

**AMENDED AGENDA
REGULAR MEETING
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, SEPTEMBER 15, 2016, 7:00 PM**

1. Call to order.
2. Silent prayer and pledge of allegiance.
3. Mayor Smith will present the Government Finance Officers Association for Excellence in Financial Reporting Award to Deborah P. Reaves, Finance Officer.
4. Consent Agenda:
 - (a) Approval of the minutes of the regular city council meeting held on August 4, 2016.
 - (b) Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for July 11, 2016, and August 1, 2016.
 - (c) Approval to schedule public hearings for October 6, 2016, and to advertise these hearings, concerning the following zoning cases:
 - (i) Application to rezone property located at 614 East Dixie Drive (Randolph County Parcel Identification Number 7760068674) from R15 (Low-Density Residential) and CU-B2 (Conditional Use General Commercial) to B2 (General Commercial);
 - (ii) Application filed by the City of Asheboro to amend zoning ordinance text, specifically including nonconformity provisions pertaining to the allowable expansion of structures with legal non-conforming situations involving setbacks; and
 - (iii) Application for a conditional use permit allowing manufacturing, processing, and assembly-light on property located along the north side of East Dorsett Avenue (Randolph County Parcel Identification Number 7750973085) that is in a Conditional Use General Commercial (CU-B2) zoning district.
 - (d) Approval of the temporary street closure on Saturday, October 8, 2016, from 10:00 am to 11:30 am, of the streets indicated on the enclosed map titled "Route Map for Mid-State Heritage Tractor Parade."

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- (e) Acknowledgement and announcement of the 15-day notice of a construction project to install clean-outs on sewer service lines along the following street locations:
 - (i) West Strider St;
 - (ii) West Beasley St. between Shady Dr. and Thornsedale Dr.;
 - (iii) Tremont Dr. between Shady Dr. and North Fayetteville St.; and
 - (iv) West Balfour Ave. between Yorktown Ln. and Henson Rd.
- (f) Approval of a resolution authorizing the destruction of unclaimed found property with no legal value or that poses a potential threat to the public health and safety.
- (g) Approval of the findings, conclusions, and order entered under land use case no. CUP-16-08.
- 5. Community Development Director Trevor Nuttall will introduce the following community development items:
 - (a) Zoning Case RZ/CUP-16-10: Public hearing on a combined request to rezone a parcel of land at 1431 E. Salisbury St.(Randolph County Parcel Identification Number 7761525272) from B2 (General Commercial) to CU-I2 (Conditional Use General Industrial) and to issue a Conditional Use Permit authorizing the following land uses: Motor Vehicle Repair-Major and Retail Shoppers' Goods (sales of automotive parts).
 - (b) Consideration of scheduling a public hearing on the question of amending the boundaries of the primary fire limits.
 - (c) Consideration of a resolution accepting the offer for a surplus parcel of city-owned land at 133 South Church Street.
- 6. Public comment period.
- 7. Finance Officer Deborah P. Reaves will present the following items;
 - (a) Consideration of an ordinance to amend the Economic and Tourism Development Fund 2016-2017.
 - (b) Consideration of an ordinance to amend the General Fund 2016-1017.

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8. City Engineer Michael Leonard, PE will present the following Asheboro Regional Airport items:
 - (a) Consideration of a resolution stating the intent to lease hangar space at the Asheboro Regional Airport to the Civil Air Patrol.
 - (b) Consideration of a resolution authorizing the sealed bid sale of standing timber on city-owned land near the Asheboro Regional Airport.
 - (c) Consideration of a Block Grant/Non Primary Entitlement Agreement for construction administration and construction observation of the Asheboro Regional Airport Ramp Rehabilitation Construction Project.
 - (d) Consideration of a contract with The Franklin Partnership, Washington, DC, to perform comprehensive federal affairs representation for an appropriation of federal funds for the proposed Terminal Building at Asheboro Regional Airport.
9. APD Animal Control Supervisor Russell Lataille will update the city council on animal control activities and programs, specifically including the implementation of the city's anti-tethering ordinance.
10. Upcoming events:
 - Mayor's Fitness Challenge Kickoff, 6:00PM, Tuesday, September 20, Randolph County Senior Adults Association Center.
 - Randolph County Senior Adults Association Annual Meeting, Thursday, September 22, Randolph County Senior Adults Association Center.
 - Annual Cereal Sale and United Way Campaign kick-off, hosted by POST Consumer Brands, Bicentennial Park, 9:00AM, Saturday, September 24.
 - Elected Officials Picnic, hosted by the City of Trinity, 6:00PM, Wednesday, September 28.
 - Fall Festival XLIV, Downtown Asheboro, October 1-2.
 - October City Council Meeting, 7:00 PM, Thursday, October 6.

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- North Carolina League of Municipalities Annual Conference, October 23-25, Raleigh Convention Center.
 - Asheboro/Randolph Chamber of Commerce Annual Planning Retreat, October 27-29, Hilton Riverside, Wilmington.
11. Discussion of items not on the agenda.
 12. Adjournment



Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

Item 3

August 12, 2016

John N. Ogburn, III, and The Honorable David Smith
City Manager and Mayor
City of Asheboro
PO Box 1106
Asheboro NC 27204-1106

Dear Mr. Ogburn and Mayor Smith:

We are pleased to notify you that your comprehensive annual financial report for the fiscal year ended **June 30, 2015** qualifies for a Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An award for the Certificate of Achievement has been mailed to:

Deborah P. Reaves
Finance Officer

We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and that appropriate publicity will be given to this notable achievement. A sample news release is enclosed to assist with this effort. In addition, details of recent recipients of the Certificate of Achievement and other information about Certificate Program results are available in the "Awards Program" area of our website, www.gfoa.org.

We hope that your example will encourage other government officials in their efforts to achieve and maintain an appropriate standard of excellence in financial reporting.

Sincerely,
Government Finance Officers Association

Stephen J. Gauthier, Director

Technical Services Center

SJG/ds

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, AUGUST 4, 2016
7:00 p.m.**

David H. Smith) – Mayor

Clark R. Bell)
Edward J. Burks)
Walker B. Moffitt) – Council Members Present
Katie L. Snuggs)
Charles A. Swiers)

Linda H. Carter)
) – Council Members Absent
Jane H. Redding)

John N. Ogburn, III, City Manager
D. Jason Cheek, Police Captain
Timothy Edward Cockman, Assistant Fire Chief
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Michael L. Leonard, P.E., City Engineer
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jonathan M. Sermon, Recreation Services Superintendent
Jeffrey C. Sugg, City Attorney
Jody P. Williams, Chief of Police

1. Call to order.

A quorum thus being present, Mayor Smith called the meeting to order for the transaction of business, and business was transacted as follows.

2. Silent prayer and pledge of allegiance.

After a moment of silence was observed in order to allow for private prayer and meditation, Mayor Smith asked everyone to stand and repeat the pledge of allegiance.

3. Recognition of the service rendered to the City of Asheboro by retired Police Sergeant Timothy Marlowe.

On behalf of the Asheboro Police Department, Chief Williams presented Sergeant Marlowe with a plaque that included his badge as a token of gratitude for his loyal service to the City of Asheboro. Along with his badge, Chief Williams presented Sergeant Marlowe with his service side arm that he carried at the time of his retirement.

Additionally, on behalf of the City Council, Mr. Ogburn presented Sergeant Marlowe with a retirement plaque from the municipal corporation.

4. Update on the National Night Out events held August 2, 2016.

Chief Williams reported that the National Night Out Events that were held on August 2, 2016 were a great success. Approximately, 800 citizens attended the events within the community. Chief Williams attributed the successful event to the collaborative efforts between the various community watch groups and the City of Asheboro.

5. All-America City Award celebration and recognition:

(a) Recognition of program planning members, team members, and sponsors.

Mr. Ogburn presented the planning members, team members, and sponsors with a plaque that included the All-America City logo and thanked them for their support and efforts in helping the city to achieve this prestigious award.

(b) Presentation of the 2016 Asheboro Pride Award to the All-America City team members and sponsors.

On behalf of the City Council, Mayor Smith presented the 2016 Asheboro Pride Award to the 2016 All-America City team members and sponsors. Mr. Bob Langston accepted the award on behalf of the team and sponsors.

6. Consent agenda:

Upon motion by Mr. Burks and seconded by Mr. Moffitt, Council voted unanimously to approve/adopt, as presented, the following consent agenda items. Council Members Bell, Burks, Moffitt, Snuggs, and Swiers voted in favor of the motion.

(a) The minutes of the city council's regular meeting on July 14, 2016.

Copies of the approved minutes are on file in the City Clerk's office and are posted on the city's website.

(b) The temporary closing of streets for Fall Festival XLIV.

The parade permit application for the requested street closure, including a street closure map, was included in the Council's materials. Copies of these items are on file in the city clerk's office.

(c) Approval to schedule and advertise a public hearing on September 15, 2016, concerning an application to rezone property located at 1431 E. Salisbury Street from B2 (General Commercial) to CU-I2 (Conditional Use General Industrial) and issue a Conditional Use Permit authorizing the following land uses: Motor Vehicle Repair Major and associated Retail Shoppers' Goods (sales of automotive parts).

With the above-stated approval of the consent agenda, the scheduling and advertisement of a public hearing on the described E. Salisbury Street rezoning application was approved.

(d) A contract with the N.C. Department of Transportation for the adjustment and/or relocation of municipally owned water and sewer lines disturbed by the construction of the U.S. Highway 64 Bypass.

The above-referenced contract was approved and a copy is on file in the city clerk's office.

7. Community Development Items:

(a) Quasi-judicial hearing on an application to rezone property located on the south side of Crescent Drive (Randolph County PIN 7771054020) from R40 (Low-Density Residential) to CU-B2 (Conditional Use General Commercial) and issue a Conditional Use Permit authorizing a Mobile Home Sales Lot (Zoning Case RZ-16-08).

Mayor Smith opened the public hearing on the combined request to legislatively rezone property and to issue a Conditional Use Permit on the basis of evidence presented during the quasi-judicial process.

Mr. Nuttall was placed under oath and presented the planning staff's analysis of the Applicant's request that included a properly submitted site plan. The request pertains to approximately 3.38 acres of a total of 7.6 acres of land owned by Mc-Mc Properties, LLC that is located along the south side of Crescent Drive and is more specifically identified by Randolph County Parcel Identification Number 7771054020 (a portion). The property that is the subject of the requested council action is identified in the staff report as "A1" and will be hereafter referred to as the "A1 Property."

The Applicant, Mc-Mc Properties, LLC, is requesting that the A1 Property be rezoned from the current R40 (Low-Density Residential) and placed into a CU-B2 (Conditional Use General Commercial) zoning district.

During his presentation, Mr. Nuttall presented the staff analysis. This analysis noted in part:

1. The Land Development Plan projects the above-described property and those to the east and south as suitable long-term for commercial and economic development growth.
2. U.S. Highway 64 East is a state-maintained boulevard. Crescent Drive is a state-maintained road that is approximately 16' to 18' in width.
3. The Applicant's adjoining property to the south of the A1 Property is currently zoned B2 and is not part of the Applicant's request for a

- Conditional Use Permit. This portion of the lot may be used as a Mobile Home Sales Lot and/or other uses subject to compliance with zoning requirements for B2 zoning districts.
4. The Planning staff has received written comments opposing the rezoning request, and the Council Members were informed by the city clerk of the names and addresses of the individuals who sent comments about this application.
 5. The request is for a Conditional Use Permit for a Mobile Home Sales Lot.
 6. The applicant is proposing to use the portion of the property that is being requested for a rezoning to CU-B2 for a mobile home sales lot. Specifically, this area is proposed for display area for the mobile (manufactured homes) offered for sale. The applicant is proposing access from Crescent Drive that would be limited to employees/emergency vehicles.
 7. Components of the proposed use (including, but not limited to, the sales office and customer parking) may occur on the portion of the property that is zoned B2, along with other uses permitted by right in that district.
 8. Buffering/screening is required adjacent to the place of worship (either a 5' Type A screen or 15' Type A buffer adjacent to the place of worship; plus either a 10' Type C screen or 25' Type C buffer adjacent to the single-family residence on the east side of the property). The applicant is proposing a 20' area of existing vegetation to remain along much of the perimeter of the portion of the property zoned B2.

The planning staff and the Planning Board recommended approval of the requested rezoning based on the following analysis:

"The growth strategy map places the property within an economic development area and the East Small Area Plan specifically calls for expansion of commercial development on U.S. Highway 64 East, which has increasingly occurred in this vicinity in recent years.

While the LDP proposed land map specifies 'commercial' use on the property, the text generally acknowledges the need for a zoning district sensitive to potential negative impacts of commercial development on adjoining uses (particularly residential uses). It also recognizes situations in which infrastructure limitations (i.e. street design, utilities) make a general district rezoning inappropriate on property for which the LDP proposes a commercial use. These considerations, combined with the property's location outside of flood areas, watersheds, or areas with considerably steep slopes make a CU-B2 district request reasonable.

In evaluation these factors, the requested Conditional Use General Commercial district is a suitable commercial designation for the property since the Conditional Use permitting process can consider the proposed use of the property and the manner in which the property is developed to mitigate negative effects on adjoining properties.

For these reasons, staff believes the proposed CU-B2 district is consistent with the adopted comprehensive plan, and therefore reasonable and in the public interest."

Mr. Larry McKenzie was placed under oath and offered testimony on behalf of the Applicant. This testimony was focused on addressing the four standards for issuance of a Conditional Use Permit. As part of his testimony, Mr. McKenzie expressed his agreement with the following conditions that were recommended by the planning staff for attachment to the requested Conditional Use Permit.

1. The site plan shows a 20' wooded buffer maintaining existing vegetation adjacent to all residentially zoned property, adjacent to Crescent Drive, and along the northeastern property boundary adjacent to the western property boundary of Gayle F. Kurdian (See DB 1170, PG 1887). Existing vegetation shall count towards landscaping requirements, however, should any deficiency in meeting the landscaping requirements occur within any portion of the designated 20' buffer area, additional plantings will be required, which at a minimum, meet the requirements of a Type C Screen.
2. Notwithstanding information noted on the site plan, there shall only be one driveway on Crescent Drive. No homes shall be delivered to or from the property using this Crescent Drive entrance. This entrance along Crescent Drive shall be gated and remain locked except for employee use or emergency vehicles. Solid waste pickup shall not be via the Crescent Drive entrance.

3. Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute, and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this Conditional Use Permit in the chain of title for the Zoning Lot.

Neighboring property owners offered testimony in opposition to the Application. The concerns prompting the opposition centered on the potential negative impacts on safety and privacy posed by the contemplated land use, especially if traffic from the business uses Crescent Drive.

The names of the witnesses who testified in opposition to the Application are as follows:

- Mr. Gilbert Edwards
- Mr. Robert Ward
- Ms. Sheila Beck
- Mr. Michael Redding
- Mr. Donnie Bell
- Mr. Harvey Latham

There being no further comments, Mayor Smith transitioned to the deliberative phase of the public hearing.

With regard to the request to place the property in a different zoning district, the Council considered and took action by adopting a multi-part motion that included the following actions:

1. The Council hereby concludes that the growth strategy map places the property within an economic development area and the East Small Area Plan specifically calls for expansion of commercial development on U.S. Highway 64 East, which has increasingly occurred in this vicinity in recent years. While nothing that the LDP proposed land use map specifies "commercial" use on the property, the Council also concurs with the general acknowledgement in the comprehensive plan text that the designated zoning district must be sensitive to potential negative impacts of commercial development on adjoining uses (particularly residential uses). The text also recognizes situations in which infrastructure limitations (i.e. street design, utilities) make a general district rezoning inappropriate on property for which the LDP proposes a commercial use. These considerations, combined with the A1 Property's location outside of flood areas, watersheds, or areas with considerably steep slopes, make a CU-B2 district request reasonable.

The requested Conditional Use General Commercial district is a suitable commercial designation for the property since the Conditional Use permitting process can consider the proposed use of the property and the manner in which the property is developed to mitigate negative effects on adjoining properties.

For these reasons, the requested CU-B2 district is consistent with the adopted comprehensive plan and therefore reasonable and in the public interest.

2. In light of the above-stated analysis, the requested zoning amendment to rezone from R40 to CU-B2 zoning was approved without any modifications.

The above-stated motion was made by Mr. Bell and seconded by Mr. Moffitt. Council Members Bell, Burks, Moffitt, Snuggs, and Swiers voted in favor of the motion.

Prior to the consideration of the application for a Conditional Use Permit, the Council Members discussed certain concerns in regards to accessibility for emergency vehicles. Mr. Timothy Edward Cockman, who is the Assistant Fire Chief, was placed under oath and addressed the Council's concerns.

After substantive discussion of the evidence in support of and in opposition to the Application, the Council Members concluded the standards for granting the requested Conditional Use Permit had been met so long as certain conditions are attached to mitigate potential negative secondary impacts associated with the use of the A1 Property.

Upon motion by Mr. Bell and seconded by Mr. Moffitt, Council voted unanimously to approve the requested Conditional Use Permit, with amended conditions different from those offered by staff, the authorizing a Mobile Home Sales Lot to be located on the A1 Property.

Council Members Bell, Burks, Moffitt, Snuggs, and Swiers voted in favor of the motion.

The formal findings of fact, conclusions of law, and order authorizing the Conditional Use Permit and specifying the conditions attached to the permit, will be entered by the Council during regular session on September 15, 2016.

A copy of the visual presentation utilized by Mr. Nuttall is on file in the city clerk's office.

(b) Public hearing to consider and possibly take action on a resolution adopting the Randolph County Multi-Jurisdictional Hazard Mitigation Plan.

Mayor Smith opened the public hearing.

Mr. Nuttall presented and recommended adoption, by reference, of a resolution adopting the Randolph County Multi-Jurisdictional Hazard Mitigation Plan.

There being no comments from the public and no further comments from city staff members, Mayor Smith closed the public hearing.

Upon motion by Mr. Bell and seconded by Mr. Burks, Council voted unanimously to adopt the following resolution by reference. Council Members Bell, Burks, Moffitt, Snuggs, and Swiers voted in favor of the motion.

23 RES 8-16

**RESOLUTION TO ADOPT THE
RANDOLPH COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN**

WHEREAS, the City of Asheboro is vulnerable to an array of natural hazards that can cause loss of life and damages to public and private property; and

WHEREAS, the City of Asheboro desires to seek ways to mitigate situations that may aggravate such circumstances; and

WHEREAS, the development and implementation of a hazard mitigation plan can result in actions that reduce the long-term risk to life and property from natural hazards; and

WHEREAS, it is the intent of the City of Asheboro to protect its citizens and property from the effects of natural hazards by preparing and maintaining a local hazard mitigation plan; and

WHEREAS, it is also the intent of the City of Asheboro to fulfill its obligation under North Carolina General Statutes, Chapter 166A: North Carolina Emergency Management Act and Section 322: Mitigation Planning, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to remain eligible to receive state and federal assistance in the event of a declared disaster affecting the City of Asheboro; and

WHEREAS, the City of Asheboro, in coordination with Randolph County and its incorporated municipalities has prepared a multi-jurisdictional hazard mitigation plan with input from the appropriate local and state officials;

WHEREAS, the North Carolina Division of Emergency Management and the Federal Emergency Management Agency have reviewed the Randolph County Multi-Jurisdictional Hazard Mitigation Plan for legislative compliance and have approved the plan pending the completion of local adoption procedures;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Asheboro hereby:

1. Adopts the Randolph County Multi-Jurisdictional Hazard Mitigation Plan; and
2. Agrees to take such other official action as may be reasonably necessary to carry out the proposed actions of the Plan.

Adopted on August 4, 2016.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, City Clerk

(c) **Presentation of staff’s recommendation to pursue an amendment to the boundaries of the city’s primary fire limits in light of building and fire code enhancements that have occurred since adoption of the primary fire limits in 1983.**

During discussion, Mr. Nuttall presented a map of the city’s current primary fire limits and recommended that city staff members evaluate the possibility of amending the current map that is dated 1983. Staff members believe that the current map should be evaluated in order to allow for changes that have been made to the state building and fire codes along with improvements for safety standards.

With the general consent of the council members, city staff will evaluate the process of amending the current primary fire limits and update the council as more information is available.

(d) **Opportunities to redevelop the city-owned Cranford Mills site located at 133 South Church Street:**

(i) **Discussion of the site’s redevelopment potential.**

Mr. Nuttall indicated that the city-owned land at 133 South Church Street is within the city’s center city area and is listed on the National Register of Historic Places. The site includes a locally significant and recognized landmark in the 115-foot tall smokestack, which in 2015 was stabilized for a total cost of \$119,000.

Mr. Nuttall further discussed that portions of the historic manufacturing complex are in advanced states of decay, making selected demolition an integral part of the redevelopment process. The expense for such a project would be substantial. In light of the above-stated facts, city staff recommended that the historic property be declared surplus and offered for sale, with a goal of finding a purchaser that can and will properly redevelop the property with a minimum purchase price of \$119,000.

(ii) **Consideration of a resolution authorizing the negotiated offer, advertisement, and upset bid process to dispose of this surplus real property.**

In furtherance of the previous discussion regarding the city-owned land at 133 South Church Street, Mr. Nuttall presented and recommended adoption, by reference, of a resolution authorizing the negotiated offer, advertisement, and upset bid process to dispose of the surplus real property.

Upon motion by Mr. Burks and seconded by Mr. Swiers, Council voted unanimously to adopt the following resolution by reference.

RESOLUTION NUMBER _____ **24 RES 8-16**

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION AUTHORIZING THE NEGOTIATED OFFER, ADVERTISEMENT, AND UPSET BID PROCESS TO DISPOSE OF SURPLUS REAL PROPERTY LOCATED AT 133 SOUTH CHURCH STREET

WHEREAS, the City of Asheboro (the “City”) owns an approximately 1-acre in size parcel of land, which is identified by Randolph County Parcel Identification Number 7751726479, located at 133 South Church Street in downtown Asheboro, the said parcel of land is more specifically described in a North Carolina General Warranty Deed recorded in the office of the Randolph County Register of Deeds in Book of Record 2408, Page 445 (this parcel of land will be hereinafter referred to as the “Historic Property”); and

WHEREAS, on December 7, 2011, prior to the City acquiring the Historic Property, the site was listed in the National Register of Historic Places as part of the Asheboro Hosiery Mills and Cranford

Furniture Company Complex that includes the 115-foot tall Cranford Industries smokestack (the "Smokestack"); and

WHEREAS, with the exception of the Smokestack, the structures located on the Historic Property are in an advanced state of decay that renders demolition of the deteriorating structure(s) as the only economically viable option for future redevelopment and use of the property; and

WHEREAS, the Smokestack is not in a state of decay that requires demolition because the deterioration jeopardizing the stability of the Smokestack was discovered in 2015 by a potential buyer during a due diligence period, and remedial action was taken to stabilize and preserve the Smokestack; and

WHEREAS, this remedial action for the Smokestack created a financial obligation for the City in the amount of \$119,000.00; and

WHEREAS, the City itself has no public use for the Historic Property that would justify the expenditure of an additional substantial amount of public funds to remove the unsafe structure(s); and

WHEREAS, City staff has recommended to the governing board conveying the Historic Property to a buyer capable and willing to redevelop the site in a manner that removes hazardous conditions on the site, has a positive impact on the downtown area, and is respectful of the historical significance of the property, specifically including the Smokestack; and

WHEREAS, Section 160A-269 of the North Carolina General Statutes permits the City to sell the said real property by means of the negotiated offer, advertisement, and upset bid process;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina as follows:

Section 1. The city-owned Historic Property identified by Randolph County Parcel Identification Number 7751726479 and more specifically described by a North Carolina General Warranty Deed recorded in the office of the Randolph County Register of Deeds in Book of Record 2408, Page 445 is hereby declared to be surplus property.

Section 2. The Asheboro City Council hereby authorizes the sale of the Historic Property by means of the negotiated offer, advertisement, and upset bid process established in Section 160A-269 of the North Carolina General Statutes.

Section 3. The city manager is hereby authorized to take all lawful and cost effective measures needed to procure an initial offer for the Historic Property that strictly complies with the terms and conditions specified herein and that is in an amount of no less than \$119,000.00 for the purchase price.

Section 4. Upon receipt of an initial offer, which must be submitted on an offer form drafted by the city attorney, that strictly complies with all applicable laws and the sale terms set by this Resolution, the city clerk shall cause notice of the proposed sale of the Historic Property to be published. This notice shall contain a general description of the Historic Property, the amount and terms of the offer, and the terms under which the offer may be upset.

Section 5. Persons or entities wishing to upset the offer that triggers publication of the notice specified in Section 4 of this Resolution shall deliver to the office of the city clerk, during the city's normal business hours, an upset bid within 10 calendar days after the notice of sale is published. In order to be considered properly delivered, an upset bid must be hand-delivered to the city clerk, or her designee, within the stated time frame on a form drafted by the city attorney and available for distribution to potential bidders in the city clerk's office.

Section 6. If a qualifying upset bid is received, the city clerk shall cause notice of the upset bid to be published. In the event more than one upset bid is filed during an advertised 10-day period for the receipt of upset bids, the first upset bid received shall govern, and all subsequent upset bids received during the stated period shall be returned to the respective bidders. Upon receipt of a qualifying upset bid, the Historic Property will be advertised again for additional upset bids. The city clerk will continue to follow this process until a 10-day period has passed without the receipt of any qualifying upset bid. At that time, the amount of the final high bid shall be reported to the City Council.

Section 7. A qualifying upset bid is a bid that raises the existing offer by not less than 10% of the first \$1,000.00 of the existing offer and by not less than 5% of the remainder of the existing offer.

Section 8. The initial offer and any qualifying upset bid must also be accompanied by a deposit in the amount of 5% of the offer/bid. Such a deposit may be made with the city by submitting cash, a cashier's check, or a certified check. The city will return the deposit on any bid not accepted and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The city will return the deposit of the final high bidder at closing.

A copy of the preliminary agreement is on file in the city clerk's office.

10. Presentation of an analysis and recommendation pertaining to the bids received for rough grading a portion of the roadway for the New Century Industrial Park Project.

Mr. Leonard presented the following bid summary for the rough grading of a portion of the roadway for the New Century Industrial Park Project.

<u>Company Name</u>	<u>Total Bid</u>
Terry's Plumbing & Utilities, Inc.	\$54,500
Garner Grading	\$60,000

Mr. Leonard recommended that the contract should be awarded to Terry's Plumbing & Utilities, Inc. as the apparent low bidder.

Upon motion by Mr. Moffitt and seconded by Mr. Bell, Council voted unanimously to award the contract to Terry's Plumbing & Utilities, Inc. for the rough grading of a portion of the roadway for the New Century Industrial Park Project. Council Members Bell, Burks, Moffitt, Snuggs, and Swiers voted in favor of the motion.

The bid summary is on file in the city clerk's office.

11. Mayor Smith announced the following upcoming events:

- Southeast Regional American Legion Baseball Tournament at McCrary Park on August 3 through August 7, 2016.
- 3rd Annual Pigs and Pedals KCBS BBQ Cook-off & Criterium at Bicentennial Park on August 5 through August 6, 2016.
- All-America City Celebration at Bicentennial Park on August 6, 2016 at 6:30 p.m.
- Pigs and Pedals Concert featuring Eric and the Chilltones at Bicentennial Park on August 6, 2016 at 6:30 p.m.
- All-America City Celebration Video at Bicentennial Park on August 13, 2016 at 7:30 p.m.
- Movie in the Park, *Zootopia*, at Bicentennial Park on August 13, 2016 at 8:00 p.m.
- Dedication Ceremony Naming a Portion of N.C. Highway 49 in Honor of former City Council Member Talmadge Baker at the Asheboro Regional Airport on August 25, 2016 at 3:00 p.m.
- Annual employee appreciation luncheon at the Public Works Conference Room on August 31, 2016 from 11:00 a.m. until 1:00 p.m.
- Labor Day Holiday Schedule Changes:
 - Redevelopment Commission meeting on September 12, 2016 at 9:00 a.m.
 - Planning Board meeting on September 12, 2016 at 7:00 p.m.
 - Regular City Council meeting on September 15, 2016 at 7:00 p.m.

There being no further business, the meeting was adjourned at 9:03 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor

Minutes of the meeting of the Asheboro Alcoholic Beverage Control Board held on July 11, 2016

The Asheboro ABC Board met on July 11, 2016, at 5:30 PM, in the Board office, 700 South Fayetteville Street, Asheboro, NC.

Present were Chair Brooke Schmidly, Board Members Steve Knight and Bob Morrison, and General Manager Rodney Johnson (GM). A quorum being present, the Chair called the meeting to order for the transaction of business and business transacted as follows:

The Chair inquired as to any known conflict of interest, appearance of a conflict of interest, or objections concerning agenda items before the Board; after the Chair and Board members voiced having no conflict, and there being no objection, the agenda was adopted.

The Board reviewed and there being no objection, approved the Minutes from the June 7, 2016, Board meeting.

Steve Knight and the GM reviewed Board finances and reported all finances remain consistent (sales and expenses). The Board's current bank balances and accounts payable reports were also reviewed. The GM reported that due to a point of sale (POS) software update, the Board's credit card company has not deposited all funds owed the Board. The GM is working with the POS vendor and credit card company to rectify the issue.

The Board reviewed a proposal from Duke Energy Progress to update the store's lighting with lower cost LED lighting. Duke Energy Progress will pay 47% of the costs. After review and discussion, Bob Morrison made a motion to fund the lighting proposal and the motion was approved by the Board.

The Board heard reports from the General Manager concerning the following issues:

1. Grant Notices for 3rd and 4th Quarter grant funds were made public on July 11, 2016, with applications due by July 29, 2016.
2. Asheboro ABC sales statistics comparing:
 - June 2016 sales with the previous month indicate:
 - An overall +.4% change (all sales and tax collections)
 - June 2016 sales with sales from the same month last year indicate:
 - Retail Sales +11.2% (\$239,481.10)
 - Mixed Beverage Sales: +24.4% (\$31,912.59)
 - Sales Tax Collections: +11.8% (\$16,782.79)
 - Overall Collections: +12.6% (\$288,176.48)

- June 2016 bottle sales with bottle sales from the same month last year indicate:
 - Retail Bottle Sales: +10.1%
 - Mixed Beverage Bottle Sales: +17.4%
 - Overall Bottle Sales: +10.6%

The next regular Asheboro ABC Board meeting will be held Monday, August 1, 2016, at 5:30 p.m.

There being no further business, the meeting was adjourned.

Prepared by Rodney Johnson, GM, and Approved by the Board

8-1-16


GM

J. Monte Dwyer
Stephen R Knight
Robert Mowton

Minutes of the meeting of the Asheboro Alcoholic Beverage Control Board held on August 1, 2016

The Asheboro ABC Board met on August 1, 2016, at 5:30 PM, in the Board office, 700 South Fayetteville Street, Asheboro, NC.

Present were Chair Brooke Schmidly, Board Members Steve Knight and Bob Morrison, and General Manager Rodney Johnson (GM). A quorum being present, the Chair called the meeting to order for the transaction of business and business transacted as follows:

The Chair inquired as to any known conflict of interest, appearance of a conflict of interest, or objections concerning agenda items before the Board; after the Chair and Board members voiced having no conflict, and there being no objection, the agenda was adopted.

The Board reviewed and there being no objection, approved the Minutes from the July 11, 2016, Board meeting.

One member of the public, Sierra Caudill, was present for the meeting and was so recognized by the Board.

Steve Knight and the GM reviewed Board finances and reported all finances remain consistent (sales and expenses). The Board's current bank balances and accounts payable reports were also reviewed. The GM reported that due to an error by the Board's credit card processor, \$4,400.56 in credit card transactions remains outstanding. The GM is working with the processor to correct the deficit.

The Board heard reports from the General Manager concerning the following issues:

1. The GM has been working with the Asheboro Police Department and City Attorney to update the Board's ABC enforcement contract. A final draft will be available for the Board's review at the September Board meeting.
2. Asheboro ABC sales statistics comparing:
 - July 2016 sales with the previous month indicate:
 - An overall -4.6% change (all sales and tax collections)
 - July 2016 sales with sales from the same month last year indicate:
 - Retail Sales +.4% (\$231,273.85)
 - Mixed Beverage Sales: -1.5% (\$27,472.61)
 - Sales Tax Collections: +.4% (\$16,207.38)
 - Overall Collections: +.2% (\$274,953.84)
 - July 2016 bottle sales with bottle sales from the same month last year indicate:
 - Retail Bottle Sales: -2.2%
 - Mixed Beverage Bottle Sales: -11.5%
 - Overall Bottle Sales: -2.8%

The next regular Asheboro ABC Board meeting will be held Tuesday, September 6, 2016, at 5:30 p.m.

There being no further business, the meeting was adjourned.

Prepared by Rodney Johnson, GM, and Approved by the Board 9-6-16 
GM

J. Mark Schmidt
Stephen R. Knight
Robert E. Allen

CITY OF ASHEBORO NORTH CAROLINA

APPLICATION FOR PARADE PERMIT

In accordance with the Asheboro City Code, Section 97.04, application is hereby made for a parade permit. This permit must be received fourteen (14) days prior to the day of the parade.

Contact Name: Qua Wood
Address: 1016 Redwood Dr. Asheboro, NC 27205
Phone: 336-625-9352 E-mail: qua.wood@gmail.com

Organization: Mid-State Tractor Heritage Association
Address: P.O. Box 2447 Asheboro, NC 27204
Phone: 336-625-9352

Date of Parade: October 8, 2016 Start Time: 10:00 End Time: 11:30

Number of Persons: _____ Number of Vehicles: 100

Streets Involved: all of Hoover, Davis, part of Church, Sunset Fayetteville and Academy

Special officials and/or guests: not known @ this time

Insurance Company & Policy Number: Erie Pol# Q31-1600645 Every Participant Signs a waiver & release form

Any additional information: We need Hoover & Davis Streets closed @ 7:00 a.m. on 10-8-16 for registration

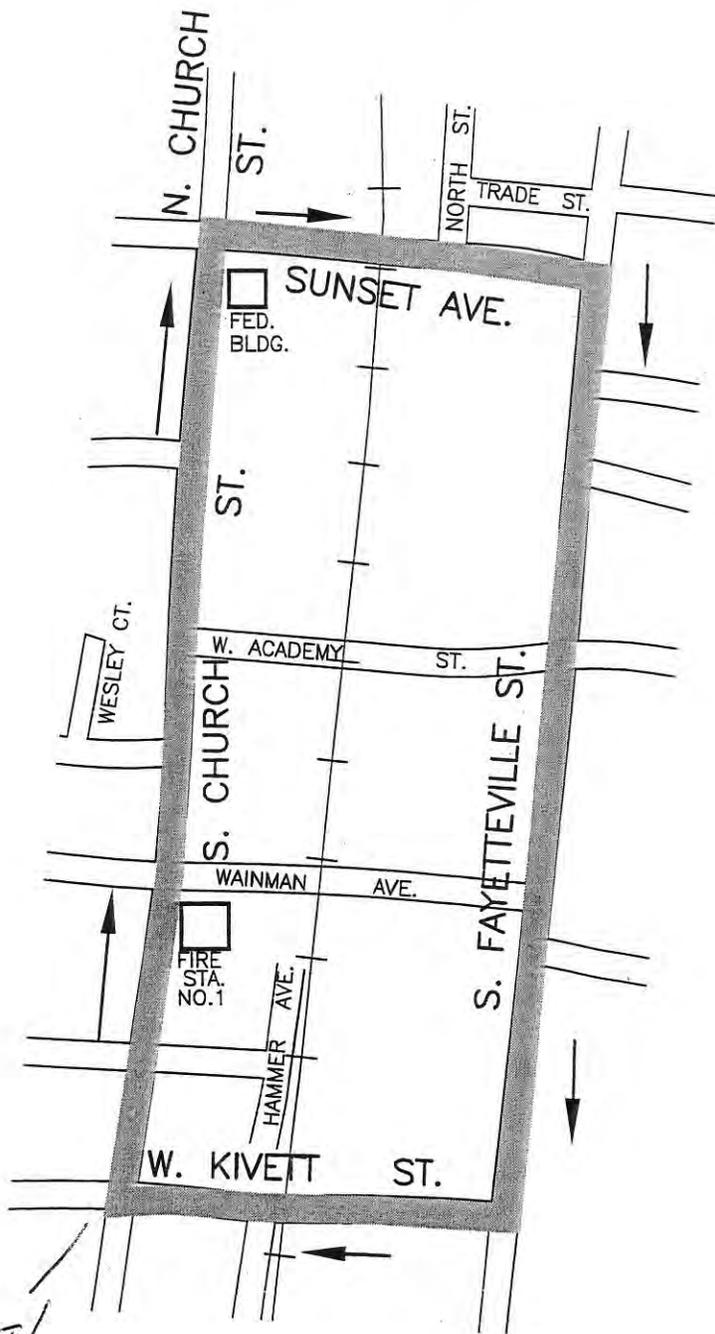
The undersigned agrees to hold the City of Asheboro and its officers, employees and agents free and harmless from and against any and all claims, losses, damages and settlements arising out of or relating to this parade. The undersigned agrees to investigate and provide defense for and defend any such claims at his/hers(?) sole expense and agrees to bear all other costs and expenses related thereto, even if the claims are groundless or false.

Signature of Authorized Representative: Qua S. Wood 5-24-16 *Thanks!!*

Internal Use Only

Police Department Recommendation: _____

City of Asheboro Approval By: [Signature] Date: 5/25/2016



*START/
line-up*



Downtown Parade Route

May, 2004

Scale 1" = 400'

Drawing By City of Asheboro Engineering Dept.

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION AUTHORIZING THE DESTRUCTION OF UNCLAIMED
FOUND PROPERTY WITH NO LEGAL VALUE OR THAT POSES A
POTENTIAL THREAT TO THE PUBLIC HEALTH AND SAFETY**

WHEREAS, during the course of performing their duties, officers of the Asheboro Police Department occasionally come into possession of items of personal property for which either the identity of the owner(s) cannot be determined or the owner(s) for various reasons fail to retrieve the found property; and

WHEREAS, if such property is unclaimed for a statutorily mandated period of time, the police department publishes legal notice of the availability for retrieval of these items in accordance with Chapter 15, Article 2 of the North Carolina General Statutes; and

WHEREAS, after the most recent publication in *The Courier-Tribune* of a notice of unclaimed property, which occurred on July 15, 2016, some of the found property that remained unclaimed and in the possession of the police department could not be sold for the following reasons: (a) Some of the unclaimed items contain protected intellectual property that the city, in practice, cannot sell without violating intellectual property laws, (b) Some of the unclaimed items pose a substantial risk of being put to use for a criminal undertaking such as identity theft, and (c) Some of the unclaimed items pose a potential health threat to buyers who might consume the items or resale the items for consumption by others; and

WHEREAS, a numeric listing of the unclaimed items that cannot be sold for the above-stated reasons is attached to this Resolution as EXHIBIT 1, and EXHIBIT 1 is hereby incorporated into this Resolution by reference as if copied fully herein; and

WHEREAS, Section 160A-266(d) of the North Carolina General Statutes authorizes the city to discard personal property found to have no value or to pose a potential threat to the public health and safety;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that each item of unclaimed found property listed on the attached EXHIBIT 1 is hereby declared to be surplus property in the lawful possession of the city; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro, North Carolina that, because of the combination of the practical absence of a lawful market for some of the unclaimed items with protected intellectual property and because of the potential threat posed to the public health and safety by other unclaimed items, the city's chief of police is hereby authorized to dispose of this surplus personal property by discarding as solid waste, in a manner

that prevents future unlawful or harmful use, all of the unclaimed found property listed on the attached EXHIBIT 1.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting of the governing board that was held on the 15th day of September, 2016.

David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

EXHIBIT 1

1. Assorted Medications
2. Assorted Credit, Debit, Vehicle Registration, Insurance, Benefit, Library, Gift, and Store Cards
3. Passport and Assorted Identification Cards, Governmentally Issued and Otherwise
4. Assorted Keys with Key Fobs/Security Key
5. Receipts/Assorted Pictures/Papers
6. Assorted Cell Phones
7. Checkbooks/Savings Books
8. Birth Certificate
9. Electronic Tablets
10. Thumb Drive/Memory Cards
11. Miscellaneous Health and Beauty Aids
12. CDs/DVDs/Video Games
13. Full Scope of Contents Commonly Found within Purses, Change Purses, Wallets, and Backpacks
14. Assorted Mail/Envelopes
15. Assorted Beverages/Empty Bottle
16. Money Order
17. Snuff
18. Computer Hard Drives



RZ/CUP-16-10: Request to rezone from B2 (General Commercial) to CU-I2 (Conditional Use General Industrial) and Issue a Conditional Use Permit for Motor Vehicle Repair-Major and Retail Shoppers' Goods (for automotive parts)

(1431 East Salisbury Street)

Planning Board Recommendation and Staff Report

Planning Board Recommendation & Comments to City Council

NOTE: Have applicant Certify to Council mailings to all adjoining property owners.

Case # **RZ-16**
-10

Date 8-1-2016 PB

Applicant Ken

Legal Description

The property of Kenneth P. Gallimore and Bridget F. Gallimore, located at 1431 East Salisbury Street, totaling approximately 2.67 acres +/- and identified more specifically by Randolph County Parcel Identification Number 7761522572.

Requested Action Rezone from B2 (General Commercial) to CU-12 (Conditional Use General Industrial)

Existing Zone B2 (General

Land Development Plan See rezoning staff report

Planning Board Recommendation

Approve

Reason for Recommendation

The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # RZ-16-10

Date 8/1/16 Planning Board
9/15/16 City Council

General Information

Applicant Ken Gallimore

Address 2048 Heritage Court

City Asheboro NC 27203

Phone 336-460-4738

Location 1431 E. Salisbury Street

Requested Action Rezone from B2 (General Commercial) to CU-I2 (Conditional Use General Industrial)

Existing Zone B2 General Commercial

Existing Land Use Formerly Rental/Sales of Heavy Equipment

Size 2.67 acres +/-

Pin # 7761525272

Applicant's Reasons as stated on application

Many repair and auto centers in the general area. Area is earmarked for commercial growth and development. This property has been used over the years prior to city zoning and map plan as a sales and repair center for all sizes of heavy equipment.

Surrounding Land Use

North Congregate Living Facility

East Place of Worship

South Retail Shoppers' Goods (Randolph Mall)

West Single-family residential/undeveloped

Zoning History N/A

Legal Description

The property of Kenneth P. Gallimore and Bridget F. Gallimore, located at 1431 East Salisbury Street, totaling approximately 2.67 acres +/- and identified more specifically by Randolph County Parcel Identification Number 7761522572.

Analysis

1. East Salisbury Street and Martin Luther King Jr. Drive are both state-maintained minor thoroughfares.
2. The property was annexed into the city limits on June 6, 2013. The property is currently not served by public water and sewer (please refer to topography and utilities map).
3. The property currently includes a vacant structure that was last used for rental/sales of heavy equipment (farm machinery). Tax records indicate the principal structure on the property was constructed in 1964. This use was legal non conforming since it was only permitted in Light Industrial (I1) and General Industrial (I2) zoning districts.
4. East Salisbury Street and its vicinity includes a mix of residential, office/institutional, commercial uses, and automotive related uses requiring industrial zoning.
5. The applicant has filed a request for a Conditional Use Permit allowing Motor Vehicle Repair- Major. This request also includes the sales of retail shoppers' goods, specifically the sales of automotive parts associated with the "Motor Vehicle Repair-Major" use.

Rezoning Staff Report

RZ Case # RZ-16-10

Page 2

Consistency with the 2020 LDP Growth Strategy designations

In reviewing this request, careful consideration is given to each Goal and Policy as outlined in the Land Development Plan. Some Goals and Policies will either support or will not support the request, while others will be neutral or will not apply. Only those Goals and Policies that support or do not support the request will be shown.

Proposed Land Use Map Designation Commercial
Small Area Plan Central
Growth Strategy Map Designation Primary Growth

LDP Goals/Policies Which Support Request

Checklist Item 5: The proposed rezoning is compliant with the objectives of the Growth Strategy Map.

Checklist Item 7: The proposed rezoning is compatible with the applicable Small Area Plan.

Checklist Items 12, 13, and 14: 12.) Property is located outside of watershed 13.) The property is located outside of Special Hazard Flood Area. 14.) Rezoning is not located on steep slopes of greater than 20%.

Rezoning Staff Report

RZ Case # RZ-16-10

Page 3

LDP Goals/Policies Which Do Not Support Request

Checklist Item 1: Rezoning is not compliant with the Proposed Land Use Map.

2.1.1 The City will ensure development regulations provide appropriate transitional land uses, such as office and institutional, between high-intensity industrial/commercial and low-intensity residential uses.

Staff's Final Analysis Concerning Consistency with Adopted Comprehensive Plans, Reasonableness and Public Interest

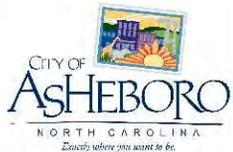
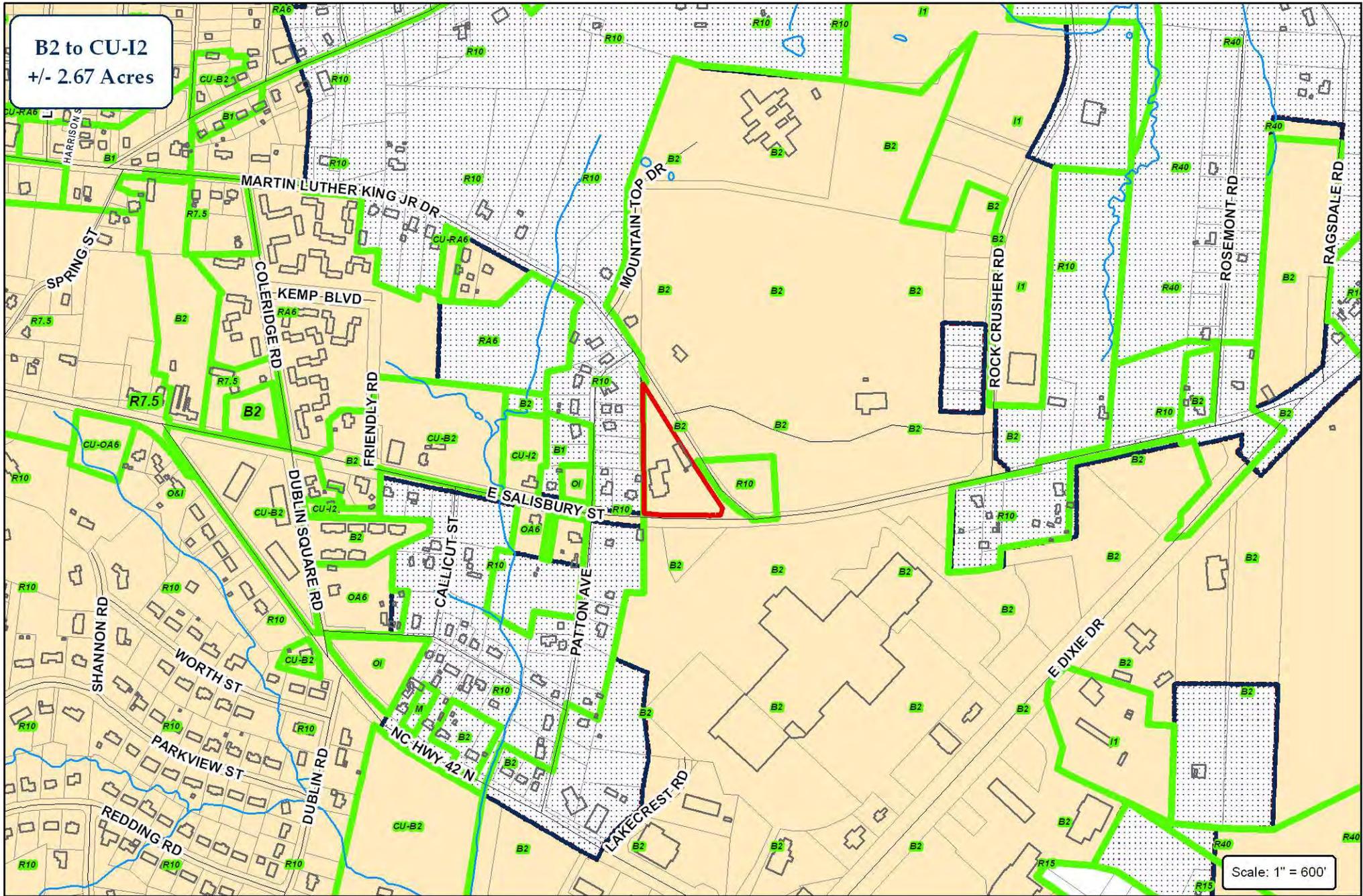
Although the Land Development Plan Proposed Land Use Map designates this property for commercial use, staff notes that the Central Small Area Plan recognizes the need to allow viable use of established properties and cites "accommodation of and expansion of existing industrial uses" as a key issue in the Central Small Planning Area. It is also noteworthy that extensive areas of general B2 commercial zoning adjoin the property.

While the property's history indicates a previous, long standing use that is industrial in nature, staff also recognizes the need to ensure that future proposed use(s) and the manner in which these use(s) develop are compatible with surrounding properties. Staff believes that the Conditional Use permitting process can mitigate negative impacts onto neighboring properties. Furthermore, the property's location outside of watershed, flood hazard areas, and areas with steep slopes help make the request suitable.

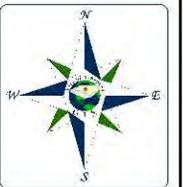
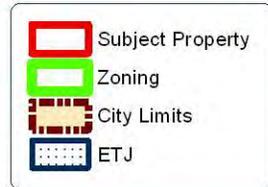
Given these factors, staff believes that the request is consistent with the adopted comprehensive Land Development Plan, and therefore reasonable and in the public interest.

Recommendation In light of the above analysis, staff's recommendation is **approval** of this request.

B2 to CU-I2
+/- 2.67 Acres

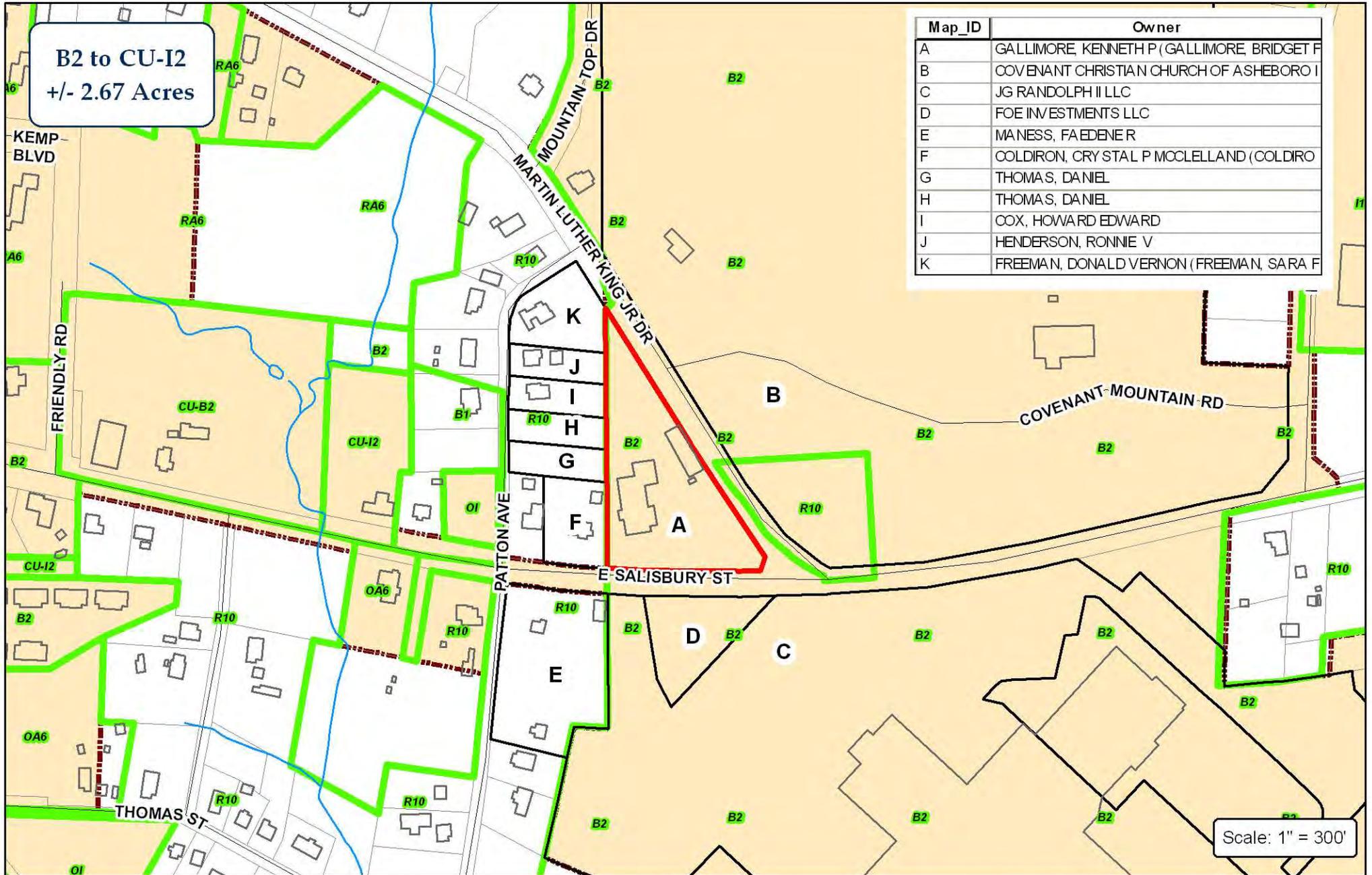


City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-16-10
Parcel: 7761525272

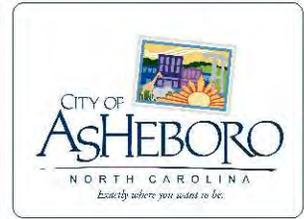


**B2 to CU-I2
+/- 2.67 Acres**

Map_ID	Owner
A	GALLIMORE, KENNETH P (GALLIMORE, BRIDGET F
B	COVENANT CHRISTIAN CHURCH OF ASHEBORO I
C	JG RANDOLPH II LLC
D	FOE INVESTMENTS LLC
E	MA NESS, FAEDENE R
F	COLDIRON, CRY STAL P MCCLELLAND (COLDIRO
G	THOMAS, DANIEL
H	THOMAS, DANIEL
I	COX, HOWARD EDWARD
J	HENDERSON, RONNIE V
K	FREEMAN, DONALD VERNON (FREEMAN, SARA F

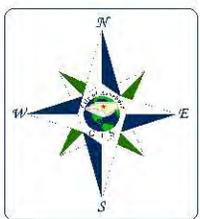


Scale: 1" = 300'

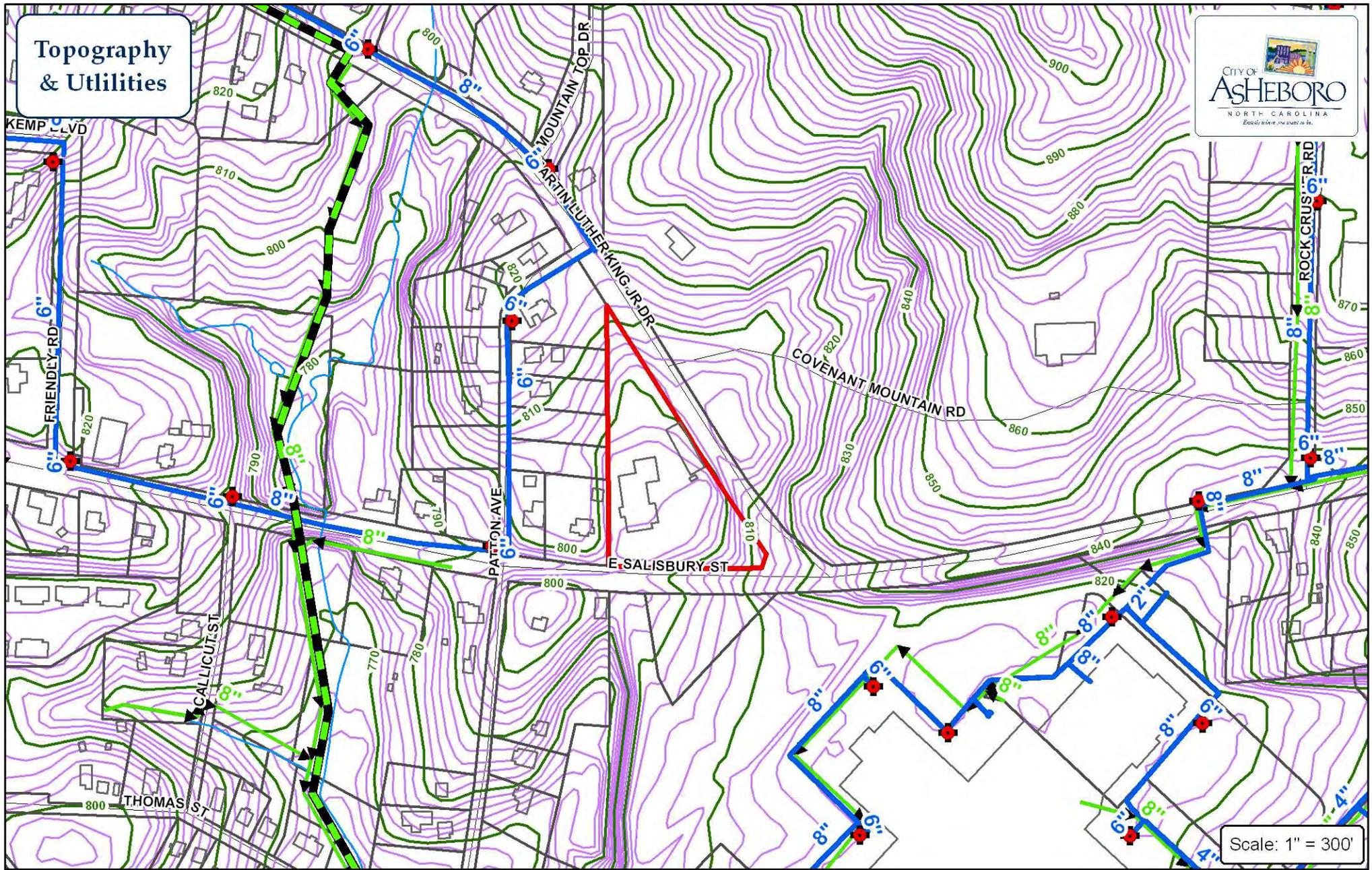
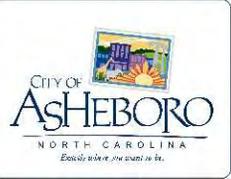


**City of Asheboro
Planning & Zoning Department**
Rezoning Case: RZ-16-10
Parcel: 7761525272

- Subject Property
- Adjoining Properties
- Zoning
- City Limits



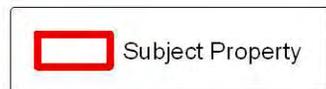
**Topography
& Utilities**



Scale: 1" = 300'

-  Water Main
-  Sewer Main
-  Force Main
-  Fire Hydrant
-  Pump Station

City of Asheboro
 Planning & Zoning Department
 Rezoning Case: RZ-16-10
 Parcel: 7761525272



Aerial



Scale: 1" = 300'



City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-16-10
Parcel: 7761525272

Subject Property
Zoning



Conditional Use Permit Staff Report

CUP Case No. CUP-16-10

9/15/2016 City Council

General Information

Name Ken Gallimore
Address 2048 Heritage Court
Asheboro NC 27203
Phone 336-460-4738
Pin # 7761525272
Location 1431 E. Salisbury Street

Requested Action: Conditional Use Permit for Motor Vehicle Repair-Major, including retail shoppers' goods, specifically the sales of automotive parts

Existing Zone B2 General Commercial **Existing Land Use** Formerly Rental/Sales of Heavy equipment
Size 2.67 acres +/-

Applicant's Reason as stated on application

For mechanical & body repair of motor vehicles. Sales of new related motor vehicle parts.

Surrounding Land Use

North Congregate Living Facility **East** Place of Worship
South Retail shoppers' goods (Randolph Mall) **West** Single-family residential (undeveloped)

Zoning History N/A

Growth Strategy Map Primary Growth **Proposed L D P Map** Commercial

Legal Description

The property of Kenneth P. Gallimore and Bridget F. Gallimore, located at 1431 East Salisbury Street, totaling approximately 2.67 acres +/- and identified more specifically by Randolph County Parcel ID No. 7761522572.

Analysis

1. The request is for a Conditional Use Permit for motor vehicle repair-major, including retail shoppers' goods (specifically sales of automotive parts).
2. The applicant has also filed a request to rezone the property from B2 (General Commercial) to CU-12 (Conditional Use General Industrial).
3. The applicant proposes using a portion of the existing principal structure for motor vehicle repair/body shop, along with two additions totaling 3,203 square feet, adding a new 7,200 sq. ft. paint building, and enclosing an existing open accessory structure.
4. The applicant also proposes enclosing an existing accessory building that has a legal non conforming situation due to its encroachment into the required 10' front yard setback. This proposed enclosure is permissible under Article 800, as long as the dimensions (length, width, height) do not further encroach into the setback. The site plan also indicates the possibility of removing the building and constructing a new enclosed structure that meets City requirements.
5. The site plan proposes using the two existing driveways on East Salisbury St. & a new driveway on Martin Luther King, Jr. Drive.
6. Buffering/screening required is either a 10' Type C screen or 25' Type C buffer adjacent to the residentially zoned (R10) property on the west side of the property. The applicant is proposing using a combination of existing vegetation, planted vegetation, and other screening to meet these requirements. The applicant also proposes using existing vegetation to meet the front yard landscaping requirements along Martin Luther King, Jr. Drive.
7. The zoning ordinance and city code generally prohibit outdoor storage of junked motor vehicles and junk materials. No open storage areas of other materials are shown on the site plan, therefore, this would not be permitted.

LDP Conformity Issues See rezoning staff report

Conditional Use Permit Staff Report

CUP Case No. CUP-16-10

Page 2

NOTE: Applicant shall certify to Council mailings to all adjoining property owners.

Staff Comments

Suggested Conditions

DRAFT CONDITIONS AS OF 9-9-16:

(A) The site plan notes a minimum 10' "Type C" Screen on the western boundary of the property adjacent to residentially zoned property. This "Type C" Screen indicates one (1) evergreen shrub at five (5) feet on centers and one (1) evergreen tree at twenty (20) feet on centers or an equivalent combination of vegetation and other screening that meets or exceeds the requirements of a "Type C" Screen. Existing vegetation may also count towards meeting screening/buffering requirements. However, should any deficiency in meeting the landscaping requirements occur, additional buffering or screening measures consistent with Section 304A of the Asheboro Zoning Ordinance shall be required.

(B) As noted on the site plan, existing vegetation within the front 10' of the property along Martin Luther King Jr. Dr. may count towards meeting front yard landscaping requirements. However, should any deficiency in meeting the front yard landscaping requirements occur, additional plantings will be required, that at a minimum, meet the requirements of Section 308A of the Asheboro Zoning Ordinance.

(C) Notwithstanding information provided on the site plan, if NCDOT requires closure of the driveway entrance on East Salisbury Street that is closest to Martin Luther King Jr. Drive, this closure shall not be considered a modification of the Conditional Use Permit as long as all required parking spaces and maneuvering areas are provided.

(D) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot. shall properly execute, and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this Conditional Use Permit in the chain of title for the Zoning Lot.

For Conditional Use Permit Hearings:

The following tests shall be found in favor of the applicant by the City Council.

1. That the use will not materially endanger the public health of safety if located where proposed and developed according to the plan as submitted an approved.
2. That the use meets all required conditions and specifications of the Asheboro Zoning Ordinance.
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity,
4. That the location and character of the use if developed according to the plan as submitted and approved is in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.

If any Conditional Use Permit is discontinued for a period of 180 days; or the permit is not initiated within 180 days; or replaced by a use otherwise permitted in the zoning district, it shall be deemed abandoned and the Conditional Use Permit shall be null and void and of no effect.

Conditional Use Permit Staff Report

Requirements for Permit

Page 3

CUP-16-10

NOTES

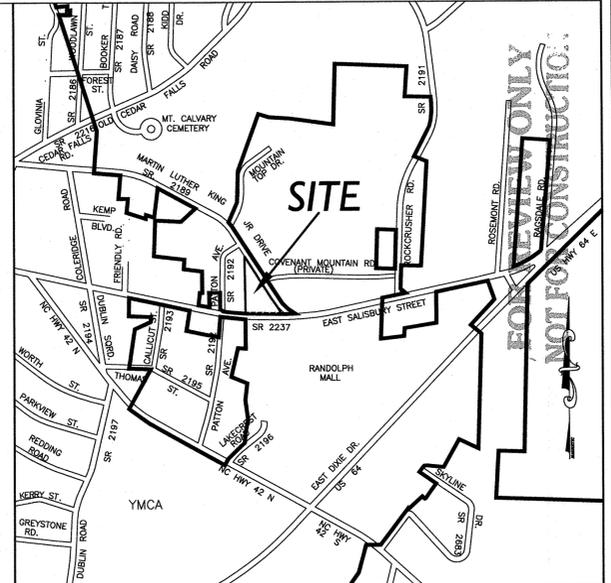
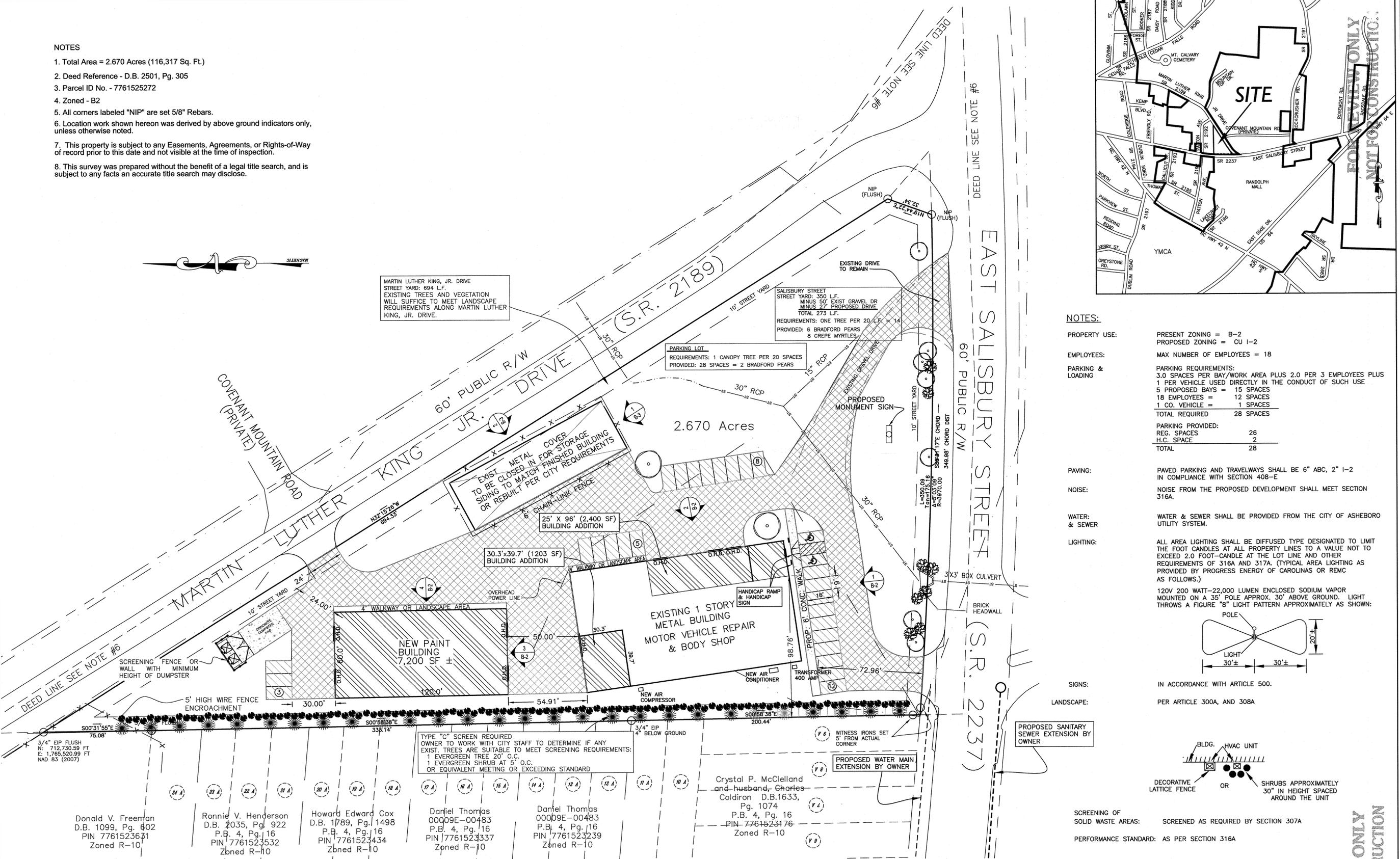
- Total Area = 2.670 Acres (116,317 Sq. Ft.)
- Deed Reference - D.B. 2501, Pg. 305
- Parcel ID No. - 7761525272
- Zoned - B2
- All corners labeled "NIP" are set 5/8" Rebars.
- Location work shown hereon was derived by above ground indicators only, unless otherwise noted.
- This property is subject to any Easements, Agreements, or Rights-of-Way of record prior to this date and not visible at the time of inspection.
- This survey was prepared without the benefit of a legal title search, and is subject to any facts an accurate title search may disclose.



MARTIN LUTHER KING, JR. DRIVE
STREET YARD: 694 L.F.
EXISTING TREES AND VEGETATION
WILL SUFFICE TO MEET LANDSCAPE
REQUIREMENTS ALONG MARTIN LUTHER
KING, JR. DRIVE.

SALISBURY STREET
STREET YARD: 350 L.F.
MINUS 50' EXIST GRAVEL DR
MINUS 27' PROPOSED DRIVE
TOTAL 273 L.F.
REQUIREMENTS: ONE TREE PER 20 L.F. = 14
PROVIDED: 6 BRADFORD PEARS
8 CREPE MYRTLES

PARKING LOT
REQUIREMENTS: 1 CANOPY TREE PER 20 SPACES
PROVIDED: 28 SPACES = 2 BRADFORD PEARS



NOTES:

PROPERTY USE:	PRESENT ZONING = B-2 PROPOSED ZONING = CU 1-2
EMPLOYEES:	MAX NUMBER OF EMPLOYEES = 18
PARKING & LOADING:	PARKING REQUIREMENTS: 3.0 SPACES PER BAY/WORK AREA PLUS 2.0 PER 3 EMPLOYEES PLUS 1 PER VEHICLE USED DIRECTLY IN THE CONDUCT OF SUCH USE 5 PROPOSED BAYS = 15 SPACES 18 EMPLOYEES = 12 SPACES 1 CO. VEHICLE = 1 SPACES TOTAL REQUIRED 28 SPACES
	PARKING PROVIDED: REG. SPACES 26 H.C. SPACE 2 TOTAL 28

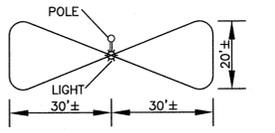
PAVING: PAVED PARKING AND TRAVELWAYS SHALL BE 6" ABC, 2" I-2 IN COMPLIANCE WITH SECTION 408-E

NOISE: NOISE FROM THE PROPOSED DEVELOPMENT SHALL MEET SECTION 316A.

WATER & SEWER: WATER & SEWER SHALL BE PROVIDED FROM THE CITY OF ASHEBORO UTILITY SYSTEM.

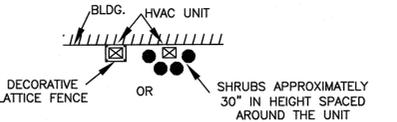
LIGHTING: ALL AREA LIGHTING SHALL BE DIFFUSED TYPE DESIGNATED TO LIMIT THE FOOT CANDLES AT ALL PROPERTY LINES TO A VALUE NOT TO EXCEED 2.0 FOOT-CANDLE AT THE LOT LINE AND OTHER REQUIREMENTS OF 316A AND 317A. (TYPICAL AREA LIGHTING AS PROVIDED BY PROGRESS ENERGY OF CAROLINAS OR REMC AS FOLLOWS.)

120V 200 WATT-22,000 LUMEN ENCLOSED SODIUM VAPOR MOUNTED ON A 35' POLE APPROX. 30' ABOVE GROUND. LIGHT THROWS A FIGURE "8" LIGHT PATTERN APPROXIMATELY AS SHOWN:



SIGNS: IN ACCORDANCE WITH ARTICLE 500.

LANDSCAPE: PER ARTICLE 300A, AND 308A



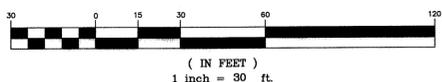
SCREENING OF SOLID WASTE AREAS: SCREENED AS REQUIRED BY SECTION 307A

PERFORMANCE STANDARD: AS PER SECTION 316A

MAP LEGEND

- PAVED TRAVEL/MANEUVERING AREAS
- PAVED PARKING AREAS
- PROPOSED BUILDINGS/ADDITIONS

GRAPHIC SCALE



Donald V. Freeman
D.B. 1099, Pg. 602
PIN 7761523631
Zoned R-10

Ronnie V. Henderson
D.B. 2035, Pg. 922
P.B. 4, Pg. 16
PIN 7761523532
Zoned R-10

Howard Edward Cox
D.B. 1789, Pg. 1498
P.B. 4, Pg. 16
PIN 7761523434
Zoned R-10

Daniel Thomas
00009E-00483
P.B. 4, Pg. 16
PIN 7761523337
Zoned R-10

Daniel Thomas
00009E-00483
P.B. 4, Pg. 16
PIN 7761523239
Zoned R-10

Crystal P. McClelland
and-husband, Charles
Coldiron D.B.1633,
Pg. 1074
P.B. 4, Pg. 16
PIN-7761523476
Zoned R-10



Summey Engineering Associates, PLLC
Engineering - Land Planning - Consulting

PO Box 968
Asheboro, NC 27204
Phone: 336-328-0902 Fax: 336-328-0922
E-mail: mmack@summey.com

By:	
Description:	
No.:	
Date:	

REZONING MAP FOR
KEN GALLIMORE
1431 EAST SALISBURY STREET
ASHEBORO - RANDOLPH COUNTY - NORTH CAROLINA

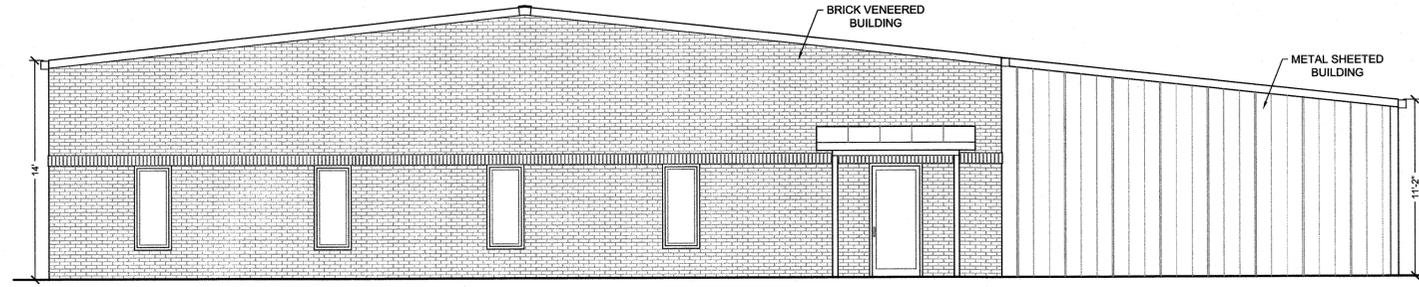
Scale:	1" = 50'
Date:	JULY 2016
Drawn By:	NK/BK
Checked By:	HM5J
Job No.:	E-5695

Sheet No. **C-1**
of 1

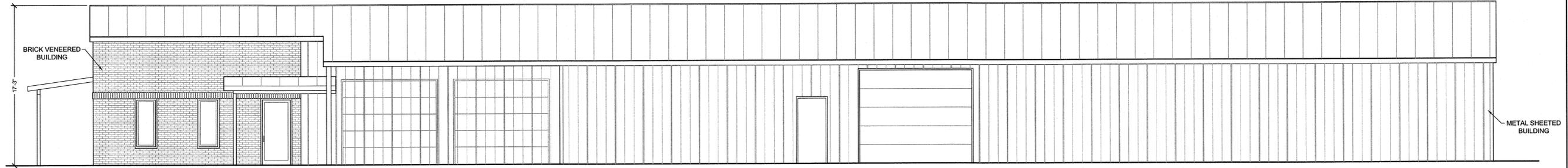
**FOR REVIEW ONLY
NOT FOR CONSTRUCTION**



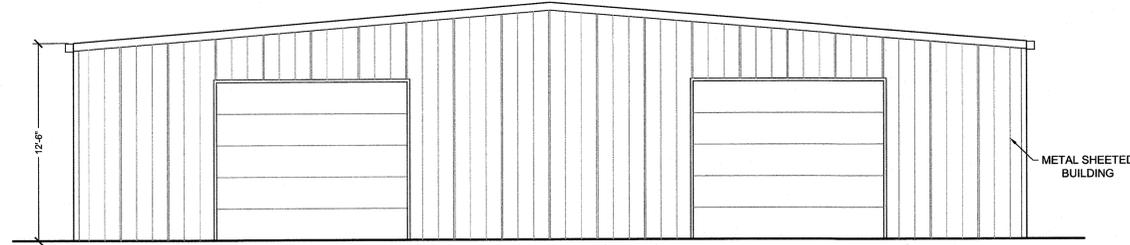
P:\E-5695 - Ken Gallimore\Automated\811\811-2016.dwg, 05/17/2016 4:11:54 PM, C:\ProgramData\Autodesk\LT2016\Help\811-2016.dwg



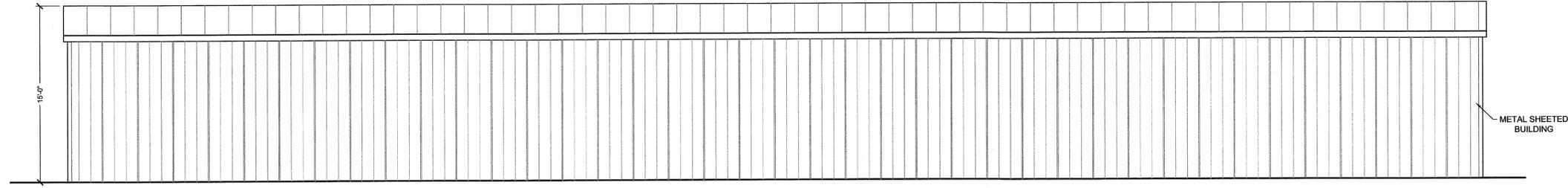
1 BODY SHOP BUILDING- FRONT ELEVATION
B-2 SCALE: 3/16" = 1'-0"



2 BODY SHOP BUILDING- RIGHT ELEVATION
B-2 SCALE: 3/16" = 1'-0"



3 PAINT BUILDING - FRONT ELEVATION
B-2 SCALE: 3/16" = 1'-0"



4 PAINT BUILDING - RIGHT ELEVATION
B-2 SCALE: 3/16" = 1'-0"

FOR REVIEW ONLY
NOT FOR CONSTRUCTION



Summey Engineering Associates, PLLC
Engineering - Land Planning - Consulting
PO Box 968
Asheboro, NC 27204
Phone: 336-528-0902 Fax: 336-528-0922
E-mail: macl@ashboro.com

No.	Date	Description	By

PROPOSED ELEVATIONS
BUILDING RENOVATION PLANS FOR:
KEN GALLIMORE
1431 EAST SALISBURY STREET
ASHEBORO - RANDOLPH COUNTY - NORTH CAROLINA

Scale:	AS NOTED
Date:	AUGUST, 2016
Drawn By:	HS
Checked By:	HMSJ
Job No.:	E-3695

Sheet No.
B-2
of 2

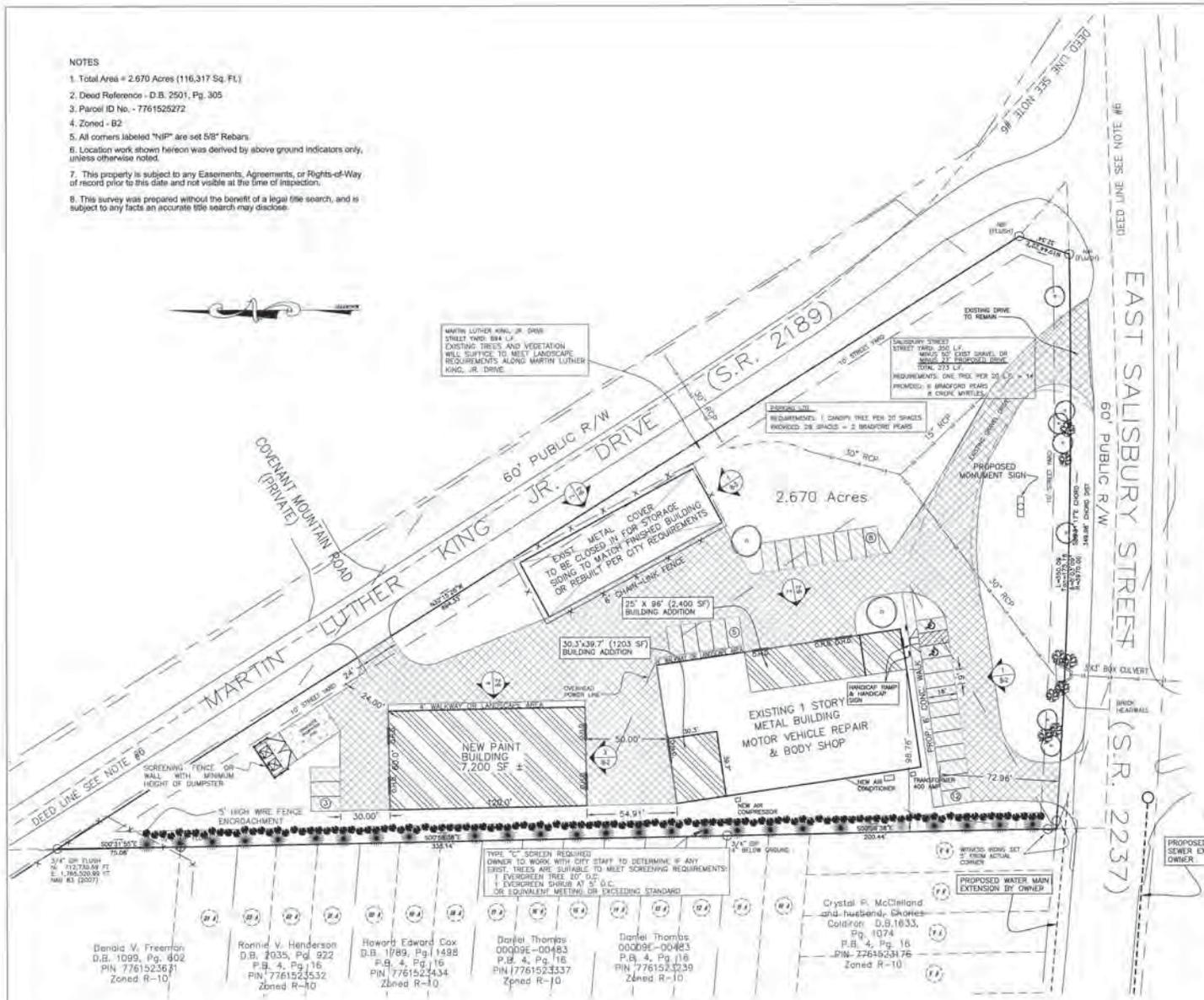
FOR REVIEW ONLY
NOT FOR CONSTRUCTION

NOTES

1. Total Area = 2.670 Acres (116,317 Sq. Ft.)
2. Deed Reference - D.B. 2501, Pg. 305
3. Parcel ID No. - 7761525272
4. Zoned - B2
5. All corners labeled "NIP" are set 5/8" Rebar.
6. Location work shown hereon was derived by above ground indicators only, unless otherwise noted.
7. This property is subject to any Easements, Agreements, or Rights-of-Way of record prior to this date and not visible at the time of inspection.
8. This survey was prepared without the benefit of a legal title search, and is subject to any facts an accurate title search may disclose.



MARTIN LUTHER KING, JR. DRIVE
STREET WIDE 84' L.P.
EXISTING TREES AND VEGETATION
WILL SUFFICE TO MEET LANDSCAPE
REQUIREMENTS ALONG MARTIN LUTHER
KING, JR. DRIVE



NOTES

- PROPERTY USE:** PRESENT ZONING = B-2
PROPOSED ZONING = C21 I-2
- EMPLOYEES:** MAX NUMBER OF EMPLOYEES = 18
- PARKING & LOADING:** PARKING REQUIREMENTS:
3.0 SPACES PER BAY WORK AREA PLUS 2.0 PER 3 EMPLOYEES PLUS
1 PER VEHICLE USED DIRECTLY IN THE CONDUCT OF SUCH USE
5 PROPOSED BAYS = 15 SPACES
18 EMPLOYEES = 12 SPACES
1 CO. VEHICLE = 1 SPACE
TOTAL REQUIRED = 28 SPACES
- PARKING PROVIDED:**
REG. SPACES = 26
H.C. SPACE = 2
TOTAL = 28
- PAVING:** PAVED PARKING AND TRAVELWAYS SHALL BE 6" AC, 2" I-2
IN COMPLIANCE WITH SECTION 408-E
- NOISE:** NOISE FROM THE PROPOSED DEVELOPMENT SHALL MEET SECTION 316A.
- WATER & SEWER:** WATER & SEWER SHALL BE PROVIDED FROM THE CITY OF ASHBOURD UTILITY SYSTEM
- LIGHTING:** ALL AREA LIGHTING SHALL BE DIFFUSED TYPE DESIGNATED TO LIMIT THE FOOT CANDLES AT ALL PROPERTY LINES TO A VALUE NOT TO EXCEED 2.0 FOOT-CANDLE AT THE LOT LINE AND OTHER REQUIREMENTS OF 316A AND 317A. (TYPICAL AREA LIGHTING AS PROVIDED BY PROGRESS ENERGY OF CAROLINAS OR REMC AS FOLLOWS.)
120V 200 WATT-25,000 LUMEN ENCLOSED SODIUM VAPOR MOUNTED ON A 30' POLE APPROX. 30' ABOVE GROUND. LIGHT THROWS A FIGURE "8" LIGHT PATTERN APPROXIMATELY AS SHOWN:
-
- SIGNS:** IN ACCORDANCE WITH ARTICLE 500:
PER ARTICLE 500A, AND 500A
- LANDSCAPE:** SCREENING OF SOLID WASTE AREAS: SCREENED AS REQUIRED BY SECTION 507A
PERFORMANCE STANDARD: AS PER SECTION 316A
- MAP LEGEND:**
 PAVED TRAVEL/LANDSCAPING AREAS
 PAVED PARKING AREAS
 PROPOSED BUILDINGS/ADDITIONS



- Donald V. Freeman
D.B. 1099, Pg. 602
PIN 7761523631
Zoned R-10
- Ronnie V. Henderson
D.B. 2035, Pg. 922
P.B. 4, Pg. 116
PIN 7761523532
Zoned R-10
- Howarth Edward Cox
D.B. 1789, Pg. 1438
P.B. 4, Pg. 116
PIN 7761523434
Zoned R-10
- Daniel Thomas
00009E-00463
P.B. 4, Pg. 116
PIN 7761523337
Zoned R-10
- Daniel Thomas
00009E-00463
P.B. 4, Pg. 116
PIN 7761523176
Zoned R-10
- Crystal R. McClelland
and Irene S. SCHOES
Caldwell D.B. 1633,
Pg. 1074
P.B. 4, Pg. 116
PIN 7761523176
Zoned R-10



Summey Engineering Associates, PLLC
Engineering - Land Planning - Consulting
170 Elm Hill
Asheboro, NC 27804
Phone: 704-221-2200 / Fax: 704-221-2201
Email: info@summeyeng.com

**REZONING MAP FOR
KEN GALLIMORE**
1421 EAST SALSBURY STREET
ASHBOURD - RANDOLPH COUNTY - NORTH CAROLINA

**FOR REVIEW ONLY
NOT FOR CONSTRUCTION**

Scale:	1" = 30'
Date:	JULY 2016
Drawn by:	HEC/RL
Checked by:	WES/RL
Job No.:	15010
Sheet No.:	1 of 1



TO: Asheboro City Council
FROM: Trevor L. Nuttall, Community Development Director 
DATE: 9-14-16
RE: Potential Changes to the City's Primary Fire Limits

Staff has concluded an analysis of the city's current primary fire limits. The Fire Department and Community Development Division, including the Building and Fire Inspections Departments, completed the analysis. Analysis included a review of year-built for all buildings within the current limits as well as an evaluation of building area densities by block. Occupancy types, fire hydrant access and proximity to a Fire Station also were examined. Additionally, staff discussed building code developments that have occurred since the date of the city's current primary fire district (1983) as well as investments that have been made in public safety and emergency service arenas since that time. Maps used in the staff analysis are included with this memorandum.

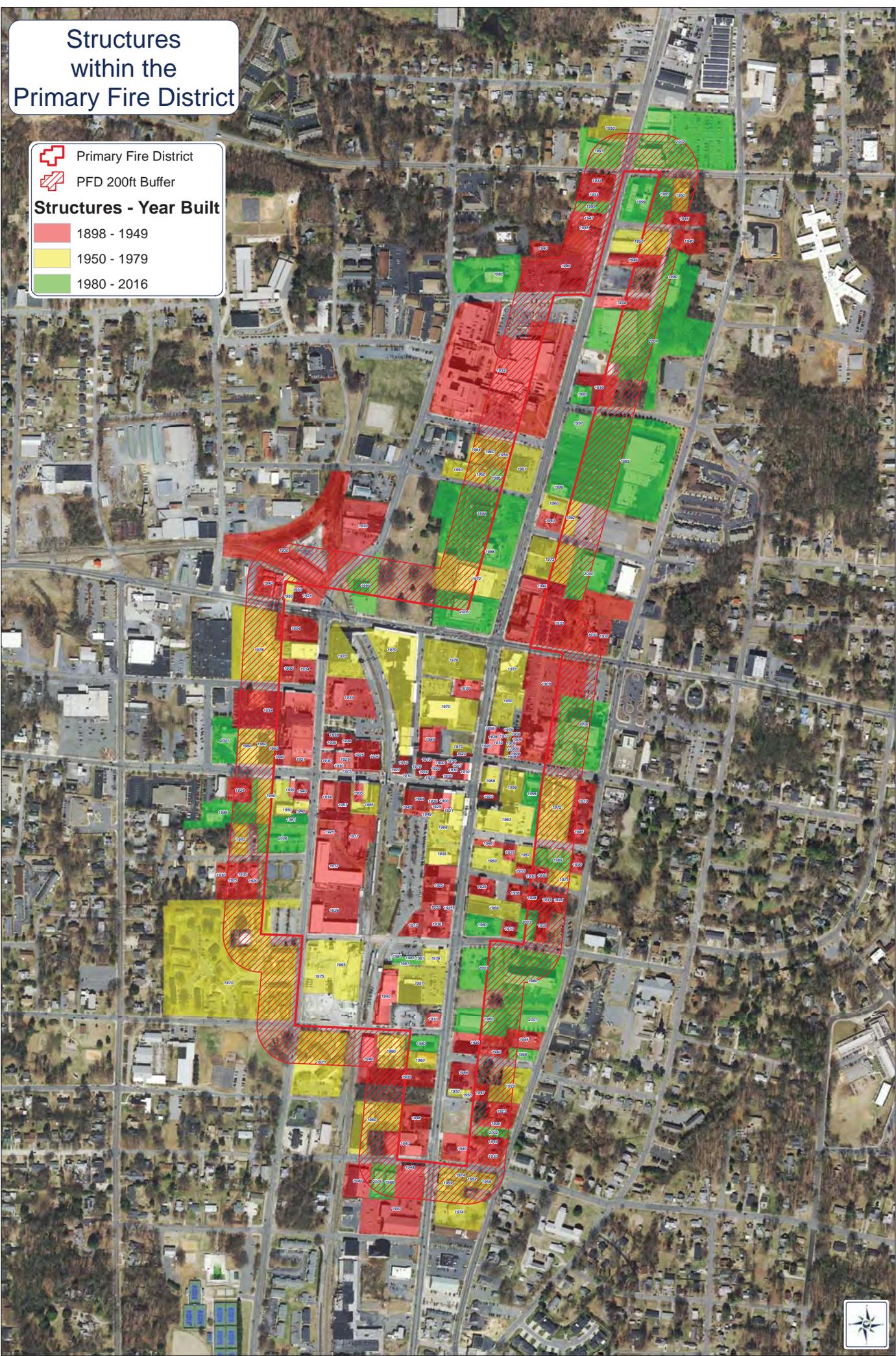
Our analysis indicates that the greatest concentration of structures whose construction pre-dates modern building code requirements is contained within the blocks bounded by W. Salisbury Street to the north, N. Fayetteville Street to the east, Academy Street to the south, and S. Church Street to the west. Structures located outside of these blocks tend to be of newer construction, more frequently detached and setback from property lines, and within an adequate distance of Fire Station Number 1 and fire hydrants to receive acceptable fire protection services without necessitating additional building code requirements triggered by inclusion within the primary fire limits. In light of this analysis, it is recommended that the City Council schedule a public hearing for October 6, 2016, on the question of an amendment to the primary fire limits.

Structures within the Primary Fire District

-  Primary Fire District
-  PFD 200ft Buffer

Structures - Year Built

-  1898 - 1949
-  1950 - 1979
-  1980 - 2016

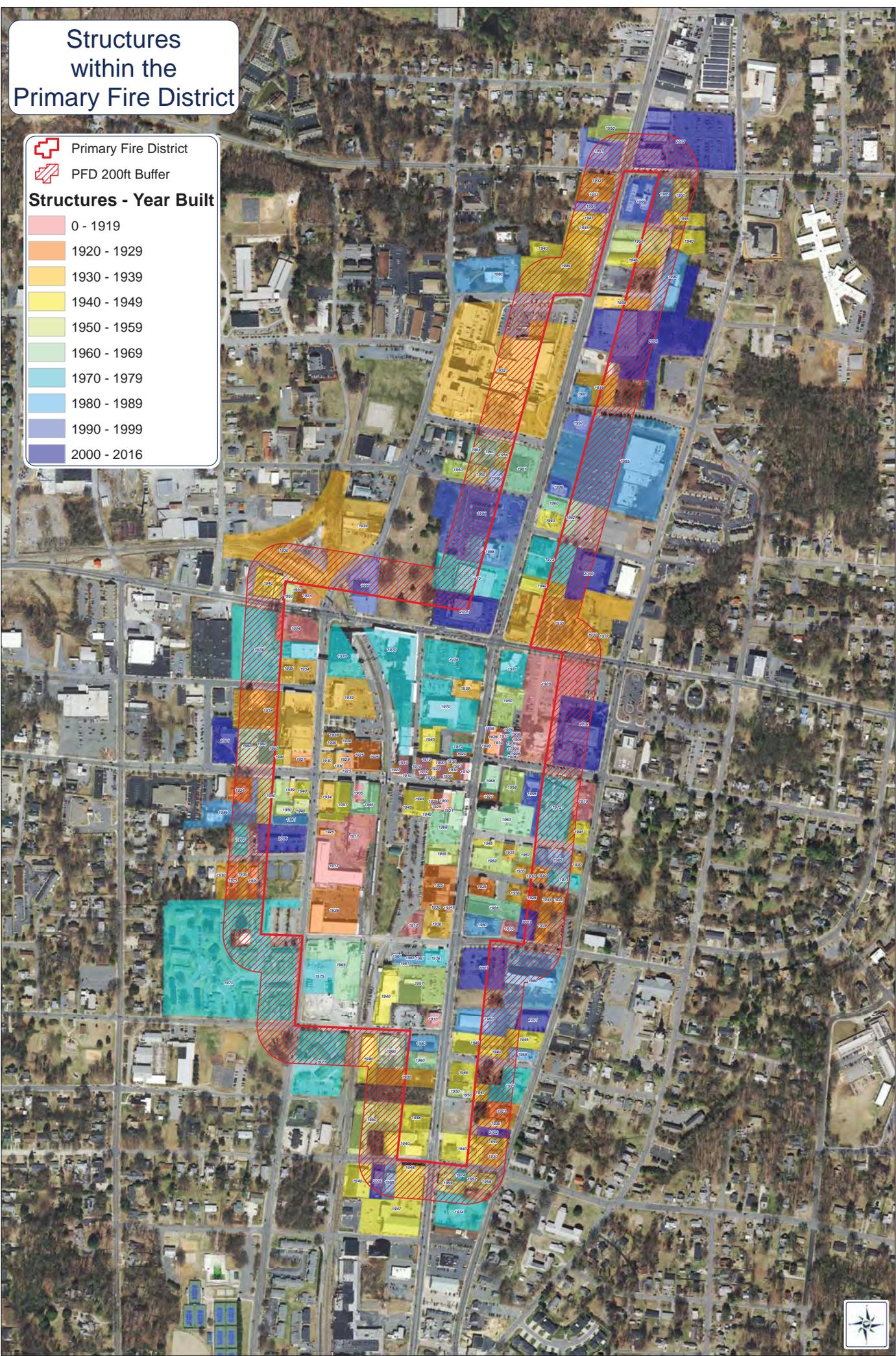


Structures within the Primary Fire District

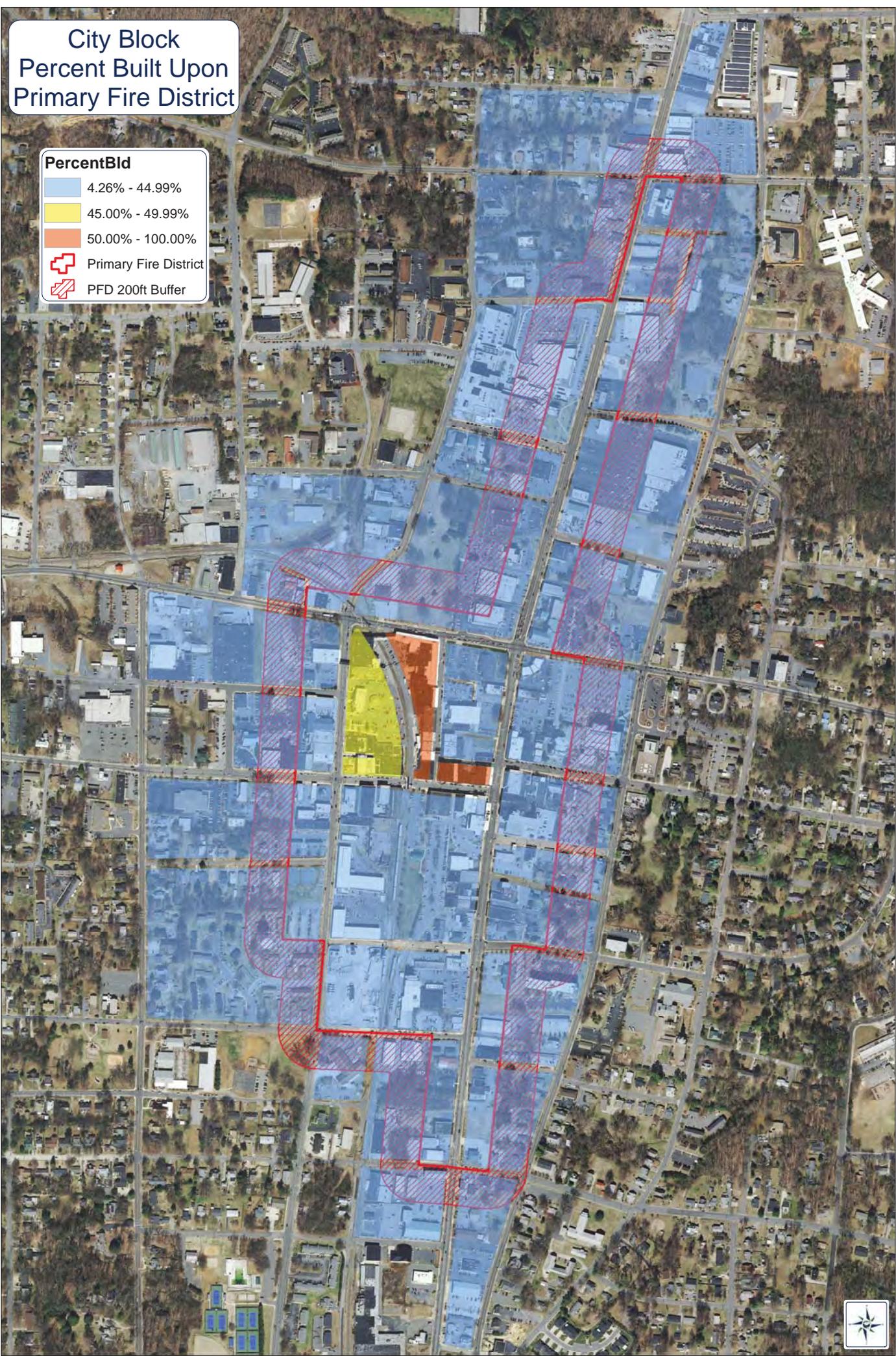
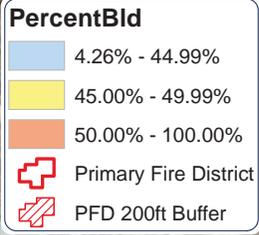
-  Primary Fire District
-  PFD 200ft Buffer

Structures - Year Built

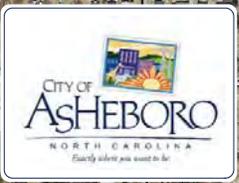
-  0 - 1919
-  1920 - 1929
-  1930 - 1939
-  1940 - 1949
-  1950 - 1959
-  1960 - 1969
-  1970 - 1979
-  1980 - 1989
-  1990 - 1999
-  2000 - 2016



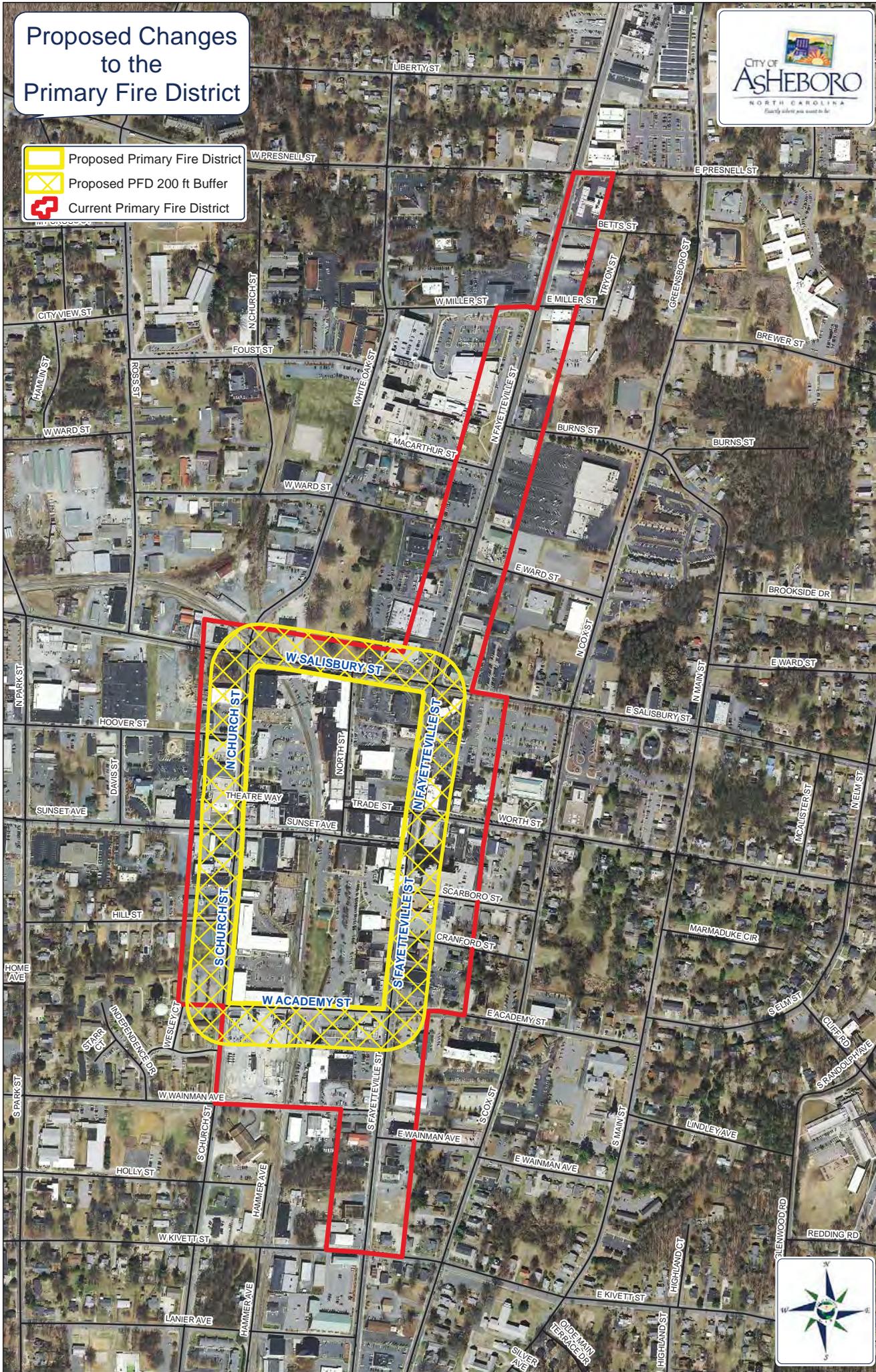
City Block Percent Built Upon Primary Fire District



Proposed Changes to the Primary Fire District



-  Proposed Primary Fire District
-  Proposed PFD 200 ft Buffer
-  Current Primary Fire District



RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**RESOLUTION ACCEPTING THE OFFER FOR A SURPLUS PARCEL OF
CITY-OWNED LAND AT 133 SOUTH CHURCH STREET**

WHEREAS, the City of Asheboro (the “City”) owns a parcel of land at 133 South Church Street that is identified by Randolph County Parcel Identification Number 7751726479 and is more specifically described by a North Carolina General Warranty Deed recorded in the office of the Randolph County Register of Deeds in Book of Record 2408, Page 445; and

WHEREAS, by means of adopting Resolution Number 24 RES 8-16 on August 4, 2016, the Asheboro City Council declared the parcel of land described in the immediately preceding paragraph to be surplus property and authorized the sale of this parcel of land (known as the “Historic Property”) by means of the negotiated offer, advertisement, and upset bid process established in Section 160A-269 of the North Carolina General Statutes; and

WHEREAS, on August 19, 2016, the City received an offer from VSR, LLC, a North Carolina limited liability company, to purchase the Historic Property at a purchase price of \$119,000.00 (the “Offer”); and

WHEREAS, due to the fact that the said Offer was compliant with the applicable state law provisions and with the terms and conditions specified by Resolution Number 24 RES 8-16, the City, by and through the city clerk, published legal notice in *The Courier-Tribune* on Sunday, August 28, 2016, of the receipt of the Offer and invited the public to submit qualifying upset bids to the city clerk between the time of the publication of the legal notice and 5:00 p.m. on Wednesday, September 7, 2016; and

WHEREAS, no upset bids were submitted to the city clerk during the specified time period; and

WHEREAS, city staff members have reported the results of the said negotiated offer, advertisement, and upset bid process to the governing board with a recommendation to accept the Offer;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that the Offer of \$119,000.00 from VSR, LLC is hereby accepted in accordance with and subject to the terms of sale stated in Resolution Number 24 RES 8-16; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro, North Carolina that the Mayor and any other appropriate and necessary officials of the City are hereby

authorized to execute the instruments necessary to convey the Historic Property to VSR, LLC in accordance with the terms of sale established by the City.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting of the governing board that was held on the 15th day of September, 2016.

David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

**City of Asheboro
Finance Office**

To: John N. Ogburn, III, City Manager
From: Debbie Reaves, Finance Director
Date: September 1, 2016
Re: Ordinance to amend General Fund

Attached is an Ordinance to amend the 2016-2017 General Fund Budget for your consideration and presentation before City Council on September 15, 2016.

This amendment is intended to accomplish the below budgetary goals:

- 1) Allocate resources for the development of Peninsula Park at Lake Lucas. The City of Asheboro received proceeds from a grant for \$65,000 on August 10th from the Department of Environment and Natural Resources for watershed protection at Lake Lucas. This allocation is in the Recreation department (620).
- 2) Record the proceeds of \$206,250 from the sale of the property located on E. Salisbury St. casually referred to as the location for proposed fire station #3. The revenue generated by the sale of this property provides the new opportunity to allocate resources for the following:
 - a. \$6,000 for the Consultant fee associated with the sale of the property located on E. Salisbury Street in the Fire Department budget (530).
 - b. \$40,250 for sidewalk improvements in the Street Department budget (565),
 - c. \$100,000 for the purchase of and construction improvements to 134 West Wainman Avenue where the City of Asheboro's self service recycling center is located. Allocation is in the Environmental Services Department (580) budget
 - d. \$55,000 in the Airport Budget (650) for Contract and expenses with the Franklin Partnership located in Washington DC for comprehensive federal affairs representation, specifically for the proposed new Terminal Building.
 - e. \$5,000 for a pilot project for wireless internet services in downtown Asheboro-Bicentennial Park Area in the Information Technology Department budget (480)
 - f. Reallocate budgeted resources from the Human Resources Department budget (590) to the Operations Department budget (550) as required due to the July transfer of day to day oversight for City Nurse who works at the Clinic that is located in the Public Works building.
 - g. Reallocate budgeted resources as required due to the July transfer of Operations (550) Public Works clerk position to create a Fire Department (530) clerk position.

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2016-2017

WHEREAS, The City Council of the City of Asheboro desires to amend the budget as required by law to adjust for changes in expenditures in comparison to the current fiscal year adopted budget, and;

WHEREAS, the City Council of the City of Asheboro wants to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

Section 1: That the following Revenue line item be increased:

<u>Account #</u>	<u>Revenue Description</u>	<u>increase</u>
10-349-0000	State Grants- Peninsula Park	65,000
10-383-0000	Sale of Assets / Land	206,250
	Increase / (Decrease)	271,250

Section 2: That the following Expense line item be increased:

<u>Account #</u>	<u>Expense Description</u>	<u>increase</u>
10-620-1508	Land Improvements- peninsula park	65,000
10-530-0400	Professional Services- consultant fee	6,000
10-480-4502	Contracted Services- downtown wireless	5,000
10-565-4503	Contracted Services- sidewalks	40,250
10-580-7100	Capital Outlay- land	100,000
10-650-0400	Professional Services	\$55,000
10-590-0200	Salaries	(27,634)
10-550-0200	Salaries	27,634
10-590-0702	FICA & Medicare	(2,114)
10-550-0702	FICA & Medicare	2,114
10-590-0704	Insurance	(4,500)
10-550-0704	Insurance	4,500
10-590-0705	Retirement	(1,953)
10-550-0705	Retirement	1,953
10-590-0500	Employee Health Program	(200)
10-550-0500	Clinic Operation	200
10-590-1401	Wellness Travel Schools Conference	(1,000)
10-550-1401	Wellness Travel Schools Conference	1,000
10-590-5301	Wellness Dues & Subscriptions	(250)
10-550-5301	Wellness Dues & Subscriptions	250

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2016-2017

10-550-0200	Salaries	(33,967)
10-530-0200	Salaries	33,967
10-550-0702	FICA & Medicare	(2,598)
10-530-0702	FICA & Medicare	2,598
10-550-0704	Insurance	(9,000)
10-530-0704	Insurance	9,000
10-550-0705	Retirement	(2,401)
10-530-0705	Retirement	2,401
	Increase / (Decrease)	271,250

Adopted this 15th day of September, 2016

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

CONTRACT

This contract, entered into by the City of Asheboro (hereinafter referred to as "Asheboro" or "the City") and The Franklin Partnership, LLP (hereinafter referred to as "TFP" or "the partnership"), constitutes the following proposed terms of Asheboro's representation of the partnership:

1. **Term and Scope of Representation.** This contract will commence September 1, 2016 and will be in effect through August 31, 2017. The scope of work to be performed shall include comprehensive federal affairs representation. The City will also be at your disposal for legislative, regulatory and political projects and assignments beyond the scope of work outlined above.
2. **Communications and Chain of Command.** TFP will report to John Ogburn, Asheboro City Manager, and Daniel Sheehan and James Alfano will be the primary points of contact at the partnership. In addition to MESSRS. Sheehan and Alfano, the entire TFP team of professionals will be at the City's service. All communications between TFP and the client will be held in strict confidence. However, because TFP is not a law firm, attorney-client privilege is not applicable.
3. **Termination.** This contract shall automatically convert to a month-to-month contract on September 1, 2017 unless otherwise determined by mutual agreement of both parties and will be terminable by either party with thirty (30) days written notice. Prior to expiration, this contract may be terminated by either party with thirty (30) days written notice. If either party chooses to terminate this contract prior to August 31, 2017, amounts paid up to the date of termination will be pro-rated on a per diem basis (including Saturdays, Sundays, and holidays).

4. Payment and Invoicing.

- a. *Payment for services rendered:* Asheboro will retain TFP effective September 1, 2016 for a flat fee retainer of \$4,250 per month for a twelve (12) month term for performing the services described in this engagement letter.
- b. *Expenses:* In addition to retainer referenced above, TFP will invoice the client for reasonable out-of-pocket expenses incurred in the course of the representation. Such expenses will likely include photocopying, taxis, messenger services, business-related meals, client-directed travel, etc. Expenses will be invoiced at the actual cost incurred by TFP. Any expense over \$500.00 shall require the pre-approval of John Ogburn or his designee.
- c. *Invoices:* TFP will invoice the City on the first of each month. Such invoices shall include the monthly retainer for the prospective month, as well as expenses incurred for the immediately preceding month. Payments shall be due within thirty (30) calendar days of receipt of invoice. Payments not received by the thirtieth day shall be considered overdue. Interest shall accrue on overdue amounts at the rate of one percent per month and shall be compounded. Should collection activities necessitate legal action, the client agrees to pay all reasonable attorneys fees and costs related to such action.

5. **Jurisdiction, Choice of Law, and Attorneys Fees.** In the event litigation is necessary to enforce the terms of this contract, the parties recognize and assent to the jurisdiction of the courts of North Carolina. In addition, the laws of North Carolina will be deemed to govern the execution of this contract and the availability of any remedies to address breaches of contract. Should litigation be necessary, the losing party agrees to pay all reasonable attorneys fees and costs associated with any action to enforce the terms of this contract.

6. **Tax Status.** Nothing in this contract shall be interpreted to create an employer-employee relationship for tax purposes. The relationship between the City and TFP shall be that of an independent contractor and service recipient, respectively.

FOR THE CITY OF ASHEBORO:

FOR THE PARTNERSHIP:

Name: _____
(Please Print)

Name: _____
(Please Print)

Date: _____

Date: _____

This instrument has been pre-audited
in the manner required by the local
government budget and fiscal control
act.

FINANCE OFFICER:

Deborah P. Reaves Finance Director

IRAN DIVESTMENT ACT CERTIFICATION

With limited exceptions, Section 147-86.59(a) of the General Statutes of North Carolina (the "General Statutes") requires the City of Asheboro (the "City"), as a political subdivision of the State of North Carolina, to obtain an Iran Divestment Act certification from any person or legal entity that enters into a contract with the City. Additionally, unless an exception applies, Section 147-86.59(b) of the General Statutes mandates that contractors with the City must not utilize, in connection with the subject of the public contract, any subcontractors found on the State Treasurer's Final Divestment List.

The State Treasurer's Final Divestment List, which will be updated every 180 days, can be found on the State Treasurer's website at the following address: www.nctreasurer.com/Iran

The _____ Agreement/Contract to be entered into by the City and _____ does not fall within any of the exceptions to the certification requirements found in Section 147-86.59(a) of the General Statutes. Therefore, the following certification is hereby submitted to the City.

CERTIFICATION

As of the date listed below, _____ is not listed on the Final Divestment List created by the North Carolina State Treasurer pursuant to Section 147-86.58 of the General Statutes. Furthermore, _____ will not utilize any subcontractor identified on the Final Divestment List to perform work under any contract with the City of Asheboro.

The undersigned hereby certifies that he or she is authorized by _____ to make the foregoing statement.

Signature of Authorized Officer

Typed/Printed Name of Authorized Officer

Typed/Printed Title of Authorized Officer

Date of Certification

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION STATING THE INTENT TO LEASE
HANGAR SPACE TO THE CIVIL AIR PATROL**

WHEREAS, the Asheboro Airport Authority has recommended leasing hangar space at the Asheboro Regional Airport to the Civil Air Patrol at a rental rate of One Dollar (\$1.00) per year for a 3-year term; and

WHEREAS, the Civil Air Patrol was incorporated under a Special Act of Congress approved July 1, 1946 (Public Law 476, 79th Congress); and

WHEREAS, the property subject to the proposed lease agreement has been continuously used by the Randolph Composite Squadron of the Civil Air Patrol for its operations for a significant number of years; and

WHEREAS, the proposed lease area will not be needed by the city during the requested term of the lease;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that it intends to follow the Asheboro Airport Authority's recommendation to approve the proposed hangar lease with the Civil Air Patrol for the use and benefit of the Randolph Composite Squadron for a term of three years; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro, North Carolina that the city clerk is hereby directed to publish in *The Courier Tribune* the statutorily mandated 30-day legal notice of the intent to authorize the described hangar lease agreement with the Civil Air Patrol during the council's regular meeting on November 10, 2016.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting of the governing board that was held on the 15th day of September, 2016.

David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION AUTHORIZING THE SEALED BID SALE OF
STANDING TIMBER ON CITY-OWNED LAND NEAR THE
ASHEBORO REGIONAL AIRPORT**

WHEREAS, pursuant to a resolution (Resolution Number 22 RES 7-16) adopted by the City Council of the City of Asheboro, North Carolina (the “City Council”) on July 14, 2016, the City Council authorized the procurement by the City of Asheboro (the “City”) from Tugwell Consulting Forestry, P.A. (the “Consulting Forester”) of the professional services needed to prepare and conduct a timber sale; and

WHEREAS, the land for which a timber sale is proposed is located near the Asheboro Regional Airport, and the said land (the “Airport Property”) is more specifically described as follows:

Approximately 125 +/- total acres of land located southwest of Asheboro proper, south of North Carolina Highway 49 and west of Tot Hill Farm Road, with the following Randolph County Parcel Identification Numbers and deed references to the books of record in the office of the Randolph County Register of Deeds: 7639454641 (Book 729, Page 11), 7639479760 (Book 1577, Page 970), 7639473372 (Book 1299, Page 295), 7639412973 (Book 1203, Page 1830), 7639579806 (Book 1312, Page 1930) (portion south of North Carolina Highway 49 only), 7639551008 (Book 1302, Page 1866), 7639332815 (Book 1434, Page 22), 7639229805 (Book 1434, Page 22), and 7639478044 (Book 934, Page 411); and

WHEREAS, within the above-described Airport Property, and based upon the professional opinion and services of the Consulting Forester, three separate blocks, all with good access and logging conditions, have been designated as the timber sale area for a clear-cut timber harvest; and

WHEREAS, the timber sale area is approximately 27% pine and 73% hardwood; and

WHEREAS, Section 160A-268 of the North Carolina General Statutes permits the city to dispose of real property such as this standing timber by advertisement and sealed bid;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina as follows:

Section 1. Subject to certain restrictions and conditions stated herein, the City Council hereby authorizes a clear-cut harvest of all merchantable timber, except for Stream Management

Zones (“SMZs”), within the timber sale area. No hardwood trees measuring less than 18" across the stump, measured six inches from the ground, are to be harvested from the SMZs. All pine timber may be harvested from the SMZs. The boundaries of the SMZs have been marked with blue paint. The property/cutting lines for the timber sale area within which the clear-cut harvest is to be conducted have been identified in the field by the placement of glo-pink flagging. Furthermore, this timber sale is contingent upon bidders unequivocally accepting and complying with the following additional conditions of the sale:

1. Prior to the commencement of logging operations, the successful bidder must provide a performance bond in the amount of \$2,500.00 and must participate in a pre-harvest meeting with the Consulting Forester.
2. All logging activities must be kept within the designated timber sale area.
3. Logging road building expense shall be the sole responsibility of the successful bidder.
4. Forestry Best Management Practices (“BMPs”) must be implemented throughout the timber sale area for the entire duration of logging operations. Any soil disturbance that results in stream sedimentation must be temporarily stabilized within 10 working days after the disturbance is made. Permanent stabilization must be completed within 30 working days after logging is completed. The successful bidder is responsible for ensuring the timber sale area is in compliance with all BMPs and Forest Practices Guidelines (“FPGs”) at the conclusion of the logging operation.
5. The location of logging roads must be approved in advance by the Consulting Forester, and these roads must be constructed and maintained according to BMPs. Stream crossings must be approved in advance by the Consulting Forester, and such crossings must be constructed and maintained in compliance with BMPs. Bridge timbers are the preferred method for crossing SMZs. Access roads shall be repaired by the successful bidder to original condition, ordinary wear and tear excepted, after the completion of logging operations.
6. Trees left in the SMZs must be protected from excessive injury.
7. Glo-pink flagged property/cutting-line trees and blue painted SMZ boundary trees are not included in the sale area and are not to be harvested.
8. All cutting rights revert to the City as landowner after the timber is harvested. No firewood or stump harvesting is allowed.
9. The time limit for the completion of this harvest is 30 months, and the timber deed will expire 30 months from the date of the closing of the transaction. Time is of the essence.
10. No timber volumes published by the City or its officials, employees, contractors, agents, or representatives, specifically including without limitation the Consulting Forester, are guaranteed.

Section 2. Lump-sum, sealed bids will be accepted for this standing timber until noon on Thursday, October 27, 2016. Bids must be delivered to the office of Tugwell Consulting Forestry, 374 Abby Lane, Asheboro, North Carolina 27205.

Section 3. At noon on Thursday, October 27, 2016, all bids that have been received as of that date and time shall be opened in public, and the amount of each bid will be announced and recorded. The record of bids shall be reported to the City Council during its regular meeting on Thursday, November 10, 2016.

Section 4. The City Council will determine the highest responsible bidder for the standing timber and will decide whether to award the bid during the governing board's regular meeting on Thursday, November 10, 2016. Bids will remain open and subject to acceptance until the City Council awards the bid.

Section 5. In order for a bid to be deemed responsible by the City Council, the apparent high bidder must furnish to the City a bid deposit of five percent (5%) of the amount of the bid prior to the City Council's consideration of the report of bids on November 10, 2016. A bid deposit may take the form of cash, a cashier's check, a certified check, or a surety bond. The deposit of the bidder to whom the award is made will be held until the sale of this standing timber is closed; if that bidder refuses at any time to close the sale in compliance with the terms and conditions stated herein, the deposit will be forfeited to the City.

Section 6. Furthermore, to be deemed responsible, a bidder must be current on payment of all property taxes owed to the City.

Section 7. The City Council reserves the right to reject any and all bids.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting of the governing board that was held on the 15th day of September, 2016.

David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina