

**AMENDED AGENDA
REGULAR MEETING
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, AUGUST 7, 2014, 7:00 PM**

1. Call to order.
2. Silent prayer and pledge of allegiance.
3. Resolutions to be presented by the Mayor:
 - (a) Celebrating 40th Anniversary of North Carolina Zoological Park.
 - (b) Designating City of Asheboro as a Purple Heart City.
4. Consent agenda:
 - (a) Approval of the minutes of the city council's regular meeting on July 10, 2014.
 - (b) Approval of the general account of a closed session conducted pursuant to Section 143-318.11(a)(4) of the North Carolina General Statutes during the city council's regular meeting on July 10, 2014.
 - (c) Approval of a resolution to seal the general account of the closed session held on July 10, 2014.
 - (d) Acknowledgement of the receipt of the minutes of the Asheboro ABC Board meeting held on July 7, 2014.
 - (e) Approval of the temporary closing of streets for Fall Festival XLII.
 - (f) Approval of a resolution authorizing the City Manager to enter into a utility agreement between the City of Asheboro and the NC Department of Transportation to relocate a water line near the intersection of NC Hwy 49 S. and Mack Road for the proposed US Hwy 64/Mack Road connector road, wherein the estimated cost to the City is \$17,319.00.
 - (g) Approval of an ordinance amending Section 130.01 of the Code of Asheboro, which pertains to the regulation of the use of firearms, to harmonize the text of the city ordinance with state statutory provisions.

(h) Approval of a resolution authorizing city staff to publish legal notice of the intent of the city council to approve, during its regular meeting in September 2014, a lease of space on a city water tank to ALLTEL Communications of North Carolina Limited Partnership d/b/a Verizon Wireless.

5. Mr. Nuttall will present the following Community Development Items:

(a) Zoning Case No. RZ-14-05: A legislative hearing on the application filed by Gary Richardson on behalf of Green Light Holdings, LLC to rezone property located at 527 West Central Avenue (including property north of West Central Avenue) from R10 (Medium-Density Residential) and I3 (Limited Industrial) to I2 (General Industrial).

(b) Zoning Case No. RZ-14-06: A legislative hearing on the application filed by Carol Burrow (Agent for Richard S. Stockner) to rezone property located at 609 and 617 NC Hwy. 42 North from R10 and R7.5 (Medium-Density Residential) to O&I (Office & Institutional).

(c) A quasi-judicial hearing concerning a requested residential planned unit development located at the terminus of Springwood Road (The application was filed by Larry McKenzie individually and on behalf of Mc Mc Properties, LLC).

i. Special Use Permit Case No. SUP-14-01 pertaining to the request for approval of a Residential Planned Unit Development.

ii. Subdivision Sketch Design Case No. SUB-14-01.

(d) Recognition of Ed Brown's recent honor as the North Carolina Association of Zoning Officials' 2014 Zoning Official of the Year

6. Public comment period.

7. Michael Rhoney will present the following resolutions that are needed for projects to be undertaken by the Water Resources Division:

(a) A resolution enabling the city to apply for state loan assistance (a no interest loan spread over 20 years) to fund the Water Treatment Plant Filter Replacement Project.

- (b) A resolution enabling the city to apply for a state technical assistance grant to fund a wastewater collection system study project.
 - (c) A resolution authorizing the selection of Sturgill Engineering, PA to provide electrical engineering services at the Wastewater Treatment Plant.
8. The city manager will present a resolution expressing the council's concurrence with an amendment to the City of Asheboro Personnel Policies and Procedures Manual that is designed to improve the city's ability to recruit experienced personnel.
 9. The city attorney will present a resolution authorizing the entry of the city into a contract to purchase land previously used for the Asheboro Hosiery Mills.
 10. Upcoming events:
 - Southeast Regional American Legion Baseball Tournament, McCrary Park, August 7 – August 11, 2014
 - Annual employee appreciation luncheon on Wednesday, August 27th, 11:00 am – 1:00 pm at the Public Works Conference Room.
 - Labor Day Holiday Schedule Changes:
Redevelopment Commission meeting Monday, September 8, 2014, 9:00 AM
Planning Board meeting Monday, September 8, 2014, 7:00 PM
Regular City Council meeting Thursday, September 11, 2014, 7:00 PM
 - NCLM Annual Conference October 12-14, 2014, Greensboro, NC.
 11. Mayor Smith will entertain a motion to enter into closed session in order to discuss a potential economic development project(s).
 12. Return to open session and discuss items not on the agenda.
 13. Adjournment.

RESOLUTION

*Honoring the 40th Anniversary of the North Carolina Zoo
Asheboro, North Carolina*

WHEREAS, in 1967 the North Carolina legislature created the NC Zoological Garden Study Commission to examine the feasibility of a state zoo; and

WHEREAS, the results of the study caused the formation of the North Carolina Zoological Society in 1968 with the goal of raising funds and public support for the zoo project; and

WHEREAS, Randolph County was selected from 6 potential zoo sites following a 2-year search by the zoo commission and following site selection, 1371 acres in Randolph County were donated to the state for the zoo; and

WHEREAS, the North Carolina Zoo officially opened on August 13, 1974 with their first two animals being a pair of Galapagos Tortoises; and

WHEREAS, over the years, the North Carolina Zoo has grown and flourished to include over 2,000 acres housing more than 1000 animals from more than 250 species; and

WHEREAS, the North Carolina Zoo is the third largest tourist attraction in the state and the North Carolina Zoo has 320 full-time employees who mostly live within Asheboro and Randolph County; and

WHEREAS; the North Carolina Zoo averages 740,000 visitors a year that generate more than \$150 Million annually in economic impact to the seven surrounding counties.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Asheboro does hereby join the North Carolina Zoo during the month of August 2014, as they celebrate 40 Wild Years.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, City Clerk



FOR IMMEDIATE RELEASE

July 30, 2014

Contact: Linda Brown/President
Asheboro/Randolph Chamber of Commerce
336-626-2626
lbrown@asheboro.com

RANDOLPH PARTNERS UP TO CELEBRATE 40 WILD YEARS

RESIDENTS TO HAVE FREE ENTRANCE FOR 1ST FOUR WEEKENDS IN AUGUST

ASHEBORO, NC – Five Asheboro-Randolph County organizations announced a partnership in celebrating the 40th anniversary of the North Carolina Zoo. “We are very excited to team up with the Heart of North Carolina Visitors Bureau, the City of Asheboro, Randolph County and the Randolph County Economic Development Corporation to celebrate this milestone for the Zoo” said Linda Brown, President of the Asheboro/Randolph Chamber of Commerce.

During the month of August, the Boards from all five organizations will adopt proclamations recognizing the North Carolina Zoo’s 40th anniversary. “It is gratifying to have the community officially celebrate with us”, shared Dr. David Jones, Director of the North Carolina Zoo. “To see the entire county join together is truly appreciated by all of us here.”

In honor of the month-long celebration, the North Carolina Zoo will be offering free entrance to the park for all Randolph County residents during the first four weekends of August. “Just present a photo ID with a Randolph County zip code, and residents will receive free General Admission”, said Brown. The dates for free general admission are: August 2, 3; 9, 10; 16, 17; and 23, 24. Free general admission for Randolph County residents at the North Carolina Zoo does not include: food, Rio the 4-D Experience, stroller/wheelchairs rentals, gift shops, carousel, Bugs: An Epic Adventure, and the giraffe deck.

Residents of Randolph County can go to the website of the Heart of North Carolina Visitors Bureau to get information about the free weekend admission:
www.heartofnorthcarolina.com.

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ASHEBORO CITY COUNCIL

RESOLUTION

WHEREAS, the Purple Heart is the oldest decoration in present use and was initially created as the Badge of Military Merit by General George Washington in 1782; and

WHEREAS, the Purple Heart was the first American service award or decoration made available to the common soldier and is specifically awarded to any member of the United States Armed Services wounded or killed in combat with a declared enemy of the United States; and

WHEREAS, the mission of the Military Order of the Purple Heart, chartered by an Act of Congress, is to foster an environment of goodwill among the combat wounded veteran members and their families, to promote patriotism, to support legislative initiatives, and most importantly, to make sure we never forget; and

WHEREAS, the City of Asheboro citizens have been engaged in every war against a declared enemy fought by the United States, including the war for our nation's independence; and

WHEREAS, the City of Asheboro recognizes the commitment and increasing sacrifices required of military families; and

WHEREAS, the City of Asheboro pledges its ongoing commitment to and support for the men and women who so honorably serve our nation.

NOW, THEREFORE, BE IT RESOLVED, BY THE City Council of the City of Asheboro that the City of Asheboro is hereby designated as a Purple Heart City in the State of North Carolina.

Adopted this the 7th day of August, 2014.

David H. Smith, Mayor

Attest:

Holly H. Doerr, City Clerk

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, JULY 10, 2014
7:00 p.m.**

This being the time and place for a regular meeting of the Asheboro City Council, a meeting was held with the following elected officials and staff members present:

David H. Smith) – Mayor Presiding

Talmadge S. Baker)

Clark R. Bell)

Edward J. Burks)

Linda H. Carter) – Council Members Present

Michael W. Hunter)

Walker B. Moffitt)

Charles A. Swiers)

John N. Ogburn, III, City Manager
D. Jason Cheek, Police Lieutenant
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Michael L. Leonard, P.E., City Engineer
Ralph W. Norton, Chief of Police
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Michael D. Rhoney, Water Resources Director
Jonathon M. Sermon, Recreation Services Superintendent
James O. Smith, Police Major
Jeffrey C. Sugg, City Attorney

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 or meditation, Mayor Smith asked everyone to stand and repeat the pledge of allegiance.

3. Consent agenda:

Upon motion by Mr. Baker and seconded by Mr. Burks, Council voted unanimously to approve the following consent agenda items.

(a) The minutes of the City Council’s regular meeting on June 5, 2014.

(b) The minutes of the City Council’s special meeting on June 26, 2014.

(c) Acknowledgement of the receipt of the minutes of the Asheboro ABC Board’s meeting on May 5, 2014.

[A copy of the above-referenced minutes received from the Asheboro ABC Board is on file in the City Clerk’s office.]

(d) Acknowledgement of the receipt of the annual budget adopted by the Asheboro ABC Board for FY 2014-2015.

[A copy of the above-referenced annual budget received from the Asheboro ABC Board is on file in the City Clerk’s office.]

(e) Acknowledgement of the receipt of the minutes of the Asheboro ABC Board’s meeting on June 2, 2014.

[A copy of the above-referenced minutes received from the Asheboro ABC Board is on file in the City Clerk’s office.]

(f) Change Order #1 (Final) on the Airport Obstruction Clearing Project (Terry’s Plumbing and Utilities, Inc.) increasing the construction contract amount by \$7,500

to \$77,718.00 for the clearing of three (3) additional acres as required by recently revised FAA standards.

[A copy of the above-referenced change order is on file in the City clerk's office.

- (g) **A resolution awarding a service side arm to a retiring officer of the Asheboro Police Department.**

RESOLUTION NUMBER 15 RES 7-14

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AWARD OF A SERVICE SIDE ARM TO A RETIRING OFFICER OF THE ASHEBORO POLICE DEPARTMENT

WHEREAS, effective September 1, 2014, Master Police Lieutenant Timothy Scott Maness will begin his retirement from employment with the Asheboro Police Department after rendering honorable and invaluable service to the City of Asheboro and its citizens since the date of his initial employment with the Asheboro Police Department on October 22, 1990; and

WHEREAS, pursuant to and in accordance with Section 20-187.2 of the North Carolina General Statutes, the Asheboro City Council wishes to recognize and honor Lieutenant Maness for his valuable service to the city by awarding to him, at a minimal monetary cost, the service side arm issued to the officer at the time of his retirement;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, effective September 1, 2014, in consideration of the combination of his dedicated service to the City of Asheboro and the payment to the City of Asheboro of one dollar (\$1.00), Timothy Scott Maness is to be awarded, upon a determination by the Chief of Police that Mr. Maness is not ineligible to own, possess, or receive a firearm under the provisions of federal or North Carolina law, ownership of his city-issued service side arm (a Glock 23 Generation 4 with serial no. SFS963 and three magazines).

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting that was held on the 10th day of July, 2014.

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

ATTEST:

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

- (h) **A resolution authorizing the conveyance of surplus police department helmets to the City of Archdale.**

RESOLUTION NUMBER 16 RES 7-14

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

CONVEYANCE OF SURPLUS POLICE HELMETS TO THE ARCHDALE POLICE DEPARTMENT

WHEREAS, the City of Asheboro owns a total of nine helmets, which are referred to as PASGT (Personal Armor System for Ground Troops) helmets, which are also sometimes referred to as K-Pot helmets, that were initially used by the Asheboro Police Department's SWAT team; and

WHEREAS, due to upgrades in equipment, the Asheboro Police Department no longer needs these previously used helmets; and

WHEREAS, these helmets, which are viewed as surplus property by the Asheboro Police Department command staff, are described in greater detail on the sheet attached to this Resolution as ATTACHMENT A (this attachment is hereby incorporated into this Resolution by reference as if copied fully herein, and the helmets described by the attached sheet shall be hereinafter referred to as the "Surplus Helmets"); and

WHEREAS, the Chief of Police for the City of Archdale has informed the command staff at the Asheboro Police Department that the Archdale Police Department is looking for surplus helmets that

could be used to assist in protecting that department's officers during high risk situations such as the service of certain search warrants and conducting raids; and

WHEREAS, Section 160A-274 of the North Carolina General Statutes authorizes a unit of government in this state to exchange with, lease to, lease from, sell to, or purchase from any other governmental unit in this state any interest in real or personal property upon such terms and conditions as the governmental unit deems wise, with or without consideration; and

WHEREAS, the Asheboro City Council has concluded that it is advisable for the City of Asheboro to convey for no consideration the Surplus Helmets to the City of Archdale for use by the Archdale Police Department;

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

Section 1. The City of Asheboro hereby conveys all of its right, title, and interest in the Surplus Helmets to the City of Archdale.

Section 2. The Surplus Helmets shall be conveyed for no consideration.

Section 3. The Mayor of the City of Asheboro is authorized to execute all documents necessary to convey the Surplus Helmets in the manner authorized by this Resolution.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting that was held on the 10th day of July, 2014.

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

ATTEST:

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

[The "ATTACHMENT A" referenced in the above-listed Resolution is on file in the City Clerk's office.]

(i) **A resolution authorizing the electronic auction of surplus vehicles and equipment.**

RESOLUTION NUMBER 17 RES 7-14

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

ELECTRONIC AUCTION OF PERSONAL PROPERTY

WHEREAS, Section 160A-270(c) of the North Carolina General Statutes authorizes the City Council of the City of Asheboro to "conduct auctions of real or personal property electronically by authorizing the establishment of an electronic auction procedure or by authorizing the use of existing private or public electronic auction services;" and

WHEREAS, GovDeals, Inc. is an online auction service provider that has extensive experience with the disposal of surplus government property; and

WHEREAS, pursuant to Asheboro City Council Resolution No. 54 RES 12-13, the city manager has executed an Online Auction Memo of Understanding with GovDeals, Inc., and the City of Asheboro is a current client of this online auction site; and

WHEREAS, the city manager, in consultation with the city's various division/department heads, has identified various items of city-owned personal property that are no longer needed by the city and are eligible for disposal by means of an electronic auction; and

WHEREAS, the above-referenced items of personal property that have been identified as ready for disposal as surplus property are listed within the attached EXHIBIT 1 that is hereby incorporated into this Resolution by reference as if copied fully herein; and

WHEREAS, the City Council concurs with the city staff's recommendation to dispose of the personal property listed in EXHIBIT 1 by means of the online auction service provided by GovDeals, Inc.;

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

8. 2000 Mercury Sedan (VIN 2MEFM74W9YX665786)
9. 1997 Toyota 4 Runner (VIN JT3GN86R5V0041577)
10. 1991 Toro Groundsmaster 322-D Mower (Serial No. 30788-10939)

EXHIBIT 2

City of Asheboro Asheboro, North Carolina

Online Sales - Terms and Conditions

All bidders and other participants of this service agree they have read and fully understand these terms and agree to be bound thereby.

Guaranty Waiver. All assets are offered for sale “**AS IS, WHERE IS.**” City of Asheboro (**Seller**) makes no warranty, guaranty or representation of any kind, expressed or implied, as to the merchantability or fitness for any purpose of the property offered for sale. The Buyer is not entitled to any payment for loss of profit or any other money damages – special, direct, indirect or consequential.

Description Warranty. Seller warrants to the Buyer the property offered for sale will conform to its description. Any claim for misdescription must be made prior to removal of the property. If **Seller** confirms the property does not conform to the description, **Seller** will keep the property and refund any money paid. The liability of the **Seller** shall not exceed the actual purchase price of the property. Please note upon removal of the property, **all sales are final.**

Personal and property risk. Persons attending during exhibition, sale or removal of goods assume all risks of damage of or loss to person and property and specifically release the seller and **GovDeals** from liability therefore.

Inspection. Most assets offered for sale are used and may contain defects not immediately detectable. Bidders may inspect the property prior to bidding. Bidders must adhere to the inspection dates and times indicated in the asset description. See special instructions on each asset page for inspection details.

Consideration of Bid. Seller reserves the right to reject any and all bids and to withdraw from sale any of the assets listed.

Buyer's Certificate. Successful bidders will receive a Buyer's Certificate by email from **GovDeals**.

Buyers Premium. If a Buyers Premium is shown on the auction page bidder box, then that amount (expressed as a percentage of the final selling price) will be added to the final selling price of all items in addition to any taxes imposed.

Payment. Payment in full is due not later than **5 business days** from the time and date of the Buyers Certificate. Payment must be made electronically through the GovDeals Website. Acceptable forms of payment are:

- PayPal
- Wire Transfer
- Visa
- MasterCard
- American Express
- Discover

PayPal and Credit Card purchases are limited to below \$5,000.00. If the winning bid plus applicable taxes, if any indicated, and the buyer's premium, equals more than \$4,999.99, PayPal and Credit Cards may not be used. If Wire Transfer is chosen, a Wire Transfer Transaction Summary page will provide payment and account information. The Wire Transfer must be completed within 5 days.

Removal. All assets must be removed within **ten (10) business days** from the time and date of issuance of the Buyer's Certificate. Purchases will be released only upon receipt of payment as specified. Successful bidders are responsible for loading and removal of any and all property awarded to them from the place where the property is located as indicated on the website and in the Buyer's Certificate. The Buyer will make all arrangements and perform all work necessary, including packing, loading and transportation of the property. Under no circumstances will **Seller** assume responsibility for packing, loading or shipping. See instructions on each asset page for removal details. A daily storage fee of \$10.00 may be charged for any item not removed within the ten (10) business days allowed and stated on the Buyer's Certificate.

Vehicle Titles. Seller will issue a title or certificate upon receipt of payment. Titles may be subject to restrictions as indicated in the asset description on the website.

Default. Default shall include (1) failure to observe these terms and conditions; (2) failure to make good and timely payment; or (3) failure to remove all assets within the specified time. Default may result in termination of the contract and suspension from participation in all future sales until the default has been cured. If the Buyer fails in the performance of their obligations, **Seller** may exercise such rights and may pursue such remedies as are provided by law. **Seller reserves the right to reclaim and resell all items not removed by the specified removal date.**

Acceptance of Terms and Conditions. By submitting a bid, the bidder agrees they have read, fully understand and accept these Terms and Conditions, and agree to pay for and remove the property, by the dates and times specified. These Terms and Conditions are displayed at the top of each page of each asset listed on **GovDeals**. Special Instructions appearing on the asset page will override certain sections of the terms and conditions.

State/Local Sales and/or Use Tax. Buyers may be subject to payment of State and/or local sales and/or use tax. Buyers are responsible for contacting seller or the appropriate tax office, completing any forms and paying any taxes that may be imposed.

Sales to Employees. Employees of the **Seller** may NOT bid on the property listed for auction.

4. Public comment period.

Mayor Smith opened the floor for comments from the public.

Ms. Bobbie B. Waters, a resident of the Greystone neighborhood, presented comments and concerns in regards to the changes in the restrictions on the numbers of dogs per household in the city that were discussed during previous meetings. Ms. Waters felt that the ordinance should not be amended to increase the number of dogs and cats from 2 to 3. Specifically, Ms. Waters felt that there were already too many unattended dogs and cats roaming her neighborhood.

Additionally, Ms. Waters expressed her concerns of animals defecating on her property. She felt that citizens should take responsibility for their animals.

There being no further comments from the public, Mayor Smith closed the public comment period.

5. Finance items:

(a) An ordinance to amend the General Fund Budget 2014-2015.

Ms. Reaves presented and recommended adoption, by reference, of the aforementioned ordinance.

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

15 ORD 7-14

ORDINANCE TO AMEND THE GENERAL FUND FY 2014-2015

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 Expense line item be increased / (decreased):

<u>Account #</u>	<u>Expense Description</u>	<u>Increase (decrease)</u>
10-580-7400	Capital Outlay	(165,000)
10-615-7400	Capital Outlay	126,200
10-620-1507	Maintenance & Repair- Tennis Center	13,000
10-565-7400	Capital Outlay	25,800
	Total Increase / (Decrease)	(0)

Adopted this 10th day of July, 2014

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

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

(b) A resolution exempting the project to acquire the Asheboro Hosiery Mills property from the provisions of G.S. 143-64.31 in order to procure surveying services.

Ms. Reaves presented and recommended adoption, by reference, of the aforementioned resolution.

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

RESOLUTION NUMBER 18 RES 7-14

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

EXEMPTION FROM THE QUALIFICATION BASED SELECTION PROCESS OF THE PROJECT TO ACQUIRE THE ASHEBORO HOSIERY MILLS PROPERTY

WHEREAS, Section 143-64.31 of the North Carolina General Statutes requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services (collectively "design services") to be based on qualifications and without regard to fee; and

WHEREAS, the City of Asheboro proposes to enter into a contract with a surveyor in order to procure survey work needed for the project to acquire the Asheboro Hosiery Mills property; and

WHEREAS, Section 143-64.32 of the North Carolina General Statutes authorizes units of local government to exempt contracts for design services from the statutorily prescribed qualification based selection requirements if the estimated fee is less than \$50,000; and

WHEREAS, due to the fact that Glenn Brown Surveying, Inc. of Asheboro has previously collected data that would be used to prepare the plat of survey needed by the city for this project, Glenn Brown has estimated that his fee for the surveying services required by the city, including the preparation of a recordable plat of survey, is less than \$2,000;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, effective July 10, 2014, the above-described project is exempted from the qualification based selection process prescribed in Chapter 143, Article 3D of the North Carolina General Statutes, and the city manager is authorized to execute all documents necessary to procure from Glenn Brown the surveying services needed to complete this project.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting that was held on the 10th day of July, 2014.

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

ATTEST:

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

(c) A resolution declaring the official intent of the City of Asheboro to purchase certain municipal vehicles and equipment and then reimburse the general fund with installment financing proceeds.

Ms. Reaves presented and recommended adoption, by reference, of the aforementioned resolution.

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

RESOLUTION NUMBER 19 RES 7-14

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

DECLARATION OF THE OFFICIAL INTENT OF THE CITY OF ASHEBORO TO PURCHASE CERTAIN MUNICIPAL VEHICLES AND EQUIPMENT AND THEN REIMBURSE THE GENERAL FUND WITH PROCEEDS FROM AN INSTALLMENT FINANCING AGREEMENT

WHEREAS, in order to maintain a satisfactory level of municipal services for the citizens of the City of Asheboro, the Asheboro City Council has adopted a budget ordinance for fiscal year 2014-2015 that allocates funding for the acquisition of vehicles and equipment deemed essential for maintaining uninterrupted municipal services; and

WHEREAS, the vehicles and equipment that are to be acquired during the 2014-2015 fiscal year in order to maintain essential municipal services provided by city departments that receive their funding from the municipal corporation's general fund are as follows:

1. A fire truck budgeted at approximately \$425,000;
2. A leaf truck budgeted at approximately \$162,221;
3. Six police cars with emergency equipment budgeted at approximately \$165,031; and

WHEREAS, Section 160A-20 of the North Carolina General Statutes authorizes the city to finance the purchase of personal property by means of installment financing that creates a security interest in the purchased property; and

WHEREAS, in order to continue to provide high quality municipal services at their present level, the above-listed vehicles and equipment will be purchased and placed into service as soon as possible with available funds in the city's general fund; and

WHEREAS, the Asheboro City Council has decided that the above-stated expenditures are to be reimbursed to the general fund during the current fiscal year with proceeds from an installment financing agreement that will create security interests in the said municipal vehicles and equipment acquired during the city's 2014-2015 fiscal year; and

WHEREAS, more favorable financing terms can be obtained if the city takes the steps necessary to allow the lending institution from whom financing is ultimately obtained to exclude the interest paid or payable under an installment financing agreement with the city from the gross income of the lending institution; and

WHEREAS, in accordance with the applicable Treasury Regulations, one of the steps necessary to avoid jeopardizing the ability of a lender to exclude from its gross income the interest paid or payable under an agreed upon installment financing agreement is for the city to declare its intent to reimburse the general fund for the expenditures used to purchase the needed vehicles and equipment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, prior to the execution of any installment financing agreement and consistent with the city's budget ordinance for fiscal year 2014-2015, a maximum of \$752,252 may be expended from the general fund, with the intent of seeking reimbursement for the expenditures from installment financing proceeds, for the above-listed vehicles and associated equipment; and

BE IT FURTHER RESOLVED that the City Council of the City of Asheboro hereby formally and explicitly declares the official intent of the City of Asheboro to fully reimburse, with loan proceeds from an installment financing agreement that is to be executed prior to the end of the 2014-2015 fiscal year, any and all expenditures from the general fund for the future purchase during this fiscal year of the vehicles and equipment that are listed hereinabove and that are necessary to the provision of essential municipal services.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 10th day of July, 2014.

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

ATTEST:

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

6. Amendments to the Code of Asheboro

(a) An ordinance to amend Chapter 91 (Animals).

Mr. Sugg presented and recommended adoption, by reference, of an ordinance amending Chapter 91 of the Code of Asheboro.

Upon motion by Mr. Bell and seconded by Mr. Baker, Council voted unanimously to adopt the following ordinance by reference.

ORDINANCE NUMBER 16 ORD 7-14

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

UPDATE OF ANIMAL CONTROL REGULATIONS

WHEREAS, Chapter 91 of the Code of Asheboro prescribes animal control regulations for the City of Asheboro; and

WHEREAS, Sections 91.05 and 91.06 of the Code of Asheboro address the maximum number of dogs and cats maintained on the premises of a household; and

WHEREAS, these ordinance provisions were enacted on the basis of the conclusion that too many animals in one place, especially in an urban setting, can produce noise, odor, and other adverse conditions that impact the quality of life of the city's inhabitants; and

WHEREAS, the City Council acted upon the above-stated conclusion by adopting ordinance provisions that regulate by size of lot, number of animals, and the age of the animals; and

WHEREAS, city staff members and the City Council subsequently received feedback from community members about the need to make adjustments in the regulatory balance that was struck between the interest in owning pets and the interest in preventing the development of public nuisance situations; and

WHEREAS, the City Council has decided to update the Code of Asheboro in an effort to better address these competing interests;

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

Section 1. Section 91.05 of the Code of Asheboro is hereby rewritten as follows:

§ 91.05 Maximum Number of Dogs on Premises

- (A) It shall be unlawful for any person to keep or maintain more than **two three dogs** per household on any **lot or parcel of land or zoning lot** having less than 30,000 square feet, and an additional 7,000 square feet shall be required for each additional dog. A total of no more than five dogs per household shall be allowed on any **lot or parcel of land or zoning lot** within the city limits regardless of square footage.
- (B) The limitation prescribed by this Section on the number of dogs per household on a **single lot or parcel of land or zoning lot** shall not apply to dogs that are less than six months of age.
- (C) Notwithstanding the preceding provisions, and subject to the limitation that, on or after April 1, 2012, no new or additional dogs that would increase or perpetuate the noncompliance of a household with this Section may be kept or maintained in a household, any dog lawfully kept or maintained as part of a household located within the corporate limits of the City of Asheboro prior to April 1, 2012 may continue to be kept or maintained as part of the same household for the remainder of the dog's life.

WHEREAS, Section 30.07 of the Code of Asheboro delegates to the City Manager the authority to dispose of certain city-owned personal property; and

WHEREAS, the statutory provision that enabled this delegation of authority has been amended to increase the value of the property that may be disposed of pursuant to this delegated authority; and

WHEREAS, the City of Asheboro has begun using electronic auctions to dispose of surplus personal property, and this additional property disposal tool has enhanced the ability of the City Manager to efficiently access the marketplace throughout the year in order to determine the fair market value of the city's surplus personal property; and

WHEREAS, the City Council concurs with the city staff's recommendation to update Section 30.07 of the Code of Asheboro to reflect these changes in law and practice;

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

Section 1. Section 30.07 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 30.07 DISPOSAL OF SURPLUS PERSONAL PROPERTY.

(A) ~~Except where otherwise provided by state law, the~~ The City Manager, pursuant to G.S. § 160A-266(c), may is hereby authorized to dispose of any surplus personal property owned by the city whenever he or she determines in his or her discretion that:

- (1) The item or group of items has a fair market value of less than ~~\$5,000~~ \$30,000.
- (2) The property is no longer necessary for the conduct of public business; and
- (3) Sound property management principles and financial considerations indicate that the interests of the city would best be served by disposing of the property.

(B) The City Manager may dispose of any such surplus personal property by any means which he or she judges reasonably calculated to yield the highest attainable sale price in money or other consideration, including but not limited to the methods of sale provided in G.S. § 160A-265 et seq Article 12 of Chapter 160A of the North Carolina General Statutes. Such sale may be public or private, and with or without notice and minimum waiting period.

(C) The surplus property shall be sold to the party who tenders the highest offer, or exchanged for any property or services useful to the city if greater value may be obtained in that manner, and the City Manager may is hereby authorized to execute and deliver any applicable title documents. If no offers are received within a reasonable time, the City Manager may retain the property, obtain any reasonably available salvage value, or cause it to be ~~disposed of~~ discarded as waste material. No surplus property may be donated to any individual or organization except by resolution of the City Council.

~~(D) The City Manager shall, on or before February 1, report in writing to the City Council on any property disposed of under the provisions of this section from July 1 through December 31 of the previous year, and shall, on or before August 1, report in writing to the City Council on any property disposed of under these provisions from January 1 through June 30 of that year. The written report shall generally describe the property sold or exchanged, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale or exchange since the last such report was submitted.~~

~~(D) The City Manager shall keep a record of all property disposed of under the provisions of this section, and that record shall generally describe the property sold or exchanged, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale or exchange.~~

Section 2. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 3. This Ordinance shall be in full force and effect upon adoption.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 10th day of July, 2014.

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

ATTEST:

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

7. Discussion by Mayor Smith and the Council Members concerning appointments to the following boards:

(a) Resolution appointing Stephen R. Knight to a new 3-year term of office on the Asheboro ABC Board.

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

RESOLUTION NUMBER 20 RES 7-14

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

REAPPOINTMENT OF STEPHEN R. KNIGHT TO A THREE-YEAR TERM OF OFFICE ON THE ASHEBORO ABC BOARD

WHEREAS, the Asheboro ABC Board consists of three (3) members that are appointed by the Asheboro City Council; and

WHEREAS, Section 18B-700(a) of the North Carolina General Statutes provides, in pertinent part, as follows:

If the board is a three-member board, one member of the initial board of a newly created ABC system shall be appointed for a three-year term, one member for a two-year term, and one member for a one-year term. As the terms of initial board members expire, their successors shall each be appointed for three-year terms; and

WHEREAS, Stephen R. Knight was first appointed to the Asheboro ABC Board for a three-year term on August 12, 2008, when the initial local board was appointed by the Asheboro City Council, and, effective August 12, 2011, he was reappointed to a three-year term; and

WHEREAS, the Asheboro ABC Board has consistently performed its duties in a very efficient and professional manner; and

WHEREAS, the Asheboro City Council believes that it is in the best interest of the Asheboro ABC system and the municipal corporation to reappoint Stephen R. Knight to the Asheboro ABC Board for another three-year term, and Mr. Knight has agreed to accept this reappointment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that, effective August 12, 2014, Stephen R. Knight is reappointed to the Asheboro ABC Board for another three-year term of office.

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 10th day of July, 2014.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

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

(b) Vacancy on the Asheboro Airport Authority due to the passing of Keith Crisco.

Mayor Smith reported to the Council Members that he has spoken with Mr. Bobby J. Crumley, who is interested in serving on the Asheboro Airport Authority. Mr. Crumley was an alternate candidate for appointment at the time Mr. Keith Crisco was appointed.

Upon motion by Ms. Carter and seconded by Mr. Baker, Council voted unanimously to appoint Mr. Crumley to fulfill Mr. Crisco's unexpired term on the Asheboro Airport Authority.

8. An ordinance to update the Cultural and Recreation Services Policy Manual's provisions pertaining to malt beverages and unfortified wines in Bicentennial Park.

Mr. Sermon presented and recommended adoption, by reference, of an ordinance updating the Cultural and Recreation Services Policy Manual's provisions pertaining to malt beverages and unfortified wines in Bicentennial Park.

After some discussion and upon motion by Mr. Bell and seconded by Mr. Moffitt, Council voted to adopt the following ordinance by reference. Council Members Baker, Bell, Burks, Hunter, Moffitt, and Swiers voted in favor of the motion. Council Member Carter voted no.

ORDINANCE NUMBER _____ **18 ORD 7-14**

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

ROTARY PAVILION AT BICENTENNIAL PARK REGULATIONS

WHEREAS, the City of Asheboro Cultural Services Department has been tasked with operating the Rotary Pavilion at Bicentennial Park facilities (the "Park"), and the Cultural Services Department utilizes the City of Asheboro Cultural and Recreation Services Policy Manual as the manual that contains the rules and regulations applicable to the facilities operated by the department on behalf of the city; and

WHEREAS, Section 98.01 (Adoption by Reference) of the Code of Asheboro provides that the City of Asheboro Cultural and Recreation Services Policy Manual (the "Manual") has been adopted by the Asheboro City Council by reference and made a part of the Code of Asheboro; and

WHEREAS, within the Manual, Article XII contains the regulations governing the operation of the Park; and

WHEREAS, prior to the adoption of this Ordinance, Section 12.3 of the Manual provided as follows:

Regulations authorizing the sale, possession, and consumption of malt beverages and unfortified wines on the premises of this facility are currently under review. Until final adoption of these regulations, the sale, possession, and consumption of malt beverages and unfortified wines on the premises of this facility are strictly prohibited; and

WHEREAS, the city staff presented to the City Council, during its regular meeting for July 2014, proposed regulations pertaining to the sale, possession, and consumption of malt beverages and unfortified wines on the premises of the Park; and

WHEREAS, the proposed regulations, which are formatted as amendments to Article XII of the Manual, are attached hereto as EXHIBIT 1 and are hereby incorporated into this Ordinance by reference as if copied fully herein; and

WHEREAS, the Asheboro City Council has concluded that it is advisable to give final approval to the amended regulations found in the attached EXHIBIT 1;

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

Section 1. Article XII of the City of Asheboro Cultural and Recreation Services Policy Manual is hereby rewritten to provide as specified in EXHIBIT 1. All articles, sections, and provisions of the said Manual that are not expressly modified by the contents of EXHIBIT 1 will continue in full force and effect without alteration.

Section 2. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 3. This Ordinance shall be in full force and effect upon and after the date of its adoption.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 10th day of July, 2014.

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

ATTEST:

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

EXHIBIT 1

ARTICLE XII. ROTARY PAVILION AT BICENTENNIAL PARK

SECTION 12.1 APPLICATION

The Rotary Pavilion at Bicentennial Park and the contiguous city-owned property when used in support of events at the pavilion shall be administered by the City of Asheboro Cultural Services Department in a manner that will provide the citizens of Asheboro and Randolph County with an opportunity for a quality experience. Under the general supervision of the Recreation Services Superintendent, the Cultural Services Department shall coordinate the use of the pavilion with the Recreation Services Department which is responsible for processing reservations at Bicentennial Park. This park may be rented to individuals or other types of legal entities, subject to the terms and conditions listed herein and elsewhere within the Code of Asheboro.

Application to use this venue shall be made on a form available from the Asheboro Cultural and Recreation Services Departments. Applications are subject to the final departmental review and decision making authority of the Recreation Services Superintendent.

SECTION 12.2 RULES AND REGULATIONS

1. Unless authorization to the contrary is listed on the prescribed application form as part of the written approval of an event by the Cultural Services Department, alcoholic beverages are prohibited. In those cases where the Recreation Services Superintendent has authorized the sale, possession, and/or consumption of unfortified wines and/or malt beverages on the premises in connection with and for the duration of the approved event, such sale, possession, and/or consumption of the listed beverages must be conducted in strict compliance with Section 12.3 of this manual, any conditions attached by the Recreation Services Superintendent to the event approval, and all applicable laws, ordinances, and regulations. No alcoholic beverages other than unfortified wines and malt beverages are permitted on the premises of the facility at any time.
2. The park is open from 6am – 11pm. No activities may take place after the curfew time unless approved by the Recreation Services Superintendent.
3. Items such as vehicles, tractors, heavy machinery, etc. shall not be parked on any area of grass at any time.
4. The person/organization renting the facility shall pay for and maintain, at all times during the individual or entity's use of the facility, Comprehensive and General Liability insurance coverage with primary limits of liability of no less than one million dollars (\$1,000,000) per occurrence for bodily injury and property damage. The required policy or policies shall be written through insurance carriers which are qualified to do business in North Carolina. Furthermore, the City of Asheboro is to be named as an additional insured and shall be furnished with a Certificate of Insurance in a form satisfactory to the City. In order to be deemed satisfactory, such a certificate must affirmatively state without any disclaimer or limitation whatsoever that the coverage or coverages referred to therein shall not and cannot be terminated or modified until the city has received thirty (30) days written notice thereof. A satisfactory Certificate of Insurance must be in the possession of the Cultural Services Department no later than 48 hours prior to the scheduled event. Failure to provide proof of insurance will result in the event being cancelled. Furthermore, the Applicant must agree to forever hold harmless and to fully indemnify the City and its personnel, agents, officials, and City Council, in both their official and individual capacities, from any and all judgments, liens, claims, assessments, demands, attorney fees, actions, and causes of action of any sort arising out of any damage or injury sustained by any person or entity by reason of any negligent or willful act or omission of the Applicant or its officers, employees, agents or contractors in connection with the Applicants use of the Rotary Pavilion at Bicentennial Park.
5. The person/organization renting the facility must designate a representative who will be responsible for all phases of the event and who will be on site the entire time the event is taking place.

6. Upon request, trashcans will be provided by the City of Asheboro. The size of the event will determine the number of cans available.
7. Rental of Rotary Pavilion at Bicentennial Park does not automatically include the parking areas. Renters must request to use the parking areas. Blocking the parking lot during regular business hours Monday – Friday is discouraged and may only be approved at the sole discretion of the Recreation Services Superintendent.
8. As appropriate, the renter is responsible for procuring the services of properly trained security/law enforcement personnel.
9. Portable toilets are to be provided by the renter and shall be placed at a designated location.
10. Portable Grills shall not be placed under the pavilion or on any grass areas. They shall be placed at a designated location.
11. No items may be sold, displayed, given, or exhibited on the premises without prior approval of the Recreation Services Superintendent.
12. The Asheboro Police Department and employees in the Asheboro Cultural and Recreation Services Departments shall have access to all areas of the park at all times before, during, and after the event.
13. The person/organization renting the facility is responsible for clean up following the event. The facility must be cleaned prior to the normal park closing time on the day of the event. Failure to clean up, shall result in loss of security deposit.
14. No items may be attached to any area of the pavilion structure, trees, bushes, poles or artwork in the park.
15. Signs may not be placed in the park without written permission of the ~~Parks & Recreation Director~~ Recreation Services Superintendent or his designee.
16. Tents may be set up in the field, however, if they need to be staked, they shall be placed in a designated area.
17. Anyone using a tent (700 sq ft. or larger) is responsible for obtaining the appropriate inspections from the building inspector, fire marshal and any necessary zoning permits prior to event.
18. Failure to adhere to these guidelines shall subject future rental applications to denial.
19. ~~The Parks & Recreation Director reserves the right~~ Recreation Services Superintendent is authorized to cancel any event, at any time, based on rental agreement violations.
20. ~~The Parks & Recreation Director City of Asheboro reserves the right, in the sole discretion of the city, to co-sponsor an event~~ any and all events.
21. A user fee shall be charged to all applicants for the use of Rotary Pavilion at Bicentennial Park. All Applicants shall be subject to the following charges:
 - a. Security Deposit: \$75.00 (This refundable fee must be paid at time of application).
 - b. City Resident (with Rec Card) Rate: ~~\$100.00~~ \$325.00
 - c. Non-Resident Rate: ~~\$175.00~~ \$400.00
 - d. Non-Profit / Government Rate: \$225.00
 - e. The rental rate must be paid at least 48 hours in advance of the event.

SECTION 12.3 SALE, POSSESSION, AND CONSUMPTION OF MALT BEVERAGES AND UNFORTIFIED WINES

~~Regulations authorizing the sale, possession, and consumption of malt beverages and unfortified wines on the premises of this facility are currently under review. Until final adoption of these regulations, the sale, possession, and consumption of malt beverages and unfortified wines on the premises of this facility are strictly prohibited.~~

Authorization for the sale, possession, and consumption of malt beverages and unfortified wines on the premises of this facility must be requested from the Cultural Services Department on the prescribed facility rental application. No stand alone authorization for the distribution of alcoholic beverages will be granted. Such authorization will only be provided as one component, along with other components such as facility rental issues, of a comprehensive event plan that must receive final approval from the Recreation Services Superintendent before the event may be advertised as taking place on city property. When creating and submitting an event plan, the applicant must be guided by the operational guideline that the distribution of malt beverages and/or unfortified wines are meant to enhance the experience of the event and should in no way detract from the program and the use of this facility.

In order to obtain approval of a comprehensive event plan, the following conditions, which represent a baseline for an event plan before it is eligible for review by the Recreation Services Superintendent, must be satisfied:

1. Any malt beverages and unfortified wines found on the premises of the Rotary Pavilion at Bicentennial Park, as well as any contiguous city-owned property included within the event plan, must have been obtained in accordance with a sale/distribution plan developed and implemented by the event organizer. The sale, possession, or consumption on the city's premises of any alcoholic beverage not obtained and possessed in strict compliance with the sale/distribution plan approved by the Recreation Services Superintendent is prohibited.
 2. The sale/distribution plan drafted by an event organizer must be compliant with all applicable laws, ordinances, and administrative regulations in order to be considered for approval.
 3. In its capacity as the Lessor of the premises, the City of Asheboro hereby establishes that, in order to be eligible to submit a request for permission to sale/distribute alcoholic beverages on these premises, the event organizer must establish that the contemplated event is planned for a charitable purpose. An event is deemed to be for a charitable purpose if the event is either (a) organized by a legal entity that is recognized under the laws of the United States and the State of North Carolina as a not for profit organization, or (b), in the absence of formal legal recognition of a stand alone not for profit legal entity, the purpose of the event can be demonstrated to the satisfaction of the Recreation Services Superintendent to be a charitable event for civic, educational, patriotic, or religious purposes. Any event organizer seeking to obtain permission for the sale/distribution of alcoholic beverages must be willing to provide legal documentation to establish the event organizer's eligibility for the requested authorization. If the event organizer does not provide the documentation requested by the Recreation Services Superintendent for eligibility verification purposes, no sale/distribution plan will be reviewed, and the request for authorization to sale/distribute alcoholic beverages shall be denied.
 4. The event organizer must consult with and satisfactorily address any legal and regulatory compliance concerns raised by the Asheboro Police Department in connection with the sale/distribution plan. One of the compliance concerns that must be addressed to the satisfaction of the Chief of Police and the Recreation Services Superintendent is the manner in which the event organizer proposes to ensure that adequately trained personnel are in place and capable of enforcing vital elements of the plan. By way of illustrating and not limiting the types of details that must be shown on the plan submitted for review, the plan must, at a minimum, clearly identify the location(s) in the park where alcoholic beverages may be sold, possessed, and/or consumed, clearly state what methodology will be used to ensure that alcoholic beverages are not served to underage persons or to individuals who are already intoxicated, and what arrangements have been made to provide adequate security for the planned event. The Chief of Police, or his designee, must be given a minimum of seven (7) days to review the plan for any legal and regulatory compliance concerns as well as general public safety concerns prior to the Recreation Services Superintendent making a final decision as to whether the submitted plan is acceptable.
 5. The event organizer, or an authorized representative in the case of an event organizer that is a legal entity other than a natural person, must provide written acknowledgment that the organizer has received a copy of the regulations applicable to the rented facilities along with a copy of the Schedule of Deposits, Fees, and Charges Administered by the Cultural and Recreation Services Departments, and the event organizer must agree in writing to comply with all of these regulations and user fees.
 6. In addition to the insurance requirements specified above in Section 12.2, the event organizer shall pay for and maintain, at all times during the individual or entity's use of the facility, Liquor Liability insurance coverage with an each common cause limit and aggregate limit of liability of no less than one million dollars (\$1,000,000). The required policy shall be written through insurance carriers which are qualified to do business in North Carolina. Furthermore, the City of Asheboro is to be named as an additional insured and shall be furnished with a Certificate of Insurance in a form satisfactory to the City. In order to be deemed satisfactory, such a certificate must affirmatively state without any disclaimer or limitation whatsoever that the coverage or coverages referred to therein shall not and cannot be terminated or modified until the city has received thirty (30) days written notice thereof. A satisfactory Certificate of Insurance must be in the possession of the Cultural Services Department no later than forty-eight (48) hours prior to the scheduled event. Failure to provide proof of insurance will result in the event being cancelled.
- 9. Discussion of the bids received for both the Wastewater Treatment Plant Digester Cover Project and the Water Treatment Plant Filter Replacement Project.**

Mr. Rhoney presented the bid summary for the Wastewater Treatment Plant Digester Cover Project. Five (5) bids were received on June 13, 2014. One of the bids did not contain all of the required information, so it was considered "not responsive" and subsequently rejected. The four (4) responsible and responsive bids are as follows:

	<u>Part A: BASE BID</u>	<u>Part B: ALTERNATE BID</u>
Haren Construction Co., Inc. Etowah, TN	\$778,000	\$783,000
Morrison Engineers, PLLC Raleigh, NC	\$978,647.75	\$988,650
RTD Construction, Inc. Zephyrhills, FL	\$942,340	\$948,578
Terry's Plumbing & Utilities	\$1,587,900	\$1,612,900

The bid submitted for the "Base Bid" by Haren Construction Co., Inc. of Etowah, Tennessee was the lowest responsive and responsible bid at \$778,000. Upon motion by Mr. Baker and seconded by Ms. Carter, Council voted unanimously to award the contract to Haren Construction Co., Inc. in the amount of \$778,000.

With regard to a separate project, Mr. Rhoney presented the bid summary for the Water Treatment Plant Filter Replacement Project. Five (5) bids were received on June 12, 2014. The bids received were as follows:

<u>BIDDER</u>	<u>BID AMOUNT</u>
Dellinger, Inc. 2631 Old Charlotte Hwy Monroe, NC 28110	\$837,476.00
Gilbert Engineering Co. 638 South Meeting St. Statesville, NC 28677	\$1,063,910.00
Morrison Engineering, PLLC 7701 Chapel Hill Rd, Ste 200 Raleigh, NC 27607	\$1,100,000.00
T A Loving Company 400 Patetown Road Goldsboro, NC 27530	\$974,100.00
Terry's Plumbing and Utilities 465 Lewallen Road Asheboro, NC 27205	\$1,143,402.00

All of the bids were over budget, and Mr. Rhoney recommended to the Council that all of the referenced bids be rejected. Mr. Rhoney also recommended the performance of additional engineering work and the rebidding of the contract as one project including all eight filters rather than two phases of four filters.

Upon motion by Ms. Carter and seconded by Mr. Hunter, Council voted unanimously to reject the above-referenced bids and rebid the project in accordance with the Water Resources Director's recommendations.

[A copy of the above-referenced bid summaries are on file in the City Clerk's office.

10. Closed session.

Mayor Smith entertained a motion to go into closed session pursuant to the statutory provisions found in Section 143-318.11(a)(4) of the North Carolina General Statutes in order to discuss matters relating to the location or expansion of industries or other businesses in the area served by the City of Asheboro, including agreement on a tentative list of economic development incentives that may be offered by the city in negotiations.

Upon motion by Mr. Bell and seconded by Mr. Baker, Council voted unanimously to go into closed session for the above-stated reason and pursuant to the above-cited statutory authority.

A separate general account of the closed session held pursuant to Section 143.318.11(a)(4) of the North Carolina General Statutes has been prepared and filed in the City Clerk's office.

11. Return to open session.

After returning to open session, there were no action items to be discussed.

There being no further business, the meeting was adjourned at 8:41 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

SEALED GENERAL ACCOUNT OF A CLOSED SESSION

WHEREAS, Section 143-318.10(e) of the North Carolina General Statutes provides, in pertinent part, that the “minutes or an account of a closed session conducted in compliance with G.S. 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session;” and

WHEREAS, pursuant to Section 143-318.11(a)(4) of the North Carolina General Statutes, the City Council of the City of Asheboro properly conducted a closed session during a regular meeting on July 10, 2014, in order to discuss matters relating to the location or expansion of industries or other businesses in the City of Asheboro;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the general account of the closed session held by the City Council on July 10, 2014, is to be sealed so long as public inspection of the records would frustrate the purpose of the closed session; and

BE IT FURTHER RESOLVED that the city manager is hereby authorized to act as the Asheboro City Council’s agent with the authority to unseal these records when the purpose of the closed session would no longer be frustrated by making the records available for public inspection or when the unsealing of the said general account is otherwise required by law.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 7th day of August, 2014.

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

ATTEST:

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

Minutes of the meeting of the Asheboro Alcoholic Beverage Control Board held on July 7, 2014

Item 4 (d)

The Asheboro ABC Board met on July 7, 2014, at 5:00 PM, in the Board office, 700 South Fayetteville Street, Asheboro, NC.

Present were Chair Brooke Schmidly, Board Member Steve Knight, and General Manager Rodney Johnson (GM). Board Member Bob Morrison attended via telephone conference call. 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 both Board members voiced having no conflict, and there being no objection, the agenda was adopted.

The Board reviewed and there being no objection, approved and signed the Minutes from the June 2, 2014, regular meeting.

Steve Knight and the GM reviewed Board finances and reported all finances remain consistent.

The Board reviewed a draft policy proposal granting leave time for full-time regular employees who become living organ donors. Upon motion by Bob Morrison, Policy 38.1-Living Organ Donor Leave, was approved by the Board.

Based upon past revenues, there will be approximately \$3,000 available to fund 3rd quarter 2014 alcohol education grants (available in October) and \$4,800 to fund 4th quarter grants (available in January 2015). A notice will be sent to the media by July 15th providing details about applying for the funds.

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

1. The Change-Fund Report ending June 30, 2014, was reviewed with nothing remarkable noted.
2. Asheboro ABC sales statistics comparing:
 - June 2014 sales with the previous month indicate:
 - An overall -12.4% change (all sales and tax collections)
 - June 2014 sales with sales from the same month last year indicate:
 - Retail Sales -4.3%
 - Mixed Beverage Sales: +7.4%
 - Sales Tax Collections: -4.4%
 - Overall Collections: -3.1%

- June 2014 bottle sales with bottle sales from the same month last year indicate:
 - Retail Bottle Sales: -5.6%
 - Mixed Beverage Bottle Sales: +9.9%
 - Overall Bottle Sales: -4.6%

Charts reflecting sales histories were handed out to Board members for review and discussion.

The next regular Asheboro ABC Board meeting will be held Monday, August 4, 2014, at 5:30 p.m.

There being no further business, the meeting was adjourned.

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

8-4-14



J. Brock Schmidt
Stephen R Knight
Robt Monar

form to VP 7-24-14



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: Derrick Sides
Address: 1247 Sunset Dr. Asheboro NC 27205
Phone: 336-848-0140 E-mail: dsides@asheboro.com

Organization: The Randolph Arts Guild
Address: 123 Sunset Ave. Asheboro NC 27203
Phone: 336-629-0399

Date of Parade: Oct 3-5 Start Time: 5:00pm End Time: 8:00pm (Sun)

Number of Persons: alot Number of Vehicles: N/A

Streets Involved: I-660-179R 7697-TCT-14

Special officials and/or guests: N/A

Insurance Company & Policy Number: Church st. / Sunset / Faye / Worths

Any additional information: No parade but the festival will go on.

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/her (?) 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: [Signature]

internal Use Only

Police Department Recommendation: [Signature]
City of Asheboro Approval By: [Signature] Date: 7/29/2018



One Tower Square, Hartford, Connecticut 06183

COMMERCIAL GENERAL LIABILITY
COVERAGE PART DECLARATIONS

POLICY NO.: I-660-179R7697-TCT-14
ISSUE DATE: 04-04-14

INSURING COMPANY:
THE TRAVELERS INDEMNITY COMPANY OF CONNECTICUT

DECLARATIONS PERIOD: From 05-22-14 to 05-22-15 12:01 A.M. Standard Time at your mailing
address shown in the Common Policy Declarations.

The Commercial General Liability Coverage Part consists of these Declarations and the Coverage Form shown
below.

COVERAGE AND LIMITS OF INSURANCE:

COMMERCIAL GENERAL LIABILITY COVERAGE FORM

LIMITS OF INSURANCE

General Aggregate Limit (Other than Products-Completed Operations)	\$ 1,000,000
Products-Completed Operations Aggregate Limit	\$ 1,000,000
Personal & Advertising Injury Limit	\$ 1,000,000
Each Occurrence Limit	\$ 1,000,000
Damage To Premises Rented To You Limit (any one premises)	\$ 100,000
Medical Expense Limit (any one person)	\$ 5,000

AUDIT PERIOD: ANNUAL

FORM OF BUSINESS: CORPORATION

NUMBERS OF FORMS, SCHEDULES AND ENDORSEMENTS FORMING PART OF THIS COVERAGE
PART ARE ATTACHED AS A SEPARATE LISTING.

**COMMERCIAL GENERAL LIABILITY COVERAGE
IS SUBJECT TO A GENERAL AGGREGATE LIMIT**

NORTH CAROLINA
RANDOLPH COUNTY

UTILITY AGREEMENT

DATE: 7/9/2014

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

Project: U-5305

AND

WBS Elements: 47025.3.FS1

CITY OF ASHEBORO

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

WITNESSETH:

WHEREAS, the Department has prepared and adopted plans to make certain street and highway improvements under Project U-5305, in Randolph County, said plans consists of improvements on NC 49 Intersection with SR 1144 (Mack Road) and Connector Road and re-alignment with US 64 West, Randolph County; said project having a right-of-way width as shown on the project plans on file with the Department's office in Raleigh, North Carolina; and,

WHEREAS, the parties hereto wish to enter into an agreement for certain utility work to be performed by the Department's construction contractor with full reimbursement by the Municipality for the costs thereof as hereinafter set out.

NOW, THEREFORE, it is agreed as follows:

1. The Department shall place provisions in the construction contract for Project U-5305 Randolph County, for the contractor to adjust and relocate water lines. Said work shall be accomplished in accordance with project special provisions attached hereto as Exhibit "A", cost estimate attached hereto as Exhibit "B" and the plan sheets attached hereto as Exhibit "C".
2. The Municipality shall be responsible for water lines cost as shown on the attached Exhibit "C". The estimated cost to the Municipality is \$17,319.00 as shown on the attached Exhibit "B". It is understood by both parties that this is an estimated cost and is subject to change. The Municipality shall reimburse the Department for said costs as follows:

- A. Upon completion of the highway work, the Department shall submit an itemized invoice to the Municipality for cost incurred. Billing will be based upon the actual bid prices and actual quantities used.
 - B. Reimbursement shall be made by the Municipality in one final payment within sixty (60) days of said invoice.
 - C. If the Municipality does not pay said invoice within sixty (60) days of the date of the invoice, the Department shall charge interest on any unpaid balance at a variable rate of the prime plus (1%) in accordance with G.S. 136-27.3.
 - D. Said interest rate shall be set upon final execution of the Agreement by the Department. The Municipality will be notified of the set interest rate by the Department's approval letter upon receipt of the fully executed agreement.
 - E. Any cost incurred due to additional utility work requested by the Municipality after award of the construction contract, shall be solely the responsibility of the Municipality. The Municipality shall reimburse the Department 100% of the additional utility cost.
3. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment hereinabove provided, North Carolina General Statute 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Municipality by North Carolina General Statute, Section 136-41.1, until such time as the Department has received payment in full.
4. Upon the satisfactory completion of the relocations and adjustments of the utility lines covered under this Agreement, the Municipality shall assume normal maintenance operations to the said utility lines. Upon completion of the construction of the highway project, the Municipality shall release the Department from any and all claims for damages in connection with adjustments made to its utility lines; and, further, the Municipality shall release the Department of any future responsibility for the cost of maintenance to said utility lines. Said releases shall be deemed to be given by the Municipality upon completion of construction of the project and its acceptance by

the Department from its contractor unless the Municipality notifies the Department, in writing, to the contrary prior to the Department's acceptance of the project.

5. It is further agreed that the following provisions shall apply regarding the utilities covered in this Agreement.
 - A. The Municipality obligates itself to service and to maintain its facilities to be retained and installed over and along the highway within the Department's right-of-way limits in accordance with the mandate of the North Carolina General Statutes and such other laws, rules, and regulations as have been or may be validly enacted or adopted, now or hereafter.
 - B. If at any time the Department shall require the removal of or changes in the location of the encroaching facilities which are being relocated at the Municipality's expense, the Municipality binds itself, its successors and assigns, to promptly remove or alter said facilities, in order to conform to the said requirement (if applicable per G.S. 136-27.1), without any cost to the Department.
6. Each of the parties covenants that if it enters into any subcontracts in order to perform any of its obligations under this contract, it shall require that the contractors and their subcontractors comply with the requirements of NC Gen. Stat. Article 2 of Chapter 64. In this E-Verify Compliance section, the words contractors, subcontractors, and comply shall have the meanings intended by N.C. Gen. Stat. § 160A-20.1.

By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

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

L.S. ATTEST: CITY OF ASHEBORO
BY: _____ BY: _____
TITLE: _____ TITLE: _____
DATE: _____ DATE: _____

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by _____ of the local governing body of the City of Asheboro as attested to by the signature of Clerk of said governing body on _____ (Date)

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(SEAL)

(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:
City of Asheboro

DEPARTMENT OF TRANSPORTATION
BY: _____
(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (Date)

PROJECT SPECIAL PROVISIONS
Utility Construction

EXHIBIT A

NCDOT Utilities Unit
1555 MSC
Raleigh, NC 27699-1555

919.707.6690



(Seal)

Revise the 2012 Standard Specifications as follows:

Page 10-58, Sub-article 1036-1 General
add the following sentence

All materials in contact with potable water shall be in conformance with Section 1417 of the Safe Drinking Water Act.

Page 15-1, Sub-article 1500-2 Cooperation with the Utility Owner, paragraph 2:
add the following sentences:

The utility owner is the City of Asheboro. The contact person is Mr. Michael Leonard and he can be reached by phone at (336) 626-1201 ext. 228.

Page 15-2, Sub-article 1500-9 Placing Pipelines into Service
add the following sentence:

Obtain approval from the NCDENR-Public Water Supply Section prior to placing a new water line into service. Use backflow prevention assemblies for temporary connections to isolate new water lines from existing water line.

Page 15-6, Sub-article 1510-3 (B), Testing and Sterilization
change the allowable leakage formula to:

$$W = LD\sqrt{P} \div 148,000$$

Page 15-6, Sub-article 1510-3 (B), Testing and Sterilization, sixth paragraph:
Replace the paragraph with the following:

Sterilize water lines in accordance with Section 1003 of The Rules Governing Public Water supply and AWWA C651 Section 4.4.3, the Continuous Feed Method. Provide a chlorine solution with between 50 parts per million and 100 parts per million in the initial feed. If the chlorine level drops below 10 parts per million during a 24 hour period, then

PROJECT SPECIAL PROVISIONS

Utility Construction

flush, refill with fresh chlorine solution, and repeat for 24 hours. Provide certified bacteriological and contaminant test results from a state-approved or state-certified laboratory. Operate all valves and controls to assure thorough sterilization.

Page 15-6, Sub-article 1510-3 (B), Testing and Sterilization, seventh paragraph: delete the words “may be performed concurrently or consecutively.” and replace with “shall be performed consecutively.”

Page 15-7, sub-article 1515-2 Materials,
replace paragraph beginning “Double check valves...” with the following:

Double Check valves (DCV) and Reduced Pressure Zone principal (RPZ) backflow prevention assemblies shall be listed on the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research list of approved backflow devices.

Page 15-11, Sub-article 1520-3(A)(2) Testing, line 5,
replace the second paragraph with the following:

Test all 24" and smaller gravity sewer lines for leakage using infiltration, exfiltration, or air test. Perform visual inspection on gravity sewer lines larger than 24". Perform line and grade testing and deflection testing on all gravity sewer lines.

North Carolina Department Of Transportation
Project Quantities Estimate Report (Without break down)

WBS PROJECT TIP NO. FEDERAL AID NO. COUNTY
 47025.3.FS1 C203460-UT U-5305 STPNHS-0049(30) RANDOLPH

EXHIBIT B

TYPE OF WORK: GRADING, DRAINAGE, PAVING, SIGNALS, AND CURB & GUTTER.
LOCATION: NC-49 INTERSECTION WITH SR-1144 (MACK RD) AND REALIGNMENT OF
 CONNECTOR RD WITH US-64 WEST.

ItemNumber	Sec #	Description	Quantity	Unit Cost	Amount
ROADWAY ITEMS					
0318000000-E	300	FOUNDATION CONDITIONING MATERIAL, MINOR STRUCTURES	4	TON	
0320000000-E	300	FOUNDATION CONDITIONING GEOTEXTILE	12	SY	
5326200000-E	1510	12" WATER LINE	35	LF	
5648000000-N	1515	RELOCATE WATER METER	7	EA	
5672000000-N	1515	RELOCATE FIRE HYDRANT	1	EA	
5804000000-E	1530	ABANDON 12" UTILITY PIPE	35	LF	

1324/Jul08/Q94.0/D23088200000/E6

Total Length Of Project : .0 miles

TOTAL \$ 17,319.00

STATE OF NORTH CAROLINA
DIVISION OF HIGHWAYS

T.I.P. NO.	SHEET NO.
U-5305	UC-1

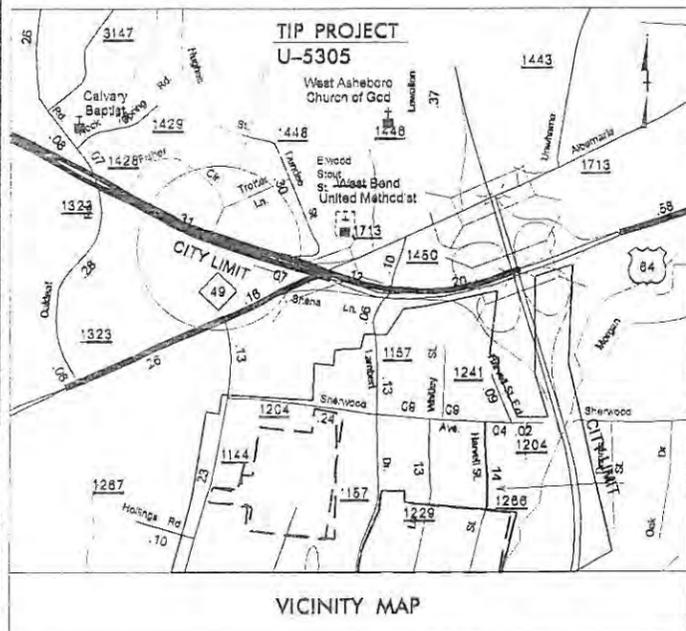
**UTILITY CONSTRUCTION PLANS
RANDOLPH COUNTY**

EXHIBIT C

**LOCATION: ASHEBORO - NC 49 INTERSECTION WITH SR 1144 (MACK ROAD)
AND CONNECTOR ROAD ALIGNMENT WITH US 64 WEST**

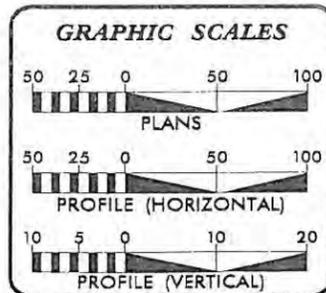
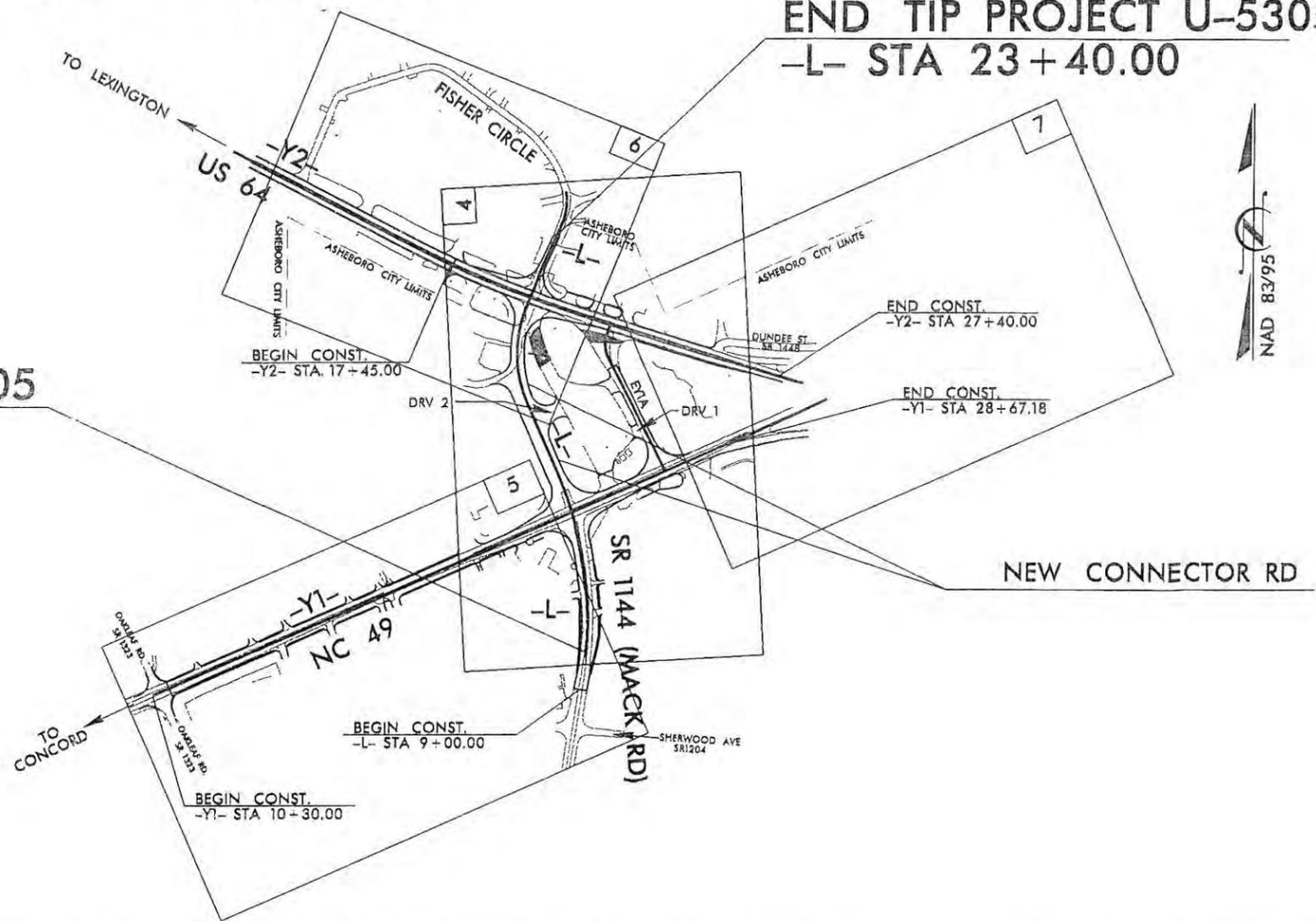
TYPE OF WORK: WATER LINE RELOCATION

TIP PROJECT: U-5305



**END TIP PROJECT U-5305
-L- STA 23+40.00**

**BEGIN TIP PROJECT U-5305
-L- STA 9+66.96**



INDEX OF SHEETS

SHEET NO.	DESCRIPTION
UC-1	TITLE SHEET
UC-1A	UTILITY SYMBOLOGY
UC-2	NOTES
UC-3	DETAILS
UC-4 THRU UC-5	UTILITY CONSTRUCTION SHEETS

WATER AND SEWER OWNERS ON PROJECT

(1) WATER - CITY OF ASHEBORO
(2) SANITARY SEWER - CITY OF ASHEBORO



PREPARED IN THE OFFICE OF:
**DIVISION OF HIGHWAYS
UTILITIES UNIT
UTILITIES ENGINEERING**

1555 MAIL SERVICES CENTER
RALEIGH NC 27699-1555
PHONE (919) 707-6690
FAX (919) 250-4151

Roger Worthington, P.E. UTILITIES SECTION ENGINEER
Steve McKee, P.E. UTILITIES SQUAD LEADER PROJECT ENGINEER
Don Proper UTILITIES PROJECT DESIGN ENGINEER

09-JUL-2014 10:17
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USER:ERNAME 34.11

UTILITIES PLAN SHEET SYMBOLS

PROPOSED WATER SYMBOLS

Water Line (Sized as Shown)	-----
11¼ Degree Bend	-----
22½ Degree Bend	-----
45 Degree Bend	-----
90 Degree Bend	-----
Plug	-----
Tee	-----
Cross	-----
Reducer	-----
Gate Valve	-----
Butterfly Valve	-----
Tapping Valve	-----
Line Stop	-----
Line Stop with Bypass	-----
Blow Off	-----
Fire Hydrant	-----
Relocate Fire Hydrant	-----
Remove Fire Hydrant	-----
Water Meter	-----
Relocate Water Meter	-----
Remove Water Meter	-----
Water Pump Station	-----
RPZ Backflow Preventer	-----
DCV Backflow Preventer	-----
Relocate RPZ Backflow Preventer	-----
Relocate DCV Backflow Preventer	-----

PROPOSED SEWER SYMBOLS

Gravity Sewer Line (Sized as Shown)	-----
Force Main Sewer Line (Sized as Shown)	-----
Manhole (Sized per Note)	-----
Sewer Pump Station	-----

PROPOSED MISCELLANEOUS UTILITIES SYMBOLS

Power Pole	-----
Telephone Pole	-----
Joint Use Pole	-----
Telephone Pedestal	-----
Utility Line by Others (Type as Shown)	-----
Trenchless Installation	-----
Encasement by Open Cut	-----
Encasement	-----

Thrust Block	-----
Air Release Valve	-----
Utility Vault	-----
Concrete Pier	-----
Steel Pier	-----
Plan Note	-----
Pay Item Note	-----

EXISTING UTILITIES SYMBOLS

Power Pole	-----
Telephone Pole	-----
Joint Use Pole	-----
Utility Pole	-----
Utility Pole with Base	-----
H-Frame Pole	-----
Power Transmission Line Tower	-----
Water Manhole	-----
Power Manhole	-----
Telephone Manhole	-----
Sanitary Sewer Manhole	-----
Hand Hole for Cable	-----
Power Transformer	-----
Telephone Pedestal	-----
CATV Pedestal	-----
Gas Valve	-----
Gas Meter	-----
Located Miscellaneous Utility Object	-----
Abandoned According to Utility Records	AATUR
End of Information	E.O.I.

*Underground Power Line	-----
*Underground Telephone Cable	-----
*Underground Telephone Conduit	-----
*Underground Fiber Optics Telephone Cable	-----
*Underground TV Cable	-----
*Underground Fiber Optics TV Cable	-----
*Underground Gas Pipeline	-----
Aboveground Gas Pipeline	A/G Gas
*Underground Water Line	-----
Aboveground Water Line	A/G Water
*Underground Gravity Sanitary Sewer Line	-----
Aboveground Gravity Sanitary Sewer Line	A/G Sanitary Sewer
*Underground SS Forced Main Line	-----
Underground Unknown Utility Line	-----
SUE Test Hole	-----
Water Meter	-----
Water Valve	-----
Fire Hydrant	-----
Sanitary Sewer Cleanout	-----

*For Existing Utilities
 Utility Line Drawn from Record (Type as Shown) -----
 Designated Utility Line (Type as Shown) -----

05-AUG-2004 10:52
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 REV 2/1/2010

UTILITY CONSTRUCTION

GENERAL NOTES:

1. THE PROPOSED UTILITY CONSTRUCTION SHALL MEET THE APPLICABLE REQUIREMENTS OF THE NC DEPARTMENT OF TRANSPORTATION'S "STANDARD SPECIFICATIONS FOR ROADS AND STRUCTURES" DATED JANUARY 2012.

2. THE EXISTING UTILITIES BELONG TO CITY OF ASHEBORO. CONTACT PERSON IS MR. MICHAEL LEONARD AT 336-626-1201 EXT. 228.

3. ALL WATER LINES TO BE INSTALLED WITHIN COMPLIANCE OF THE RULES AND REGULATIONS OF THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL AND NATURAL RESOURCES, DIVISION OF WATER RESOURCES, PUBLIC WATER SUPPLY SECTION. ALL SEWER LINES TO BE INSTALLED WITHIN COMPLIANCE OF THE RULES AND REGULATIONS OF THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, DIVISION OF WATER RESOURCES, WATER QUALITY SECTION. PERFORM ALL WORK IN ACCORDANCE WITH THE APPLICABLE PLUMBING CODES.

4. THE UTILITY OWNER OWNS THE EXISTING UTILITY FACILITIES AND WILL OWN THE NEW UTILITY FACILITIES AFTER ACCEPTANCE BY THE DEPARTMENT. THE DEPARTMENT OWNS THE CONSTRUCTION CONTRACT AND HAS ADMINISTRATIVE AUTHORITY. COMMUNICATIONS AND DECISIONS BETWEEN THE CONTRACTOR AND UTILITY OWNER ARE NOT BINDING UPON THE DEPARTMENT OR THIS CONTRACT UNLESS AUTHORIZED BY THE ENGINEER. AGREEMENTS BETWEEN THE UTILITY OWNER AND CONTRACTOR FOR THE WORK THAT IS NOT PART OF THIS CONTRACT OR IS SECONDARY TO THIS CONTRACT ARE ALLOWED, BUT ARE NOT BINDING UPON THE DEPARTMENT.

5. PROVIDE ACCESS FOR THE DEPARTMENT PERSONNEL AND THE OWNER'S REPRESENTATIVES TO ALL PHASES OF CONSTRUCTION. NOTIFY DEPARTMENT PERSONNEL AND THE UTILITY OWNER TWO WEEKS PRIOR TO COMMENCEMENT OF ANY WORK AND ONE WEEK PRIOR TO SERVICE INTERRUPTION. KEEP UTILITY OWNERS' REPRESENTATIVES INFORMED OF WORK PROGRESS AND PROVIDE OPPORTUNITY FOR INSPECTION OF CONSTRUCTION AND TESTING.

6. THE PLANS DEPICT THE BEST AVAILABLE INFORMATION FOR THE LOCATION, SIZE, AND TYPE OF MATERIAL FOR ALL EXISTING UTILITIES. MAKE INVESTIGATIONS FOR DETERMINING THE EXACT LOCATION, SIZE, AND TYPE MATERIAL OF THE EXISTING FACILITIES AS NECESSARY FOR THE CONSTRUCTION OF THE PROPOSED UTILITIES AND FOR AVOIDING DAMAGE TO EXISTING FACILITIES. REPAIR ANY DAMAGE INCURRED TO EXISTING FACILITIES TO THE ORIGINAL OR BETTER CONDITION AT NO ADDITIONAL COST TO THE DEPARTMENT.

7. MAKE FINAL CONNECTIONS OF THE NEW WORK TO THE EXISTING SYSTEM WHERE INDICATED ON THE PLANS, AS REQUIRED TO FIT THE ACTUAL CONDITIONS, OR AS DIRECTED.

8. MAKE CONNECTIONS BETWEEN EXISTING AND PROPOSED UTILITIES AT TIMES MOST CONVENIENT TO THE PUBLIC, WITHOUT ENDANGERING THE UTILITY SERVICE, AND IN ACCORDANCE WITH THE UTILITY OWNER'S REQUIREMENTS. MAKE CONNECTIONS ON WEEKENDS, AT NIGHT, AND ON HOLIDAYS IF NECESSARY.

9. ALL UTILITY MATERIALS SHALL BE APPROVED PRIOR TO DELIVERY TO THE PROJECT. SEE 1500-7, " SUBMITTALS AND RECORDS" IN SECTION 1500 OF THE STANDARD SPECIFICATIONS.

10. ALL VALVES AND BENDS SHALL HAVE AT LEAST ONE (1) FULL LENGTH OF PIPE INSTALLED WHERE FEASIBLE. ALL TEES SHALL HAVE A FULL LENGTH OF PIPE INSTALLED OUT OF AT LEAST TWO (2) LEGS WHERE FEASIBLE.

PROJECT SPECIFIC NOTES:

1. PROPOSED 12" WATER LINE RELOCATION SHALL BE 12" R.J.D.I. (RESTRAINED JOINT DUCTILE IRON)
PC 350 PIPE

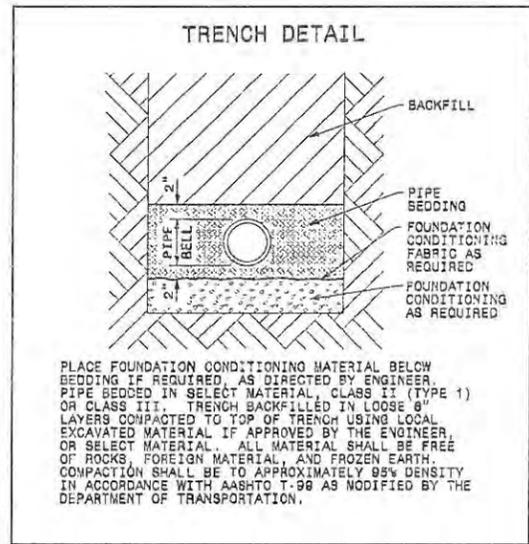
LIST OF STANDARD DRAWINGS

1515.01 WATER METER

1515.02 FIRE HYDRANT

PROJECT REFERENCE NO.	SHEET NO.
U-5305	UC-2
DESIGNED BY: DWP	
DRAWN BY: DWP	
CHECKED BY: JSM	
APPROVED BY: JSM	
REVISED:	
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION	
UTILITIES ENGINEERING SEC. PHONE: (919) 707-6690 FAX: (919) 250-4151	
UTILITY CONSTRUCTION PLANS ONLY	

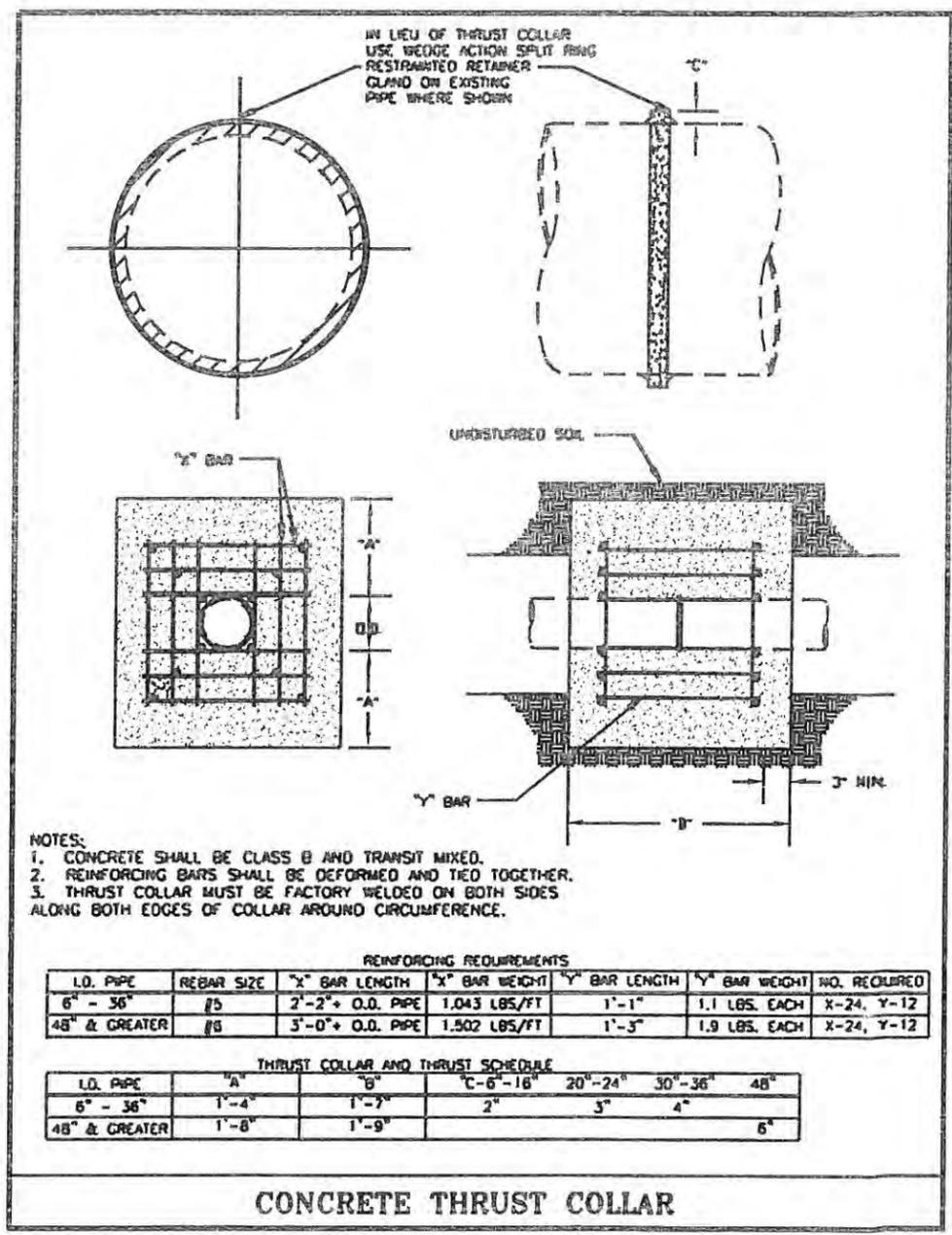
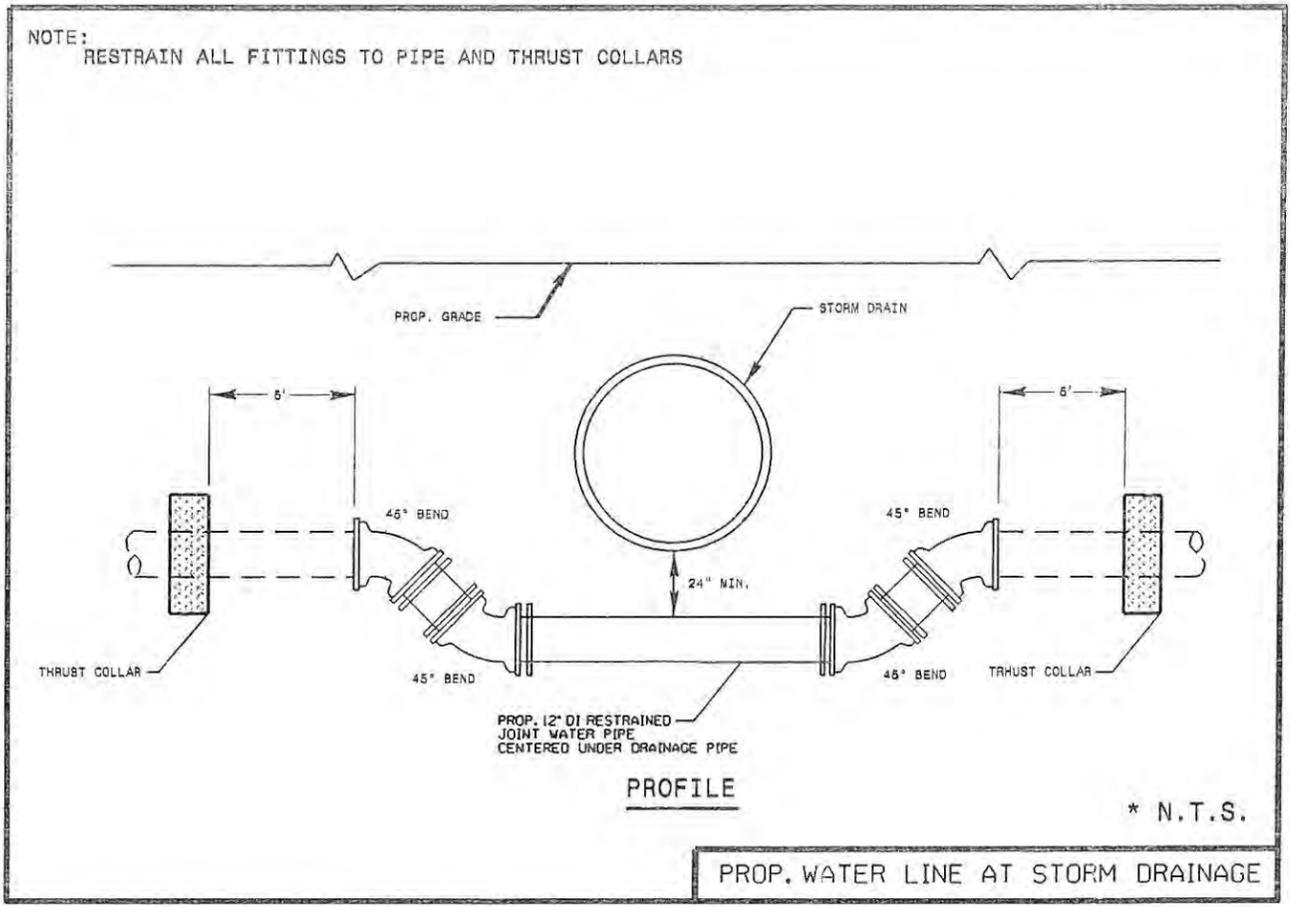
UTILITY CONSTRUCTION



PLACE FOUNDATION CONDITIONING MATERIAL BELOW BEDDING IF REQUIRED, AS DIRECTED BY ENGINEER. PIPE BEDDED IN SELECT MATERIAL, CLASS II (TYPE 1) OR CLASS III. TRENCH BACKFILLED IN LOOSE 8" LAYERS COMPACTED TO TOP OF TRENCH USING LOCAL EXCAVATED MATERIAL IF APPROVED BY THE ENGINEER, OR SELECT MATERIAL. ALL MATERIAL SHALL BE FREE OF ROCKS, FOREIGN MATERIAL, AND FROZEN EARTH. COMPACTION SHALL BE TO APPROXIMATELY 95% DENSITY IN ACCORDANCE WITH AASHTO T-99 AS MODIFIED BY THE DEPARTMENT OF TRANSPORTATION.

MAXIMUM TRENCH WIDTH AT TOP OF PIPE

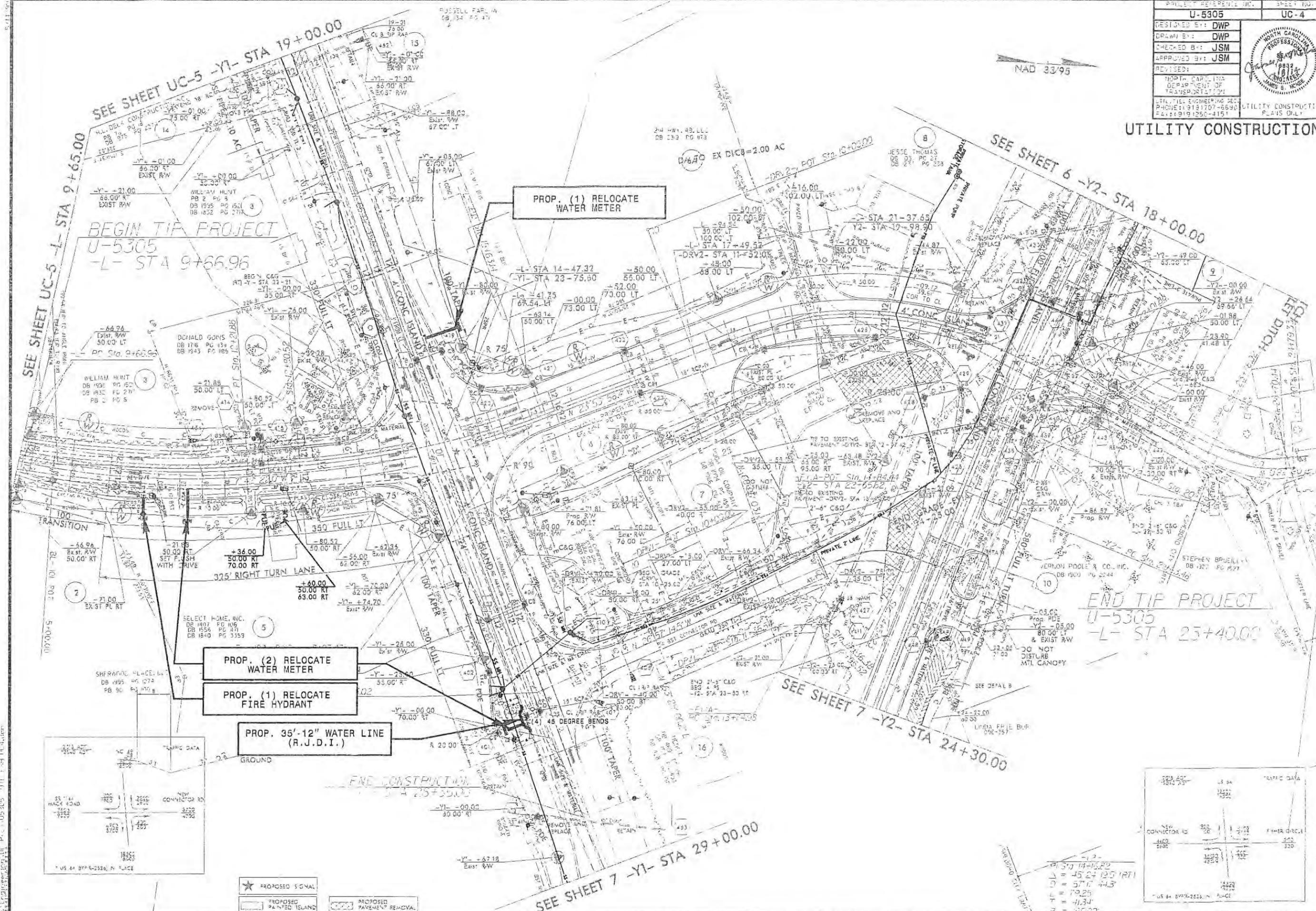
NOMINAL PIPE SIZE (INCHES)	TRENCH WIDTH (INCHES)	NOMINAL PIPE SIZE (INCHES)	TRENCH WIDTH (INCHES)
4	28	20	44
6	30	24	48
8	32	30	54
10	34	36	60
12	36	42	66
14	38	48	72
16	40	54	78
18	42		



PROJECT REFERENCE NO.	SHEET NO.
U-5305	UC-4
DESIGNED BY: DWP	
DRAWN BY: DWP	
CHECKED BY: JSM	
APPROVED BY: JSM	
REVISED:	
	
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION UTILITY CONSTRUCTION PLANS ONLY	

NAD 83/95

UTILITY CONSTRUCTION



SEE SHEET UC-5 -Y1- STA 19+00.00

SEE SHEET 6 -Y2- STA 18+00.00

SEE SHEET UC-5 -L- STA 9+65.00

PROP. (1) RELOCATE WATER METER

BEGIN TIP PROJECT
U-5305
-L- STA 9+66.96

END TIP PROJECT
U-5305
-L- STA 25+40.00

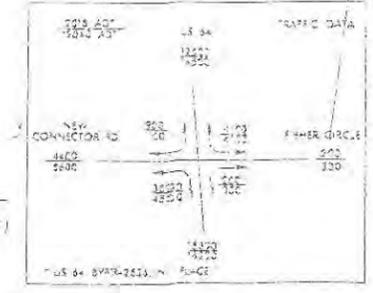
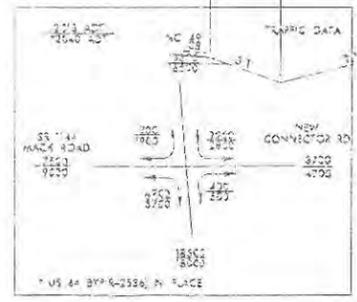
PROP. (2) RELOCATE WATER METER

PROP. (1) RELOCATE FIRE HYDRANT

PROP. 35'-12" WATER LINE (R.J.D.I.)

SEE SHEET 7 -Y2- STA 24+30.00

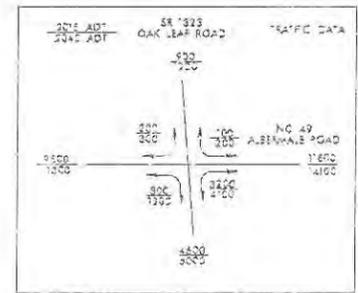
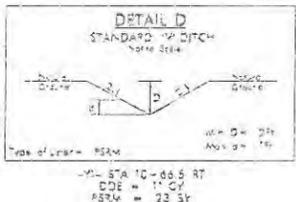
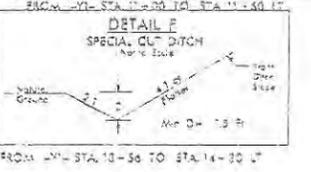
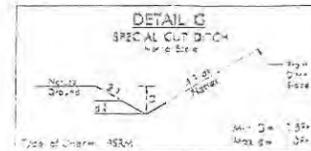
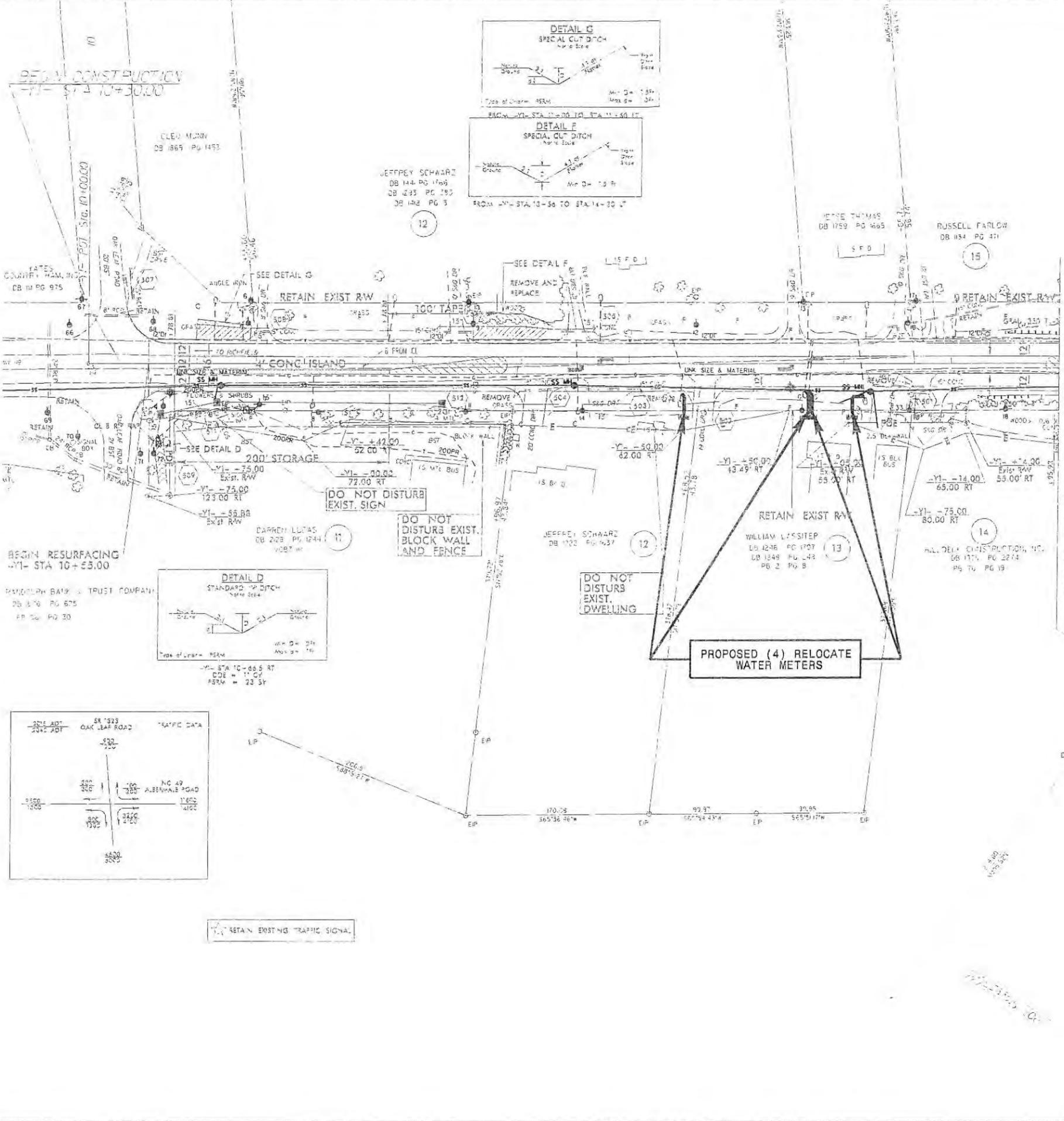
SEE SHEET 7 -Y1- STA 29+00.00



-  PROPOSED SIGNAL
-  PROPOSED PAINTED ISLAND
-  PROPOSED PAVEMENT REMOVAL

085-011-2014 10455
 PROJECT U-5305 UTI E-03 LOCATION
 085-011-2014 10455

PROJECT REFERENCE NO.	SHEET NO.
U-5305	UC-5
DESIGNED BY: DWP	
DRAWN BY: DWP	
CHECKED BY: JSM	
APPROVED BY: JSM	
RELIEVED:	
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION	
UTILITIES ENGINEERING SECTION PHONE: 319-707-6630 FAX: 319-707-4151	
UTILITY CONSTRUCTION PLANS ONLY	



RETAIN EXISTING TRAFFIC SIGNAL

SEE SHEET UC-4 -VI- STA 19+00.00

SEE SHEET UC-4 -I- STA 9+65.00

BEGIN CONSTRUCTION
-I- STA 9+00.00

08-JUL-2014 10:00 AM
 PROJECT: U-5305 - UTILITY CONSTRUCTION
 SHEET: UC-5

ORDINANCE NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AMNEDMENT OF SECTION 130.01 OF THE CODE OF ASHEBORO

WHEREAS, Section 160A-189 of the North Carolina General Statutes provides, in pertinent part, as follows:

A city may by ordinance regulate, restrict, or prohibit the discharge of firearms at any time or place within the city except when used in defense of person or property or pursuant to lawful direction of law enforcement officers, and may regulate the display of firearms on the streets, sidewalks, alleys, or other public property; and

WHEREAS, the regulation of the discharge of firearms within the City of Asheboro is addressed by Section 130.01 of the Code of Asheboro; and

WHEREAS, the Asheboro City Council has concluded that the said Section 130.01 of the Code of Asheboro should be amended in order to align the ordinance text more closely with the text found in the enabling statute for the regulation of the discharge of firearms;

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

Section 1. Section 130.01 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 130.01 REGULATION OF USE OF FIREARMS OR ANY DEVICE DESIGNED OR USED TO PROJECT PELLETS, ARROWS, OR OTHER PROJECTILES.

(A) Subject to the exceptions listed in division (B), it is unlawful for a person to discharge any pistol, rifle, gun, or other type of firearm within the city or within the boundary lines of any city-owned property that is located beyond the city limits.

(B) The prohibition listed above in division (A) does not apply to the following situations:

- (1) The discharge of a firearm at a shooting gallery or range that is operating in compliance with the Asheboro Zoning Ordinance.
- (2) The discharge of a firearm by a sworn law enforcement officer.
- (3) The discharge of a firearm by a person in self-defense, in the lawful defense of others, in the lawful defense of property, pursuant to lawful directions of law enforcement officers, and/or pursuant to a duty established by federal, state, or

local statute or ordinance, specifically including by way of illustration and not limitation the discharge of a firearm by a duly appointed animal control officer or his or her designee.

- (4) Upon receipt of written permission from the Chief of Police or his or her designee, blank cartridges may be discharged during historical reenactments, military or similar displays, or during theatrical, athletic, or like performances. Such written permission from the Chief of Police or his or her designee cannot be granted unless and until the applicant establishes that the proposed activity for which the use of blank cartridges is requested will occur with the consent of the property owner and in compliance with the city's noise ordinance and zoning ordinance.
 - (5) A person 21 years of age or older may use an exploding device or similar scare device for the purpose of dispersing birds, fowl, or other wildlife on the condition that the device does not have the capacity to physically harm such bird, fowl, or other wildlife and on the additional condition that the use of the device conforms with all federal and state laws as well as the regulations adopted by the North Carolina Wildlife Resources Commission. The person utilizing such a device shall exercise due care in the use of the device so as not to cause injury to persons or damage to another person's property. Prior to the utilization of such a device, the person using the device shall notify his or her adjacent property owners (or lessees) and the Asheboro Police Department of the intended use of such a device, including the location, the date, and the approximate time of day of such use. Such a device shall not be used between the hours of 11:00 p.m. and 8:00 a.m. on any day of the week.
 - (6) The use of a firearm for hunting ducks and dark geese (includes Canada geese and white-fronted geese) is permitted at Lake Reese when such hunting is undertaken in compliance with Chapter 91 of the Code of Asheboro.
- (C) Subject to the exceptions listed in division (D), it is unlawful for a person to shoot or project any arrow, shot, pellet, stone, rock, or other hard substance by means of a bow, air rifle, pellet gun, paintball gun, popgun, slingshot, bean shooter, or other similar type of device or contrivance within the city or within the boundary lines of any city-owned property that is located beyond the city limits.
- (D) The prohibition listed above in division (C) is subject to the following exceptions:
- (1) Archery is permitted at an archery range that is operating in compliance with the Asheboro Zoning Ordinance.
 - (2) The discharge of air rifles, pellet guns, paintball guns, and similar devices is permitted at shooting galleries or ranges that are operating in compliance with the Asheboro Zoning Ordinance.

- (3) Activities undertaken by a person in self-defense, in the lawful defense of others, in the lawful defense of property, pursuant to lawful directions of law enforcement officers, and/or pursuant to a duty established by federal, state, or local statute or ordinance, specifically including by way of illustration and not limitation the use of a device that would otherwise fall within the scope of division (C) by a duly appointed animal control officer or his or her designee.

Section 2. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 3. This Ordinance shall be in full force and effect upon and after the date of its adoption.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 7th day of August, 2014.

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

**PUBLICATION OF INTENT TO APPROVE THE LEASE OF SPACE ON A
CITY-OWNED ELEVATED WATER TANK**

WHEREAS, Section 160A-272(a) of the North Carolina General Statutes provides as follows:

Any property owned by a city may be leased or rented for such terms and upon such conditions as the council may determine, but not for longer than 10 years (except as otherwise provided herein) and only if the council determines that the property will not be needed by the city for the term of the lease. In determining the term of a proposed lease, periods that may be added to the original term by options to renew or extend shall be included. Property may be rented or leased only pursuant to a resolution of the council authorizing the execution of the lease or rental agreement adopted at a regular council meeting upon 10 days' public notice. Notice shall be given by publication describing the property to be leased or rented, stating the annual rental or lease payments, and announcing the council's intent to authorize the lease or rental at its next regular meeting; and

WHEREAS, the city currently leases space on its South Church Street elevated water tank to ALLTEL Communications of North Carolina Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") for electronic communications equipment, and the current lease agreement is nearing the end of its term; and

WHEREAS, the legal staffs for the city and Verizon Wireless have been engaged in negotiations to craft a new lease agreement that is acceptable to both parties; and

WHEREAS, the city attorney anticipates a new lease agreement, which will contain terms and conditions that are consistent with the material terms and conditions of other previously approved leases of space for electronic communications equipment on elevated water tanks, will be ready for review and approval during the City Council's regular meeting in September 2014; and

WHEREAS, the city attorney has requested permission for the city clerk to publish in a timely manner the notice prescribed by Section 160A-272(a) of the North Carolina General Statutes; and

WHEREAS, the Asheboro City Council has concluded that it is appropriate to grant the requested authorization;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that the city clerk is hereby authorized to publish the notice specified in Section 160A-272(a) of the North Carolina General Statutes if and when the city attorney advises her that the legal staffs for the city and Verizon Wireless have agreed upon a draft lease agreement for review and approval by the City Council.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 7th day of August, 2014.

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

ATTEST:

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



RZ-14-05: Rezone from R10 (Medium-Density Residential) and I3 (Limited Industrial) to I2 (General Industrial)

(527 West Central Avenue: Green Light Holdings LLC)

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-14-05

Date 7/7/2014 PB

Applicant Gary Richardson (Green Light Holdings)

Legal Description

The property of Jewel H. Rich, located at 527 West Central Avenue (including property on the north side of West Central Avenue), totaling approximately 14.5 acres (+/-) and more specifically identified by Randolph County Parcel Identification Number 7752891801.

Requested Action Rezone from R10 (Medium-Density Residential) and I3 (Limited Industrial) to I2 (General Industrial)

Existing Zone R10/I3

Land Development Plan See 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-14-05**

Date 7/7/2014 PB

8/7/2014 CC

General Information

Applicant Green Light Holdings LLC
Address 2906 Old Lexington Road
City Asheboro NC 27203
Phone 336-465-1870
Location 527 West Central Avenue (also includes property on the north side of West Central Avenue)
Requested Action Rezone from R10 (Medium-Density Residential) and I3 (Limited Industrial) to I2 (General Industrial)

Existing Zone R10/I3

Existing Land Use Single-family residence (south side of W. Central Ave.)

Size 14.5 acres (+/-)

Pin # 7752891801

Applicant's Reasons as stated on application

Industrial Warehousing. Proposed land use map designates property for industrial use and employment center.

Staff Note: As this is a general district rezoning request, rezoning the property to I2 would allow any uses permitted by right in that district.

Surrounding Land Use

North Single-family residential/Industrial

East North Asheboro Park

South Single-family residential

West Railroad/Undeveloped/Single-family residential

Zoning History N/A

Legal Description

The property of Jewel H. Rich, located at 527 West Central Avenue (including property on the north side of West Central Avenue), totaling approximately 14.5 acres (+/-) and more specifically identified by Randolph County Parcel Identification Number 7752891801.

Analysis

1. The property is inside the city limits. All city services are available.
2. The property is split by West Central Avenue, a state-maintained minor thoroughfare. The property is also adjacent to Sewell Avenue, a local city-maintained street.
3. The Zoning Ordinance states that the I2 District is intended to *to produce areas for intensive manufacturing, warehousing, processing and assembly uses, controlled by performance standards to limit the effect of such uses on adjacent districts*. Examples of uses permitted in the I2 district include warehousing and manufacturing. Such uses require a Type D buffer/screen when adjoining single-family residential uses. The Type D buffer is a minimum of 30' wide while the Type D screen (consisting of opaque vegetation, fences, etc.) is a minimum of 15' wide. There are also some commercial uses permitted in the I2 district that require a lesser degree of buffering/screening.
5. The area includes a mix of uses including single-family residential uses, North Asheboro Park and industrial uses north of the property and to the east along West Central Avenue.
6. The existing R10 residential district permits single or two-family dwellings. The small portion of the property zoned I3 permits industrial and some commercial uses.
7. The Land Development Plan (LDP) proposed land use map proposes industrial use on the southern portion of the property and an employment center on the northern portion of the property. The LDP describes employment centers as *mixed-use, medium- to large-scale employment centers along major transportation corridors and at key intersections and interchanges to serve the community and region*.

Rezoning Staff Report

RZ Case # RZ-14-05

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.

Growth Strategy Map Designation	Primary Growth
Proposed Land Use Map Designation	Industrial (southern) /Employment Center (northern)
Small Area Plan	Northwest

LDP Goals/Policies Which Support Request

Checklist Item 1. Rezoning is compliant with the Proposed Land Use Map.

Checklist Item 3: The property on which the rezoning district is proposed fits the description of the Zoning Ordinance. (Art. 200, Section 210, Schedule of Statements of Intent)

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

Checklist Item 6: Existing infrastructure is adequate to support the desired zone. (water, sewer, roads, schools, etc.)

Checklist Items #12, #13, and #15: 12.) Property is located outside of watershed 13.) The property is located outside of Special Hazard Flood Area. 15.) Rezoning is not located on poor soils

Rezoning Staff Report

RZ Case # RZ-14-05

Page 3

LDP Goals/Policies Which Do Not Support Request

Policy 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.

Recommendation

Approve

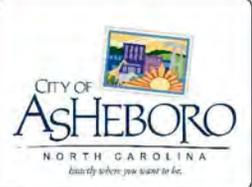
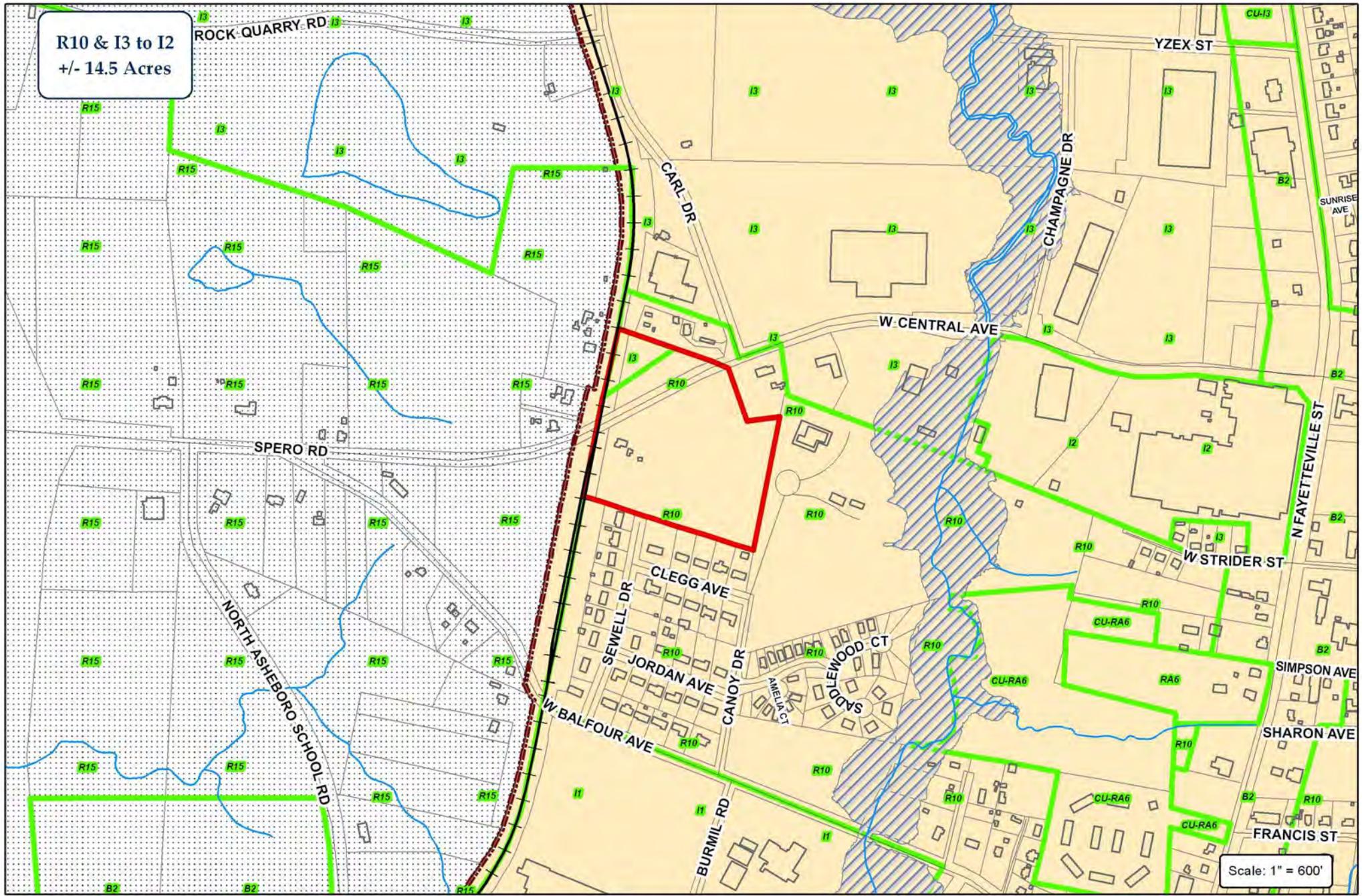
Reason for Recommendation

The Land Development Plan recommends industrial use for the majority of the property (south of W. Central Avenue) and an Employment Center for the portion of the property north of West Central Avenue. The Industrial designation is consistent with the I2 district. The LDP description and intent of the Employment Center includes development along major transportation corridors and at key interchanges, and encourages appropriately located industrial development. These factors, coupled with the property's location along a primarily industrial corridor, with rail access and within relative proximity to I-73/I-74 makes the I2 zoning district a suitable zoning designation.

Evaluation of Consistency with Adopted Comprehensive Plans/Reasonableness and Public Interest

After considering the above factors, staff believes the zoning map amendment will allow a reasonable use of the property and ensure consistency with the Land Development Plan.

R10 & I3 to I2
+/- 14.5 Acres



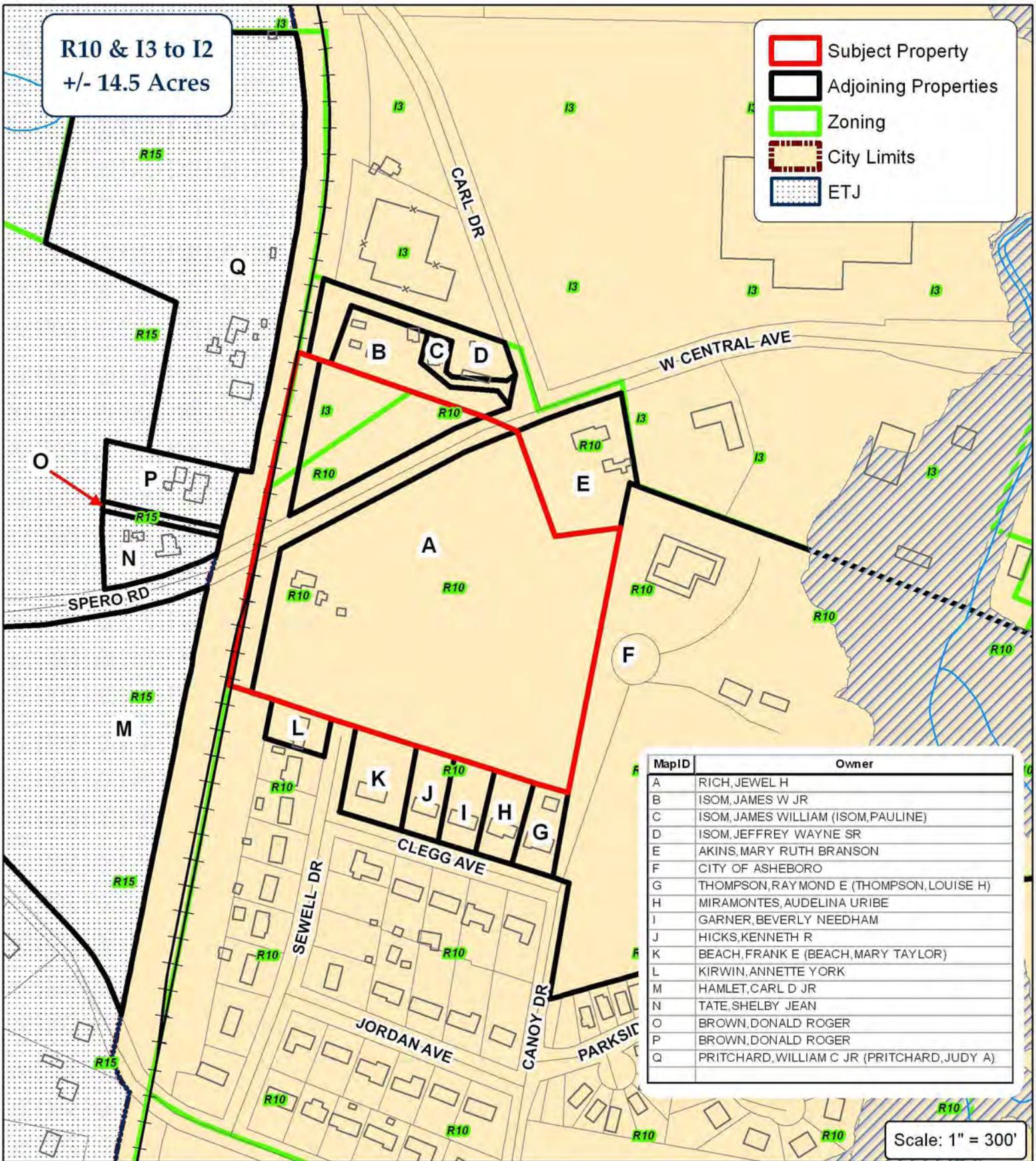
City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-14-05
Parcels: 7752891801

- Subject Property
- Zoning
- City Limits
- ETJ



R10 & I3 to I2
+/- 14.5 Acres

- Subject Property
- Adjoining Properties
- Zoning
- City Limits
- ETJ



MapID	Owner
A	RICH, JEWEL H
B	ISOM, JAMES W JR
C	ISOM, JAMES WILLIAM (ISOM, PAULINE)
D	ISOM, JEFFREY WAYNE SR
E	AKINS, MARY RUTH BRANSON
F	CITY OF ASHEBORO
G	THOMPSON, RAYMOND E (THOMPSON, LOUISE H)
H	MIRAMONTES, AUDELINA URIBE
I	GARNER, BEVERLY NEEDHAM
J	HICKS, KENNETH R
K	BEACH, FRANK E (BEACH, MARY TAYLOR)
L	KIRWIN, ANNETTE YORK
M	HAMLET, CARL D JR
N	TATE, SHELBY JEAN
O	BROWN, DONALD ROGER
P	BROWN, DONALD ROGER
Q	PRITCHARD, WILLIAM C JR (PRITCHARD, JUDY A)

Scale: 1" = 300'

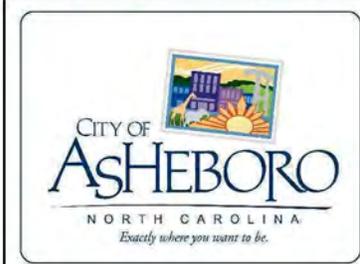
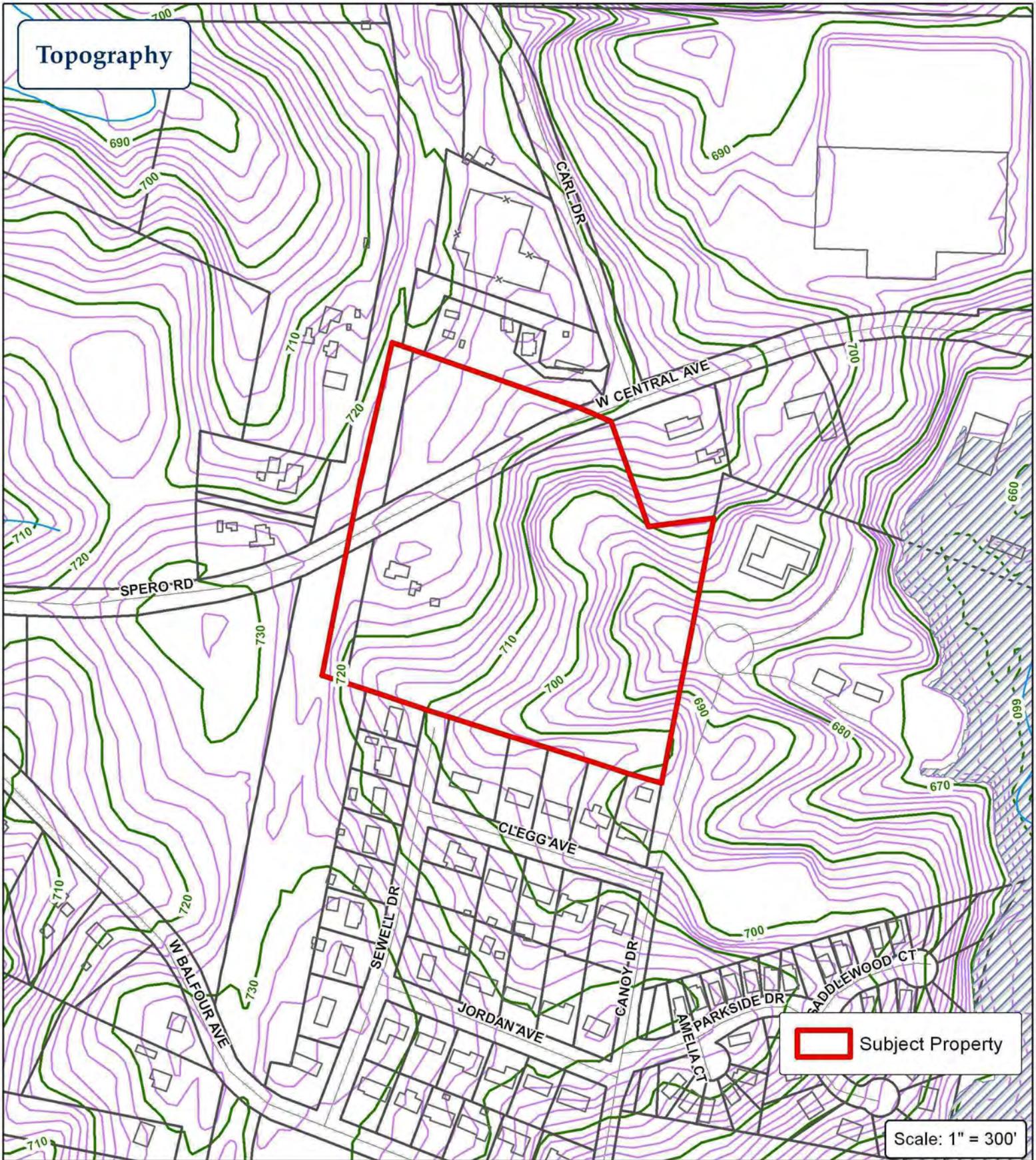


City of Asheboro
Planning & Zoning Department

Rezoning Case: RZ-14-05

Parcels: 7752891801





City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-14-06
Parcels: 7752891801



Aerial



City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-14-05
Parcels: 7752891801





**RZ-14-06 Rezone from R7.5 and R10 (Medium-Density Residential) to O & I
(Office & Institutional)**

(609/617 NC Hwy. 42 North: Richard S. Stockner, Carol Burrow, Agent)

Planning Board Recommendation and Staff Report

Staff Note: The City Council considered a different request (to rezone this property to OA6) on June 5, 2014. City Council voted to deny this request. The zoning ordinance does not require a waiting period before the applicant files a different request. No more than two (2) applications may be filed for rezoning all or part of the same property within any twelve (12) month period

Planning Board Recommendation & Comments to City Council

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

Case # RZ-14-06

Date 7/7/2014 PB

Applicant Richard Stockner

Legal Description

The property of Iris B. Stockner, located at 617 NC Hwy. 42 North, identified by Randolph County Parcel Identification Numbers 7761321382 and 7761322224, Richard S. Stockner and Robin S. Stockner, located at 609 NC Hwy. 42 N. identified by Parcel ID #7761322047. These properties total approximately 1.66 acres (+/-).

Staff Note: Parcel ID #7761312710 (0.13 acres +/-) was initially included in the request that the Planning Board considered during its July 7, 2014 meeting. On July 31, 2014, the applicant amended the application to remove this parcel from the request.

Requested Action Rezone from R7.5 and R10 (Medium-Density Residential) to O&I (Office and Institutional)

Existing Zone R7.5/R10

Land Development Plan See 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-14-06**

Date 8/4/2014 City Council

General Information

Applicant Richard S. Stockner

Address 6601 Old NC Hwy 13

City Asheboro NC 27203

Phone 336-465-6525

Location 609 and 617 NC Hwy. 42 North

Requested Action Rezone from R7.5 and R10 (Medium-Density Residential) to O&I (Office and Institutional)

Existing Zone R7.5 and R10

Existing Land Use Single-family residential (2 dwellings)

Size 1.66 acres (+/-)

Pin # 7761322047, 7761321382, 7761322224

Applicant's Reasons as stated on application

Due to extremely high traffic on Dixie Drive, Hwy. 42 is used as a cut thru from Dixie Drive to Salisbury Street. The surrounding properties are already zoned commercial and office(s). Due to high traffic use on Hwy. 42 between Salisbury Street and Dixie Drive, we request that the properties be rezoned OA6.

Surrounding Land Use

North Undeveloped/Commercial/Single-family res. **East** Commercial/Office

South Single-family residential **West** Undeveloped residential/Church

Zoning History N/A

Legal Description

The property of Iris B. Stockner, located at 617 NC Hwy. 42 North, identified by Randolph County Parcel Identification Numbers 7761321382 and 7761322224, Richard S. Stockner and Robin S. Stockner, located at 609 NC Hwy. 42 N. identified by Parcel ID #7761322047. These properties total approximately 1.66 acres (+/-).

Analysis

1. The property is inside the city limits. All city services are available.
2. NC Hwy. 42 North is a state-maintained major thoroughfare.
3. According to the Zoning Ordinance (Art. 200, Sec. 210): *The Office and Institutional district is intended to produce moderate intensity office and institutional development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designed [sic] O & I shall normally be located with access to a major or minor thoroughfare with access to local residential streets discouraged.*
4. The west side of NC Hwy. 42 consists primarily of residential uses in this area except for two churches. On the east side of NC Hwy. 42 is Triangle Park, a 4 acre office and commercial complex.
5. The existing R7.5 and R10 residential districts permit single or two-family dwellings.
6. The O&I district permits non-residential structures with a FAR of up to 30 percent. If this rezoning is approved, all non-residential uses permitted by right would be allowed, with a gross floor area of up to approximately 21,692 square feet. Examples of uses permitted by right include offices, churches, schools, and some services uses (such as laundry facilities, beauty/barber shops, and banks). Heavier commercial uses, such as retail, restaurants, sales of motor vehicles, etc. are not permitted in the O & I district.
7. The request to rezone the property to OA6 (Office-Apartment) was denied in June, 2014. Although the zoning ordinance requires a one year waiting period to file an identical request, there is no waiting period for the applicant to file a different request, such as to the O&I district.

Rezoning Staff Report

RZ Case # RZ-14-06

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.

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

LDP Goals/Policies Which Support Request

Checklist Item 3. The property on which the rezoning district is proposed fits the description of the Zoning Ordinance. (*Article 200, Section 210, Schedule of Statements of Intent*)

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

Checklist Items #12, #13, #14, and #15: 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%. 15.) Rezoning is not located on poor soils

Rezoning Staff Report

RZ Case # RZ-14-06

Page 3

LDP Goals/Policies Which Do Not Support Request

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

Checklist Item #7: Rezoning is not compatible with the Central Small Area Plan

Checklist Item #10: Rezoning is not consistent with Land Category Descriptions

Recommendation

Approve

Reason for Recommendation

The staff analysis for this case is similar to RZ-14-04 with one exception. During Council's review of that case, there appeared to be general consensus that the Land Development Plan's recommendation that this area of NC Hwy 42 develop consistent with Neighborhood Residential uses was out of date due to changing land use patterns and traffic volumes since the Plan's adoption in 2000.

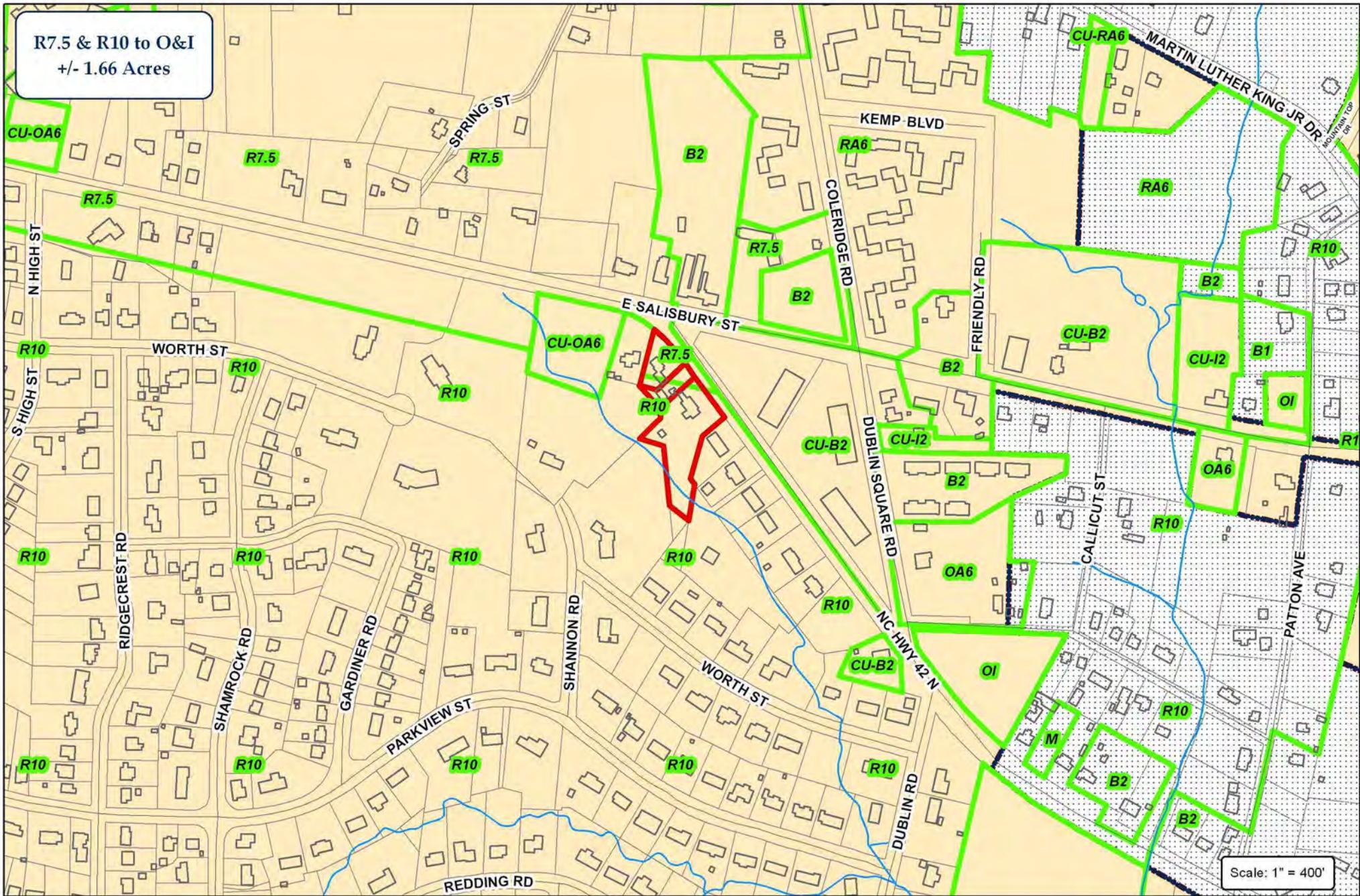
During the public hearing for RZ-14-04, multi-family residential use permitted by the OA6 district was identified as a greater concern than non residential uses in reference to traffic and driveway access. Multi-family development is not permitted in the O&I district, eliminating this possibility.

While staff still has concerns about the impact single, non-residential driveways will have on growing traffic congestion along NC Hwy 42 and recognizing that an O&I designation will render continued residential use of the existing structures legal non-conforming, the subject properties are directly across the street from a 4.5 acre office park and one property removed from an existing CU-OA6 zoning district. Furthermore, other Land Development Plan goals and policies are supportive of the O&I application.

Evaluation of Consistency with Adopted Comprehensive Plans/Reasonableness and Public Interest

After considering the above factors, staff believes placing the property in the O&I zoning district will allow a reasonable use of the property and ensure consistency with the Land Development Plan.

R7.5 & R10 to O&I
+/- 1.66 Acres



City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-14-06

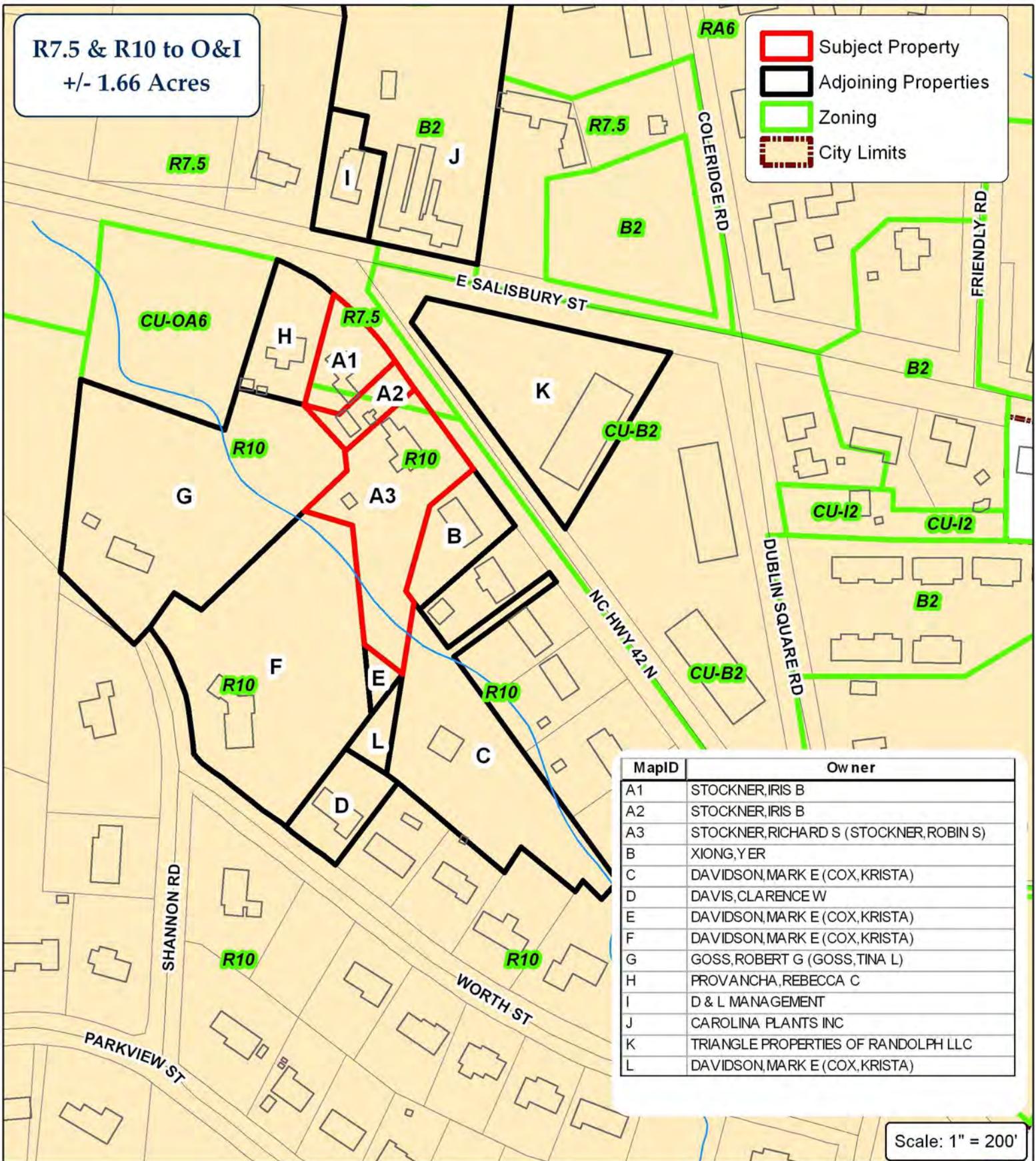
Parcels: 7761321382, 7761322047 & 7761322224

- Subject Property
- Zoning
- City Limits
- ETJ



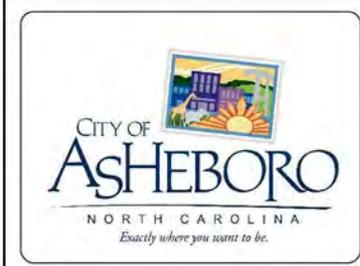
R7.5 & R10 to O&I
 +/- 1.66 Acres

-  Subject Property
-  Adjoining Properties
-  Zoning
-  City Limits



MapID	Owner
A1	STOCKNER, IRIS B
A2	STOCKNER, IRIS B
A3	STOCKNER, RICHARD S (STOCKNER, ROBIN S)
B	XIONG, YER
C	DAVIDSON, MARK E (COX, KRISTA)
D	DAVIS, CLARENCE W
E	DAVIDSON, MARK E (COX, KRISTA)
F	DAVIDSON, MARK E (COX, KRISTA)
G	GOSS, ROBERT G (GOSS, TINA L)
H	PROVANCHA, REBECCA C
I	D & L MANAGEMENT
J	CAROLINA PLANTS INC
K	TRIANGLE PROPERTIES OF RANDOLPH LLC
L	DAVIDSON, MARK E (COX, KRISTA)

Scale: 1" = 200'

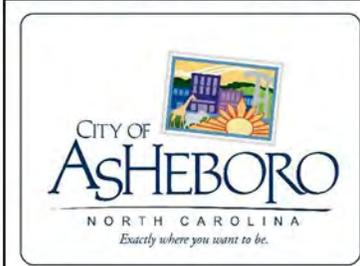
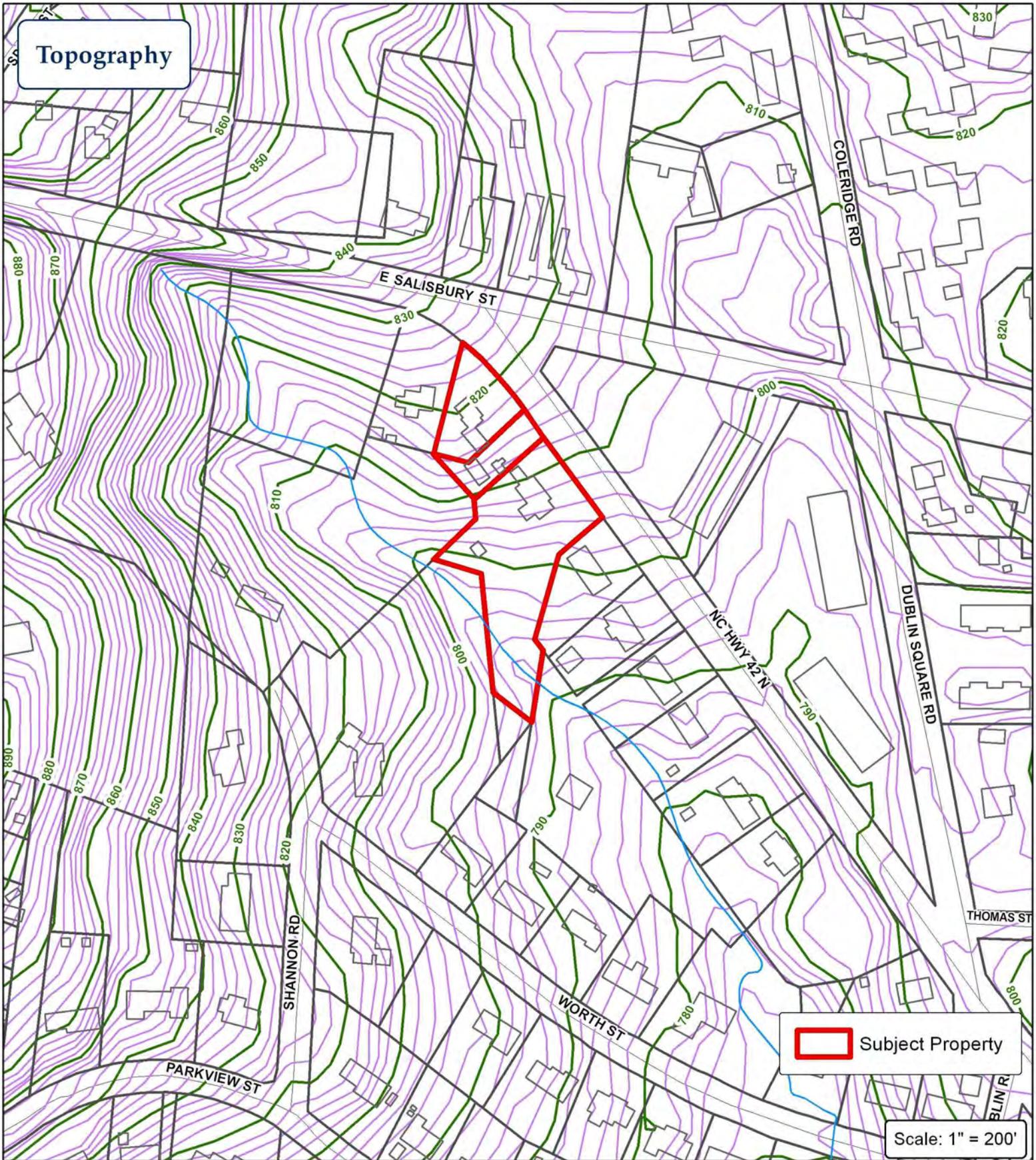


City of Asheboro
 Planning & Zoning Department

Rezoning Case: RZ-14-06

Parcels: 7761321382, 7761322047 & 7761322224

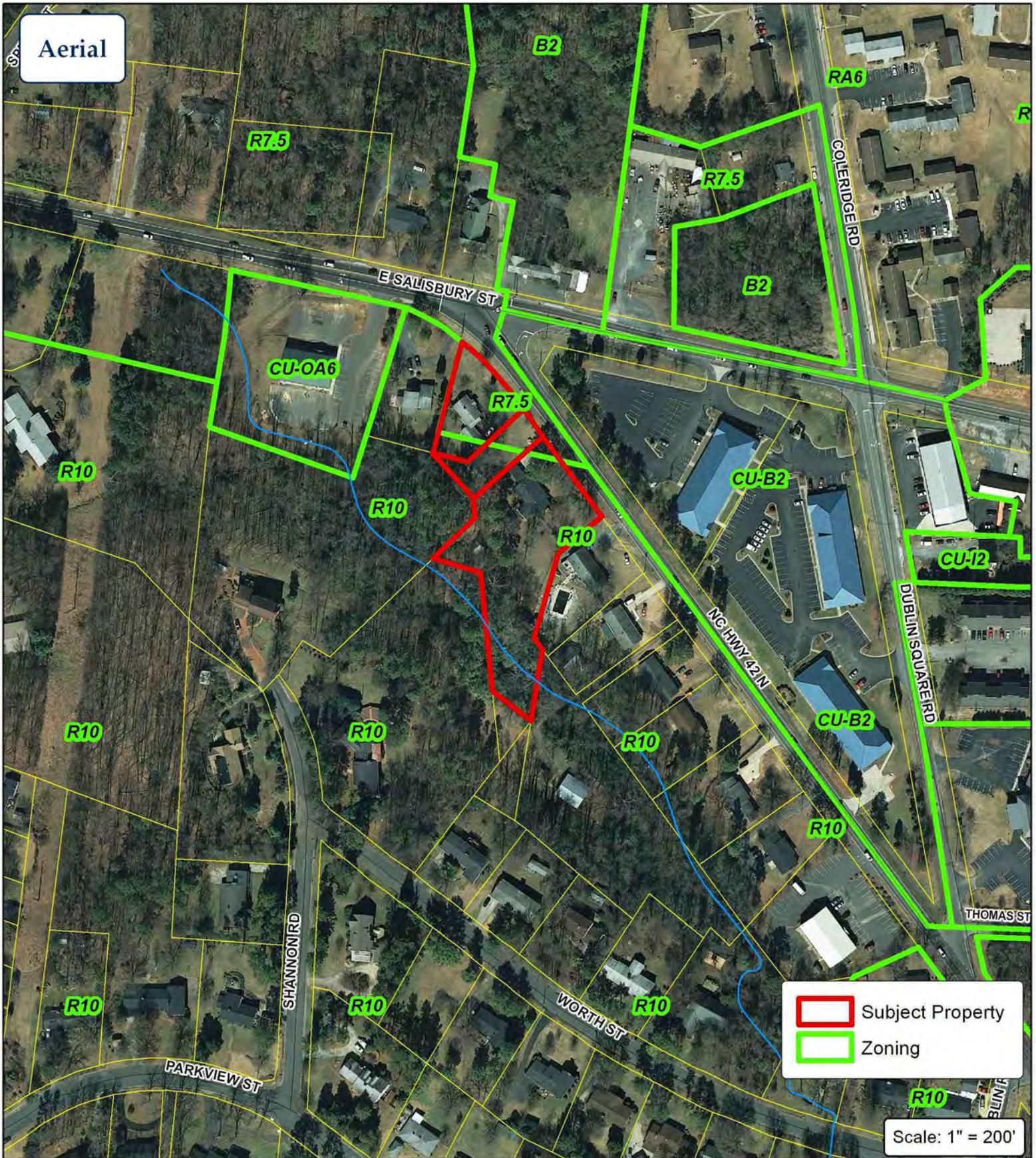




City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-14-06
Parcels: 7761321382, 7761322047 & 7761322224



Aerial



City of Asheboro
Planning & Zoning Department

Rezoning Case: RZ-14-06

Parcels: 7761321382, 7761322047 & 7761322224





SUP-14-01 and SUB-14-01:
Special Use Permit and Subdivision Sketch Design

(Springwood Road: Mc Mc Properties LLC; c/o Larry McKenzie)

Staff Report

SPECIAL USE PERMIT STAFF REPORT

SUP Case No. SUP-14-01

8/7/2014 CC

General Information

Applicant Larry McKenzie
(Mc Mc Properties LLC)

Address 126 Lanier Avenue

City Asheboro NC 27203

Phone 953-2913

Location end of Springwood Road

Requested Action Special Use Permit for a Residential Planned Unit Development

Existing Zone CURA6 **Existing Land Use** Undeveloped property
Size 6.75 acres (+/-) **Pin #** 7750423717

Applicants Reason as stated on application

Construction of 24 townhome units with appropriate appurtenances and amenities.

Surrounding Land Use

North Undeveloped, residential **East** Single-family residential
South Industrial **West** I-73/I-74 (US Hwy. 220 Bypass)

Zoning History The northern most portion of this property has been involved in several zoning hearings - RZ-80-09, RZ-88-06, ad RZ-88-15. Each of the requests was withdrawn by the applicant. In 2005, the property was rezoned to CU-RA6 & an SUP was issued for 22 townhome units.

Growth Strategy Map Primary Growth

Proposed LDP Map Neighborhood Residential

Legal Description

The property of Mc Mc Properties LLC, located at the terminus of Springwood Road, consisting of 6.75 acres and more specifically identified by Randolph County Parcel Identification Number 7750423717.

Analysis

1. In 2005, the applicant was granted a Special Use Permit allowing a residential Planned Unit Development (PUD) consisting of 22 attached dwelling units. These dwelling units were in structures with either two or three units per structure. The CU-RA6 (Conditional Use High Density Residential) zoning district was necessary to allow a development with three (3) residential units per building.
2. The current proposal is for 24 units in 12 buildings with two (2) dwelling units per structure. This equates to approximately 3.6 dwelling units per acre.
3. Due to the change in building design, a new Special Use Permit is required. In addition to changing the buildings from three to two units per building, the developer is proposing changing the building design from two story buildings to one story buildings.
4. The maximum gross floor area of a residential development in the the CU-RA6 district is .22 with a Special Use Permit, which equals approximately 64,686 square feet. The applicant is proposing a development of 35,580 square feet.
5. The property is located within the U.S. Hwy. 220 Overlay district, which requires Planning Board review to ensure the development protects the "existing natural character of the view" from US Hwy. 220 Bypass (I-73/I-74). The Planning Board is scheduled to review this component of the request on August 4, 2014.

LDP Conformity Issues

The proposed neighborhood residential designation proposes limiting multi-family residential development. Decreasing the number of units in each building (from three to two) increases the architectural compliance with the neighborhood residential zoning designation. The Special Use Permit process should also consider evidence related to compatibility issues, such as site layout, density and traffic generation.

SPECIAL USE PERMIT STAFF REPORT

Page 2

SUP Case No. SUP-14-01

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

Staff Comments

NOTE: If any Special Use 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 Special Use Permit shall be null and void and of no effect.

Suggested Conditions

DRAFT CONDITIONS AS OF 7-31-2014:

- (A) All permits from NC Department of Environment and Natural Resources shall be obtained as required.
- (B) Significant existing vegetation (as indicated on the site plan) shall be preserved where possible. Clearing and grading shall be permitted where necessary for the installation of infrastructure and required improvements, and building of any structure(s) associated with the Special Use Permit.
- (C) Fire hydrant location(s) shall be coordinated with the Fire Department.
- (D) A declaration of restrictive covenants prohibiting recreational vehicle (including boat) parking as required by the subdivision ordinance shall be submitted and recorded with the final plat.
- (E) All roads, driveways, parking areas, storm sewer systems, and other improvements shall be maintained by the homeowners' association.
- (F) The site plan depicts a concrete pad within the public right-of-way of Springwood Road in front of the proposed community mailbox, which is located outside of the public right-of-way. The concrete pad within the public right-of-way shall, at a minimum, provide an area that is adequate for one (1) drop off space for a motor vehicle including maneuvering area located outside of the area depicted on the site plan as "existing pavement" on the public right-of-way of Springwood Road. Such drop off area shall be designed in accordance with commonly accepted traffic engineering practices. Construction of this area shall be the responsibility of the developer and is subject to approval of the City of Asheboro Public Works Division and/or Engineering Department. Alternatively, should the developer choose to construct the community mailbox and any associated vehicular areas in a location completely on private property, this shall not be considered a modification of the Special Use Permit, subject to Section 606 of the Asheboro Zoning Ordinance.
- (G) A clerical error was identified on the combined subdivision sketch design plat and Special Use permit site plan dated July 22, 2014. The error pertains to the labeling of the dimension of the 25' setback and vegetative buffer adjacent to the U.S. Hwy. 220 Bypass/I-73/I-74. The revised plat/site plan shall be submitted to staff members of the Asheboro Community Development Division for staff review and inclusion in the file without further review by the City Council.
- (H) 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 Special Use Permit in the chain of title for the Zoning Lot.

SPECIAL USE PERMIT STAFF REPORT

SUP No. SUP-14-01

Page 3

For Special Use Permit Hearings:

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

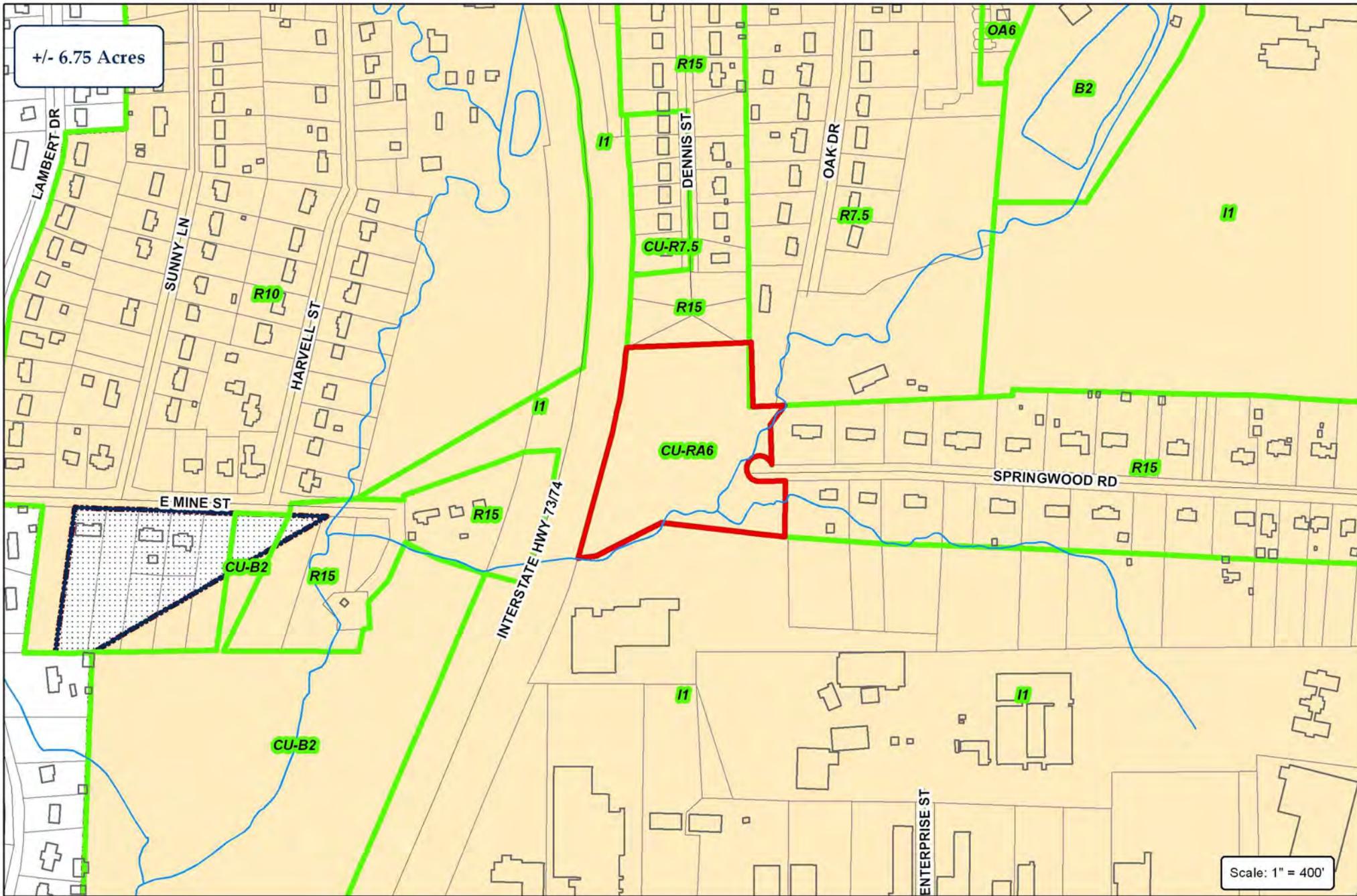
1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
2. That the use meets all required conditions and specifications of the Asheboro Zoning Ordinance.
3. That the use will not substantially injure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

SUP Requirements

Section 630A (Asheboro Zoning Ordinance). Residential Planned Unit Developments

1. Residential Planned Unit Developments may be permitted in any R40, R15, R10 R7.5, RA6 or OA6 zoning district as long as the proposed development contains a minimum of 2 acres. Those uses ordinarily permitted by right, by SUP, or as an accessory within the district the development is to be located may be included in the development.
2. Review of an application for a PUD SUP shall occur simultaneously with a review of plats submitted in compliance with the Asheboro Subdivision Ordinance. If the PUD requires review as a “major” subdivision the Sketch Design Plat shall be properly submitted, reviewed and recommended by the Planning Board for the City Council’s consideration at the same meeting as the PUD SUP. The Sketch Design Plat and the site plan required for the SUP may be combined on one plat so long as the requirements for each are met. If the PUD requires a “minor subdivision the required subdivision plat shall be properly submitted for approval. Approval shall be subject to any conditions of the PUD SUP and granted only after approval of the SUP by the City Council. (9/02)
3. Residential PUDs may have direct access to City streets or State roads which are not major or minor thoroughfares, provided such access will not create safety hazards due to design or congestion.
4. Streets within a PUD may be public or private according to the regulations of the Asheboro Subdivision Ordinance.
5. The yard and height regulations set forth in Table 200-1 may be modified for a PUD, provided that, for such development as a whole, excluding public street right-of-ways or the area dedicated to private streets but including individual lots, common area, parks and other permanent open spaces, there shall not be less than the required area per dwelling unit for the district in which such development is located.
6. Utilities shall be planned and installed according to the Asheboro Subdivision Ordinance.
7. Provisions and plans for garbage and waste collection shall be included with the application.
8. Buffers and/or screening shall be installed and maintained based on the types of individual uses contained within the development as per Article 304A.
9. Signs will be regulated as per Article 500.
10. Off street parking shall be provided as per Article 400.
11. General landscaping shall be installed and maintained. Plans indicating all required and non-required landscaping shall be submitted as part of the application.

+/- 6.75 Acres

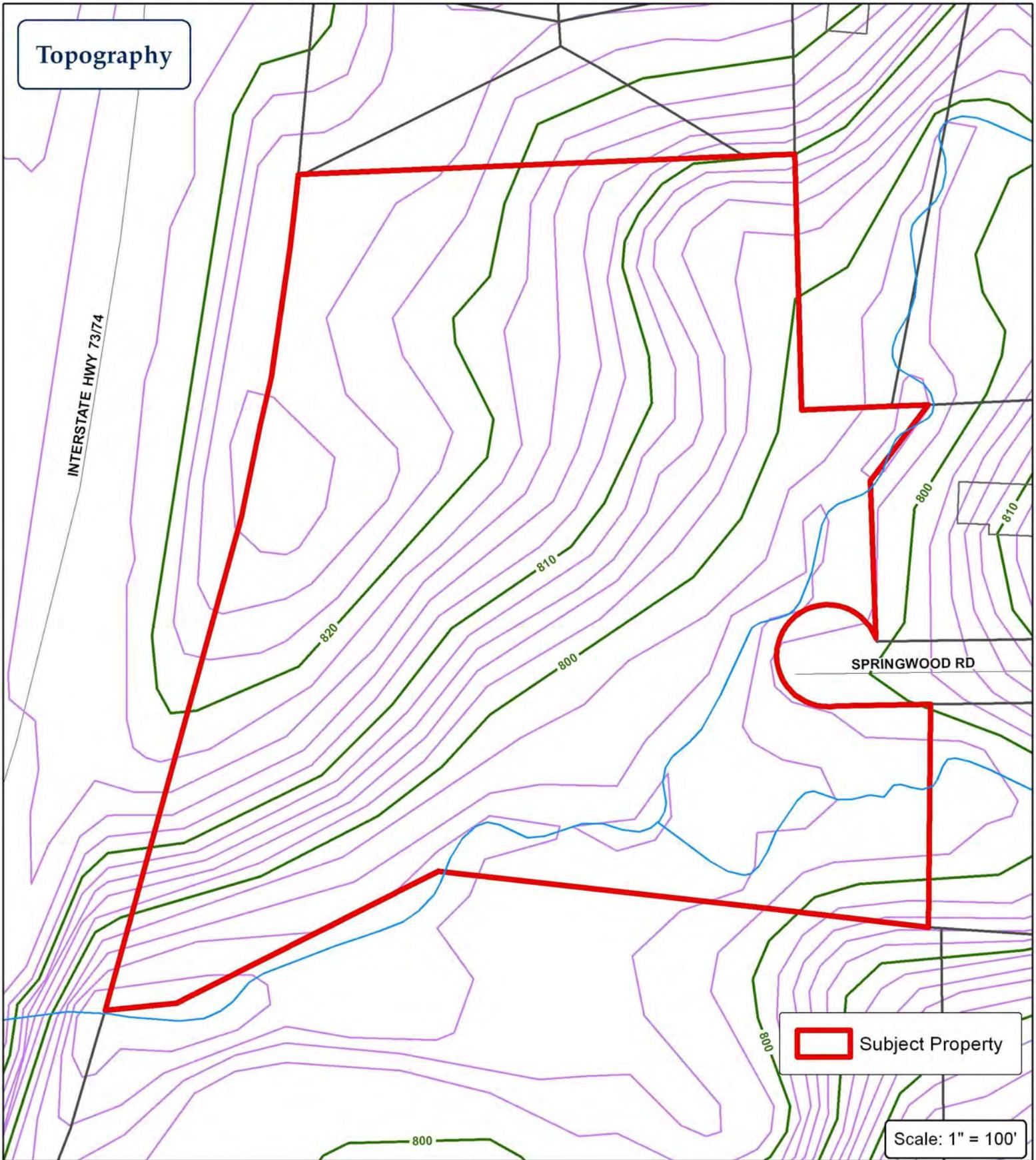


City of Asheboro
Planning & Zoning Department
Subdivision Case: SUB-14-01 and SUP-14-01
Parcel: 7750423717

	Subject Property
	Zoning
	City Limits
	ETJ



Topography



City of Asheboro
Planning & Zoning Department
Subdivision Case: SUB-14-01 and SUP-14-01
Parcels: 7750423717



SUBDIVISION STAFF REPORT
Sketch Design

CASE # SUB-14-01

Date 8/4/14 PB, 8/7/14 CC

GENERAL INFORMATION

Subdivision Name Townhomes on Springwood
Requested Action Sketch Design Approval
Applicant Mc Mc Properties LLC (c/o Mr. Larry McKenzie)
Address 126 Lanier Avenue, Asheboro, NC 27204
Phone 953-2913
Location Terminus of Springwood Road

PARCEL INFORMATION

PIN 7750423717

Size 6.75 acres (+/-)

Number of Lots 24

Average Lot Size 2,125 square feet

Existing Zoning CU-RA6

Existing Land Use Undeveloped

Surrounding Land Use

North Undeveloped/Residential

East Residential

South Industrial

West US 220 Bypass

LAND DEVELOPMENT PLAN

Growth Strategy Map Primary Growth

Proposed Land Use Map Neighborhood Residential

Small Area Plan Map Central

Identified Activity Center? No

Development Issues A Special Use Permit and sketch design for a similar Planned Unit Development (consisting of 22 lots) was approved in 2005. Since no activity has occurred, and modifications (including an increase in the number of lots) have occurred, a new sketch design review is required.

An intermittent stream is located on the property. FIRM maps do not identify any floodplain. No stream buffer is required since the property is not in a city-designated watershed.

The city has a 40' easement on the property. No structures or plantings should be located within the easement.

The property's only access is Springwood Road. Dennis Street does not abut this property, making its connection with Springwood Road unlikely.

SUBDIVISION STAFF REPORT
Sketch Design

DEPARTMENT COMMENTS

- Engineering**
1. Staff is verifying street names are acceptable with Emergency Services.
 2. Engineering Department will need to approve concrete pad adjacent to the community mailbox, since the concrete pad is inside the public right-of-way.
- Public Works**
- Staff notes that the first unit on the right upon entering the complex is very close to the city's sewer easement. Staff would recommend providing the maximum distance practical from this unit to the easement since a 10" force main is located within the easement.
- Planning**
1. Homeowners' association (HOA) documents will need to be recorded with the final plat.
 2. HOA documents will need to be recorded prohibiting parking of recreational vehicles. The plat indicates these vehicles will be prohibited from the development.
 3. There is a labeling error indicating a 20' instead of the required 25' buffer along US Hwy. 220/I-73/I-74. The error is solely in reference to the labeling. The plat shows the correct buffer dimension.
- Other**
- Fire Prevention Bureau: Since the proposal is for less than 30 units, the fire code does not require a secondary point of access.
- Fire Dept.: Hydrant locations will need to be reviewed with preliminary plat.
- Asheboro City Schools: No comments
- NCDOT: No suggested improvements. Note: Springwood Road is a city maintained street connecting to state maintained US Hwy. 220 Business.
- Staff Recommendation** Approve subject to noted comments and correction.
- Planning Board Recommendation** Recommendation pending. The Planning Board will review the request on August 4, 2014.



PRESS RELEASE

FOR: IMMEDIATE RELEASE

DATE: Tuesday, August 5, 2014

Brown Awarded 2014 Zoning Official of the Year

ASHEBORO, NC – Ed Brown, Code Enforcement Officer for the City of Asheboro, has been recognized as the 2014 Zoning Official of the Year by the North Carolina Association Zoning Officials (NCAZO).

Mr. Brown was selected from a group of dedicated zoning officials from across the state because of his demonstrated ability to handle difficult tasks in a manner exemplifying the traits of professionalism promoted by NCAZO.

"Ed is responsible for all elements of enforcement related to the City of Asheboro's land use ordinances and has the special ability to explain rules and regulations clearly but firmly," remarked Trevor Nuttall, Community Development Director for the City of Asheboro. "He is persistent in resolving code violations while being fair and courteous."

Mr. Brown has worked for the city since 2007 and became a Certified Zoning Official in 2009.

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(Editors/reporters: Please call Leigh Anna Johnson at (336) 626-1201, 218 for questions.)

DRINKING WATER STATE REVOLVING FUND

RESOLUTION BY GOVERNING BODY OF APPLICANT

- WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water treatment works, and
- WHEREAS, The City of Asheboro has need for and intends to construct a drinking water treatment works project described as Water Treatment Plant Filters Replacement, and
- WHEREAS, The City of Asheboro intends to request state loan assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF ASHEBORO:

That City of Asheboro the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Asheboro to make scheduled repayment of the loan, to withhold from the City of Asheboro any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That John N. Ogburn III, City Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a (loan or grant) to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 7th day of August at City Hall in Asheboro, North Carolina.

(Signature of Chief Executive Officer)

David Smith, Mayor
(Name and Title)

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the Holly H. Doerr does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City Council duly held on the 7th day of August 2014; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 20____.

(Signature of Recording Officer)

Holly H. Doerr, CMC

(Name and Title of Recording Officer)

DENR TECHNICAL ASSISTANCE GRANT (TAG)

RESOLUTION BY GOVERNING BODY OF APPLICANT

- WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of a study wastewater collection system, and
- WHEREAS, The City of Asheboro has need for and intends to study a wastewater collection system project described as Penwood Branch Partial Sewer Evaluation & PER, and
- WHEREAS, The City of Asheboro intends to request state grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF ASHEBORO:

That City of Asheboro, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State Technical Assistance Grant (TAG) award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Asheboro to make scheduled repayment of the loan, to withhold from the City of Asheboro any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That John N. Ogburn, III, City Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 7th of August, 2014 at City Hall in Asheboro, North Carolina.

(Signature of Chief Executive Officer)

David Smith, Mayor
(Name and Title)

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the City of Asheboro does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City Council duly held on the 7th day of August, 2014; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 20____.

(Signature of Recording Officer)

Holly H. Doerr, CMC

(Name and Title of Recording Officer)

JOHN N. OGBURN, III
City Manager



Tel: 336-626-1201 Ext. 201
Fax: 336-626-1218
E-mail: jogburn@ci.asheboro.nc.us

Item 8

City of Asheboro

146 North Church Street
Post Office Box 1106
Asheboro, North Carolina 27204-1106

TO: Mayor Smith and City Council Members
FROM: John Ogburn, City Manager
SUBJECT: Revised Sick Leave Transfer Policy
DATE: July 31, 2014

Background:

The current City of Asheboro sick – leave transfer policy limits the amount of transferable sick leave to 96 hours (12 work days) for an individual who is employed by the City of Asheboro in a full- time position and who comes to the City from employment with another agency which participates in the Teachers and State Employees Retirement System of North Carolina or the North Carolina Local Governmental Employees Retirement System.

Issue:

The sick leave transfer policy's intent was to recognize the prior service of a qualified and experienced local or state government employee resulting in the acceptance of the City's employment offer. Our policy though well intended has become a deterrent to the City's ability to recruit and select a qualified and experienced local or state government employee. Many Piedmont Triad area local governments currently allow the transfer of all accrued sick leave after the completion of the local government's new employee probationary period.

Recommendation:

Amend Article V. Leaves of Absence; Section 15 of the City of Asheboro Personnel Policies and Procedures Manual effective October 1, 2014.

Proposed amendment:

Section 15. Sick Leave – Transfer

An individual who is employed by the City of Asheboro in a full – time position and who comes to the City from employment with another agency which participates in the Teacher's and State Employees' Retirement System of North Carolina or the North Carolina Local Governmental

Employees' Retirement System, may have his/her accrued sick leave transferred to the City of Asheboro under the following guidelines:

- (1) The employee bears the sole responsibility for requesting and obtaining certification of the prior sick leave balance from the former employer.
- (2) The employee's responsibility for obtaining certification of his/her accrued sick leave is not discharged until the employee receives, from the Human Resources Department a written acknowledgement of acceptance of the former employers' certification of the amount of accrued sick leave.
- (3) The employee will be credited with his/her certified prior sick leave balance after 1 month's service with the City of Asheboro. Employees rehired by the City of Asheboro will be credited with their prior sick leave balance using the same guidelines as specified above;
- (4) Employees rehired will not be given credit for sick leave earned with the City, if the employee separated during the initial probationary period of employment.

