

City of High Point

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

Meeting Agenda

Monday, November 2, 2009

4:45:00 PM

Council Chambers

Committee of the Whole

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

Committee Members - Bencini, Douglas, Alexander

090263**State Revolving Loans - Promissory SRF Note - NC-DENR - Obsolete Sewer Line Improvements**

Council is requested to accept the \$1,367,134 in State Revolving Loans and authorize the Mayor to execute the preliminary Promissory Note Document. The proceeds from this loan are being used for the abandonment of the Lazy Lane lift station project and rehabilitation of obsolete sewer line improvements projects previously approved by City Council.

090264**Contract - Bid No. 13 - Electric Meters**

Approval of contract awarding Bid No. 13 for the purchase of Electric Meters. Purchasing and the Electric Department recommends that contract be awarded to National Transformer Sales in the amount of \$100,560.00 which is the lowest responsible and responsive bidder meeting specifications.

090270**Supplemental Municipal Agreement - NCDOT - Pond Maintenance for Piedmont Parkway**

Council is requested to approve a Supplemental Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for pond maintenance for Piedmont Parkway.

Pending Items**090050****Revised Economic Incentive Policy**

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

3/5/2009

Committee of the Whole referred

Committee of the Whole

PUBLIC SAFETY COMMITTEE - Council Member Faircloth, Chair

Committee Members - Douglas, Pugh, Alexander

090266**Ordinance - Vacate/Close Structure - 1718 Brooks Avenue**

Council is requested to adopt an ordinance ordering the housing inspector to effectuate the vacating and closing of a structure located at 1718 Brooks Avenue belonging to Schwarz Properties, LLC.

090267**Ordinance - Demolition of Structure - 1312 Lorraine Avenue**

Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of a structure located at 1312 Lorraine Avenue, belonging to JoAnn Cain.

090268**Ordinance - Demolition of Structure - 526 White Oak Street**

Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of a dwelling located at 526 White Oak Street belonging to Emmanuel Wallace.

090269**Ordinance - Demolition of Structure - 1100 Jefferson Street**

Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of a structure located at 1100 Jefferson Street, belonging to Bank of America/ Trustee for EMC Mortgage Loans.

PUBLIC SERVICES COMMITTEE - Council Member Sims, Chair

Committee Members - Blakeney, Faircloth, Whitley, Alexander

PLANNING & DEVELOPMENT COMMITTEE - Council Member Bencini, Chair

Committee Members - Blakeney, Pugh, Sims, Faircloth

090272**Major Watershed Variance (Riverdale Road) City of High Point**

A request by the Public Service Department for a major watershed variance for proposed disturbance of an existing perennial and intermittent stream buffer as classified by the Department of Natural Resources Division of Water Quality. The buffer disturbance exceeds five percent (5%) of the stream; therefore, local and state (Environmental Management Commission) review is required. The site is located at the northeast corner of 5853 Riverdale Road, which is lying along the east side of Riverdale Drive and approximately ½ mile south of E. Kivett Drive. The site is also known as Guilford County Tax Parcel 15-94-7016-0-0882-00-005 (portion) and 18-00-0481-0-0001-00-004.

Pending Items**090251****University Area Plan - City of High Point**

A request by the City of High Point for consideration of the University Area Plan.

10/19/2009 Committee of the Whole continued

PUBLIC HEARINGS ON ITEMS

090265**Public Hearing - Transit System Route Changes - Westchester Drive/English Road**

Monday, November 2, 2009 at 5:30 p.m. is the date and time established by City Council to receive public comment on route and schedule changes for the transit system. The changes include modifying the existing Westchester Drive Route by splitting it into two routes to enhance safety for passengers going to destinations along the Westchester Drive corridor.

Planning & Development Committee - Council Member Bencini, Chair**090273****Special Use Permit 09-03 - Wood Coating Research Group**

A request by Wood Coating Research Group to allow "Research, Development or Testing Services" use in the General Business (GB) District. The site is lying at the northeast corner of Idol Street and Scott Avenue (602 Idol Street).

090274**Ordinance - Annexation 09-03 - Cash - Riverdale Drive**

Consideration of a contiguous annexation of approximately 3 acres. The site consists of the northeastern 3 acres of a larger 16.5 acre parcel located at 5853 Riverdale Drive, which is lying along the east side of Riverdale Drive and approximately ½ mile south of E. Kivett Drive. The site is also known as a portion of Guilford County Tax parcel 15-94-7016-0-0882-00-005.

090275**Ordinance - Rezoning Case 09-09 - City of High Point - Riverdale Drive**

Agricultural (AG) District

A request by the Public Service Department to rezone approximately 3 acres from the Agricultural (AG) District, under Guilford County's zoning jurisdiction, to the City of High Point's Agricultural (AG) District. The zoning site consists of approximately 3 acres of a larger 16.5 acre parcel located at 5853 Riverdale Drive. Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

ADJOURNMENT



October 15, 2009

To: Randy McCaslin, Assistant City Manager
From: Garey Edwards, Director of Electric Utilities
Subject: Bid number 13-100709

On October 7, 2009 the City of High Point opened bids for Electric Meters. We sent bids to eight suppliers and received responses from 3 companies, five were a no quote.

The Electric Department recommends that Bid 13-100709, for Electric Meters, be awarded to **National Transformer Sales** for the amount of **\$100,560.00**. They are the lowest responsible bidder and they supplied the most responsive bid that complied with the specifications.

cc: file
Bob Martin
Jeff Moore
Josh Williams
Sherry Smith
Larry Hopkins

City of High Point, P.O. 230, 816 E. Green Dr., High Point, NC 27261 USA
Phone 336.883.3485 Fax: 336.883.3478 TDD 336.883.8517



BID INFORMATION AND RECOMMENDATION**BID #13-100709****DATE OPENED: 10/07/09****DESCRIPTION: ELECTRIC METER #709****BID PACKAGES DISTRIBUTED: 7****DEPARTMENT: WAREHOUSE / ELECTRIC****SOURCE OF FUNDS: 631783 - 529182****BUDGETED AMOUNT: \$101,000.00****RECOMMENDED AWARD**

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
2,400	ELECTRIC METER #709	\$41.90	\$100,560.00

PURPOSE: To replenish stock in the warehouse.**COMMENTS:** N/A**BID TABULATION**

VENDOR NAME & ADDRESS	ITEM #	QTY	UNIT PRICE	TOTAL PRICE	DELIVERY A.R.O.
SHEALY ELECTRIC, INC. P.O. BOX 8597 COLUMBIA, SC 29202	709	2,400	\$43.90	\$105,360.00	20-30 DAYS
NATIONAL TRANSFORMER SALES 2613-B DISCOVERY DR. RALEIGH, NC 27616	709	2,400	\$41.90	\$100,560.00	49 DAYS
ALNERGY, LLC. 800 3rd STREET S.W. WASHINGTON, DC 20024	709	2,400	\$99.00	\$237,600.00	30 DAYS

The **ELECTRIC DEPARTMENT** and **PURCHASING DIVISION** recommend that the purchase of **ELECTRIC METER #709** be awarded to **NATIONAL TRANSFORMER SALES**, the lowest responsible and responsive bidder meeting specifications for the total amount of **\$100,560.00**.

DATE OF RECOMMENDATION: October 26, 2009



Approved by:
Strib Boynton, CITY MANAGER

PLANNING AND ZONING COMMISSION RECOMMENDATION

On October 27, 2009, a public hearing was held before the Planning and Zoning Commission regarding the request described below. All members of the Commission were present except Mr. Mark Walsh.

Wood Coating Research Group

Special Use Permit 09-03

A request by Wood Coating Research Group to allow “Research, Development or Testing Services” use in the General Business (GB) District. The site is lying at the northeast corner of Idol Street and Scott Avenue (602 Idol Street).

Mr. Shannon presented the request to the Commission and recommended approval as outlined in the staff report.

Speaking in favor of the request was Ronald Obie of 502 N. Rotary Drive, applicant. Mr. Obie stated that the company’s focus is applied research and development of coating materials. He advised the Commission that the use of outdoor exposure racks allows them to assess the impacts of environmental stresses on specific coatings on various materials.

Speaking neither in favor nor in opposition was Ms. Carolyn Masque of 117 Scott Avenue, neighbor. Ms. Masque stated that most of her concerns and questions have already been addressed by Mr. Obie via previous discussion she has had with him on this proposal. However, she wanted the following concerns, which Mr. Obie readdressed at the public hearing, on the public record.

- Hours of operation: Will be from 7:00am to 7:00pm, six days a week;
- Setback of testing racks: Will be placed far enough from the road so that it will not interfere with the line of sight of motorist;
- Odors: Will not be noticeable; and
- Volume of product to be manufactured: Will be kept to the minimum necessary to fulfill or document the research concepts to clients. The majority of product will be tested in multiple test batches of 50 milliliters (approx. 1.6 oz). Occasional testing of 5 gallons batches may be done to document proof of concept of a specific product to a client.

No one spoke in opposition to the request.

The Planning & Zoning Commission recommended **approval** of Special Use Permit 09-03, with staff revisions, by a vote of 7-0.

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

**STAFF REPORT
SPECIAL USE PERMIT 09-03
October 27, 2009**

Request	
Applicant: Wood Coatings Research Group	Owner(s): Joyce A. Denny
Proposal: A Special Use Permit to allow a "Research, Development or Testing Services" use in the General Business (GB) District.	

Site Information	
Location:	Lying at the northeast corner of Idol Street and Scott Avenue (602 Idol Street)
Tax Parcel Numbers:	226-7-8 & 9.
Site Acreage:	Approximately 0.9 acres (39,468 sq. ft.)
Current Land Use:	There is an existing 17,400± square foot vacant building upon the site. Previous use at this location was a graphic design studio.
Physical Characteristics:	The site is developed and relatively flat.
Water & Sewer Proximity:	A 6-inch City water line and an 8-inch City sewer line are lying adjacent to the site in both the Idol Street and Scott Avenue right-of-ways.
General Drainage and Watershed:	The site drains in a general southwestern direction toward the intersection of Scott Avenue and is within the Yadkin Pee-Dee general watershed area. Land disturbance over one-acre in area will require stormwater control.
Overlay Districts	None

Adjacent Property Zoning and Current Land Use		
North:	GB - General Business District RS-7 – Residential Single Family-7	Office Use (2 story building) Single family detached dwelling
South:	CU-GB - Conditional Use General Business District	Commercial building and outdoor storage area for garden center/retail nursery use that fronts along Westchester Drive.
East:	CU-GB - Conditional Use General Business District	Outdoor storage area for garden center/retail nursery use that fronts along Westchester Drive.
West:	GB - General Business District	Vacant office building

Relevant Land Use Policies and Related Zoning History	
Community Growth Vision Statement	Not applicable to this case.

Land Use Plan Map Classification:	<u>Community/Regional Commercial:</u> This classification includes a wider range of retail or service uses intended to serve the entire community and nearby regional customers.
Land Use Plan Goals, Objectives and Policies:	This request is neither in conflict with the Land Use Plan's goals and objectives nor does it promote those goals and objectives.
Relevant Area Plan(s):	None
Zoning History:	1. The site has a GB District zoning designation. The GB District is primarily intended to accommodate a wide range of retail, service, and office uses. The district is typically located along thoroughfares in areas which have developed with minimal front setbacks. 2. The two city blocks lying between W. Parris Avenue & Westchester Drive and from N. Main Street to the west side of Idol Street has been slowly transitioning from a single family residential area to a commercial area. Since the mid 1980's there have been approximately 15 zoning cases that rezoned properties in this two block area from residential to the GB District. Except for 3 single family homes along W. Parris Avenue and 4 single family homes along Scott Avenue all of this area is zoned for commercial or office uses.

Transportation Information			
Adjacent Streets:	Name		Classification
	Idol Street		Collector Street
	Scott Avenue		Sub-Collector Street
Approx. Frontage	173 ft.		230 ft.
Vehicular Access:	Idol Street		
Traffic Counts:	None		
Estimated Trip Generation:	None		
Traffic Impact Analysis:	Required		Comment
	Yes	No <u>X</u>	None
Pedestrian Access:	None		

School District Comment
Not applicable to this case.

Details of Proposal
The applicant is requesting a Special Use Permit request to allow a "Research, Development or Testing Services" use in the GB District. Research/development or testing uses are establishments primarily engaged in providing testing services of various productions and may consist of a wide range of activities from laboratories which operated totally within an enclosed building to those conducting outdoor testing or uses which may generate excessive noise and vibration. While this

use is typically found in industrial areas, due to the wide range of testing uses some can be compatible in business areas. The special use permit review is required by the Development Ordinance to ensure the facility is appropriate for the particular location and to insure there are no impacts upon adjacent property owners or that any impacts are sufficiently mitigated.

The applicant is proposing to establish a research/development & testing use that will focus primarily in the material science arena for developing and testing paints, coatings and polymers. They will also have an outside testing area where they will place samples of the coatings on different materials and expose it to the natural environment to determine its effectiveness. They are proposing to have up to five (5) test panels upon the site that will be 12 feet long by 5 feet high and approximately 8 feet in total height located along the site's Idol Street frontage. Depending upon a structural analysis of the roof, the applicant has noted that they may place additional testing panels upon the roof of the building. All other activities related to this use will take place within the existing building.

Identified Issues

Major Issues:

- ❖ None.

Minor Issues:

- ❖ The applicant's proposal to have outdoor testing panels which are 12 foot long by 5 feet high and approximately 8 feet in total height may visually detract from the area depending on the number and location of these test panels. The applicant has noted a desire to have up to five (5) of these panels upon the Idol Street frontage of the site. The permit should specifically limit the number of these test panels and they should be located in a manner to meet building setback standards of the GB District (i.e. setback at least 15 feet from property line).

Findings

A special use is an additional use to those permitted by right in a zoning district. Such a use requires analysis for its potential impact on the proposed site and its impact on surrounding properties. The purpose of the Special Use Permit process is to allow the Planning and Zoning Commission and City Council an opportunity to perform this analysis.

Section 9-3-14 of the Development Ordinance requires that certain findings be made before a Special Use Permit may be approved. Based on the applicant's submittal and proposed conditions, as they existed on the date of this report, the Planning and Development Department offers the following comments relative to these required findings.

That the use will not materially endanger the public health or safety if located where proposed; staff finds

Compliance With Revisions

- ❖ Placement of test panels too close the site's Idol Street property line may limit visibility of vehicles exiting the site and limit visibility of vehicles at the intersection of Idol Street & Scott Avenue. Subject to inclusion of a condition requiring these test panels to be located in a manner to meet building setback standards of the GB District (i.e.

	setback at least 15 feet from property line), staff finds that the proposal would not endanger public health or safety.
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That the use meets all required standards, conditions and specifications of the Development Ordinance, and any additional restrictions imposed pursuant to Section 9-3-14(d) *Greater Restrictions*; staff finds

Compliance	❖ Based upon the site plan provided, the request is meeting the requirements of the Development Ordinance.
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That the use will not substantially injure the value of adjoining or abutting property, or that it is a public necessity; staff finds

Compliance	❖ The site is currently developed with an existing commercial building that was built in 1971. Except for outdoor testing of coating materials/paints upon test panels, all activity related to a research/development or testing services use will be conducted within the existing commercial building. Based upon the condition offered by the applicant to limit the site to five (5) outdoor testing panels, the request will not substantially injure the value of adjoining property owners. ❖ Based upon pictures of testing panels provided by the applicant, the potential placement of these panels upon the roof of the building will not negatively detract from the area. It is anticipated that upon the roof of the building they would go largely undetected and would have no more impact than if solar panels were placed upon the roof of any of the commercial buildings in this area.
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That the location and character of the use shall be in harmony with the area in which it is located and in general conformity with the plan of development of the city and its environs; staff finds

Compliance With Revisions	❖ The area lying south of W. Parris Avenue has a Community/Regional Commercial Land Use Designation with a majority of the property zoned for commercial uses. The building is oriented away from abutting residential use with its entrance oriented toward other non-residential uses. The use of this site for research/development or testing services uses will be in harmony with adjacent uses and in compliance with the land use plan. ❖ The applicant has noted their desire to have up to five (5) test panels along the Idol Street frontage of the site. Subject to the condition requiring these test panels to be located in a manner to meet building setback standards of the GB District (i.e. setback at least 15 feet from property line); the request will be in harmony with the surrounding area.
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Recommendation

Staff recommends approval with revisions

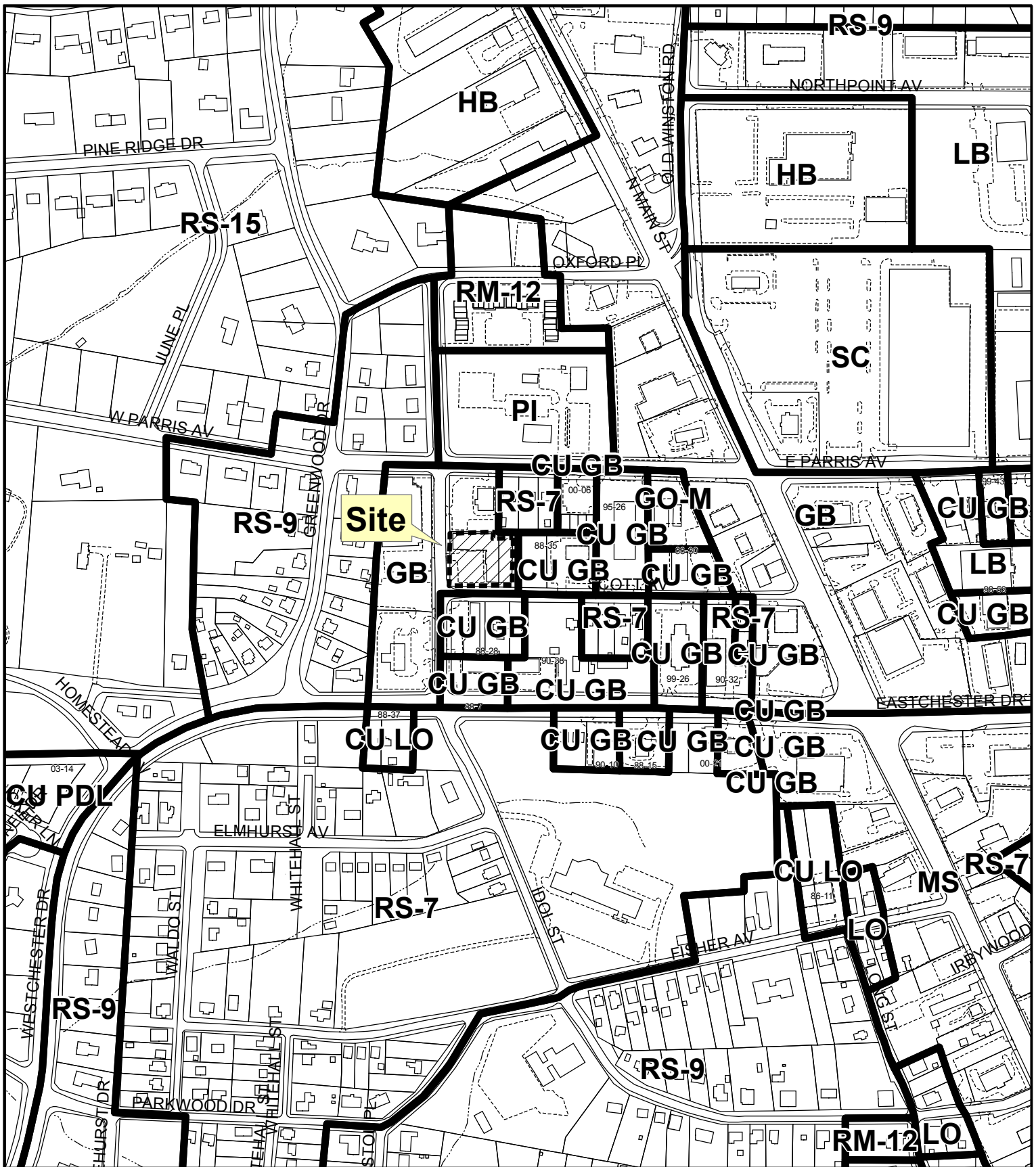
The Planning and Development Department recommends approval subject to the following amendments to the permit:

- ❖ The placement of outdoor test panels shall meet building setback standards of the zoning district.

Based upon the staff recommended amendments, staff finds that the request will be generally consistent with the surrounding zoning and development in this area and generally in compliance with the goals and objective of the Land Use Plan.

Report Preparation

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



SPECIAL USE PERMIT 09-03

Request: To allow Research, Development or Testing Services use in a General Business District.

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

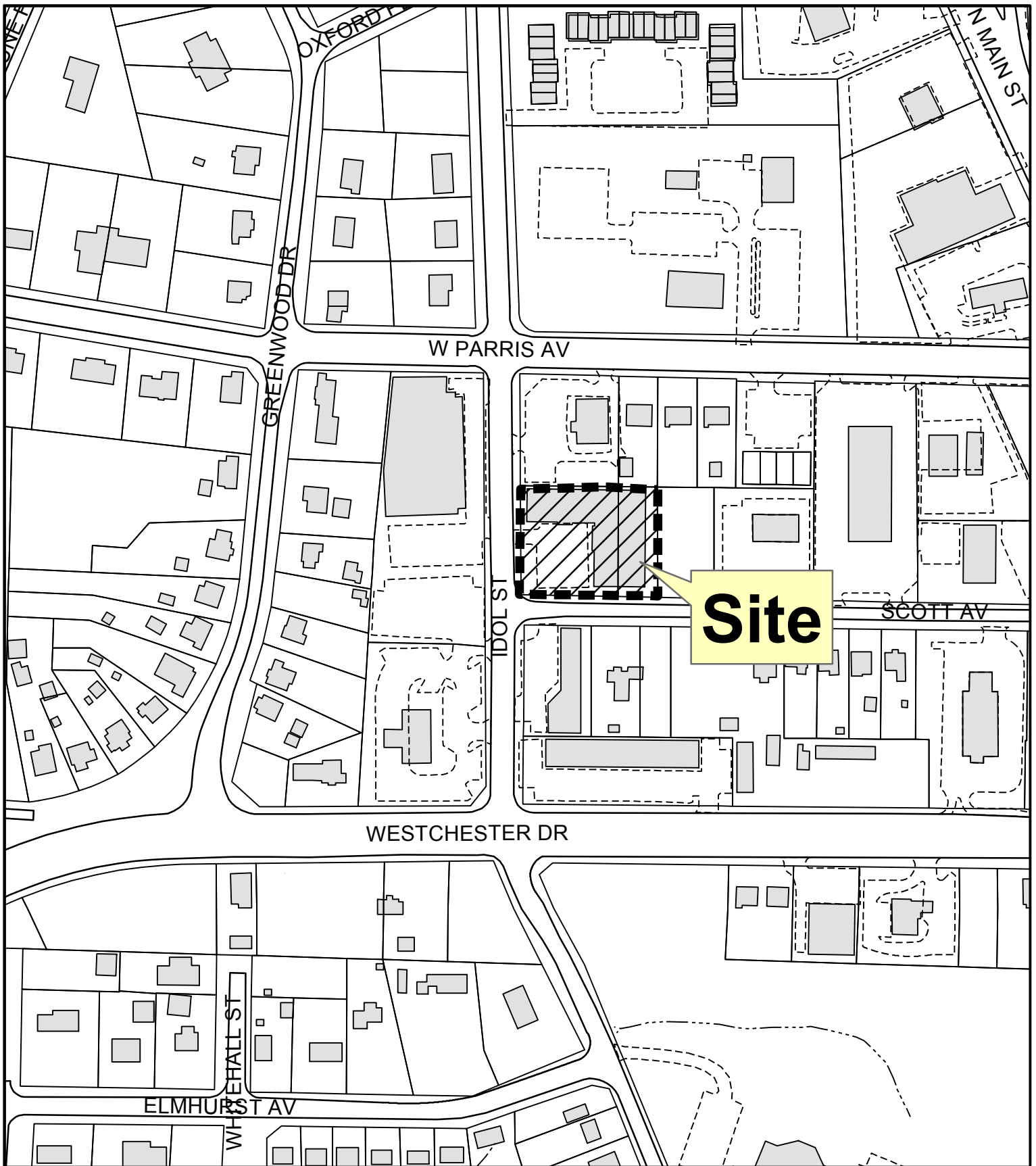
**Planning & Development
Department**

City of High Point

Date: October 9, 2009



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SPECIAL USE PERMIT 09-03

Request: To allow Research, Development or Testing Services use in a General Business District.

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

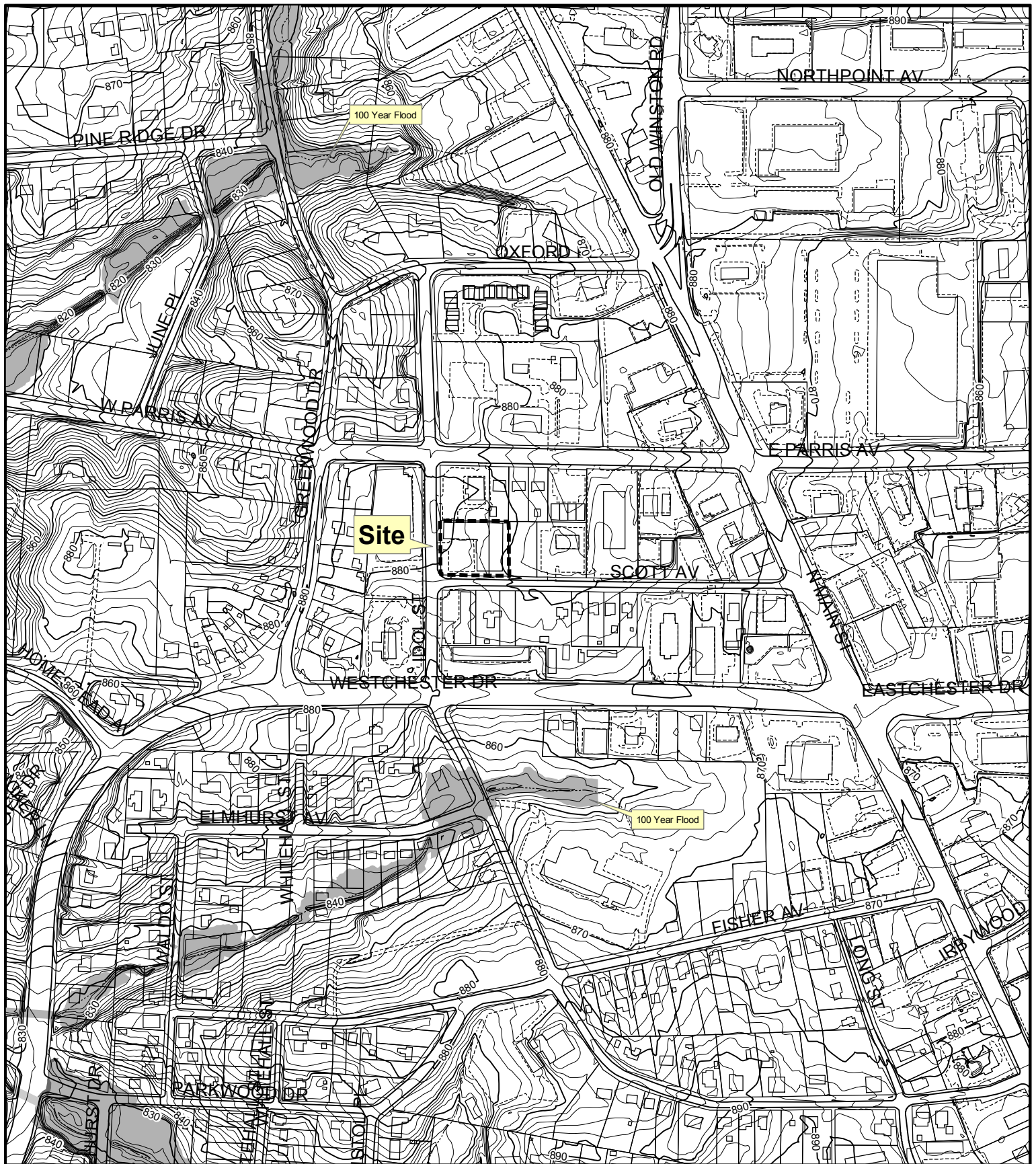
**Planning & Development
Department**

City of High Point

Date: October 9, 2009



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SPECIAL USE PERMIT 09-03

Topography

Subject Property Boundary - - - - -

**Planning & Development
Department**

City of High Point

Date: September 14, 2009



Scale: 1"=400'

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SPECIAL USE PERMIT 09-03

Site



SPECIAL USE PERMIT 09-03
CITY OF HIGH POINT, NORTH CAROLINA

October 27, 2009.
(Submitted)

THE CITY OF HIGH POINT CITY COUNCIL, PURSUANT TO SECTION 9-3-14, SPECIAL USE PERMITS, OF THE CITY OF HIGH POINT DEVELOPMENT ORDINANCE, APPROVED A SPECIAL USE PERMIT AND SITE PLAN FOR THE FOLLOWING USE, SUBJECT TO THE FOLLOWING CONDITION(S):

USE: Research, Development or Testing Services use (SIC 8730) as it relates to developing and testing of paints, coatings and polymers.

CONDITIONS:

1. Development and use of the site in regards to building location and location of outdoor testing area shall be in accordance with the attached approved Special Use Permit sketch plan.
2. A maximum of five (5) outdoor testing panels may be permitted upon the grounds of the site for outdoor testing (i.e. exposure to environment) of paints, coatings and polymers. Size of an individual test panel shall not exceed 12 feet by 5½ feet and shall be location upon the site as noted on the attached sketch plan (generally along the Idol Street frontage of the site). This condition shall not prevent the placement of test panels; in addition to the five (5) permitted along Idol Street frontage, upon the roof the structure.
3. Except for test panels no other outdoor activity related to the research development/testing services use shall be permitted outside of the building.

DESCRIPTION OF PROPERTY: An approximately 39,468 square foot parcel lying at the northeast corner of Idol Street and Scott Avenue (602 Idol Street) The site is also known as Guilford County Tax Parcel 226-7-8 & 9.

This Special Use Permit and approved site plan are perpetually binding upon the above-described property, unless subsequently amended as provided in the Development Ordinance or until a use otherwise permitted in the zoning district is established.

This Special Use Permit shall become void after eighteen (18) months from the date of City Council approval unless the Special Use authorized has begun and/or a footing inspection has been approved. If the Special Use authorized is discontinued for a period exceeding eighteen (18) months or replaced by a use otherwise permitted in the zoning district, then the Special Use shall be deemed abandoned and this Special Use Permit shall be null and void and of no effect. If for any reason any condition imposed this Special Use Permit is found to be illegal or invalid, then this Special Use Permit shall be null and void and of no effect.

The issuance of this Special Use Permit authorizes the filing of an application for a building permit, site plan, subdivision or other development approval as required by the Development Ordinance.

SPECIAL USE PERMIT 09-02 AND THE ACCOMPANYING SITE PLAN WERE APPROVED BY THE CITY COUNCIL OF HIGH POINT, NORTH CAROLINA ON THE ____ DAY OF NOVEMBER, 2009.

Lisa B. Vierling
City Clerk

Date

IDOL STREET

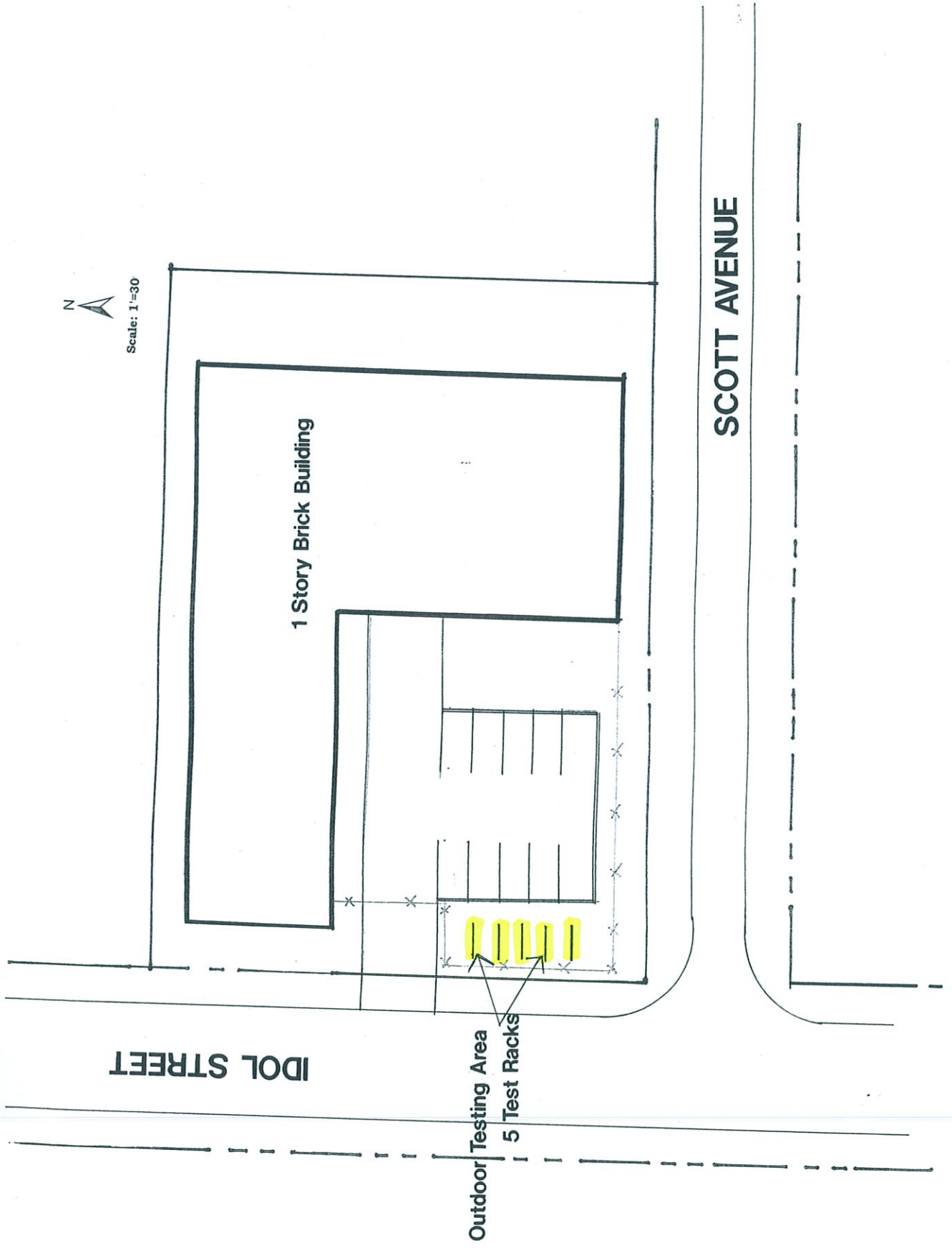
SCOTT AVENUE

1 Story Brick Building

Outdoor Testing Area
5 Test Racks



Scale: 1"=30'



The Wood Coatings Research Group, Inc.

P.O. Box 5355 High Point, N.C. 27262
Tel. 336/841-0264
Fax 336/841-0303

August 7, 2009

Mr. Doug Loveland
City of High Point
Planning and Development
PO Box 230
High Point, NC 27261

Dear Doug:

Thank you for allowing me to meet with you and Mr. Robert Robbins on July 16, 2009 to discuss our plans to set up / move our research and development operation to 602 Idol Street. As we discussed, Wood Coatings Research Group is an independent research and development organization focused primarily in the materials science arena. I am writing this letter to request the permitted use of a research and development facility in a GB zoned area with appropriate developmental standards.

In this facility, we will be performing research and development in the materials science area. Special emphasis is placed on the development of environmentally friendly paints and coatings. As such, our goal is to develop green paints and coatings with performance and appearance properties that meet and exceed that of organic based products at competitive pricing. Our facility will be developing polymers, coatings, and materials; testing physical and environmental performance of coatings, substrates, and materials; and evaluating application properties of coatings. We also envision requiring small scale up manufacturing capability.

Doug, thank you again for the opportunity to present this letter to you. Also, please find attached a signed Development Ordinance Text Amendment Application.

Sincerely,



Ronald Obie
Wood Coatings Research Group, Inc.
6008-B High Point Rd
Greensboro, NC 27407
336-841-0264



Q-Lab Arizona

Perform outdoor testing at the location of your choice with

Q-Rack Outdoor Exposure Rack Systems

Now you can do your own natural, outdoor exposures at any location.

Q-Rack outdoor exposure rack kits from Q-Lab Corporation are the same design racks we have used for years at Q-Lab Weathering Research Service in Florida and Arizona.

Versatile, reliable and affordable, Q-Racks give you an ideal way to supplement your current testing program with additional data. They meet many ISO, ASTM, SAE and other requirements for outdoor testing.

- Complete Rack Kits for Direct Exposure Testing
- Accessories & Non-Standard Mounting Systems
- Black Box Kits Simulate Automotive Conditions
- Under Glass Rack Kits Available in North America



Q-Lab Florida



Q-Rack Direct Exposure Rack Kits

Direct exposure is the most common method for testing coatings, inks, plastics, or finishes used outdoors. Most typical test specimens can be easily mounted on a Q-Rack. Our direct exposure rack kits meet the requirements of ISO 877-2 Method A, ASTM G7, ASTM D4141, or SAE J1976.

Start with a Q-Rack kit, which includes:

- An anodized aluminum main frame measuring 12' x 5'6" x 4" (3.66 m x 1.68 m x .10 m) and two legs. Both welded frames and unassembled "knock down" frames (for shipping outside North America) are available.
- Panel base and flap assemblies hold panels in place and may be adjusted to fit various sizes of test specimens. Q-Rack direct exposure rack kits have one panel base and five panel flaps; additional panel assemblies may be ordered to hold more specimens.

Complete your Q-Rack with positioning arms and optional accessories:

- Sturdy positioning arms are used to hold frames securely at the correct angle of exposure. Sold in pairs, they are available for positioning the Q-Rack at 0° (horizontal), 5°, 45° or 90° (vertical), to meet your testing specifications.
- Other accessories include sub-frame kits (set of 8), additional rack components, test panels, and a Black Box retrofit kit.

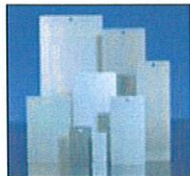


Expand the Q-Rack's capacity by using smaller panels and more panel flaps.

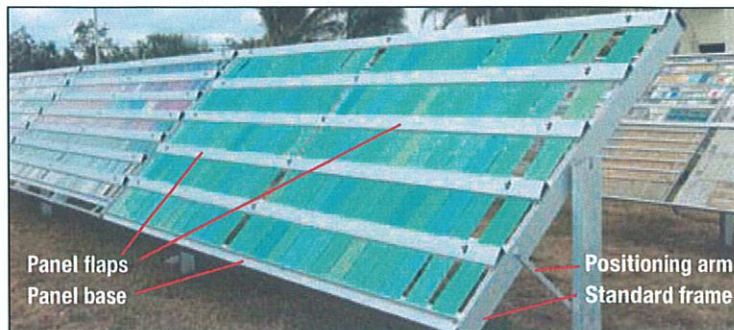
Inserting test sample panels into the Q-Rack panel flaps is easy. The panel flaps open and close with three wing nuts.



Q-Panel Brand Test Substrates



Panels are made from steel or aluminum in a range of sizes and finishes. Featuring the Q-shaped hole, they are recognized as the world standard for a clean, consistent and uniform test surface.



The direct exposure rack is shown here. Panel flap assemblies may be adjusted or added to accommodate different sizes and increase the rack's capacity.

Welded Frame Direct Exposure Rack Kit

Part FL-3049-K

Use this rack kit for direct exposure testing of materials used outdoors. Welded frame ships assembled (USA, Mexico and Canada only).

Kit includes:

- Welded Aluminum Frame
- 2 Legs
- 1 Panel Base
- 5 Panel Flaps

Positioning arms required for rack installation – see Accessories section

*Knock Down Frame Direct Exposure Rack Kit

Part FL-3055-K

Frame ships unassembled (required for shipment outside North America). Other kit contents are the same.

Black Box Direct Exposure Rack Kit

Part FL-3120-K

The Black Box Exposure Rack Kit combines a welded frame rack with an aluminum black box. Test specimens are used to enclose the top of the box to simulate the exposure conditions of an automobile's trunk or hood. Kit includes:

- Special Welded Frame
- 2 Legs
- 1 Panel Base
- 5 Panel Flaps
- Aluminum Black Box

Positioning arms required for rack installation – see Accessories section

Use a Black Box Kit to simulate automotive exposure conditions as required in SAE J1976 and ASTM D4141. Black box exposures typically result in higher temperatures and greater wet time than open-backed exposures.



***Available for shipment outside North America**

Q-Rack Under Glass Exposure Rack Kits



Q-Rack under glass kits (available for shipment in North America only) include:

- A special welded, anodized aluminum main frame measuring 12' x 5'6" x 4" (3.66 m x 1.68 m x .10 m) and two legs. Six 3 mm window glass covered sub-frames with MDO backing are provided, along with mounting hardware to hold test specimens in place.
- A black box under glass exposure kit also is available. With its aluminum black box, the rack kit is suitable for testing indoor materials under higher temperature conditions.

Under Glass Exposure Rack Kit

Part FL-3086-K

- Special Welded Frame
- 2 Legs
- 6 Sub Frames with Window Glass & MDO Backing
- Specimen Mounting Hardware

Positioning arms required for rack installation – see Accessories section

Black Box Under Glass Exposure Rack Kit

Part FL-3121-K

Same components as above, plus aluminum black box.



Under glass black box exposure systems, used for automotive interior materials.

Q-Rack Accessories & Mounting Systems

Q-Rack Accessories

*Positioning Arms (Sold in Pairs)

Required for installation of Q-Rack kits. Select the angle of exposure needed for your application.

0° Positioning Arms	Part FL-3071-K
5° Positioning Arms	Part FL-3033-K
45° Positioning Arms	Part FL-3032-K
90° Positioning Arms	Part FL-3126-K

*Panel Flap Assembly

Part FL-3009-K

Increase the Q-Rack's sample mounting capacity by using additional panel flaps. The Panel Flap is easy to open and close, holding the test panels in place. A vinyl strip separates the exposed and unexposed areas of each panel.

*Panel Base Assembly

Part FL-3060-K

Fits the bottom edge of every rack that uses panel flaps, holding the bottom of the panels in place.

*Q-Rack Leg

Part FL-3072-X

Individual legs may be purchased for custom installations.

*Black Box Retrofit Kit

Part FL-3091-K

Includes all the components and hardware to convert your Q-Rack frame into a Black Box exposure system.

*Q-Panel Brand Test Substrates

Contact sales office for more information on test panels.

Non-Standard Mounting Systems

*Sub-Frame Kits

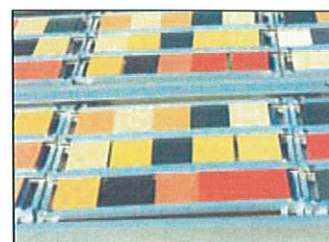
Sub-Frame Kit/Open Rack

Part FL-3106-K

Sub-Frame Kit/Under Glass (no Export)

Part FL-3113-K

Modify the Q-Rack to hold non-standard test specimens. Sub-frame kits include eight 32" x 35" (81.25 cm x 89 cm) open back sub-frame assemblies, or six under glass sub-frame assemblies. Kits are easy to install and adjust for different specimen sizes.



*Offset Panel Holder Kits

6" (15.25 cm) Offset Panel Holder Kit

Part FL-3110-K

8" (20.30 cm) Offset Panel Holder Kit

Part FL-3111-K

Offset Panel Holder Kits are used to mount test specimens at an angle, to prevent water from dripping on the sample below. Adjustable for different sample widths. Available in two sizes:

- 6" (15.25 cm) - 40 samples
- 8" (20.30 cm) - 28 samples



***Available for shipment outside North America**



CITY OF HIGH POINT NORTH CAROLINA



DEPARTMENT OF TRANSPORTATION

PUBLIC TRANSPORTATION DIVISION

AGENDA ITEM

To: Randy McCaslin, Assistant City Manager
From: Mark McDonald, Transportation Director
Date: September 17, 2009
Subject: Request for Public Hearing

Hi tran staff is recommending significant route and schedule changes for the transit system. The changes include modifying the existing Westchester Drive Route by splitting it into two routes to enhance safety for passengers going to destinations along the Westchester Drive corridor. Before these changes can be implemented federal regulations require that a public hearing be held to allow public input.

If you concur with this request we would like to use the following schedule.

- September 21, 2009 – Council establishes November 2nd as the date for the public hearing
- November 2, 2009 – Public hearing is held
- November 5, 2004 – Council authorizes changes in transit routes and schedules.

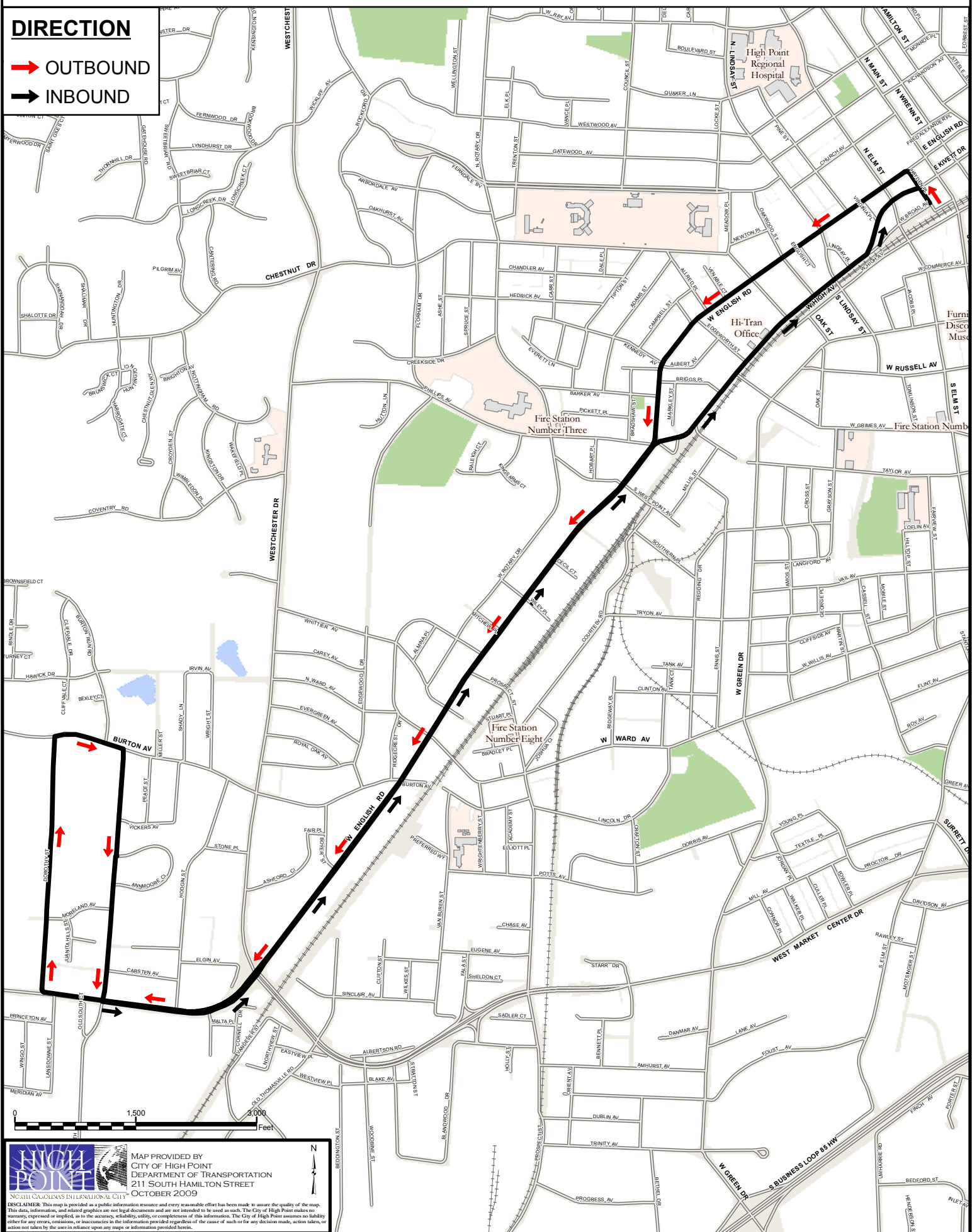
If you have any questions or would like to discuss the matter further, please advise.

MM/aww

PROPOSED ENGLISH ROAD

DIRECTION

→ OUTBOUND
→ INBOUND

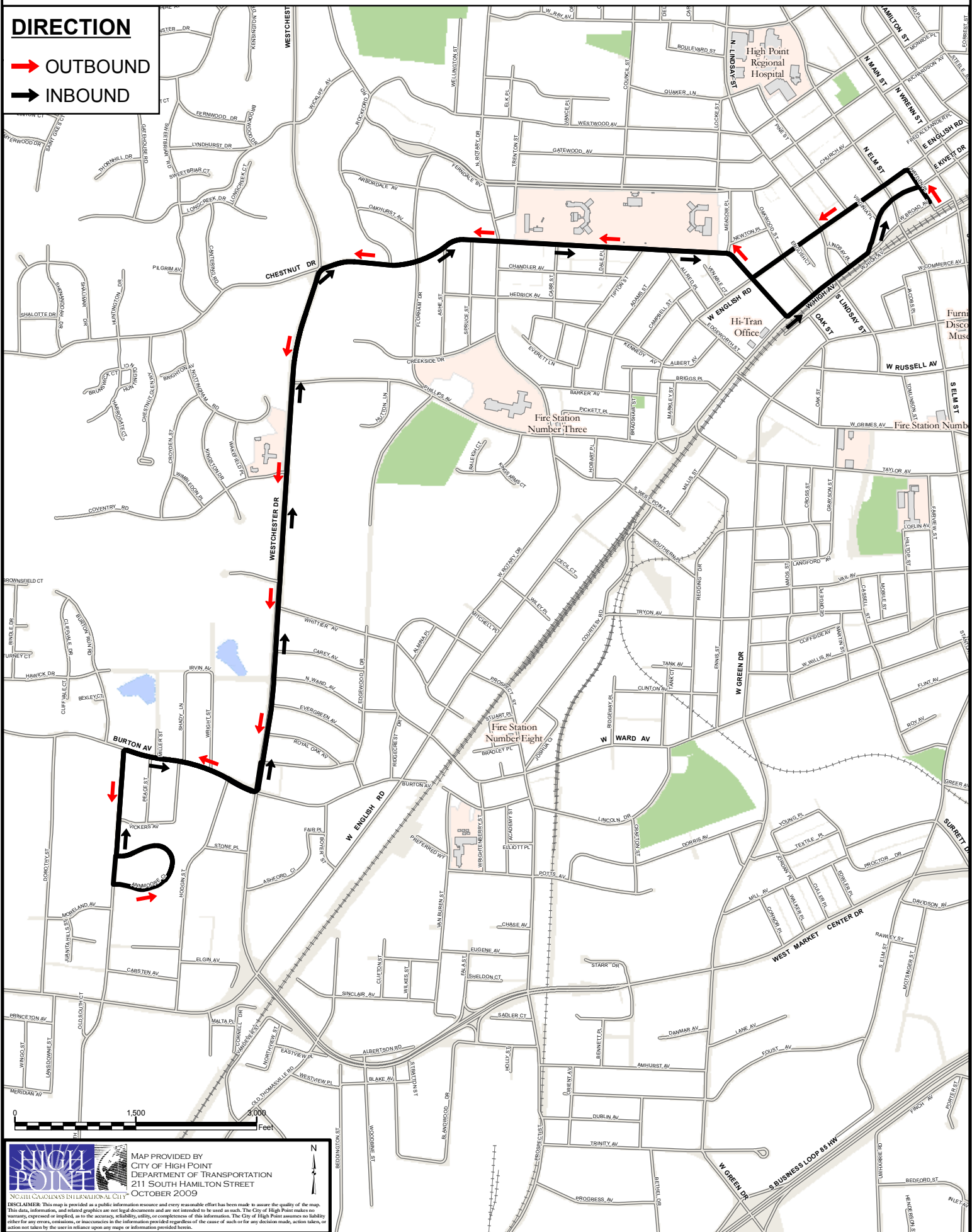


PROPOSED WESTCHESTER DRIVE

DIRECTION

→ OUTBOUND

→ INBOUND



MAP PROVIDED BY
CITY OF HIGH POINT
DEPARTMENT OF TRANSPORTATION
211 SOUTH HAMILTON STREET
OCTOBER 2009

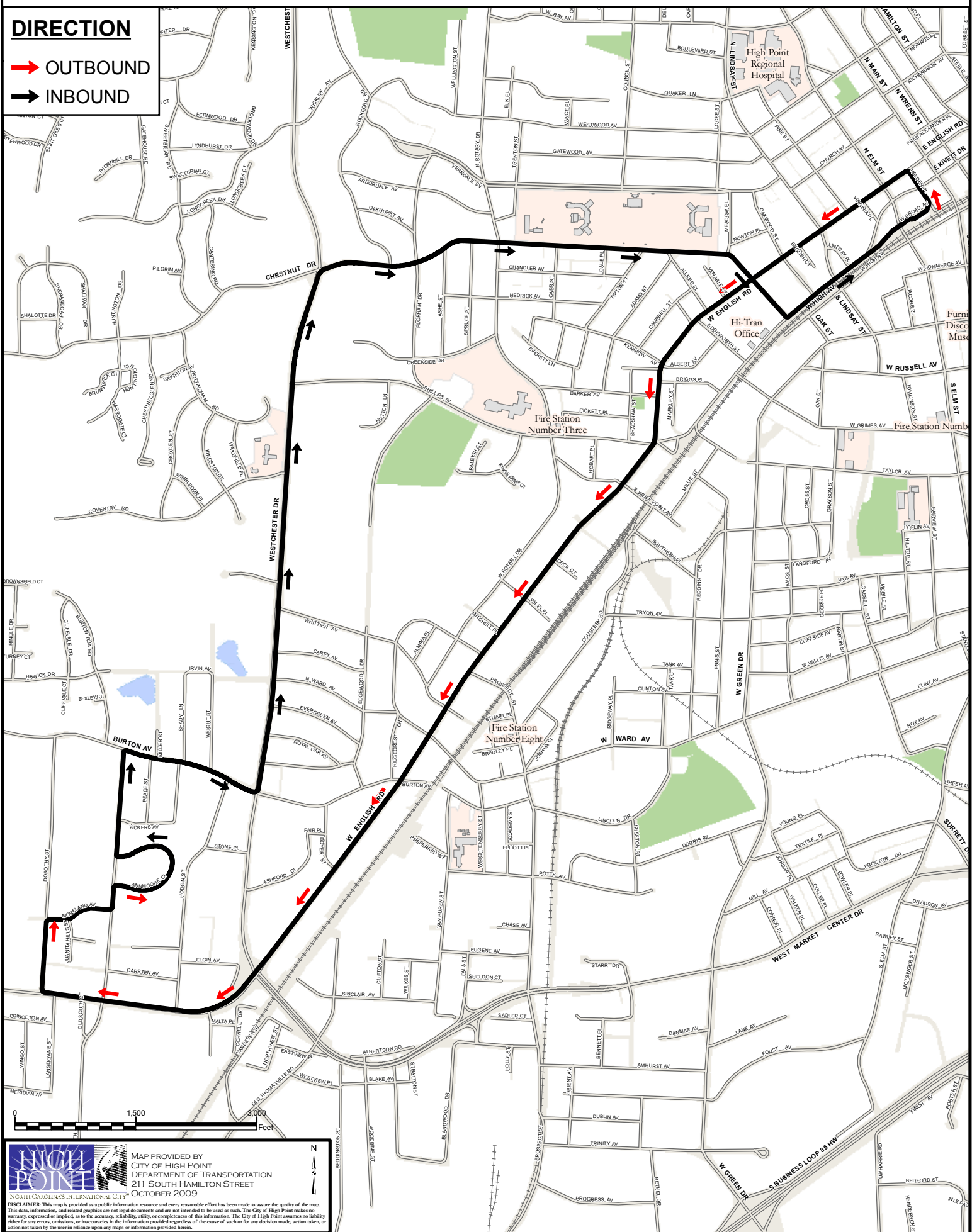
DISCLAIMER: This map is provided as a public information resource and every reasonable effort has been made to assure the quality of the map. This data, information, and related graphics are not legal documents and are not intended to be used as such. The City of High Point makes no warranty, expressed or implied, as to the accuracy, reliability, utility, or completeness of this information. The City of High Point assumes no liability either for any errors, omissions, or inaccuracies in the information provided regardless of the cause of such or for any decision made, action taken, or action not taken by the user in reliance upon any maps or information provided herein.

ROUTE 14: WESTCHESTER DRIVE

DIRECTION

→ OUTBOUND

→ INBOUND



MAP PROVIDED BY
CITY OF HIGH POINT
DEPARTMENT OF TRANSPORTATION
211 SOUTH HAMILTON STREET
OCTOBER 2009

DISCLAIMER: This map is provided as a public information resource and every reasonable effort has been made to assure the quality of the map. This data, information, and related graphics are not legal documents and are not intended to be used as such. The City of High Point makes no warranty, expressed or implied, as to the accuracy, reliability, utility, or completeness of this information. The City of High Point assumes no liability either for any errors, omissions, or inaccuracies in the information provided regardless of the cause of such or for any decision made, action taken, or action not taken by the user in reliance upon any maps or information provided herein.

AN ORDINANCE AMENDING “THE CITY OF HIGH POINT DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 9-3-12, ZONING MAP AMENDMENTS, OF THE DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of The City of High Point adopted The “City of High Point Development Ordinance” on January 7, 1992 with an effective date of March 1, 1992, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on October 27, 2009 and before the City Council of the City of High Point on November 2, 2009 regarding **Zoning Case 09-09** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings was published in the High Point Enterprise on October 18, 2009, for the Planning and Zoning Commission public hearing and on October 21 and October 28, 2009, for the City Council public hearing pursuant to Chapter 160A-364 of the General Statutes of North Carolina; and

WHEREAS, the proposed amendment was adopted by the City Council of the City of High Point on November 2, 2009.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT:

SECTION 1. That the Official Zoning Map of the City of High Point, North Carolina, be amended to establish the following described area as: An **Agricultural (AG) District**. The zoned area consists of the northeastern 3 acres of a larger 16.5 acre parcel located at 5853 Riverdale Drive, which is along the east side of Riverdale Drive and approximately ½ mile south of E. Kivett Drive. The property is also known as Guilford County Tax Parcel 15-94-7016-0-0882-00-005 (portion).

SECTION 2. Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. This ordinance shall become effective upon the date of adoption.

2nd day of November 2009.

Lisa B. Vierling, City Clerk

**DEPARTMENT OF PLANNING AND DEVELOPMENT
INSPECTION SERVICES
HOUSING ENFORCEMENT DIVISION**

ORDINANCE

REQUEST: Ordinance to Demolish

PROPERTY

ADDRESS: 1312 Lorraine Avenue

OWNER: JoAnn Cain

FIRST

INSPECTION: Number of Violations: Unsafe 6_Minor 44
6-17-2009 *roof damage/ceiling joists *plumbing not operable
*no smoke detector *heat system not operable
*damaged electrical fixtures *no stairs to second level

HEARING

RESULTS: Dwelling substandard; owner did not appear for hearing
7-8-2009

ORDER(S)

ISSUED: Order to Repair or Demolish (90-day)
7-8-2009 compliance date of 10-8-2009

APPEALS: None

OWNER

ACTIONS: no actions taken

STATUS OF

CLOSED DWELLINGS:
10-26-2009 Vacant, no permits or repairs; owner and family has relocated

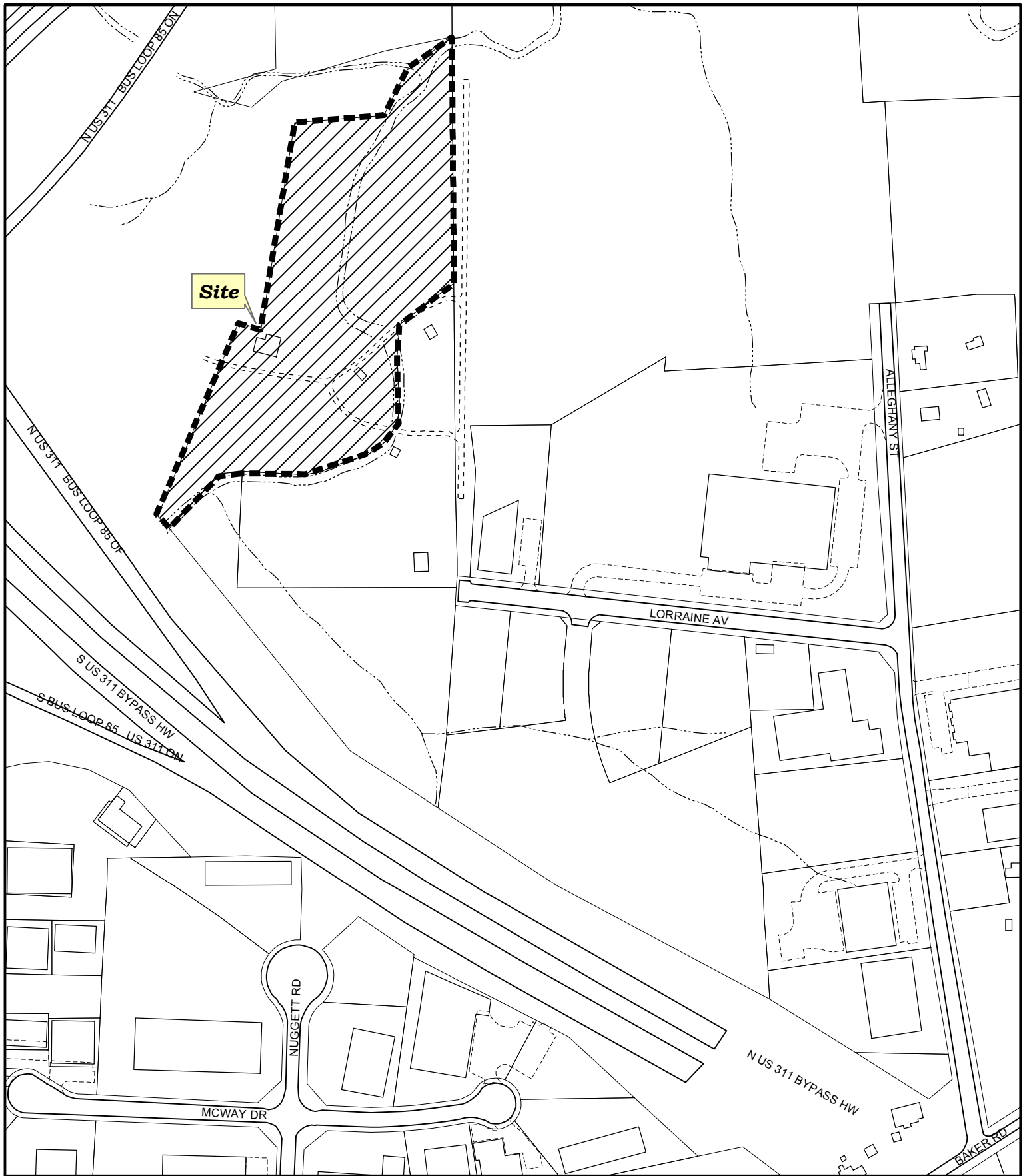
COMPLIANCE

DATE STATUS: Conditions still exist
10-8-2009

EXTENSIONS: none requested

STAFF COMMENTS: Guilford County Tax \$1300
Estimated Repairs \$28,500

*Inspection was done at the request of the High Point Police Department.



1312 Lorraine Avenue

Ordinance to Demolish



Location of subject property

**Department of Planning
and Development**

City of High Point

Date: October 26, 2009



Scale: 1"=300'

y:/ba-pz/Inspections/
ord-demo.mxd



1312 Lorraine Avenue



1312 Lorraine Avenue

Engineering Services Department

B. Keith Pugh, P.E.

DIRECTOR



Date: October 27, 2009

To: Pat Pate, Assistant City Manager

From: Keith Pugh, Engineering Services

BKPF

Re: City Council Agenda – Supplemental Municipal Agreement with NCDOT Concerning Pond Maintenance for Piedmont Parkway TIP Project U-4017

The City has agreed to accept maintenance of a stormwater pond built as part of the Piedmont Parkway Extension. This construction was completed under Municipal Agreement for TIP Project U-4017 with the North Carolina Department of Transportation (NCDOT). Execution of this agreement will clear the way for NCDOT to issue final acceptance for this project and release all reimbursement funds due to the City. The City of High Point will accept maintenance responsibility for the pond, pending execution of the attached Municipal Agreement (3 originals).

This will close out all obligations for the Piedmont Parkway Municipal Agreement.

Approval of the Supplemental Agreement for pond maintenance by the City Council is recommended; please include it on their Monday, November 2, 2009 agenda for consideration and action.

Please advise if there are any questions regarding this recommendation.

Attachments

/bcp

Ec: Mr. Jeff Moore, Finance Director
Mr. Richard McMillan, Public Services
Mr. Chris Thompson, Public Services

Mr. Mike Mills, NCDOT Division 7
Mr. John Hunsinger, NCDOT Division 7
Mr. Mark McDonald, HPDOT



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

July 15, 2009

Mr. Mark V. McDonald, PE
Director of Transportation
City of High Point
PO Box 230
High Point, NC 27261

Subject: **Supplemental Municipal Agreement**
Project: **U-4017**
WBS: **N/A**
Guilford County

Dear Mr. McDonald:

Enclosed are two (2) duplicate originals of a Supplemental Municipal Agreement for the operation and maintenance of the stormwater basin located at the intersection of SR 4229 (Piedmont Parkway) and SR 1541 (West Wendover Avenue). The time allowed to execute the agreements I sent you on November 17, 2008 has expired and these will replace them.

Please review the agreements and, if satisfactory, have the copies executed by the City of High Point and return to me for execution by the Department of Transportation within sixty (60) days.

If you have any questions, please advise.

Sincerely,


J. M. Mills, P.E.
DIVISION ENGINEER

JMM/jbh
Enclosures

NORTH CAROLINA
GUILFORD COUNTY

7/15/09

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

SUPPLEMENTAL AGREEMENT

AND

WBS ELEMENT: U-4017

CITY OF HIGH POINT

THIS AGREEMENT, made and entered into on the last date entered to below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the Department, and the City of High Point, hereinafter referred to as the Municipality;

WITNESSETH:

WHEREAS, the Department and Municipality, on the 12th day of July, 2001, entered into a certain Municipal Agreement to construct an extension of the Piedmont Parkway from SR 1552 (Tarrant Road) to SR 1541 (Wendover Avenue) in Guilford County; and,

WHEREAS, the Municipality constructed a stormwater basin located at the intersection of Piedmont Parkway (SR 4229) and West Wendover Avenue (SR 1541), (hereinafter "basin") that was not built in accordance with the plans submitted to the Department;

WHEREAS, the Municipality has agreed to assume all responsibility, including all liability, for operation and maintenance of the basin;

WHEREAS, due to the Municipality's acceptance of said responsibility for operation and maintenance of the basin, the Department will not require that the Municipality reconstruct or otherwise decrease the size of the basin; and,

WHEREAS, the parties hereto now wish to supplement the aforementioned Agreement whereby the following provisions are amended:

RESPONSIBILITIES:

WHEREAS, the Department and the Municipality have agreed to modify the responsibilities of the project as follows:

18. The Municipality, at no expense to the Department, agrees to assume all responsibility and liability for the operation and maintenance of the stormwater basin located at the intersection of Piedmont Parkway (SR 4229) and West Wendover Avenue (SR 1541), (hereinafter, "the basin"), and shall release the Department from all liability relating to the construction, operation, or maintenance of the basin. Approval and inspection by the Department shall not constitute acceptance of liability by the Department. The Municipality shall continue to have the sole responsibility and liability for operating and maintaining the basin.

19. The Municipality shall be responsible for complying with all necessary laws or permit conditions relating to the operation and/or maintenance of the basin and for maintaining the basin in proper working order. The Municipality shall provide the personnel, materials, equipment, and labor to perform all necessary operation and maintenance activities for the basin including, but not limited to: (a) clean drainage structures, pipes, culverts and ditches (includes manual or mechanical removal of sediment, debris, etc); (b) mow ditch slopes and shoulders where necessary; (c) reset displaced catch basin, inlet grates and man hole covers; (d) replace damaged grates, frames and manhole covers (grates, frames and manhole covers to be provided by the Department); (e) repair pipe failures less than six feet in depth where no more than one joint of pipe up to 48 inches in diameter pipe requires replacement; (f) repair potholes and patch with asphalt; (g) remove and dispose of dead animals. All work shall be done in accordance with Departmental standards, specifications, policies and procedures.

20. The Municipality shall prepare a maintenance plan to be submitted to the Division Engineer for approval by the Division Engineer's office. Any changes to the maintenance plan must be made and approved in writing by the Division Engineer or his designee.

21. The Municipality must prepare an annual report of operation and maintenance activities for the basin and submit said report to the Division Engineer each year.

22. It is understood by both parties that all maintenance work shall be contained within the existing right of way. The Municipality shall indemnify and save harmless the Department from any and all claims for damages that might arise on account of the existence, operation, or maintenance of the basin.

23. The Municipality shall access the basin from Piedmont Parkway, an existing state maintained highway.

24. The basin as constructed is for the use of the Department only. Any entity, including the Municipality, shall be required to apply for and obtain an encroachment agreement from the Division Engineer's office in order to discharge into the basin. Said encroachment agreement must be obtained prior to any discharge into the basin and prior to any construction necessary on Department right of way to facilitate discharge to the basin. This requirement must be stated on a plat to be recorded by the Municipality in the Office of the Register of Deeds for Guilford County.

25. In the event the Municipality fails for any reason to provide for the operation or maintenance of the basin in accordance with the provisions hereinabove provided, and the Department must expend its own funds on such operation or maintenance, the Department may withhold funds allocated to said Municipality by North Carolina General Statute, Section 136-41.1, until such time as the Department has received reimbursement in full.

Except as hereinabove provided, the Agreement heretofore executed by the Department and Municipality on the 12th day of July, 2001, is ratified and affirmed as therein provided.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

ATTEST:

CITY OF HIGH POINT

BY: _____

TITLE: _____

DATE: _____

Approved by the _____ of the City of High Point as attested to by the signature of

_____, Clerk of the _____ on _____ (Date)

(Seal)

Remittance Address:
City of High Point

DEPARTMENT OF TRANSPORTATION

BY: _____
STATE HIGHWAY ADMINISTRATOR

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____

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

**STAFF REPORT
ANNEXATION CASE 09-03
November 2, 2009**

Request	
Applicant: City of High Point Public Service Department	Owner(s): Anthony Cash Sr., and Denise Cash
Proposal: Voluntary contiguous annexation of property.	Effective Date: Upon adoption.
	Associated Zoning Case: Z09-09

Site Information	
Location:	Lying along the east side of Riverdale Drive, approximately ½ mile south of E. Kivett Drive. The site consists of approximately 3 acres of a larger 16.5 acre parcel addressed as 5853 Riverdale Drive.
Tax Parcel Numbers:	A portion of parcel 15-94-7016-0-0882-00-005 (Guilford County)
Site Acreage:	Approximately 3 acres.
Current Land Use:	There is a single family dwelling and various accessory structures upon the overall 16.5 acre parcel; the 3 acres proposed to be annexed is undeveloped.
Current Fire District:	The site is currently within the Pinecroft-Sedgefield Fire Station District.
Proposed Development:	There is a separate application for a rezoning to use the property in conjunction with public service project associated with the abandoned Riverdale landfill (<i>see Rezoning Case 09-09</i>).
Proposed Unit Type, Number and Average Value:	None
Proposed Build-out Schedule:	Not applicable
Physical Characteristics:	The site has a moderately sloping terrain and is partially wooded. An overhead transmission line bisects the site in a southwest to northeast direction.
Water and Sewer Proximity:	An 8 inch City water line is lying within the Riverdale Drive right-of-way.
General Drainage and Watershed:	The site drains in an eastern direction and its development is subject to the Randleman Lake Watershed Critical Area (WCA) requirements of the water supply watershed regulations. The site is within Tier 3 of the WCA and restricted to one dwelling unit per three acres or 4% built-upon area.
Overlay District(s):	None

Adjacent Property Zoning and Current Land Use		
North:	AG - Agricultural District (<i>Guilford Co.</i>)	Undeveloped
South:	AG - Agricultural District (<i>Guilford Co.</i>)	Undeveloped
East:	AG - Agricultural District (<i>City of High Point</i>)	Municipal Landfill
West:	AG - Agricultural District (<i>Guilford Co.</i>)	Single family dwelling

Transportation Information			
Adjacent Streets:	Name	Classification	Approx. Frontage
	Riverdale Drive	Minor Thoroughfare	None
	Recovery Way	Local Street	None
Vehicular Access:	Recovery Way		
Traffic Counts:	None		

City Department Comment Summary
Official City department comment was not requested for this proposed annexation as the site abuts the City's corporate limits and several City of High Point municipal service facilities are located in this area along Riverdale Drive. The request will not impact existing service areas and does not trigger the need for individual department comment.

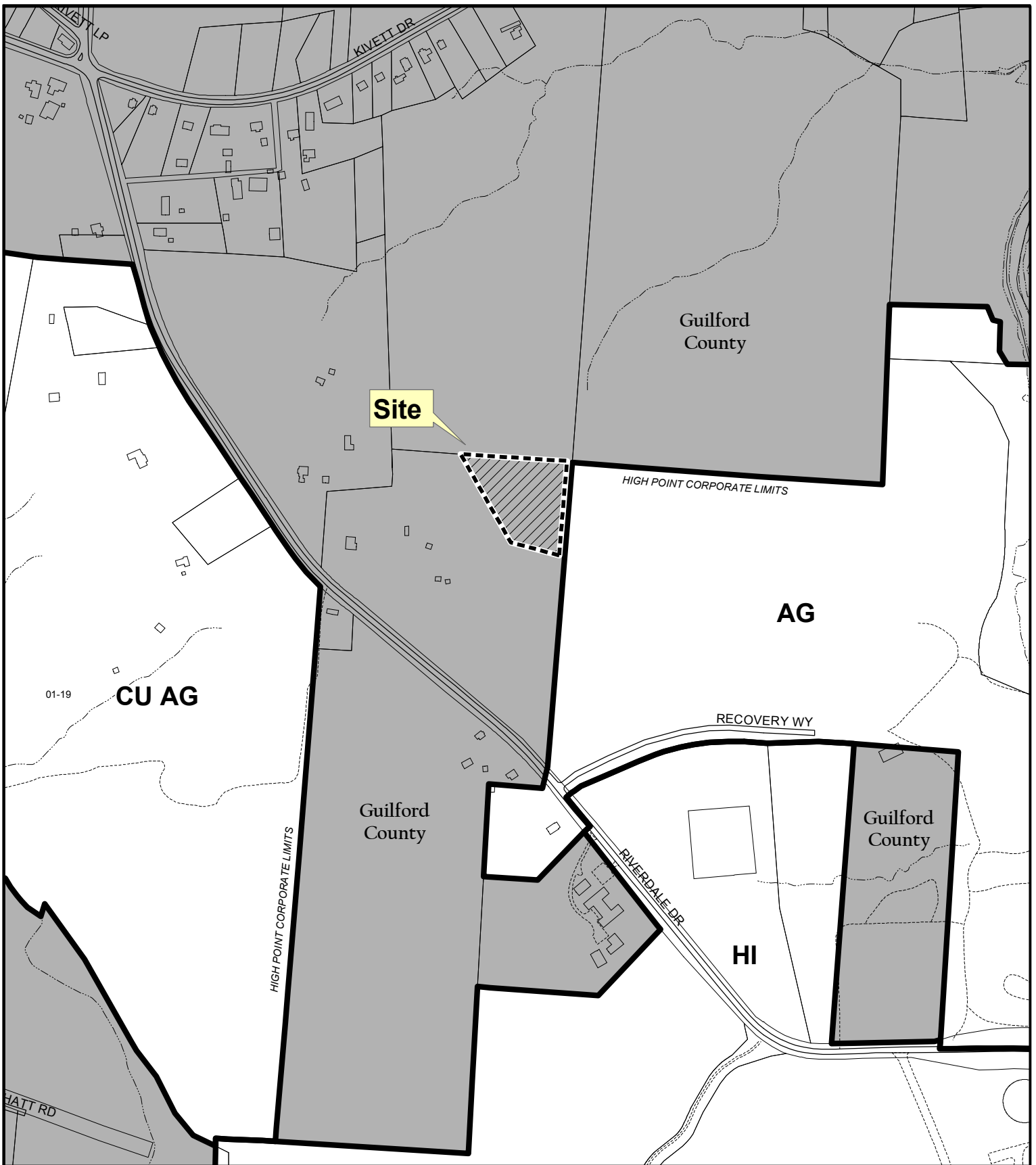
Additional Comment / Revenue Impact

The City of High Point's Public Services Department has plans to do a project referenced as "Riverdale Landfill Storm Drainage Improvements" that will re-route an aged stormwater pipe culvert that runs under the old landfill. Some of the land grading for this project will impact privately owned property adjacent to the landfill and the Public Services Department desires that all the area impacted by this project be within the City's corporate limits and its watershed regulation jurisdiction so that a watershed variance may be considered.

The Public Service Department has negotiated an easement agreement with the impacted property owner who has in turn submitted this annexation petition for the approximately 3 acres adjacent to the landfill that will be impacted by this stormwater improvement project. This annexation petition is a logical progression of the City's annexation policy for this area as it abuts existing City of High Point corporate limits. City services and service vehicles are already established in this area and the inclusion of this parcel will not negatively impact the City's ability to provide services in this area.

Report Preparation

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



ANNEXATION REQUEST ANX09-03

Applicant: City of High Point
Area: 3 acres

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

**Planning & Development
Department**

City of High Point

Date: July 31, 2009



Scale: 1"=500'
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PLANNING AND ZONING COMMISSION RECOMMENDATION

On October 27, 2009, a public hearing was held before the Planning and Zoning Commission regarding the request described below. All members of the Commission were present except Mr. Mark Walsh.

City of High Point

Zoning Case 09-09

Agricultural (AG) District

A request by the Public Service Department to rezone approximately 3 acres from the Agricultural (AG) District, under Guilford County's zoning jurisdiction, to the City of High Point's Agricultural (AG) District. The zoning site consists of approximately 3 acres of a larger 16.5 acre parcel located at 5853 Riverdale Drive. Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

Mr. Shannon presented the request to the Commission and recommended approval as outlined in the staff report.

Speaking in favor of the request was Judy Stalder of 1814 Eastchester Drive, representative. Ms. Stalder advised the Commission this request stems from the Public Service Department's plan to re-route an aged stormwater pipe culvert and the need for the property to be part of the City's jurisdiction prior to beginning the improvements.

No one spoke in opposition.

The Planning & Zoning Commission recommended ***approval*** of Zoning Case 09-09 by a vote of 7-0.

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

**STAFF REPORT
ZONING CASE 09-09
October 27, 2009**

Request	
Applicant: City of High Point Public Service Department	Owner(s): Anthony Cash Sr., and Denise Cash
Proposal: To annex and apply initial City zoning.	From: AG Agricultural District (Guilford County)
	To: AG Agricultural District (City of High Point)

Site Information	
Location:	Lying along the east side of Riverdale Drive, approximately ½ mile south of E. Kivett Drive. The site consists of approximately 3 acres of a larger 16.5 acre parcel addressed as 5853 Riverdale Drive.
Tax Parcel Numbers:	A portion of parcel 15-94-7016-0-0882-00-005 (Guilford County)
Site Acreage:	Approximately 3 acres.
Current Land Use:	There is a single family dwelling and various accessory structures upon the overall 16.5 acre parcel; the 3 acres proposed to be zoned is undeveloped.
Physical Characteristics:	The site has a moderately sloping terrain and partially wooded. An overhead transmission line bisects the site in a southwest to northeast direction.
Water and Sewer Proximity:	An 8 inch City water line is lying within the Riverdale Drive right-of-way.
General Drainage and Watershed:	The site drains in an eastern direction and its development is subject to the Randleman Lake Watershed Critical Area (WCA) requirements of the water supply watershed regulations. The site is within Tier 3 of the WCA and restricted to one dwelling unit per three acres or 4% built-upon area.
Overlay District(s):	None

Adjacent Property Zoning and Current Land Use		
North:	AG - Agricultural District (Guilford Co.)	Undeveloped
South:	AG - Agricultural District (Guilford Co.)	Undeveloped
East:	AG - Agricultural District (City of High Point)	Municipal Landfill
West:	AG - Agricultural District (Guilford Co.)	Single family dwelling

Relevant Land Use Policies and Related Zoning History	
Land Use Plan Map Classification:	<u>Rural Development:</u> This classification includes residential development at very low densities of one dwelling unit per gross acre or less in areas where utility services are not anticipated, as well as a limited amount of low-intensity nonresidential development.
Land Use Plan Goals, Objectives and Policies:	<u>Goal 1:</u> Ensure that development respects the natural environment. <u>Obj. #2:</u> - Protect and preserve environmentally sensitive locations including designated open space and watershed critical areas from inappropriate development.
Community Growth Vision Statement:	<u>Goal 1:</u> Preserve and enhance High Point's most important natural and cultural resources. <u>Obj.#1C:</u> - Protect the city's water supply through compatible use and design innovations, and minimizing the disturbance of land.
Zoning History:	N/A

Transportation Information			
Adjacent Streets:	Name		Classification
	Riverdale Drive		Minor Thoroughfare
	Recovery Way		Local Street
Approx. Frontage	None		
Vehicular Access:	Recovery Way		
Traffic Counts:	None		
Estimated Trip Generation:	None		
Traffic Impact Analysis:	Required		Comment
	Yes	<u>No</u> X	None
Pedestrian Access:	None		

School District Comment
Not applicable to this zoning case.

Details of Proposal
The City's prior Riverdale landfill, which is no longer in use, lies north of the City's Material Recycling Facility (north of Recovery Way) and east of Riverdale Drive. The City of High Point's Public Services Department has plans to do a project referenced as "Riverdale Landfill Storm Drainage Improvements" that will re-route an aged stormwater pipe culvert that runs under the old landfill. The old pipe culvert will be plugged and the new pipe culvert will be placed in a route around the northern perimeter of the old landfill.

Some of the land grading for this project will impact privately owned property adjacent to the landfill and the Public Services Department desires that the area impacted by this project be within the City's corporate limits. The Public Service Department has negotiated an easement agreement with the impacted property owner who has in turn submitted this zoning request and an accompanying annexation petition for the approximately 3 acres adjacent to the landfill that will be impacted by this stormwater improvement project. The purpose of which is to place the entire improvement project within the City's watershed regulation jurisdiction so that a variance may be considered.

The zoning request will replace the county's AG zoning with City of High Point AG District. The zoning site and surrounding property (both under Guilford County and High Point's jurisdictions) are all zoned AG and designated upon the City's Land Use Map as Rural Development. Thus, the zoning request is consistent with the surrounding area and with the City's Land Use Map.

Identified Issues

Major Issues:

❖ None.

Minor Issues:

❖ None.

Recommendation

Staff Recommends Approval:

The Planning & Development Department determines that the requested Agricultural (AG) District is appropriate for the area based upon the City's adopted Land Use Plan.

Required Action

Planning and Zoning Commission:

Upon making its recommendation, the Planning and Zoning Commission must place in the official record a statement of consistency with the City's Land Use Plan, and any other officially adopted plan that may be applicable. This may be done by adopting the staff's findings as written in this report, by adopting the staff's findings with additions or changes as agreed upon by the Commission, or, if the Commission is in disagreement with staff's findings, by adoption of its own statement.

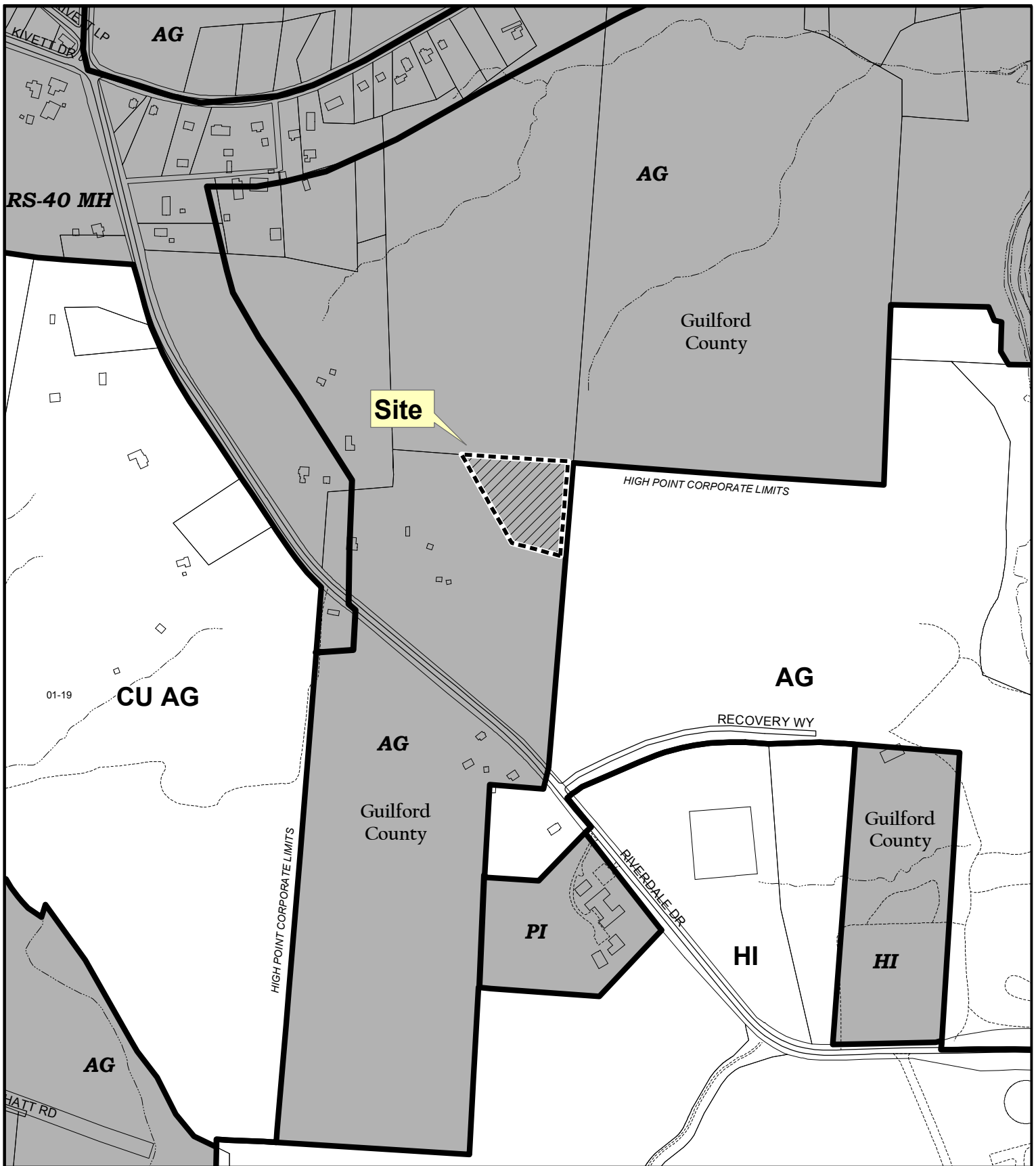
City Council:

Upon rendering its decision in this case, the High Point City Council also must place in the official record a statement of consistency with the City's Land Use Plan. This may be done by adopting the staff's findings as written in this report, by adopting the staff's findings with additions or changes as agreed upon by the Council, or, if the Council is in disagreement with staff's findings, by adoption of its own statement.

In addition, the City Council must, prior to adopting or rejecting any zoning amendment, explain why it considers the action taken to be reasonable and in the public interest. In this case, staff suggests that the approval of the applicant's request is reasonable and in the public interest because: 1) it is consistent with the land use plan; 2) the zoning application is an integral part of a proposal to provide for safer stormwater run off from an abandoned landfill within Tier 3 of the Randleman Lake watershed critical area; and 3) the requested AG District is similar to surrounding zoning and will be compatible with the area. The City Council may adopt this statement, it may add to or change this statement, or, if the Council is in disagreement with the above statement it will need to formulate its own reasonableness / public interest statement.

Report Preparation

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



REZONING CASE 09-09

From: Agricultural (Guilford County)
To: Agricultural

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

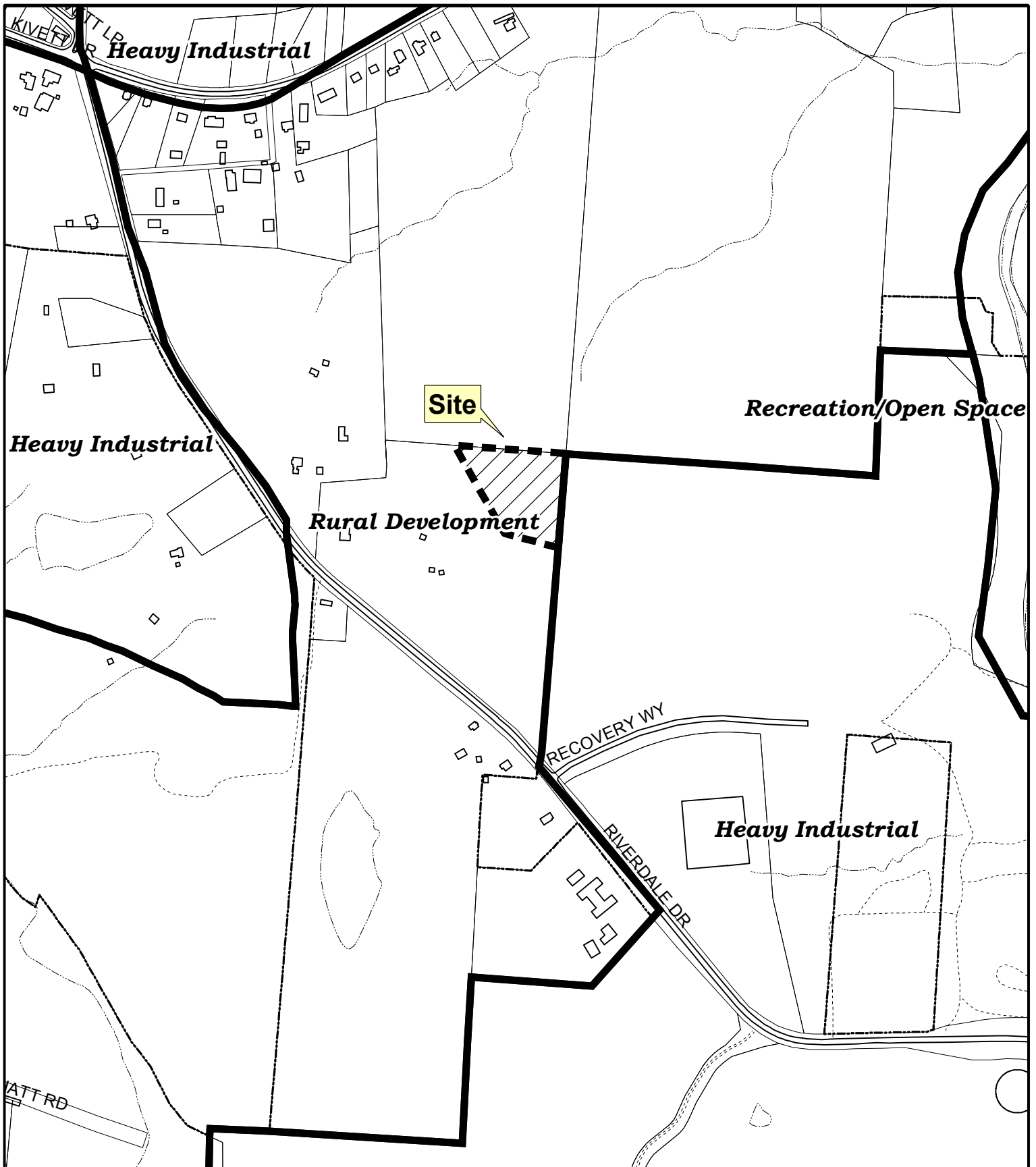
**Planning & Development
 Department**

City of High Point

Date: October 9, 2009



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REZONING CASE 09-09

Land Use Plan

Existing Land Use Plan
Subject Property Boundary



Planning & Development
Department

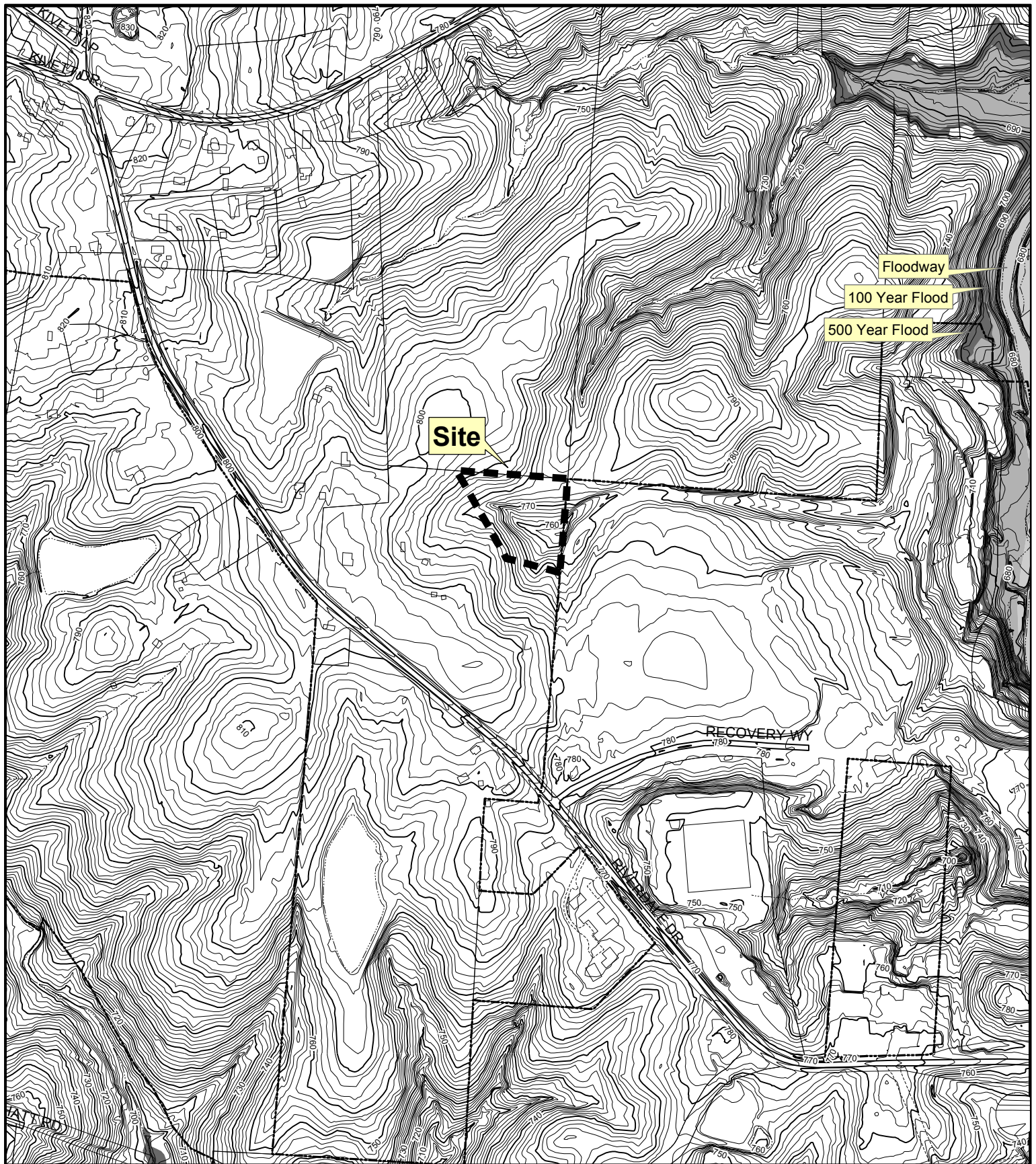
City of High Point

Date: September 14, 2009



Scale: 1"=500'

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REZONING CASE 09-09

Topography

Subject Property Boundary - - - - -

Planning & Development
Department

City of High Point

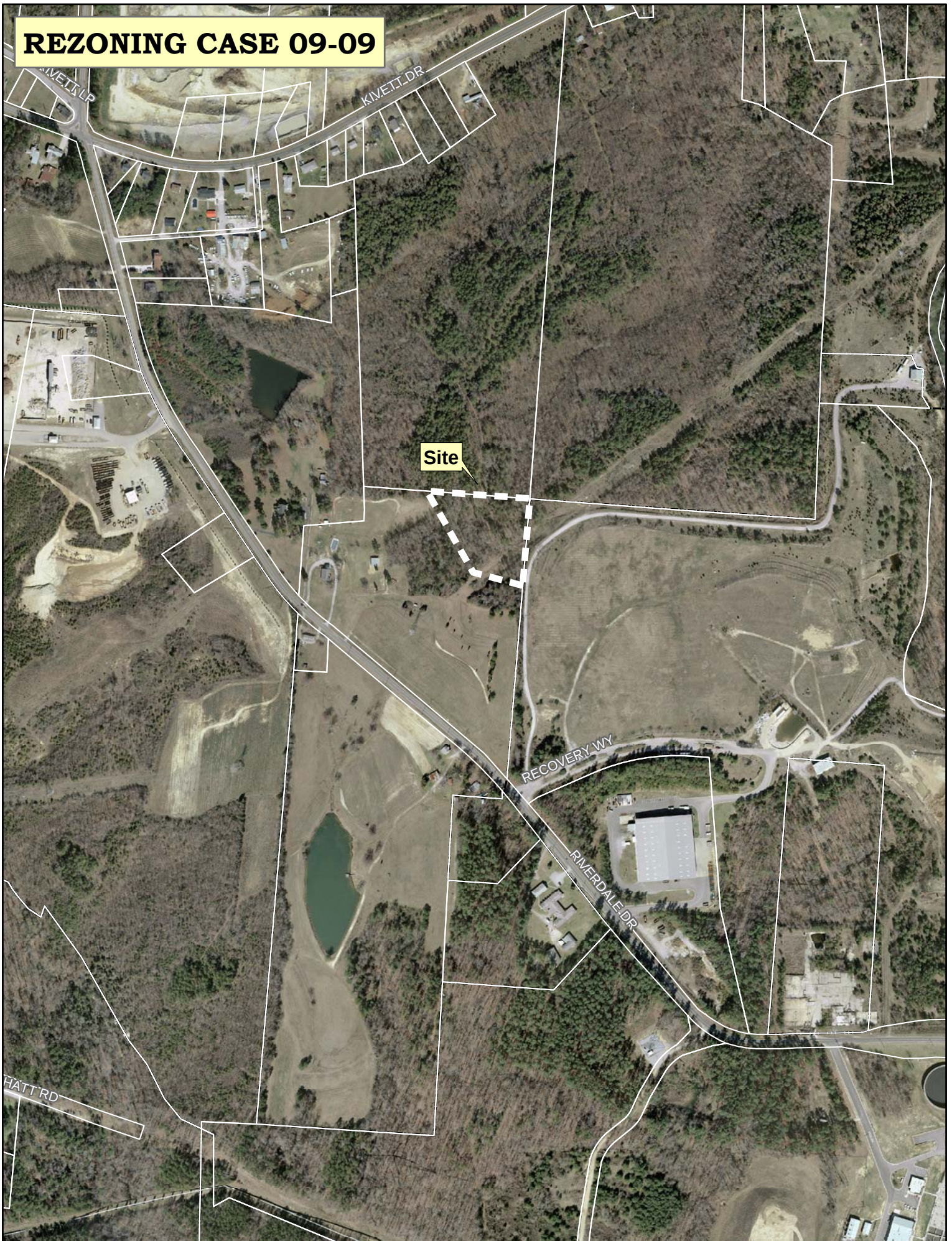
Date: October 14, 2009



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REZONING CASE 09-09



Public Services Department

W. Chris Thompson, P.E.
DIRECTOR



DATE: October 12, 2009
TO: Herb Shannon, Senior Planner & Zoning Coordinator
FROM: W. Chris Thompson, PE, Director of Public Services
SUBJECT: Citizen Information Report – Rezoning Case 09-09

The Public Services Department has plans to do a project referenced as “Riverdale Landfill Storm Drainage Improvements”. These improvements include the re-routing of an aged stormwater pipe culvert that runs under the old landfill on the north side. The old pipe culvert will be plugged and the new pipe culvert will be placed in a route around the perimeter of the old landfill. This requires annexation of a portion of the area and a zoning map amendment (i.e. zoning application).

A requirement of a City of High Point zoning application is to notify any property owners within 300 feet of the proposed site. The property on which the project begins is located at 5853 Riverdale Drive, Jamestown, NC 27282 and belongs to Anthony Cash Sr. and wife, Denise L. Cash. An easement has been acquired from the Cash's to do this work. Only three other properties are within 300 feet of the project. These property owners were contacted by telephone by the Public Services Director and the project was explained. Since the project has no affect on the properties within 300 feet, there were no specific questions. There was one comment that Ms. Cash is delighted that this work will be done. These improvements will minimize a deep depression where the stormwater inlet is currently as fill material will be placed to accommodate the new pipe system inlet.

Listed below are the property owners and the dates/times they were contacted.

<u>Property Owner</u>	<u>Date/Time Contacted</u>	
Charles L. Bowman 2857 W. Lexington Ave. Ext. High Point, NC 27262	10-09-09	9:40 a.m. – spoke with wife and then called cell and spoke with Mr. Charles Bowman
Roland A. Bowman PO Box 2353 Jamestown, NC 27282	10-09-09 10-12-09 10-12-09	9:47 a.m. – left message 11:10 a.m. – spoke with wife 11:15 a.m. – called cell & left message
Dorothy M. Hodgins 5845 Riverdale Drive Jamestown, NC 27282	10-09-09 10-12-09 10-12-09	9:48 a.m. – left message 10:25 a.m. – spoke with Ms. Hodgins 5:00 p.m. – spoke with Mr. Roland Bowman

**DEPARTMENT OF PLANNING AND DEVELOPMENT
INSPECTION SERVICES
HOUSING ENFORCEMENT DIVISION**

ORDINANCE

REQUEST: Ordinance to Vacate/Close

PROPERTY

ADDRESS: 1718 Brooks Avenue

OWNER: Schwarz Properties, LLC

FIRST

INSPECTION: Number of Violations: Unsafe 4 Minor 23
9-2-2009 *unsafe wiring/circuit breaker *no smoke detector
*improperly supported floor system
*leaking roof

HEARING

RESULTS: Dwelling substandard; owner did not appear for hearing
9-15-2009

ORDER(S)

ISSUED: Order to Repair or Vacate (30-day)
9-15-2009 compliance date of 10-15-2009

APPEALS: None

OWNER

ACTIONS: no actions taken

STATUS OF

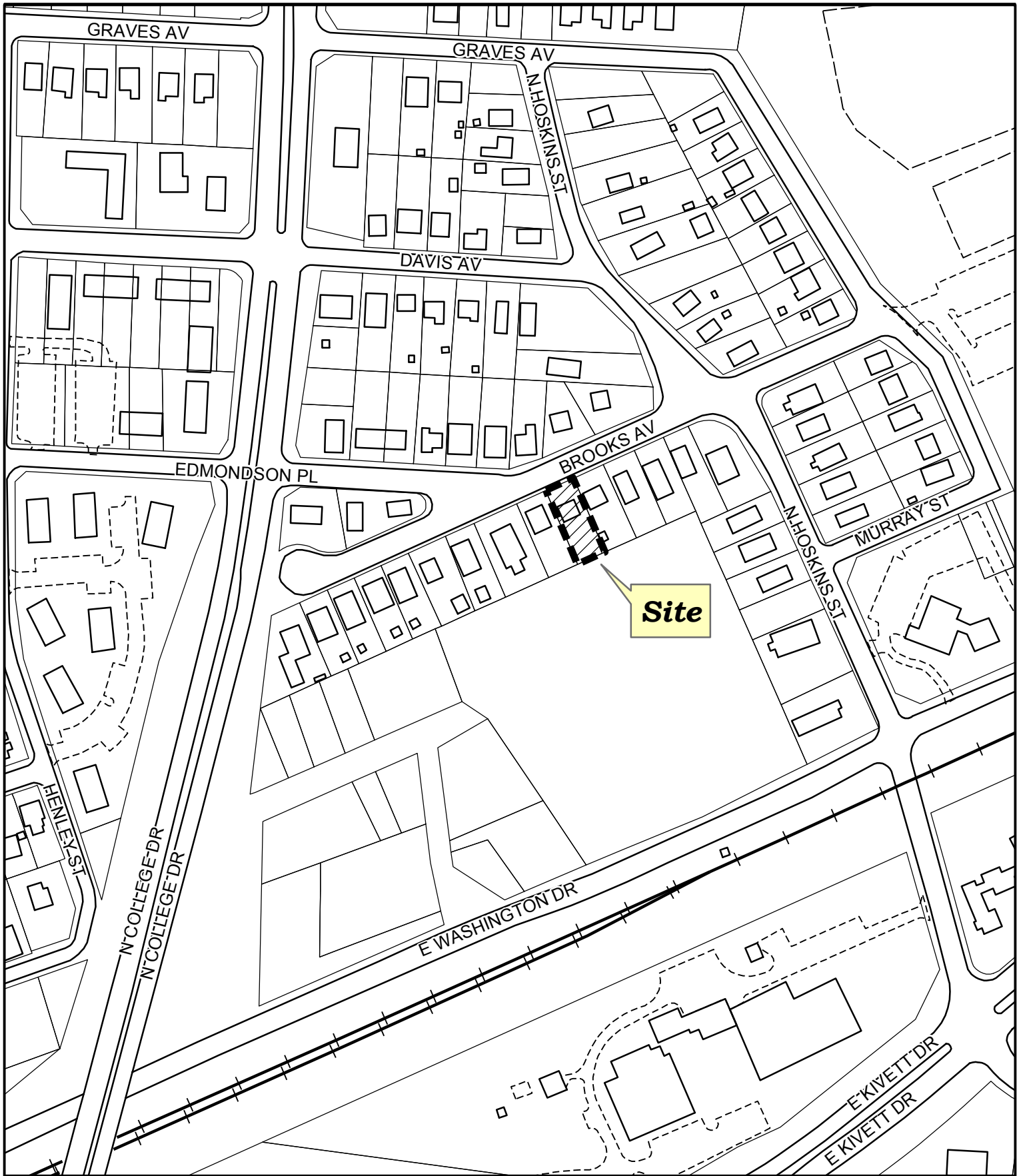
CLOSED DWELLINGS: Occupied, no permits or repairs
10-26-2009

COMPLIANCE

DATE STATUS: Conditions still exist; smoke detector was replaced by tenants
10-15-2009 social worker with Guilford County

EXTENSIONS: none requested

STAFF COMMENTS:



1718 Brooks Avenue

Ordinance to Vacate/Close



Location of subject property

**Department of Planning
and Development**

City of High Point

Date: October 26, 2009



Scale: 1"=200'
y:/ba-pz/Inspection/vacate



1718 Brooks Avenue

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

**STAFF REPORT (Case # WSV09-01)
MAJOR WATERSHED VARIANCE
November 2, 2009**

Applicant: City of High Point	Owner: City of High Point Seaboard Chemical Corporation Mr. & Mrs. Anthony Cash
Request: A major watershed variance is being requested for proposed disturbance of an existing perennial and intermittent stream buffer as classified by the Department of Natural Resources Division of Water Quality. The buffer disturbance exceeds 5 percent of the stream buffer area; therefore, local and state (Environmental Management Commission) review is required.	
Site Information	
Location	Northeast corner of 5853 Riverdale Road property located on the north side of Riverdale Road between E. Kivett Drive and I-85. Guilford County Tax Parcel 15-94-7016-0-0882-00-005 and 18-00-0481-0-0001-00-004
Site Acreage	Approximately 4 acres
Current Land Use	Undeveloped and City Pump Station
Land Use Plan Designation	Rural Development
Overlay Districts	Randleman Lake Watershed Critical Area (WCA) Tiers 2 and 3

Site Access & Street Classification		
Street Name	Classification	Approximate Frontage
Riverdale Drive	Minor Thoroughfare	n/a

Background:

The overall project site includes the former Seaboard Chemical Corporation Facility ("Facility"), the City of High Point Riverdale Drive Landfill ("Landfill"), and a portion of the Anthony Cash property ("Easement" obtained by City of High Point). The site is bounded on the south by Riverdale Drive (SR1145) and on the east by the Deep River/Randleman Reservoir.

Three unnamed tributary streams to the Deep River/Randleman Lake reservoir exist on the site. They include the "Southern Intermittent Stream" (SIS), "Northern Intermittent Stream" (NIS) and Pump Station Stream (PSS) (see map showing NIS and PSS). These streams were delineated by Soil and Environmental Consultants (S&EC) staff and evaluated by both the

US Army Corps of Engineers (USACE) and the Division of Water Quality (DWQ) on multiple occasions, most recently during a site visit held on March 10, 2009. The DWQ confirmed that both streams are surface waters to the Randleman Lake Water Supply Watershed and are subject to buffer rules. A portion of the NIS was determined to be a perennial stream by the USACE and DWQ.

The NIS enters a reinforced concrete pipe just prior to the landfill, is piped under the existing landfill and eventually outlets into the Deep River/Randleman Lake reservoir east of the site. A video survey of the piped section of the NIS revealed that a significant amount of landfill leachate and ground water enter this section through leakage at the pipe joints.

Remedial investigations at the site have documented the presence of chlorinated and non-chlorinated hydrocarbon compounds in soils, leachate and ground water. Site-related compounds of concern include volatile organic compounds (VOCs; including, for example, 1,4 Dioxane, classified by the International Agency for Research on Cancer (IARC) as a Group 2B carcinogen), semi-volatile organic compounds (SVOC), pesticides and metals. The remedial design consists of ground water extraction and treatment in combination with institutional controls including site access control, recorded land use restrictions and restriction of water supply well construction. The proposed remedy will prevent movement of contaminants into the waters of the Deep River and Randleman Lake reservoir and prevent exposure to the impacted soils and groundwater at the site.

Description of Request:

In accordance with the Remedial Action Settlement Agreement (December 2008), the applicant proposes to reroute the headwaters of the NIS and permanently close the inlet structure (pipe) that runs under the landfill. To accomplish this the elevation of the headwaters area will be raised by the addition of clean fill material. Approximately twenty feet of clean fill will be placed in the headwaters area to raise the ground surface elevation to approximately 770 feet mean sea level (msl). This will allow the surface water flowing from the NIS drainage basin to be diverted to the northeast to join the PSS. A 36" reinforced concrete pipe running parallel to the pump station entrance drive will be used to bypass NIS flows to the PSS. A rock lined plunge pool will be constructed at the confluence of the bypassed NIS pipe and the PSS to ensure safe passage of these flows into the PSS. The proposal results in the following impacts:

Surface Water Buffer Impacts Proposed (Table A)

Stream	Zone 1 (sf)	Zone 2 (sf)	Total (sf)
NIS	16,288	13,714	30,002
PSS	1,243	766	2,009
Total	17,531	14,480	32,011

No built-upon area (BUA) is proposed within the impacted areas. The vegetation within the areas will be removed to reroute the stream.

Required Findings of Fact:

To approve a major variance to the standards and restrictions of Chapter 7, Article A (Watershed Protection Overlay Districts) of the City Development Ordinance, City Council is required to make the following findings of fact: 1) There are practical difficulties or unnecessary hardships that would result from carrying out the strict letter of the Ordinance; 2) The spirit of the Ordinance is preserved; and 3) Public safety and welfare is assured and the granting of the variance will do substantial justice.

To address these requirements the applicant's submittal states the following conclusions.

- 1)
 - a. There is no other practical, long term method to relocate the NIS flow around the landfill and as such it would be necessary to allow the steam to continue flowing under the landfill through the existing pipe.
 - b. A new pipe would need to be inserted inside the existing pipe or the existing pipe would need to be lined. Both methods require a greater level of maintenance and monitoring and have a higher risk of failure and allowance of the contaminated leachate to enter the NIS and reservoir than the proposed relocation. Also, either method would require a more complicated plan to collect the contaminated leachate from the landfill.
 - c. The plan has been approved by DENR as outlined in the Remedial Action Settlement Agreement and any change to this agreement and other required approvals, requiring modifications to the agreement and approvals and therefore would delay the remedial actions ordered by the State.
- 2) The general purpose, intent and spirit of the Ordinance are to protect water quality in the Randleman Lake watershed through the protection and maintenance of riparian areas and surface waters, in conformance with the State Randleman Lake Water Supply Watershed rules. The intent of protecting the riparian buffers is to maintain their ability to aid in the filtration and treatment of stormwater runoff by removing nutrients and sediment.

The proposed actions are in harmony with these rules in that the purpose of the actions is to protect the drinking water supply from hazardous compounds, including 1,4 Dioxane and other VOCs. Granting the variance will protect water quality to a greater extent than permitting the current conditions to continue.

Any benefit from the existing riparian buffers is immediately lost as soon as the NIS enters the existing pipe under the landfill where leachate from the landfill carrying known hazardous compounds currently leaks into the pipe and discharges into the water supply reservoir. Any development above the new NIS inlet and on Mr. Cash's property will be required to comply with City ordinances to ensure proper stormwater management and treatment prior to entering the NIS.

The minor impacts proposed to the PSS should not be a concern in that the quality of this riparian buffer is already substantially degraded. The buffer is currently receiving sediment rich runoff directly from the pump station entrance drive. It only contains a

few small trees, has been maintained and modified in the past and is essentially bypassed and not functioning fully.

- 3) Granting this variance will protect the drinking water supply from hazardous compounds that are currently leaching from the existing landfill directly into the Deep River and Randleman Lake. It would also allow for the implementation of the remedial action plan for the landfill and former Seaboard Chemical facility as ordered by DENR and thereby ensure that substantial justice for the citizens of High Point and North Carolina is done. If the variance is not granted, the implementation of the remedial action plan would at best be delayed, potentially resulting in a greater health risk to the public drinking water supply.

Analysis:

Without rerouting the NIS the proposed treatment system, which meets the Remedial Action Plan (see objectives in Variance Request Pg. 4 of 7), will not be capable of effectively treating the volume of contaminated water that would be generated during significant storm events due to leachate continuing to be allowed to commingle with the surface water.

Watershed Review Committee Recommendation:

The City's Watershed Review Committee (WRC) has reviewed the proposal. The WRC supports the arguments and evidence presented by the applicant to allow the disturbance of the stream buffers for a length of 208 linear feet resulting in buffer disturbance areas as outlined in Table A (above).

Staff's findings are based on the belief that the applicant's proposal is the best option to allow for the safe bypass of the NIS flows around the contaminated landfill, thereby better protecting the drinking water supply. It would also allow for the implementation of the remedial action plan as order by DENR to remove the identified hazardous compounds, including 1, 4 Dioxane and other hazardous VOCs, from the site.

The staff recommendation of approval is subject to the following conditions:

1. The issuance of the applicable 404/401 permits.
2. Stream restoration plans shall be approved by the Division of Water Quality and the Technical Review Committee (TRC).
3. Revise the watershed development plan prior to disturbance within the buffer area.

Attachments: Location Map
2008 Aerial
Photos of the existing site (Numbered 1-5)
Applicant's Variance Request and Findings of Fact
Sheets 1-3 (Stream rerouting plans)



Photo #1 – Northern intermittent stream (NIS).



Photo #2 – Northern intermittent stream (NIS) where it enters a pipe under the abandoned landfill.



Photo #3 – Pump Station Stream (PSS) where the rerouted NIS will discharge. The pipe shown in the picture will be removed.



MAJOR WATERSHED VARIANCE WSV09-01

Applicant: City of High Point
Area: 4 acres



Location of subject property

**Department of Planning
and Development**

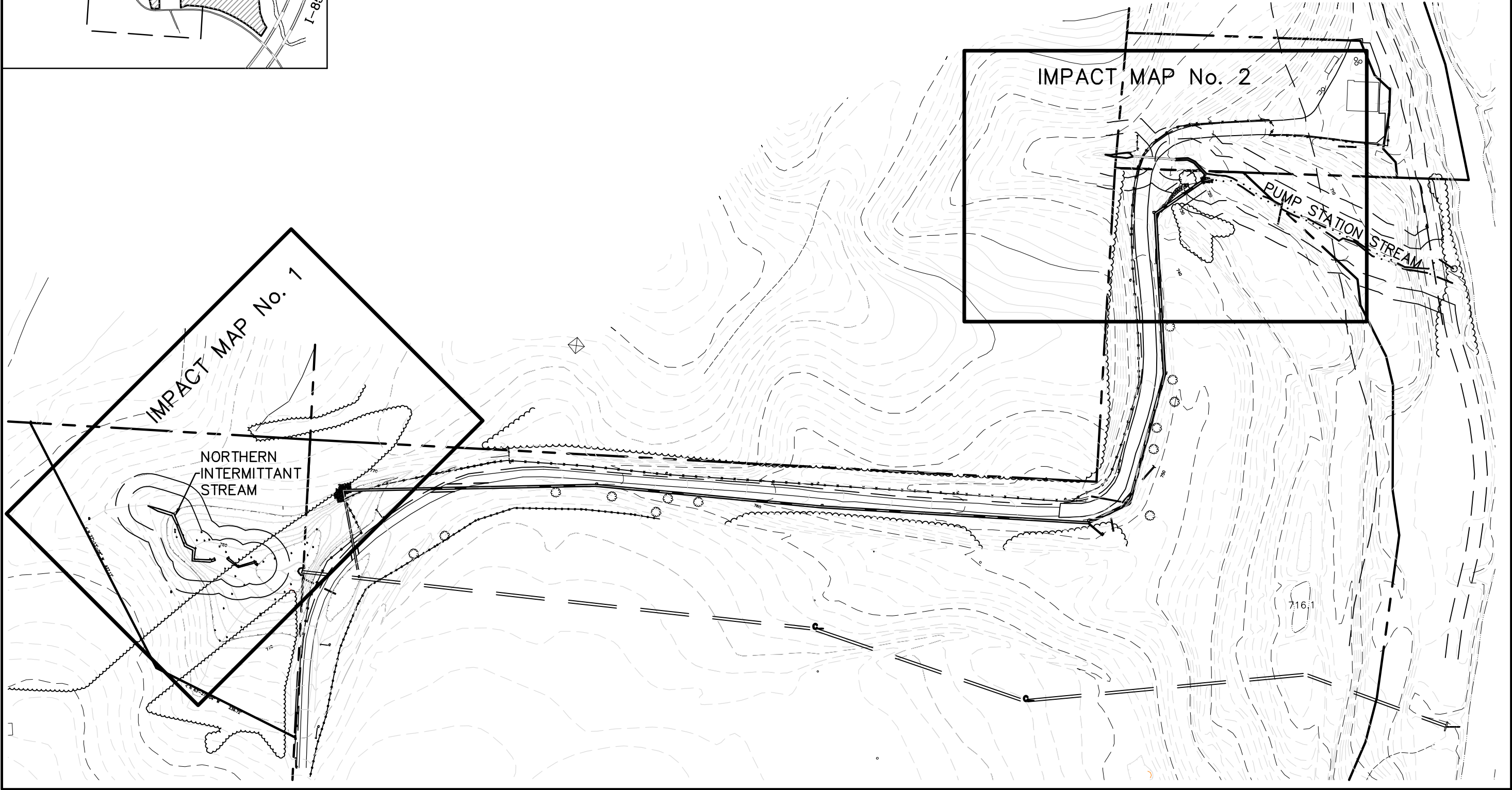
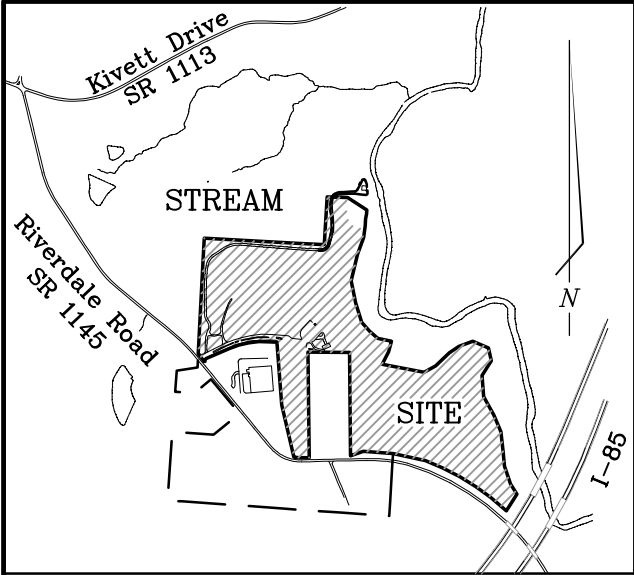
City of High Point

Date: October 9, 2009



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IMPACT MAP COVER SHEET
CITY OF HIGH POINT
RIVERDALE LANDFILL
STORM DRAINAGE IMPROVEMENTS
CITY OF HIGH POINT
GUILFORD COUNTY — NORTH CAROLINA



STA 8+32.20
6' x 6' FLAT-TOP
YARD INLET #8
W/ MH ACCESS
(OPEN 4 SIDES)

MATCH LINE
STA 8+50.00
SEE SHEET No. 3

CHAIN LINK
FENCE

CITY OF HIGH POINT
D.B. 626 PG. 632

EX. 24" PIPE &
INLETS TO BE REMOVED

EX. ABOVE GROUND
PLASTIC CONDUITS

DISCHARGE POINT FOR
EX. 24" STORM PIPE SYSTEM

42" FES #10
STA. 4+96

CLASS 2 RIPRAP
PLUNGE POOL
(SEE DETAIL)

STA 5+83.06
6'x6' YARD-INLET #9
(OPEN 3 SIDES)
FLAT-TOP W/
MH ACCESS

N/F PAULINE M. BOWMAN
D.B. 1172 PG. 82

NOTE: DURING PIPE AND SWALE INSTALLATION, SHOULD ANY AREAS
OF THE LANDFILL CAP BE DISTURBED, THE CAP SHALL BE
REPLACED TO CITY OF HIGH POINT AND NCDLQ STANDARDS.

DUE TO 401/404 REQUIREMENTS, NO ADDITIONAL IMPACTS
MAY BE MADE TO THE INDICATED STREAMS AT THIS TIME.
THESE STREAMS SHALL BE MONITORED ON A REGULAR BASIS
FOR SIGNS OF EROSION AND SCOUR. FUTURE ADDITIONAL PIPING
AND/OR STREAM BED STABILIZATION MAY BE REQUIRED.

IMPACT MAP No. 2
**CITY OF HIGH POINT
RIVERDALE LANDFILL**
STORM DRAINAGE IMPROVEMENTS
CITY OF HIGH POINT
GUILFORD COUNTY - NORTH CAROLINA

PUMP STATION STREAM
OPEN WATER IMPACT
= 175 SF

ZONE 1 STREAM
BUFFER IMPACT
= 1,243 SF

ZONE 2 STREAM
BUFFER IMPACT
= 766 SF

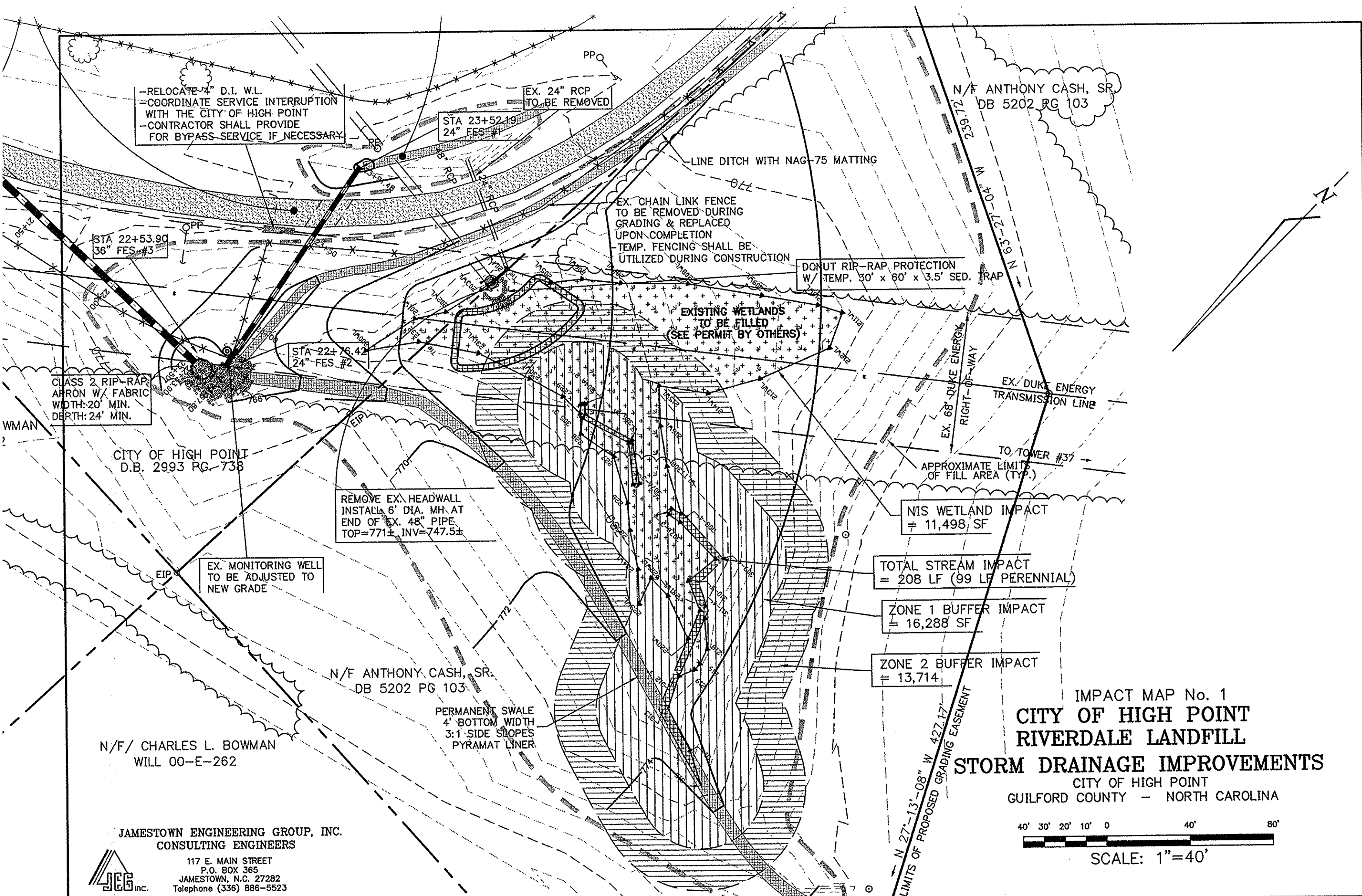
EX. INV=724.55

EX. INV=727.63

JAMESTOWN ENGINEERING GROUP, INC.
CONSULTING ENGINEERS



117 E. MAIN STREET
P.O. BOX 365
JAMESTOWN, N.C. 27282
Telephone (336) 886-5523



N/F/ CHARLES L. BOWMAN
WILL 00-E-262

JAMESTOWN ENGINEERING GROUP, INC.
CONSULTING ENGINEERS
117 E. MAIN STREET
P.O. BOX 365
JAMESTOWN, N.C. 27282
Telephone (336) 886-5523

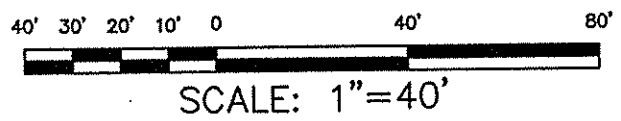
NIS WETLAND IMPACT
= 11,498 SF

TOTAL STREAM IMPACT
= 208 LF (99 LF PERENNIAL)

ZONE 1 BUFFER IMPACT
= 16,288 SF

ZONE 2 BUFFER IMPACT
= 13,714

IMPACT MAP No. 1
**CITY OF HIGH POINT
RIVERDALE LANDFILL**
STORM DRAINAGE IMPROVEMENTS
CITY OF HIGH POINT
GUILFORD COUNTY - NORTH CAROLINA





Soil & Environmental Consultants, PA

11010 Raven Ridge Road • Raleigh, North Carolina 27614 • Phone: (919) 846-5900 • Fax: (919) 846-9467
www.SandEC.com

September 9, 2009

City of High Point
Attn: Mr. Mark Schroeder
Technical Review Committee (TRC) Coordinator
Department of Planning and Development
211 South Hamilton Street
High Point, NC 27261

**RE: Randleman Lake Water Supply Watershed – Major Variance Request
Former Seaboard Chemical Corporation Facility and Riverdale Drive Landfill
Jamestown, North Carolina**

Dear Mr. Schroeder,

The purpose of this letter and application is to request a "Major Variance" from the City of High Point Development Ordinance 9-7-3(c) "Surface Water Buffers" as outlined in 9-9-11 "Watershed Variances" and associated Randleman Lake Water Supply Watershed rules (15A NCAC 02B .0250). A draft copy of this application has also been submitted to the North Carolina Division of Water Quality (DWQ) for preliminary review. The DWQ has tentatively placed this variance request on the November 18, 2009 meeting agenda of the North Carolina Water Quality Committee/Environmental Management Commission (WQC/EMC), pending the City's approval. Application will be made to the US Army Corps of Engineers (USACE) and DWQ requesting authorization to use Nationwide Permit No. 38 ("Clean up of hazardous and toxic waste.") and General Water Quality Certification No. 3696, as required for impacts proposed to streams and wetlands.

This letter describes the nature of the project and provides justifications as to how this project complies with the requirements necessary for granting a variance as outlined in 9-9-11(c) of the Development Ordinance and 15A NCAC 2B .0248(c) & .0104(r) of the NC Administrative Code. Included are the completed Technical/Watershed Review Application, plan sets and other supporting documents. Please note that the information provided includes preliminary development plans. We request that if a final watershed development plan is required that it be done so pending the WQC/EMC decision, 404/401 approvals and prior to construction.

Project Description

The basic purpose of this project is to isolate landfill leachate by means of a leachate collection system to prevent its migration to waters of the Deep River and Randleman Lake Reservoir. In doing so, it will be necessary to impact jurisdictional streams, wetlands and Surface Water Buffers. This action was ordered by the NC Department of Environment and Natural Resources (DENR), Division of Waste Management (DWM) as outlined within the Remedial Action Settlement Agreement (December 2008) and Remedy Recommendation Document. This agreement was the result of the Remedial Investigation

Charlotte Office:
248 LePhillip Court
Concord, NC 28025
Phone: (704) 720-9405
Fax: (704) 720-9406

Greensboro Office:
3859 Battleground Ave, Ste 112
Greensboro, NC 27410
Phone: (336) 540-8234
Fax: (336) 540-8235

Administrative Order on Consent (AOC) entered into with DENR on January 30, 1996 and the Feasibility Study AOC entered into on July 22, 1997.

Site Description & History

The overall project site includes the former Seaboard Chemical Corporation Facility ("Facility") and the City of High Point Riverdale Drive Landfill ("Landfill"). The site is bounded on the south by Riverdale Drive (SR1145) and on the east by the Deep River/Randleman Reservoir.

Seaboard Facility – Approximately 10.32 acres located at 5899 Riverdale Drive, Jamestown, Guilford County, NC (Parcel No. 15-94-7016-0-0882-00-006; EPA Identification No. NCD-071-574-164). Between 1974 and 1989 Seaboard Chemical Corporation operated solvent recovery and fuel-blending processes at the Facility and was granted Interim Status under the Resource Conservation and Recovery Act (RCRA) as a treatment, storage and disposal facility in 1982. The Seaboard Chemical Corporation ceased all activities in 1989, and the Facility is no longer in operation. The corporation declared bankruptcy and was not able to fund the cost of performing the necessary site closure. The property is owned at this time by the bankruptcy estate of Seaboard Chemical Corporation and administered by J. Brooks Reitzel, Jr., bankruptcy trustee. Seaboard Group I was formed by the potentially responsible parties to remove all remaining waste materials from the Facility. Seaboard Group I was then dissolved and Seaboard Group II was formed to conduct certain further response actions at the Facility pursuant to the group agreement.

Landfill – Approximately 101.77 acres located at 5898 Riverdale Drive, Jamestown, Guilford County, NC (Parcel No. 18-00-0481-0-0001-00-002). The landfill was operated by the City of High Point from the 1950's until when it closed in October 1993. The landfill was permitted by DENR Solid Waste Section in 1979. From approximately 1966 to 1970 Landfill operations included the disposal and open burning of spent solvents.

Cash Property – The project will also require impacts to jurisdictional wetlands, stream and buffers on a privately owned property north of the site. The property is owned by Mr. Anthony Cash. Mr. Cash is selling a permanent easement to the City of High Point on approximately 3 acres of his property. This portion of his property is in the process of being annexed into the City of High Point's jurisdiction and is schedule to be presented for approval at the October 27th Planning & Zoning Commission meeting and November 2nd Council meeting.

Streams, Wetlands & Surface Water Buffers

Three unnamed tributary streams to the Deep River/Randleman Reservoir exist on the site. They include the "Southern Intermittent Stream" (SIS), "Northern Intermittent Stream" (NIS) and Pump Station Stream (PSS). The SIS and NIS were identified early in the remedial action planning and are specifically called out in the settlement agreement and remedial recommendation document. The PSS was only recently identified as a stream subject to surface water buffers when remedial actions were proposed within its location.

The actions proposed within this application would impact surface water buffers associated with the NIS and PSS. The NIS is depicted on the High Point East, NC USGS topographic map as an "intermittent" stream and is not depicted on the Guilford County Soil Survey. The PSS is not depicted on either the USGS or soil survey. These streams were delineated by S&EC staff and evaluated by both the USACE and DWQ on multiple occasions,

most recently during a site visit held on March 10, 2009. The DWQ confirmed that both streams are subject surface waters to the Randleman Lake Water Supply Watershed buffer rules. A portion of the NIS was determined to be a perennial stream by the USACE and DWQ. The PSS was determined to be a modified intermittent stream without significant aquatic function by both the USACE and DWQ. A wetland and stream delineation was approved by the USACE for the NIS area on September 21, 2005. The PSS was delineated and surveyed and will be provided to the USACE and DWQ within the 404/401 application.

NIS – The NIS originates on the property owned by Mr. Anthony Cash west of the site. The stream starts at a “head-cut” and flows into a wetland area. The riparian buffers and wetland areas adjacent to the NIS are partially forested with hardwood species, except within the power line easement which is maintained as a lower growing mixed shrub/herbaceous community of tag alders and various rushes and sedges. The NIS enters a reinforced concrete pipe just prior to the landfill and is piped under the existing landfill and eventually outlets into the Deep River/Randleman Reservoir east of the site.

PSS – The PSS is located near the northern portion of the site and originates on the property west of the site near the entrance drive to the existing City of High Point pump station. The stream starts at a “head-cut”. The stream flows into a pipe under the entrance drive and outlets to a graded/filled portion of the landfill property just south of the pump station property. The stream flows east over the graded/filled area in an open man-made, rock-lined channel, down a steep, boulder slope where it leaves the landfill property and enters the Deep River/Randleman Reservoir east of the site.

Randleman Water Supply Reservoir

The site is located within the Watershed Critical Area Overlay District boundaries (Tier 1, 2 & 3) of the Randleman Water Supply Reservoir. The proposed actions to the NIS are located within the Tier 3 boundary and the proposed actions to the PSS are located within the Tier 2 boundary. No actions proposed in this application will occur within the Tier 1 boundary.

The proposed remedial actions will comply with the Watershed Critical Area Overlay District requirements. No impervious surfaces/built-upon areas are proposed in this application. The proposed remedial action will not expand the existing landfill. No new “development”, as defined by 9-2-2(b), is proposed. The project will not exceed 12% built-upon area and as such would be considered a “low density development”.

PTRWA & 200-foot Buffers

No actions proposed in this application will occur on lands owned by the Piedmont Triad Regional Water Authority (PTRWA). Special Condition “c” (Lake Perimeter Buffer Zone) of the Section 404 Individual Permit issued for the Randleman Reservoir requires a 200-foot buffer around the perimeter of the reservoir. No actions proposed in this application will occur within this 200-foot buffer.

Existing Development

The potential to consider the proposed actions and/or landfill as “exempt” from the Surface Water Buffers or “existing development” were discussed with DWQ. While the applicant and their consultants still believe that it could be interpreted that an exemption exists,

the DWQ has determined that it does not and that a Major Variance approved by the City and WQC/EMC will be required. As such the applicant is applying for this variance request.

Land Use Restrictions

Land use restrictions will be placed on the property to restrict future uses that could present potentially unacceptable exposure risks (e.g., residential development, use of impacted ground water, etc.). The land use restrictions will be in the form of perpetual declarations to be recorded with the property deed and/or through the development of zoning or permit restrictions against the potentially unacceptable activities. A deed declaration will describe the scope of the land use restrictions and will include a survey and property description to define the areas of concern.

Remedial Action Plan

Remedial investigations at the site have documented the presence of chlorinated and non-chlorinated hydrocarbon compounds in soils, leachate and ground water. Site-related compounds of concern include volatile organic compounds (VOCs; including, for example, 1,4 Dioxane, classified by the IRAC as a Group 2B carcinogen), semi-volatile organic compounds (SVOC), pesticides and metals. The remedial design consists of ground water extraction and treatment in combination with institutional controls including site access control, recorded land use restrictions and restriction of water supply well construction. The proposed remedy will prevent movement of contaminants into the waters of the Deep River and Randleman Reservoir and prevent exposure to the impacted soils and groundwater at the site. Long term treatment of extracted groundwater and landfill leachate will be through natural treatment processes including an engineered constructed wetland and phytoremediation.

Remedial Objectives include:

1. Contain the contaminated soils at the source areas to prevent direct contact by potential human and environmental receptors, reduce percolation and intrusion of storm water and reduce migration of compounds of concern into ground water;
2. Control migration of landfill leachate to prevent discharge to surface waters at the site;
3. Control migration of contaminated ground waters and leachate at the site to prevent site migration and unacceptable impacts to surface waters;
4. Achieve compliance with North Carolina surface water quality standards for the compounds of concern in the surface waters of the onsite streams and the Deep River;
5. Achieve compliance with North Carolina ground water quality standards for the compounds of concern in the ground water beneath the site; and,
6. Restrict future site uses that could present potentially unacceptable exposure risks (e.g., residential development, use of impacted ground water, etc.).

Project Design – Surface Water Management & Buffer Impacts

The remedial action plan requires a surface water management plan. This plan is required to include a method to address ground water and landfill leachate intrusion into the piped sections of the NIS. Methods have been evaluated to eliminate the leakage that is occurring at the joints in the reinforced concrete pipe in the NIS. This evaluation included; (1) inserting a new

pipe inside the existing one, (2) lining the existing pipe, and (3) redirecting the headwaters of the NIS around the landfill.

A video survey of the piped section of the NIS revealed that a significant amount of landfill leachate and ground water enter this section through leakage at the pipe joints. The treatment system will not be capable of effectively treating the volume of contaminated water that would be generated during significant storm events if this leakage continues to be allowed to commingle with the surface water. After considering the alternatives, it was decided to reroute the headwaters of the NIS and permanently close the inlet structure, as this is the most effective, long term, way to address the problem. The surface water runoff upstream of the NIS inlet will be rerouted as described below and on the attached plans. This method was approved by DENR in the Remedial Action Settlement Agreement (December 2008) and Remedy Recommendation Document.

After closure of the inlet, the elevation of the headwaters area will be raised by the addition of clean fill material. Approximately twenty feet of clean fill will be placed in the headwaters area to raise the ground surface elevation to approximately 770 feet msl. This will allow the surface water flowing from the NIS drainage basin to be diverted to the northeast to join the PSS. A 36" reinforced concrete pipe running parallel to the pump station entrance drive will be used to bypass NIS flows to the PSS. A rock lined plunge pool will be constructed at the confluence of the bypassed NIS pipe and the PSS to ensure safe passage of these flows into the PSS. Aquatic life passage through the NIS is not a concern given that the origin would be impacted by this proposed plan and no jurisdictional stream channel will remain post construction. The project engineer's original preference was to continue the pipe down the PSS to the Deep River/Randleman Reservoir. However, the USACE and DWQ did not prefer this alternative due to the additional impacts to the PSS and associated buffers. The project engineer reconsidered the design and believes that current design will work, but stressed the need to monitor the existing rock-lined PSS for future erosion. Any future erosion within the PSS can be addressed through additional stabilization if needed without the need for future variance approvals. Routine maintenance of the PSS, similar to what has occurred in the past, will most likely be necessary. Any future work will be done in full compliance with USACE, DWQ and City regulations.

The proposed alternative, associated fill and stream, wetland and buffer impacts will occur on the property owned by Mr. Anthony Cash adjacent to the landfill site. The City has entered into an agreement and will be purchasing a permanent conservation easement from Mr. Cash of approximately 3 acres to perform this work.

Once the bypass work is completed, any leachate that leaks into the existing NIS pipe will be drained into a new structure at the pipe outlet (located outside of any jurisdictional waters or City of High Point Surface Water Buffers), which will allow it to be collected and handled in a manner consistent with the other leachate generated at the landfill and processed through the remedial treatment processes. Ground water flowing under the piped section of the NIS will be extracted from a single extraction well, located near the outlet end of the outer pipe. That ground water will be processed through the remedial treatment processes.

Surface Water Buffer Impacts Proposed

Stream	Zone 1 (sf)	Zone 2 (sf)	Total (sf)
NIS	16,288	13,714	30,002
PSS	1,243	766	2,009
Total	17,531	14,480	32,011

Stormwater Management & Nutrient Loading

Typical variance requests involve a development and increase in impervious/built-upon areas. Given the nature of the proposed activity and the fact that there will be no increase in impervious/built-upon area, it is not anticipated that the activity will have an increase in nutrient loading or any negative impacts associated with stormwater management. The applicant is willing to provide further evidence is deemed necessary by the City or DWQ.

Variance Requirements

In an effort to demonstrate that a variance is warranted for the actions and surface water buffer impacts proposed above, we provide the following towards the finding of fact that the Technical Review Committee (TRC) is required to perform and present to the City Council and eventually WQC/EMC as outlined in 9-9-11 of the Development Ordinance. The DWQ has determined that the proposed actions would be considered a "Major Watershed Variance" because it would be a deviation from the minimum watershed protection rules for the Randleman Lake Water Supply Watershed rules.

1. There are practical difficulties or unnecessary hardships that would result from carrying out the strict letter of this Ordinance;

Compliance with the Surface Water Buffer section of the Ordinance would result in several practical difficulties and hardships as follows:

- a. There is no other practical, long term method to relocate the NIS flow around the landfill and as such it would be necessary to allow the flows to continue flowing under the landfill through the existing pipe.
- b. A new pipe would need to be inserted inside the existing pipe or the existing pipe would need to be lined. Both methods require a greater level of maintenance and monitoring and have a higher risk of failure and allowance of the contaminated leachate to enter the NIS and reservoir than the proposed relocation. Also, either method would require a more complicated plan to collect the contaminated leachate from the landfill.
- c. The plan has been approved by DENR as outlined in the Remedial Action Settlement Agreement and any change to this agreement and other required approvals, requiring modifications to these agreements and approvals and thereby delaying the remedial actions ordered by the State.

2. The variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit;

The general purpose, intent and spirit of the Ordinance are to protect water quality in the Randleman Lake watershed through the protection and maintenance of riparian areas and surface waters, in conformance with the State Randleman Lake Water Supply Watershed rule. The intent of protecting the riparian buffers is to maintain their ability to aid in the filtration and treatment of stormwater runoff by removing nutrients and sediment.

The proposed actions are in harmony with these rules in that the purpose of the actions is to protect the drinking water supply from hazardous compounds, including 1,4 Dioxane and other VOCs. Granting the variance will protect water quality to a greater extent than the current conditions.

Any benefit from the existing riparian buffers is immediately lost as soon as the NIS enters the existing pipe under the landfill where leachate from the landfill carrying known hazardous compounds currently leaks into the pipe and discharges into the water supply reservoir. Any development above the new NIS inlet and on Mr. Cash's property will be required to comply with City ordinances to ensure proper stormwater management and treatment prior to entering the NIS.

The minor impacts proposed to the PSS should not be a concern in that the quality of this riparian buffer is substantially degraded. The buffer is currently receiving sediment rich runoff directly from the pump station entrance drive, only consists of a few small trees and has been maintained and modified in the past and is essentially bypassed and not functioning fully.

3. The granting of the variance assures the public safety and welfare and does substantial justice.

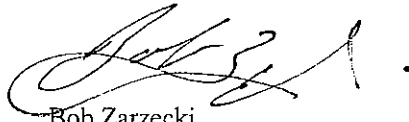
Granting this variance will protect the drinking water supply from hazardous compounds that are currently leaching from the existing landfill directly into the Deep River and Randleman Lake. It would also allow for the implementation of the remedial action plan for the landfill and former Seaboard Chemical facility as ordered by DENR and thereby ensure substantial justice for the citizens of High Point and North Carolina is done. If the variance were not granted, the implementation of the remedial action plan would at best be delayed potentially resulting in a greater health risk to the public drinking water supply.

Summary

In summary, if granted this variance would allow for the safe bypass of the NIS flows around the contaminated landfill and thereby protects the drinking water supply. It would also allow for the implementation of the remedial action plan as order by DENR to remove the identified hazardous compounds, including 1, 4 Dioxane and other hazardous VOCs, from the site. As such, we believe that the proposed actions meet the requirements for granting a variance and request the TRC and City Council recommendation for approval of this variance request.

We greatly appreciate your efforts in reviewing this variance request. Please don't hesitate to contact me if you have any questions or require additional information.

Sincerely,
Soil & Environmental Consultants, PA



Bob Zarzecki
Wetlands Department Manager

Cc: Chris Thompson, PE, City of High Point
James LaRue, Southwestern Environmental Consulting representing Seaboard Group II

*"Shaping
a more livable
High Point"*

**PLANNING AND DEVELOPMENT DEPARTMENT
DEVELOPMENT SERVICES DIVISION
CITY OF HIGH POINT
NORTH CAROLINA**

Staff Use Only
Filing Date: _____
Case No.: _____
Payment: _____
Approval Date: _____

TECHNICAL/WATERSHED REVIEW APPLICATION

Mailing Address: P.O. Box 230, High Point, NC 27261 Telephone: 336/883-3336
Office Address: 211 S. Hamilton Street, High Point, NC 27261 Facsimile: 336/883-3056

PLAN TYPE	COPIES:	REVIEW FEE SCHEDULE
(SIP) Site Plans (Includes Group Development Plans & Integrated Multiple Use Developments (IMUD's))	8	Multi-Family: \$100 + \$4/dwelling unit Non-Residential: \$100 + \$4/1,000 sq. ft.
(P) Preliminary (major or minor) Subdivision Plats	8	\$100 + \$20/Lot
(SP) Plans and Profiles	8	\$50 per submittal
(F) Final Plats, (EXC) Exclusion or (ANX) Annexation Maps	8	\$50 (no fee for annexation map review)
(WCP) Watershed Development Plan	8	\$100 plus \$25 per Engineered Stormwater Control device or \$25 for impervious surface area (ISA) review only

Deadline: Wednesday by 5:00 PM
(See calendar for exceptions)

The TRC/WRC meets in the 3rd Floor Conference Room, City Hall, every Wednesday at 9:30 a.m.

IMPORTANT:

- Only complete submittals will be processed (i.e. completed application; completed checklist(s); correct number of rolled copies; check for review fee payable to "City of High Point", etc.)
- Refer to the applicable checklist(s) for required plan elements. (Details and/or information, in addition to that specified, may be required prior to final approval.) **ONLY COMPLETE PLANS, ALONG WITH AN APPLICABLE CHECKLIST(S), ARE ACCEPTED FOR REVIEW.**

PROJECT SUMMARY (Note: Complete all applicable information in the spaces provided below.) See Reverse for assistance.

A. Project Name: Former Seaboard Chemical Facility and Riverdale Drive Landfill

B. Type of Plan: Sketch ☐ Site Plan ☐ Watershed Development Plan ☒ Exclusion Map ☐
Annexation Map ☐ Prelim. Subdivision Plat ☐ Plans and Profiles ☐ Final Subdivision Plat ☐

C. New or Existing Project: New

D. New Street Name, Street Address and Property Location Description: 5579 and 5577 Riverdale Drive,
Tombstown, NC

E. Tax Map/Block/Parcel #(s): 100/54/18-0-0-001-0-000 3571/1639/15-94-9016-0-000

F. Total Tract Acreage: ± 112.07 Total Project Acreage: ± 4

G. Zoning District(s) & Land Use Designation(s): A6/Landfill and M1/Industrial

H. Watershed & Other Overlay Zoning District(s): Riverdale Lake Watershed Critical Area

I. Proposed Use: Landfill Existing Use: Landfill

J. Number of Lots: 0/1 K. Parking Provided: N/A L. Parking Required: 12/6

M. Multifamily Development: # of Units 0/0 Type: Apartments ☐ Townhomes ☐ Condominiums ☐

N. Non-residential Development: De. Approx. 100 Proposed SF GFA (De. Approx. 100) Existing SF GFA ()

Primary Contact (i.e. Surveyor, Engineer, etc.)

Name: Bob Edwards
Street Address: 11010 Gaven Rider Road
City: Raleigh, NC Zip: 27604
E-mail: edwards@edwards.com
Daytime Phone #: 704-293-7373

Property Owner/Developer

Name: Mr. Chris Thompson, JR.
Street Address: City of High Point, Public Works Dept.
City: High Point, NC Zip: 27261
E-mail: christopher.thompson@cityofhighpoint.org
Daytime Phone #: 336-883-3315



Soil & Environmental Consultants, PA

748 LePhillip Court • Concord, North Carolina 28025 • Phone: (704) 720 9405 • Fax: (704) 720 9406
www.SandEC.com

AGENT AUTHORIZATION FORM

All Blanks To Be Filled In By The Current Landowner

Name: CITY OF HIGH POINT
Address: 211 S. HAMILTON ST., HIGH POINT, N.C. 27260
Phone: 336-883-3215
Project Name/Description: SEABOARD PROJECT -- RIVERDALE LANDFILL
Date: 5-29-09

The Department of the Army
U.S. Army Corps of Engineers, Wilmington District
P.O. Box 1890
Wilmington, NC 28402

Attn: Andy Williams
Field Office: Raleigh

Re: Wetland's Related Consulting and Permitting

To Whom It May Concern:

I, the current property owner, hereby designate and authorize Soil & Environmental Consultants, Inc. to act in my behalf as my agent in the processing of permit applications, to furnish upon request supplemental information in support of applications, etc. from this day forward. The 28th day of MAY, 2009.

This notification supersedes any previous correspondence concerning the agent for this project.

NOTICE: This authorization, for liability and professional courtesy reasons, is valid only for government officials to enter the property when accompanied by S&EC staff. You should call S&EC to arrange a site meeting prior to visiting the site.

W. CHRIS THOMPSON - CITY OF HIGH POINT
Print Property Owner's Name

W. Chris Thompson
Property Owner's Signature

cc: Mrs. Cyndi Karoly
NCDENR - DWQ
2321 Crabtree Blvd., Ste 250
Raleigh, NC 27604-2260

cc: Mr. Wendell Overby
Mr. Bob Zarzecki
Soil & Environmental Consultants, PA.

Greensboro Office:
2817-B Lawndale Drive
Greensboro, NC 27455
Phone: (336) 540-5234
Fax: (336) 540-5235

Raleigh Office:
11310 Raven Ridge Road
Raleigh, NC 27614
Phone: (919) 846-9400
Fax: (919) 846-9467



Soil & Environmental Consultants, PA

236 LePhillips Court, Suite C • Concord, North Carolina 28025 • Phone: (704) 720-9405 • Fax: (704) 720-9406
www.SandEC.com

AGENT AUTHORIZATION FORM

All Blanks To Be Filled In By The Current Landowner

Name: Anthony Cash and wife, Denise Cash

Address: 5853 Ruverdale Dr., Jamestown, NC 27282

Phone: (336) 885-5509

Project Name/Description: NIS Headwater Relocation at Riverdale Landfill

Date: 1 August 2005

The Department of the Army
U.S. Army Corps of Engineers, Wilmington District
P.O. Box 1890
Wilmington, NC 28402

Attn: Andrea Wade

Field Office: Raleigh

Re: Wetlands Related Consulting and Permitting

To Whom It May Concern:

I, the current property owner, hereby designate and authorize Soil & Environmental Consultants, Inc. to act in my behalf as my agent in the processing of permit applications, to furnish upon request supplemental information in support of applications, etc. from this day forward. The 1st day of August.

This notification supersedes any previous correspondence concerning the agent for this project.

NOTICE: This authorization, for liability and professional courtesy reasons, is valid only for government officials to enter the property when accompanied by S&EC staff. You should call S&EC to arrange a site meeting prior to visiting the site.

Anthony and Denise Cash
Print Property Owner's Name

[Signature]
Property Owner's Signature

cc: Mrs. Cyndi Karoly
NCDENR - DWQ
2321 Crabtree Blvd., Ste 250
Raleigh, NC 27604-2260

cc: Mr. Wendell Overby
Soil & Environmental Consultants, PA.

Greensboro Office:
3817-E Lawndale Drive
Greensboro, NC 27455
Phone: (336) 540-8234
Fax: (336) 540-8235

Raleigh Office:
11010 Raven Ridge Road
Raleigh, NC 27614
Phone: (919) 846-5900
Fax: (919) 846-9467

**S&
EC****Soil & Environmental Consultants, PA**236 LePhillips Court, Suite C • Concord, North Carolina 28025 • Phone: (704) 720-9405 • Fax: (704) 720-9406
www.SandEC.com**AGENT AUTHORIZATION FORM****All Blanks To Be Filled In By The Current Landowner**

Name: Seaboard Chemical Corporation
Address: c/o J. Brooks Reitzel, Jr. Trustee, PO Box 5544, High Point, NC 27262
Phone: 336-885-7900
Project Name/Description: _____
Date: August 3, 2005

The Department of the Army
U.S. Army Corps of Engineers, Wilmington District
P.O. Box 1890
Wilmington, NC 28402

Attn: Andrea Wade
Field Office: Raleigh

Re: Wetlands Related Consulting and Permitting

To Whom It May Concern:

I, the current property owner, hereby designate and authorize Soil & Environmental Consultants, Inc. to act in my behalf as my agent in the processing of permit applications, to furnish upon request supplemental information in support of applications, etc. from this day forward. The _____ day of _____

This notification supersedes any previous correspondence concerning the agent for this project.

NOTICE: This authorization, for liability and professional courtesy reasons, is valid only for government officials to enter the property when accompanied by S&EC staff. You should call S&EC to arrange a site meeting prior to visiting the site.

Seaboard Chemical Corporation
Print Property Owner's Name

J. Brooks Reitzel, Jr., Trustee

Property Owner's Signature

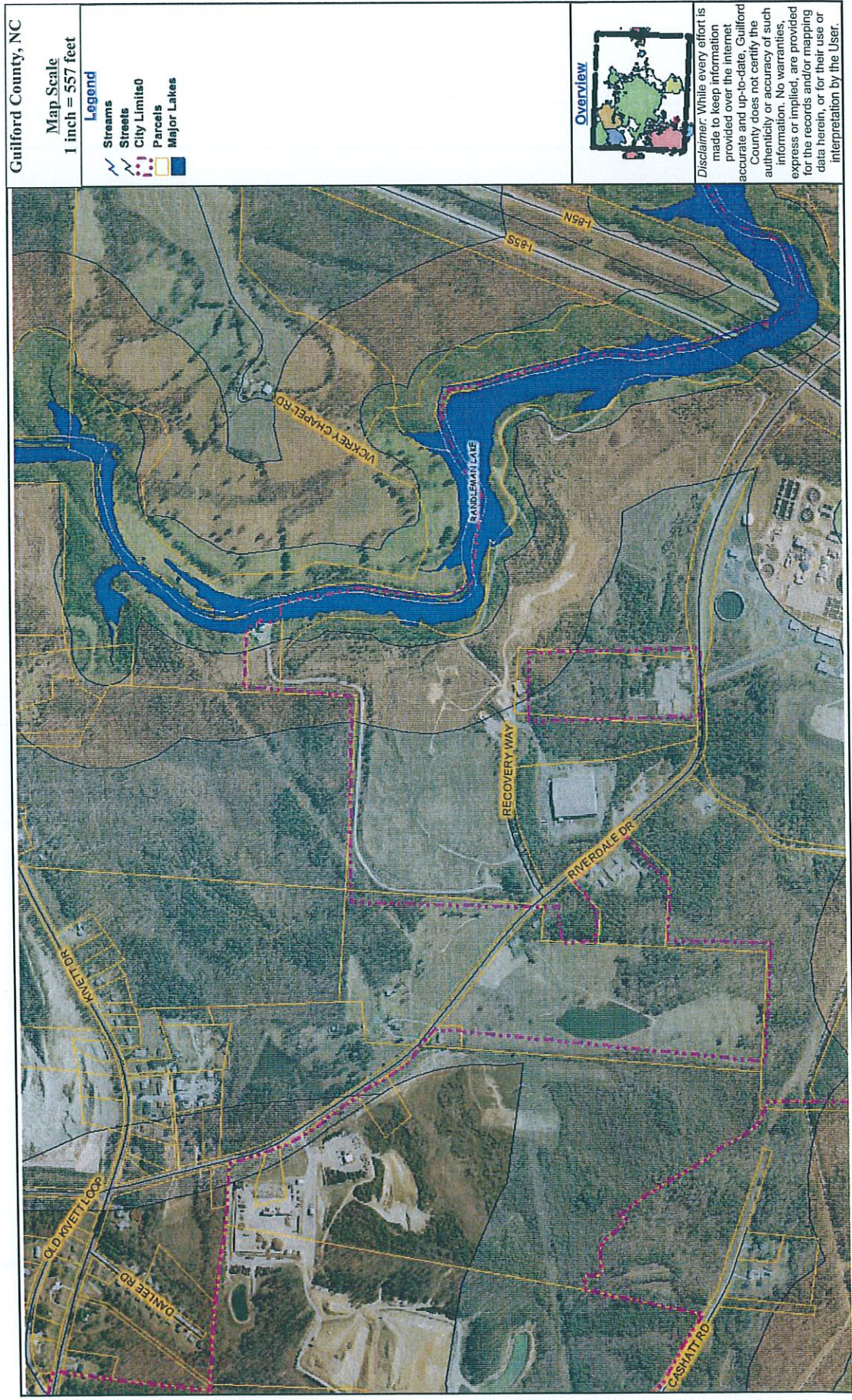
cc: Mrs. Cyndi Karoly
NCDENR - DWQ
2321 Crabtree Blvd., Ste 250
Raleigh, NC 27604-2260

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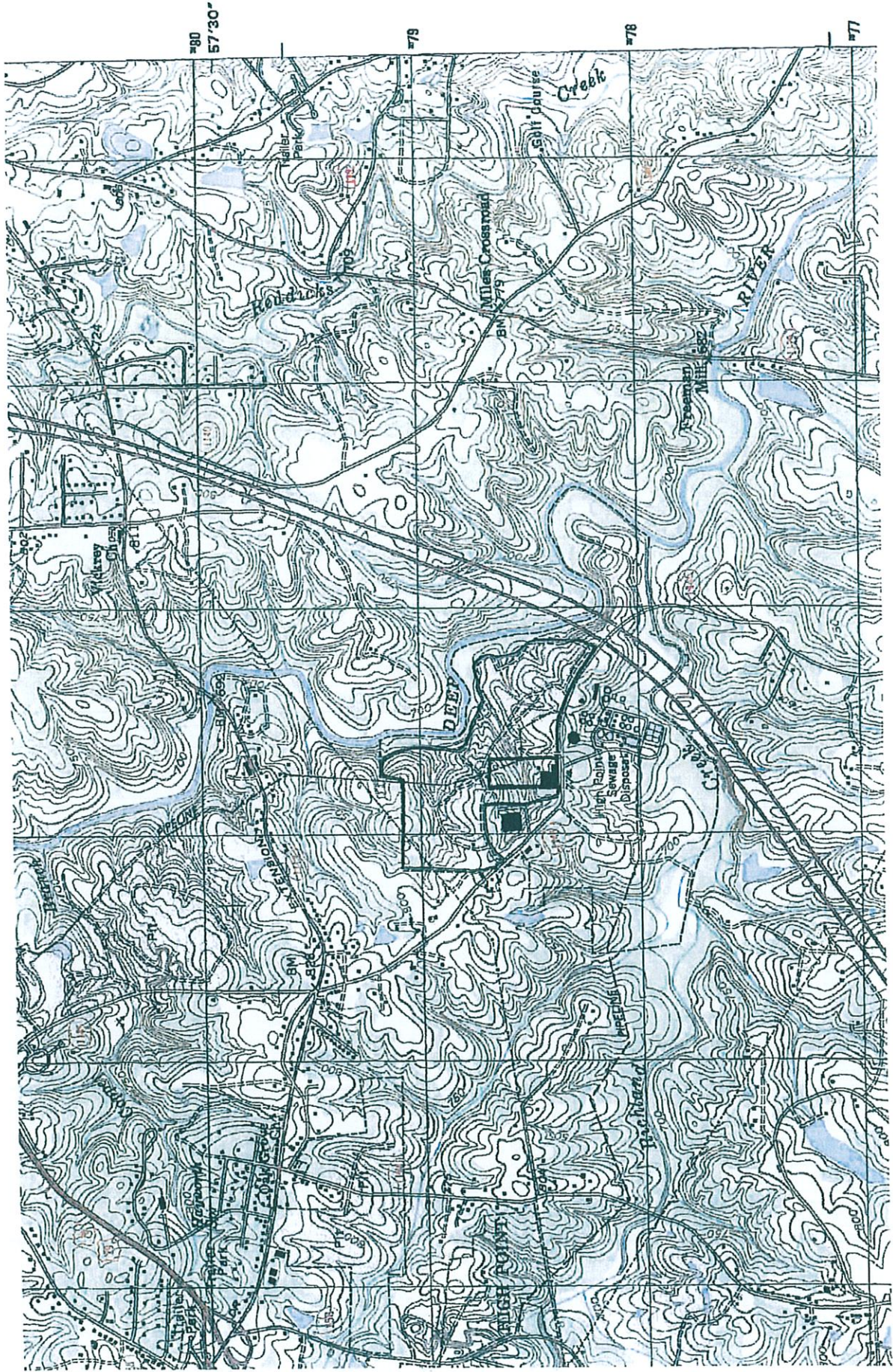
Phone: (704) 720-9405
Fax: (704) 720-9406

Raleigh Office:
11010 Raven Ridge Road
Raleigh, NC 27614
Phone: (919) 846-5900
Fax: (919) 846-9467



HIGH POINT EAST, NC

1993



Map Scale
1:24,000

USDA Soil Survey of Guilford County, NC



Map Scale

1:20,000

SPECIAL USE PERMIT 09-03
CITY OF HIGH POINT, NORTH CAROLINA

November 2, 2009.
(Adopted)

THE CITY OF HIGH POINT CITY COUNCIL, PURSUANT TO SECTION 9-3-14, SPECIAL USE PERMITS, OF THE CITY OF HIGH POINT DEVELOPMENT ORDINANCE, APPROVED A SPECIAL USE PERMIT AND SITE PLAN FOR THE FOLLOWING USE, SUBJECT TO THE FOLLOWING CONDITION(S):

USE: Research, Development or Testing Services use (SIC 8730) as it relates to developing and testing of paints, coatings and polymers.

CONDITIONS:

1. Development and use of the site in regards to building location and location of outdoor testing area shall be in accordance with the attached approved Special Use Permit sketch plan.
2. A maximum of five (5) outdoor testing panels/racks may be permitted upon the grounds of the site for outdoor testing (i.e. exposure to environment) of paints, coatings and polymers. Size of an individual test panel shall not exceed 12 feet by 5½ feet and shall be location upon the site as noted on the attached sketch plan (generally along the Idol Street frontage of the site). This condition shall not prevent the placement of test panels/racks, in addition to the five (5) permitted along Idol Street frontage, upon the roof of the structure.
3. The placement of outdoor test panels/racks shall meet building setback standards of the zoning district.
4. Except for test panels/racks no other outdoor activity related to the research development/testing services use shall be permitted outside of the building.

DESCRIPTION OF PROPERTY: An approximately 39,468 square foot parcel lying at the northeast corner of Idol Street and Scott Avenue (602 Idol Street) The site is also known as Guilford County Tax Parcel 226-7-8 & 9.

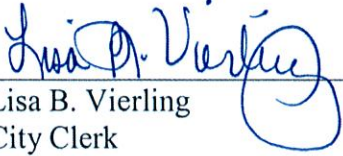
This Special Use Permit and approved site plan are perpetually binding upon the above-described property, unless subsequently amended as provided in the Development Ordinance or until a use otherwise permitted in the zoning district is established.

This Special Use Permit shall become void after eighteen (18) months from the date of City Council approval unless the Special Use authorized has begun and/or a footing inspection has been approved. If the Special Use authorized is discontinued for a period exceeding eighteen (18) months or replaced by a use otherwise permitted in the zoning district, then the Special Use shall be deemed abandoned and this Special Use Permit shall be null and void and of no effect.

If for any reason any condition imposed this Special Use Permit is found to be illegal or invalid, then this Special Use Permit shall be null and void and of no effect.

The issuance of this Special Use Permit authorizes the filing of an application for a building permit, site plan, subdivision or other development approval as required by the Development Ordinance.

SPECIAL USE PERMIT 09-02 AND THE ACCOMPANYING SITE PLAN WERE APPROVED BY THE CITY COUNCIL OF HIGH POINT, NORTH CAROLINA ON THE 2ND DAY OF NOVEMBER, 2009.



Lisa B. Vierling
City Clerk

11-2-2009
Date



Scale: 1"=30'

IDOL STREET

1 Story Brick Building

15' ±
FT.

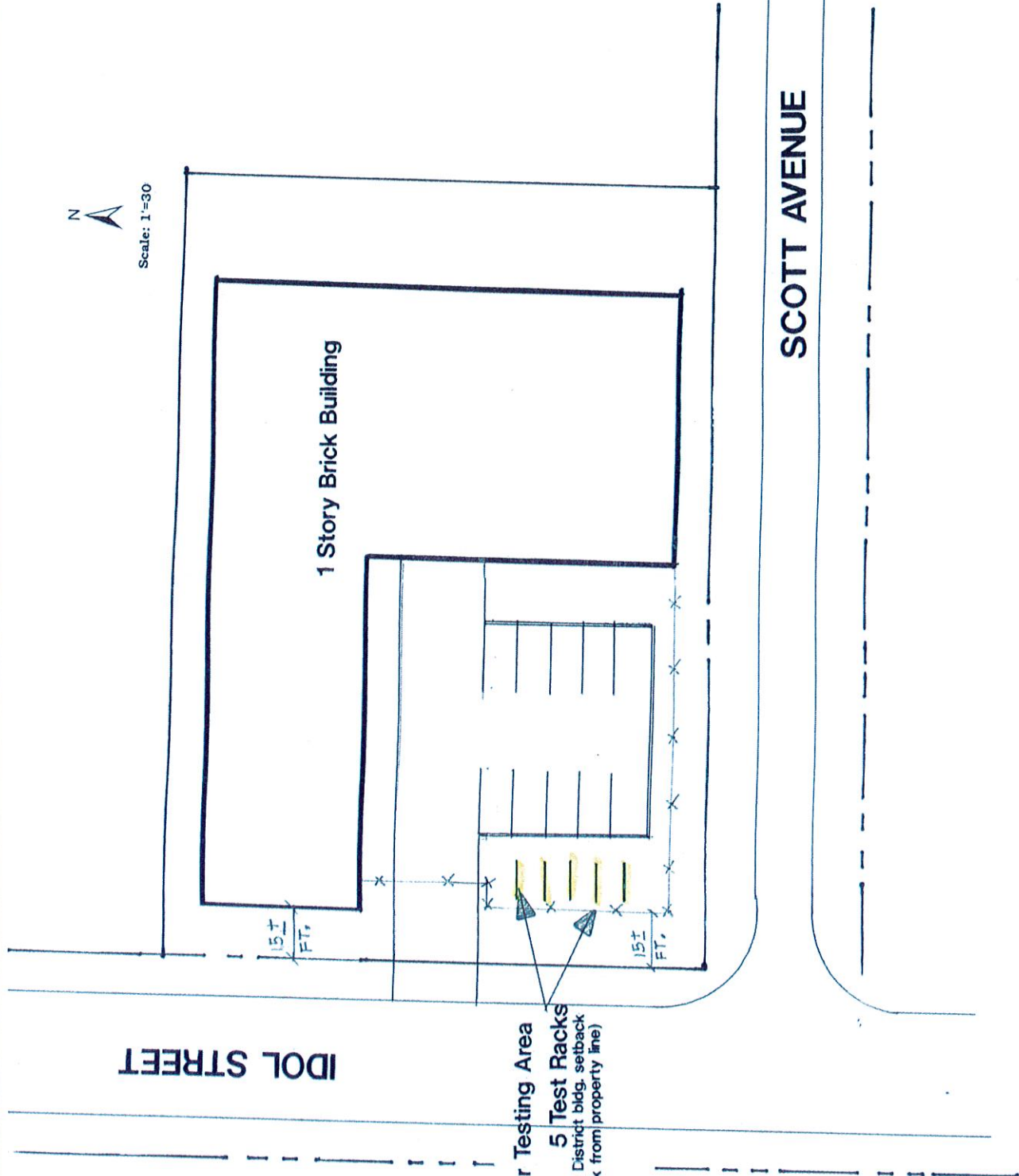
Outdoor Testing Area

5 Test Racks

(Rack to meet GB District bldg. setback min. 15 ft. setback from property line)

15' ±
FT.

SCOTT AVENUE





MEMORANDUM

October 26, 2009

MEMO TO: Strib Boynton, City Manager
Pat Pate, Assistant City Manager

FROM: Jeffrey A. Moore, Financial Services Director

SUBJECT: City Council Agenda Item-Promissory SRF Note with NC-DENR for \$1,367,134

Please consider placing an item on the agenda for City Council to accept the \$1,367,134 in State Revolving Loans and authorize the Mayor to execute the preliminary Promissory Note Document. This action will complete the application and award process. The City was approved for the loan as part of the Stimulus Act. NC-DENR will immediately reduce ½ of the loan amount as “Principal Forgiveness” as part of the ARRA of 2009. The proceeds from the loan are being used for the abandonment of the Lazy Lane lift station project and rehabilitation of obsolete sewer line improvements projects previously approved by City Council at its June 4, 2009 meeting.

Once the various projects are completed and the final requests for payments from NCDENR have been received, the final step in the process will be a request from staff that City Council finalize the Promissory Note.

I and Chris Thompson will be available to answer any questions you or the City Council may have.

Accounting
336.883.3240

Internal Audit
336.883.3122

Purchasing
336.883.3219

Treasury Services
336.883.3230

City of High Point
Preliminary Schedule for Federal Revolving Loan
Prepared by the Department of State Treasurer

Amount:	\$683,567	LGC Approval Date:	May 5, 2009
Term (Years):	20	Approval Amount:	\$1,798,000
Interest Rate:	0.00%	Loan Amount:	\$1,367,134
Est. Date of Completion:	January 27, 2010	Principal Forgiveness	\$683,567
State Project Number:	E-SRF-T-09-0183	Certified Completion Date:	
Federal Project Number:	2W370387-08		

Fiscal Year	Outstanding Balance	Interest Rate			May 1 Principal Payment
05/01/11	\$ 683,567.00	0.00%			\$ 34,178.35
05/01/12	\$ 649,388.65	0.00%			\$ 34,178.35
05/01/13	\$ 615,210.30	0.00%			\$ 34,178.35
05/01/14	\$ 581,031.95	0.00%			\$ 34,178.35
05/01/15	\$ 546,853.60	0.00%			\$ 34,178.35
05/01/16	\$ 512,675.25	0.00%			\$ 34,178.35
05/01/17	\$ 478,496.90	0.00%			\$ 34,178.35
05/01/18	\$ 444,318.55	0.00%			\$ 34,178.35
05/01/19	\$ 410,140.20	0.00%			\$ 34,178.35
05/01/20	\$ 375,961.85	0.00%			\$ 34,178.35
05/01/21	\$ 341,783.50	0.00%			\$ 34,178.35
05/01/22	\$ 307,605.15	0.00%			\$ 34,178.35
05/01/23	\$ 273,426.80	0.00%			\$ 34,178.35
05/01/24	\$ 239,248.45	0.00%			\$ 34,178.35
05/01/25	\$ 205,070.10	0.00%			\$ 34,178.35
05/01/26	\$ 170,891.75	0.00%			\$ 34,178.35
05/01/27	\$ 136,713.40	0.00%			\$ 34,178.35
05/01/28	\$ 102,535.05	0.00%			\$ 34,178.35
05/01/29	\$ 68,356.70	0.00%			\$ 34,178.35
05/02/30	\$ 34,178.35	0.00%			\$ 34,178.35
					<u>\$ 683,567.00</u>

PROMISSORY NOTE

For value received, the City of High Point herein referred to as the "Unit," hereby promises to pay the State of North Carolina the principal sum of One Million Three Hundred Sixty Seven Thousand One Hundred Thirty Four Dollars (\$1,367,134); on the unpaid principal sum, from the estimated completion date for a loan made to the Unit by the Department of Environment and Natural Resources for a Sanitary Sewer Project, herein referred to as the "Project," until said principal sum shall be paid. As part of the American Recovery and Reinvestment Act of 2009 (ARRA), the unpaid principal sum is immediately reduced by one half of the loan amount as "Principal Forgiveness".

Interest will accrue at the rate of 0 percent per annum on the unpaid principal sum from the Water Pollution Control Revolving Fund. The first payment is due not earlier than six months nor later than twelve months after the certified completion of the Project by The Department of Environment and Natural Resources - Division of Water Quality.

The principal sum shall be repaid in not more than 20 annual installments on May 1, the first principal payment is due not earlier than six months after completion of the Project.

The Unit may be required by the North Carolina Department of Environment and Natural Resources to prepay this note in whole and any further commitment of funds may be withdrawn if the Unit fails to: (i) adopt on or before completion of Project, place into effect, and agree to maintain until the principal sum is paid, a schedule of fees, charges, and other available funds, that will adequately provide for proper operation, maintenance, and administration of the project and for repayment of all principal of and interest on loans; (ii) arrange for necessary financing of the Project within one year of the date of acceptance of a revolving loan; (iii) award a contract for construction of the Project within one year of the date of acceptance of a revolving loan.

The principal sum will be used entirely within the intent of Water Pollution Control Revolving Fund for the purpose of acquiring, constructing and equipping the Project.

The Unit shall keep the Project continuously insured against such risks as are customarily insured against. In case of material damage to the Project, prompt notice shall be given to Department of Environment and Natural Resources. Proceeds from any insurance settlement shall either be used to reduce the unpaid principal amount or replace, repair, rebuild or restore the Project, in the discretion of the unit.

The Project will be made accessible for inspection by any duly authorized representative of the State.

This note is not secured by a pledge of the faith and credit of the State of North Carolina or of the Unit, but is payable solely from the revenues of the Project or benefited systems, or other available funds.

Payments of principal and interest on this Note shall be made directly to Department of Environment and Natural Resources. All obligations of the Unit hereunder shall terminate when all sums due and to become due pursuant to this Note have been paid. This Note shall be governed by, and construed in accordance with, the laws of the State of North Carolina.

The Unit agrees that any other monies due to the unit of local government from the State may be withheld by the State and applied to the payment of this obligation whenever the unit fails to pay any payment of principal or interest on this note when due.

The obligation of the Unit to make payments on this Note and observe all conditions herein stated shall be absolute and unconditional. The Unit shall not suspend or discontinue any such payment on this Note for any cause including, without limitation, failure to complete the Project, failure of title to all or any part of the Project, destruction or condemnation of all or any part of the Project.

In Witness Whereof, the City of High Point caused this Note to be executed as of this date.

By _____
Authorized Representative

ACKNOWLEDGMENT OF EXECUTION

STATE OF _____

COUNTY OF _____

This _____ day of _____, 20____, personally came before me _____, who, being by me duly sworn, says that he is the authorized representative of City of High Point and that the said writing was signed by him, in behalf of said governmental unit by its authority duly given. And the said authorized representative acknowledged the said writing to be the act and deed of the said governmental unit.

Notary Public

My Commission Expires:

(NOTARIAL SEAL)

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

**STAFF REPORT (Case # WSV09-01)
MAJOR WATERSHED VARIANCE
November 2, 2009**

Applicant: City of High Point	Owner: City of High Point Seaboard Chemical Corporation Mr. & Mrs. Anthony Cash	
Request: A major watershed variance is being requested for proposed disturbance of an existing perennial and intermittent stream buffer as classified by the Department of Natural Resources Division of Water Quality. The buffer disturbance exceeds 5 percent of the stream buffer area; therefore, local and state (Environmental Management Commission) review is required.		
Site Information		
Location	Northeast corner of 5853 Riverdale Road property located on the north side of Riverdale Road between E. Kivett Drive and I-85. Guilford County Tax Parcel 15-94-7016-0-0882-00-005 and 18-00-0481-0-0001-00-004	
Site Acreage	Approximately 4 acres	
Current Land Use	Undeveloped and City Pump Station	
Land Use Plan Designation	Rural Development	
Overlay Districts	Randleman Lake Watershed Critical Area (WCA) Tiers 2 and 3	
Site Access & Street Classification		
Street Name	Classification	Approximate Frontage
Riverdale Drive	Minor Thoroughfare	n/a

Background:

The overall project site includes the former Seaboard Chemical Corporation Facility ("Facility"), the City of High Point Riverdale Drive Landfill ("Landfill"), and a portion of the Anthony Cash property ("Easement" obtained by City of High Point). The site is bounded on the south by Riverdale Drive (SR1145) and on the east by the Deep River/Randleman Reservoir.

Three unnamed tributary streams to the Deep River/Randleman Lake reservoir exist on the site. They include the "Southern Intermittent Stream" (SIS), "Northern Intermittent Stream" (NIS) and Pump Station Stream (PSS) (see map showing NIS and PSS). These streams were delineated by Soil and Environmental Consultants (S&EC) staff and evaluated by both the

US Army Corps of Engineers (USACE) and the Division of Water Quality (DWQ) on multiple occasions, most recently during a site visit held on March 10, 2009. The DWQ confirmed that both streams are surface waters to the Randleman Lake Water Supply Watershed and are subject to buffer rules. A portion of the NIS was determined to be a perennial stream by the USACE and DWQ.

The NIS enters a reinforced concrete pipe just prior to the landfill, is piped under the existing landfill and eventually outlets into the Deep River/Randleman Lake reservoir east of the site. A video survey of the piped section of the NIS revealed that a significant amount of landfill leachate and ground water enter this section through leakage at the pipe joints.

Remedial investigations at the site have documented the presence of chlorinated and non-chlorinated hydrocarbon compounds in soils, leachate and ground water. Site-related compounds of concern include volatile organic compounds (VOCs; including, for example, 1,4 Dioxane, classified by the International Agency for Research on Cancer (IARC) as a Group 2B carcinogen), semi-volatile organic compounds (SVOC), pesticides and metals. The remedial design consists of ground water extraction and treatment in combination with institutional controls including site access control, recorded land use restrictions and restriction of water supply well construction. The proposed remedy will prevent movement of contaminants into the waters of the Deep River and Randleman Lake reservoir and prevent exposure to the impacted soils and groundwater at the site.

Description of Request:

In accordance with the Remedial Action Settlement Agreement (December 2008), the applicant proposes to reroute the headwaters of the NIS and permanently close the inlet structure (pipe) that runs under the landfill. To accomplish this the elevation of the headwaters area will be raised by the addition of clean fill material. Approximately twenty feet of clean fill will be placed in the headwaters area to raise the ground surface elevation to approximately 770 feet mean sea level (msl). This will allow the surface water flowing from the NIS drainage basin to be diverted to the northeast to join the PSS. A 36" reinforced concrete pipe running parallel to the pump station entrance drive will be used to bypass NIS flows to the PSS. A rock lined plunge pool will be constructed at the confluence of the bypassed NIS pipe and the PSS to ensure safe passage of these flows into the PSS. The proposal results in the following impacts:

Surface Water Buffer Impacts Proposed (Table A)

Stream	Zone 1 (sf)	Zone 2 (sf)	Total (sf)
NIS	16,288	13,714	30,002
PSS	1,243	766	2,009
Total	17,531	14,480	32,011

No built-upon area (BUA) is proposed within the impacted areas. The vegetation within the areas will be removed to reroute the stream.

Required Findings of Fact:

To approve a major variance to the standards and restrictions of Chapter 7, Article A (Watershed Protection Overlay Districts) of the City Development Ordinance, City Council is required to make the following findings of fact: 1) There are practical difficulties or unnecessary hardships that would result from carrying out the strict letter of the Ordinance; 2) The spirit of the Ordinance is preserved; and 3) Public safety and welfare is assured and the granting of the variance will do substantial justice.

To address these requirements the applicant's submittal states the following conclusions.

- 1)
 - a. There is no other practical, long term method to relocate the NIS flow around the landfill and as such it would be necessary to allow the steam to continue flowing under the landfill through the existing pipe.
 - b. A new pipe would need to be inserted inside the existing pipe or the existing pipe would need to be lined. Both methods require a greater level of maintenance and monitoring and have a higher risk of failure and allowance of the contaminated leachate to enter the NIS and reservoir than the proposed relocation. Also, either method would require a more complicated plan to collect the contaminated leachate from the landfill.
 - c. The plan has been approved by DENR as outlined in the Remedial Action Settlement Agreement and any change to this agreement and other required approvals, requiring modifications to the agreement and approvals and therefore would delay the remedial actions ordered by the State.
- 2) The general purpose, intent and spirit of the Ordinance are to protect water quality in the Randleman Lake watershed through the protection and maintenance of riparian areas and surface waters, in conformance with the State Randleman Lake Water Supply Watershed rules. The intent of protecting the riparian buffers is to maintain their ability to aid in the filtration and treatment of stormwater runoff by removing nutrients and sediment.

The proposed actions are in harmony with these rules in that the purpose of the actions is to protect the drinking water supply from hazardous compounds, including 1,4 Dioxane and other VOCs. Granting the variance will protect water quality to a greater extent than permitting the current conditions to continue.

Any benefit from the existing riparian buffers is immediately lost as soon as the NIS enters the existing pipe under the landfill where leachate from the landfill carrying known hazardous compounds currently leaks into the pipe and discharges into the water supply reservoir. Any development above the new NIS inlet and on Mr. Cash's property will be required to comply with City ordinances to ensure proper stormwater management and treatment prior to entering the NIS.

The minor impacts proposed to the PSS should not be a concern in that the quality of this riparian buffer is already substantially degraded. The buffer is currently receiving sediment rich runoff directly from the pump station entrance drive. It only contains a

few small trees, has been maintained and modified in the past and is essentially bypassed and not functioning fully.

- 3) Granting this variance will protect the drinking water supply from hazardous compounds that are currently leaching from the existing landfill directly into the Deep River and Randleman Lake. It would also allow for the implementation of the remedial action plan for the landfill and former Seaboard Chemical facility as ordered by DENR and thereby ensure that substantial justice for the citizens of High Point and North Carolina is done. If the variance is not granted, the implementation of the remedial action plan would at best be delayed, potentially resulting in a greater health risk to the public drinking water supply.

Analysis:

Without rerouting the NIS the proposed treatment system, which meets the Remedial Action Plan (see objectives in Variance Request Pg. 4 of 7), will not be capable of effectively treating the volume of contaminated water that would be generated during significant storm events due to leachate continuing to be allowed to commingle with the surface water.

Watershed Review Committee Recommendation:

The City's Watershed Review Committee (WRC) has reviewed the proposal. The WRC supports the arguments and evidence presented by the applicant to allow the disturbance of the stream buffers for a length of 208 linear feet resulting in buffer disturbance areas as outlined in Table A (above).

Staff's findings are based on the belief that the applicant's proposal is the best option to allow for the safe bypass of the NIS flows around the contaminated landfill, thereby better protecting the drinking water supply. It would also allow for the implementation of the remedial action plan as order by DENR to remove the identified hazardous compounds, including 1, 4 Dioxane and other hazardous VOCs, from the site.

Staff recommends approval subject to the following conditions:

1. Issuance of the applicable 404/401 permits.
2. Stream restoration plans or mitigation as required by the Division of Water Quality be obtained.
3. A revised watershed development plan approved by the Technical Review Committee (TRC) prior to disturbance within the buffer area.

Attachments: Location Map
2008 Aerial
Photos of the existing site (Numbered 1-5)
Applicant's Variance Request and Findings of Fact
Sheets 1-3 (Stream rerouting plans)



Photo #1 – Northern intermittent stream (NIS).



Photo #2 – Northern intermittent stream (NIS) where it enters a pipe under the abandoned landfill.



Photo #3 – Pump Station Stream (PSS) where the rerouted NIS will discharge. The pipe shown in the picture will be removed.

**DEPARTMENT OF PLANNING AND DEVELOPMENT
INSPECTION SERVICES
HOUSING ENFORCEMENT DIVISION**

ORDINANCE

REQUEST: Ordinance to Demolish

PROPERTY

ADDRESS: 526 White Oak Street

OWNER: Emmanuel Wallace

FIRST

INSPECTION: Number of Violations: Unsafe 4, Minor 21
5-7-2009 * damage to foundation wall *no smoke detector
* no heating system
*several broken windows/glass

HEARING

RESULTS: Dwelling substandard; owner did not appear for hearing
5-26-2009

ORDER(S)

ISSUED: Order to Repair or Demolish (90-day)
5-26-2009 compliance date of 8-26-2009

APPEALS: None

OWNER

ACTIONS: no actions taken

STATUS OF

CLOSED DWELLINGS:
10-26-2009 Vacant, no permits or repairs

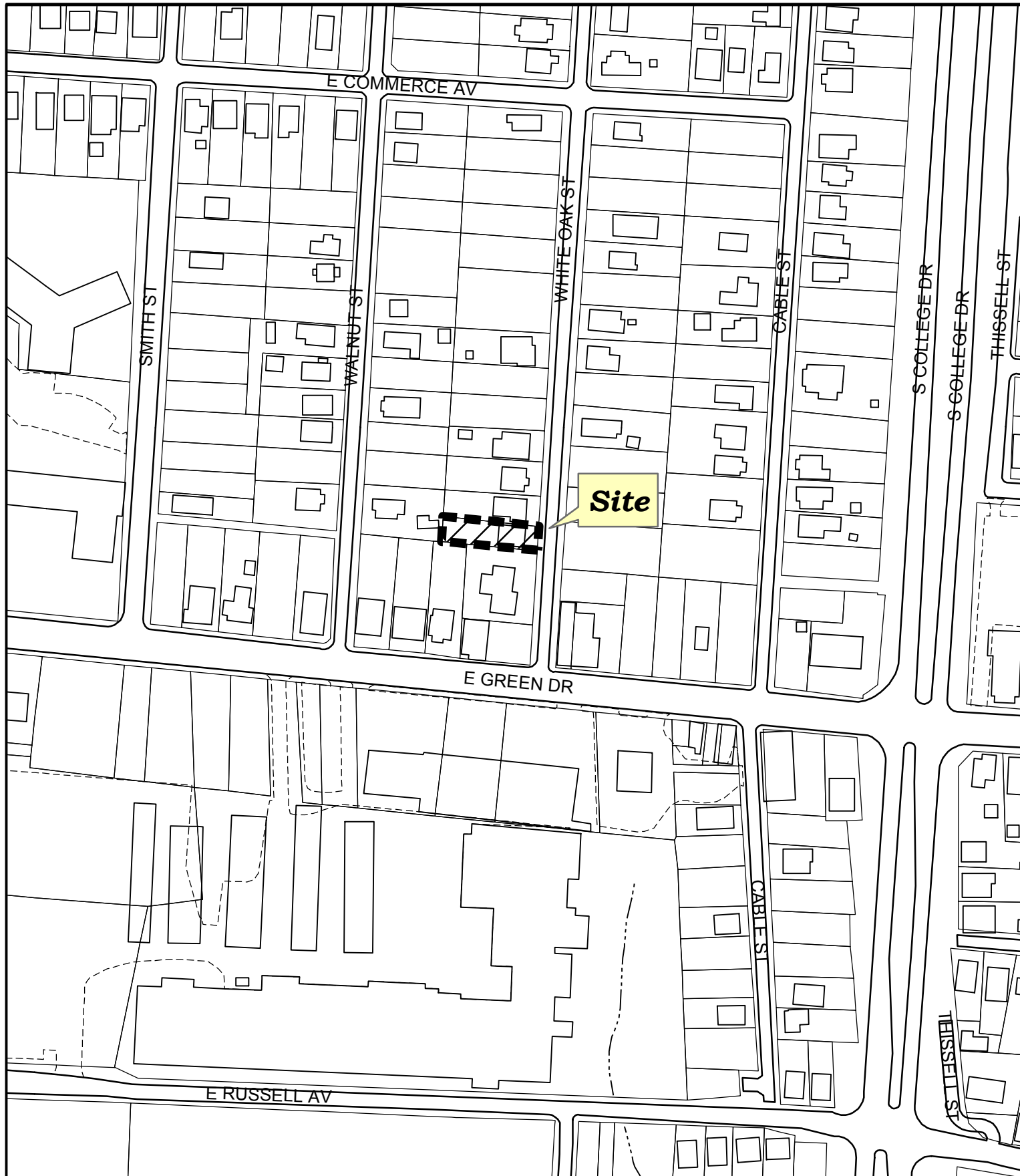
COMPLIANCE

DATE STATUS: Conditions still exist
8-26-2009

EXTENSIONS: none requested

STAFF COMMENTS: Guilford County Tax \$30,100
Estimated Repairs \$26,500

*Dwelling has been vandalized and continues to be a place of loitering and illegal activity.



526 White Oak Street

Ordinance to Demolish



Location of subject property

**Department of Planning
and Development**

City of High Point

Date: October 26, 2009



Scale: 1"=200'

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ord-demo.mxd



526 White Oak Street

**DEPARTMENT OF PLANNING AND DEVELOPMENT
INSPECTION SERVICES
HOUSING ENFORCEMENT DIVISION**

ORDINANCE

REQUEST: Ordinance to Demolish

PROPERTY

ADDRESS: 1100 Jefferson Street

OWNER: Bank of America: Trustee for EMC Mortgage Loans

**FIRST
INSPECTION:** Number of Violations: Unsafe 13_Minor 41
3-27-2009 **extensive fire damage**

HEARING

RESULTS: Dwelling substandard; owner did not appear for hearing
4-21-2009

ORDER(S)

ISSUED: Order to Repair or Demolish (90-day)
4-21-2009 compliance date of 7-21-2009

APPEALS: None

OWNER

ACTIONS: no actions taken

STATUS OF

CLOSED DWELLINGS:
10-26-2009 Vacant, no permits or repairs

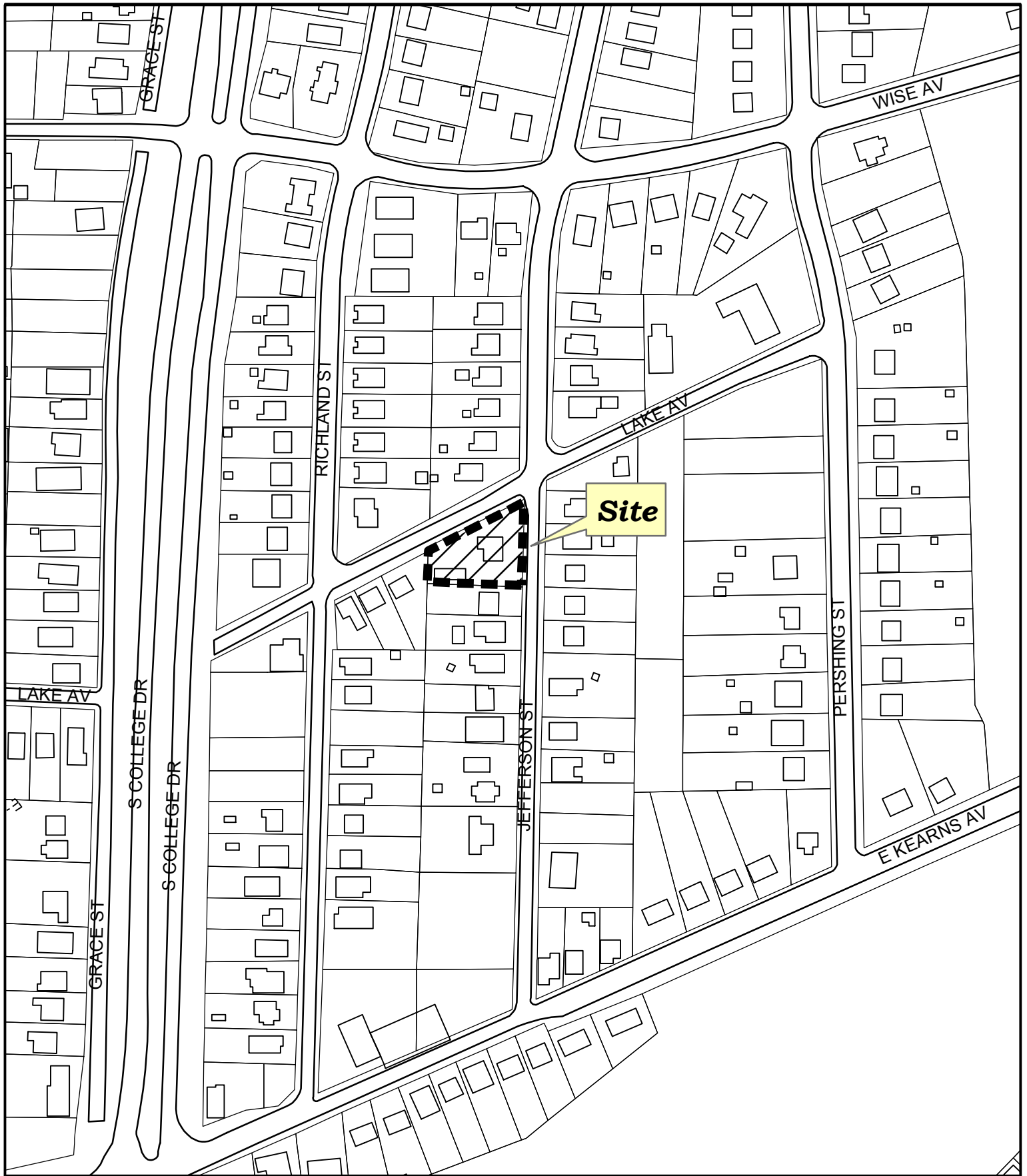
COMPLIANCE

DATE STATUS: Conditions still exist
7-21-2009

EXTENSIONS: none requested

STAFF COMMENTS: Guilford County Tax \$44,200
Estimated Repairs \$30,050

*Dwelling has been secured by the city. Property has been cited for three (3) public nuisance violations, twice being abated by the city.



1100 Jefferson Street

Ordinance to Demolish



Location of subject property

**Department of Planning
and Development**

City of High Point

Date: October 26, 2009



Scale: 1"=200'

y:/ba-pz/Inspections/
ord-demo.mxd



1100 Jefferson Street



1100 Jefferson Street