

Scanned By	Date	DOC ID	Permit
Backus	02/14/2011	12913	41-16

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.

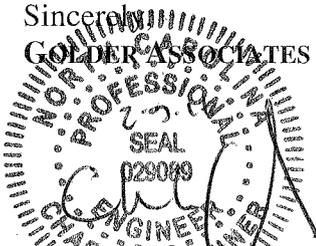
- 5. In the past, the storage area on the reclamation facility plan were labeled with the materials. In 2.1.5 it is noted that drawing OP-1 has a layout of the designated storage areas. Please add this back on your drawing.*

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

G:\Projects\WCA\High Point\response to comments, substantial permit amend\response to comments lter- pat backus October 2010 Comments.doc

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

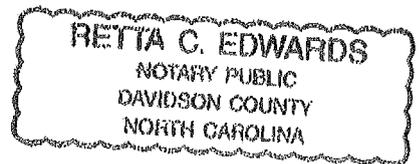
and that the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper 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 1-19-2011
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-294 of the North Carolina General Statutes and Chapter 11-8-5 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(B); 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-1

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *F. P. Kersey* Agent
 Address

B. Received by (Printed Name)

Kersey

C. Date of Delivery

*12-2-1*D. Is delivery address different from item 1? YesIf 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**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:

James Edward Turner
5815 Riverdale Rd.
Jamestown, NC.
27282

2. Article Number

(Transfer from service label)

7006 2760 0005 5001 8991

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *James Turner* Agent
 Address

B. Received by (Printed Name)

James Turner

C. Date of Delivery

*12/2/04*D. Is delivery address different from item 1? YesIf 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

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:

Brenda F. Darnell
6359 Cashatt Rd.
High Point, NC.
27263

2. Article Number

(Transfer from service label)

7006 2760 0005 5001 8922

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Brenda Darnell Agent
 Address

B. Received by (Printed Name)

Darnell

C. Date of Delivery

12-2-04

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

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:

Anthony Cash Sr.
5853 Riverdale Dr.
Jamestown, NC.
27282

2. Article Number

(Transfer from service label)

7006 2760 0005 5001 8977

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Merice Cash Agent
 Address

B. Received by (Printed Name)

C. Date of Delivery

12/3/04

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

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:

Piedmont Triad Regional Water
 Authority
 Wilmington Bldg, Suite 217
 2216 W. Meadowview Rd.
 Greensboro, NC. 27407

2. Article Number

(Transfer from service label)

7006 2760 0005 5001 8953

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Jay L Sparks* Agent Address

B. Received by (Printed Name)

Jay L Sparks

C. Date of Delivery

12-6-11

- 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

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:

W H Griffin Sr.
 2022 Shumer Drive
 Jamestown, NC.
 27282

2. Article Number

(Transfer from service label)

7006 2760 0005 5001 8885

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Larry F. Clark* Agent Address

B. Received by (Printed Name)

Larry F. Clark

C. Date of Delivery

12-6-11

- 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

NDER: 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.

Article Addressed to:

City of High Point
 PO Box 230
 High Point, NC. 27261

Article Number

Transfer from service label)

7006 2760 0005 5001 8908

Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Clemente Ranso

Agent
 Addressee

B. Received by (Printed Name)

Clemente Ranso

C. Date of Delivery

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

NDER: 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.

Article Addressed to:

Richard Odell Hutchens
 5868 Riverdale Rd.
 Jamestown, NC
 27282

Article Number

Transfer from service label)

7006 2760 0005 5001 8960

Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Richard Hutchens

Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

12/7/10

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

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:

Robert & Jane May
PO Box 4277
High Point, NC. 27261

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

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

2. Article Number
(Transfer from service label)

7006 2760 0005 5001 8915

Return Receipt

102595-02-M-1540

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:

Anne M. Ray
6315 Cashcraft Rd.
High Point, Nc. 27263

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
X Addressee

B. Received by (Printed Name) C. Date of Delivery

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

2. Article Number
(Transfer from service label)

7006 2760 0005 5001 8946

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

City Clerk's Office

Lisa B. Vierling, MMC
CITY CLERK



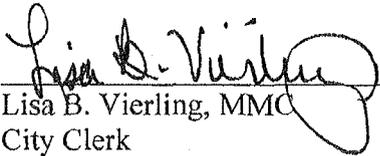
STATE OF NORTH CAROLINA

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 18th 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 30th 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 31st 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

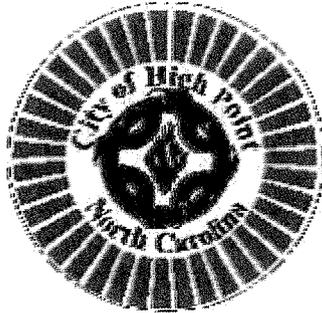
The population of each county below is an estimate provided by the U.S. Census Bureau for 2006, obtained from the bureau's website <http://quickfacts.census.gov>.

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.

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.

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 Blakency, 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*

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

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.

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.

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 by 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:

Lisa B. Vierling, MMC
City Clerk

City Clerk's Office

Lisa B. Vierling, MMC
CITY CLERK



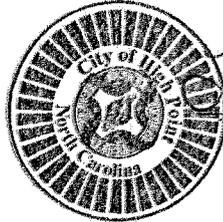
NORTH CAROLINA'S INTERNATIONAL CITY™

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 8th 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 8th day of February, 2011.

Cynthia C. Duncan-Smith

Notary Public

My commission expires: 1/18/2015

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

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]

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]

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 1st @ 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

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.

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 (1st Reading). The motion carried unanimously. [8-0 vote] [Mayor Smothers was absent]

For Information Only:

Meeting Reminders:

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

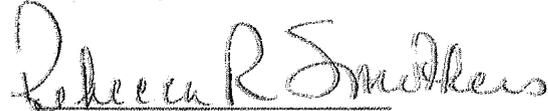
Public Safety & Community Development Committee will meet at 2:00 p.m. on Tuesday, January 4th.

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

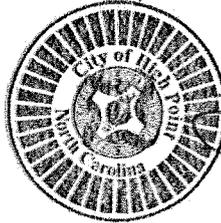


NORTH CAROLINA

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 8th day of February, 2011.



Lisa B. Vierling
City Clerk

NORTH CAROLINA

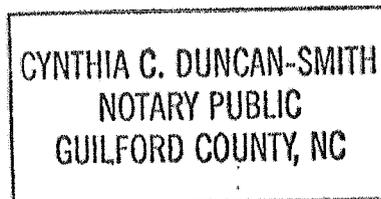
GUILFORD COUNTY

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 8th 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

Introduced 12/20/2010

Adopted 1/18/2011

Resolution Book Volume XVII, Page 2

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.

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

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.

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.*

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.*

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?*

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.*

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*

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's 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.*

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.*

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.

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.

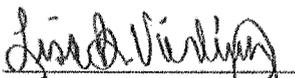
ADJOURNMENT

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

Inserts

Operations Plan, Revised Pages 4, 5, and 5A

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.

Drawings

SA-1: Reclamation Pad Layout – Figure A

SA-2: Reclamation Pad Layout – Figure B

OP-1: Existing Conditions