AGENDA
REGULAR MEETING
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, FEBRUARY 8, 2018, 7:00 PM

1. Call to order.

2. Silent prayer and pledge of allegiance.

3. Appearance and recognition of guests and citizens.

4. Mr. Steve Hackett, CPA with the firm of Maxton McDowell, CPA will present the year-end audit report for fiscal year 2016-2017.

5. Randolph County Economic Development Corporation President Walter Sprouse & Vice President Kevin Franklin will present the corporation's annual report.

6. Consent agenda:

   (a) Approval of the meeting minutes prepared for the city council meeting held on January 11, 2018.

   (b) Acknowledgment of the receipt from the Asheboro ABC Board of its meeting minutes for December 4, 2017.

   (c) Approval to schedule a public hearing for March 8, 2018, and to advertise this quasi-judicial hearing, concerning an application for a special use permit authorizing a land use identified as "combustible and flammable liquid storage above ground in quantities greater than 2,000 gallons but less than 100,000 gallons" on property located southwest of 2224 Old Cedar Falls Road on a portion of a parcel of land identified by Randolph County Parcel Identification Number 7761876606.

   (d) Approval of a resolution awarding to retired Asheboro Fire Battalion Chief Charles E. Way, Jr. his fire helmet.

   (e) Approval of a resolution awarding to retired Asheboro Deputy Chief Fire Inspector William C. Barton his fire helmet.

(f) Acknowledgment and announcement of the 15-day notice of the following construction projects:

(i) The replacement of a 24-inch storm pipe that crosses Colony Road with two 36-inch pipes just east of the intersection of Colony Road and Rocky Lane. During construction, Colony Road will be closed to thru traffic for two or three days between Rocky Lane and Plantation Circle; and

(ii) The construction of a dry pond site behind 1231 Pepperidge Road. This work is part of a stormwater mitigation project. No street closures are anticipated.

(g) Approval of a resolution stating the intent of the Asheboro City Council to lease Hangar J at the Asheboro Regional Airport under modified terms and conditions.

7. Mayor Smith will lead the city council's recognition of retired Asheboro Fire Battalion Chief Charles E. Way, Jr.

8. Mayor Smith will lead the city council's recognition of retired Asheboro Deputy Chief Fire Inspector William C. Barton.

9. Community Development Director Trevor Nuttall will provide materials for the council's use in filling vacancies on the following boards:

(a) Asheboro Airport Authority
(b) Asheboro Planning Board
(c) Asheboro Redevelopment Commission

10. Community Development Director Trevor Nuttall will introduce the following Land Use Cases:

(a) Case No. RZ-18-01: A legislative hearing on an application to rezone the property at 3418 United States Highway 220 Business South and a portion of an adjoining second parcel of land (Randolph County Parcel Identification Number 7659555061) from R10 (Medium-Density Residential) to B2 (General Commercial).

(b) Case No. RZ-18-02: A legislative hearing on an application to apply City of Asheboro zoning (R10 Medium-Density Residential) to the property located at 200 Foster Street.

(c) Case No. RZ-18-03: A legislative hearing on an application to rezone the property at 1994 United States Highway 64 East from CU-B2 (Conditional Use General Commercial) to B2 (General Commercial).

11. Public comment period.

12. Public Works Director David Hutchins will provide an update on winter storm clean-up operations.

13. Chief Building Inspector Randy Purvis will present his annual report.

14. Code Enforcement Officer Ed Brown will present his annual report.

15. Human Resources Director Doug Kemp will present a request for the council's concurrence with revisions to the City of Asheboro Employee Policies and Procedures Manual.

16. Mayor Smith will lead a discussion of upcoming events and items not on the agenda.

17. Adjournment.

REGULAR MEETING
(Due to a winter storm, this meeting was rescheduled from January 4, 2018)
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
January 11, 2018
7:00 PM

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 city management team members present:

David H. Smith) – Mayor Presiding

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

Linda H. Carter) – Council Member Absent

John N. Ogburn, III, City Manager
John L. Evans, Assistant Community Development Director
Douglas P. Kemp, Human Resources Director
Michael L. Leonard, PE, City Engineer
Mark T. Lineberry, Assistant Chief of Police
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jonathan M. Sermon, Recreation Services Director
Jeffrey C. Sugg, City Attorney
Kristen P. Terry, Human Resources Assistant
Tammy M. Williams, Deputy City Clerk

1. Call to order.

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

2. Moment of silent prayer and pledge of allegiance.

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

3. Consent agenda.

Upon motion by Mr. Burks and seconded by Mr. Bell, Council voted unanimously to approve/adopt each of the following consent agenda items:

(a) The meeting minutes of the city council's regular meeting on December 7, 2017.

The approved minutes are on file in the city clerk's office, and an electronic copy of the approved minutes is posted on the city's website.

(b) The acknowledgment of the receipt from the Asheboro ABC Board of the approved meeting minutes for the board's meeting on November 6, 2017.

The minutes of the meeting held by the Asheboro ABC Board on November 6, 2017 have been received by the city clerk, distributed to the mayor and members of the city council for review, and are on file and available for inspection in the city clerk's office.

(c) Acknowledgment and announcement of the 15-day notice of a construction project to enhance the city's sewer maintenance program by installing sewer service line clean-outs along the following streets: Taylor Drive, Straight Street, East Bailey Street, West Balfour Avenue, Saunders Drive, Ideal Drive, Hasty Street, Brittain Street, Honeysuckle Road and East Allred Street.

(d) A resolution authorizing the purchase of additional land for the proposed Zoo City Park Sportsplex.

RESOLUTION NUMBER 01 RES 1-18

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION AUTHORIZING THE PURCHASE OF ADDITIONAL LAND FOR THE PROPOSED ZOO CITY PARK SPORTSPLEX

WHEREAS, Pine Lake Partners, L.L.C., a North Carolina limited liability company, owns a parcel of land at the intersection of Zoo Parkway and the Old Cox Road that is 8.08 acres, more or less, in size and adjoins the city-owned land proposed for development as the Zoo City Park Sportsplex; and

WHEREAS, during the regular December 2017 meeting, the Asheboro City Council adopted a project ordinance establishing the Zoo City Park Sportsplex Fund with currently projected revenues and expenditures that included, in addition to other projected expenditures, $250,000 for land acquisition; and

WHEREAS, the Asheboro City Council has concluded that the viability of the proposed Zoo City Park Sportsplex, in terms of initial fundraising and the long-term functionality of the proposed park, would be enhanced by the acquisition of the above-described land from Pine Lake Partners, L.L.C.;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that Mayor David H. Smith is hereby authorized and directed to offer on behalf of the City of Asheboro to purchase and contract for the acquisition of the said real property from Pine Lake Partners, L.L.C. for a purchase price of Two Hundred Fifty Thousand and No Hundredths Dollars ($250,000.00); and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the authorized offer to purchase and contract shall be in the form of the legal instrument attached to this Resolution as ATTACHMENT A, the said attachment is hereby incorporated into this Resolution by reference as if copied fully herein.

This Resolution was adopted by the Asheboro City Council in open session during a special meeting on January 11, 2018.

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

ATTEST:

/s/Tammy M. Williams
Tammy M. Williams, Deputy City Clerk

ATTACHMENT A

STATE OF NORTH CAROLINA

OFFER TO PURCHASE AND CONTRACT

COUNTY OF RANDOLPH

The **CITY OF ASHEBORO**, a North Carolina municipal corporation, (the **"Buyer"**) and **PINE LAKE PARTNERS, L.L.C.**, a North Carolina limited liability company, (the **"Seller"**) mutually agree to this Offer to Purchase and Contract (the "Agreement") as of the _____ day of January, 2018.

The Buyer hereby contracts and agrees to buy the real property described herein for the purchase price stated below, and the Seller hereby contracts and agrees to sell and convey to the Buyer for the purchase price stated below 8.08 acres, more or less, of land (the "Property") that is described as follows:

Grant Township, Randolph County, North Carolina:

BEING ALL of that 8.08 acres of land, more or less, shown as the "PARCEL OF LAND PROPOSED FOR CONVEYANCE TO THE CITY OF ASHEBORO" on the plat of survey drawn under the supervision of Charles E. Morgan, Jr., Professional Land Surveyor with License Number L - 3945, and titled "BOUNDARY MAP FOR PROPOSED PURCHASE BY THE CITY OF ASHEBORO FROM PINE LAKE PARTNERS, LLC." A copy of the said plat of survey is attached hereto as "EXHIBIT 1" and is hereby incorporated into this Agreement by reference as if copied fully herein.

The purchase price for the Property is Two Hundred Fifty Thousand and No Hundredths Dollars ($250,000.00) to be paid in good funds by the Buyer on the date of closing.

This offer from the Buyer is subject to the following terms and conditions which, if accepted by the Seller, shall be deemed to be the terms and conditions of sale:

1. The Buyer shall be responsible for obtaining a title examination and any other studies deemed appropriate in the sole discretion of the Buyer. If the results or findings of any such studies or examinations are not acceptable to the Buyer, written notice shall be provided to the Seller. The parties shall make a reasonable effort to resolve any unsatisfactory matters disclosed by said studies or examinations. If such unsatisfactory matters cannot be resolved prior to the closing date referenced below, the Buyer may terminate its offer without any penalty or cost to itself, and the parties will have no further rights or obligations regarding the sale of the Property.

2. The Seller shall be responsible for the cost of preparing the North Carolina General Warranty Deed and all other documents necessary to perform the Seller's obligations under this Agreement.

3. The Seller shall be responsible for the payment of any excise tax (revenue stamps) associated with the conveyance of the Property from the Seller to the Buyer.

4. The Seller shall be responsible for ad valorem taxes prorated on a calendar year basis to the date of closing.

5. All deeds of trust, liens, and other charges against the Property must be paid and cancelled by the Seller prior to or at closing.

6. Title must be delivered at closing by means of a North Carolina General Warranty Deed and must be fee simple marketable title, free of all encumbrances and exceptions other than those specifically approved by the Buyer.

7. The Buyer shall be responsible for the cost of recording the said North Carolina General Warranty Deed and for the payment of closing costs not otherwise assigned to the Seller by this Agreement. The closing costs to be paid by the Buyer specifically include the cost of any title search, title insurance, survey, and any other inspections/examinations undertaken by the Buyer.

8. Closing shall be completed on or before **January 31, 2018, TIME BEING OF THE ESSENCE WITH REGARD TO SAID DATE**. The closing shall be conducted by an attorney mutually agreeable to the parties to this Agreement.

9. This contract contains the entire agreement between the parties. There are no representations, inducements, or additional provisions other than those expressed herein. All changes, additions, or deletions hereto must be in writing and signed by both parties.

DATE OF OFFER: _____

CITY OF ASHEBORO ("BUYER"):

By: _____**(SEAL)**
David H. Smith, Mayor

ATTEST: _____
Tammy M. Williams, Deputy City Clerk

This instrument has been preaudited in the manner prescribed by the Local Government Budget and Fiscal Control Act.

_____
Deborah P. Reaves, Finance Officer

DATE OF ACCEPTANCE: _____

PINE LAKE PARTNERS, L.L.C. ("SELLER"):

By: _____ **(SEAL)**
Stewart H. Roberts, Member/Manager

By: _____ **(SEAL)**
W. Lee Roberts, Member/Manager

By: _____ **(SEAL)**
W. Vance Roberts, Jr., Member/Manager

[A copy of EXHIBIT 1 that is referenced in the preceding Offer to Purchase and Contract is on file and available for inspection in the city clerk's office.]

(e) Approval to schedule for February 8, 2018, and to advertise, public hearings for the following zoning cases:

(i) An application to rezone property located at 3418 US 220 Business South from R10 (Medium-Density Residential) to B2 (General Commercial), including Randolph County Parcel Identification Number 7659555061 and a portion of Randolph County Parcel Identification Number 7659546951.

(ii) An application to establish initial city zoning (R10 Medium-Density Residential) on recently annexed property at 200 Foster Street.

(iii) An application to rezone property at 1994 US Highway 64 East (including the entirety of Randolph County Parcel Identification Number 7771043085) from CU-B2 (Conditional Use General Commercial) to B2 (General Commercial).

4. Presentation pertaining to the new Sunset Signature Series.

Mr. Ross Holt, Director of the Asheboro/Randolph Public Library, and Dr. Frances Jones, President of the Friends of the Library gave an overview of the new Sunset Signature Series. The Asheboro/Randolph Public Library has partnered with the City of Asheboro and the Heart of North Carolina Visitor's Bureau in order to establish the Sunset Signature Series, which is a lecture and performance series patterned after the Guilford College Bryan Series in Greensboro, North Carolina. The Sunset Signature Series will feature speaker programs featuring well-known figures in arts, humanities, and public affairs from the surrounding areas. The programs are free and open to the citizens of Asheboro.

5. Request for Council to enact an ordinance pursuant to Session Law 2017-87 (commonly known as the "Brunch Bill") authorizing the sale of alcoholic beverages beginning at 10:00 a.m. on Sundays.

On behalf of the board of directors for the Asheboro/Randolph Chamber of Commerce, Ms. Linda Brown, President of the Asheboro/Randolph Chamber of Commerce, requested that the Council consider enacting an ordinance pursuant to Session Law 2017-2087 (commonly referred to as the "Brunch Bill") authorizing the sale of alcoholic beverages beginning at 10:00 a.m. on Sundays. Ms. Brown asked the council to consider enacting an ordinance authorizing the sale of alcoholic beverages beginning at 10:00 a.m. on Sundays. According to Ms. Brown, the enactment of such an ordinance would put Asheboro in alignment with a substantial number of other cities and enhance opportunities for local retailers to generate more revenue.

Ms. Tammy O'Kelley, Executive Director of the Randolph County Tourism Development Authority, also expressed support for the Asheboro/Randolph Chamber of Commerce request.

In response, Mayor Smith asked, consistent with the consensus that emerged among the council members, for the city attorney to prepare the requested ordinance for review, debate, and potential action during the Council's regular meeting in March 2018.

6. Update on the annual United Way campaign.

On behalf of the United Way Steering Committee for 2017-2018, Mr. John Evans, Assistant Community Development Director, reported that there were approximately 136 participants in the city's United Way Campaign, with 114 being caring share donors. The city surpassed its $31,000 goal by raising approximately $32,051.92. Along with Mr. Evans, Ms. Kristen Terry, Human Resources Assistant, thanked everyone for participating. Without the many donations to United Way, several agencies within the community would not be able thrive and provide services as needed within the community.

7. Public Comment period.

Mayor Smith opened the floor for public comments.

Former Mayor David Jarrell presented comments and concerns in opposition to the potential enactment of "Brunch Bill" ordinance.

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

8. Community Development Items:

(a) Update on the North Carolina Department of Transportation's schedule for intersection improvements to West Presnell Street and North Fayetteville Street.

Mr. Nuttall utilized a visual presentation and presented the North Carolina Department of Transportation's (NCDOT) schedule for the intersection improvements to West Presnell Street and North Fayetteville Street. NCDOT plans to begin the project on or after March 5, 2018 with completion by August 31, 2018. The project entails the following improvements:

1. The installation of left turn lanes on eastbound and westbound Presnell Street at North Fayetteville Street; and
2. The widening of Presnell Street; and
3. The resurfacing of North Fayetteville Street at the intersection; and
4. The upgrading of the intersection signalization.

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

(b) Potential Appointments to the Asheboro Planning Board, Redevelopment Commission, and Airport Authority.

Mr. Nuttall informed the Council that Mr. David Henderson, who is a current extraterritorial planning jurisdiction member, has indicated a willingness to serve another term on the board. With the general consent of the council members, Mr. Nuttall will request that the Randolph County Board of Commissioners reappoint Mr. Henderson as an ETJ member of the Asheboro Planning Board.

Mr. Nuttall also informed the Council of vacant positions on the Asheboro Planning Board, Redevelopment Commission, and the Airport Authority. Currently, city staff has received only a limited number of applications from interested individuals for each board. City staff will continue to publicize these opportunities for service and will forward all of the applications for the vacant positions to the Council for consideration at its regular February meeting.

(c) The investigation of the potential for a city-initiated zoning map amendment of properties located along South Cox Street.

Mr. Nuttall utilized a visual presentation and gave an overview of the community development division staff's investigation of a potential city-initiated zoning map amendment of properties located along South Cox Street. The amendment would consist of the rezoning of South Cox Street properties that are currently zoned R7.5 to the OA6 zoning district.

During his presentation, Mr. Nuttall reported that the majority of the parcels located along South Cox Street, from East Pritchard Street to East Dixie Drive, including Greensboro Street, are commercially zoned. In terms of the adopted Land Development Plan, the corridor is largely within the center city planning area with zoning overlay development standards for non-residential and high-density residential uses. The Transportation Plan designates South Cox Street as a minor thoroughfare.

Based on his report, Mr. Nuttall proposed that city staff coordinate a public information workshop for the potentially impacted property owners. At this informal meeting, owners will be able to ask questions and offer input prior to a decision on whether or not to move forward with a potential city-initiated zoning map amendment. Once scheduled, Mr. Nuttall will provide more information about the workshop.

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

(d) The status of the Asheboro Redevelopment Commission's preparation of a Central Business District Redevelopment Plan in response to a request from the Asheboro Planning Board.

Mr. Nuttall reported on the status of the Asheboro Redevelopment Commission's preparation of a Central Business District Redevelopment Plan. During his presentation, Mr. Nuttall indicated that a Redevelopment Plan allows local governments to target a defined geographic area for redevelopment. Once a specific area is designated, a plan may be developed and powers exercised to encourage investment and redevelopment within the area.

During October 2017, the Planning Board certified a Redevelopment Area by resolution and requested the preparation of a Redevelopment Plan.

A draft of the plan is anticipated to be reviewed by the Redevelopment Commission at its regular February meeting. Mr. Nuttall will update the Council as progress is made and more information is available. No formal action was taken by the Council.

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

9. Request for the council to award a contract for the replacement and upgrade of the HVAC system at the city-owned McCrary Gym.

City Engineer Michael Leonard, PE, reported that three (3) responsive bids were received on January 4, 2018, at 2:00 p.m., for the replacement and upgrade of the HVAC System at the city-owned McCrary Gym. He recommended the award the of the contract for the project to Charlie's Tin Shop, Inc. which was the apparent lowest responsive, responsible bidder with a bid of $336,680.00.

Based on the staff recommendation, Mr. Moffit moved, and Mr. Swiers seconded the motion, to award the said contract to Charlie's Tin Shop. Council Members Bell, Burks, Moffitt, Redding, Snuggs, and Swiers voted unanimously in favor of motion.

10. Finance items:

(a) An ordinance to amend the General Fund for the replacement and upgrade of the HVAC system at the city-owned McCrary Gym.

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

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

01 ORD 1-18

ORDINANCE TO AMEND THE GENERAL FUND FY 2017-2018

WHEREAS, The City of Asheboro has accepted bids to install an HVAC system at the McCrary Gym, and;

WHEREAS, the lowest responsive bid was from Charlie's Tin Shop Inc., and;

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

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

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

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

Account #	Revenue Description	Increase
10-399-0000	Fund Balance Allocation	336,680

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

Account #	Expense Description	Increase
10-620-1509	Maint. & Repair McCrary Gym	336,680

Adopted this 11th day of January, 2018.

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

ATTEST:

/s/Tammy Williams
Tammy Williams, Deputy City Clerk

(b) An ordinance to amend the General Fund for the purchase of new software and support services for the human resources department.

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

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

02 ORD 1-18

ORDINANCE TO AMEND THE GENERAL FUND FY 2017-2018

WHEREAS, The City of Asheboro human resources software system is more than 20 years old and by nature is out of date technology and the software support period is about to come to an end, and;

WHEREAS, having a viable and up to date human resources software system is essential to the operation of the City of Asheboro Human Resources Department, and;

WHEREAS, the City of Asheboro Human Resources Department has diligently been evaluating new software systems this fiscal year and have found a product that has the features that will support their needs, the needs of the City, going forward, and;

WHEREAS, the cost of the new software system and to convert current detail has not been included in the current adopted budget, and;

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

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

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

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

Account #	Revenue Description	Increase
10-399-0000	Fund Balance Allocation	86,000

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

Account #	Expense Description	Increase
10-590-2000	Computer Programming	86,000

Adopted this 11th day of January, 2018.

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

ATTEST:

/s/Tammy Williams
Tammy Williams, Deputy City Clerk

(c) A resolution establishing the Designated Gift Fund for the Zoo City Sportsplex to be managed by the NC Community Foundation, Inc.

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

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

02 RES 1-18

BENEFICIARY RESOLUTION
For a Designated Gift Fund

BE IT RESOLVED that the City of Asheboro does hereby request and authorize establishment of a Designated Gift Fund for the Zoo City Sportsplex capital campaign, pursuant to the Agreement signed by the Donor and the North Carolina Community Foundation, Inc. (NCCF). The Designated Gift Fund is to be owned and managed by the NCCF as provided by said Agreement and held by the NCCF as a component fund thereof; and

BE IT FURTHER RESOLVED that the City of Asheboro hereby authorizes NCCF and its officers and agents to accept contributions to the said Designated Gift Fund on its behalf, and further authorizes its own officers to execute and deliver to NCCF any instruments or documents necessary or useful to effect the authorization, establishment, use and continued maintenance of such Designated Gift Fund and further agrees to use the distributions from the Designated Gift Fund for the purpose as set forth in the above paragraph.

ADOPTED on January 11, 2018 by the City Council of the City of Asheboro, North Carolina at a meeting duly called and held, at which a quorum was present and acting throughout.

Signed this 11th day of January, 2018.

/s/David H. Smith
(City Seal) David H. Smith, Mayor

Attest:

/s/Tammy M. Williams
Tammy M. Williams, Deputy City Clerk

11. Update on enforcement initiatives, including requested ordinance amendments, designed to support the downtown area and the positive use of recreation facilities throughout the city.

Assistant Chief of Police Mark Lineberry presented and recommended adoption, by reference, of an ordinance designed to facilitate coordinated safety measures for the City of Asheboro Cultural and Recreational Facilities. After substantive discussion, Mr. Moffitt moved to adopt the aforementioned ordinance by reference. Mr. Burks seconded the motion, and the Council voted unanimously to adopt the following ordinance by reference. Council Members Bell, Burks, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion.

ORDINANCE NUMBER 03 ORD 1-18

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AN ORDINANCE ADOPTING COORDINATED SAFETY MEASURES FOR CITY OF ASHEBORO CULTURAL AND RECREATIONAL FACILITIES

WHEREAS, the City of Asheboro Cultural and Recreation Services Policy Manual contains the rules and regulations applicable to the city's cultural and recreational facilities; 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 XVIII contains miscellaneous provisions that are applicable throughout the city's cultural and recreation services system; and

WHEREAS, the Asheboro City Council has concluded that it is advisable to adopt regulations that facilitate a coordinated initiative between the city police department and the city's cultural and recreation system officials to make the city's cultural and recreational facilities as welcoming as possible by preventing repetitive criminal activities in these facilities; and

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

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

Section 1. Article XVIII 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 shall 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 March 1, 2018. This Ordinance was adopted by the Asheboro City Council in open session during a special meeting held on the 11th day of January, 2018.

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

ATTEST:

/s/Tammy M. Williams
Tammy M. Williams, Deputy City Clerk

EXHIBIT 1

ARTICLE XVIII

MISCELLANEOUS PROVISIONS

Section 19.1 Returned Checks

When a check for payment of deposits, fees, and/or charges owed to the Cultural and Recreation Services Departments are returned for insufficient funds or other reasons, there will be a charge of $25.00 added to the amount due.

Section 19.2 Schedule of Deposits, Fees, and Charges

The amount of a deposit, fee, or any other type of charge to be collected by the Cultural and Recreation Services Departments shall be set in accordance with this manual and/or the Schedule of Deposits, Fees, and Charges Administered by the Cultural and Recreation Services Departments. This schedule shall be approved by the Asheboro City Council and maintained in the offices of the City Clerk and the Recreation Services Superintendent. In the event of a conflict between the provisions of this manual and the Schedule of Deposits, Fees, and Charges Administered by the Cultural and Recreation Services Departments, the provisions of the City of Asheboro Cultural and Recreation Services Policy Manual shall control and be determinative of the monetary sum to be collected in good funds by the Cultural and Recreation Services Departments.

Section 19.3 Coordinated Safety Measures in the City's Cultural and Recreational Facilities

As part of its efforts to support a high quality of life for the citizens of Asheboro, the city strives to provide cultural and recreational opportunities through programming and facilities that are open and inviting to everyone. If prompt action is not taken when a crime is committed within or on the premises of a city cultural or recreational facility, individuals and their families can develop safety and security concerns that prevent the beneficial use of the services offered by the city.

The creation of such fear and trepidation about the use of city cultural or recreational facilities creates an impediment to the use of these services and facilities as real as any physical barrier. The following safety measures are designed to remove, in a measured and balanced manner, any such barriers to the full use of the city's cultural and recreational programming:

(A) *Violations of the criminal law are prohibited.* A violation of the criminal law, whether the crime is labeled a felony or misdemeanor, within the city's cultural or recreational facilities undermines the sense of safety and well-being that is needed to create a positive and supportive environment that

is welcoming to everyone. A violator of the criminal law is subject to the suspension of his or her privilege to use the cultural or recreational facility where the offense occurred. When a sworn law enforcement officer develops probable cause to believe that an individual has committed a crime, whether a felonious or misdemeanor offense, on or within the premises of a city cultural or recreational facility and the individual is in fact arrested, such an offender shall be banned from the facility/premises where the offense occurred in accordance with the banning procedures provided herein.

(B) *Banning procedures.* The city manager, recreation services director, and chief of police, and their designees, are authorized to ban individuals from specific city cultural or recreational facilities/premises when, and only when, a sworn law enforcement officer has developed probable cause to believe that the individual to be banned from the facilities/premises has committed a criminal offense in or on the facilities/premises in question and has in fact been arrested.

(1) The ban will commence upon the violator's receipt of the city's standardized banning notice, which is also referred to as a No Entry Order/No Trespass Notice.

(2) The ban will only be applicable to the facilities or premises where the criminal offense(s) that caused the issuance of the ban notice(s) occurred. The banned individual will be able to use other city cultural or recreational facilities/premises in accordance with the terms of usage in place for all citizens.

(3) The duration of the ban indicated on the banning notice will be one of the following three periods of time: 90 days, 180 days, or 365 days.

(a) The city official who completes the banning notice will indicate on the form that the duration of the ban is 90 days if the banned individual is not currently subject to an active No Entry Order/No Trespass Notice.

(b) If the banned individual is subsequently arrested for a criminal offense at a city cultural or recreational facility/premises before the expiration of the initial 90-day ban period, a new No Entry Order/No Trespass Notice will be issued for the facilities/premises where the new offense occurred along with, if different from the location of the new offense, the facilities/premises previously listed in the active No Entry Order/No Trespass Notice. The duration of the new No Entry Order/No Trespass Notice for the listed location(s) will be 180 days.

(c) If another arrest for a criminal offense at a city cultural or recreational facility/premises is made before the 180-day ban period is completed, a new No Entry Order/No Trespass Notice will be issued to indicate that the duration of the ban is 365 days for all of the listed city cultural or recreational facilities/premises where the banned individual has been arrested. The maximum duration of any single ban notice is 365 days. Each subsequent arrest for a crime committed by the banned individual at a city cultural or recreational facility/premises while such an individual is subject to an active 365-day banning notice will result in the issuance of a new No Entry Order/No Trespass Notice banning the individual for another 365 days from the listed cultural and recreational facilities where he or she has been arrested.

(d) Regardless of the number of No Entry Orders/No Trespass Notices previously issued to an individual, the duration of a ban starts at 90 days if there are no active banning notices associated with an individual at the time of his or her arrest.

(C) *Enforcement of banning notices.* An individual who is banned from specified cultural or recreational facilities/premises for a stated period of time by means of the issuance of a No Entry Order/No Trespass Notice will be prosecuted to the fullest extent of the law for criminal trespass if such an individual enters into or onto the facilities/premises from which he or she has been banned prior to the expiration of the No Entry Order/No Trespass Notice.

(D) *Appeals.* Any individual who receives a No Entry Order/No Trespass Notice may request a review of such action by filing a written notice of appeal with the city's recreation services director. The following procedures will be followed in connection with such appeals:

(1) An appeal must be made in writing and filed within 10 business days of the date of the No Entry Order/No Trespass Notice. The written appeal must be filed with the Office of the City of Asheboro Recreation Services Director at 241 Sunset Avenue, Asheboro, North Carolina 27203.

(2) Notice of the appeal must be filed on a form provided by the recreation services director's office. On this form, the appellant must state with particularity the grounds for the appeal, reasons for removing the ban, and an explanation of how the appellant will avoid future criminal actions at the city's cultural or recreational facilities/premises.

(3) The notice of appeal will be processed by the recreation services director, but the appeal will be decided by the city manager.

(4) Once the notice of appeal is properly filed with the recreation services director, an appeal hearing will be scheduled and conducted by the city manager as soon as is practicable. Written notice of the date, time, and location of such a hearing will be mailed to the address listed by the appellant on the notice of appeal.

(5) After conducting the hearing and considering the available evidence, the city manager may reverse, modify, or affirm the action taken to ban the appellant from city cultural or recreational facilities/premises. The city manager's decision is final, and there shall be no appeal from the decision of the city manager to the city council.

(6) The city manager shall render a decision within 5 business days of the conclusion of the hearing. The decision shall be mailed to the appellant at the address listed by the appellant in the notice of appeal.

(7) An appeal of a ban to the city manager stays all proceedings and actions by city officials, specifically including the filing of any trespass charges, in furtherance of the No Entry Order/No Trespass Notice. Such a stay shall be effective from the time the written notice of appeal is formally accepted by personnel within the recreation services director's office until three business days after the city manager's written decision is placed in the custody of the United States Postal Service for delivery to the appellant.

(8) The only exceptions to this right of appeal to the city manager are attempts to appeal an action taken by sworn law enforcement officers in compliance with a court order or to appeal an action that is pending in the criminal courts. Any appeal pertaining to a criminal case or an order from a judicial official must be addressed in accordance with laws and rules applicable to the court with jurisdiction to consider the matter for which judicial review is sought.

(9) A decision rendered by the city manager applies only to the specific No Entry Order/No Trespass Notice from which an appeal was taken.

(E) *Non-exclusivity.* Nothing in this section shall limit the use by the city or any other governmental entity of any or all applicable criminal sanctions and/or civil remedies for violations of the rules applicable to a facility or for violations of federal, state, or local laws and regulations.

Additionally, Assistant Chief Lineberry presented and recommended adoption, by reference, of an ordinance to amend Section 71.99 of the Code of Asheboro in order to allow the use of North Carolina uniform citations to address certain parking enforcement concerns in the city.

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

ORDINANCE NUMBER 04 ORD 1-18

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AN ORDINANCE TO AMEND SECTION 71.99 OF THE CODE OF ASHEBORO

WHEREAS, Section 160A-296 of the North Carolina General Statutes provides that a city shall have general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits except to the extent that authority and control over certain streets and bridges is vested in the state Board of Transportation; and

WHEREAS, Section 160A-301 and Section 160A-302 of the North Carolina General Statutes specifically authorize the city to regulate, restrict, and prohibit certain on-street and off-street parking; and

WHEREAS, the city's parking regulations are found in Chapter 71 of the Code of Asheboro; and

WHEREAS, Section 71.99 of the Code of Asheboro prescribes certain penalties for violations of the city's parking regulations; and

WHEREAS, the Asheboro City Council has concluded that Section 71.99 of the Code of Asheboro should be amended in order to enable the city police department to more efficiently enforce the adopted parking regulations;

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

Section 1. Section 71.99 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.99 PENALTY

~~(A) If any person shall violate any provision of this chapter regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than $50. (G.S. § 14-4(b))~~

~~(B) With the exception of handicapped vehicle parking, there shall be an established civil penalty in the amount of $5 for each violation specified in this chapter. For unlawful parking in a handicapped space, there shall be an established civil penalty in the amount of $50. When the city receives proper payment of a parking ticket within seven days of the issuance of the ticket, the vehicle owner's liability thereunto shall be discharged. If payment is not received within seven days of the issuance of the parking ticket, such ticket shall be considered delinquent and shall be subject to an additional penalty of $5 plus court costs necessary to insure collection. The parking citation shall have printed upon its face a statement that "payment is due within seven days from date of issue; failure to comply will result in an additional penalty of $5 and court costs." Acceptance and payment of the additional penalty by the vehicle's owner shall be deemed a full and final release of any and all claims or right of action arising out of the parking violation.~~

~~(C) Parking violations shall not constitute a criminal infraction but shall be subject only to the civil penalties stated in the preceding division and the civil remedies provided by G.S. § 160A-175. In the event that the civil penalties are not paid, the city may, through its authorized officials or their agents, initiate a civil suit to collect the penalty.~~

~~(D) The civil penalties collected as a result of this section shall belong to the city and shall be treated as revenues of its general fund.~~

(A) In accordance with Section 14-4 of the North Carolina General Statutes, any person who violates an ordinance provision of this chapter regulating the operation or parking of vehicles shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars ($50.00); provided, however, any person found responsible for an infraction pursuant to the prima facie rule of evidence for the enforcement of parking regulations found in Section 20-162.1 of the North Carolina General Statutes shall be subject to a penalty of not more than five dollars ($5.00).

(B) There shall be an established civil penalty in the amount of five dollars ($5.00) for each violation specified in this chapter. This civil penalty may be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within the time period prescribed by this subsection. When the city receives proper payment of a parking ticket within seven days of the issuance of the ticket, the vehicle owner's liability thereunto shall be discharged. If payment is not received within seven days of the issuance of the parking ticket, such ticket shall be considered delinquent and shall be subject to an additional penalty of five dollars ($5.00) plus court costs necessary to insure collection. The parking citation shall have printed upon its face a statement that "payment is due within seven days from the date of issuance; failure to comply will result in an additional penalty of $5.00 and court costs." Acceptance and payment of the additional penalty by the vehicle's owner shall be deemed a full and final release of any and all claims or right of action arising out of the parking violation.

(C) The ordinance provisions in this chapter may be enforced by any one, all, or a combination of the remedies authorized by this section.

(D) Each day's continuing violation of an ordinance provision in this chapter shall be a separate and distinct offense.

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

Section 3. This Ordinance shall take effect and be in force from and after March 1, 2018.

This Ordinance was adopted by the Asheboro City Council in open session during a special meeting held on the 11th day of January, 2018.

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

ATTEST:

/s/Tammy M. Williams
Tammy M. Williams, Deputy City Clerk

12. Upcoming events and items not listed on the agenda.

Mayor Smith led a brief discussion of upcoming events occurring with the city government and the community in general. No action was taken by the city council during this portion of the meeting.

There being no further business, the meeting was adjourned at 9:12 p.m.

_____ _____

Tammy M. Williams, Deputy City Clerk David H. Smith, Mayor

Minutes of the meeting of the Asheboro Alcoholic Beverage Control Board held on December 4, 2017

The Asheboro ABC Board met on December 4, 2017, at 5:30 PM, in the Board office, 700 South Fayetteville Street, Asheboro, NC.

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

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

The Board reviewed and there being no objection, approved the minutes of the November 6, 2017, Board meeting.

Susan Hayes, Randolph County Health Director, made a presentation to the Board concerning opioid abuse and related addiction problems within Randolph County.

Steve Knight and the GM reviewed Board finances and reported all finances remain consistent (sales and expenses). Two Asheboro ABC Board CD's due for renewal are being renewed with Capital Bank for a term making them available during mid-May 2018.

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

1. Asheboro ABC sales statistics comparing:

    - November 2017 sales with the previous month indicate:
        - An overall +11.5% change (all sales and tax collections)

    - November 2017 sales with sales from the same month last year indicate:
        - Retail Sales -1.7% ($263,702.45)
        - Mixed Beverage Sales: +3.8% ($27,370.15)
        - Sales Tax Collections: -1.7% ($18,478.59)
        - Overall Collections: -1.23% ($309,551.19)

    - November 2017 bottle sales with bottle sales from the same month last year indicate:
        - Retail Bottle Sales: +5.7%
        - Mixed Beverage Bottle Sales: +3.7%
        - Overall Bottle Sales: +5.6%

The next regular Asheboro ABC Board meeting will be held Tuesday, January 2, 2018, at 5:30 p.m.

There being no further business, the meeting was adjourned.

Prepared by Rodney Johnson, GM, and Approved by the Board 1-2-18 GM

Stephen R Knight

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION AWARDING A FIRE HELMET TO RETIRED ASHEBORO FIRE BATTALION CHIEF CHARLES E. WAY, JR.

WHEREAS, after rendering honorable and valuable service to the City of Asheboro and its citizens since the date of his initial employment with the Asheboro Fire Department on January 15, 1985, Fire Battalion Chief Charles E. Way, Jr. began his retirement from employment with the city on January 1, 2018; and

WHEREAS, pursuant to and in accordance with Section 160A-294.1 of the North Carolina General Statutes, the Asheboro City Council wishes to recognize and honor this dedicated public servant by awarding to him, at a minimal monetary cost, the fire helmet most recently assigned to him by the city;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, in consideration and recognition of his dedicated service, Charles E. Way, Jr. is to be awarded, at less than fair market value, ownership of the city fire helmet most recently issued to him; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that, as part of its recognition of this dedicated public servant, the council hereby directs city staff to convey to Charles E. Way, Jr. his fire battalion chief helmet for a purchase price of one dollar ($1.00).

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 8th day of February, 2018.

_____
David H. Smith, Mayor

ATTEST:

_____
Holly H. Doerr, CMC, NCCMC, City Clerk

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION AWARDING A FIRE HELMET TO RETIRED ASHEBORO DEPUTY CHIEF FIRE INSPECTOR WILLIAM C. BARTON

WHEREAS, after rendering honorable and valuable service to the City of Asheboro and its citizens since the date of his initial employment with the Asheboro Fire Department on October 1, 1988, Deputy Chief Fire Inspector William C. Barton began his retirement from employment with the city on January 1, 2018; and

WHEREAS, pursuant to and in accordance with Section 160A-294.1 of the North Carolina General Statutes, the Asheboro City Council wishes to recognize and honor this dedicated public servant by awarding to him, at a minimal monetary cost, the fire helmet most recently assigned to him by the city;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, in consideration and recognition of his dedicated service, William C. Barton is to be awarded, at less than fair market value, ownership of the city fire helmet most recently issued to him; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that, as part of its recognition of this dedicated public servant, the council hereby directs city staff to convey to William C. Barton his deputy chief fire inspector helmet for a purchase price of one dollar ($1.00).

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 8th day of February, 2018.

_____
David H. Smith, Mayor

ATTEST:

_____
Holly H. Doerr, CMC, NCCMC, City Clerk

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION STATING THE INTENT TO EXTEND THE LEASE OF ASHEBORO REGIONAL AIRPORT HANGAR J TO STEPHEN R. KNIGHT

WHEREAS, during its meeting on January 16, 2018, the Asheboro Airport Authority (the "Airport Authority") decided to forward a recommendation to the Asheboro City Council to modify the existing leasing arrangements for Hangar J at the Asheboro Regional Airport; and

WHEREAS, the recommended modification is a 10-year extension of the lease term in consideration of the substantive improvements made to the hangar by the hangar's current lessee, Mr. Stephen R. Knight; and

WHEREAS, the proposed lease area (Hangar J) will not be needed by the city during the recommended extension of the lease term;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, during the regular council meeting on April 5, 2018, the council intends to follow the Airport Authority recommendation and approve a lease agreement that will extend Stephen R. Knight's current lease of Hangar J at the Asheboro Regional Airport to August 6, 2038; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the city clerk is hereby directed to publish in *The Courier-Tribune* the statutorily mandated 30-day legal notice of the council's intent to authorize the above-described hangar lease agreement during the said regular meeting on April 5, 2018.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 8th day of February, 2018.

_____
David H. Smith, Mayor

ATTEST:

_____
Holly H. Doerr, CMC, NCCMC, City Clerk

City of Asheboro

146 North Church Street
P O Box 1106
Asheboro, N. C. 27204-1106

Tel: 336-626-1201

Fax: 336-626-1218

January 8, 2018

Engineering Report on the renovations/improvements to Hangar J as shown in the cross hatched area on "Schedule C" attached

Hangar J was constructed in 1998 as basic enclosed hangars with doors, no insulation and minimum lighting. The structure has remained in fair to good condition and will serve its originally intended purpose of keeping aircraft secure and dry for many years to come. In its unimproved state Hangar J can expect to rent for $800 per month or $9,600 annually.

Multiple improvements were made to Hangar J in 2017 and include the following:

-Installation/replacement of outdoor lighting with LED wall pack fixtures, 12 high bay fixtures with LED fixtures, rework switched and receptacles	$ 6,071.60
- Resealed Metal Roof with sealant and new screws	$ 1,153.31
-Installation/replacement of bottom door seal and addition of side seal	$ 3,260.00
-Installation of new trim	$ 392.30
-Removal of dilapidated Concrete Apron, and Installation of New Concrete Apron	$14,000.00
-Installation of 5 Ton Gas Furnace and A/C	$ 7,186.74
-Installation of Electrical Circuits for new HVAC System	$ 1,446.67
-Contractors Labor and Fees	$10,737.05
-Misc. Additional Expenses Incurred	$ 984.82
Total Cost Incurred for Improvements	**$45,232.49**

Due to the multiple improvements Mr. Knight has made to Hangar J he has in fact extended the usable life along with increasing the overall appeal of the hangar not just to him, but to the usefulness, desirability and potentially increased revenue of the hangar when Mr. Knight's lease is over. At current rates these improvements can expect an increase in rent to $1,200 per month or $14,400 annually, which is an increase of $4,800 annually for the life of Hangar J.

Because he has incurred these expenses on his own, I recommend that we extend the lease agreement by 10 years in order to offset the cost of purchase and installation of these improvements.

This Engineer's Report is respectfully submitted by: Michael L. Leonard

Michael L. Leonard, PE
City Engineer

RZ-18-01: Request to rezone from R10 (Medium-Density Residential) to B2 (General Commercial)

(3418 US 220 Business South)

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-18-01**

Date 1/2/2018 Planning Bd.

Applicant George Venters and Glandon Forest Equity, LLC

Legal Description

The properties of Lawrence B. Cranford Sr. Trading Company, located at 3418 US Hwy. 220 Business South, identified by Randolph County Parcel Identification Number (PIN) 7659555061 and a portion of PIN 7659546951 totaling approximately 2.81 acres +/-.

Requested Action Rezone from R10 (Medium-Density Residential) to B2 (General Commercial)

Existing Zone R10

Land Development Plan See rezoning staff report

Planning Board Recommendation

Approve

Reason for Recommendation

The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # **RZ-18-01**

Date 1/2/2018 Planning Bd.
2/8/2018 Council

General Information

Applicant George Venters and Glandon Forest Equity, LLC

Address 3825 Barrett Drive Suite 100

City Raleigh NC 27609

Phone 919-459-2602

Location 3418 US Bus. 220 S.

Requested Action Rezone from R10 (Medium-Density Residential) to B2 (General Commercial)

Existing Zone R10

Existing Land Use Undeveloped (previously single-family residence)

Size 2.81 acres +/-

Pin # 7659555061 and 7659546951 (portion)

Applicant's Reasons as stated on application

See attached

Surrounding Land Use

North Single-family residential

East Industrial/Residential

South Industrial

West Low-Density Residential/Undeveloped

Zoning History N/A

Legal Description

The properties of Lawrence B. Cranford Sr. Trading Company, located at 3418 US Hwy. 220 Business South, identified by Randolph County Parcel Identification Number (PIN) 7659555061 and a portion of PIN 7659546951 totaling approximately 2.81 acres +/-.

Analysis

1. The property is currently outside the city limits.
2. US 220 Bus. South is a state-maintained major thoroughfare at this location. Old State Highway (SR 1148) is a state-maintained gravel road that is approximately 10 feet wide at this location.
3. The requested B2 district is described by the zoning ordinance as "intended to serve the convenience goods, shoppers goods retail and service needs of the motoring public, both local and transient. This district should always be located with access directly to minor thoroughfares or higher classification streets, but never local residential streets."
4. The area includes a mix of residential (single-family, multi-family and manufactured housing), commercial, and industrial uses.
5. The Land Development Plan map designates the subject property along US 220 Business S. as part of a "neighborhood center", which is described as a "small, pedestrian-oriented, neighborhood activity center with a mix of uses." Commercial uses are a component of a neighborhood center,

Rezoning Staff Report

RZ Case # **RZ-18-01**

Consistency with the 2020 LDP Growth Strategy designations

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

Proposed Land Use Map Designation	Neighborhood Activity Center
Small Area Plan	Southeast
Growth Strategy Map Designation	Adjacent Developed

LDP Goals/Policies Which Support Request

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

Checklist Item 5: Complies with Growth Strategy Map

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

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

Rezoning Staff Report

LDP Goals/Policies Which Do Not Support Request

Checklist Item 6: Existing infrastructure is not adequate to support the desired zone. (water, sewer, roads, schools, etc.) (Specifically related to road design of Old State Highway and lack of curb/gutter along public rights-of-way)

Policy 2.1.5: The City will ensure development regulations provide appropriate transitional land uses, such as office & institutional, between high-intensity industrial/commercial and low-intensity residential uses.

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

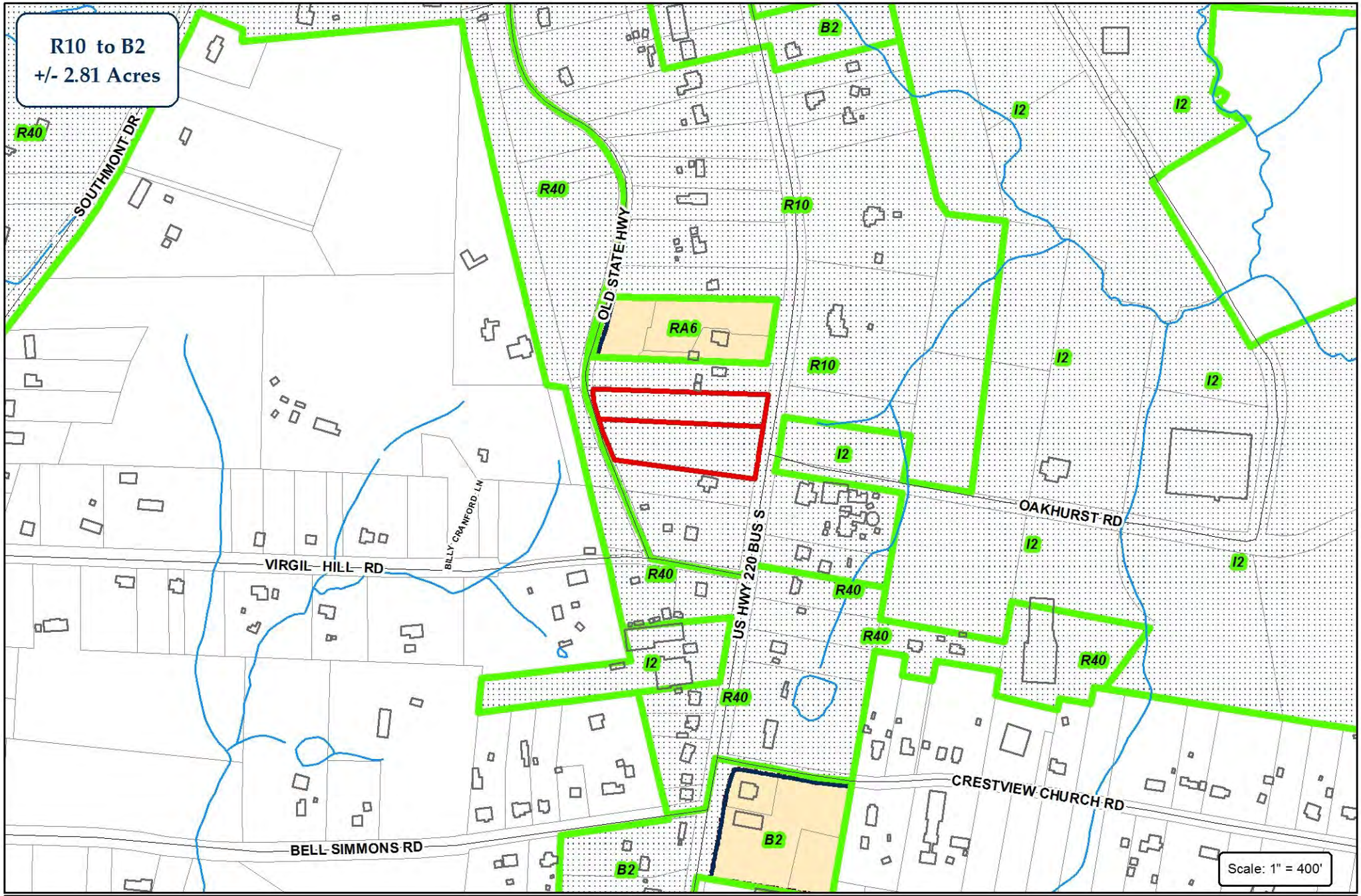
The US 220 Business South corridor has a variety of residential, commercial, and industrial uses and zoning in this area. The Land Development Plan and Southeast Small Area Plan designate this property as within a Neighborhood Center, which envisions a mix of pedestrian scale residential and non-residential uses. Commercial uses are an important component of a neighborhood center, and the LDP states that a goal of commercial uses within a Neighborhood Center is "to offer local residents an opportunity to shop for everyday items close to home." Although the lack of curb and gutter on public rights-of-way abutting the property make pedestrian improvements conceived by the Land Development Plan unlikely at this time, rezoning the property to a commercial district does begin to implement the neighborhood center concept.

In terms of transportation considerations, the property's direct access to US 220 Business and state driveway permitting requirements should help ensure safe traffic movements into and out of any future development. Old State Highway is currently inadequate for commercial traffic and both state driveway permitting and city zoning requirements likely would preclude commercial access.

Considering these factors, staff believes the requested B2 district is consistent with the adopted LDP and is therefore reasonable and in the public interest.

Recommendation

In light of the above analysis, staff's recommendation is to approve the request.



City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-18-01

Parcel: 7659555061 & 7659546951 (pt.)

Subject Property
Zoning
City Limits
ETJ

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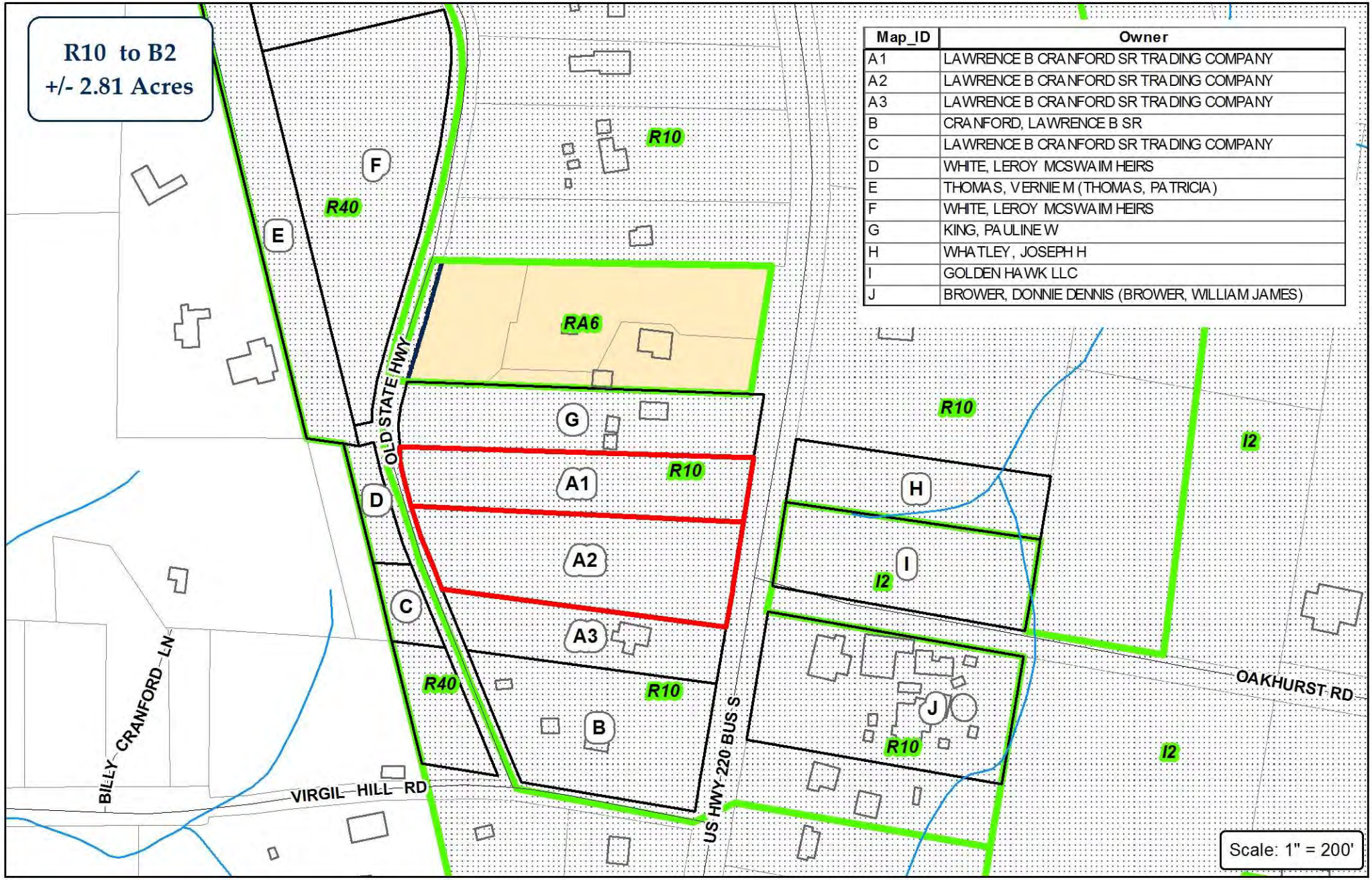


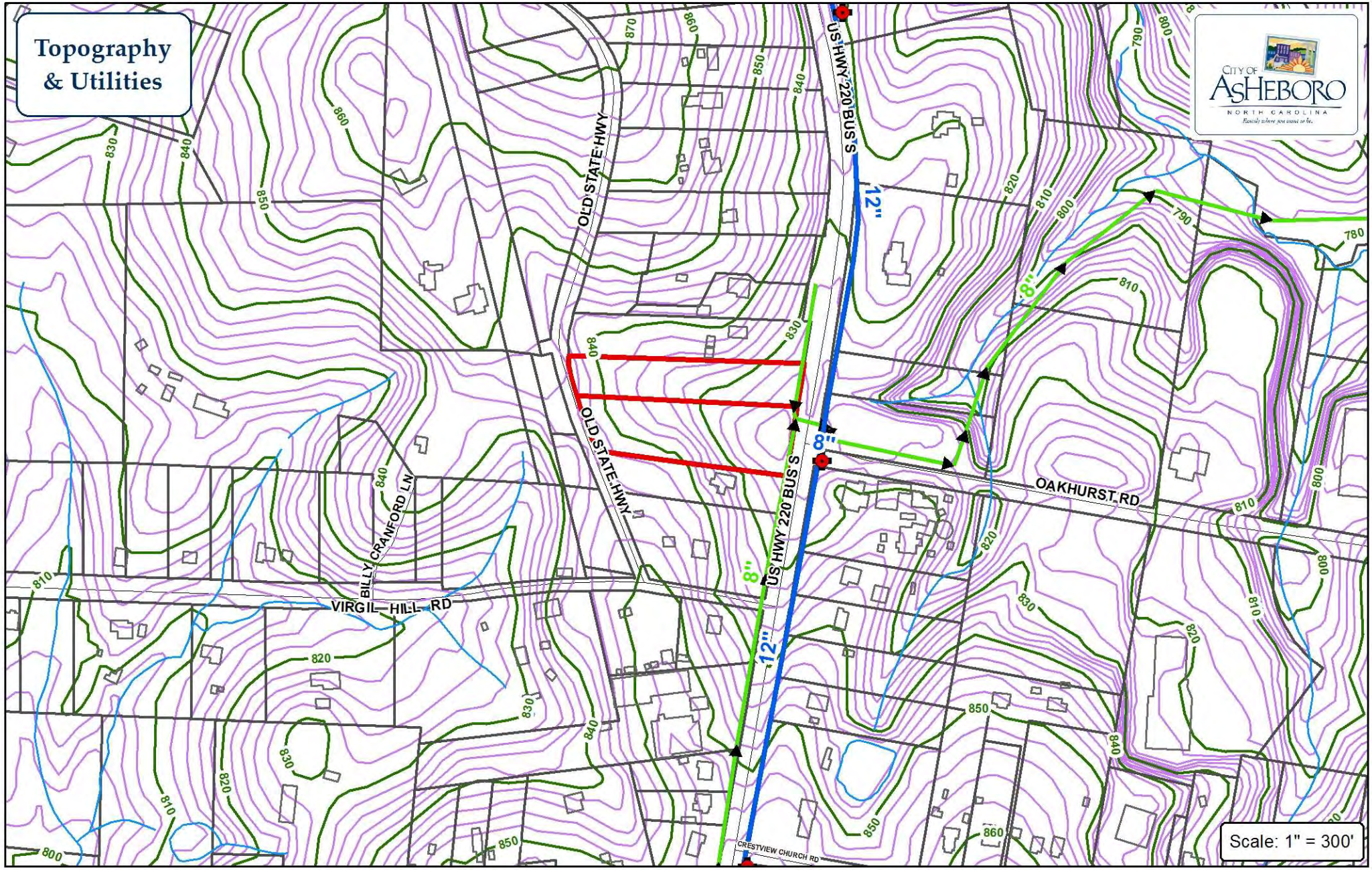
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-18-01

Parcel: 7659555061 & 7659546951 (pt.)

City Limits
ETJ

Subject Property
Adjoining Properties
Zoning



Water Main
Sewer Main
Force Main
Fire Hydrant
PS Pump Station

City of Asheboro
Planning & Zoning Department

Rezoning Case: RZ-18-01

Parcel: 7659555061 & 7659546951 (pt.)

Subject Property

N
W E
S

CITY OF ASHEBORO
NORTH CAROLINA
Exactly where you want to be.

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-18-01

Parcel: 7659555061 & 7659546951 (pt.)

Subject Property
Zoning

N
W
E
S

RZ-18-02: Request to rezone from Randolph County Zoning to R10 (Medium-Density Residential)

(200 Foster Street)

Planning Board Recommendation and Staff Report

Planning Board Recommendation & Comments to City Council

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

Case # **RZ-18-02**

Date 1/2/2018 Planning Bd.

Applicant City of Asheboro

Legal Description

The property of A Town Investments, LLC, located at 200 Foster Street, totaling approximately 15,454 sq. ft. +/-and more specifically identified by Randolph County Parcel Identification Number 7750736791.

Requested Action Apply City zoning (R10 Medium-Density Residential) on property currently zoned by Randolph County (RE- Residential Exclusive)

Existing Zone Randolph County Zoning (RE)

Land Development Plan See rezoning staff report

Planning Board Recommendation

Approve

Reason for Recommendation

The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # **RZ-18-02**

Date 1/2/2018 Planning Bd.
2/8/2018 Council

General Information

Applicant City of Asheboro

Address 146 North Church Street

City Asheboro NC 27203

Phone 336-626-1201

Location 200 Foster Street

Requested Action Rezone from Randolph County Zoning (RE- Residential Exclusive) to City of Asheboro zoning (R10 Medium-Density Residential)

Existing Zone RE (Randolph Co. Zoning) **Existing Land Use** Single-family dwelling

Size 15,454 sq. ft. +/- **Pin #** 7750736791

Applicant's Reasons as stated on application

As stated in the analysis below, the property was recently annexed into the city of Asheboro, effective 12-7-2017. State law requires that the city apply zoning to the property within sixty (60) days of the annexation. The Land Development Plan previously designated the property for neighborhood residential use. The property was previously in the City's zoning jurisdiction and zoned R10.

Surrounding Land Use

North Single-family dwelling

East Single-family dwelling

South Single-family dwelling

West Commercial (currently place of worship)

Zoning History January, 2013: Property was removed from City's extraterritorial zoning jurisdiction (ETJ)

Legal Description

The property of A Town Investments, LLC, located at 200 Foster Street, totaling approximately 15,454 sq. ft. +/-and more specifically identified by Randolph County Parcel Identification Number 7750736791.

Analysis

1. The property was recently annexed into the city limits (effective 12-7-2017).
2. Foster Street is a state-maintained road.
3. In January, 2013, the property, along with adjacent properties to the north, south, and east, were released from the City's zoning jurisdiction. Randolph County's zoning designation is RE (Residential-Exclusive), allowing primarily single-family dwellings.
4. The property owner requested annexation of the property. State law requires that zoning be applied to the property within sixty (60) days of the date of annexation.
5. Properties immediately to the west along South Fayetteville Street include a mix of institutional, commercial, and industrial uses. Properties to the north, south, and east consist primarily of single-family uses, with some two-family and multi-family uses north of the property.
6. The current Land Development Plan does not map this property due to its removal from the city's ETJ in 2013. The small area plan, and designations of the property listed on p. 2 of this report are from the 1999 LDP.
7. The proposed R10 district allows a single-family dwelling on a property with at least 10,000 SF and a two-family dwelling on a property with at least 15,000 SF.

Rezoning Staff Report

Consistency with the 2020 LDP Growth Strategy designations

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

Proposed Land Use Map Designation	Neighborhood Residential* (See Staff Analysis #6)
Small Area Plan	Central
Growth Strategy Map Designation	Adjacent Developed* (See Staff Analysis #6)

LDP Goals/Policies Which Support Request

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

Checklist Item 4: The proposed rezoning is compatible with surrounding land uses.

Checklist Item 5: Complies with Growth Strategy Map

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

Checklist Item 10: Rezoning is consistent with Land Category Descriptions

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

2.2.1 The City will periodically evaluate expansion and contraction of extra-territorial jurisdiction to areas likely to be annexed within a reasonable time frame. Greatest priority will be given to expansion of the ETJ in areas where transportation or infrastructure improvements are

planned, or where the benefit of expansion outweighs the cost of providing services.

LDP Goals/Policies Which Do Not Support Request

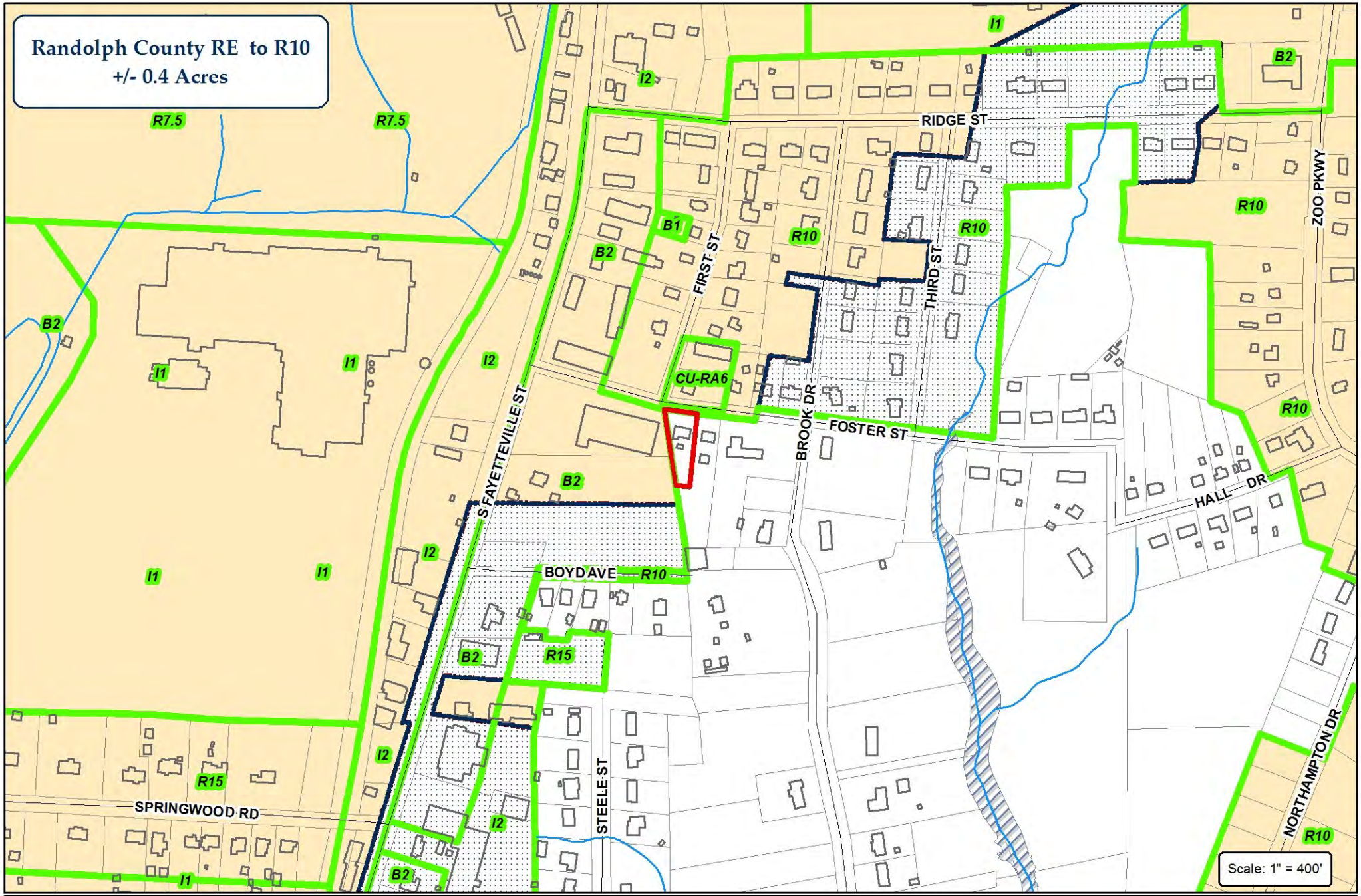
Staff's Final Analysis Concerning Consistency with Adopted Comprehensive Plans, Reasonableness and Public Interest

Recent annexation of the subject property compels the city to place an appropriate zoning designation on the property. Prior to 2013, the property was designated with an R10 (Medium-Density Residential) zoning designation. The previous "neighborhood residential" LDP designation of the property is described as intended for "single-family & limited multi-family residential uses." The Central Small Area plan reiterates this intent by emphasizing preservation of existing residential neighborhoods at similar density to adjacent residential properties. The R10 zoning district applies to the majority of the residential neighborhood within the City's ETJ north of Foster Street, making the proposed R10 district conducive to this property.

Finally, there are no known environmental factors that are negative towards the request.

Considering these factors, staff believes the requested R10 district is consistent with the adopted LDP and is therefore reasonable in the public interest.

Recommendation In light of the above analysis, staff's recommendation is to approve the request.

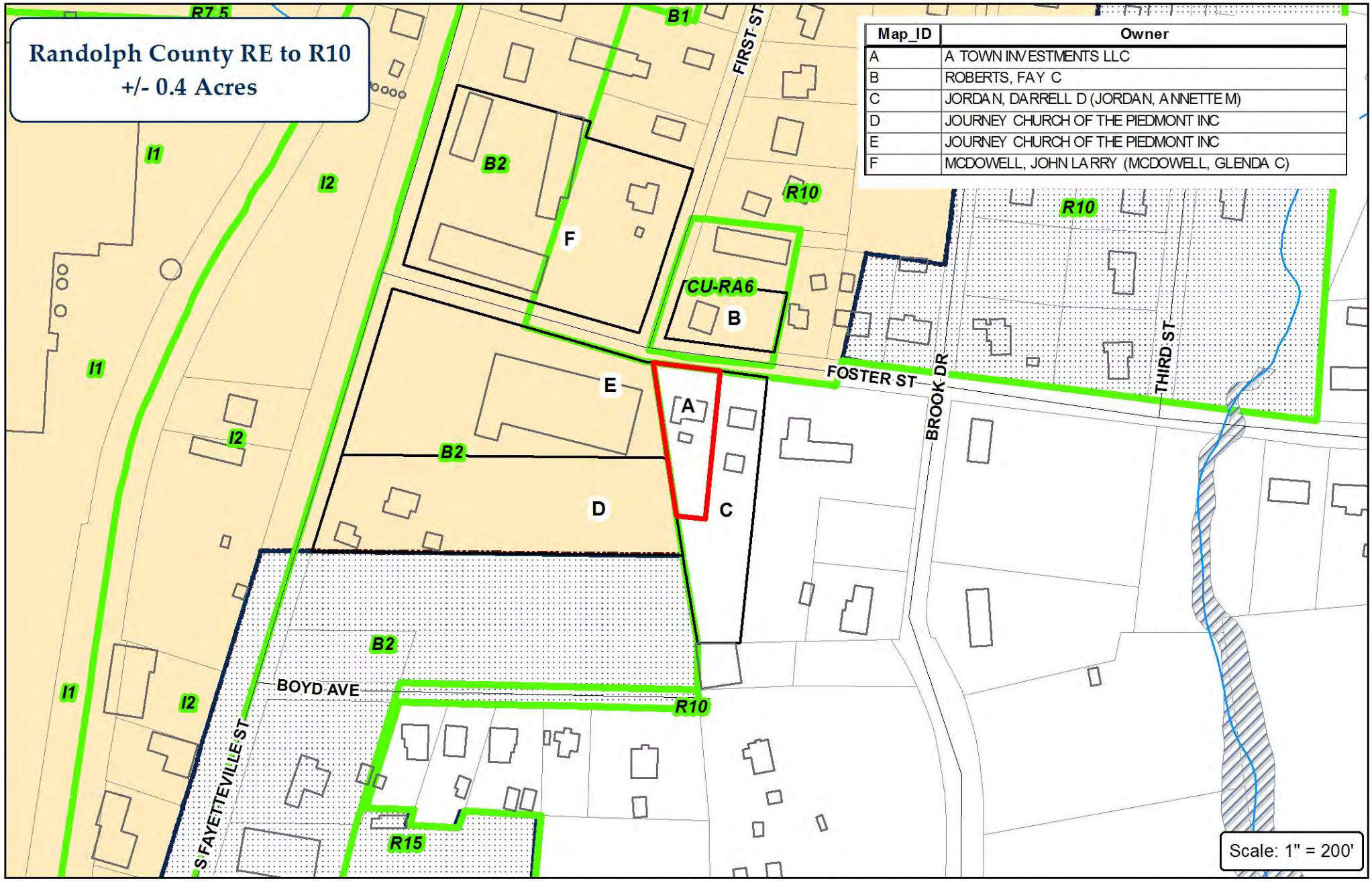


City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-18-02

Parcel: 7750736791

Subject Property
Zoning
City Limits
ETJ



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NORTH CAROLINA
Exactly where you want to be.

City Limits
ETJ

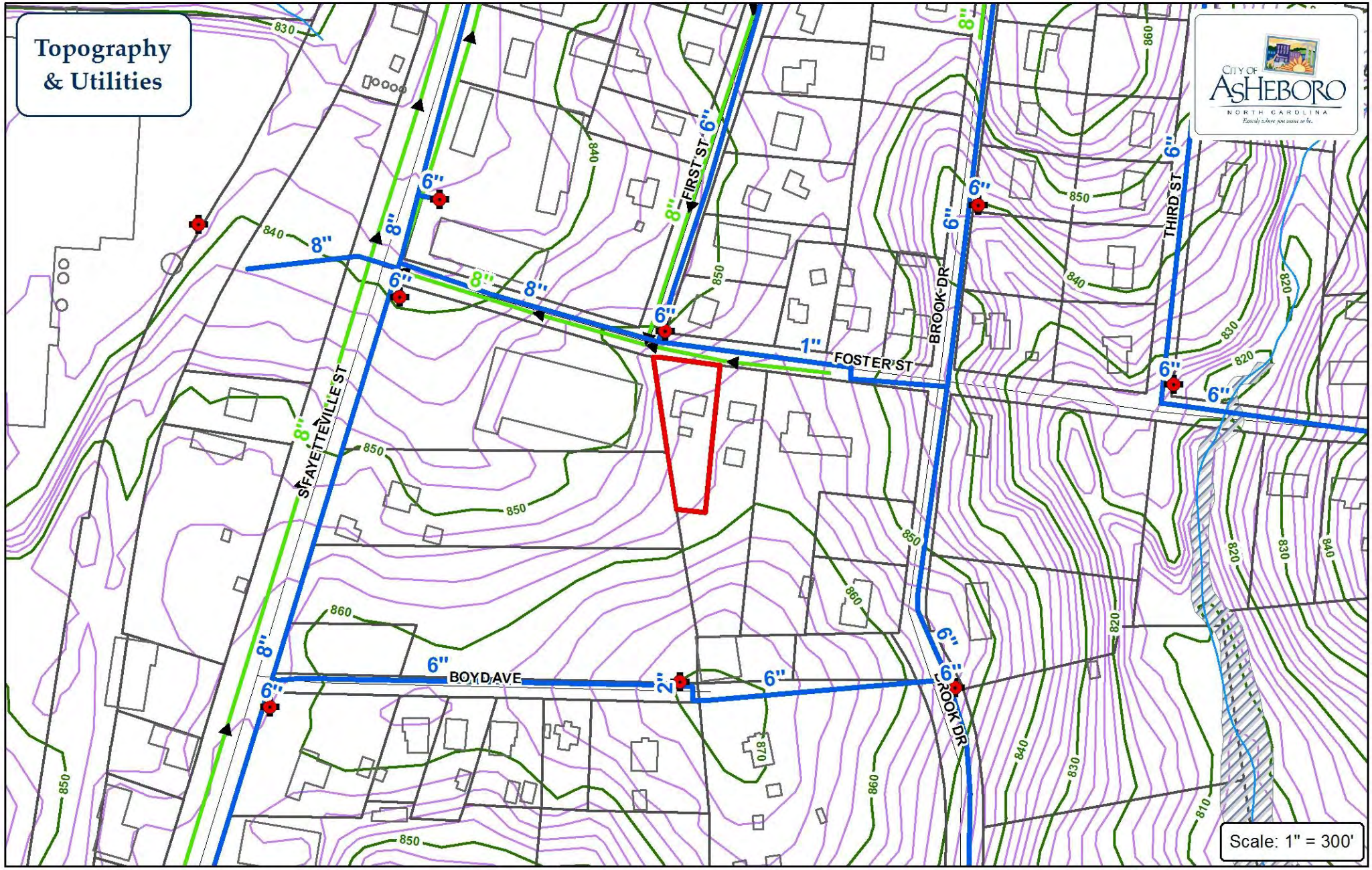
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-18-02

Parcel: 7750736791

Subject Property
Adjoining Properties
Zoning

N
W
E
S



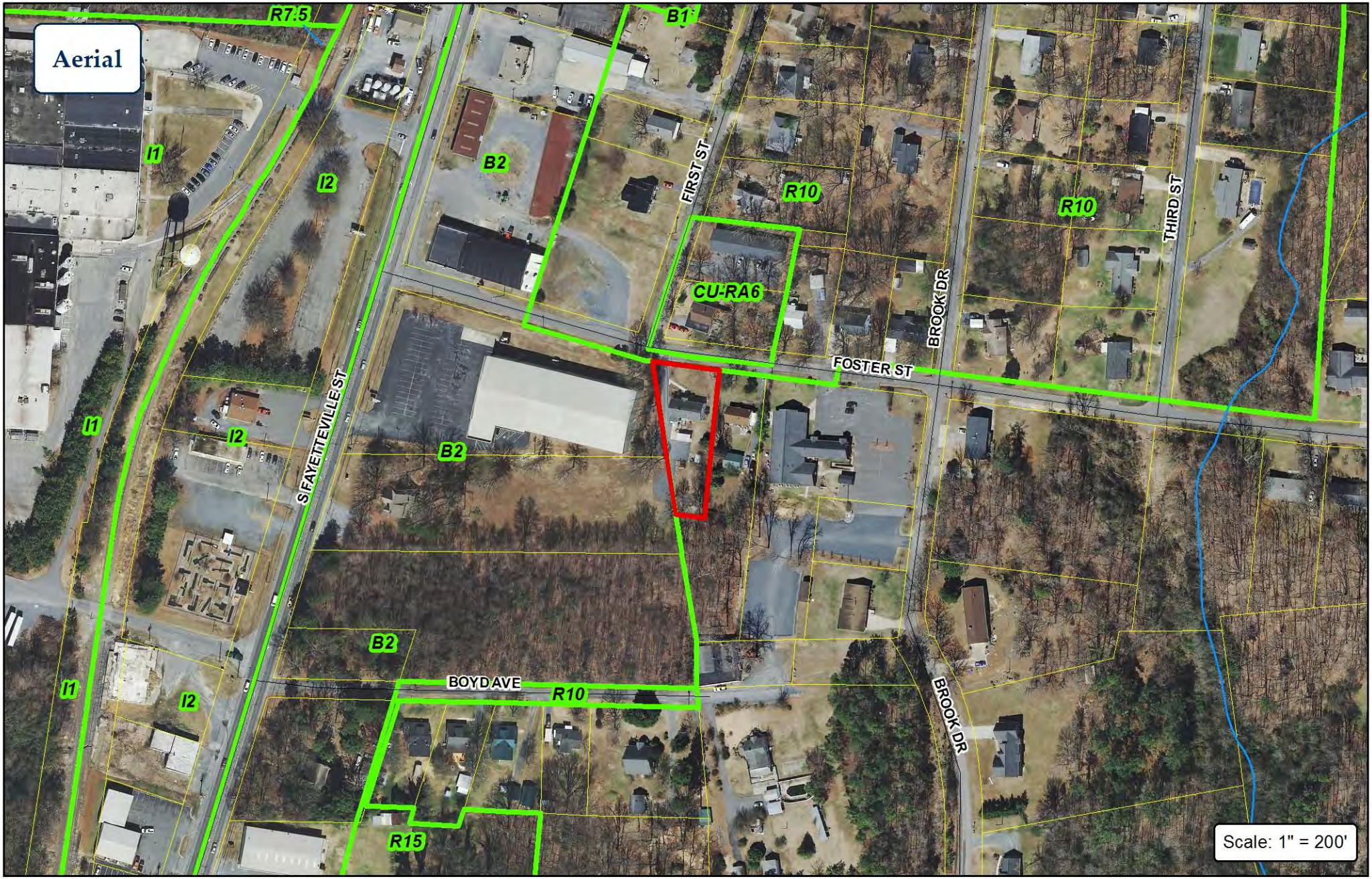
Water Main
Sewer Main
Force Main
Fire Hydrant
PS Pump Station

City of Asheboro
Planning & Zoning Department

Rezoning Case: RZ-18-02

Parcel: 7750736791

Subject Property



City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-18-02

Parcel: 7750736791

Subject Property

Zoning

RZ-18-03: Request to rezone from Conditional Use General Commercial (CU-B2) to B2 (General Commercial)

(1994 US Hwy. 64 East)

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-18-03**

Date 1/2/2018 Planning Bd.

Applicant William Smith

Legal Description

The property of William Smith, located at 1994 US Hwy. 64 East, totaling approximately 5.37 acres +/-, and more specifically identified by Randolph County Parcel Identification Number 7771043085.

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

Existing Zone CU-B2

Land Development Plan See rezoning staff report

Planning Board Recommendation

Approve

Reason for Recommendation

The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # **RZ-18-03**

Date 1/2/2018 Planning Bd.
2/8/2018 Council

General Information

Applicant William Smith
Address 1994 US Hwy. 64 E.
City Asheboro NC 27205
Phone 336-953-5180
Location 1994 US Hwy. 64 E.

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

Existing Zone CU-B2
Existing Land Use Rental/Sales of domestic vehicles/undeveloped
Size 5.37 acres +/-
Pin # 7771043085

Applicant's Reasons as stated on application

Increase commercial activity, LDP designates the property for commercial use, ability to expand my business

Surrounding Land Use

North Commercial
East Commercial
South Manufacturing, Processing, and Assembly
West Commercial/Residential

Zoning History RZ-97-04/CUP-97-03: Rezoned from R40 to CU-B2 and a conditional use permit for rental/sales of domestic motor vehicles was issued for a portion of the property.

Legal Description

The property of William Smith, located at 1994 US Hwy. 64 East, totaling approximately 5.37 acres +/-, and more specifically identified by Randolph County Parcel Identification Number 7771043085.

Analysis

1. The property is currently outside the city limits.
2. US Hwy. 64 East is a state-maintained boulevard at this location. The property is approximately 0.8 miles west of the interchange with the US 64 Bypass currently under construction.
3. The requested B2 district is described by the zoning ordinance as "intended to serve the convenience goods, shoppers goods retail and service needs of the motoring public, both local and transient. This district should always be located with access directly to minor thoroughfares or higher classification streets, but never local residential streets."
4. As stated in the history above, the existing Conditional Use Permit applies to a portion of the property. The undeveloped portion of the property has a CU-B2 designation without a corresponding permitted use.
5. The area, including properties adjacent to the subject property, have seen a transition to primarily commercial uses, including a rezoning for an industrial use of the property immediately south of the subject property.
6. Along with other zoning requirements (including but not limited to paving of required parking, landscaping, etc.), new commercial construction requiring a Building Permit and located on a street with curb and gutter generally requires the owner or developer to sidewalk along the property's public street frontage.

Rezoning Staff Report

RZ Case # **RZ-18-03**

Consistency with the 2020 LDP Growth Strategy designations

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

Proposed Land Use Map Designation	Commercial
Small Area Plan	East
Growth Strategy Map Designation	Economic Development

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. *(Article 200, Section 210, Schedule of Statements of Intent)*

Checklist Item 5: Complies with Growth Strategy Map

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

Checklist Item 9: Rezoning will benefit the economic vitality of the City's designated Economic Development Area.

Checklist Items 12, 13: 12.) Property is located outside of watershed 13.) The property is located outside of Special Hazard Flood Area.

LDP Goals/Policies Which Do Not Support Request

Checklist Item 14: Rezoning is located on steep slopes of greater than 20%. *(small portion of interior/southern side of property)*

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

The property's designation for "commercial" use by the LDP Proposed land use map, along with the East Small Area plan's acknowledgment of the need to accommodate some expansion of commercial uses are consistent with a B2 zoning designation.

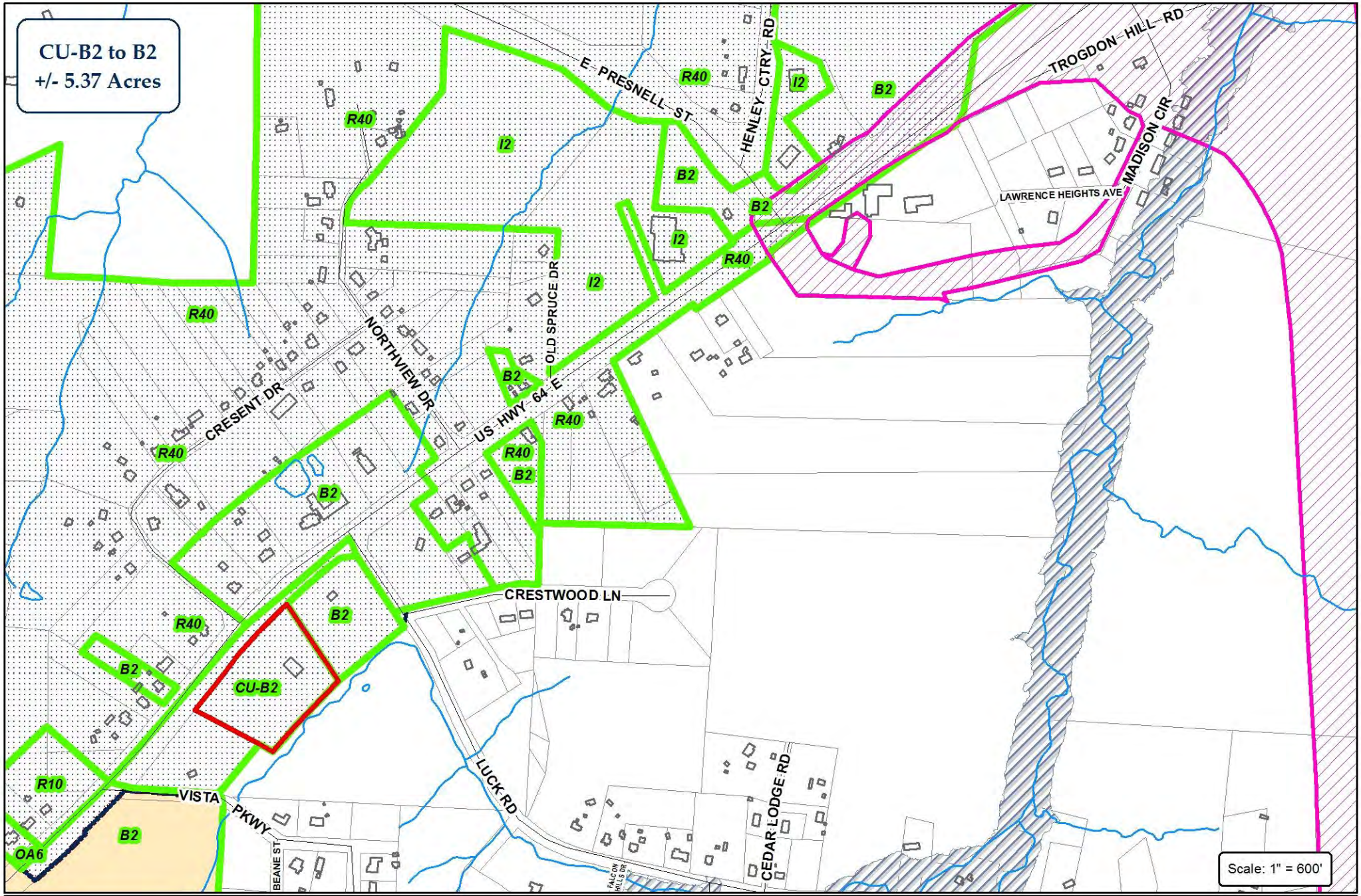
Although the CU-B2 district may have been necessary to ensure commercial uses were in harmony with the area at the time it was designated, staff notes conditions have changed since that time to make the property more conducive to a general B2 zoning designation. The US 64 East corridor has also seen decreased residential uses in recent years, and the only residential uses currently adjoining the property are separated by US Hwy. 64 East (a five lane boulevard/major thoroughfare). In addition to the increase in commercial uses occurring in the area, a manufacturing, processing, and assembly use is now contiguous to the property's southern boundary.

Furthermore, the property is designated by the Growth Strategy Map as part of an economic development area, which is also generally supportive of a B2 district.

Considering these factors, staff believes the requested B2 district is consistent with the adopted LDP and is therefore reasonable in the public interest.

Recommendation

In light of the above analysis, staff's recommendation is to approve the request.



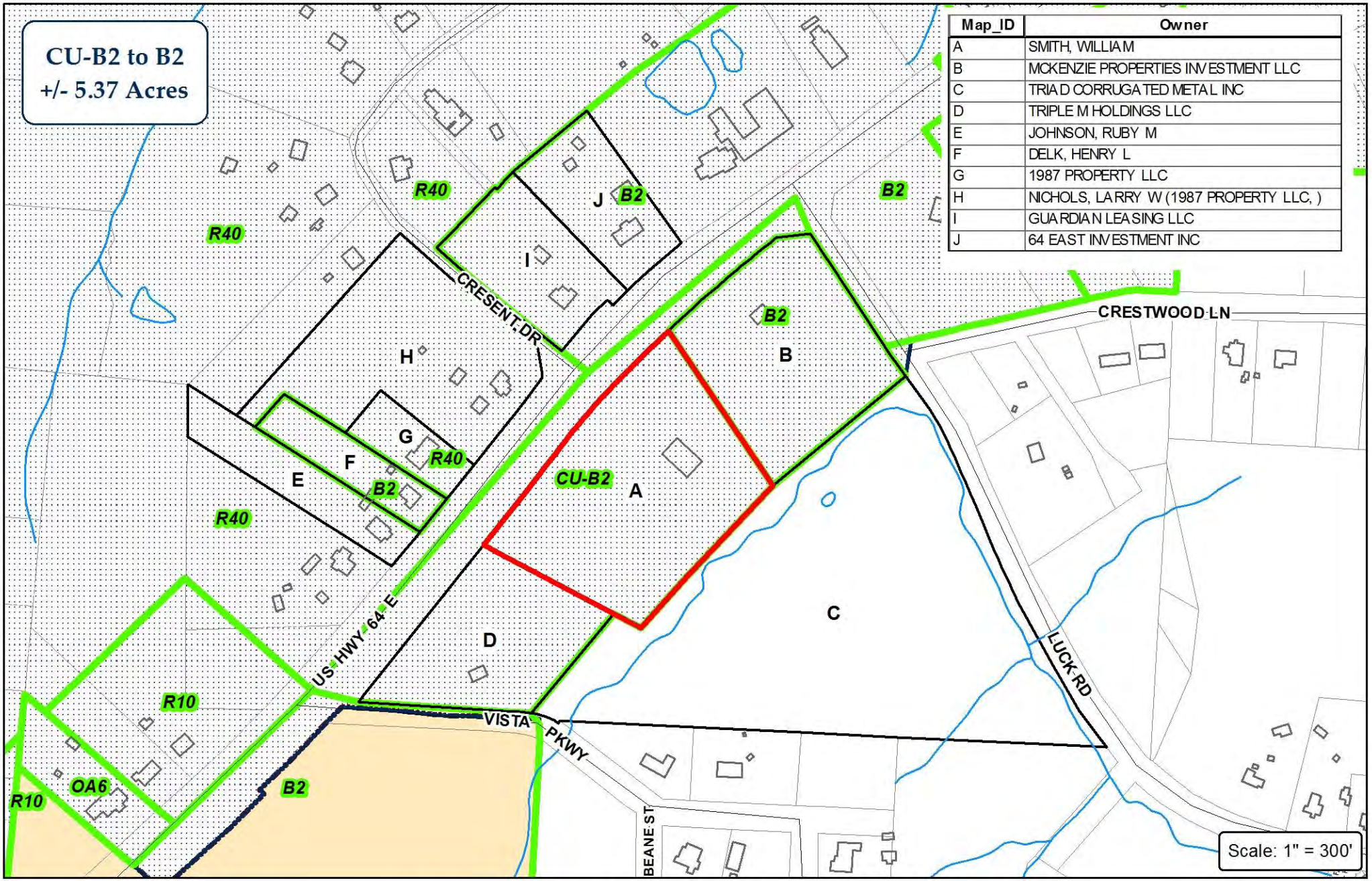
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-18-03

Parcel: 7771043085

City Limits
ETJ
Asheboro_Bypass_poly

Subject Property
Zoning



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City Limits
ETJ

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-18-03

Parcel: 7771043085

Subject Property
Adjoining Properties
Zoning

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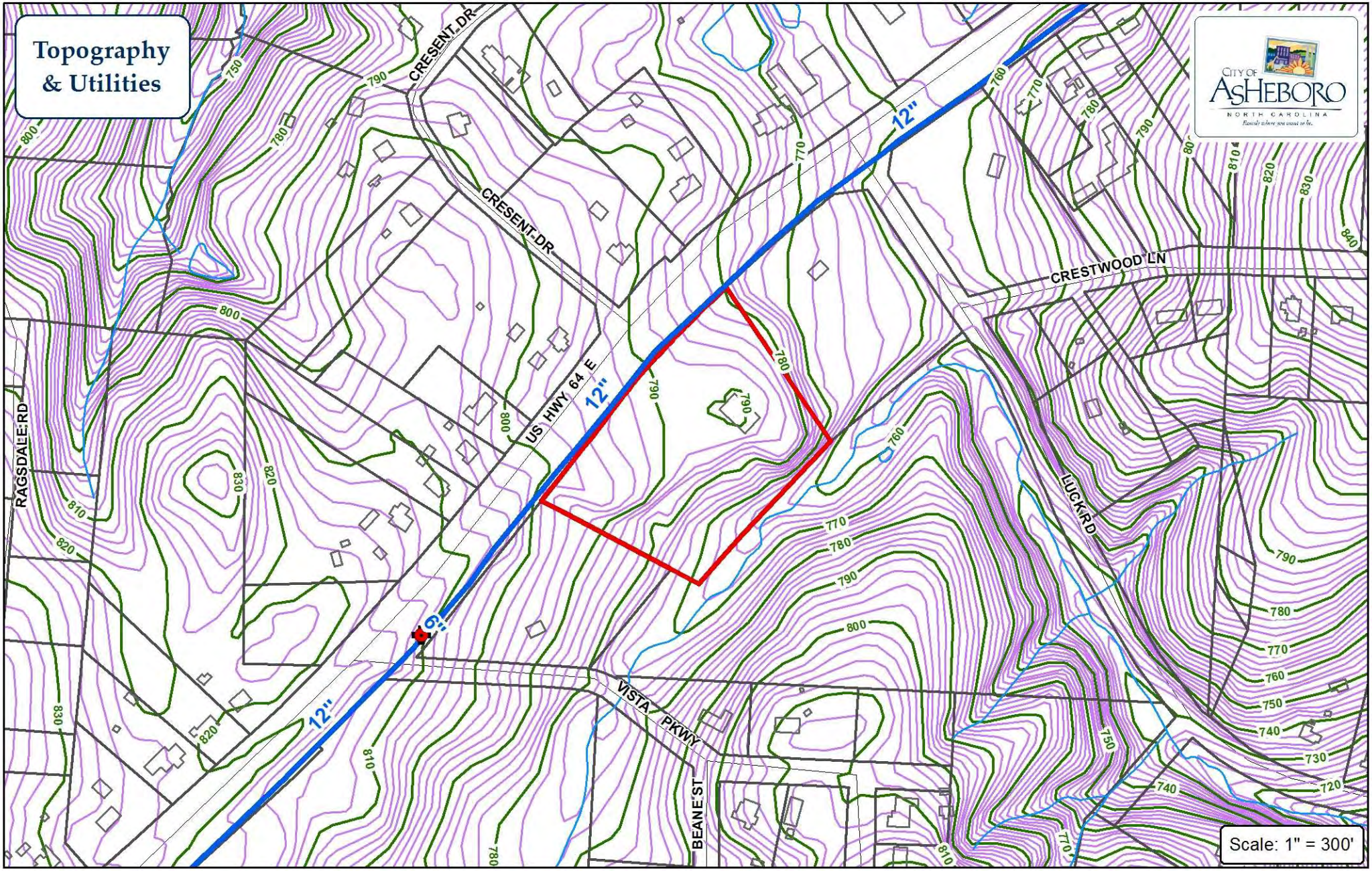

Water Main
Sewer Main
Force Main
Fire Hydrant
PS Pump Station

City of Asheboro
Planning & Zoning Department

Rezoning Case: RZ-18-03

Parcel: 7771043085

Subject Property

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NORTH CAROLINA
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City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-18-03

Parcel: 7771043085

Subject Property
Zoning

N
W
E
S

2017

City of Asheboro

Building Inspection Department

Annual Report

Asheboro
All-America City
NATIONAL CIVIC LEAGUE
2016

City of Asheboro

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

Mayor, Members of the City Council,

The number of new residential building permits issued for the year of 2017 totaled 61 (sixty-one). There were 56 (fifty-six) single family dwelling permits, 3 (three) duplex permits and 2 (two) townhome permits issued. The total valuation for the new residential permits was $5,606,500.00.

For the year of 2017 there were a total of 72 (seventy-two) commercial building permits issued, of those 10 (ten) were new construction and 62 (sixty-two) were remodel/up fit/demolition. The total valuation of new construction permits was $9,504,122.00 and total valuation for remodel/up fit was $8,584,421.00. The total valuation for commercial building permits issued for 2017 was $18,088,543.00.

Some of the new construction projects for 2017 include Randolph Hospital, South Corr Packaging, Hughes Furniture, Dairy Queen, McDonalds, and Planet Fitness to name a few. A few of the major remodel/up fit that took place in 2017 were Biscuitville, Chick-fil-A, Walmart, Randolph Packing, Randolph Community College, and the former Yates Country Ham facility which is now Piedmont Custom Meats.

We will continue to work closely with other departments within the city to make Asheboro the place everyone wants to be.

Respectfully submitted,

Randy C. Purvis

Chief Building Inspector

Phone: (336) 626-1201 www.asheboronc.gov Fax: (336) 626-1218

DEPARTMENT STAFF

Randy C. Purvis	-	Chief Building Inspector
Jimmy L. Cagle	-	Part-time Inspector (All Trades)
Tammy M. Williams	-	Permit Technician/Deputy City Clerk

Number of Permits Issued 2017

	Building Permits	Electrical Permits	Plumbing Permits	Heating/AC Permits	Manufactured Home Permits	Totals	Total 2016 Permits Issued
January	11	22	15	24	2	74	64
February	26	35	9	46	7	123	66
March	25	28	14	33	0	100	96
April	24	22	9	27	0	82	53
May	20	36	11	33	3	103	69
June	16	32	16	41	0	105	103
July	17	29	10	24	1	81	80
August	19	26	21	33	2	101	124
September	18	31	11	26	1	87	84
October	17	29	13	37	1	97	112
November	24	38	10	55	2	129	107
December	13	24	6	25	1	69	81
Totals	**230**	**352**	**145**	**404**	**20**	****1151****	****1039****

Increase of 112 Permits from 2016

Building Permit Valuations

	New Construction 2017	Additions & Alterations 2017	Total Valuations 2017	Total Valuations 2016
January	$588,125.00	$2,137,000.00	$2,723,000.00	$47,700.00
February	$905,000.00	$111,280.00	$1,016,280.00	$3,208,000.00
March	$1,164,000.00	$405,800.00	$1,569,800.00	$1,338,400.00
April	$2,735,000.00	$2,511,500.00	$5,246,500.00	$119,200.00
May	$1,270,000.00	$1,461,575.00	$2,731,575.00	$1,622,500.00
June	$180,000.00	$1,102,000.00	$578,800.00	$1,121,000.00
July	$530,000.00	$1,190,000.00	$1,720,000.00	$148,300.00
August	$315,000.00	$661,000.00	$976,000.00	$1,621,500.00
September	$714,500.00	$2,675,800.00	$3,390,300.00	$764,117.00
October	$301,000.00	$2,240,288.00	$2,541,288.00	$658,000.00
November	$389,000.00	$40,000.00	$617,500.00	$2,196,249.00
December	$544,000.00	$74,000.00	$584,000.00	$387,000.00
Totals	**$9,635,625.00**	**$14,610,243.00**	***23,695,043.00***	***13,231,966.00***

Increase of $10,463,077.00 from 2016

Number of Permits for Dwelling Structures and Number of Dwelling Units

	Single Family Permits	Townhouse Permits	Duplex Permits	Multi-Family Permits	Total Dwelling Units
January	5				5
February	5	2			7
March	9				9
April	5		2		9
May	7				7
June	3				3
July	5		1		7
August	3				3
September	2				2
October	2				2
November	4				4
December	6				6
Totals	**56**	**2**	**3**		**64**

2017
Revenue Summary

	Building Permits	Electrical Permits	Plumbing Permits	Heating A/C Permits	2017 Total	2016 Total
January	$7,282.50	$1,100.00	$845.00	$940.00	$10,167.50	$3,790.00
February	$5,567.40	$1,470.00	$545.00	$1,885.00	$9,467.40	$9,158.00
March	$7,540.00	$1,060.00	$975.00	$1,290.00	$10,865.00	$9,486.50
April	$12,986.50	$1,080.00	$858.00	$2,155.00	$17,079.50	$3,320.00
May	$8,225.25	$1,945.00	$1,045.00	$1,710.00	$12,925.25	$9,539.50
June	$4,325.00	$1,550.00	$1,105.00	$2,145.00	$9,125.00	$7,730.00
July	$5,828.50	$1,260.00	$790.00	$935.00	$8,813.50	$6,865.00
August	$8,220.00	$1,752.75	$1,595.00	$2,920.00	$14,487.75	$10,334.00
September	$9,090.50	$1,440.00	$1,125.00	$1,785.00	$13,440.50	$7,188.00
October	$7,426.44	$4,015.00	$2,995.00	$4,620.00	$19,056.44	$7,708.00
November	$4,065.00	$1,620.00	$1,225.00	$4,945.00	$11,855.00	$16,056.50
December	$3,080.00	$870.00	$485.00	$1,060.00	$5,495.00	$5,110.00
Total	**$83,637.09**	**$19,162.75**	**$13,588.00**	**$26,390.00**	***142,277.84***	***96,285.50***

Increase of $46,492.34 from 2016

Permit Valuations
Past 10 Years

	New Building	Additions & Alterations	Totals
2008	$11,147,007.00	$8,388,817.00	$19,535,824.00
2009	$7,337,825.00	$4,427,274.00	$11,765,099.00
2010	$6,695,473.00	$8,896,585.00	$15,592,058.00
2011	$7,838,516.00	$52,341,180.00	$60,179,696.00
2012	$12,541,000.00	$12,128,345.00	$24,669,345.00
2013	$3,891,000.00	$12,468,525.00	$16,359,525.00
2014	$3,375,000.00	$6,084,021.00	$9,459,021.00
2015	$13,479,000.00	$10,344,200.00	$23,823,200.00
2016	$4,674,117.00	$8,557,849.00	$13,231,966.00
2017	$15,110,622.00	$8,584,421.00	$23,695,043.00

Number and Value of Building Permits
Commercial and Residential
(Manufactured Home Flat Fee Excluded)

Commercial	Number	Value
2012	76	$12,989,745.00
2013	82	$13,307,130.00
2014	68	$5,477,871.00
2016	61	$19,097,300.00
2017	72	$18,088,543.00

Residential	Number	Value
2012	82	$11,679,600.00
2013	85	$3,052,395.00
2014	77	$3,981,150.00
2015	117	$4,725,900.00
2016	122	$5,646,966.00
2017	61	$5,606,500.00

Number of Dwelling Units Previous 10 (ten) years

Single Family, Townhomes, Duplexes, and Multi-Family Units

2008	88
2009	132
2010	106
2011	81
2012	144
2013	20
2014	24
2015	37
2016	51
2017	64

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION EXPRESSING CONCURRENCE WITH REVISIONS TO THE EMPLOYEE POLICIES AND PROCEDURES MANUAL

WHEREAS, the City of Asheboro Employee Policies and Procedures Manual (formerly known as the City of Asheboro Personnel Policies and Procedures Manual and hereinafter referred to as the "Manual"), which was originally promulgated by the city manager and approved by resolution of the Asheboro City Council on March 4, 2004, has to be updated on a regular basis; and

WHEREAS, subsequent to the effective date of the last revision of the Manual on February 9, 2017, the city manager, acting on recommendations submitted by the human resources director, has revised certain policies in the Manual pertaining to substance abuse prevention and holiday leave; and

WHEREAS, the said revisions have been specified in the exhibits attached hereto as EXHIBIT 1 and EXHIBIT 2, which are hereby incorporated into this Resolution by reference as if copied fully herein; and

WHEREAS, the city manager's decision to incorporate the attached revisions into the Manual included an effective date of March 1, 2018 for EXHIBIT 1 and an effective date of January 1, 2019 for the rewritten text found in EXHIBIT 2; and

WHEREAS, the Asheboro City Council has concluded that the city manager's decision to update the Manual by adopting the attached revisions is supportive of the governing board's goal to create a positive work environment for municipal employees and thereby facilitate excellence in the provision of municipal services to the citizens of Asheboro;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that it concurs with the city manager's decision to incorporate, with the above-stated effective dates, the revisions to the City of Asheboro Employee Policies and Procedures Manual attached to this Resolution as EXHIBIT 1 and EXHIBIT 2.

[The remainder of this page has been intentionally left blank.
The signature blocks for this Resolution are on the next page.]

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 8th day of February, 2018.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

EXHIBIT 1

ARTICLE I. UNIFIED HUMAN RESOURCES SYSTEM

Section 8. Substance Abuse Prevention Policy

8.01 The following rules represent the City of Asheboro's policy concerning the prevention of substance abuse. These rules will be enforced uniformly for all employees. The purposes of the policy are as follows:

(A) The establishment and maintenance of a safe and healthy working environment for all employees;

(B) Compliance with United States and North Carolina Department of Transportation regulations pertaining to holders of a Commercial Driver's License ("CDL");

(C) The establishment and maintenance of a drug-free workplace for the City of Asheboro;

(D) The establishment and maintenance of a positive, good government reputation for the City of Asheboro and its employees within the community so as to foster confidence in the ability of the municipal corporation to safely and effectively deliver public services;

(E) The reduction and prevention of accidental injuries, absenteeism, tardiness, and other work-related problems that negatively impact the city's employees and the public that it serves; and

(F) The creation and facilitation of an opportunity for rehabilitative assistance to be made available for employees who seek such help.

8.02 Employees with substance abuse problems are encouraged to seek help from counselors and other medical professionals and, where appropriate, in treatment facilities. Participation in a treatment or rehabilitation program for substance abuse will not be grounds for dismissal provided the employee voluntarily enters such a program prior to identification as a substance abuser by means of the implementation of one of the regulations/testing procedures established by this policy.

8.03 For the purpose of interpreting and implementing the substance abuse prevention policy, the following bold and italicized words or terms shall be defined and implemented as specified in this subsection.

(A) An ***alcohol test*** means a test for the presence of alcohol in the body. This presence must be determined by the use of a breath alcohol test or other device approved by the United States Department of Transportation. Alcohol testing shall be conducted in compliance with 49 CFR Part 40 (hereinafter referred to as "Part 40"). By way of illustration and not limitation, such compliance shall include strict adherence to Part 40 as to how alcohol testing is conducted, who is authorized to participate in the alcohol testing program, and what employees must do before they may return-to-duty following an alcohol violation.

(B) ~~A ***drug test*** means a test for the presence of the following drugs and/or drug metabolite(s) in the urine or blood of an employee:~~

~~(1) Marijuana metabolites / THC;~~
~~(2) Cocaine metabolites;~~
~~(3) Phencyclidine (PCP);~~
~~(4) Amphetamines, Methamphetamine, and Methylenedioxymethamphetamine (MDMA);~~
~~(5) Opiate metabolites [Codeine, Morphine, and Heroin]; and~~
~~(6) Other drugs may also be included as directed by federal law.~~

A ***drug test*** means a test for the presence of drugs listed in the drug testing panel established by the United States Department of Transportation. Drug testing shall be conducted in compliance with Part 40. By way of illustration and not limitation, such compliance shall include strict adherence to Part 40 as to how drug testing is conducted, who is authorized to participate in the drug testing program, and what employees must do before they may return-to-duty following a drug violation.

(C) A ***negative drug test*** means a drug test that does not show the presence of drugs and/or drug metabolite(s) at a level specified to be a positive test.

(D) A ***positive drug test*** means a drug test that does indicate the presence of a drug and/or drug metabolite(s) in the urine or blood at the level specified to be positive by the Substance Abuse and Mental Health Services Administration ("SAMHSA"). All positive test results will be confirmed using a different technology than the first test, such as the Gas Chromatography Mass Spectrometry ("GC-MS") process.

(E) A ***negative alcohol test*** means an alcohol test that indicates a breath alcohol concentration of less than 0.02.

(F) A ***positive alcohol test*** means an alcohol test that indicates a breath alcohol concentration of 0.04 or greater.

(G) The term ***refusal to submit*** means an occurrence when an employee does any one of the following:

(1) Fails to provide an adequate amount of urine for a drug test without a valid medical explanation after he/she has received notice of the test;
(2) Fails to provide an adequate amount of breath for an alcohol test without a valid medical explanation after he/she has received notice of the test; or
(3) Engages in conduct that clearly indicates he/she is failing to follow through with the testing process or engages in conduct that interferes with the ability to obtain an adequate specimen.

(H) With the exception of fire department employees who operate emergency equipment and are therefore exempt from the CDL requirement, the term ***employees required to have a CDL*** means employees who perform one or more of the following functions:

(1) Drivers of commercial motor vehicles with a gross vehicle weight rating of 26,001 pounds or more;
(2) Drivers of commercial motor vehicles with a gross combination weight rating of 26,001 pounds or more, including a towed vehicle with a gross vehicle weight rating of 10,000 pounds or more;
(3) Drivers of motor vehicles designed to transport 16 or more passengers, including the driver; and
(4) Drivers of motor vehicles of any size transporting hazardous materials in amounts that require placarding.

(I) Based on definitions utilized by the United States Department of Transportation, and with the explicit notation that the following definition is not meant to serve as an exhaustive or exclusive listing of safety-sensitive functions because other job activities/requirements may also be considered safety-sensitive, the term ***safety-sensitive function*** shall be deemed to include the following activities:

(1) Driving a commercial motor vehicle;
(2) Inspecting, servicing, or conditioning any commercial motor vehicle;
(3) All time at a city facility or other public property waiting to operate a commercial motor vehicle;

(4) Performing all or other functions in or upon any commercial motor vehicle except resting in a sleeper berth;
(5) Loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading of a commercial motor vehicle, attending a commercial motor vehicle being loaded or unloaded, or remaining in readiness to operate the commercial motor vehicle;
(6) All time spent performing the driver requirements associated with an accident involving a commercial motor vehicle; and
(7) Repairing, obtaining assistance, or remaining in attendance with a disabled commercial motor vehicle.

8.04 The substance abuse prevention policy is applicable to all of the types/categories of city employees listed in this subsection.

(A) All full-time, part-time, temporary, and seasonal employees.

(B) All employees required as part of their job duties to obtain and maintain a CDL.

(C) All applicants for employment with the City of Asheboro.

8.05 Under the city's substance abuse prevention policy, the drug and alcohol testing practices described in this subsection will be implemented in a manner that conforms to all applicable federal and state laws and administrative regulations.

(A) Pre-Employment Testing

Drug testing shall be conducted prior to employment. This testing must be conducted on external applicants as well as current employees transferring into jobs that require a CDL. The test results must indicate a negative drug test in order to enter into employment with the city or to transfer to a job that requires a CDL.

(B) Post-Accident Testing

A drug test and/or an alcohol test may be used by the city as a tool, in appropriate circumstances, to evaluate the root causes of incidents that result in work-related injuries or illnesses requiring medical treatment other than first aid for city employees or others. When evaluating whether to utilize post-accident testing of one or more employees, the central inquiry will be whether a reasonable basis exists to believe that drug or alcohol use by one or more employees could have contributed to

the injury or illness. The highest ranking supervisor of the employee(s) involved in an incident that results in injury or illness, in consultation with the city's safety coordinator or any other designee of the human resources director, must evaluate the totality of the evidence, including whether the hazardousness of the work being performed creates a heightened concern as to whether drug or alcohol use was involved, and decide whether a reasonable basis exists to order drug and/or alcohol testing because of the potential role these substances could have played in the work-related illness or injury. If a reasonable basis is found to exist for testing one or more employees, then the drug and/or alcohol test(s) indicated by the facts surrounding the work-related injury or illness shall be conducted as soon as practicable.

(C) Post-Accident Testing for Employees Required to Have a CDL

For employees required to have a CDL, post-accident testing for drugs and alcohol must be conducted on any surviving driver who was performing safety-sensitive functions with respect to the vehicle if:

(1) The accident involved a fatality; or
(2) The driver received a citation under state or local law for a moving traffic violation arising from the accident and either the vehicle is towed from the scene or someone is medically evacuated from the scene.

Testing for drugs and alcohol in employees required to have a CDL is to occur, if at all practicable, within 2 hours of the accident. If the employee is unable to be tested within 2 hours, the reasons for the delay must be documented. If an alcohol test required by this division of subsection 8.05 is not administered within 8 hours of the accident, attempts to conduct the alcohol test shall cease and the reason for the inability to conduct the test shall be documented. If a drug test required by this division of subsection 8.05 is not administered within 32 hours of the accident, attempts to conduct the drug test shall cease and the reason for the inability to conduct the drug test shall be documented.

(D) Random Testing

This type of testing must be conducted on a random, unannounced basis throughout the year on all employees required to have a CDL. Random testing for drugs and alcohol in all employees required to have a CDL shall be conducted in a manner and at a rate that is fully compliant with all of the applicable federal and state laws and administrative regulations.

(E) For Cause Testing

This type of testing can occur in two types of situations that are described as follows:

(1) This testing, whether the testing consists of a drug test and/or an alcohol test will depend on the facts of each case, is required of any employee who has been arrested or has had his/her driver's license suspended for any alcohol or drug related charge prior to the employee's return to work. Such an employee must notify his/her supervisor prior to returning to work after the said arrest and/or suspension has occurred. An employee's failure to report this information to a supervisor in a timely manner serves as a stand-alone basis for dismissing the employee from his/her position of employment with the city.

(2) In appropriate circumstances and in consultation with the human resources department, specifically including the safety coordinator or any other official designated by the human resources director, a supervisor may order "for cause" testing of an employee as a tool to determine why actions are occurring that have the potential to be injurious to the employee himself or herself, other city employees, or third parties. The final decision as to whether "for cause" testing is to be ordered will be based on a case-by-case evaluation of the totality of the evidence to determine whether observations of the employee and his/her actions during the relevant time period lead to a reasonable suspicion that impairment due to drug and/or alcohol use is creating the potential for injury. An additional factor to be weighed as part of the decision making process is whether the degree of hazardousness of the work being performed and the potential for harmful consequences heightens the city's interest in quickly determining whether drug or alcohol use is impairing the ability of an employee to safely perform his/her duties. If the responsible city officials conclude that a reasonable suspicion exists to believe that alcohol or drug use by one or more employees is creating an unsafe situation, then the drug and/or alcohol test indicated by the observable facts shall be conducted as soon as practicable.

(F) Return-to-Duty Testing

In cases where an employee is seeking to return to work after a positive drug test and/or a positive alcohol test, return-to-duty testing focused on the same type of testing that previously produced a positive test result

must be successfully completed by the employee before approval can be granted for the employee to return to work. More specifically, an employee who has had a positive drug test and/or a positive alcohol test will not be allowed to return to work until he or she has been evaluated by a substance abuse professional and has tested negative on the designated return-to-duty test.

(G) Follow-Up Testing

After an employee has successfully completed the above-described return-to-duty testing, the employee will be subject to follow-up testing during the 12-calendar month time period immediately following the date of the employee's return to duty. During the said 12-month time period, a minimum of 6 follow-up tests will be administered without advance notice of the date and time when testing will occur. Due to regulatory concerns pertaining to measuring impairment at a relevant point in time, a follow-up drug test may be administered any time the employee is at work, but a follow-up alcohol test will only be administered immediately before, during, or immediately after the performance of a safety-sensitive function. The type of test to be administered will depend on which type of positive test result necessitated the return-to-duty testing and the subsequent follow-up testing. No sentence or clause within this division of subsection 8.05 shall be construed or interpreted in any manner that precludes the administration of a drug or alcohol test that would otherwise be authorized by a separate division of subsection 8.05.

8.06 The following list of prohibitions, inclusive of the corresponding consequences for acting in contravention of the stated prohibitions, is hereby adopted as a component of the city's substance abuse prevention policy.

(A) No employee shall report for duty or remain on duty while having alcohol and/or drug concentrations in his or her system in amounts that would constitute a positive test for either substance. An employee who produces a confirmed positive test result will be removed from duty without regular pay; provided, however, such an employee may use accrued leave time while relieved of his or her duties so long as such leave is used in a manner that is compliant with all other sections of the City of Asheboro Employee Policies and Procedures Manual. The employee must immediately schedule an evaluation with a substance abuse professional and must cooperate with any and all recommendations made by the substance abuse professional. Refusal to cooperate with the substance abuse professional will subject the employee to dismissal from his or her employment with the city. The

employee must have a negative test result before he or she will be allowed to return to duty.

(B) The City of Asheboro expressly prohibits the possession, use, sale, distribution, dispensation, manufacture, purchase, or storage of controlled substances (i.e. illegal drugs) and related paraphernalia as well as alcoholic beverages by city employees while at the workplace or while performing work duties. By way of illustration and not limitation, no employee shall be on-duty while in the possession of one or more alcoholic beverages and/or controlled substances. Any action taken in violation of this prohibition will subject the offending employee to dismissal from his or her employment with the city. Notwithstanding the foregoing prohibition, the following actions by city employees will not be deemed to be a violation of a workplace rule:

(1) The possession and use of medication(s) in strict compliance with prescriptions and instructions, include work limitations, issued by a properly licensed health care provider;
(2) The inadvertent discovery and subsequent securing of abandoned controlled substances and associated paraphernalia as well as alcoholic beverages during the course of performing an employee's job duties so long as such abandoned items are immediately surrendered to a law enforcement officer or destroyed in a manner consistent with instructions received from the Asheboro Police Department; and
(3) The interaction of sworn law enforcement officers with controlled substances and paraphernalia as well as alcoholic beverages so long as such interaction is conducted in furtherance of assigned job duties and is conducted in a manner that is compliant with all applicable laws, ordinances, administrative regulations, and agency policies and procedures.

(C) No employee who is required to take a post-accident alcohol test shall use alcohol until the earlier of either of the following events: 8 hours following the accident, or until he or she fully completes the required post-accident alcohol test. A violation of this requirement will subject the non-compliant employee to dismissal from his or her employment with the city.

(D) A refusal by an employee to submit to and fully cooperate with an alcohol test and/or drug test required by this policy shall be deemed to be a direct and intentional act of insubordination that will result in the termination of the non-compliant employee's employment with the city.

(E) Except when the use is pursuant to the instructions of a properly licensed health care professional who has informed the employee that the prescribed use of the controlled substance will not adversely affect the employee's ability to safely perform assigned work duties, employees are prohibited from reporting for duty or remaining on duty while the employee is subject to the effects of any controlled substance.

(F) A second occurrence of a positive drug test and/or alcohol test will result in the dismissal of an individual from his or her employment with the city.

(G) An employee who has a confirmed breath alcohol test result of 0.02 – 0.039 will not be allowed to continue to perform any safety-sensitive functions. In furtherance of this prohibition, such an employee will be relieved of his or her job duties for 24 hours subsequent to the confirmed test result. During this 24-hour period, the employee will not be paid by the city; provided, however, the employee may use accrued leave time while relieved of his or her duties so long as such leave is used in a manner that is compliant with all other sections of the City of Asheboro Employee Policies and Procedures Manual. The occurrence of this confirmed breath alcohol test result will be documented, and the employee will be counseled about the importance of reporting to work without the presence of alcohol in his or her system. Such an employee will be subject to a return-to-duty alcohol test prior to returning to a job position that requires the performance of a safety-sensitive function.

(H) No applicant will be offered employment if a confirmed positive pre-employment drug test result is produced.

8.07 This subsection lists supplemental provisions/requirements that are hereby incorporated into the city's substance abuse prevention policy.

(A) The Omnibus Transportation Employee Testing Act of 1991 (final rules implemented February 15, 1994) requires, in part, that any commercial motor vehicle operator who is subject to the CDL requirements in the State of North Carolina shall be tested for alcohol and controlled substances.

(B) Compliance with the Department of Health and Human Services mandatory guidelines for controlled substances testing shall be maintained by only using a laboratory certified by the Substance Abuse and Mental Health Services Administration.

(C) Federally mandated alcohol testing must be conducted by a Breath Alcohol Technician ("BAT") trained to a level of proficiency that is demonstrated by successful completion of a generally recognized and accepted course of instruction. Alcohol testing shall be conducted using an Evidential Breath Testing ("EBT") device.

(D) Consistent with the federal Drug-Free Workplace Act, if an employee is convicted of a violation of a criminal drug statute and the violation occurred while the employee was at work, the employee must notify his or her department head of the conviction within 5 days after the conviction. An employee's failure to comply with this requirement will subject the employee to dismissal from his or her employment with the city.

(E) All drug test results shall be reviewed and interpreted by a Medical Review Officer ("MRO"). The MRO must be a licensed physician with specific training in substance abuse. If the laboratory reports a positive test result, the MRO or the MRO's designee will contact the employee, typically by telephone, and discuss the results with the employee. The MRO will then attempt to determine if there is a verifiable medical explanation for the employee to have the detected drug in his or her system. If there is none, the test result is to be reported as positive. If there is a verifiable medical explanation for the use of the drug, the result is to be reported as negative.

(F) An employee who does not pass a drug and/or alcohol test and is terminated, or an applicant who does not pass the pre-employment drug test, will not be considered for re-employment for a 2-year period following the date of the failed test and then will be considered only when he or she provides documentation suitable to management that he or she has successfully completed an alcohol and/or drug rehabilitation program and passes a pre-employment drug and/or alcohol test.

(G) Any questions regarding this policy should be directed to the Human Resources Director at (336) 629-2037.

EXHIBIT 2

ARTICLE IV. LEAVES OF ABSENCE

PART B. TYPES OF LEAVE

Section 1. Holidays

[The following text will be effective until midnight on December 31, 2018; provided, however, the prescribed 6-month window of opportunity for the use of holiday leave accrued prior to midnight on December 31, 2018 shall survive until this provision expires in accordance with its stated terms.]

The following holidays with pay are authorized for all full-time employees, based on one (1) regular work day per holiday.

New Year's Day
Martin Luther King, Jr. Day
Good Friday
Memorial Day
Independence Day
Labor Day
Thanksgiving - 2 days
Christmas - 3 days

Due to the obligation of the city to provide municipal services on a 24-hour basis, some employees will be required to adhere to a city work schedule that prevents the use of holiday leave on the actual date of a city-recognized holiday. When the city work schedule prevents an employee from availing himself or herself of holiday leave on the actual date of a city-recognized holiday, such an employee may utilize, and the division/department head is to facilitate the employee's use of, the holiday leave time authorized by this section during a 6-month window of opportunity that shall begin to run on the date of the holiday that is the basis of the accrual of the holiday leave time and shall run through the end of the pay period in which the 6-month timeframe concludes. If an employee fails, for any reason, to avail himself or herself of the holiday leave time privilege during the 6-month window of opportunity, the holiday leave time shall be forfeited by the employee.

Unless an employee wishes to use holiday leave on a different date that is otherwise compliant with the adopted holiday leave policy, regular holidays or unscheduled workdays that occur during an employee's vacation, sick, or other designated leave period shall not be considered as vacation, sick, or other leave.

When any of the aforementioned holidays fall on a Saturday or a Sunday, the day(s) observed will be at the discretion of the city manager.

Notwithstanding any other provision in this section, the city manager may suspend any previously approved holiday leave when, in the discretion of the city manager, the city is confronting events or circumstances that require the utilization of extraordinary measures and operations by city forces in order to provide the level of service expected of the city. This authority to suspend holiday leave shall not be construed as placing any employee "on-call." Unless an employee is subject to an on-call policy implemented in the regular course of business by a division or department of the city, the city manager's authority to suspend holiday leave does not require employees to remain on the city's premises or in close proximity to city facilities. Under this provision, an employee's obligation is to have accurate contact information on file with the human resources department so that he or she can be reached when not working and advised to return to work as soon as is practicable. This authority to suspend holiday leave is inapplicable to employees who are using holiday leave as part of an approved FMLA leave or during the 7-day waiting period prescribed by the North Carolina Workers' Compensation Act.

[The following text will be effective on and after January 1, 2019.]

The following holidays with pay are authorized for all full-time employees, based on one (1) regular work day per holiday.

New Year's Day
Martin Luther King, Jr. Day
Good Friday
Memorial Day
Independence Day
Labor Day
Thanksgiving - 2 days
Christmas - 3 days

When any of the aforementioned holidays fall on a Saturday or a Sunday, the day(s) observed will be at the discretion of the city manager. Holidays or unscheduled workdays that occur during an employee's vacation, sick, or other designated leave period shall not be considered as vacation, sick, or other leave.

Due to the obligation of the city to provide municipal services on a 24-hour basis, certain jobs within the city workforce are subject to work schedules that do not permit the halting of operations even for holidays otherwise observed by the city. In the case of an employee who performs a job that, as a matter of routine scheduling, does not permit the halting of operations for the above-listed holidays, the following subsections (A) and (B) are applicable to such an employee:

(A) If a holiday recognized by the city occurs when the employee does not actually work, the employee shall receive, as soon as practicable after the occurrence of the holiday, a supplemental cash payment for each day of the city-recognized holiday in lieu of receiving accrued leave time. The amount of each supplemental cash payment substituted for what would otherwise be an accrued day of holiday leave shall be a monetary sum equivalent to the employee's calculated wages for a normal/regularly scheduled work shift as of the date of the holiday in question.

(B) If an employee actually works a scheduled shift on the date(s) of a city-recognized holiday, the employee shall receive, as soon as practicable after the occurrence of the holiday, a supplemental cash payment for each day of the city-recognized holiday in lieu of receiving accrued holiday leave time. The amount of each supplemental cash payment substituted for the accrual of holiday leave time on each day of the holiday that the employee actually works a scheduled shift shall be the product of the employee's calculated wages for a normal/regularly scheduled work shift, as of the date of the holiday in question, multiplied by a factor of 1.5.

The above-stated provisions in subsections (A) and (B) are only applicable to employees assigned to work shifts that do not permit the halting of operations for holidays. All other city employees are expected to utilize holiday leave in accordance with their adopted work schedule.

Notwithstanding any other provision in this section, the city manager may suspend any previously approved holiday leave when, in the discretion of the city manager, the city is confronting events or circumstances that require the utilization of extraordinary measures and operations by city forces in order to provide the level of service expected of the city. This authority to suspend holiday leave shall not be construed as placing any employee "on-call." Unless an employee is subject to an on-call policy implemented in the regular course of business by a division or department of the city, the city manager's authority to suspend holiday leave does not require employees to remain on the city's premises or in close proximity to city facilities. Under this provision, an employee's obligation is to have accurate contact information on file with the human resources department so that he or she can be reached when not working and advised to return to work as soon as is practicable. This authority to suspend holiday leave is inapplicable to employees who are using holiday leave as part of an approved FMLA leave or during the 7-day waiting period prescribed by the North Carolina Workers' Compensation Act.