

City of High Point

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



Meeting Agenda

Monday, May 18, 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

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

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

090104**Contract - Bid No. 49 - Polymer for Eastside Wastewater Treatment Plant**

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

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

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

090106**Contract - Bid No. 45 - Tub Grinder for Ingleside Compost Facility**

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

090107**Resolution - NCMPA1 Energy Star Home Rebate Program**

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

090108**Condemnation Proceedings - 1011 Charlotte Avenue - Charlotte Avenue Storm Water Project**

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

090109**Condemnation Proceedings - 806 Old Winston Road - Old Winston Road Improvement Project**

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

090120**Airport Connector Contracts**

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

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***090110****Ordinance - Demolition of Structure - 618 Cable Street**

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

090111**Ordinance - Demolition of Structure - 309 Park Street**

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

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*

090121**Second Reading - WCA of High Point, LLC - Modification of a Franchise for a Sanitary Landfill**

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

090112**Resolution of Intent - Street Abandonment 09-12**

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

090113**Resolution of Intent - Street Abandonment 09-13**

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

090114**Planning & Zoning Member Attendance - Jay Wagner**

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

PUBLIC HEARINGS ON ITEMS - 5:30 P.M.**Planning & Development Committee****090115****Ordinance - Text Amendment 09-03 - CHP - "Environmental Regulations"**

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

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

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

090117**Resolution - Street Abandonment 09-09 - CHP**

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

090118**Resolution - Street Abandonment 09-10 - CHP**

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

090119**Resolution - Street Abandonment 09-11 - CHP**

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

ADJOURNMENT

PLANNING AND ZONING COMMISSION RECOMMENDATION

On April 28, 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 for Mr. Jay Wagner.

City of High Point

Text Amendment Case 09-03

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

Mr. Morris presented this request and recommended approval of the case as outlined in the staff report.

No one spoke in opposition.

The Planning & Zoning Commission recommended ***approval***, by a vote of 8-0, of Text Amendment Case 09-03.

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

**STAFF REPORT
TEXT AMENDMENT CASE 09-03
April 28, 2009**

Request	
Applicant: City of High Point	Affected Ordinance Sections: Chapter 7, Article A, Watershed Protection; Section 9-9-10, entitled <i>Modifications</i> , subsection (d), <i>Sections Affected</i> .
Proposal: A request by the city of High Point to include the Lake Thom-a-Lex Watershed within the City's jurisdiction as a regulated watershed and to clarify language in two sections of Development Ordinance.	

Background

The new annexation agreement between High Point and Kernersville, adopted in June 2007, added approximately 2,500 acres to High Point's planning area. A substantial portion of this acreage, essentially all property lying west of NC Highway 66, is in the Abbott's Creek drainage. This watershed drains to Lake Thom-a-Lex, which supplies drinking water to Thomasville and Lexington. The North Carolina Environmental Management Commission classifies this drainage as a WS-III water supply watershed. High Point must regulate the area under both the requirements of drinking water supply regulations and those of NPDES Phase II.

Details of Proposal

Six of the proposed eight changes to the Watershed Protection regulations add a reference to the Lake Thom-a-Lex Watershed to all sections of Chapter 7, Article A, Watershed Protection of the Development Ordinance which list regulated watersheds by name rather than addressing them collectively. Sections one and eight are not substantive changes but are rather for the purpose of clarification.

Analysis

Sections one and eight of the proposed amendment make the language in these two sections of the ordinance easier to understand and interpret. Sections two through seven of the proposed amendment needed as a result of High Point's acquiring additional planning area under the 2007 annexation agreement with Kernersville. This additional planning area includes property in the Lake Thom-a-Lex Watershed, which is a water supply watershed and thus is required by the State of North Carolina to be regulated.

Recommendation

Staff recommends approval.

This recommendation is primarily based on the fact that the City must follow state requirements in administering watershed protection regulations.

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 conclusions 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 conclusions as written in this report, by adopting the staff's conclusions with additions or changes as agreed upon by the Council, or, if the Council is in disagreement with staff's conclusions, 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) six of the proposed amendments are required by the State of North Carolina; and 2) two of the amendments render the affected sections easier to understand. 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 Gregg Morris, AICP, Senior Planner, and reviewed by Robert Robbins, AICP, Development Services Administrator, and G. Lee Burnette, AICP, Planning and Development Department Director.

**TEXT AMENDMENT 09-03
PROPOSED AMENDMENTS TO THE CITY OF HIGH POINT
DEVELOPMENT ORDINANCE**

Text amendment regarding: the inclusion of the Lake Thom-a-Lex Watershed in the Watershed Protection ordinance; exemptions from Watershed Regulations; and Watershed Modifications.

Section 1.

Section 9-7-5, entitled *General Standards and Restrictions*, Table 7-5-2, *Minimum Stormwater Controls Required in the Watershed Critical Area*, is hereby amended to reword footnote 3. The meaning remains the same.

**TABLE 7-5-2
MINIMUM STORMWATER CONTROLS REQUIRED
IN THE WATERSHED CRITICAL AREA**

Watershed	Density/Built-Up-on Area		Minimum Stormwater Control Required
	Residential	Multifamily and Nonresidential	
ALL water supply watersheds EXCEPT Randleman Lake	≤ 1 du/2 acre	≤ 6% built-upon area	None
	≤ 2 du/acre	≤ 24% built-upon area	Alternate measures ¹
	N/A	> 24% built-upon area	Engineered stormwater controls ²
Randleman Lake	≤ 1 du/2 acre	≤ 6% built-upon area	None
	> 1 du/2 acre ³	> 6% built-upon area ³	Engineered stormwater controls ²

1. Alternate measures in accordance with Section 9-7-5(b)(2).

2. Engineered stormwater controls in accordance with Section 9-7-5(b)(3).

3. ~~In Tier 4, residential development > 1 du/2 acres and ≤ 1 du/acre and multifamily and nonresidential development > 6% and ≤ 12% built-upon area may use alternative measures in accordance with Section 9-7-5(b)(2) in lieu of engineered stormwater controls.~~

3. In Tier 4, residential development > 1 du/2 acres and ≤ 1 du/acre may use alternative measures in accordance with Section 9-7-5(b)(2) in lieu of engineered stormwater controls. Multifamily and nonresidential development > 6% and ≤ 12% built-upon area may do the same.

Section 2.

Section 9-7-1, entitled *Applicability*, subsection (b), *Jurisdiction*, is hereby amended to include the Lake Thom-a-Lex Watershed as a regulated watershed.

(b) JURISDICTION

The requirements of this Article shall apply to all property within the city of High Point and its extraterritorial jurisdiction and to properties annexed and zoned after the effective date of this Article including both water supply watersheds and

non-water supply watersheds. National Pollutant Discharge Elimination System (NPDES) Phase II stormwater regulations apply jurisdiction-wide and are overlaid by districts that regulate development in water supply watersheds, including the separate General Watershed Areas (GWA) and Watershed Critical Areas (WCA) of Oak Hollow Lake, City Lake, Oakdale Reservoir, Randleman Lake, and the Uwharrie (Lake Reese) **and Lake Thom-a-Lex** watersheds.

Section 3.

Section 9-7-2, entitled, *Incorporation of Watershed Map*, subsection (a), *Incorporation of Watershed Map*, is hereby amended to include the Lake Thom-a-Lex Watershed.

(a) INCORPORATION OF WATERSHED MAP

This subsection incorporates by reference the High Point Watershed Map, dated July 1, 1993, and any amendments thereto, showing Watershed Critical Areas, General Watershed Areas, Downtown Area, the Deep River 1 Sub-basin, the Richland Creek Sub-basin and the Business 85/Riverdale Sub-basin within the city's existing and future jurisdiction (planning jurisdiction) of the following water supply watersheds: Oak Hollow Lake, City Lake and Oakdale Reservoir (Jamestown), which are classified as WS-IV Critical Water Supply Watersheds by the North Carolina Environmental Management Commission (EMC); Randleman Lake, which is also classified as WS-IV Critical Water Supply Watershed by the EMC; the Uwharrie (Lake Reese), which is classified as WS-III by the EMC; **and the Lake Thom-a-Lex Watershed, which is also classified as WS-III by the EMC.** The remaining part of the jurisdiction is the non-water supply watershed that is subject to the National Pollutant Discharge Elimination System Phase II requirements, which apply jurisdiction-wide.

Section 4.

Section 9-7-6, entitled *Water Supply Overlay District Descriptions and Boundaries*, subsection (a), *General Watershed Overlay District*, is hereby amended to include the Lake Thom-a-Lex Watershed.

(a) GENERAL WATERSHED AREA OVERLAY DISTRICT

The General Watershed Area (GWA) is an overlay district that includes all land draining into designated water supply reservoirs within the city's jurisdiction, but outside any Watershed Critical Area Overlay District. Reservoirs designated for purposes of the Article are Oak Hollow Lake, City Lake, Oakdale Reservoir (Jamestown), Randleman Lake, and Uwharrie (Lake Reese) **and Lake Thom-a-Lex.**

Section 5.

Section 9-7-7, entitled *General Watershed Overlay District (GWA Standards and Restrictions*, subsection (b)(3), *Built-Upon Area Limits in the Uwharrie (Lake Reese) Watershed*, is hereby amended to include the Lake Thom-a-Lex Watershed.

- (3) **Built-Up Area Limits in the Uwharrie (Lake Reese) Watershed and the Lake Thom-a-Lex Watershed:** Uwharrie (Lake Reese) is **and Lake Thom-a-Lex are** classified as a WS III water supply watershed, and development in a WS-III General Watershed Area (GWA) Overlay District shall not exceed 50% built-upon area, except as otherwise provided in this Subsection.
- a. Ten percent of the local jurisdiction's portion of the Uwharrie (Lake Reese) Watershed **and the Lake Thom-a-Lex Watershed**, as ~~delineated on the adoption date of this Article (July 1, 1993)~~, may be developed with new nonresidential development at up to 70% built-upon area.

Section 6.

Section 9-7-9, entitled *Individual Water Supply Watersheds*, is hereby amended by adding a new Subsection 9-7-9(f) to include the Lake Thom-a-Lex Watershed.

(f) LAKE THOM-a-LEX

Built-Up Area Limits in the Lake Thom-a-Lex Watershed: Development in a WS-III General Watershed Area (GWA) Overlay District shall not exceed 50% built-upon area, except as otherwise provided in this Subsection.

- (1) **Ten percent of the local jurisdiction's portion of the Lake Thom-a-Lex Watershed may be developed with new nonresidential development at up to 70% built-upon area.**
- (2) **Allocation shall be made on a first come, first served basis. An allocation shall be assigned when a building permit for the site is issued, site plan is approved, or the preliminary subdivision plat for a development is approved. Expiration of a building permit, site plan approval, or preliminary plat approval shall terminate the allocation under this Subsection.**

Section 7.

Section 9-7-10, entitled *Watershed Accounting*, subsection (c), *10/70 Provision*, is hereby amended to include the Lake Thom-a-Lex Watershed.

(c) 10/70 PROVISION

The Enforcement Officer shall keep records on the city's use of the provision allowing a maximum of 10% of the GWA of the Uwharrie (Lake Reese) Watershed **and the Lake Thom-a-Lex Watershed** to be developed with a maximum of 70% built-upon area. Records for the watershed shall include the total area of the watershed's GWA, total acres eligible to be developed under this provision, total acres approved for development under this provision, and

individual records for each project with the following information: location, number of developed acres, type of land use and stormwater management plan. Development under this provision requires engineered stormwater controls.

Section 8.

Section 9-9-10, entitled *Modifications*, subsection (d), *Sections Affected*, is hereby amended to delete references to specific Subsections of Chapter 7, Article A and to reference instead the entire Article.

(d) SECTIONS AFFECTED

(32) ~~Subsection 9-7-3(a)(2): Development on the Best Soils and Terrain~~
Chapter 7 Environmental Regulations Article A, Watershed Protection - Any provision of this Article with standards higher or more restrictive than the State EMC's rules not including permitted or prohibited land uses.

~~(33) Subsection 9-7-3(c): Surface Water Buffers~~

~~(34) Subsection 9-7-3(d): Slope and Buffer Protection~~

~~(35) Subsection 9-7-5: General Standards and Restrictions~~

~~(36) Subsection 9-7-5(a)(1): Low Density Development~~

~~(37) Subsection 9-7-8(a): Protection of Fragile Areas in a Watershed Critical Area Overlay District~~



MEMORANDUM

TO: Mayor and City Council

FROM: JoAnne Carlyle

RE: Condemnation – May 18, 2009 Agenda
Old Winston Road Improvement Project
806 Old Winston Road

DATE: April 6, 2009

This is to request authorization to begin condemnation proceedings on the property described in Deed Book 4112, at Page 217 of the Guilford County Registry located at 806 Old Winston Road, High Point, NC

On April 6, 2009 the property owners were mailed a certified letter giving them 30 days notice of our intention to begin condemnation proceedings. A copy of this letter and a map showing the area in question is attached.

I will be glad to answer any questions you may have regarding these properties.

Right of Way

Henry T. Moon, III
RIGHT OF WAY AGENT



MEMO

April 6, 2009

To: Fred Baggett

From: Henry T. Moon

Henry T. Moon

Subject: 806 Old Winston Road---condemnation

Please send the required notice of condemnation to Mr. and Mrs. Howard in regard to a partial acquisition of property, for consideration by the Council at their May 18th meeting.

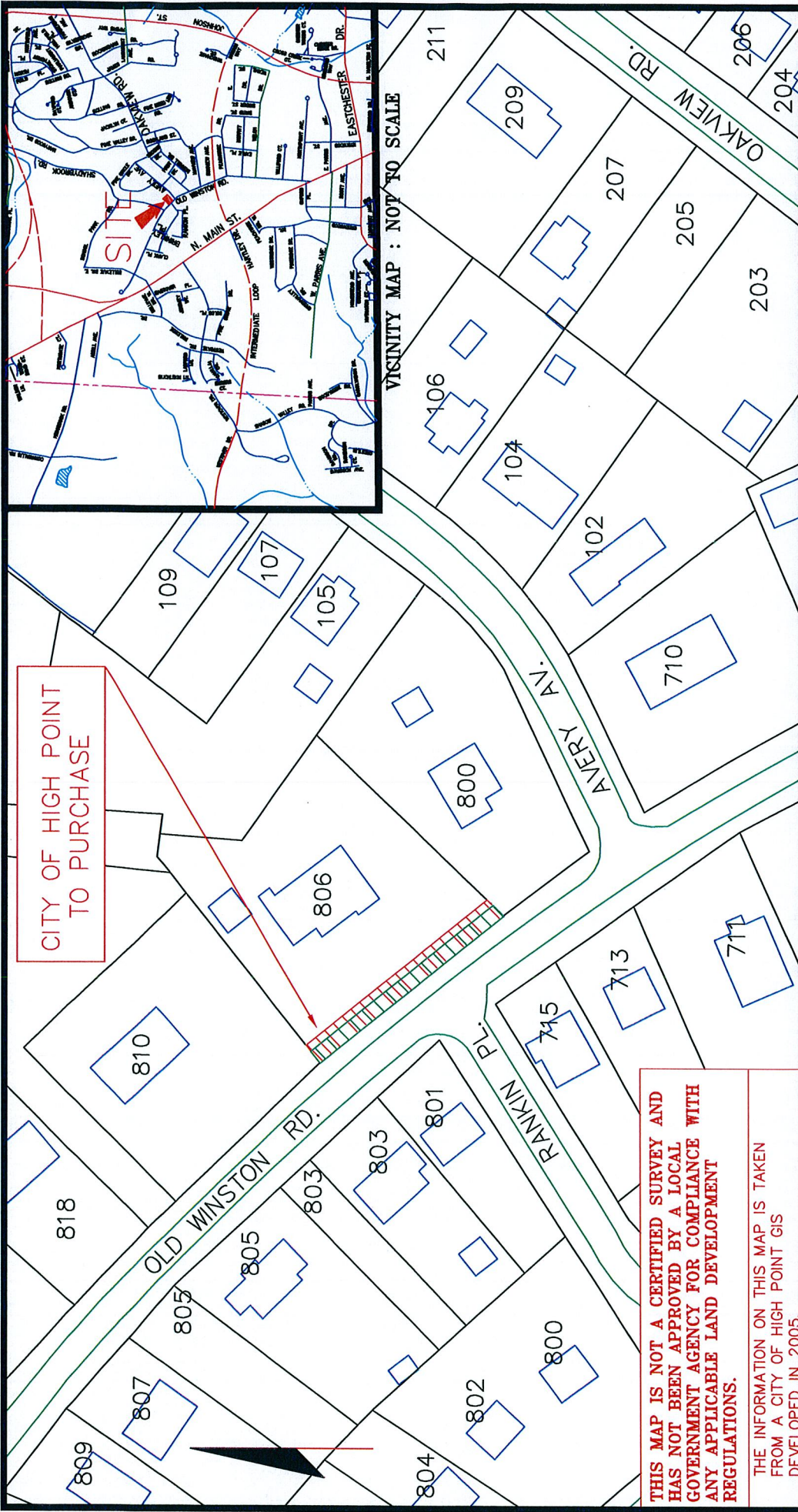
The consideration offered is \$3,635 for easements needed for the Old Winston Road improvement project.

Please send the notice to them at 3515 Woodview Drive, High Point, 27265.

Attached find copies of the three easements needed, their deed and tax sheet. I will have the Council map next week.

If you have any questions, please advise.

Cc: Cindy Smith ✓
Randy McCaslin



CITY OF HIGH POINT
TO PURCHASE

THIS MAP IS NOT A CERTIFIED SURVEY AND
HAS NOT BEEN APPROVED BY A LOCAL
GOVERNMENT AGENCY FOR COMPLIANCE WITH
ANY APPLICABLE LAND DEVELOPMENT
REGULATIONS.

THE INFORMATION ON THIS MAP IS TAKEN
FROM A CITY OF HIGH POINT GIS
DEVELOPED IN 2005.

CITY OF HIGH POINT NORTH CAROLINA	PURCHASE OF PROPERTY FOR THE OLD WINSTON ROAD PROJECT		
ENGINEERING SERVICES DEPARTMENT	WAYNE J. HOWARD, ET UX 806 OLD WINSTON ROAD 291 SF OF RIGHT OF WAY 1375 SF OF TEMPORARY CONSTRUCTION EASEMENT 2325 SF OF UTILITY EASEMENT		
SCALE: N.T.S.	BY: MBN	PROJECT: S00001	DATE: Apr. 2009

Assistant City Attorney

JoAnne L. Carlyle



April 6, 2009

NOTICE OF CONDEMNATION

Mr. and Mrs. Wayne J. Howard
3515 Woodview Drive
High Point, NC 27265

VIA CERTIFIED MAIL
7099 3400 0014 1265 1491

RE: Notice of Intent to Institute Condemnation Proceedings Under G.S. 40A-40.

General Description of property is as follows:

Being a portion of the property described in Deed Book 4112, Page 217 located at 806 Old Winston Road

Dear Mr. and Mrs. Howard:

Previously, you have been contacted by representatives of the City of High Point for the purpose of negotiating the purchase of property described above. These representatives of the City have been unable to date to reach an agreement with you on the issue of just compensation for the property.

This letter serves as official notice under Chapter 40A of the North Carolina General Statutes that the City of High Point intends to institute an action to acquire by condemnation the above-referenced real property in which you have or may have an interest. This legal action will not be filed less than 30 days from the date of this letter.

The purpose for which this property is to be condemned is the following public project: Old Winston Road Improvement Project

The City has estimated the amount of \$3,635.00 to be just compensation for the property.

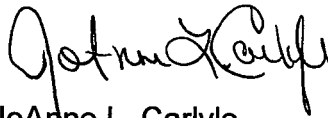
City of High Point, P.O. 230, 211 South Hamilton Street, High Point, NC 27261 USA
Phone: 336.883-3301 Fax: 336.883.2129
E-mail: joanne.carlyle@highpointnc.gov

This is to advise you that we will request City Council to authorize institution of legal proceedings to condemn this property at its regular meeting to be held on May 18, 2009 at 4:45 p.m. in City Council Chambers at 211 South Hamilton Street, High Point, N.C. You are welcome to attend this meeting.

This notice does not constitute a taking or condemnation of any interest in the above-referenced property. No taking will occur until a condemnation action is actually instituted and such will not be instituted for at least thirty (30) days from the date of this notice, but may be instituted at any time after authorization by the City Council. As owners of the property, you have the right to commence an action for injunctive relief and the right to answer the complaint after it has been filed. You are advised to consult an attorney concerning your rights.

We regret that you and officials of the City have been unable to negotiate the purchase of this property interest. If you have any questions, you may wish to contact the undersigned at the address and telephone number set forth below.

Yours very truly,

A handwritten signature in black ink, appearing to read "JoAnne L. Carlyle".

JoAnne L. Carlyle
Assistant Attorney for the City of High Point
P.O. Box 230
High Point, NC 27261
Telephone: (336) 883-3301

JLC:ds

PLANNING AND ZONING COMMISSION RECOMMENDATION

On April 28, 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 for Mr. Jay Wagner.

City of High Point

Street Abandonment Case 09-11

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

Mr. Schroeder presented this request and recommended approval of the case as outlined in the staff report.

No one spoke in opposition.

The Planning & Zoning Commission recommended ***approval***, by a vote of 8-0, of Street Abandonment Case 09-11.

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

**STAFF REPORT
STREET ABANDONMENT CASE 09-11
April 28, 2009**

Request	
Applicant: City of High Point Technical Review Committee	Proposal: Abandonment of an unnamed right-of-way, lying north Baker Road, between Ethel Avenue and Cox Avenue.

Adjacent Streets		
Name:	Classification:	R/W and Pavement Width:
Baker Road	Major Thoroughfare	60 ft. R/W and 22 ft. ribbon
Unnamed Road	None	14 ft. R/W and no improvements

Adjacent Property Zoning and Current Land Use		
North:	Light Industrial (LI)	Warehouse / Manufacturing
South:	Residential Multi-Family (RM-8)	Major Thoroughfare (Baker Road)
East:	Light Industrial (LI)	Auto Repair (body work)
West:	Light Industrial (LI)	Single-family Residence

Analysis

The unnamed right-of-way considered for abandonment contains approximately 0.25 acres in area (approximately 14 feet wide by 780 feet in length). The right-of-way contains no improvements. All properties to the east of the proposed abandonment are in one ownership and all properties west of the proposed abandonment are in one ownership. The area closest to Baker Road appears to be maintained as a garden while the remainder of the right-of-way is wooded. The right-of-way is not necessary to provide access to the abutting lots nor is it of adequate width to improve to city standards.

Findings

The TRC reviewed this request on December 17, 2008 and identified no issues that would prevent its abandonment. An early notice was sent to the abutting property owners in March 27, 2009. The owner of Mike's Paint and Body Shop, Mike Cline, did contact the city, and after a brief discussion expressed no concerns related to the abandonment.

The abandonment of the public's interest and conveyance of the right-of-way to the abutting property owner as regulated will not deny the abutting property owner reasonable access to their property.

Recommendation

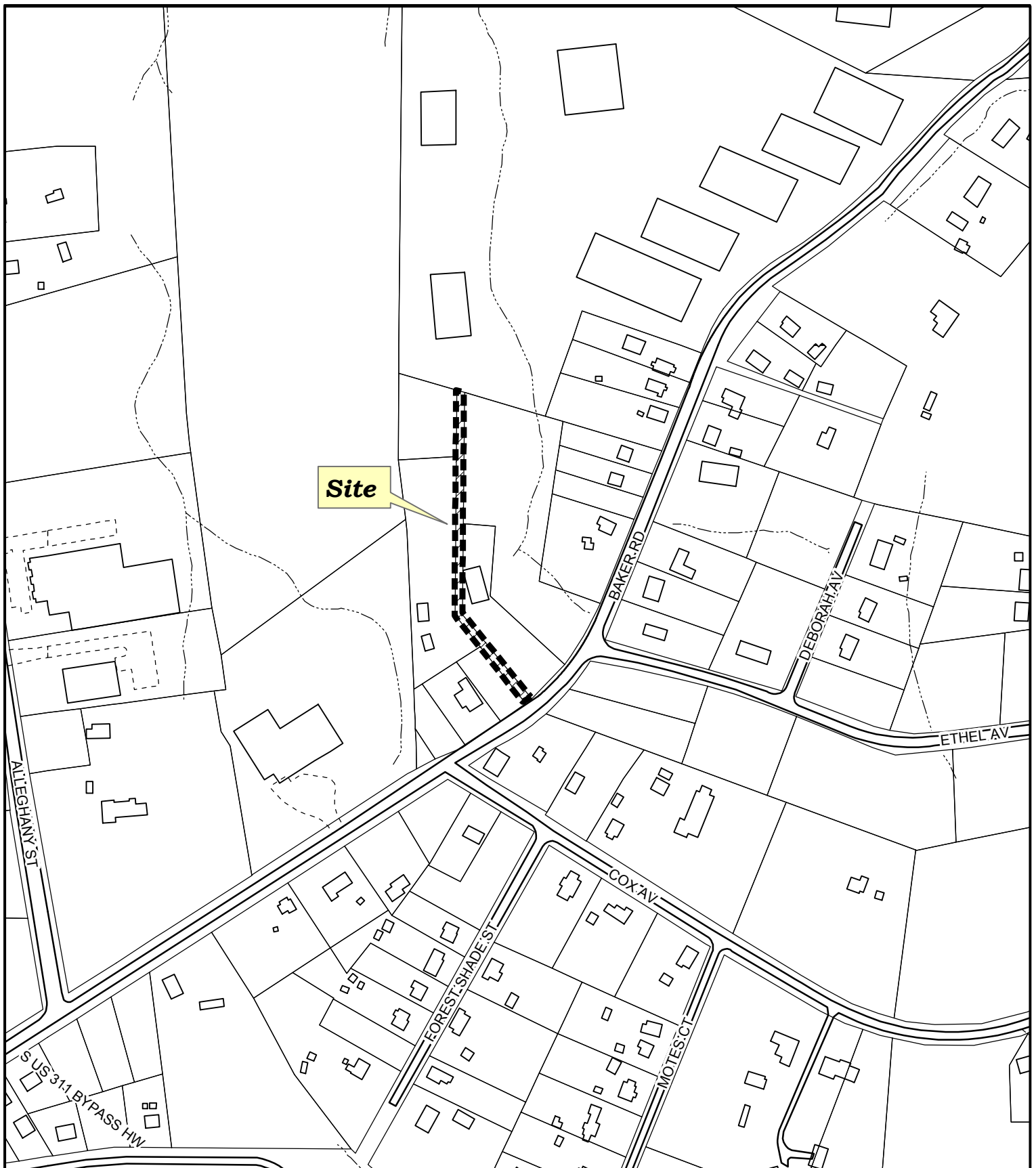
The Planning and Development Department recommends approval of the requested street right-of-way abandonment based on preliminary findings that it is not contrary to the public interest, and that no property in the vicinity of the street abandonment would be deprived of reasonable means of ingress or egress.

Report Preparation

This report was prepared by Planning and Development Department staff member Mark Schroeder AICP, and reviewed by Bob Robbins AICP and Lee Burnette AICP.

Attachments:

- 2 Photographs
- 1 Aerial with annotation



STREET ABANDONMENT REQUEST SA09-11

Applicant: Technical Review Committee

Area: 0.25 acres



Location of requested street abandonment

**Planning & Development
Department**

City of High Point

Date: April 20, 2009



Scale: 1"=300'

y:/ba-pz/2009/pz/sa09-11.mxd

Attachments: Photographs (April, 2009) and Aerial (February, 2008)



Looking north from Baker Road #1.



Looking north from Baker #2



Aerial with the abandonment area highlighted.

EXHIBIT C

Resolution authorizing condemnation to acquire a portion of certain property in connection with the Old Winston Road Improvement Project.

WHEREAS, the City Council of the City of High Point hereby determines that it is necessary and in the public interest to acquire a portion of that certain property located at 806 Old Winston Road.

WHEREAS, the proper officials or representatives of the City of High Point have been unable to acquire the needed interest in this property by negotiated conveyance; and

WHEREAS, it is deemed in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said property and that the Director of Finance issue a draft to the Clerk of Superior Court as just compensation to the owner in the amount of \$3,635.00.00;

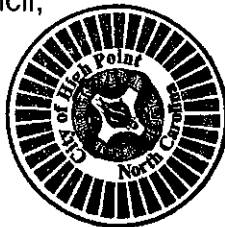
NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT THAT:

1. the City of High Point shall acquire by condemnation, for the purposes stated above, the property and interest described as follows;

title to a portion of that certain property located at 806 Old Winston Road, High Point, N. C., described in Deed Book 4112 at Page 217, in the office of the Register of Deeds of Guilford County.
2. the City Attorney of the City of High Point is hereby directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the said property;
3. the Director of Finance is hereby authorized to issue a draft in the amount of \$3,635.00 to the Clerk of Superior Court as just compensation to said owners, payment to be made from Account No. 411610 531202 411001006740 40211.

Adopted by City Council,
this 18th day of
May, 2009.

Lisa B. Vierling
City Clerk





MEMORANDUM

TO: Mayor and City Council

FROM: JoAnne Carlyle

RE: Condemnation – May 18, 2009 Agenda
Charlotte Avenue Storm Water Project
1011 Charlotte Avenue

DATE: April 6, 2009

This is to request authorization to begin condemnation proceedings on the property described in Deed Book 2851, at Page 396 of the Guilford County Registry located at 1011 Charlotte Avenue, High Point, NC

On April 6, 2009 the property owners were mailed a certified letter giving them 30 days notice of our intention to begin condemnation proceedings. A copy of this letter and a map showing the area in question is attached.

I will be glad to answer any questions you may have regarding these properties.

Right of Way

Henry T. Moon, III
RIGHT OF WAY AGENT



MEMO

April 6, 2009

To: Fred Baggett

From: Henry T. Moon

Hen T Moon

Subject: 1011 Charlotte Ave.---Condemnation

Please send the required notice of condemnation to Mr. and Mrs. Howard in regard to the referenced property for consideration by the Council at their May 18th meeting.

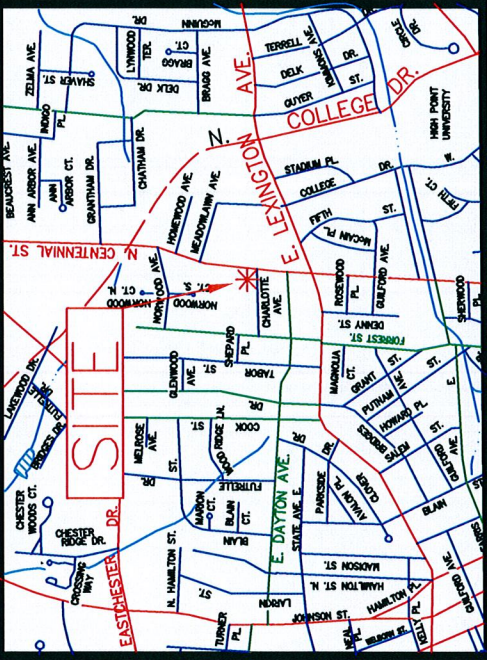
The appraisal amount is \$55,000. Service should be at 3515 Woodview Drive, High Point, 27265

Their property is needed for the Charlotte Ave. storm water project. Mr. Richard McMillan and I will be at the Finance and Council meeting to answer questions on May 18th.

Attached find a copy of the deed, Council map and tax map. This is a total take.

If you have any questions, please advise.

Cc: Cindy Smith ✓
Richard McMillan
Pat Pate



CITY OF HIGH POINT
TO PURCHASE

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN APPROVED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.

THE INFORMATION ON THIS MAP IS TAKEN FROM A CITY OF HIGH POINT GIS DEVELOPED IN 2005.



CITY OF HIGH POINT
NORTH CAROLINA

PURCHASE OF PROPERTY

ENGINEERING SERVICES
DEPARTMENT

WAYNE HOWARD, ET UX.
1011 CHARLOTTE AVENUE
APPROXIMATELY 0.234 ACRES
TM 180002320000500011

SCALE: N.T.S. BY: MBN

PROJECT: 2411 DATE: FEB. 2009

Assistant City Attorney

JoAnne L. Carlyle



April 6, 2009

NOTICE OF CONDEMNATION

Mr. and Mrs. Wayne J. Howard
3515 Woodview Drive
High Point, NC 27265

VIA CERTIFIED MAIL
7099 3400 0014 1265 1514

RE: Notice of Intent to Institute Condemnation Proceedings Under G.S. 40A-40.
General Description of property is as follows:
Being the property described in Deed Book 2851, Page 396 located at 1011 Charlotte Avenue

Dear Mr. and Mrs. Howard:

Previously, you have been contacted by representatives of the City of High Point for the purpose of negotiating the purchase of property described above. These representatives of the City have been unable to date to reach an agreement with you on the issue of just compensation for the property.

This letter serves as official notice under Chapter 40A of the North Carolina General Statutes that the City of High Point intends to institute an action to acquire by condemnation the above-referenced real property in which you have or may have an interest. This legal action will not be filed less than 30 days from the date of this letter.

The purpose for which this property is to be condemned is the following public project: Charlotte Avenue Storm Water Project

The City has estimated the amount of \$55,000.00 to be just compensation for the property.

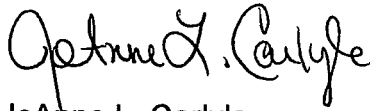
City of High Point, P.O. 230, 211 South Hamilton Street, High Point, NC 27261 USA
Phone: 336.883-3301 Fax: 336.883.
E-mail: joanne.carlyle@highpointnc.gov

This is to advise you that we will request City Council to authorize institution of legal proceedings to condemn this property at its regular meeting to be held on May 18, 2009 at 4:45 p.m. in City Council Chambers at 211 South Hamilton Street, High Point, N.C. You are welcome to attend this meeting.

This notice does not constitute a taking or condemnation of any interest in the above-referenced property. No taking will occur until a condemnation action is actually instituted and such will not be instituted for at least thirty (30) days from the date of this notice, but may be instituted at any time after authorization by the City Council. As owners of the property, you have the right to commence an action for injunctive relief and the right to answer the complaint after it has been filed. You are advised to consult an attorney concerning your rights.

We regret that you and officials of the City have been unable to negotiate the purchase of this property interest. If you have any questions, you may wish to contact the undersigned at the address and telephone number set forth below.

Yours very truly,

A handwritten signature in cursive script that reads "JoAnne L. Carlyle".

JoAnne L. Carlyle
Assistant Attorney for the City of High Point
P.O. Box 230
High Point, NC 27261
Telephone: (336) 883-3301

JLC:drd

Public Services Department

Richard D. McMillan, P.E.
ASSISTANT DIRECTOR



MEMORANDUM

DATE: May 11, 2009
TO: Bob Martin, Purchasing Director
FROM: Richard D. McMillan, P.E., Assistant Director
Steve Pendry, Landfill Superintendent
COPY: W. Chris Thompson, P.E., Director
SUBJECT: Recommendation for Tub Grinder Bids

A handwritten signature in blue ink that reads "Richard D. McMillan".

=====

After careful consideration and a complete review of the specifications, bids, and exceptions, staff recommends awarding the tub grinder to Morbark, Inc. for the Morbark Model 1300B Tubgrinder, as specified, in the amount of **\$674,525.27** (\$655,437.27 Tubgrinder, plus \$19,088.00 Extended Warranty).

Bids were received on April 14, 2009, and the bid tabulation was as follows:

Vendor	Model	Base Price	2-Yr Extended Warranty	3-Yr Extended Warranty
Ditch Witch of Carolinas	Bandit Model #3680	\$ 467,404.00	N/A	N/A
Vermeer Mid-Atlantic	Vermeer TG-7000L	\$ 536,000.00	\$ 32,813, 24-Months Parts & Labor @ VMA	\$ 39,778, 36-Months Parts & Labor @ VMA
H&E Equipment	D27 1460 BL	\$ 578,933.00	N/A	N/A
Morbark, Inc.	Morbark Model 1300 B	\$ 655,437.27	\$10,054, 24-Month 3,000 HR	\$19,088, 36-Month 4,000 HR

Staff has based its recommendation on the following information.

Demonstrations:

Staff has observed three of the four machines bid in actual operation. They were the Diamond Z, Morbark, & Vermeer machines. The Vermeer and Morbark tubgrinders have both been demonstrated on site at the Ingleside Composting Facility. The Ditch Witch Bandit model does not meet specification and was disqualified.

Vermeer TG 7000 Demonstration at ICF-High Point – APR 2007:

- The tubgrinder broke 7 to 8 hammer inserts (actual metal head grinding material) during the four-hour test;
- The grapple boom loader could not lift a log/stump that is typical material at ICF; City's existing machine was able to lift and grind material;
- Some seals and o-rings burst while attempting to lift the load;
- Other o-rings were leaking;

Public Services Department

Richard D. McMillan, P.E.

ASSISTANT DIRECTOR



Vermeer TG 7000 Demonstration at ICF-High Point – APR 2007: (continued)

- Material lodged under the continuous conveyor belt and shut the machine off; crews had to spend time to remove the excess material before the machine would resume operation.
- The machine consumed approximately 51 gallons of fuel per hour when operating;
- Overall, the machine had several breakdowns during the demo.

Morbark 1300B Demonstration at ICF-High Point – May 2007:

- The boom loader was able to lift all large logs, stumps, and materials with no problem;
- The materials were ground well and discharged neatly and quickly;
- The machine did not experience any failures or breakdowns during the demonstration;
- Fuel consumption was approximately 27 gallons per hour;
- Overall, the machine performed well.

Tubgrinder Demonstrations in Georgia - 2008:

Waste Handling Equipment News (WHEN) Recycling Expo South held demonstrations in Moultrie GA, on Dec 12-13, 2008. Three tubgrinders were demonstrated in a side-by-side comparison – Diamond Z, Morbark, & Vermeer. The tubgrinders offered various features and options, but were very similar to those bid by the companies. Staff's observations were as follows.

- Diamond Z: The tubgrinder operated well, but did not have a boom loader or operator's cab. The tubgrinder was operated with a remote control pad.
- Vermeer: During this demonstration, the tubgrinder was observed to experience mechanical problems and was shutdown.
- Morbark: The actual material to be ground was significantly larger than the other machines piles and included large stumps and logs. The machine handled the material efficiently and with no problems.

Fuel Consumption:

The tubgrinder on average operates about 70% of every day, 250 days per year (about 1,400 hours per year) and uses a considerable amount of fuel. So fuel consumption is a critical concern in operating costs and a significant part of the bid evaluations. The annual fuel consumption for the three tubgrinders is estimated as follows:

Tubgrinder	GPH*	Gal per Year (1,400 hr/yr)	Annual Fuel Costs (@\$2.75/gal**)
Diamond Z	51 gph	71,400 gal	\$196,350
Morbark 1300B	28 gph	39,200 gal	\$107,800
Vermeer 7500	52 gph	72,800 gal	\$200,200

* *Based on actual bid statements.*

** *Based on Fleet Maintenance diesel fuel pricing history, 2008-09 average was approximately \$2.75/gal.*

Public Services Department

Richard D. McMillan, P.E.

ASSISTANT DIRECTOR



The Morbark's fuel consumption saves nearly **\$90,000** in fuel expense the first year. If the expected life of the tubgrinder is 8-10 years, the **fuel savings could approach \$900,000** at today's average prices. If fuel prices escalated toward \$3-\$4 per gallon as it did in the summer of 2008, the savings could increase to **\$1.3 million** during the machine's life (~10 years). As seen, this is a significant factor in our selection of a machine.

Specification Exceptions:

Bandit Model 3680: A horizontal grinder that does not meet specifications as a tubgrinder. Bid was disqualified.

Diamond Z

- Separate floor sections for replacement were not offered: one piece – increases expense for City as a wear item.
- Auxiliary motor is under powered at 127 hp – specifications required 213 hp.
- Rotor speed is 2,100 rpm – this exceeds the maximum rpm's specified at 1,470.
- Steel rollers - rubber rollers specified.
- Controls are by remote control pad – not fixed in the operators cab.
- Clockwise rotation – counter clockwise rotation was specified.
- 385 gallon fuel tank – 500 gallon fuel tank specified; provides less than one 8-hour day of operating fuel at consumption rate.
- 104 gallon hydraulic tank – 200 gallon specified.

Vermeer:

- Tub Opening is 13 feet – specified 14 feet.
- It does not appear that the CAT 3412E engine meets current year Federal Air Quality standards as specified – Tier 2 and the engine is not longer in production based on Caterpillar's data.
- No auxiliary motor was included – auxiliary motor was specified to operate the loader and cab independently.
- Separate floor sections for replacement were offered, but only three sections: specified 8, increased expense for City as a wear item.
- Steel rollers - rubber rollers specified.
- Continuous one-piece discharge belt under hammermill – clogging and damage issue for staff.
- Clockwise rotation – specified counter-clockwise: operational issue.
- Loader only lifts 12,000 at 10 feet – specified 16,200 at 10 feet – under capacity by more than 2 tons.

Public Services Department

Richard D. McMillan, P.E.

ASSISTANT DIRECTOR



Operational Considerations

The rotation of the grinding hammers is a significant safety issue for staff. Material is thrown or ejected on a daily basis out of the tub while grinding is occurring. The Diamond Z and Vermeer grinders have a clockwise rotation, which would in the tubgrinder's current location, throw material towards customers, employees, and the scalehouse. Even with the shields some grinders have, material is still ejected 150' to 200' based on demos. In order to protect the public, customers, and employees, the entire yard would need to be reversed and areas paved for stockpiling materials in order to accommodate the clockwise spin in the hammermill.

Fuel Tank Size:

- Diamond Z has a fuel tank less than what was specified – 385 gallons vs. 500 gallons specified. At the rate which fuel is consumed (51 gph), the grinder would not be able to run a straight eight hours without refueling.
- The Vermeer has a 500 gallon fuel tank, but using 52 gph empties the tank in just over 9 hours. Must refuel each day.
- The Morbark has a 500 gallon fuel tank and is capable of running more than two consecutive days without refueling – almost 18 hours. Refueling every other day.

Equipment History

Morbark 1100 (1990-1998)

This machine ran very well and processed many tons of material, but it was determined that it was a bit small to handle the load at Ingleside. The City decided to upgrade the machine to a large, heavy-duty machine, Morbark 1400.

Morbark 1400 (1998-current)

Maintenance history of this machine has been excellent with very little downtime due to failure of the equipment. Beside the regular maintenance cost, one auger was replaced (\$600) and the auxiliary motor was rebuilt this year (\$15,000). The anticipated life of this machine was 6-8 years and it is now in its eleventh (11th) year and has served the City well. Staff has been very pleased with the performance and service of this machine.

The three tubgrinders evaluated for this bid all have various strengths and weaknesses. However, after evaluating all of the tubgrinders based on the City's needs and specifications, Staff recommends awarding the contract to Morbark, Inc. for the Morbark 1300B as specified.

BID INFORMATION AND RECOMMENDATION**BID #** 45-041409**DATE OPENED:** April 14, 2009**DESCRIPTION:** Tub Grinder for Ingleside Compost Facility**BID PACKAGES DISTRIBUTED:** 4**DEPARTMENT:** Public Services**SOURCE OF FUNDS:** 661741 / 533101**BUDGETED AMOUNT:** \$ 700,000.00**RECOMMENDED AWARD**

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1	Tub Grinder	\$ 655,437.27	\$ 655,437.27

PURPOSE: To replace the existing tubgrinder that has outlived its useful life.

COMMENTS: The three tubgrinders evaluated for this bid all have various strengths and weaknesses. However, after evaluating all of the tubgrinders based on the City's needs and specifications, Staff recommends awarding the contract to Morbark, Inc. for the Morbark 1300B as specified. The attached memo provides additional information regarding this recommendation.

BID TABULATION

Vendor Name	Base Price
Ditch Witch of the Carolinas 4600 Reagan Drive Charlotte, NC 282063-1357	\$ 467,404.00 Bandit Model #3680
Vermeer Mid Atlantic Inc. 10900 Carpet St. Charlotte, NC 28273	\$ 536,000.00 Vermeer TG-7000L
H & E Equipment Services 3760 North Liberty Street Winston Salem, NC 27105	\$ 578,933.00 D27 1460 BL
Morbark Inc. 8507 South Winn Rd. Winn, Michigan 48896	\$ 655,437.27 Morbark Model 1300 B

The **PURCHASING DEPARTMENT AND PUBLIC SERVICES DEPT.** recommend that the contract for the **TUB GRINDER** be awarded to **MORBARK INC.**, the lowest responsible and responsive bidder meeting specifications, in the amount of **\$655,437.27**.

DATE OF RECOMMENDATION: May 14, 2009


Strib Boynton, CITY MANAGER

PLANNING AND ZONING COMMISSION RECOMMENDATION

On April 28, 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 for Mr. Jay Wagner.

City of High Point

Street Abandonment Case 09-09

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

Mr. Schroeder presented this request and recommended approval of the case as outlined in the staff report.

No one spoke in opposition.

The Planning & Zoning Commission recommended ***approval***, by a vote of 8-0, of Street Abandonment Case 09-09.

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

**STAFF REPORT
STREET ABANDONMENT CASE 09-09
April 28, 2009**

Request	
Applicant: City of High Point Technical Review Committee	Proposal: Abandonment of a portion of right-of-ways known as Ridgeway Place, lying south of W. Ward Avenue, between Prospect Street and Lincoln Drive.

Adjacent Streets		
Name:	Classification:	R/W and Pavement Width:
W. Ward Avenue	Major Thoroughfare	50 ft. R/W and 28 ft. curb and gutter
Ridgeway Place	Local Street	40 ft. R/W and improved with concrete and ribbon pavement (full width)

Adjacent Property Zoning and Current Land Use		
North:	Heavy Industrial (HI)	Residence & Warehouse
South:	Heavy Industrial (HI)	Industrial / Warehouse
East:	Heavy Industrial (HI)	Industrial / Warehouse
West:	Heavy Industrial (HI)	Industrial / Warehouse

Analysis

The Ridgeway Place right-of-way considered for abandonment contains approximately 0.27 acres in area (approximately 40 feet wide by 290 feet in length). The right-of-way is improved with a concrete apron for approximately 40 feet south of W. Ward Avenue and then with asphalt for the remainder of the right-of-way. A chain-link gate is located across the right-of-way approximately 135 feet south of W. Ward Avenue. The right-of-way is not necessary to provide access to the abutting lots. There are two property owners that abut the right-of-way (east and west). The only utility within the right-of-way is overhead electric.

Findings

The TRC reviewed this request on December 17, 2008 and identified no issues that would prevent its abandonment. An early notice was sent to the abutting property owners on February 23, 2009. The management company, for the property west of the right-of-way, expressed concern about access to a loading dock located at the southeast corner of their building. The abandonment of the public's interest in the right-of-way will not adversely impact the property owner/tenant to access the existing loading dock.

The abandonment of the public's interest and conveyance of the right-of-way to the abutting property owner as regulated will not deny the abutting property owner reasonable access to their property.

Recommendation

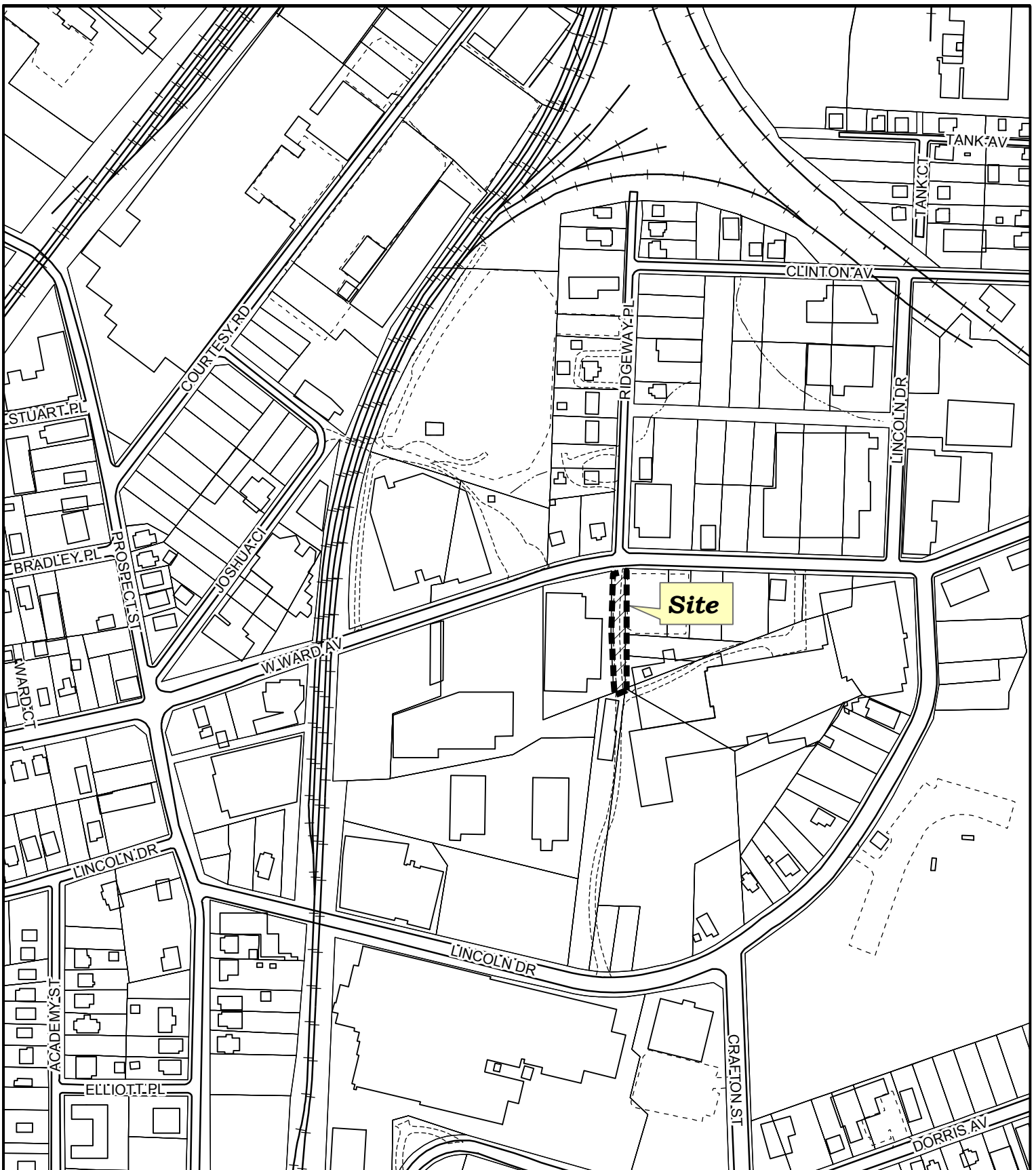
The Planning and Development Department recommends approval of the requested street right-of-way abandonment based on preliminary findings that it is not contrary to the public interest, and that no property in the vicinity of the street abandonment would be deprived of reasonable means of ingress or egress.

Report Preparation

This report was prepared by Planning and Development Department staff member Mark Schroeder AICP, and reviewed by Bob Robbins AICP and Lee Burnette AICP.

Attachments:

- 3 Photographs
- 1 Oblique Aerial with annotation



STREET ABANDONMENT REQUEST SA09-09

Applicant: Technical Review Committee

Area: 0.20 acres



Location of requested street abandonment

Planning & Development
Department

City of High Point

Date: April 13, 2009



Scale: 1"=300'

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Attachments: Photographs (April, 2009) and Aerial (February, 2008)



In Rideway Place looking south across W. Ward Avenue to privately improved r/w.

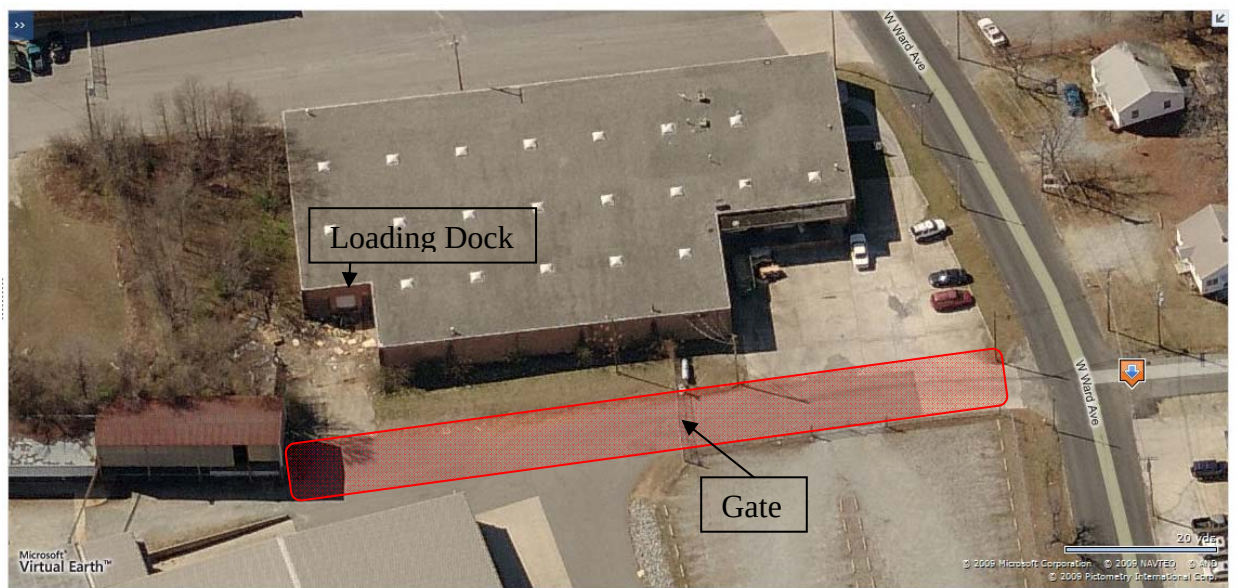


Looking south toward Lincoln Drive. The elevated building and gravel drive are located just south of the public right-of-way.

Attachments: Photographs (April, 2009) and Aerial (February, 2008)



Looking north across W. Ward Avenue. Publicly maintain r/w north of W. Ward Avenue.



Aerial looking west. Proposed abandonment highlighted.

PLANNING AND ZONING COMMISSION RECOMMENDATION

On April 28, 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 for Mr. Jay Wagner.

City of High Point

Street Abandonment Case 09-10

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

Mr. Schroeder presented this request and recommended approval of the case as outlined in the staff report.

No one spoke in opposition.

The Planning & Zoning Commission recommended ***approval***, by a vote of 8-0, of Street Abandonment Case 09-10.

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

**STAFF REPORT
STREET ABANDONMENT CASE 09-10
April 28, 2009**

Request	
Applicant: City of High Point Technical Review Committee	Proposal: Abandonment of a portion of right-of-ways known as South Avenue, lying south of W. Market Center Drive, between Starr Drive and Prospect Street.

Adjacent Streets		
Name:	Classification:	R/W and Pavement Width:
West Market Center Drive	Major Thoroughfare	120 ft. R/W and 28 ft. curb & gutter (east bound lane)
South Avenue	None	25 ft. R/W with private gravel drive

Adjacent Property Zoning and Current Land Use		
North:	Heavy Industrial (HI)	Major Thoroughfare (W. Market Center)
South:	Heavy Industrial (HI)	Vacant / Warehouse
East:	Heavy Industrial (HI)	Single-family Residence
West:	Heavy Industrial (HI)	Single-family Residence

Analysis

The unnamed right-of-way considered for abandonment contains approximately 0.10 acres in area (approximately 25 feet wide by 175 feet in length). A portion of the right-of-way contains a gravel driveway serving primarily 1307 W. Market Center Drive (west of right-of-way proposed for abandonment) but the driveway then loops back out to W. Market Center Drive between 1303 and 1301 W. Market Center Drive.

Findings

The TRC reviewed this request on December 17, 2008 and identified no issues that would prevent its abandonment. An early notice was sent to the abutting property owners on February 23, 2009.

The abandonment of the public's interest and conveyance of the right-of-way to the abutting property owner as regulated will not deny the abutting property owner reasonable access to their property.

Recommendation

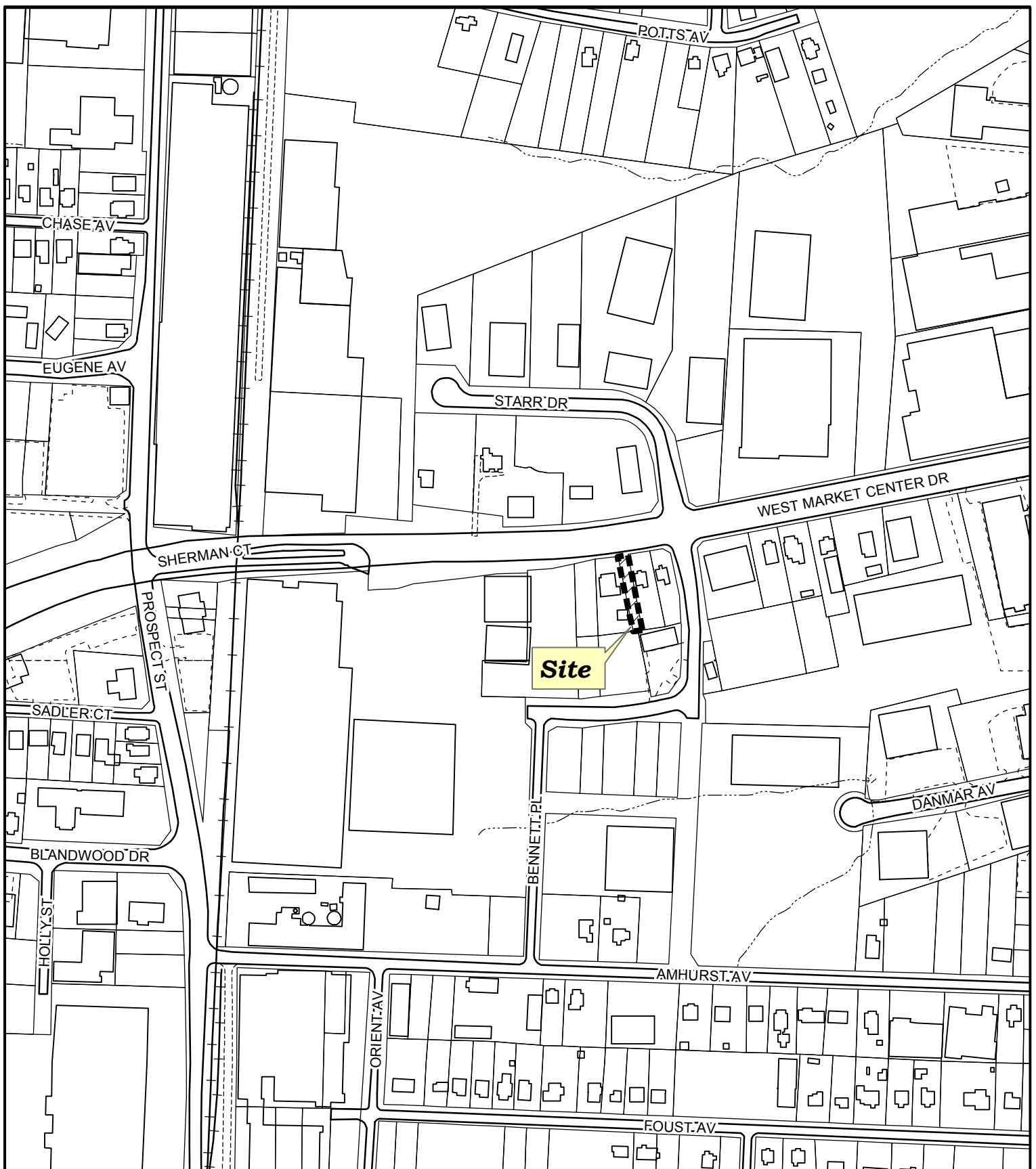
The Planning and Development Department recommends approval of the requested street right-of-way abandonment based on preliminary findings that it is not contrary to the public interest, and that no property in the vicinity of the street abandonment would be deprived of reasonable means of ingress or egress.

Report Preparation

This report was prepared by Planning and Development Department staff member Mark Schroeder AICP, and reviewed by Bob Robbins AICP and Lee Burnette AICP.

Attachments:

- 1 Photograph
- 1 Aerial with annotation



STREET ABANDONMENT REQUEST SA09-10

Applicant: Technical Review Committee
Area: 0.09 acres



Location of requested street abandonment

**Planning & Development
 Department**

City of High Point

Date: April 13, 2009



Scale: 1"=300'

y:/ba-pz/2009/pz/sa09-10.mxd

Attachments: Photographs (April, 2009) and Aerial (February, 2008)



Looking south from W. Market Center Drive.



Aerial with the abandonment area highlighted.

BID INFORMATION AND RECOMMENDATION**BID # 49-042909****DATE OPENED: April 29, 2009****DESCRIPTION: Polymer for Eastside Wastewater Treatment Plant****BID PACKAGES DISTRIBUTED: 3****DEPARTMENT: Public Services****SOURCE OF FUNDS: 621759-526103****BUDGETED AMOUNT: \$ 276,000.****PURPOSE: Chemical used to capture solids during centrifuging to produce cake sludge for incineration.****COMMENTS:****RECOMMENDED AWARD**

QTY	U/M	DESCRIPTION	VENDOR	EA	TOTAL
300,000	LB	Polymer-Sludge Thickening	Polydyne	\$0.92	\$276,000.00

BID TABULATION

COMPANY	QTY	UNIT PRICE	TOTAL PRICE
Polydyne One Chemical Plant Road PO Box 279 Riceboro, GA 31323	300,000 LB	\$0.92	\$276,000.00
Environmental Specialties, Inc. PO Box 347 Inman, South Carolina 29349	300,000 LB	\$0.966	\$289,800.00
Ashland Water Technologies Division of Ashland, Inc. 3930 Glenwood Drive Charlotte, North Carolina 28208	300,000 LB	\$1.03	\$309,000.00

The **PURCHASING DEPARTMENT AND PUBLIC SERVICES DEPARTMENT** recommend that the contract for **POLYMER** be awarded to **POLYDYNE**, the lowest responsible and responsive bidder meeting specifications for the total amount of **\$276,000.00**

DATE OF RECOMMENDATION: May 12, 2009

Strib Boynton, CITY MANAGER

Public Services Department

Terry L. Houk
ASSISTANT DIRECTOR



MEMORANDUM

Date: May 12, 2009

To: Pat Pate, Asst. City Manager

From: Terry Houk, Asst. Director of Public Services (T.H.)

Re: Agenda Item

I respectfully request that the following be included for consideration on the next Council Agenda:

Acceptance of bids submitted for Water and Sewer Chemicals for fiscal year 09-10

Public Services is recommending that the following bids be accepted:

<u>Ward Water Plant</u>	(Account:	<u>621758-526103)</u>	
Chemical	Term	Bidder	Amount
Corrosion Inhibitor	6 months	Dabco chemical	\$ 68,250.00
Alum	6 months	General Chemical	\$ 112,000.00
Sodium Hydroxide	6 months	Brenntag	\$ 40,432.00
Hydrofluorsilicic Acid	6 months	Key Chemical	\$ 25,471.00

<u>Eastside WWTP</u>	(Account:	<u>621752-526103)</u>	
Chemical	Term	Bidder	Amount
Alum	6 months	General Chemical	\$ 56,000.00
Sodium Hydroxide	6 months	Brenntag	\$ 22,054.00

<u>Westside WWTP</u>	(Account:	<u>621753-526103)</u>	
Chemical	Term	Bidder	Amount
Alum	6 months	General Chemical	\$ 36,960.00
Sodium Hydroxide	6 months	Brenntag	\$ 3,675.00
Quick Lime	6 months	chemical Lime Co.	\$ 9,367.00

<u>Residuals Management</u>	(Account:	<u>621759-526103)</u>	
Chemical	Term	Bidder	Amount
Emulsion Polymer	12 months	Polydyne	\$276,000.00

Cc: W. Chris Thompson
Jeff Moore
Bob Martin
Patty Sykes
Robert Pickett
John Hodges
File

Memorandum

To: Terry Houk, Assistant Director Public Services
CC: Bob Martin, Purchasing Agent
From: Wendell Pickett, Water Plant Superintendent
Date: 5/12/2009
Re: Justification for Corrosion Inhibitor

Terry,

We had four companies to bid on our corrosion inhibitor. High bid was by Shannon Chemical, who we are presently using, with a bid of \$1,827.27/ton. The low bid was by Simply Aquatics, they bid \$904.00/ton. The next low bid was by Dabco Chemical for \$1,050.00/ton. We would like to recommend Dabco Chemical as our corrosion inhibitor supplier for the following reasons.

We are presently using free chlorine as our primary disinfectant and have been for several years, but back in the early 90's we used chloramines. At that time, we were using Dabco as our corrosion inhibitor supplier. We had to do a corrosion control study for the State to prove that this product would keep our water from leaching lead and copper into the water. We had no problems. We are in the planning process to return to chloramines as our primary disinfectant in the very near future. After looking at the MSDS sheets for the low bidder's product, we are not sure it is compatible with our system because all of the ingredients are proprietary. We know that the Dabco product works. There have been several issues with lead and copper lately with other cities that may have been caused by that corrosion control methods. I would like to repeat we have used Dabco's product and did not have any problems with lead and copper. We feel very strongly about changing products with the knowledge that we may have problems. After comparing bids, there is only a 14% difference between lowest and second lowest bids. Therefore, we respectfully request that Dabco Chemical be awarded a six month contract for our corrosion inhibitor with a bid of \$1,050.00/ton for a total of \$68,250.00. If you have any other questions, please let me know.

Respectfully,

Wendell Pickett, Water Plant Superintendent

BID INFORMATION AND RECOMMENDATION

BID # 48-042909**DATE OPENED: April 29, 2009****DESCRIPTION: Chemicals for Water & Wastewater Treatment Plants****BID PACKAGES DISTRIBUTED: 30****DEPARTMENT: Public Services****SOURCE OF FUNDS:** 621753-526103
621758-526103
621752-526103**BUDGETED AMOUNT:** \$ 50,002.
\$ 246,153.
\$ 78,054.**PURPOSE:** Chemicals used in wastewater and water treatment.

COMMENTS: Bid award recommendation is for low bidder for each product except the Corrosion Inhibitor. Award recommendation for Corrosion Inhibitor is for second low bidder because of past successful experience with this product. The Water Department will soon be converting to a new disinfectant and does not want to switch to an unknown product at this time. The attached memo provides additional information regarding this recommendation.

RECOMMENDED AWARD

QTY	U/M	DESCRIPTION	VENDOR	EA	TOTAL
915	TN	Aluminum Sulfate, Liquid	General Chemical	\$224.00	\$204,960.00
50	TN	Hydrofluosilicic Acid, Fluoride	Key Chemical	\$509.42	\$25,471.00
65	TN	¼" Pebble Quick Lime	Chemical Lime Company	\$144.11	\$9,367.15
65	TN	Corrosion Inhibiter	Dabco Chemical	\$1,050.00	\$68,250.00
180	TN	Sodium Hydroxide	Brenntag	367.56	\$66,160.80

BID TABULATION

SEE ATTACHED

The **PURCHASING DEPARTMENT AND PUBLIC SERVICES DEPARTMENT** recommend that the contract for **WATER TREATMENT CHEMICALS** be awarded to **VENDORS AS SHOWN ABOVE**, the lowest responsible and responsive bidders meeting specifications for the total amount of **\$374,208.95**.

DATE OF RECOMMENDATION: May 12, 2009.

Strib Boynton, CITY MANAGER

BID TABULATION
WATER TREATMENT CHEMICALS-6 MONTH CONTRACT
BID NO. 48-042908

ALUMINUM SULFATE		
915 Tons		
General Chemical	\$ 224.00	\$ 204,960.00
Alchem, Inc.	\$ 261.00	\$ 238,815.00
Key Chemical	\$ 379.48	\$ 347,224.20
Kemira Water	\$ 390.00	\$ 356,850.00
Surry Chemicals	\$ 422.00	\$ 386,130.00
Delta Chemicals	\$ 436.00	\$ 398,940.00
Geo Specialty Chemicals	\$ 449.00	\$ 410,835.00
C & S Chemcicals	\$ 463.00	\$ 423,645.00

FLOURIDE		
50 Tons		
Key Chemical	\$ 509.42	\$ 25,471.00
Harcross Chemicals	\$ 512.00	\$ 25,600.00
Brenntag	\$ 600.00	\$ 30,000.00
LCI Ltd.	\$ 601.00	\$ 30,050.00
Univar	\$ 651.00	\$ 32,550.00
Solvay Flourides	\$ 669.00	\$ 33,450.00

QUICK LIME		
65 Tons		
Chemical Lime Company	\$ 144.11	\$ 9,367.15
Greer Lime Company	\$ 160.00	\$ 10,400.00

CORROSION INHIBITOR		
65 Tons		
Simply Aquatics	\$ 904.00	\$ 58,760.00
Dabcoat Chemical	\$ 1,050.00	\$ 68,250.00
Univar	\$ 1,060.00	\$ 68,900.00
Shannon Chemical	\$ 1,827.27	\$ 118,772.55

SODIUM HYDROXIDE		
180 Tons		
Brenntag	\$ 367.56	\$ 66,160.80
Water Guard, Inc.	\$ 397.00	\$ 25,805.00
Surry Chemicals	\$ 410.00	\$ 73,800.00
Basic Chemicals	\$ 459.14	\$ 82,645.20
Univar	\$ 480.00	\$ 31,200.00
Key Chemical	\$ 516.24	\$ 92,923.20
Thatcher Company	\$ 529.00	\$ 95,220.00
Harcross Chemicals	\$ 734.00	\$ 132,120.00



May 4, 2009

To: Randy McCaslin, Assistant City Manager
From: Garey Edwards, Director of Electric Utilities
Subject: Bid Award Recommendation
Bid # 1281-042309

I am recommending that we award the bid to IRBY for the Transformers listed on Bid # 1281-042309. Irby was the only bidder. All the other companies listed on the bid no longer make dry type transformers in the size that we specified. The list was generated by a previous bid, which several years ago generated several bidders.

We called each individual company after the bid to verify this information. In the conversations with the vendors, we found out that recently their company stopped manufacturing large dry type transformers. In the future we will have to quote sole source, until another vendor become available.

I recommend that the City Council authorize the purchase of three (3) dry type transformers from **IRBY** for the total price of **\$131,127.37**.

cc: file
Bob Martin
Jeff Moore
Sherry Smith
Larry Hopkins

BID INFORMATION AND RECOMMENDATION

BID # 1281-042309**DATE OPENED: April 23, 2009****DESCRIPTION: Transformer for Electric Department****BID PACKAGES DISTRIBUTED: 7****DEPARTMENT: Electric****SOURCE OF FUNDS: 631783 529182****BUDGETED AMOUNT: \$ 132,000.****RECOMMENDED AWARD**

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1 each	WHS#11214-Transformer	\$28,980.00	28,980.00
1 each	WHS#11215 Transformer	\$38,302.00	38,302.00
1 each	WHS 11216 Transformer	\$63,845.26	63,845.26
	TOTAL		\$131,127.37

PURPOSE: This purchase is to replenish stock in the City Warehouse to continue to provide electric service to commercial customers.

COMMENTS: This bid request was sent to seven vendors who had in the past responded to RFB's for dry-type transformers. This bid resulted in only one responsive bid. We received responses from four bidders that stated they no longer manufacture dry-type transformers. The other two bidders who did not respond were contacted and also said they do not make dry-type transformers.

It is requested that Council award the bid to the one responding vendor and authorize sole-source purchasing on dry-type transformers until another vendor and manufacturer becomes available. The Warehouse Supervisor and Electric Department will continue to seek new sources of supply each time a need for this type transformer occurs.

BID TABULATION

SEE ATTACHED

The **PURCHASING DEPARTMENT AND ELECTRIC DEPARTMENT** recommends that the contract for **TRANSFORMER PURCHASES** be awarded to **IRBY COMPANY**, the lowest responsible and responsive bidder meeting specifications for the amount of **\$131,127.37**.

DATE OF RECOMMENDATION: May 12, 2009

Approved by:
Strib Boynton, CITY MANAGER

BIDDERS LIST & TABULATION

INFORMAL BID #1281-042309 - Transformers #11214, 11215, 11216					
VENDOR NAME & ADDRESS	ITEM #	QTY.	UNIT PRICE	TOTAL PRICE	DLVRY. A.R.O.
HUGHES SUPPLY 5031 UNICON DR. WAKE FOREST, NC 27587	11214	1			
	11215	1	-	NO BID	-
	11216	1			
NATIONAL TRANSFORMER SALES 2613-B DISCOVERY DR. RALEIGH, NC 27616	11214	1			
	11215	1	-	NO BID	-
	11216	1			
IRBY P.O. BOX 7457 ROCKY MOUNT, NC 27804	11214	1	\$28,980.00	\$28,980.00	
	11215	1	\$38,302.11	\$38,302.11	12-14 WKS.
	11216	1	\$63,845.26	\$63,845.26	
WESCO 3025 STONYBROOK DR. RALEIGH, NC 27604	11214	1			
	11215	1	-	NO RESPONSE	-
	11216	1			
WOMACK ELECTRIC P.O. BOX 5425 HIGH POINT, NC 27262	11214	1			
	11215	1	-	NO RESPONSE	-
	11216	1			
PAUWELS C/O R.W. CHAPMAN ASSOC. P.O. BOX 240748 CHARLOTTE, NC 28224	11214	1			
	11215	1	-	NO BID	-
	11216	1			
W.R. DANIEL & ASSOC. 207-6A BROAD ST. MOORESVILLE, NC 28115	11214	1			
	11215	1	-	NO BID	-
	11216	1			

Note: Bidders who responded with a No Bid all stated in their bids that the do not make dry-type transformers.

Publish four (4) consecutive weeks: May 22, 29, June 5, & 12, 2009

RESOLUTION OF INTENT TO CONSIDER A
STREET ABANDONMENT
(Case # SA09-12)

WHEREAS, the City Council is requesting to close an unimproved portion of Hicks Place, lying north of the W. State Avenue and Hicks Place intersection (west of Long Street).

WHEREAS, G.S. 160A-299 requires the Council to first adopt a resolution declaring its intent to close the street and calling a public hearing on the question;

NOW, THEREFORE BE IT RESOLVED, THAT THE COUNCIL declares its intent to consider the abandonment of the street above described and sets Monday, June 15, 2009, at 5:30 p.m. as the date for said public hearing before the Council of the City of High Point, in the Council Chambers of the Municipal Building, High Point, on the closing of said street.

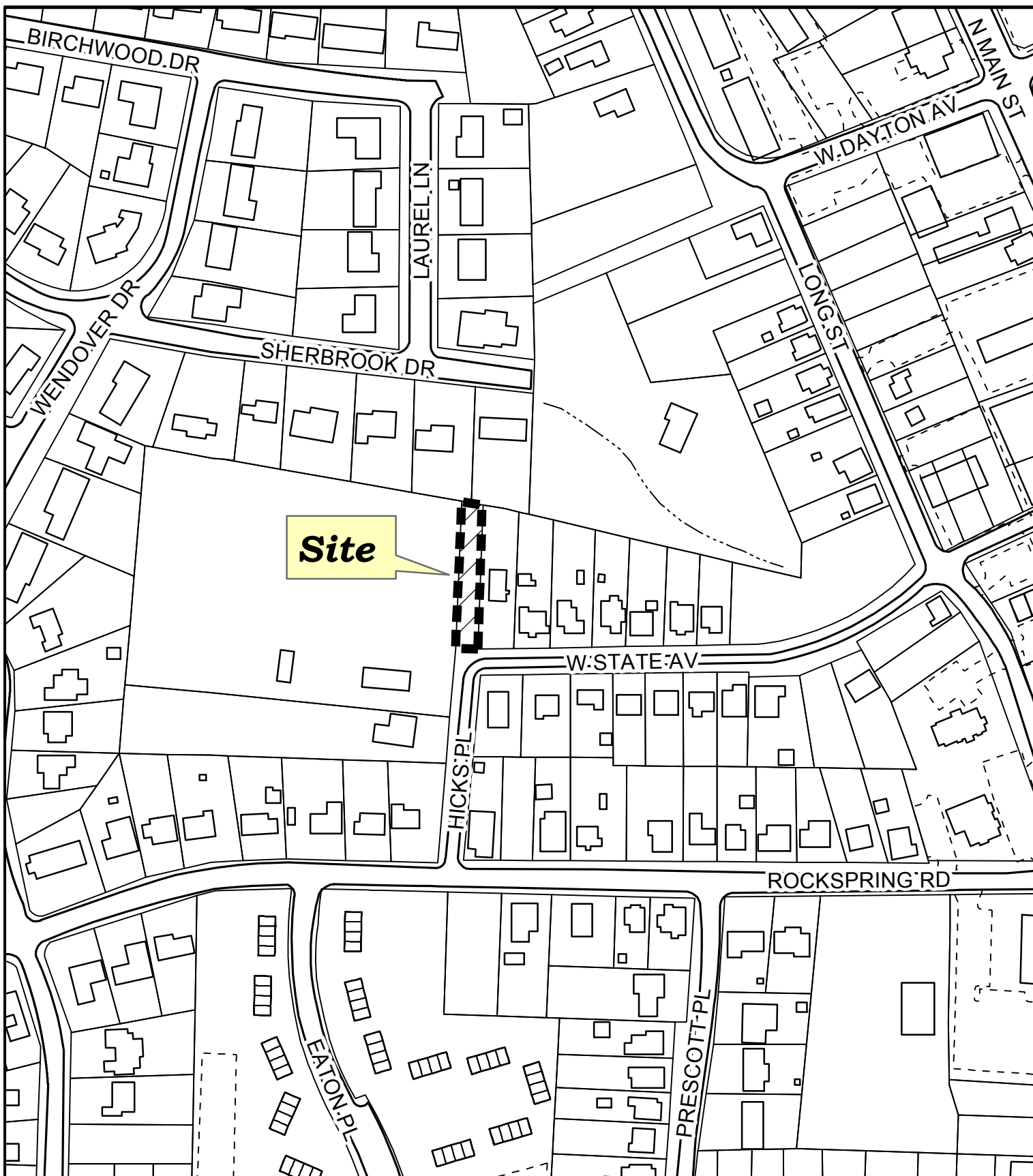
Persons wishing to be heard either for or against the said street closing are asked to be present for the hearing. The meeting facilities of the City of High Point are accessible to people with disabilities. If you need a special accommodation, call 336/883-3298 or TDD# 336/883-8517.

Further information pertaining to this request is available at the Planning and Development in the Municipal Office Building, 211 South Hamilton Street, Room 316, High Point, North Carolina, 336/883-3544 or FAX 336/883-3056.

By Order of the City Council
This the 18th day of May 2009.

Lisa B. Vierling, City Clerk

Petition Submitted By:
City of High Point - Technical Review Committee



STREET ABANDONMENT REQUEST SA09-12

Applicant: Technical Review Committee
Area: 0.17 acres



Location of requested street abandonment

**Planning & Development
 Department**

City of High Point

Date: May 7, 2009



Scale: 1"=200'

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

**ORDINANCE
REQUEST:** Ordinance to Demolish

**PROPERTY
ADDRESS:** 309 Park Street

OWNER: Anthony J. Pearson

**FIRST
INSPECTION:** Number of Violations: Unsafe 3_Minor 54
12-30-2008 *No smoke detectors
*Loose electrical pane
*No heat

**HEARING
RESULTS:** Dwelling substandard; owner did not appear for hearing
1-21-2009

**ORDER(S)
ISSUED:** Order to Repair or Demolish (90-day)
1-21-2009 compliance date of 5-8-2009

APPEALS: None

**OWNER
ACTIONS:** no actions taken

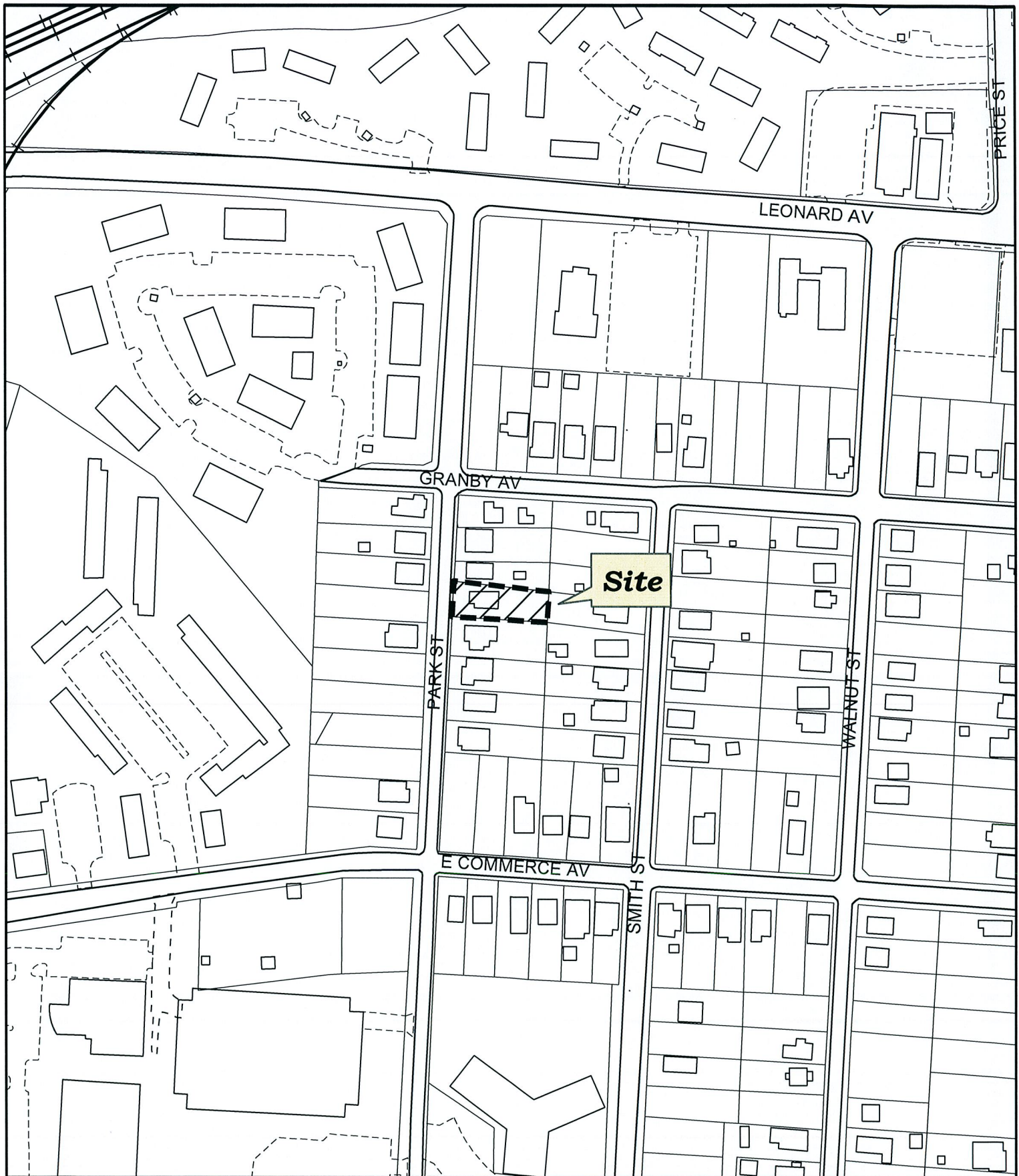
**STATUS OF
CLOSED DWELLINGS:** Vacant, no permits or repairs
5-8-2009

**COMPLIANCE
DATE STATUS:** Conditions still exist
5-8-2009

EXTENSIONS: none requested

STAFF COMMENTS: Guilford County Tax \$23,500
Estimated Repairs \$25,900

*Complaint regarding the condition of this dwelling was received from High Point Police



309 Park Street

Ordinance to Demolish



Location of subject property

**Department of Planning
and Development**

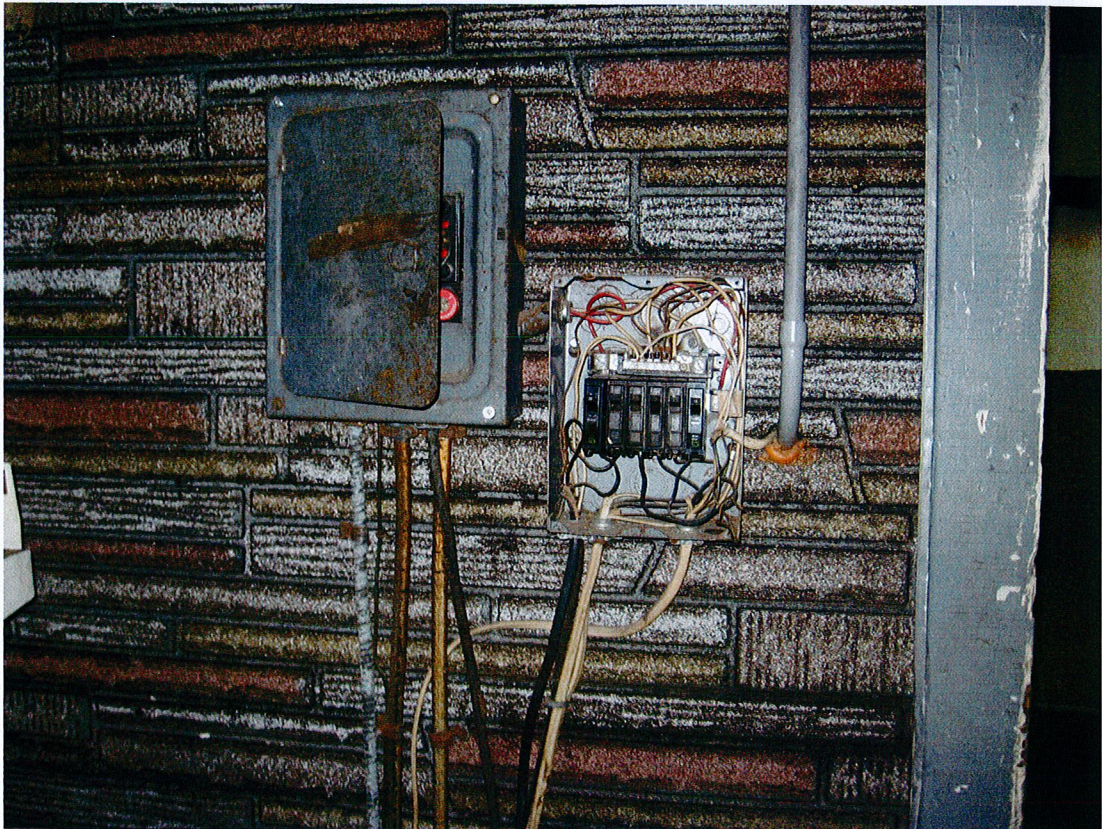
City of High Point

Date: May 11, 2009



Scale: 1"=200'

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ord-demo.mxd



309 Park Street



309 Park Street



309 Park Street



MEMORANDUM

To: Honorable Mayor & City Council
From: G. Lee Burnette, Planning & Development Director
Date: May 11, 2009
Subject: **P&Z Commission Member Attendance—Jay Wagner**

The Development Ordinance's attendance requirements do not allow members of the Planning and Zoning Commission (P&Z), Board of Adjustment (BOA) or Historic Preservation Commission (HPC) to miss more than 33% of the regular meetings in a calendar year or miss 3 consecutive regular meetings. When this occurs, the member loses status as a voting member of the board until the City Council reinstates the member or appoints someone to replace the member.

Jay Wagner on the P&Z Commission missed three consecutive regular meetings, February, March and April of this year. These absences were not excused absences under the terms of the attendance requirements. In discussing this matter with Mr. Wagner, he stated that February and March meeting absences were due to his wife's and mother's birthday and April's meeting absence was due to a conflict with a prior business commitment. He further stated that he does not foresee this occurring again and requests the City Council to reinstate him as a full voting member of the commission. Mr. Wagner's second term of office expires in June.

Listed below is Mr. Wagner's attendance record since being appointed to the Commission in 2003. The City Council needs to consider the reinstatement of Mr. Wagner.

Planning & Zoning Commission								
Member	Area	2003	2004	2005	2006	2007	2008	2009
Jay Wagner	Ward 3	5 of 6	10 of 12	9 of 11	11 of 12	12 of 12	11 of 12	1 of 4

* Excused absences are not included in the attendance record.

Administration
336.883.3328

Planning Services
336.883.3328

Development Services
336.883.3328

Inspection Services
336.883.3151

May 4, 2009

MEMORANDUM TO: Mr. Randy McCaslin
Assistant City Manager

FROM: David Hyder, P.E. *DH* *MM*
Transportation Planning Administrator

Subject: Airport Connector Contracts (FS 0707B)

Attached for your review are three (3) copies of the scope of services that staff has agreed to with HNTB for the subject project. The Transportation Department is asking that you put this item on the finance committee agenda for their approval.

High Point Council approved a municipal agreement allowing us to manage this feasibility study on January 20th of 2009. The agreement calls for the expenditure of \$300,000 in State funds and \$75,000 in City funds in the completion of this project.

Since the agreement was approved we have completed negotiations on the Scope of Services with HNTB of North Carolina subject to our Master ON-Call Services Agreement with HNTB and our letter of January 21, 2009 to Mr. Henry Liles, P.E. of HNTB. Also attached is a letter, from Mr. Derrick Lewis, P.E. the head of NCDOT's feasibility studies unit, approving the scope of work.

SCOPE OF SERVICES SUPPLEMENTAL AGREEMENT NUMBER 5

Airport Connector Feasibility Study – STIP Project FS-0707B

This Supplemental Agreement is made as of _____, under the terms and conditions established in the MASTER AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES, dated January 20th, 2005 (the Agreement), between the City of High Point, Guilford County, North Carolina (CITY) and HNTB North Carolina, P.C. (HNTB). This Supplemental Agreement is made for the following purpose, consistent with the Project defined in the Agreement:

The City of High Point (CITY) is seeking technical assessment related to the proposed Airport Connector Feasibility Study (STIP Project FS-0707B). This study will assist the CITY in determining the degree to which the proposed project is considered feasible from a cost, environmental and engineering perspective. Under this Contract, HNTB North Carolina, P.C. (HNTB) will assist the CITY in assessing the feasibility of constructing the Airport Connector from US 311 to NC 68 near the Piedmont Triad on existing and/or new alignment.

Section A. - Scope of Services

A.1. HNTB shall perform the following Services:

See Attachment A - Scope of Services document (attached) prepared January 21, 2009 and revised February 11, 2009.

A.2. The following Services are not included in this Supplemental Agreement, but shall be provided as Additional Services if authorized or confirmed in writing by the CITY:

None.

A.3. In conjunction with the performance of the foregoing Services, HNTB shall provide the following submittals/deliverables (Documents) to CITY:

See Attachment A - Scope of Services document (attached) prepared January 21, 2009 and revised February 11, 2009.

Section B. - Schedule

HNTB shall perform the Services and deliver the related Documents (if any) according to the following anticipated project schedule:

Draft Feasibility Study Report and associated Technical Memoranda – Submittal to North Carolina Department of Transportation (NCDOT) for review within 30 months of execution date of Municipal Agreement between CITY and NCDOT

Final Feasibility Study Report and associated Technical Memoranda – Submittal to NCDOT within 36 months of execution date of Municipal Agreement between CITY and NCDOT

Section C. - Compensation

C.1. In return for the performance of the foregoing obligations, CITY shall pay to HNTB the lump sum amount of \$365,759.21. The lump sum total includes direct expenses. This raises the total compensation under the Master Agreement to the lump sum amount of \$599,017.24, payable according to the following terms:

In accordance with Master Agreement and extensions thereof.

C.2. Compensation for Additional Services (if any) shall be paid by CITY to HNTB according to the following terms:

None.

Section D. - Owner's Responsibilities

CITY shall perform and/or provide the following in a timely manner so as not to delay the Services of HNTB. Unless otherwise provided in this Task Order, Owner shall bear all costs incident to compliance with the following:

None.

Section E. - Other Provisions

The parties agree to the following provisions with respect to this specific Supplemental Agreement:

None.

IN WITNESS WHEREOF, CITY and HNTB have executed this Supplemental Agreement.

City of High Point, Guilford County, North Carolina
(CITY)

Signature _____

Name _____

Title _____

Date _____

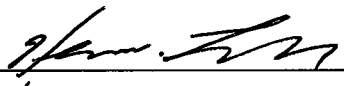
Signature _____

Name _____

Title _____

Date _____

HNTB North Carolina, P.C.
(HNTB)

Signature 

Name Henry V. Liles, Jr.

Title Vice President

Date 4/9/09

Publish four (4) consecutive weeks: May 22, 29, June 5, & 12, 2009

RESOLUTION OF INTENT TO CONSIDER A
STREET ABANDONMENT
(Case # SA09-13)

WHEREAS, the City Council is requesting to close an unimproved portion of W. Dayton Avenue, lying west of the Long Street and W. Dayton Avenue intersection (west of N. Main Street).

WHEREAS, G.S. 160A-299 requires the Council to first adopt a resolution declaring its intent to close the street and calling a public hearing on the question;

NOW, THEREFORE BE IT RESOLVED, THAT THE COUNCIL declares its intent to consider the abandonment of the street above described and sets Monday, June 15, 2009, at 5:30 p.m. as the date for said public hearing before the Council of the City of High Point, in the Council Chambers of the Municipal Building, High Point, on the closing of said street.

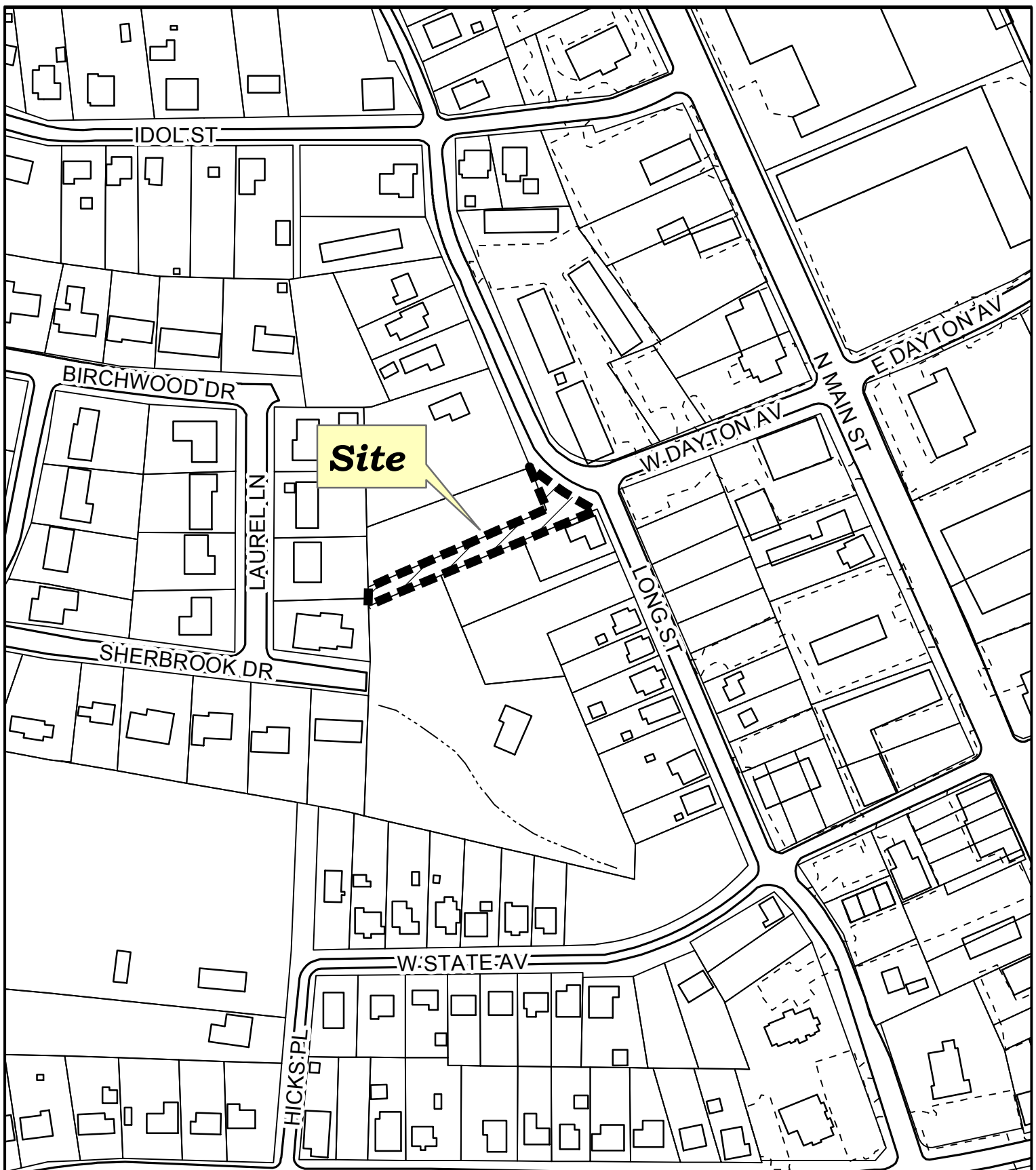
Persons wishing to be heard either for or against the said street closing are asked to be present for the hearing. The meeting facilities of the City of High Point are accessible to people with disabilities. If you need a special accommodation, call 336/883-3298 or TDD# 336/883-8517.

Further information pertaining to this request is available at the Planning and Development in the Municipal Office Building, 211 South Hamilton Street, Room 316, High Point, North Carolina, 336/883-3544 or FAX 336/883-3056.

By Order of the City Council
This the 18th day of May 2009.

Lisa B. Vierling, City Clerk

Petition Submitted By:
City of High Point - Technical Review Committee



STREET ABANDONMENT REQUEST SA09-13

Applicant: Technical Review Committee

Area: 0.27 acres



Location of requested street abandonment

Planning & Development
Department

City of High Point

Date: May 7, 2009



Scale: 1"=200'

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EXHIBIT C

Resolution authorizing condemnation to acquire a portion of certain property in connection with the Charlotte Avenue Storm Water Project

WHEREAS, the City Council of the City of High Point hereby determines that it is necessary and in the public interest to acquire a portion of that certain property located at 1011 Charlotte Ave.

WHEREAS, the proper officials or representatives of the City of High Point have been unable to acquire the needed interest in this property by negotiated conveyance; and

WHEREAS, it is deemed in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said property and that the Director of Finance issue a draft to the Clerk of Superior Court as just compensation to the owner in the amount of \$55,000.00;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT THAT:

1. the City of High Point shall acquire by condemnation, for the purposes stated above, the property and interest described as follows;

title to a portion of that certain property located at 1011 Charlotte Avenue, High Point, N. C., described in Deed Book 2851 at Page 396, in the office of the Register of Deeds of Guilford County.

2. the City Attorney of the City of High Point is hereby directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the said property;
3. the Director of Finance is hereby authorized to issue a draft in the amount of \$55,000.00 to the Clerk of Superior Court as just compensation to said owners, payment to be made from Account No. 671732 531102 671001000340 40210.

Adopted by City Council
this 18th day of
May, 2009.



Lisa B. Vierling
City Clerk

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, IN A REGULAR MEETING ASSEMBLED ON THE 18th DAY OF MAY, 2009 AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:

WHEREAS, the Technical Review Committee has petitioned the City Council of the City of High Point to close **an unnamed right of way, lying south of West Market Center Drive, between Prospect Street and Starr Drive**; and being more fully described as follows:

Street Abandonment SA09-10

Being all of a 25-foot wide right-of-way located between Guilford County Tax Parcels 243-1-9 (west) and 243-2-1 (east) located on the south side of W. Market Center Drive approximately 100-feet west of Starr Drive. Also being a right-of-way identified as "SOUTH AVE." on a map for "J. L. Newton" as recorded in Plat Book 6 Page 47 located between lots 19 and 20.

No public utilities exist in the abandoned right-of-way.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 20th day of April, 2009 at 4:45 p.m. setting the 18th day of May, 2009 at 5:30 p.m., in the Council Chambers of the Municipal Building, as the time and place for a public hearing before said Council on said petition, and public notice of said time and place was ordered given, all pursuant to North Carolina G.S. 160A-299; and,

WHEREAS, due and proper notice of said hearing to be heard on the petition at this meeting of City Council was made by publication in the High Point Enterprise for four (4) consecutive weeks, beginning April 24, May 1, 8 & 15; and,

WHEREAS, the above entitled matter, pursuant to said resolution and notice was called for hearing before said Council at which time there was no objection or opposition offered on the part of any firm or corporation to close **an unnamed right of way, lying south of West Market Center Drive, between Prospect Street and Starr Drive**; and,

WHEREAS, it appearing to the satisfaction of this Council and the Council finds as a fact that the said right of way as herein described is not necessary for ingress and egress to any land adjoining said street; that the closing of said street is not contrary to the public interest and that no other individual, firm or corporation owning property in the vicinity of said street, or in the subdivision in which said street is located, will be deprived of reasonable means of ingress or egress to this property.

NOW THEREFORE BE IT RESOLVED:

1. That **an unnamed right of way, lying south of West Market Center Drive, between Prospect Street and Starr Drive**, be closed pursuant to North Carolina G.S. 160A-299; and,
2. That a copy of this resolution be filed in the Office of the Register of Deeds for Guilford County, North Carolina.

By order of the City Council,
this the 18th day of May, 2009
Lisa B. Vierling, City Clerk

PLANNING AND ZONING COMMISSION RECOMMENDATION

On April 28, 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 for Mr. Jay Wagner.

City of High Point

Text Amendment Case 09-04

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

Mr. Morris presented this request and recommended approval of the case as outlined in the staff report.

No one spoke in opposition.

The Planning & Zoning Commission recommended ***approval***, by a vote of 6-2, of Text Amendment Case 09-04.

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

**STAFF REPORT
TEXT AMENDMENT CASE 09-04
April 28, 2009**

Request	
Applicant: City Council Planning & Development Committee	Affected Ordinance Sections: Table 4-5-1, <i>Permitted Use Schedule</i> , and Section 9-5-2, <i>Development Standards for Individual Uses</i> .
Proposal: To establish a separation requirement for residential care facilities meeting the Family Care Home definition.	

Background

Recently, following several complaints, the City Council asked the Planning & Development Department staff to research and provide information about residential care facilities known generally as family care homes, and to determine what – if anything – might be done through zoning or other legal means to deal with issues brought forth by the various complainants. Staff, with help from the Assistant City Attorney researched state law, studied various NC Department of Health and Human Services (DHHS) rules and regulations, and met with several DHHS staff from the Guilford County office. A report was prepared and presented to Council’s Planning and Development Committee on March 3rd, and staff was subsequently directed to prepare a draft text amendment. The draft amendment was presented to the Committee on April 7th. In the draft, staff recommended a minimum separation distance of ¼ mile, but although the Committee felt that some minimum separation distance was needed, it did not reach consensus on what distance should be used. It was decided to send the amendment to the P&Z for a recommendation and the full Council for deliberation of the minimum distance issue.

Details of Proposal

The proposed text amendment is very straightforward, affecting only two different sections of the Development Ordinance. First, the amendment would change the permitted use designation in Table 4-5-1, *Permitted Use Schedule*, from a ‘P’ to a ‘D’ for the Family Care Home use in all districts where the use is currently allowed. The ‘D’ designation means that the use is permitted by right, subject to compliance with specific development standards. The second section affected is 9-5-2, which is the part of the Ordinance where all of the individual use development standards are listed. The amendment would add a minimum separation requirement of ¼ mile between any existing family care home and one being established. Measurement of this distance would follow the procedure already established in Section 9-5-2(b)(2), which uses a straight line between the closest point on the wall of the principal structure of each of the two uses.

Analysis

The state of North Carolina has defined ‘family care home’ rather broadly. Essentially, it is a residential living arrangement for 6 or less persons with disabilities (also defined by the state) that includes support and supervisory personnel. Family care homes can house children or adults, and disabilities can include temporary or permanent physical, emotional or mental disability such as mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments. Excluded are mentally ill persons who have been judged as dangerous to others. All family care homes, as defined by the state, are required to be licensed by the state.

State law (NCGS §168-22(a)) prohibits local municipalities from treating family care homes differently, in terms of zoning, from any other residential use of property. In addition, a municipality cannot require that a family care home, its owner or operator obtain, because of the use, a conditional use permit, special use permit, special exception or variance. This limits local control of these facilities. The only added zoning control permitted by law is the establishment of a minimum separation between family care home uses of up to ½ mile. It is assumed that this was allowed to help protect neighborhoods from becoming “institutionalized” by the congregation of such uses in close proximity to one another.

As part of our research, the Planning & Development Department staff mapped all of the family care homes in High Point and displayed both ¼ and ½ mile radius rings from each one to ascertain how much of the city would be within these rings and therefore not available as a location for a new family care home. There are, as of March 2009, about 34 licensed residential facilities meeting the family care home definition in High Point. Using a ½ mile minimum separation renders many of the existing family care homes nonconforming (about 19 of the 34), and relegates any new ones primarily to residential neighborhood locations north of US 311 and west of NC 68, and to neighborhoods west of N. Main Street. In contrast, using a ¼ mile minimum separation, about 7 of the 34 family care homes would be nonconforming, and much more of the city’s residential area would be open for new locations. The City of Greensboro has established a ¼ mile minimum separation requirement, and the City of Winston-Salem has a 1,200 foot (slightly less than ¼ mile) requirement.

Since all license applications for family care homes must include a letter of zoning compliance from the local municipality, Planning & Development staff will be able to check to insure that a separation distance is being maintained prior to a license being granted. Staff will also need to periodically check the DHHR lists that are available on-line to determine changes in the status of previously licensed family care homes because the city is not notified when facilities close or when licenses are revoked, and those changes can affect where a new family care home may locate.

Recommendation

Staff recommends approval with a ¼ mile minimum separation.

There has been some mention made by others regarding whether a minimum separation requirement placed on family care home facilities might be a violation of the federal Fair Housing Act of 1968, and that such a violation might depend upon whether the size of the separation requirement can be considered to afford ‘reasonable accommodation’ to such uses (thus sustaining the right of ‘protected individuals’ to use and enjoy a dwelling). The ¼ mile separation distance will prevent side by side and same block locations for new family care homes, and thus achieve a disbursement of facilities throughout the city while providing more possible areas for their location, and perhaps reduce the chance of a legal challenge.

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 conclusions as written in this report, by adopting the staff’s conclusions with additions or changes as agreed upon by the Commission, or, if the Commission is in disagreement with staff’s conclusions, 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 conclusions as written in this report, by adopting the staff’s conclusions with additions or changes as agreed upon by the Council, or, if the Council is in disagreement with staff’s conclusions, 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 text amendment establishing a ¼ mile minimum separation requirement for family care homes is reasonable and in the public interest because: 1) the minimum separation requirement will deter the concentration of such uses within neighborhoods, preventing a loss of residential character; 2) the requirement will help protect property values; 3) the ¼ mile requirement will disburse family care home facilities while allowing reasonable opportunity for the location of new facilities. 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 Robert L. Robbins, AICP, and reviewed by G. Lee Burnette, AICP, Director.

TEXT AMENDMENT 09-04

PROPOSED AMENDMENT TO THE CITY OF HIGH POINT

DEVELOPMENT ORDINANCE

This text amendment places a minimum separation requirement on facilities meeting the definition of “family care home”.

SECTION 1.

Table 4-7-1, entitled *Permitted Use Schedule*, shall be amended as follows:

The use titled Family Care Homes, which is listed in the table under the use type RESIDENTIAL USES shall be amended by changing the designation in all zoning districts currently shown with a ‘P’, to a ‘**D**’. No change shall occur in the following districts where the use is currently prohibited: LB, GB, HB, MS, SC, CP, LI, HI and PI districts.

SECTION 2.

Section 9-5-2, entitled *Development Standards for Individual Uses*, shall be amended by adding the following new use, incorporated alphabetically:

FAMILY CARE HOME

- (1) Where Required: All districts where permitted.
- (2) Use separation: No family care home shall be established within a one-quarter mile radius of an existing family care home.

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

PLEASE TAKE NOTICE that the High Point City Council will hold a public hearing on the application by WCA of High Point, LLC to modify its franchise to operate a sanitary landfill. The hearing will be held on Monday, May 4, 2009 at 5:30 p.m. in the City Council Chambers, City Hall, 211 South Hamilton Street, High Point, North Carolina. The franchise modification is proposed pursuant to N.C. Gen. Stat. § 130A-294 of the North Carolina General Statutes and Chapter 11-8-5 of the High Point City Code. The sanitary landfill is located at 5830 Riverdale Road.

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

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

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

Lisa Vierling
City Clerk, High Point, NC

MEMORANDUM

TO: Mayor, City Council and City Manager

FROM: Randy McCaslin, Assistant City Manager

SUBJECT: NCMPA1 Energy Star Home™ Rebate Program

DATE: May 7, 2009

ElectriCities and NC Power Agency 1 are kicking off the Energy Star™ Home rebate program beginning June 3rd for the purpose of promoting the use of EPA's Energy Star™ building practices in the construction of new residential structures. This \$500 per dwelling unit rebate will be given for meeting the Energy Star™ guidelines and for having the efficiency features verified by an independent third party inspector. ElectriCities has budgeted \$25,000 (50 dwelling units across the state) for this program. This rebate program is part of ElectriCities effort to meet the SB3 requirement of 20% of their energy usage coming from efficient and renewable sources.

We will begin to advertise this rebate program (along with the other three that have already been approved by City Council) in our June utility bill stuffers. We recommend approval of the attached resolution by City Council at their May 18th meeting.

Please let me know if you have any questions.

CITY OF HIGH POINT

Resolution to Establish and Offer Energy Star™ Home Rebate Program

- Whereas, the NC Legislature established Session Law 2007-397 to, among other items, promote the development of renewable energy and energy efficiency in the state through implementation of a renewable energy and energy efficiency portfolio standard (REPS); and,
- Whereas, the City of High Point is a Participant in North Carolina Municipal Power Agency 1 (NCMPA1); and,
- Whereas, the City of High Point has entered into an agreement for NCMPA1 to develop and implement compliance plans to meet the requirements of REPS on behalf of its Participants; and,
- Whereas, energy efficiency programs are a part of NCMPA1's compliance plans for REPS; and,
- Whereas, the City of High Point desires to promote energy efficiency measures to its retail customers; and,
- Whereas, NCMPA1 has approved the development and funding of incentives for certain voluntary energy efficiency programs for its Participants to offer their retail customers; and
- Whereas, NCMPA1 will fund the incentives as a credit on the participants' monthly wholesale power billing statement;
- Now, therefore be it Resolved, that the City of High Point does hereby recognize the value of developing and promoting voluntary energy efficiency for its retail customers and does hereby establish an Energy Star™ Home Rebate program in the amount of \$500 per eligible residential unit as per the program guidelines developed by NCMPA1.

Adopted this _____ day of _____, 2009.

Rebecca R. Smothers, Mayor



NCMPA1 ENERGY STAR™ Home Rebate Program

Objective:

The purpose of the ENERGY STAR™ Home Rebate program is to promote the use of EPA's ENERGY STAR™ building practices in the construction of new residential homes through a rebate incentive.

Eligibility:

Single-family residential homes constructed after January 1, 2009 and whose electric service is provided by a NCMPA1 Participant city/town are eligible for a rebate upon final certification by an independent Home Energy Rater.

Amount of Rebate: \$500 per single-family residential dwelling

Program Criteria:

ENERGY STAR™ qualified homes are at least 15% more energy efficient than homes built to the 2004 International Residential Code (IRC) and include additional energy-saving features that typically make them 20 – 30% more efficient than standard homes. Builders can choose from a variety of energy efficiency features to meet ENERGY STAR™ performance guidelines:

Effective Insulation – properly installed and inspected insulation in floors, walls, and attics.

Tight Construction and Ducts – advanced techniques for sealing holes and cracks in the home's "envelop" and in heating and cooling ducts.

Efficient Heating and Cooling Equipment – energy-efficient heating and cooling systems can be quieter, reduce indoor humidity, and improve overall comfort.

High Performance Windows – energy-efficient windows employ advanced technologies, such as protective coatings and improved frame assemblies, to help reduce drafts into the house.

Efficient Products – qualified homes may also be equipped with ENERGY STAR™ qualified products such as lighting fixtures, compact fluorescent bulbs, ventilation fans, appliances and washing machines.

Third-Party Testing – an independent Home Energy Rater conducts onsite inspections and testing to verify the energy efficiency measures.

Administration:

The City/Town will submit information from the approved ENERGY STAR™ certification completed by the Home Energy Rater.

NCMPA1 will reimburse city/town for rebates paid each month through a credit on the following month's wholesale power billing statement.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, IN A REGULAR MEETING ASSEMBLED ON THE 18th DAY OF MAY, 2009 AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:

WHEREAS, the Technical Review Committee has petitioned the City Council of the City of High Point to close **a portion of right of way known as Ridgeway Place, lying south of W. Ward Avenue, between Prospect Street and Lincoln Drive;** and being more fully described as follows:

Street Abandonment SA-09-09

Being all of a 40-foot wide right-of-way located between Guilford County Tax Parcels 40-2-38 (west) and parcels 40-2-39, 40, & 48 (east) located on the south side of W. Ward Avenue opposite Ridgeway Place.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 20th day of April, 2009 at 4:45 p.m. setting the 18th day of May, 2009 at 5:30 p.m., in the Council Chambers of the Municipal Building, as the time and place for a public hearing before said Council on said petition, and public notice of said time and place was ordered given, all pursuant to North Carolina G.S. 160A-299; and,

WHEREAS, due and proper notice of said hearing to be heard on the petition at this meeting of City Council was made by publication in the High Point Enterprise for four (4) consecutive weeks, beginning April 24, May 1, 8 & 15; and,

WHEREAS, the above entitled matter, pursuant to said resolution and notice was called for hearing before said Council at which time there was no objection or opposition offered on the part of any firm or corporation to close **a portion of right of way known as Ridgeway Place, lying south of W. Ward Avenue, between Prospect Street and Lincoln Drive;** and,

WHEREAS, it appearing to the satisfaction of this Council and the Council finds as a fact that the said right of way as herein described is not necessary for ingress and egress to any land adjoining said street; that the closing of said street is not contrary to the public interest and that no other individual, firm or corporation owning property in the vicinity of said street, or in the subdivision in which said street is located, will be deprived of reasonable means of ingress or egress to this property.

NOW THEREFORE BE IT RESOLVED:

1. That **a portion of right of way known as Ridgeway Place, lying south of W. Ward Avenue, between Prospect Street and Lincoln Drive,** be closed pursuant to North Carolina G.S. 160A-299; and,
2. That a copy of this resolution be filed in the Office of the Register of Deeds for Guilford County, North Carolina.

By order of the City Council,
this the 18th day of May, 2009
Lisa B. Vierling, City Clerk

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

Recitals

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

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

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

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

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

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

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

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

Lisa B. Vierling, MMC
City Clerk

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, IN A REGULAR MEETING ASSEMBLED ON THE 18th DAY OF MAY, 2009 AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:

WHEREAS, the Technical Review Committee has petitioned the City Council of the City of High Point to close **an unimproved and unnamed right of way, lying north of Baker Road, between Cox Avenue and Ethel Avenue;** and being more fully described as follows:

Street Abandonment SA09-11:

Being all of a 14-foot wide right-of-way located between Guilford County Tax Parcels 132-3-4, 5, & 6 (west) and 132-2-1&2 (east) located on the northwest side of Baker Road between Ethel and Cox Avenues. Also being all of the right-of-way identified as "Road 14 FT." on a map for "S. F. Plummer" as recorded in Plat Book 12 Page 23.

No public utilities exist in the abandoned right-of-way.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 20th day of April, 2009 at 4:45 p.m. setting the 18th day of May, 2009 at 5:30 p.m., in the Council Chambers of the Municipal Building, as the time and place for a public hearing before said Council on said petition, and public notice of said time and place was ordered given, all pursuant to North Carolina G.S. 160A-299; and,

WHEREAS, due and proper notice of said hearing to be heard on the petition at this meeting of City Council was made by publication in the High Point Enterprise for four (4) consecutive weeks, beginning April 24, May 1, 8 & 15; and,

WHEREAS, the above entitled matter, pursuant to said resolution and notice was called for hearing before said Council at which time there was no objection or opposition offered on the part of any firm or corporation to close **an unimproved and unnamed right of way, lying north of Baker Road, between Cox Avenue and Ethel Avenue;** and,

WHEREAS, it appearing to the satisfaction of this Council and the Council finds as a fact that the said right of way as herein described is not necessary for ingress and egress to any land adjoining said street; that the closing of said street is not contrary to the public interest and that no other individual, firm or corporation owning property in the vicinity of said street, or in the subdivision in which said street is located, will be deprived of reasonable means of ingress or egress to this property.

NOW THEREFORE BE IT RESOLVED:

1. That **an unimproved and unnamed right of way, lying north of Baker Road, between Cox Avenue and Ethel Avenue,** be closed pursuant to North Carolina G.S. 160A-299; and,
2. That a copy of this resolution be filed in the Office of the Register of Deeds for Guilford County, North Carolina.

By order of the City Council,
this the 18th day of May, 2009
Lisa B. Vierling, City Clerk