, P.A., 4720 KESTER MILL ROAD, WINSTON-SALEM, NC 27103



REV	DATE	DES	CHK	RW
3.	1/19/11	CH	CF	CDH
2.	07/13/09	CH	LKB	LKB
1.	11/3/08	CH	LKB	LKB

REV	DATE	DES	CHK	RW
3.	1/19/11	CH	CF	CDH
2.	07/13/09	CH	LKB	LKB
1.	11/3/08	CH	LKB	LKB

PROJECT  
**WCA OF HIGH POINT  
 CONSTRUCTION AND  
 DEMOLITION DEBRIS  
 LANDFILL AND RECLAMATION  
 FACILITY**  
 GUILFORD COUNTY, NC

TITLE  
**SUBSTANTIAL AMENDMENT  
 RECLAMATION PAD LAYOUT  
 FIGURE A**

PROJECT No.	063-6526		
FILE No.			
REV.	SCALE	AS SHOWN	
DESIGN	CH	12/19/06	
CADD	JDS	12/19/06	
CHECK			
REVIEW			

**SA-1**





REV	DATE	DES	CHK	APP	BY
1.	11/3/08	CH	UJB		
2.	07/13/09	CH	UJB		
3.	1/19/11	CH	UJB		

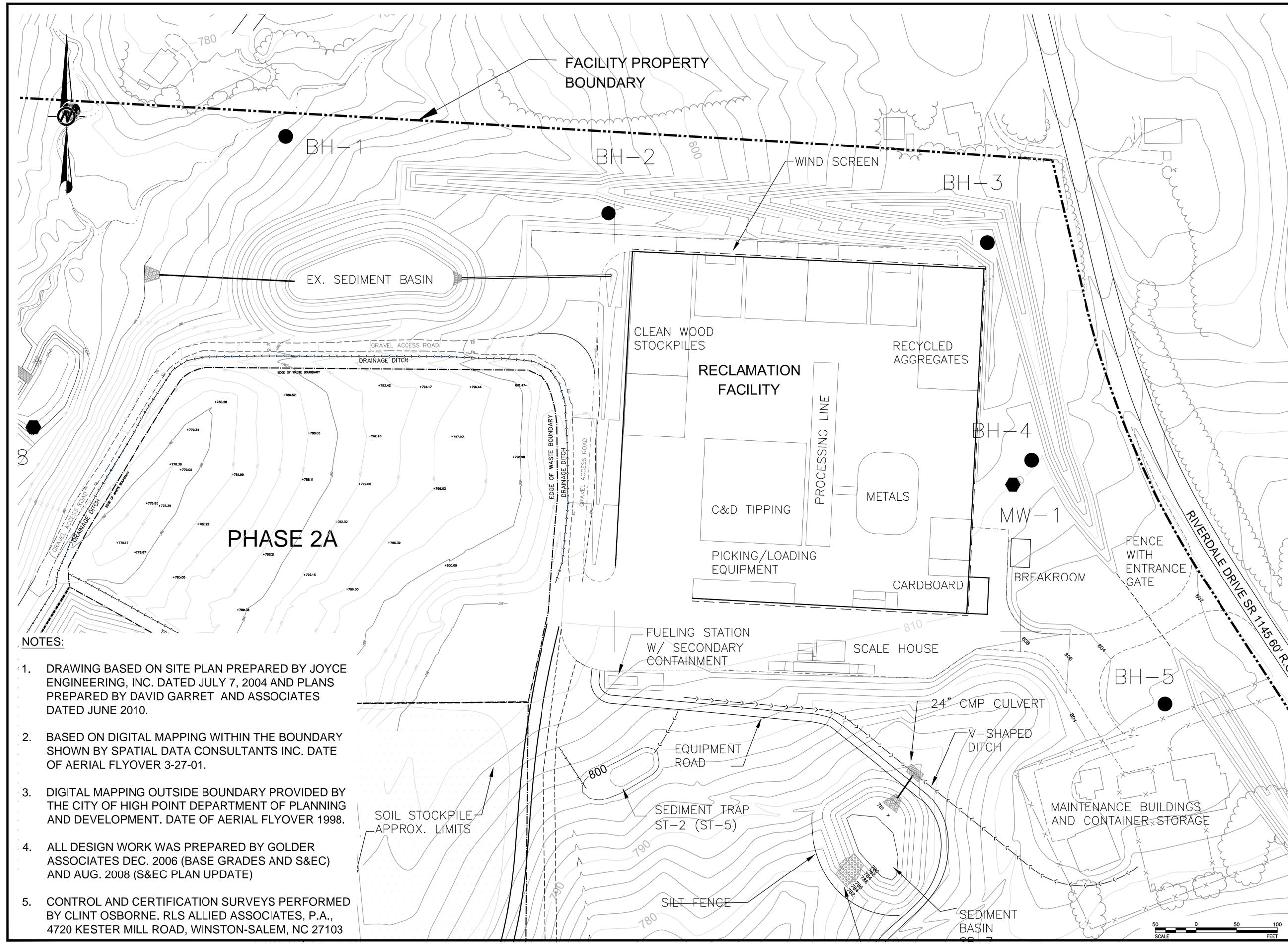
REVISION DESCRIPTION

PROJECT: WCA OF HIGH POINT  
CONSTRUCTION AND  
DEMOLITION DEBRIS  
LANDFILL AND RECLAMATION  
FACILITY  
GUILFORD COUNTY, NC

TITLE: SUBSTANTIAL AMENDMENT  
RECLAMATION PAD LAYOUT  
FIGURE B

PROJECT No.	063-6526	
FILE No.		
REV.	SCALE	AS SHOWN
DESIGN	CH	12/19/06
CADD	JDS	12/19/06
CHECK		
REVIEW		

SA-2



**NOTES:**

- DRAWING BASED ON SITE PLAN PREPARED BY JOYCE ENGINEERING, INC. DATED JULY 7, 2004 AND PLANS PREPARED BY DAVID GARRET AND ASSOCIATES DATED JUNE 2010.
- BASED ON DIGITAL MAPPING WITHIN THE BOUNDARY SHOWN BY SPATIAL DATA CONSULTANTS INC. DATE OF AERIAL FLYOVER 3-27-01.
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