

**AGENDA
REGULAR MEETING
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, SEPTEMBER 17, 2015, 7:00 PM**

1. Call to order.
2. Silent prayer and pledge of allegiance.
3. In recognition of the Mayor Pro Tem's dedicated years of public service that include a leading role with transportation issues, Ms. Linda Brown, President of the Asheboro/Randolph Chamber of Commerce, will present a request for the City of Asheboro to begin the application process for naming a section of NC Highway 49 in Asheboro in honor of Talmadge Baker.
4. Consent Agenda:
 - (a) Approval of the minutes of the regular city council meeting held on August 6, 2015.
 - (b) Approval of the minutes of the special city council meeting held on August 20, 2015.
 - (c) Acknowledgement of the receipt from the Asheboro ABC Board of the minutes for the local board's meetings on June 1, 2015 and July 6, 2015.
 - (d) Approval of a resolution awarding the service side arm to a retiring officer of the Asheboro Police Department.
 - (e) Approval of a resolution declaring the official intent of the City of Asheboro to purchase certain municipal vehicles and equipment and then reimburse the general fund with installment financing proceeds.
 - (f) Approval of an ordinance to amend the Economic Development Fund (FY 2015-2016).
 - (g) Approval of an ordinance to amend the General Fund (FY 2015-2016).
 - (h) Approval of the temporary street closure on Saturday, October 10, 2015, from 10:00 am to 11:30 am, of the streets indicated on the enclosed map titled "Route Map for Mid-State Heritage Tractor Parade."

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5. Trevor Nuttall will present the following Community Development Division Items:
 - (a) Zoning Case RZ-15-07: A legislative zoning hearing on the application filed by Rodger W. Chriscoe to rezone property located at 1202 South Cox Street from R7.5 (Medium Density Residential) to M (Mercantile).
 - (b) A report on the on-going code enforcement activities related to 436 W. Salisbury Street and 607 Tucker Street.
6. Michael Leonard, PE will present a petition from Randolph Electric Membership Corporation requesting the voluntary annexation of approximately 17.53 acres of land contiguous with the existing primary city limits:
 - (a) Public hearing on the annexation request.
 - (b) Consideration of an ordinance to annex the described territory into the city.
7. Public comment period.
8. Michael Rhoney, PE will present a report on the negotiations with the City of Randleman to continue a bulk water sales arrangement between the two cities.
9. The City Manager will report on the upgrade by Duke Energy Progress of existing streetlights to LED lights.
10. Upcoming events:
 - Annual Cereal Sale and United Way Campaign kick-off, which will be hosted by MOM Brands at Bicentennial Park, will begin at 9:00 am on Saturday, September 26, 2015.
 - The 2015 Elected Officials Picnic, which is hosted by the Town of Liberty, will begin at 6:00 pm on Wednesday, September 23, 2015.
 - The Fall Festival will be Saturday and Sunday, October 3-4, 2015.

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- The North Carolina League of Municipalities Annual Conference will be held October 28-30, 2015 in Winston-Salem, North Carolina.
 - The Asheboro/Randolph Chamber of Commerce Annual Planning Retreat will be held October 28-30, 2015 at Harrah's Cherokee Resort.
11. Discussion of items not on the agenda.
 12. Adjournment

Item 3



137 South Fayetteville Street
Asheboro, NC 27203
(336)626-2626
www.chamber.asheboro.com



August 31, 2015

John Ogburn
City Manager
PO Box 1106
Asheboro, NC 27204

Dear Mr. Ogburn,

This letter is to formally request, on behalf of the Asheboro/Randolph Chamber of Commerce, that the City of Asheboro pursue the naming of NC Highway 49 from the southwest Asheboro City Limits to the highway's intersection with US Highway 64 in honor of Council man Talmadge Baker.

In addition to Talmadge's devoted service as a member of the Asheboro City Council, he has also selflessly donated his time and passion for this community to numerous business and civic organizations, including the Chamber of Commerce.

The naming of NC Highway 49 in recognition of Talmadge is entirely appropriate in light of his years of devotion to improving the local and regional transportation network through participation on city, state, and inter-state transportation committees, several of which he chaired or co-chaired.

The Asheboro/Randolph Chamber of Commerce genuinely appreciates the City of Asheboro's consideration of this request.

Respectfully,

Linda Brown, President

Jerry Moore, Chairman of the Board

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, AUGUST 6, 2015
7:00 p.m.**

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

David H. Smith) – Mayor Presiding

Talmadge S. Baker)
Clark R. Bell)
Edward J. Burks)
Linda H. Carter) – Council Members Present
Katie L. Snuggs)
Charles W. Swiers)

Walker B. Moffitt) – Council Member Absent

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk
Stacy R. Griffin, Human Resources Director
Leigh Anna Marbert, Public Information Officer
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Michael D. Rhoney, P.E., Water Resources Director
Jeffrey C. Sugg, City Attorney
Jody P. Williams, Chief of Police

1. Call to order.

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

2. Silent prayer and pledge of allegiance.

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

3. Public hearing regarding proposed issuance of up to \$3,500,000 in Multifamily Housing Revenue Bonds, Series 2015 (Foundation for Affordable Housing North Carolina and Missouri Portfolio) to be issued by the Public Finance Authority and approval in principle of such Bonds.

Mayor Smith opened the public hearing on the proposed issuance of up to \$3,500,000 in Multifamily Housing Revenue Bonds, Series 2015 (Foundation for Affordable Housing North Carolina and Missouri Portfolio) to be issued by the Public Finance Authority.

Ms. Kristen Kirby, Esq. of Hunton & Williams, LLP acting as North Carolina Bond Counsel, gave an overview of the Multifamily Housing Revenue Bonds, Series 2015 to be issued by the Public Finance Authority. The purpose of the hearing is to get approval by the city council in principle for the issuance of such bonds. An amount not to exceed \$3,500,000 will be loaned to FFAH Coleridge Road, LLC, a North Carolina limited liability company, an affiliate of the Foundation for Affordable Housing, Inc. to finance the acquisition and renovation of an existing affordable multifamily rental housing development located in Asheboro. The bonds are not a debt of the City of Asheboro or PFA (Public Finance Authority), but rather are payable solely from debt service programs received from the Borrower.

There being no comments or opposition from the public, Mayor Smith closed the public hearing.

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

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ASHEBORO, NORTH CAROLINA
APPROVING THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY
OF BONDS ON BEHALF OF FOUNDATION FOR AFFORDABLE HOUSING INC.**

WHEREAS, the City of Asheboro, North Carolina (the "City") is a political subdivision of the State of North Carolina and the City Council (the "Governing Body") is the elected governing body of the City; and

WHEREAS, the Public Finance Authority (the "Authority") has advised the City that it is a commission organized under and pursuant to the provisions of Sections 66.0301, 66.0303 and 66.0304 of the Wisconsin Statutes, is authorized to issue tax-exempt, taxable, and tax credit conduit bonds for public and private entities throughout all 50 states and is jointly sponsored by the National Association of Counties, National League of Cities, Wisconsin Counties Association and League of Wisconsin Municipalities (the "Sponsors"); and

WHEREAS, FFAH Coleridge Road, LLC, a North Carolina limited liability company (the "Borrower") the sole member of which is FFAH NC 9, LLC, a North Carolina limited liability company, of which Foundation for Affordable Housing Inc., a Delaware nonprofit corporation, is the sole member, has requested that the Authority adopt a plan of financing providing for the issuance of its Public Finance Authority Multifamily Housing Revenue Bonds, Series 2015 (Foundation For Affordable Housing North Carolina and Missouri Portfolio) (the "Bonds"), in one or more series from time to time, in an amount not to exceed \$75,500,000, and a portion of the proceeds from the sale of the Bonds, not expected to exceed \$3,500,000, will be used to finance and/or refinance the acquisition, rehabilitation, equipping and/or improvement of Coleridge Road Apartments, a 100-unit multifamily rental housing development located at 1101 Kemp Boulevard, Asheboro, North Carolina, and initially operated by PK Management, LLC, to pay interest on the Bonds, to pay costs of issuance of the Bonds, and/or to fund a debt service reserve fund for the Bonds (collectively, the "Project"); and

WHEREAS, the Authority has informed the City that the remainder of the Bonds will be issued primarily to finance and/or refinance the acquisition and rehabilitation of certain other affordable housing developments elsewhere in the state of North Carolina, and in the state of Missouri; and

WHEREAS, the Bonds or a portion thereof will be "private activity bonds" for purposes of the Internal Revenue Code of 1986 (the "Code"), and pursuant to Section 147(f) of the Code, prior to their issuance, the Bonds are required to be approved by the "applicable elected representative" of a governmental unit having jurisdiction over the entire area in which the Project is located, after a public hearing held following reasonable public notice; and

WHEREAS, pursuant to Section 147(f) of the Code, the Governing Body, following notice duly given in the form attached hereto as Exhibit A (the "TEFRA Notice"), held a public hearing regarding the financing of the Project and the issuance of the Bonds, and now desires to approve the financing and the issuance of the Bonds; and

WHEREAS, pursuant to Section 66.0304(11)(a) of the Wisconsin Statutes, prior to their issuance, bonds issued by the Public Finance Authority must be approved by the governing body or highest ranking executive or administrator of the political jurisdiction within whose boundaries the project is to be located; and

WHEREAS, the Borrower has requested that the City approve the financing of the Project and the issuance of the Bonds in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority, dated as of September 28, 2010 (the "Joint Exercise Agreement") and Section 66.0304(11)(a) of the Wisconsin Statutes.

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

1. For purposes of the requirements of Section 147(f) of the Internal Revenue Code of 1986, the Governing Body hereby approves the issuance of the Bonds by the Authority, a portion of which will be used to finance the Project, in an aggregate principal amount not to exceed the amount set forth in the TEFRA Notice attached hereto as EXHIBIT A. In no event shall the City, the State of North Carolina (the "State") or any political subdivision thereof be liable for such Bonds nor shall the Bonds constitute a debt of the City, the State or any political subdivision thereof.
2. It is the purpose and intent of the Governing Body that this Resolution constitute approval of the issuance of the Bonds by the Project Jurisdiction, which is the (or one of the) governmental unit(s) having jurisdiction over the area in which the Project is located, in accordance with

Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Joint Exercise Agreement.

3. The officers of the Governing Body are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents that they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing approved hereby.

The undersigned City Clerk of the City of Asheboro, North Carolina, DOES HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council for the City of Asheboro, North Carolina, in regular session convened on August 6, 2015.

WITNESS my hand and the corporate seal of the City of Asheboro, North Carolina, this the ____ day of August, 2015.

City Clerk

(SEAL)

EXHIBIT A
FORM OF TEFRA NOTICE

**NOTICE OF PUBLIC HEARING
NOT TO EXCEED \$3,500,000 OF PUBLIC FINANCE AUTHORITY
MULTIFAMILY HOUSING REVENUE BONDS, SERIES 2015
(FOUNDATION FOR AFFORDABLE HOUSING NORTH CAROLINA AND MISSOURI PORTFOLIO)**

Notice is hereby given that, at 7:00 p.m., or as soon thereafter as the matter can be heard on Thursday, August 6, 2015, at the Council Chamber, City Hall, 146 North Church Street, Asheboro, North Carolina, a public hearing, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), will be held by the City Council of the City of Asheboro (the "City") with respect to the proposed plan of financing for the issuance by the Public Finance Authority (the "PFA") of its Multifamily Housing Revenue Bonds, Series 2015 (Foundation for Affordable Housing North Carolina and Missouri Portfolio), in one or more series (the "Bonds") issued from time to time, in an amount not to exceed \$75,500,000. A portion of the proceeds from the sale of the Bonds, not expected to exceed \$3,500,000, will be used to make a loan to FFAH Coleridge Road, LLC, a North Carolina limited liability company (the "Borrower") the sole member of which is FFAH NC 9, LLC, a North Carolina limited liability company, of which Foundation for Affordable Housing Inc., a Delaware nonprofit corporation, is the sole member, and used to finance and/or refinance the acquisition, rehabilitation, equipping and/or improvement of Coleridge Road Apartments, a 100-unit multifamily rental housing development located at 1101 Kemp Boulevard, Asheboro, North Carolina, and initially operated by PK Management, LLC, to pay interest on the Bonds, to pay costs of issuance of the Bonds, and/or to fund a debt service reserve fund for the Bonds (collectively, the "Project"). The remainder of the Bonds will be issued primarily to acquire and rehabilitate other affordable housing developments in North Carolina and Missouri.

The PFA has provided the following information for this Notice: The Bonds are expected to be issued pursuant to Section 66.0304 of the Wisconsin Statutes, as amended, by the PFA, a commission organized under and pursuant to the provisions of Sections 66.0301, 66.0303 and 66.0304 of the Wisconsin Statutes. The Bonds will be limited obligations of the PFA payable only from the loan repayments to be made by the Borrower to the PFA, and certain funds and accounts established by the bond indenture for the Bonds.

The Bonds shall never constitute an indebtedness of the City within the meaning of any state constitutional provision or statutory limitation, and will not constitute or give rise to pecuniary liability of the City or a charge against its general credit or its taxing powers.

The hearing is intended to provide a reasonable opportunity to be heard for persons wishing to express their views on the merits of the Project, its location, the issuance of the Bonds or related matters. Written comments will be accepted by the City Clerk, PO Box 1106, Asheboro, North Carolina 27204, but must be received on or before the time and date of the hearing.

4. **Presentation by Apostle Sherry A. Whalen of Kingdom Fulfillment Ministries, Inc. located at 517 Old Liberty Road.**

Apostle Sherry A. Whalen presented a request for financial assistance from the city in the amount of \$250,000 in order to provide short and long-term assistance to people in need in Asheboro at a facility to be located at 517 Old Liberty Road.

As part of her appearance before the Council, Apostle Whalen provided a document titled "VISION AND MISSION PLAN OF KINGDOM FULFILLMENT MINISTRIES, INC" that is on file in the City Clerk's office.

During discussion, Mayor Smith suggested that Apostle Whalen and members of Kingdom Fulfillment Ministries, Inc. seek assistance from community organizations such as United Way.

In terms of the request for an appropriation from the city, Apostle Whalen was informed that the request did not fall within the parameters of the city's customary appropriations. However, the written materials will be retained for review, and the City Manager will provide contact information for other community organizations. No formal action was taken by the Council on this request.

5. Consent agenda:

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

(a) The minutes of the City Council's regular meeting on July 16, 2015.

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

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

(c) A letter of commitment with the North Carolina Department of Transportation (Division of Aviation) for Airport Safety Maintenance Projects.

A copy of the above-referenced letter of commitment, which is for a five-year term, is on file in the City Clerk's office. The authorization to enter into the commitment was provided with the following resolution:

THAT WHEREAS the City of Asheboro (hereinafter referred to as "Sponsor") the North Carolina Department of Transportation (hereinafter referred to as "Department") requires a Commitment and Release of Liability statement to be on file, in order to provide and oversee maintenance and safety improvements on the operational surfaces of the Asheboro Regional Airport; in accordance with the provisions of North Carolina General Statute 63.

NOW THEREFORE, BE IT AND IS HEREBY RESOLVED, that the Mayor of the Sponsor be and is hereby authorized and empowered to enter into a Commitment and Release of Liability with the Department, thereby binding the Sponsor to fulfillment of its obligation as incurred under this resolution and its commitment to the Department.

6. Community Development Items:

(a) Zoning Case RZ-15-05: A legislative zoning hearing continued from the July 16, 2015, council meeting on the application filed by the City of Asheboro for general text amendments to Articles 100 through 400 and associated definitions (Article 1100) in the zoning ordinance.

Mayor Smith opened the floor for the continuation of the previously opened public hearing on the following request that was initially considered during the Council's regular July meeting.

Mr. Nuttall utilized a visual presentation in order to summarize revisions to the proposed text amendments to Article 306A that were made by staff since the July meeting. The Community Development Division staff propose to update the Asheboro Zoning Ordinance in order to ensure that the zoning ordinance conforms with current statewide legislation and current land use trends. Amendments to other articles will be presented at a later date.

Highlights of the proposed amendments to Articles 100 through 400 can be summarized as follows:

1. Article 100:

- Provisions for special purpose lots (i.e. for public facilities such as sewer pump stations, etc.)

2. Article 200:

- Reformat Table of Uses 200-2 to improve cross referencing of supplemental regulations for specific uses and visual clarity.
- Update certain uses and make necessary clerical corrections.
- Update Notes to Table 200-2 listing supplemental regulations for certain uses (overflow/RV parking for multi-family dwellings, home occupations).

3. Article 200A:

- An amendment is proposed to address façade transparency based on a building's setback.

4. Article 300:

- Amendments are proposed concerning front yard averaging and the Airport Overlay.

5. Article 300A:

- Updates reflecting statewide legislation concerning design standards for single and two family dwellings.
- Requirements for mechanical equipment screening (updated since July).
- Vehicle towing operations/storage yards.
- Front yard landscaping requirements
- Staff's review of development within the U.S. 220 Overlay.
- General clerical changes.

6. Article 400:

- Account for site constraints in determining required driveway widths.

The Planning Board concurred with the following Community Development Division staff's analysis and recommended approval of the proposed text amendments to the Asheboro Zoning Ordinance.

"The Land Development Plan encourages periodic review of provisions within the zoning ordinance to ensure that they are up-to-date with current legislation and land use trends, are clear and consistent, reflect the desired character of specific uses in appropriate locations and encourage a more flexible, citizen-friendly development process. The general intent of the proposed amendments reflect these goals and policies."

Mr. Nuttall noted that the staff did not receive any comments or opposition from the public since the Council's last regular meeting. There being no comments or opposition from the public, Mayor Smith transitioned to the deliberative phase of the public hearing.

Upon motion by Mr. Bell and seconded by Ms. Carter, Council voted unanimously to adopt the recommendation/analysis of the Community Development Division staff and the Planning Board and approved the proposed text amendments to the Asheboro Zoning Ordinance as well as adopting the following consistency statement that was initially proposed in the staff report. Council Members Baker, Bell, Burks, Carter, Snuggs, and Swiers voted in favor of the motion.

After considering these above factors (the excerpt from the staff report that is quoted above), the proposed text amendments are supported by the Land Development Plan, correct references to other adopted comprehensive plans, such as the 2014 Asheboro Comprehensive Transportation Plan, and are therefore in the public interest in supporting a reasonable use of the property.

A copy of the visual presentation utilized by Mr. Nuttall is on file in the City Clerk's office along with a copy of the adopted text amendments.

- (b) Request for authorization to pursue title search activities pertaining to the following real properties in order to investigate alleged violations of the city's Code of Ordinances: (i) 436 W. Salisbury Street, (ii) 607 Tucker Street,, (iii) 351 Peachtree Street, (iv) 359 Peachtree Street, (v) 212 Spring Street, (vi) 721 York Street, (vii) 1539 Humble Street, (viii) 726 Eastview Drive (ix) 307 N. Park Street, (x) 1626 Arrow Wood Road, (xi) 853 E. Salisbury Street.**

Mr. Nuttall requested authorization from the Council Members to pursue options for title search activities pertaining to the above-referenced real properties that are alleged to not be in compliance with the city's building code or minimum housing code.

Upon motion by Mr. Bell and seconded by Ms. Carter, Council unanimously authorized the staff to expend funds for legal assistance outside the city's legal services department in order to pursue title search activities pertaining to the above-referenced real properties. Council Members Baker, Bell, Burks, Carter, Snuggs, and Swiers voted in favor of the motion.

- (c) Review of policies related to the North Carolina Housing Finance Agency 2015 Urgent Repair Program.**

Mr. Nuttall reviewed, for the Council Members, policies regarding the 2015 Urgent Repair Program. The program provides funds to assist very-low and low-income households with special needs in addressing housing conditions that pose imminent threats to life or safety. Funds also may cover accessibility modifications and other repairs to homes that are necessary to prevent displacement of very-low and low-income homeowners with special needs including, but not limited to the elderly and persons with disabilities. Program funding totals \$55,000 with the majority provided by the North Carolina Housing Finance Agency.

The city will provide assistance to homeowners whose homes are selected for repair/modification in the form of a loan. The homeowners will receive an unsecured deferred, interest-free loan, forgiven at a rate of \$1,000 per year until the principal is paid. The amount will be dependent upon the scope of work necessary to address the identified repairs. The maximum lifetime limit is \$8,000 per dwelling.

Applications will be available in the Community Development Division or on the city's website at www.asheboronc.gov beginning September 1, 2015. All applications must be completed and returned to the Community Development Division staff by 5:00 p.m. on October 30, 2015. A minimum of seven of the most qualified applicants will be chosen according to the city's priority system.

A brochure with information regarding the program is available in the Community Development Division located in the Municipal Building and on file in the City Clerk's office.

No action was taken by the Council in regard to this agenda item.

7. Public comment period.

Mayor Smith opened the floor for comments from the public.

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

8. Request for authorization to implement a pilot program for the recruitment of police officer trainees.

Chief Williams utilized a visual presentation in order to give the Council Members an overview of a proposed pilot program for the Asheboro Police Department. The program is an experimental trainee program offered by the City of Asheboro to improve the ability of the police department to reflect the city that the department serves.

Within the program, a trainee is paid wages while he/she is actively enrolled as a student in a Basic Law Enforcement Training program sanctioned by the North Carolina Criminal Justice Education and Training Standards Commission. Trainees are expected to successfully complete the program and become a full-time regular employee of the Asheboro Police Department. The experimental, trial period of the program will sunset on June 30, 2017.

Subsequent to the presentation by Chief Williams, Mr. Sugg presented and recommended adoption, by reference, of a resolution expressing the City Council's concurrence with newly revised provisions within the City of Asheboro Employee Policies and Procedures Manual. A copy of the visual presentation utilized by Chief Williams is on file in the City Clerk's office.

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

RESOLUTION NUMBER 28 RES 8-15

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION EXPRESSING THE CITY COUNCIL'S CONCURRENCE WITH A NEWLY REVISED
CITY OF ASHEBORO EMPLOYEE POLICIES AND PROCEDURES MANUAL**

WHEREAS, the City of Asheboro Employee Policies and Procedures Manual (hereinafter referred to as the "Manual") was originally promulgated by the city manager, and an Asheboro City Council Resolution concurring with the manager's actions adopted, on March 4, 2004; and

WHEREAS, subsequent to March 1, 2015, which was the effective date of the most recent revision of the Manual, the human resources director and the police chief forwarded to the city manager recommendations to implement a pilot program for the recruitment of police officer trainees; and

WHEREAS, the recommendations from the human resources director and the police chief included their professional opinions that the city manager, with the concurrence of the governing board, should authorize such a pilot program in Article II (Position Classification Plan) of the Manual; and

WHEREAS, the city manager agreed with these recommendations and promulgated the requested revision of the Manual; and

WHEREAS, the revision promulgated by the city manager in Article II has been attached to this Resolution as EXHIBIT 1 and is hereby incorporated into this Resolution by reference as if copied fully herein; and

WHEREAS, the city council has concluded that the city manager's revision of the Manual, as shown in EXHIBIT 1, is consistent with the governing board's adopted mission statement "to provide the citizens of Asheboro with excellence in leadership, fiscal management, and municipal services and to create meaningful and appropriate opportunities for citizen participation to improve the quality of life for all;"

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that it concurs with the decision by the city manager to promulgate, with an effective date of August 6, 2015, the revised Article II (Position Classification Plan) of the City of Asheboro Employee Policies and Procedures Manual as shown in the exhibit attached to this Resolution as EXHIBIT 1; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro, North Carolina that all articles, sections, and provisions of the City of Asheboro Employee Policies and Procedures Manual that are not expressly addressed by this Resolution will continue in full force and effect without alteration.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 6th day of August, 2015.

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

ATTEST:

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

EXHIBIT 1

ARTICLE II. POSITION CLASSIFICATION PLAN

SECTION 1. ALLOCATION OF POSITIONS

The city manager shall be the approving authority for the City of Asheboro classification and salary plan developed by the Human resources department. The director of human resources shall allocate each class title to the appropriate class code in the position classification plan.

SECTION 2. "FULL TIME EMPLOYEES" DEFINED

"Full-time employees" are those who are in positions for which an average work week consists of 40 hours or more and continuous employment of 12 months is required by the city. Layoff and authorized leave-without-pay do not interrupt continuous employment for purposes of this section.

SECTION 3. "PART TIME EMPLOYEES" DEFINED

"Part-time employees" are those who are in positions for which an average work week consists of less than 40 hours and the employee receives no benefits. If a part-time employee should occasionally work over 40 hours in a single week they would be paid according to Fair Labor Standard Act (FLSA) requirements. Notwithstanding any provision found within Article II of this Manual, the definitions found in Article VI, Section 3 of this Manual pertaining to part-time employees shall be controlling for the limited purpose of interpreting and implementing the group health and hospitalization insurance benefits described in the said Article VI, Section 3.

SECTION 4. "SEASONAL RECREATIONAL EMPLOYEES DEFINED"

"Seasonal Recreational employees" are those who are employed in a recreational establishment in an interim position for less than six (6) full months in any one calendar year. As a matter of standard practice, the city will not maintain an employee in a position of employment that is classified as seasonal recreational for a period of time in excess of four (4) consecutive calendar months during a calendar year. Seasonal employees are exempt from Fair Labor Standards Act overtime requirements and this policy's Article V Section 3, Employment of Relatives requirement. Notwithstanding any provision found within Article II of this Manual, the definitions found in Article VI, Section 3 of this Manual pertaining to seasonal employees shall be controlling for the limited purpose of interpreting and implementing the group health and hospitalization insurance benefits described in the said Article VI, Section 3.

SECTION 5. "REGULAR EMPLOYEES" DEFINED

All full-time and part-time employees who have successfully completed their probation periods shall be considered regular employees.

All city positions are subject to budget review and approval each year, and employees must meet established standards of conduct and job performance. Reference to "regular employees" or "regular positions" should not be construed as a right or contract to perpetual funding or employment.

SECTION 6. ADMINISTRATION

The human resources department shall administer and maintain the position classification plan.

- (a) Department Heads shall be responsible for bringing to the attention of the director of human resources the need for additional or fewer positions and significant changes in the nature of duties, responsibilities, or working conditions affecting a position.
- (b) The city manager shall approve assigning the new position to an existing class title or amending the position classification plan to establish a new class title.
- (c) The human resources department shall establish a schedule to audit one third of the class titles in the position classification plan each year.
- (d) When the human resources department determines that a substantial change has occurred in the nature of duties, responsibilities, or working conditions of an existing class title, the existing job description shall be revised by the human resources director. Any such revisions shall be subject to the approval of the city manager.

SECTION 7. AMENDMENT OF THE POSITION CLASSIFICATION PLAN

The city manager may approve amendments recommended by the director of human resources to the position classification plan that change the assigned salary range of the existing class title, reassign the position to the appropriate class title within the existing position classification plan, or establish a new class title.

SECTION 8. PILOT PROGRAM

The Asheboro Police Department is authorized to implement an experimental trainee program to increase diversity within the department. The experimental program, which will enable the police department to pay qualified individuals to attend a properly credentialed basic law enforcement program, sunsets on June 30, 2017. It is expected that the program will continue to evolve during the pilot period. Thus, the city manager authorizes the human resources director and the police chief to monitor the program and implement changes, including exempting pilot program participants from the coverage of any articles, sections, or provisions of this policies and procedures manual, as warranted throughout the duration of the pilot period.

9. Review and approval of the proposed rewrite of Chapter 93 (Civil Emergencies) of the Code of Asheboro, including the proposed template for emergency declarations.

Mr. Ogburn presented and recommended adoption, by reference, of the update of the Emergency Management Provisions in Chapter 93 of the Code of Asheboro.

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

ORDINANCE NUMBER _____ 20 ORD 8-15

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**UPDATE OF THE EMERGENCY MANAGEMENT PROVISIONS IN
CHAPTER 93 OF THE CODE OF ASHEBORO**

WHEREAS, Chapter 93 (Civil Emergencies) of the Code of Asheboro contains the emergency management ordinance previously adopted by the Asheboro City Council; and

WHEREAS, the Asheboro City Council has concluded that Chapter 93 should be amended to better align the emergency management ordinance provisions codified in this Chapter with the emergency management provisions currently found in the North Carolina General Statutes;

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

SECTION 1. Chapter 93 (Civil Emergencies) of the Code of Asheboro is hereby rewritten to provide as follows:

~~§ 93.01 WHEN STATE OF EMERGENCY DEEMED TO EXIST~~

~~For the purposes of this chapter, a state of emergency shall be deemed to exist whenever, during times of great public crises, disaster, rioting, catastrophe, or similar public civil emergencies, for any reason, municipal public safety authorities are unable to maintain public order or afford adequate protection for lives or property.~~

~~§ 93.02 DECLARATION OF EMERGENCY; RESTRICTIONS~~

~~(A) In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the city or threatening damage to or destruction of property, the Mayor is hereby empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency, and, in order to more effectively protect the lives and property of people within the city, to place in effect any or all of the restrictions authorized by this chapter.~~

~~(B) The Mayor is hereby authorized and empowered to limit by such proclamation the application of all or any part of such restrictions to any area specifically designated or described within the city and to specific hours of the day or night; and to exempt from all or any part of such restrictions law enforcement officers, firemen and other public employees, doctors, nurses, employees of hospitals and other medical facilities; on-duty military personnel whether state or federal; on-duty employees of public utilities, public transportation companies, and newspapers, magazine, radio broadcasting and television broadcasting corporations operated for profit; and such other classes of persons as~~

~~may be essential to the preservation of public order and immediately necessary to serve the safety, health and welfare needs of the people within the city.~~

~~§ 93.03 SPECIFIC RESTRICTIONS AUTHORIZED~~

~~During the existence of a proclaimed state of emergency, the Mayor may impose by proclamation any or all of the following restrictions:~~

- ~~(A) Prohibit or regulate the possession off one's own premises of explosives, firearms, ammunition or dangerous weapons of any kind, and prohibit the purchase, sale, transfer or other disposition thereof;~~
- ~~(B) Prohibit or regulate the buying or selling of beer, wine, or intoxicating beverages of any kind, and their possession or consumption off one's own premises;~~
- ~~(C) Prohibit or regulate any demonstration, parade, march, vigil or participation therein from taking place on any of the public ways or upon any public property;~~
- ~~(D) Prohibit or regulate the sale or use of gasoline, kerosene, naphtha or any other explosive or flammable fluids or substances;~~
- ~~(E) Prohibit or regulate travel upon any public street or upon any other public property, except by those in search of medical assistance, food or other commodity or service necessary to sustain the well-being of themselves or their families or some member thereof;~~
- ~~(F) Prohibit or regulate the participation in or carrying on of any business activity, and prohibit or regulate the keeping open of places of business, places of entertainment, and other place of public assembly.~~
- ~~(G) Establish hours during which a curfew shall be in effect.~~

~~§ 93.04 EXTENSION, ALTERATION, AND RESCISSION OF PROCLAMATION~~

~~Any proclamation of emergency promulgated pursuant to this chapter may be extended, altered or rescinded in any particular during the continued or threatened existence of a state of emergency by the issuance of a subsequent proclamation.~~

~~§ 93.05 COMPLIANCE WITH RESTRICTIONS REQUIRED~~

~~During the existence of a proclaimed state of emergency, it shall be unlawful for any person to violate any provision of any restriction imposed by any proclamation authorized by this chapter.~~

~~§ 93.06 AUTHORITY TO REQUEST STATE POLICE AND MILITARY FORCES~~

~~If, in the sound discretion of the Mayor, it shall appear that the emergency is, or that the threatened emergency is likely to be, of such proportions that the means available to the city to maintain law and order within the police jurisdiction of the city are insufficient for such purpose, the Mayor shall, promptly and by the most expeditious means of communication, inform the Governor of the situation and request that the necessary police or military forces of the state be provided promptly; and if, during an actual state of emergency the Mayor shall find that the civil courts within the police jurisdiction of the city are unable to perform their lawful duties and that, by reason of widespread lawlessness, writs and other process cannot be served or executed, the Mayor shall inform the Governor of his findings and may recommend to him that a state of martial law be proclaimed within the police jurisdiction of the city.~~

~~§ 93.07 END OF EMERGENCY PERIOD~~

~~The Mayor shall proclaim the end of such state of emergency or all or any part of the restrictions imposed as soon as circumstances warrant or when directed to do so by the City Council.~~

~~§ 93.08 ABSENCE OR DISABILITY OF MAYOR~~

~~If the Mayor is absent or unable for any reason, temporarily to perform his duties, then during such absence or inability, the Mayor Pro Tem is hereby empowered to exercise all the powers granted the Mayor by this chapter.~~

§ 93.01 EMERGENCY RESTRICTIONS AUTHORIZED

- (A) The following definitions shall apply in this Chapter:
- (1) Emergency -- An occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made accidental, military, paramilitary, weather-related, or riot-related cause;
 - (2) Emergency Area -- The geographical area covered by a state of emergency; and
 - (3) State of Emergency -- A finding and declaration by the City Council of the City of Asheboro or the Mayor of the City of Asheboro acting under the authority of G.S. 166A-19.22 that an emergency exists.
- (B) In the event of an emergency, the mayor is hereby authorized and empowered, pursuant to G.S. 166A-19.22, to issue a state of emergency declaration that declares to all persons the existence of a state of emergency and, in order to more effectively protect the lives and property of people within the city, to place in effect any or all of the restrictions hereinafter authorized.
- (C) The mayor is hereby authorized and empowered to limit with the state of emergency declaration the application of all or any part of such restrictions to an emergency area specifically designated or described within the city and to specific hours of the day or night and to exempt from all or any part of such restrictions, while acting in the line of and within the scope of their respective duties, law enforcement officers, firefighters, rescue squad members, and public employees; doctors, nurses, and employees of hospitals and other medical facilities; on-duty military personnel, whether state or federal; on-duty employees of public utilities and public transportation companies; and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health, and welfare needs of people within the city.

§ 93.02 STATE OF EMERGENCY DECLARATION MAY IMPOSE PROHIBITIONS AND RESTRICTIONS

- (A) Pursuant to G.S. 166A-19.31, the mayor is hereby authorized to impose, by means of the issuance of a state of emergency declaration, the prohibitions and restrictions specified in Sections 93.03 through 93.08 of this Chapter. The mayor may impose as many of those specified prohibitions and restrictions as he/she finds necessary, due to the emergency, to maintain an acceptable level of public order and services and to protect lives, safety, and property.
- (B) The state of emergency declaration shall be in writing. The city manager or designees of the city manager shall take reasonable steps to give notice as broadly as possible of the terms of the declaration to those affected by it as soon as is practicable. Copies of the declaration shall be posted on the front doors or entrances of city hall, the police department headquarters station, the fire department headquarters station, and at the city public works facility. The efforts of city employees to provide public notice of the declaration shall include sending, as soon as is practicable, reports of the substance of the declaration to the mass communications media that serve the city. A minimum of one duplicate original of the declaration shall be furnished to the city clerk's office at the earliest opportunity, and the city clerk will, upon request, furnish certified copies of the declaration as soon as is practicable.

§ 93.03 EVACUATION

The mayor may direct and compel the voluntary or mandatory evacuation of all or part of the population of the city from any stricken or threatened area within the emergency area; to prescribe routes, modes of transportation, and destinations in connection with evacuation; and to control ingress and egress of an emergency area, the movement of persons in public areas within the emergency area, and the occupancy of premises therein. Details of the evacuation may be set forth or amended in a subsequent declaration which shall be well publicized.

§ 93.04 CURFEW

- (A) The state of emergency declaration may impose a curfew prohibiting in certain areas and during certain periods the appearance in public of anyone who is not part of an exempted class. The declaration shall specify the geographical area and the period during each 24-hour day to which the curfew applies. The mayor may exempt from some or all of the curfew restrictions classes of people whose exemption the mayor finds necessary for the preservation of the public health, safety, and welfare. The state of emergency declaration shall state the exempted classes and the restrictions from which each is exempted.
- (B) Unless otherwise specified in the state of emergency declaration, the curfew shall apply during the specified period each day until the mayor by declaration removes the curfew.

§ 93.05 RESTRICTIONS ON THE POSSESSION, CONSUMPTION, OR TRANSFER OF ALCOHOLIC BEVERAGES

The state of emergency declaration may prohibit, other than on one's own premises, the possession or consumption of any alcoholic beverage, including beer, wine, or spirituous liquor, and may prohibit the transfer, transportation, sale, or purchase of any alcoholic beverage within the emergency area. The prohibition, if imposed, may apply to the transfer of alcoholic beverages by employees of alcoholic beverage control stores or by anyone else within the emergency area.

§ 93.06 RESTRICTION ON THE POSSESSION, TRANSPORTATION, AND TRANSFER OF DANGEROUS WEAPONS AND SUBSTANCES

- (A) The state of emergency declaration may prohibit, with regard to a location within the emergency area and off one's own premises, the possession, transportation, sale, or purchase of any dangerous weapon or substance. The mayor may exempt from some or all of the restrictions classes of people whose possession, transportation, or transfer of certain dangerous weapons or substances is necessary to the preservation of the public's health, safety, or welfare. The declaration shall state the exempted classes and the restrictions from which each is exempted.
- (B) For the purpose of this Chapter and any state of emergency declaration promulgated pursuant to this Chapter, the term "dangerous weapon or substance" means:
- (1) Any item that falls within the scope of the definition for dangerous weapon or substance found in G.S. 14-288.1(2);
 - (2) Any other instrument or substance that is capable of being used to inflict serious bodily injury or destruction of property when the circumstances indicate that there is some probability that such instrument or substance will be so used; and
 - (3) Any part or ingredient in any instrument or substance included above when the circumstances indicate a probability that such a part of ingredient will be so used.
- (C) Notwithstanding any other provisions found herein, this Chapter does not authorize prohibitions or restrictions on lawfully possessed firearms or ammunition. As used in this Chapter, the term "firearm" means a handgun, shotgun, or rifle which expels a projectile by action of an explosion.

§ 93.07 RESTRICTION ON ACCESS TO AREAS

- (A) The state of emergency declaration may prohibit obtaining access or attempting to obtain access to any area designated in the manner described in this Section in violation of any order, clearly posted notice, or barricade indicating that access is denied or restricted.
- (B) Areas to which access is denied or restricted shall be designated by the chief of police or the chief's designees when directed in the declaration by the mayor to do so. When acting under this authority, the chief of police and the chief's designees may restrict or deny access to any area, street, highway, or location within the emergency area if that restriction or denial of access or use is reasonably necessary to promote efforts being made to overcome the emergency or to prevent further aggravation of the emergency.

§ 93.08 ACTIVITIES PROHIBITED OR RESTRICTED

The following activities or conditions may be prohibited or restricted within the emergency area:

- (A) Movements of people in public places;
- (B) The operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate; and
- (C) Other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives and property within the emergency area. To this end, the mayor, by means of the state of emergency declaration, may take actions other than those prohibitions or restrictions explicitly listed and authorized in this Section when such other actions are reasonably necessary to maintain order and protect lives and property.

§ 93.09 EFFECT OF EMERGENCY ON SERVICES

During the time period when the state of emergency declaration is in effect, and dependent upon the nature of the conditions at any given time, law enforcement, fire, rescue, and any other emergency services may not be provided.

§ 93.10 REMOVAL OF PROHIBITIONS AND RESTRICTIONS

The mayor shall by declaration terminate the entire state of emergency declaration or remove any of the prohibitions or restrictions when the emergency no longer requires them or when directed to do so by the Asheboro City Council.

§ 93.11 SUPERSEDING AND AMENDING DECLARATIONS

The mayor, in his/her discretion, may invoke the restrictions authorized by this Chapter in separate declarations and may amend any declaration by means of a superseding declaration in accordance with the procedures set forth in Section 93.02.

§ 93.12 TERMINATION OF DECLARATION

Any state of emergency declaration issued under this Chapter shall expire five days after its last imposition unless sooner terminated in writing under the same procedures set forth in Section 93.02 for declarations.

§ 93.13 EXERCISE OF POWERS IN ABSENCE OR DISABILITY OF MAYOR

In case of the absence or disability of the mayor, the mayor pro tempore, or such other person as may be designated by the Asheboro City Council, shall have and exercise all of the powers herein given to the mayor.

§ 93.14 PENALTY FOR VIOLATION

Pursuant to G.S. 14-288.20A, any person violating any prohibition or restriction imposed by a state of emergency declaration authorized by this Chapter shall be guilty of a Class 2 misdemeanor.

§ 93.15 TERRITORIAL APPLICABILITY

This Chapter applies throughout all areas over which the Asheboro City Council has jurisdiction to enact general police-power ordinances. A state of emergency declaration issued pursuant to this Chapter may declare that the emergency area includes all or part of the governing board's jurisdiction. Unless a state of emergency declaration specifies otherwise, the emergency area will be deemed to include the entire jurisdiction.

SECTION 2. All previously adopted ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

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

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting of the governing board that was held on the 6th day of August, 2015.

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

ATTEST:

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

10. A petition received from Randolph Electric Membership Corporation for the voluntary annexation of approximately 17.53 acres of land contiguous with the existing primary city limits.

(a) Consideration of a resolution authorizing the city clerk to certify the petition.

Mr. Rhoney presented and recommended adoption, by reference, of a resolution directing the city clerk to investigate the sufficiency of an annexation petition submitted by Randolph Electric Membership Corporation for the voluntary annexation of approximately 17.53 acres of land.

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

RESOLUTION NUMBER 29 RES 8-15

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE THE SUFFICIENCY OF AN ANNEXATION PETITION SUBMITTED BY RANDOLPH ELECTRIC MEMBERSHIP CORPORATION

WHEREAS, Randolph Electric Membership Corporation (hereinafter referred to as "REMC") has submitted a petition requesting the annexation by the City of Asheboro of an approximately 17.53-acre parcel of land that is owned by REMC and is identified by Randolph County Parcel Identification Number 7659184659; and

WHEREAS, as evidenced by the fact that the land identified in the annexation petition adjoins a parcel of land already within the city's primary corporate limits and upon which REMC's headquarters building is located at 879 McDowell Road, the territory for which annexation is requested is contiguous with the existing primary corporate limits of the City of Asheboro; and

WHEREAS, Section 160A-31 of the North Carolina General Statutes provides that the sufficiency of the petition shall be investigated by the city clerk before further annexation proceedings may take place; and

WHEREAS, in response to this petition, the city council has decided to proceed with the statutorily prescribed voluntary annexation proceedings;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that the city clerk is directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the city council the results of her investigation.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 6th day of August, 2015.

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

ATTEST:

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

With the adoption of the above-stated Resolution, the following certificate provided the basis for further action by the Council:

CERTIFICATE OF SUFFICIENCY

(Petition from Randolph Electric Membership Corporation to Annex 17.53 Acres of Land)

TO: The City Council of the City of Asheboro, North Carolina

I, Holly H. Doerr, CMC, NCCMC, City Clerk of the City of Asheboro, North Carolina, do hereby certify that, with the assistance of staff members in various city departments, I have investigated the petition that was executed by the chief executive officer of Randolph Electric Membership Corporation and subsequently submitted to the City of Asheboro for the purpose of requesting the annexation of approximately 17.53 acres of land owned by the cooperative. The said petition was received at Asheboro City Hall on July 23, 2015.

On the basis of the evidence obtained during the course of my investigation, I have concluded that all owners of real property lying in the area for which annexation has been requested have signed the prescribed petition. The petition appears to be sufficient to satisfy the provisions of Section 160A-31 of the North Carolina General Statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro, North Carolina in order to make this certification effective as of the 6th day of August, 2015.

(CITY SEAL)

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

(b) Consideration of a resolution setting the date for a public hearing on the question of annexation.

As a consequence of the receipt of written certification from the City Clerk as to the sufficiency of said annexation petition, Mr. Rhoney presented and recommended adoption, by reference, of a resolution setting the date for a public hearing on the question of annexation.

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

RESOLUTION NUMBER 30 RES 8-15

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION SETTING THE DATE FOR A PUBLIC HEARING ON THE QUESTION OF ANNEXING 17.53 ACRES OF LAND OWNED BY RANDOLPH ELECTRIC MEMBERSHIP CORPORATION

WHEREAS, Randolph Electric Membership Corporation has properly submitted a petition requesting the annexation by the City of Asheboro of a parcel of land (approximately 17.53 acres of land identified by Randolph County Parcel Identification Number 7659184659) that adjoins the cooperative's headquarters building at 879 McDowell Road in Asheboro; and

WHEREAS, the city council has, by resolution, directed the city clerk to investigate the sufficiency of the annexation petition; and

WHEREAS, on the basis of her review of information gathered by city staff members during an investigation of the submitted petition, the city clerk has certified to the city council the sufficiency of this petition as a basis for proceeding with setting the date for a public hearing on the question of annexation pursuant to Section 160A-31 of the North Carolina General Statutes;

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

Section 1. A public hearing on the question of annexing the area described herein will be held in the Council Chamber of Asheboro City Hall, which is located at 146 North Church Street, Asheboro, North Carolina 27203, during a regular meeting of the city council that will begin at 7:00 o'clock p.m. on the 17th day of September, 2015.

Section 2. The area proposed for annexation is described by metes and bounds as follows:

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the existing primary city limits line for the City of Asheboro and in the western margin of the public right-of-way for Interstate 73/74 (US 220 Bypass) at an existing iron pipe marking the northeast corner of the Randolph Electric Membership Corporation property described in Deed Book 1666, Page 1445, Randolph County Public Registry (this parcel of land is proposed for annexation and shall be hereinafter referred to as the "REMC Annexation Parcel"), the said beginning point is located by means of the North Carolina Coordinate System at the coordinates of North 698,708.9156 feet and East 1,752,060.4002 feet (NAD 27); thence from the said beginning point and departing from the existing primary city limits line by proceeding South 23 degrees 11 minutes 02 seconds West 540.29 feet along the western margin of the public right-of-way for Interstate 73/74 and the eastern boundary line for the REMC Annexation Parcel to a right-of-way monument; thence departing from the western margin of the public right-of-way for Interstate 73/74 and continuing to follow the eastern boundary line of the REMC Annexation Parcel the following course and distance: South 28 degrees 20 minutes 18 seconds West 209.82 feet to an existing iron pipe at the southeast corner of the REMC Annexation Parcel; thence North 58 degrees 22 minutes 56 seconds West 1,062.59 feet along the southern boundary line of the REMC Annexation Parcel to an existing iron pipe at the southwest corner of the said parcel to be annexed; thence along the boundary line between the REMC Annexation Parcel and The Phillips Family of Asheboro Limited Partnership

property described in Deed Book 1596, Page 1479, Randolph County Public Registry the following course and distance: North 30 degrees 55 minutes 25 seconds East 751.34 feet to an existing iron pipe at the northwest corner of the REMC Annexation Parcel and on the existing primary city limits line of the City of Asheboro; thence along the existing primary city limits line and the northern boundary line of the REMC Annexation Parcel the following course and distance: South 57 degrees 57 minutes 08 seconds East 980.47 feet to the point and place of BEGINNING, and containing a total of 17.53 acres of land, more or less, to be annexed.

The above-listed description is in accordance with a plat of survey entitled "ANNEXATION MAP FOR RANDOLPH ELECTRIC MEMBERSHIP CORPORATION" that was drawn under the supervision of Charles E. Morgan, Jr., Professional Land Surveyor with Registration Number L-3945. The job number listed on the plat is 7118 R 10, and the said plat of survey is dated July 20, 2015.

Section 3. Notice of the public hearing shall be published in *The Courier-Tribune*, a newspaper having general circulation in the City of Asheboro, at least ten (10) days prior to the date of the public hearing.

This Resolution was adopted in open session during a regular meeting of the Asheboro City Council that was held on the 6th day of August, 2015.

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

ATTEST:

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

11. Mayor Smith announced the following upcoming events:

- **The Southeast Regional American Legion Baseball Tournament at McCrary Park on August 5, 2015 through August 9, 2015.**
- **A special joint meeting of the Asheboro City Council and the Asheboro Airport Authority on Thursday, August 20, 2015 at 6:00 p.m. at the Asheboro Regional Airport.**
- **The annual employee appreciation luncheon on Wednesday, September 2, 2015 at 11:00 a.m. until 1:00 p.m. at the Public Works Conference Room.**
- **A promotion ceremony for the police department at Eastside Baptist Church Fellowship Hall on Tuesday, September 1, 2015 at 4:00 p.m.**

There being no further business, the meeting was adjourned at 8:12 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor

NOTICE OF A SPECIAL MEETING OF THE ASHEBORO CITY COUNCIL

Thursday, August 20, 2015

6:00 p.m.

Please take notice that a special meeting of the City Council of the City of Asheboro, North Carolina will be held at the Asheboro Regional Airport at 6:00 p.m. on Thursday, August 20, 2015. This special meeting will be conducted as a joint meeting with the Asheboro Airport Authority in Hangar Building L, which is part of the North Carolina Aviation Museum, on the premises of the Asheboro Regional Airport at 2222 Pilots View Road, Asheboro, North Carolina 27205.

This special meeting has been called for the purpose of discussing and, if deemed appropriate by the respective boards, acting on potential renovations and improvements to the facilities at the Asheboro Regional Airport, specifically including without limitation the terminal building. Members of the press and the general public are invited to attend.

Directions to the meeting site are available in the city manager's office at Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203. The telephone number for the city manager's office is (336) 626-1201, Extension 213.

This special meeting notice is issued on August 13, 2015.

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

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**SPECIAL MEETING
ASHEBORO CITY COUNCIL
HANGAR BUILDING L, ASHEBORO REGIONAL AIRPORT, 2222 PILOTS VIEW ROAD
THURSDAY, AUGUST 20, 2015
6:00 p.m.**

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

- David H. Smith) – Mayor Presiding
- Talmadge S. Baker)
- Clark R. Bell)
- Edward J. Burks)
- Linda H. Carter) – Council Members Present
- Walker B. Moffitt)
- Katie L. Snuggs)
- Charles A. Swiers)

- John N. Ogburn, III, City Manager
- Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
- Dakota R. Gaddy, Engineering Intern
- Michael L. Leonard, P.E., City Engineer
- Thomas Scaramastra, Engineering Surveyor, III

In addition to the above-referenced city officials and staff members, a quorum of the Asheboro Airport Authority was present. The following Asheboro Airport Authority members were present: Bobby J. Crumley, James M. Rich, and Murray S. Marsh. Authority Members Curtis Williams and Stephen R. Knight were absent.

The board chair for the North Carolina Aviation Museum, Mr. Larry Kirby, was present. Ms. Karen McCraw of Cardinal Air, LLC, which is the airport's FBO, was also in attendance.

Mayor Smith called the meeting to order and asked City Engineer Mr. Michael Leonard, P.E. to share his presentation with the public bodies. Mr. Leonard utilized a visual presentation and engaged the elected

officials and authority members in a discussion of both on-going and potential renovations/improvements to the facilities at the Asheboro Regional Airport.

During his presentation, Mr. Leonard gave an update on the improvements already made on the Apron 1 Rebuild Project. The Access Road Re-Alignment Project will need to be completed in conjunction with the construction of a new terminal building. More improvements to these areas are forthcoming and will be discussed at a later date.

Mr. Leonard also discussed the renovation of the existing terminal building. For the current fiscal year, \$35,000 has been budgeted for a renovation. The existing floorings, paneling, ceilings, and fixtures will be removed and updated.

With the permission of Mayor Smith, Airport Authority Member Crumley led the discussion when City Engineer Leonard concluded his presentation. Mr. Crumley noted that the airport is already an economic center/asset and an economic development asset for the city. The Airport Authority wants to work with the Tourism Development Authority and the North Carolina Aviation Museum, in conjunction with the city and county governments, to develop the airport as a tourism asset.

Positive actions have already been taken for basic infrastructure at the airport. There is a 5,501 feet runway, a full length taxiway beside the runway, and as previously discussed, funding has been appropriated for rebuilding the apron. Additionally, tree removal and land acquisition has been completed in order to work with the FAA and the North Carolina Department of Transportation's Division of Aviation in order to improve the approach to the airport.

The next step is to move forward with an airport terminal project that would include constructing a new terminal building with, among other things, a restaurant to draw pilots and private rooms for pilot rest. This project would also look to create more interconnectivity that would draw people from the terminal to the museum's hangars. Detailed plans and proposals for this project will be presented at future meetings. No formal action was taken by the Council during this meeting.

Mr. Crumley also announced that a Fly-in/Cruise-in is scheduled for September 26, 2015 from 11:00 a.m. until 4:00 p.m. at the airport.

Subsequent to the above presentations, Mr. Ogburn led the Council Members and the Airport Authority Members outside for a brief tour of the area.

A hard copy of the visual presentation used by Mr. Leonard is on file in the City Clerk's office. At the conclusion of the tour, Mayor Smith adjourned the meeting at 7:01 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor

Minutes of the meeting of the Asheboro Alcoholic Beverage Control Board held on June 1, 2015

The Asheboro ABC Board met on June 1, 2015, at 5:30 PM, in the Board office, 700 South Fayetteville Street, Asheboro, NC.

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

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

The Board reviewed and there being no objection, approved the Minutes from the May 4, 2015, regular meeting.

Moniqua McClean, an ABC Auditor with the NC ABC Commission presented the results of her Performance Audit Report. In sum, the audit reviewed the Board's compliance with laws and regulations and reviewed the Board's last annual audit completed by an independent auditor. The performance audit found no discrepancies in the Board's operation.

Steve Knight and the GM reviewed Board finances and reported all finances remain consistent. Funds in the operating capital account are within the limits required by law and additional disbursements to the City of Asheboro are not required for the fiscal year ending June 30, 2015; however, a review of current account balances and revenue projections for the coming fiscal year indicate additional 2015 funds can be disbursed to the City. Upon motion by Steve Knight, the Board approved an additional \$100,000 disbursement to the City for fiscal year ending July 30, 2015.

Budget Hearing (§18B-702):

All Board members acknowledged receipt of the Budget Message and Proposed Budget for Fiscal Year 2015-2016 sent by the GM via email May 25, 2015. Copies of emails dated May 25, 2015, indicating submission of a copy of the Message and Proposed Budget to the City of Asheboro and NC ABC Commission were reviewed by the Board. The GM confirmed public notice of the Board's June 1, 2015, budget hearing was in the Courier-Tribune providing the notice required by §18B-702(e).

The "Budget Message for Fiscal Year 2015-2016" and "Proposed Asheboro ABC Board Annual Budget for Fiscal Year 2015-2016," attached hereto and incorporated herein by reference, were presented to and accepted by the Board. No members of the public were present at the Budget Hearing and the GM reported no members of the public had contacted the GM concerning the budget prior to the hearing.

The GM suggested several adjustments to the budget based upon his most recent review of the Board's financial reports. After review and discussion, and upon motion by the

Chair, the Board unanimously approved and adopted the budget as adjusted. A copy of the approved budget is attached hereto and incorporated herein by reference as "Asheboro ABC Board Annual Budget for Year 2015-2016."

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

1. The Board's new point of sale system is expected to be operational by the end of June, 2015.
2. Asheboro ABC sales statistics comparing:
 - May 2015 sales with the previous month indicate:
 - An overall +7.5% change (all sales and tax collections)
 - May 2015 sales with sales from the same month last year indicate:
 - Retail Sales +9.1% (\$244,638.45)
 - Mixed Beverage Sales: -10.7% (\$30,052.00)
 - Sales Tax Collections: +9.2% (\$17,059.47)
 - Overall Collections: +6.7% (\$291,749.92)
 - May 2015 bottle sales with bottle sales from the same month last year indicate:
 - Retail Bottle Sales: +9.0%
 - Mixed Beverage Bottle Sales: -10.9%
 - Overall Bottle Sales: +7.6%

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

The next regular Asheboro ABC Board meeting will be held Monday, July 6, 2015, at 5:30 p.m.

There being no further business, the meeting was adjourned.

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

8-3-14


GM






Phone (336) 629-2530 • Fax (336) 629-2704

700 South Fayetteville Street, Asheboro, NC 27203

BUDGET MESSAGE FOR FISCAL YEAR 2015-2016

North Carolina General Statute § 18B-702 “Financial operations of local boards” requires the Asheboro ABC Board Finance Officer prepare for the Board’s consideration an annual budget applicable for fiscal years. Upon adoption, no monies may be expended except as provided by the budget or as authorized by specific statute.

Retail operation of the Board’s single store commenced with its first sale on November 18, 2008. As of April 30, 2015, the single store located at 700 South Fayetteville Street has collected \$19,071,865.35 in sales and tax revenues. Sales and tax revenues are differentiated in this message to emphasize the mission of a local ABC board to not only sell spirits in a controlled environment, but also to collect significant tax revenues from those electing to purchase spirits.

A review of the Board’s financial records for the current fiscal year to date (July 1, 2014 through April 30, 2015) indicates a 6.3% sales and tax collections increase over the same ten-month period the previous year. Despite continued revenue growth over last year, estimated revenues in this FY 2015-16 Budget have been lowered by .76% as compared to FY 2014-15 revenue estimates. This adjustment was made after reviewing recent statistical data and represents a more accurate estimate.

During FY 2014-15, the Board approved expenditures to replace the store’s outdated point of sale system. Despite this capital expenditure and the funding of a \$40,000 per year Future Facility Fund, distributions to the City of Asheboro will remain at or above prior years.

On-going goals include continuation of the Board’s mission of responsibly controlling the sale and distribution of alcoholic beverages, superior customer service, and operational efficiency designed to increase profit margins.

The Asheboro ABC Board Budget Ordinance for fiscal year July 1, 2015, through June 30, 2016, prepared in accordance with governing laws and the Board’s stated desire to continue a responsibly sound fiscal policy, is hereby presented to the Board for consideration.

Respectfully submitted for consideration this the 19th day of May 2015.

Rodney E. Johnson
General Manager
Budget Officer

Attachment: Proposed Budget Ordinance for Fiscal Year 2015-2016

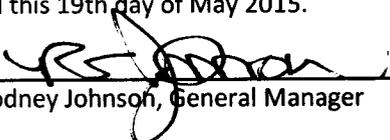
cc: Jeff Sugg, City of Asheboro
NC ABC Commission

**J. Brooke Schmidly, Chair • Stephen R. Knight, Board Member
Robert E. Morrison, Board Member • Rodney E. Johnson, General Manager**

PROPOSED
ASHEBORO ABC BOARD
ANNUAL BUDGET FOR FISCAL YEAR
2015-16

Sales		3,155,000.00	
Other Income		300.00	
	Total	\$3,155,300.00	
Less Taxes		883,480.00	
	Net Sales	\$2,271,820.00	
Less:			
Cost of Sales		1,544,836.00	
	Gross Profit	\$726,984.00	
Less:			
	<u>Operating Expenses</u>		
	Salaries, benefits and fees	263,024.00	
	Payroll taxes	21,160.00	
	Rent	64,800.00	
	Repairs and maintenance	9,000.00	
	Utilities	15,000.00	
	Insurance - general and bonds	15,000.00	
	Supplies and janitorial	11,500.00	
	Travel and training	3,100.00	
	Professional services	9,250.00	
	Dues and subscriptions	1,150.00	
	Bank fees and charges	30,000.00	
	Miscellaneous & Contingencies	4,000.00	
	Total Operating Expenses	\$446,984.00	
	Operating Income	\$280,000.00	
Less:			
	<u>Capital Expenditures</u>		
	Future Facility Fund	40,000.00	
	Capital Improvements	18,000.00	
	Total Capital Expenditures	\$58,000.00	
	Net Income before Distributions	\$222,000.00	
Less:			
	<u>Distributions</u>		
	Law Enforcement	17,000.00	
	Alcohol Education and Rehab	19,000.00	
	City of Asheboro General Fund	186,000.00	
	Total Distributions	\$222,000.00	
	Net Income after Distributions	-	

Presented to the Asheboro ABC Board this 19th day of May 2015.



 Rodney Johnson, General Manager

ASHEBORO ABC BOARD
ANNUAL BUDGET FOR FISCAL YEAR
2015-16

Sales		3,149,608.35	
Other Income		300.00	
	Total	\$3,149,908.35	
Less Taxes		740,228.46	
	Net Sales	\$2,409,679.89	
Less:			
Cost of Sales		1,648,662.03	
	Gross Profit	\$761,017.86	
Less:			
	<u>Operating Expenses</u>		
Salaries, benefits and fees		277,489.93	
Payroll taxes		22,277.93	
Rent		64,800.00	
Repairs and maintenance		9,000.00	
Utilities		16,500.00	
Insurance - general and bonds		18,000.00	
Supplies and janitorial		11,500.00	
Travel and training		5,000.00	
Professional services		9,250.00	
Dues and subscriptions		1,150.00	
Bank fees and charges		31,500.00	
Miscellaneous & Contingencies		7,550.00	
	Total Operating Expenses	\$474,017.86	
	Operating Income	\$287,000.00	
Less:			
	<u>Capital Expenditures</u>		
Future Facility Fund		40,000.00	
Capital Improvements		25,000.00	
	Total Capital Expenditures	\$65,000.00	
		\$222,000.00	
Net Income before Distributions		\$222,000.00	
Less:			
	<u>Distributions</u>		
Law Enforcement		17,000.00	
Alcohol Education and Rehab		19,000.00	
City of Asheboro General Fund		186,000.00	
	Total Distributions	\$222,000.00	
	Net Income after Distributions	-	

Adopted by the Asheboro ABC Board this 1st day of June 2015.


 Rodney Johnson, General Manager

Minutes of the meeting of the Asheboro Alcoholic Beverage Control Board held on July 6, 2015

The Asheboro ABC Board met on July 6, 2015, at 5:30 PM, in the Board office, 700 South Fayetteville Street, Asheboro, NC.

Present were Chair Brooke Schmidly, Board Member Steve Knight, Board Member 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 both Board members voiced having no conflict, and there being no objection, the agenda was adopted.

Steve Knight and the GM reviewed Board finances and reported all finances remain consistent. The GM reported that \$800 in grant funds disbursed from 1st Quarter 2015 funds on May 6, 2015, was voluntarily returned to the Board because the recipient was unable to complete its proposed project. The funds have been deposited and will be reissued to another entity.

The GM presented an amended 2014-2015 budget for approval. The amended budget reflects increased revenues, costs of sales, and capital expenditures. An adjustment was also made to salaries to cover a possible shortfall through the end of June 2015. Bob Morrison moved to adopt the Amended 2014-2015 Budget and the motion was approved by the Board. A copy of the amended budget is attached hereto and incorporated herein by reference as "Asheboro ABC Board Annual Budget for Fiscal Year 2014-2015 Amended."

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

1. The Board's new point of sale system became operational June 30, 2015.
2. Asheboro ABC sales statistics comparing:
 - June 2015 sales with the previous month indicate:
 - An overall -12.3% change (all sales and tax collections)
 - June 2015 sales with sales from the same month last year indicate:
 - Retail Sales +9.2% (\$215,266.10)
 - Mixed Beverage Sales: -10% (\$25,645.05)
 - Sales Tax Collections: +9.1% (\$15,015.91)
 - Overall Collections: +6.9% (\$255,927.06)
 - June 2015 bottle sales with bottle sales from the same month last year indicate:
 - Retail Bottle Sales: +11%

- Mixed Beverage Bottle Sales: -10.5%
- Overall Bottle Sales: +9.4%

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

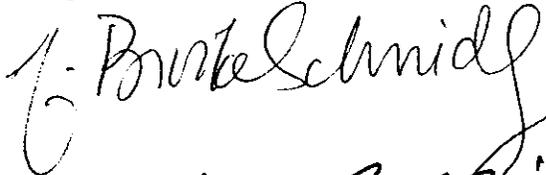
The next regular Asheboro ABC Board meeting will be held Monday, August 3, 2015 at 5:30 p.m.

There being no further business, the meeting was adjourned.

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

8-3-14


GM




**ASHEBORO ABC BOARD
ANNUAL BUDGET FOR FISCAL YEAR
2014-2015 AMENDED**

		<u>AMENDED</u>	<u>VARIANCE</u>
Sales	3,179,000.00	3,350,000.00	171,000.00
Other Income	300.00	300.00	-
Total	<u>\$3,179,300.00</u>	<u>\$3,350,300.00</u>	<u>\$171,000.00</u>
Less Taxes	898,524.50	938,200.00	39,675.50
Net Sales	<u>\$2,280,775.50</u>	<u>\$2,412,100.00</u>	<u>\$131,324.50</u>
Less:			-
Cost of Sales	1,558,950.50	1,667,000.00	108,049.50
Gross Profit	<u>\$721,825.00</u>	<u>\$745,100.00</u>	<u>\$23,275.00</u>
Less:			-
<u>Operating Expenses</u>			-
Salaries, benefits and fees	250,500.00	260,000.00	9,500.00
Payroll taxes	20,150.00	20,150.00	-
Rent	64,800.00	64,800.00	-
Repairs and maintenance	6,500.00	6,500.00	-
Utilities	16,725.00	16,725.00	-
Insurance - general and bonds	14,050.00	14,050.00	-
Supplies and janitorial	11,500.00	11,500.00	-
Travel and training	3,100.00	3,100.00	-
Professional services	9,250.00	9,250.00	-
Dues and subscriptions	1,250.00	1,250.00	-
Bank fees and charges	30,000.00	30,000.00	-
Miscellaneous & Contingencies	7,000.00	7,000.00	-
Total Operating Expenses	<u>\$434,825.00</u>	<u>\$444,325.00</u>	<u>\$9,500.00</u>
Operating Income	<u>\$287,000.00</u>	<u>\$300,775.00</u>	<u>\$13,775.00</u>
Less:			-
<u>Capital Expenditures</u>			-
Future Facility Fund	40,000.00	40,000.00	-
Capital Improvements	25,000.00	37,000.00	12,000.00
Total Capital Expenditures	<u>\$65,000.00</u>	<u>\$77,000.00</u>	<u>\$12,000.00</u>
Net Income before Distributions	<u>\$222,000.00</u>	<u>\$223,775.00</u>	<u>\$1,775.00</u>
Less:			-
<u>Distributions</u>			-
Law Enforcement	15,000.00	15,000.00	-
Alcohol Education and Rehab	21,000.00	21,000.00	-
City of Asheboro General Fund	186,000.00	187,775.00	1,775.00
Total Distributions	<u>\$222,000.00</u>	<u>\$223,775.00</u>	<u>\$1,775.00</u>
Net Income after Distributions	<u><u>-</u></u>	<u><u>-</u></u>	<u><u>-</u></u>

Adopted by the Asheboro ABC Board this 6th day of July 2015.


Rodney E. Johnson, General Manager

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

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

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 Police Department on April 15, 1987, effective October 1, 2015, Police Captain Eric Todd Swaney will begin his retirement from employment with the City of Asheboro; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that, effective October 1, 2015, in consideration of the combination of his dedicated service to the City of Asheboro and the payment to the City of Asheboro of one dollar (\$1.00), Eric Todd Swaney, upon a determination by the Chief of Police that Mr. Swaney is not ineligible to own, possess, or receive a firearm under the provisions of federal or North Carolina law, is to be awarded ownership of his city-issued service side arm (a Glock 23 Generation 4 with serial no. SFS954 and three magazines).

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting that was held on the 17th day of September, 2015.

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

ATTEST:

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

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

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

WHEREAS, in order to maintain a satisfactory level of municipal services for the citizens of the City of Asheboro, the Asheboro City Council has adopted a budget ordinance for fiscal year 2015-2016 that allocates funding for the acquisition of vehicles and equipment deemed essential for maintaining uninterrupted, high quality municipal services; and

WHEREAS, the vehicles and equipment that are to be acquired during the 2015-2016 fiscal year in order to maintain essential municipal services provided by city departments that receive their funding from the municipal corporation's general fund are as follows:

1. Apparatus for the fire department, including without limitation one or more vehicles, budgeted at approximately \$650,000;
2. A vehicle for the operations department within the public works division budgeted at approximately \$25,000;
3. One or more vehicles for the street department within the public works division budgeted at approximately \$210,000;
4. One or more vehicles for the facilities maintenance department budgeted at approximately \$35,000; and

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

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

WHEREAS, the Asheboro City Council has decided that the above-stated expenditures are to be reimbursed to the general fund during the current fiscal year with proceeds from an installment financing agreement that will create security interests in the said municipal vehicles and equipment acquired during the city's 2015-2016 fiscal year; and

WHEREAS, more favorable financing terms can be obtained if the city takes the steps necessary to allow the lending institution from which financing is ultimately obtained to exclude

the interest paid or payable under an installment financing agreement with the city from the gross income of the lending institution; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that, prior to the execution of any installment financing agreement and consistent with the city's budget ordinance for fiscal year 2015-2016, a maximum of \$920,000 may be expended from the general fund, with the intent of seeking reimbursement for the expenditures from installment financing proceeds, for the above-listed vehicles and associated equipment; and

BE IT FURTHER RESOLVED that the City Council of the City of Asheboro hereby formally and explicitly declares the official intent of the City of Asheboro to fully reimburse, with loan proceeds from an installment financing agreement that is to be executed prior to the end of the 2015-2016 fiscal year, any and all expenditures from the general fund for the future purchase during this fiscal year of the vehicles and equipment that are listed hereinabove and that are necessary to the provision of essential municipal services.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 17th day of September, 2015.

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

ATTEST:

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

**City of Asheboro
Finance Office**

To: John N. Ogburn, III, City Manager
From: Debbie Reaves, Finance Director 
Date: September 10, 2015
Re: Ordinance to amend Economic Development Fund
Ordinance to amend General Fund 2015-2016

Attached are two ordinances for consideration at the September 17, 2015 council meeting.

The ordinance to amend the Economic Development fund is necessary to incorporate council approved economic incentives and annual expenses to local agencies that support the community and economic development. The individual changes are outlined in the body of the ordinance itself.

As typical during any operating year, there are adjustments to various budgeted line items associated with changes in needs / unexpected maintenance etc. Budget amendments allow for movement of funds between departments necessary to be in compliance with the adopted 2015-2016 Budget Ordinance and generally accepted accounting principles. Although it is early in the budget year, I am requesting an amendment to the General Fund budget to account for some large unanticipated maintenance expenditures as well as some contract changes that were agreed to after the budget was passed. I am requesting to pay for these items as well as a few other needs by eliminating the purchase of a new piece of equipment in the environmental services department.

At the time we prepared the budget, replacement of this piece of equipment in the Environmental Services department was included with the expectation that it may be eliminated as we continue to study and refine the environmental services operation. Due to the historical cost of the environmental services operation and the desire to make it more self sustaining this year and eventually fully sustaining in future years, we are closely evaluating the operation and over the past two months we have discussed and are incorporating changes to the historical operating model. Considering our desire to operate leaner in this operation and considering other needs in the city, I feel that we can defer the cost of this new piece of equipment in the environmental services department without compromising current operations. Deferring the purchase of this item will allow me to provide for the needs, explained below, that have recently been brought to my attention.

- 1) As you are aware, with our increased focus on managing our clinic costs we have reviewed and renegotiated our contract with our healthcare provider. The new contract costs reflect an anticipated reduction in our overall cost but not as much of a reduction as I was anticipating when we prepared the proposed budget for 2015-2016. I am requesting an additional \$20,800 to be allocated to this line item in the Human Resources Department budget. This change does not fully bring the budget to the level we anticipate with the contract. I am looking for savings in other areas to offset the remainder of the expected budgetary need.
- 2) The Planning and Zoning operation currently includes code enforcement. Last year, to assist Ed Brown in his code enforcement efforts, the City contracted with an outside company to address certain code enforcement needs. I established the proposed budget allocation for 2015-2016 based on last year's contract. This contract has since been reevaluated and expanded in an effort to continue to stay on top of and ahead of the code enforcement concerns of our community. I am requesting an additional \$22,000 in this area to address the budgetary shortfall resulting from the contract changes.
- 3) In the Fire Department budget, there is currently an approved allocation of \$650,000 for a new Aerial Truck. In late July, the Fire Department staff began looking at used and refurbished Aerial Platforms and found that they can purchase a very decent apparatus for under/near \$200,000. These vehicles range from 15-18 years old and will have a few years service-life left in them. By saving money for the purchase of an older Aerial, it allows the fire department to purchase another new fire engine (similar to the one purchased in last budget). The estimated cost of this new fire engine will be \$440,000 to \$450,000. The Fire Department will be able to procure the aerial in the next 3-4 months, and they expect it to serve us for the next 6-8 budget cycles. After that, their expectation is to then send it back to the manufacturer where they will refurbish the aerial structure and place on a new truck. As a result of this new information, they are requesting to amend their initial budget allocation to allow for the purchase of two trucks. I am asking for an additional \$20,000 to allow for the second truck to be equipped properly for use as the current budget only incorporates funding to equip one truck.
- 4) In the Public Works facility, we have two large repair items that cannot be deferred – generator and air conditioner. In this year's budget, the money typically set aside for unanticipated expenses like maintenance and repair of equipment, is already allocated for the planned renovation of the clinic and some changes to the entrance to the facility requested to enhance safety. The generator repair is estimated at \$25,000 and I would like to have this repaired now in anticipation of needing it as back-up power for use during the winter months. I am requesting \$32,000 be allocated to these two repair needs.

5) In the Finance Department budget, I am requesting allocation for two new needs. First, as you are aware, our vehicle tax collection revenues have increased with the new DMV tax and Tag program. However, the costs have also increased and the program has not been around long enough for me to effectively trend the costs that are being passed on to the City. The costs for the DMV are variable as they are based on customer payment method. With the recent receipt of the last few month's revenue and expenses allocated to the 2014-2015 fiscal year, it appears that we are under budgeted in this fee area.

Second, with the new tax reporting requirements for the Affordable Care Act that go into place this year, I am anticipating some required upgrades and modifications to our current software system, possibly buy new software, to meet the required reporting expectations. This information was not available when we were preparing the budget and thus not incorporated. The finance budget is very lean and has no area to pull from to cover these unidentified costs. I am requesting \$10,000 to cover these contract / software costs.

6) Along with all City of Asheboro departmental budgets, the Asheboro Randolph Public Library budget was also cut in an effort to be sensitive to our revenue limitations. By eliminating the capital expense in the Environmental Services department, we are now able to provide additional funding to the Library for the 2015-2016 operating year without purring any additional burden on our other operations or demands on our already lean revenue stream. I am requesting \$50,200 to be allocated to the Library budget.

In summary, all of the above budgetary needs in the General Fund can be addressed by reallocating monies that were originally set aside for the purchase of a piece of equipment in the Environmental Services department to the various departments and line items as noted. As noted, considering our evolving perspective of the direction we want to go with the Environmental Services operation, I do not anticipate this requested re-allocation of funds to negatively impact current operation or the level of service we provide to the citizens of Asheboro.

**ORDINANCE TO AMEND THE ECONOMIC DEVELOPMENT FUND
FY 2015-2016**

WHEREAS, the City of Asheboro entered into an economic incentive agreement with Kayser-Roth and the County of Randolph on October 18, 2013, and;

WHEREAS, the City of Asheboro entered into an economic incentive agreement with Asheboro Elastics Corporation and the County of Randolph on September 8, 2014, and;

WHEREAS, the City of Asheboro entered into an economic incentive agreement with Kennametal Incorporated and the County of Randolph on September 8, 2014, and;

WHEREAS, in accordance with each of the economic incentive agreement, the City of Asheboro will distribute incentive funds upon each business achieving certain performance requirements, and;

WHEREAS, incentive funds, totaling \$75,000 will be paid to Kayser-Roth in three (3) installments at a frequency not to exceed one installment per fiscal year with the first installment to be made no earlier than July 1, 2014 and the final installment being made no later than December 31, 2017, and;

WHEREAS, incentive funds, totaling \$15,000 will be paid to Asheboro Elastics Corporation in three (3) installments at a frequency not to exceed one installment per fiscal year with the first installment to be made no earlier than January 1, 2015 and the final installment being made no later than December 31, 2018, and;

WHEREAS, incentive funds, totaling \$90,000 will be paid to Kennametal Incorporated in five (5) installments at a frequency not to exceed one installment per fiscal year with the first installment to be made no earlier than January 1, 2015 and the final installment being made no later than December 31, 2020, and;

WHEREAS, revenue and expenditures in the Economic Development Fund need to be adjusted to account for these incentive payment commitments as well as account for other changes in revenues and expenditures that have arisen as projects have been completed allowing budgetary allocations to be moved around within the fund, and;

WHEREAS, the annual expenditure appropriation for ongoing annual community support payments to various agencies that support and promote Economic Development and Quality of Life in Asheboro need to be amended, and;

WHEREAS, the City of Asheboro desires 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 items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
72-369-0001	Contribution for Kayser-Roth #1	25,000
72-369-0002	Contribution for Kayser-Roth #2	25,000
72-369-0003	Contribution for Kayser-Roth #3	25,000

**ORDINANCE TO AMEND THE ECONOMIC DEVELOPMENT FUND
FY 2015-2016**

72-371-0001	Contribution for AEC #1	5,000
72-371-0002	Contribution for AEC #2	5,000
72-371-0003	Contribution for AEC #3	5,000
72-372-0001	Contribution for Kennametal #1	18,000
72-372-0002	Contribution for Kennametal #2	18,000
72-372-0003	Contribution for Kennametal #3	18,000
72-372-0004	Contribution for Kennametal #4	18,000
72-372-0005	Contribution for Kennametal #5	18,000
72-350-0000	Contribution for Chamber of Commerce	48,800
72-351-0000	Contribution for EDC	200,000
72-352-0000	Contribution for Piedmont Triad Partnership	500
72-300-0000	Rural Ec. Dev. Ctr (Allen Industrial- completed)	(67,900)
72-300-0002	Industrial Dev Ctr (Allen Industrial - completed)	(60,900)
		\$300,500

Section 2: That the following expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
72-810-0001	Contribution for Kayser-Roth #1	25,000
72-810-0002	Contribution for Kayser-Roth #2	25,000
72-810-0003	Contribution for Kayser-Roth #3	25,000
72-811-0001	Contribution for AEC #1	5,000
72-811-0002	Contribution for AEC #2	5,000
72-811-0003	Contribution for AEC #3	5,000
72-812-0001	Contribution for Kennametal #1	18,000
72-812-0002	Contribution for Kennametal #2	18,000
72-812-0003	Contribution for Kennametal #3	18,000
72-812-0004	Contribution for Kennametal #4	18,000
72-812-0005	Contribution for Kennametal #5	18,000
72-840-2000	Contribution for Chamber of Commerce	40,000
72-840-4000	Contribution for EDC	80,000
72-840-6000	Contribution for Piedmont Triad Partnership	500
		\$300,500

Adopted this the 17th day of September, 2015.

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

ATTEST:

Holly H Doerr, CMC, NCCMC, City Clerk

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2015-2016

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

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

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

Section 1: That the following Expense line item be increased / (decreased):

<u>Account #</u>	<u>Expense Description</u>	<u>increase / (decrease)</u>
10-440-5100	Vehicle Tax - Fee	8,000
10-440-5300	Contracted Services- software	2,000
10-490-0400	Professional Services	22,000
10-530-3400	Other Supplies	20,000
10-550-1600	Maintenance & Repair- EQ	32,000
10-630-3400	Library- Books	40,000
10-630-3402	Library- Periodicals	10,000
10-630-5400	Library- Insurance	200
10-590-0401	Professional Services- Wellness	20,800
10-580-7400	Capital Outlay Equipment	(155,000)
	Increase / (Decrease)	0

Adopted this 17th day of September, 2015

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk



Item 4 (h) *Game to Public*
Police Dept
9-2-2015

APPLICATION FOR PARADE PERMIT

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

Contact Name: Qua Wood

Address: 10116 Redwood Dr. Asheboro, NC 27205

Phone: 336-625-9352 E-mail: qua.wood@gmail.com

Organization: Mid-State Tractor Heritage Assoc

Address: P.O. Box 2447 Asheboro, NC 27204

Phone: 336 625-9352 336 963-2143

Date of Parade: Oct 10, 2015 Start Time: 10:00 End Time: 11:30

Number of Persons: _____ Number of Vehicles: 100

Streets Involved: All of Hoover, Davis, part of Church, Sunset

Special officials and/or guests: Fayetteville and Academy
John Pugh Grand Marshall

Insurance Company & Policy Number: Erie 931-1600645 *Every Participant signs a waiver and release form*

Any additional information: We need Hoover and Davis Streets closed at 7am on 10-10-15

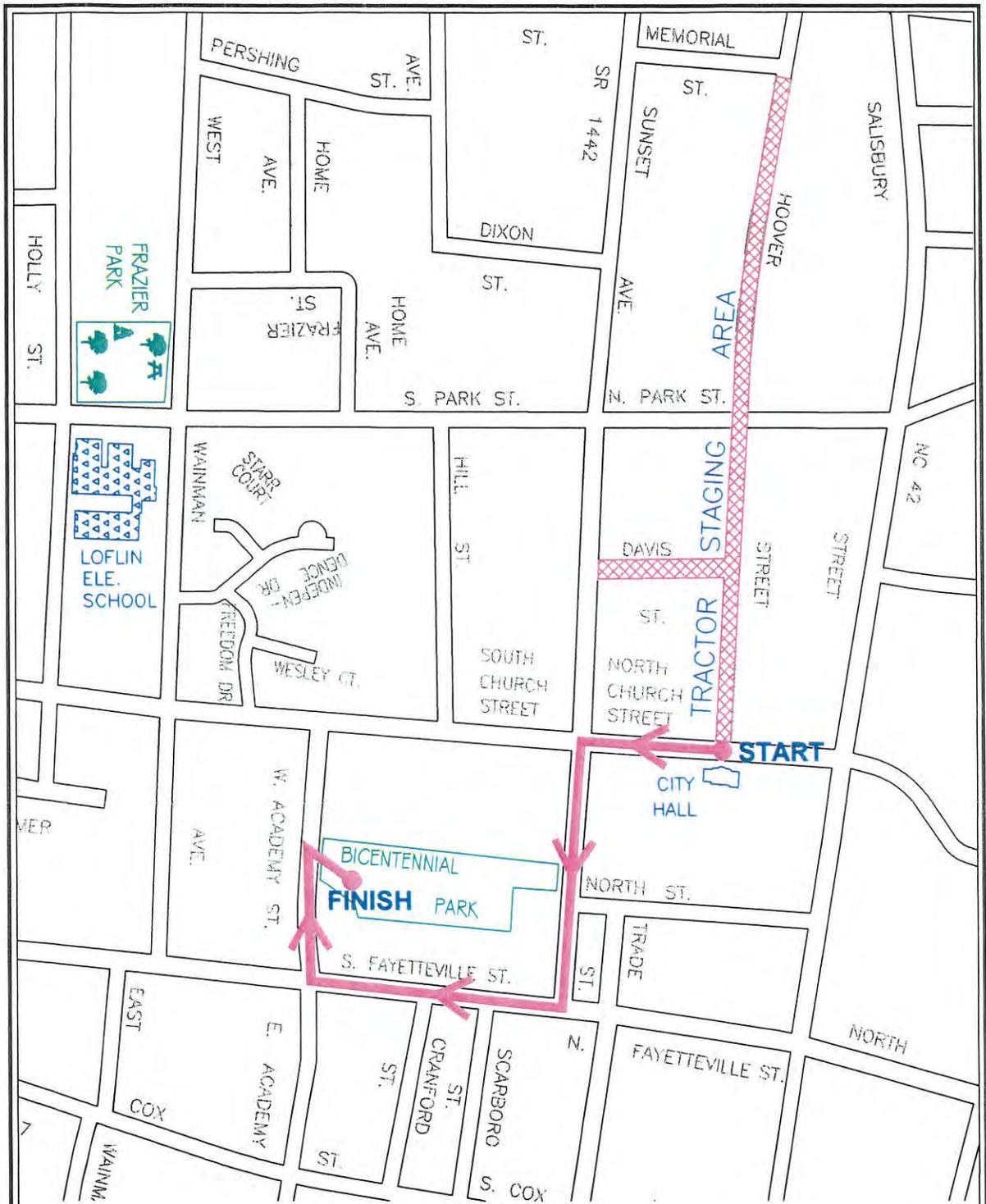
The undersigned agrees to hold the City of Asheboro and its officers, employees and agents free and harmless from and against any and all claims, losses, damages and settlements arising out of or relating to this parade. The undersigned agrees to investigate and provide defense for and defend any such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

Signature of Authorized Representative: Qua S. Wood

Internal Use Only

Police Department Recommendation: _____

City of Asheboro Approval By: Jahar [Signature] Date: 9/3/15



ROUTE MAP
for
MID-STATE HERITAGE TRACTOR PARADE

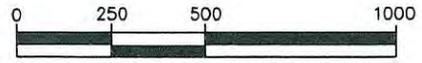
City of Asheboro
Randolph County, North Carolina



STAGING AREA



COURSE ROUTE



August, 2012

Item 5 (a)



RZ-15-07: Rezone from Medium-Density Residential (R7.5) to Mercantile (M)

(Rodger W. Chriscoe: 1202 South Cox 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-15
-07

Date 8/3/2015 Planning
Board

Applicant Rodger Chriscoe

Legal Description

The property of Chriscoe Properties, LLC, located at 1202 South Cox Street, more specifically identified by Randolph County Parcel Identification Number 7750879078, and totaling approximately 0.31 acres (+/-).

Requested Action Rezone from R7.5 (Medium-Density Residential) to M (Mercantile)

Existing Zone R7.5

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-15-07

Date 9/17/2015 City Council

General Information

Applicant Rodger Chriscoe

Address 6272 Foushee Road

City Asheboro NC 27203

Phone 336-953-7911

Location 1202 South Cox Street

Requested Action Rezone from R7.5 (Medium-Density Residential) to M (Mercantile)

Existing Zone R7.5

Existing Land Use Undeveloped (dwelling removed in 2008)

Size 0.31 acres +/-

Pin # 7750879078

Applicant's Reasons as stated on application

...To allow increased opportunity for business growth. This was vacant...un-maintained overgrown property. I plan to attract business which will maintain and enhance the property and contribute to tax base, etc...

Surrounding Land Use

North Office/Residential Planned Unit Development **East** Office/Commercial

South Office/Commercial **West** Single-family residence

Zoning History

Legal Description

The property of Chriscoe Properties, LLC, located at 1202 South Cox Street, more specifically identified by Randolph County Parcel Identification Number 7750879078, and totaling approximately 0.31 acres (+/-).

Analysis

1. The property is inside the city limits. All city services are available.
2. South Cox Street is a state-maintained minor thoroughfare at this location.
3. The property is within the Center City Planning Area (Tier 3), which is identified as part of the city center by the Land Development Plan. Certain overlay requirements (parking location, impervious coverage, etc.) apply in the CCPA.
4. The surrounding area is characterized by a mix of uses including single family and multi-family residential (Planned Unit Development), commercial uses, and offices.
5. The property is undeveloped. A single-family dwelling was previously located on the property.
6. Approval of the request would permit all uses permitted by right in the Mercantile (M) District. The Mercantile District permits a broader range of commercial uses than found in the B1 (Neighborhood Commercial) Zoning District, but excludes uses that are permitted in the B2 (General Commercial) District that would likely have the greatest negative impact on adjacent residential properties. Residential uses are not a permitted use in the M District. The maximum floor area for a property in the M district is 6,000 square feet (1,500 s.f. for an eating establishment).
7. An application has been filed for a variance from sidewalk requirements (See Section 322A). The pending variance request that was continued on September 14, 2015 and will be heard on November 2, 2015, is independent of the zoning map amendment request and not considered as part of this analysis.

Rezoning Staff Report

RZ Case # RZ-15-07

Page 2

Consistency with the 2020 LDP Growth Strategy designations

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

Proposed Land Use Map Designation City Activity Center

Small Area Plan Central

Growth Strategy Map Designation Primary Growth

LDP Goals/Policies Which Support Request

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

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

Checklist Item 5: The request is compliant with the Growth Strategy Map.

Checklist Item 8: The request is an adaptive reuse of a vacant or unused lot

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

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

Rezoning Staff Report

RZ Case # RZ-15-07

Page 3

LDP Goals/Policies Which Do Not Support Request

Recommendation Approve

Reason for Recommendation

The property is located within the City Activity Center, which encourages a pedestrian-friendly mix of uses, and considers the land use patterns around the subject property, to determine appropriate zoning designations.

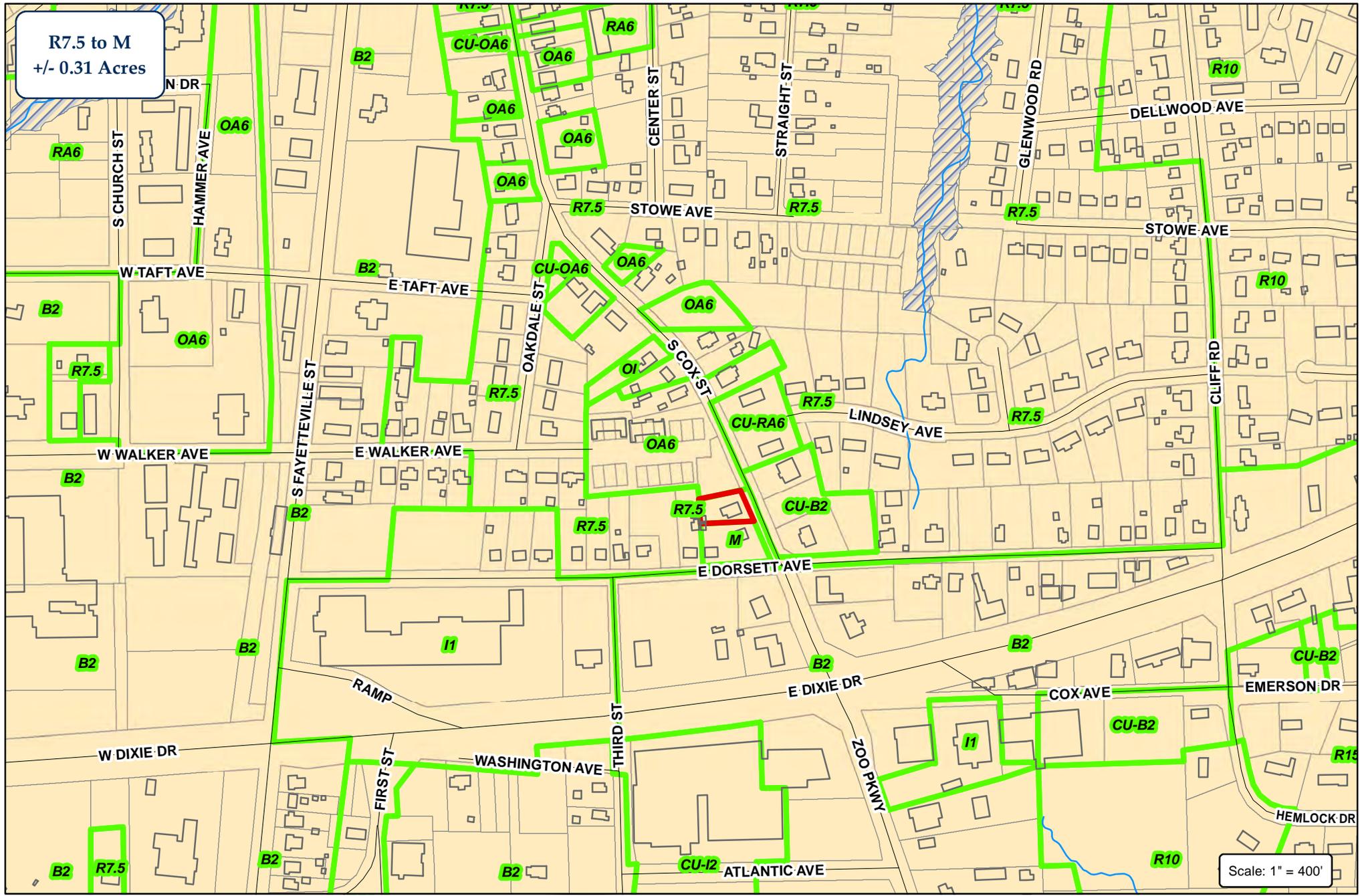
The Mercantile zoning district, which is also adjacent to the south of the property, provides a transition from the broader range of commercial activities to the south along East Dixie Drive and more limited office and residential activities to the north and west.

The Mercantile zoning district limits the size of buildings (and specific uses) and excludes the most intensive commercial uses to ensure harmony with adjacent residential property. Considering all of these factors, staff believes the rezoning request is within the public interest in supporting a reasonable use of property.

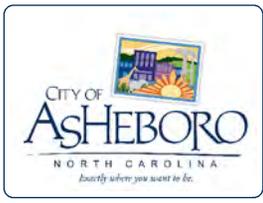
Evaluation of Consistency with Adopted Comprehensive Plans/Reasonableness and Public Interest

Considering the above factors detailed in the recommendation above, staff believes the Mercantile (M) designation is in the public interest by allowing a reasonable use of the property and ensuring consistency with the LDP.

R7.5 to M
+/- 0.31 Acres



Scale: 1" = 400'

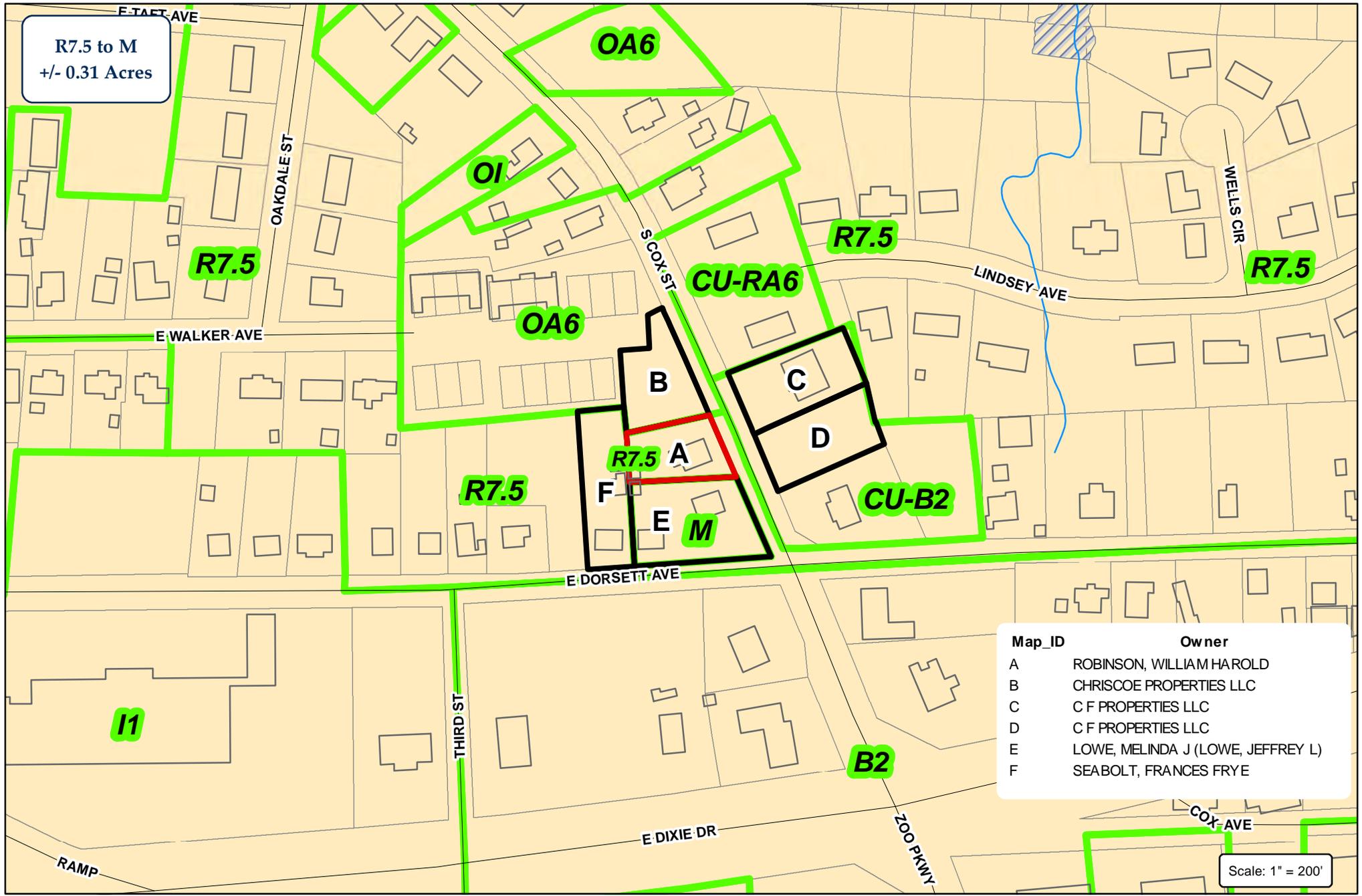


City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-15-07
Parcels: 7750879078

- Subject Property
- Zoning
- City Limits
- ETJ

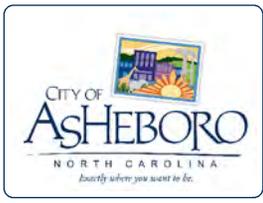


R7.5 to M
+/- 0.31 Acres



Map_ID	Owner
A	ROBINSON, WILLIAM HAROLD
B	CHRISCOE PROPERTIES LLC
C	C F PROPERTIES LLC
D	C F PROPERTIES LLC
E	LOWE, MELINDA J (LOWE, JEFFREY L)
F	SEABOLT, FRANCES FRYE

Scale: 1" = 200'

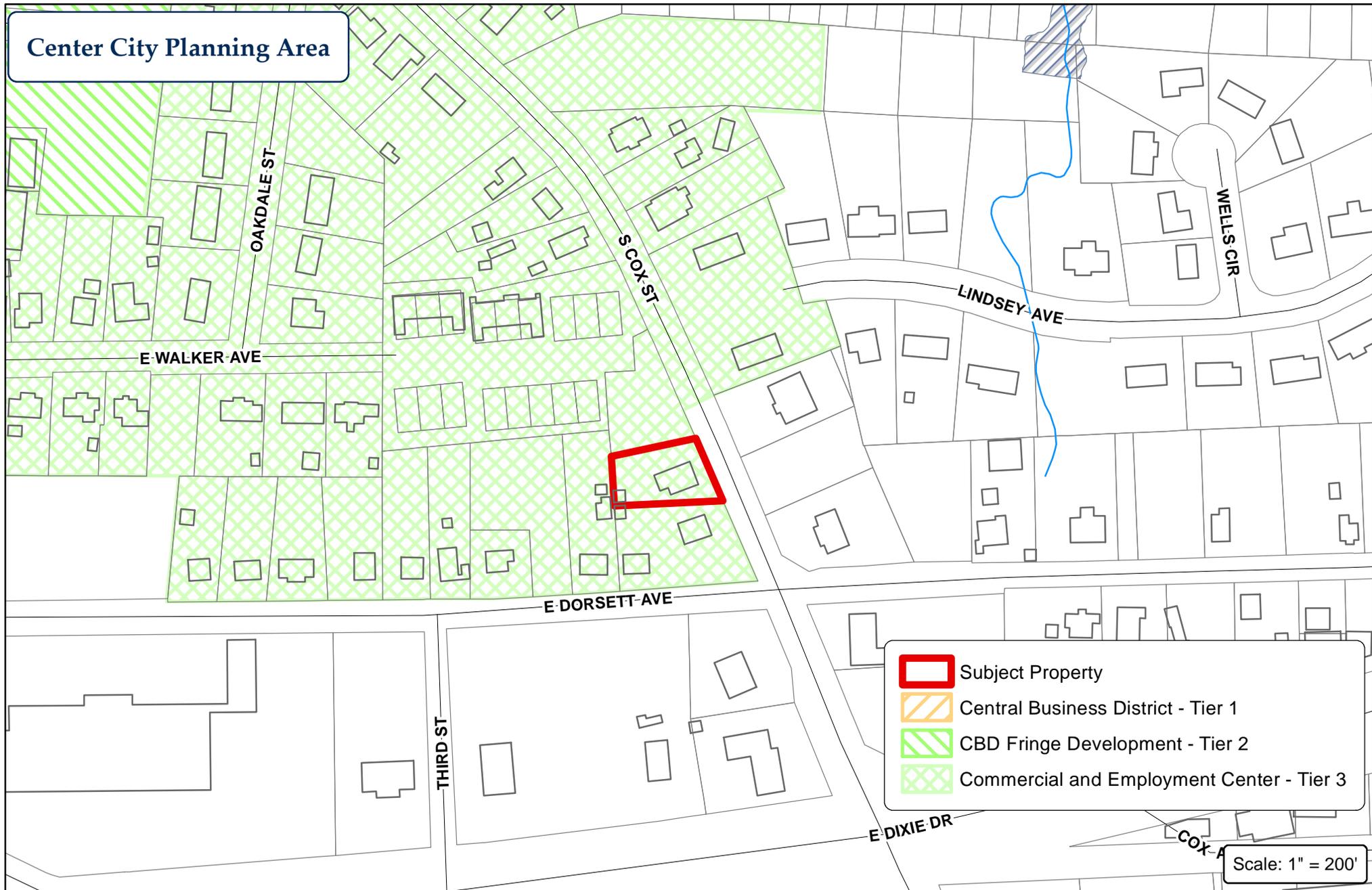


City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-15-07
Parcels: 7750879078

-  Subject Property
-  Zoning
-  City Limits
-  ETJ



Center City Planning Area

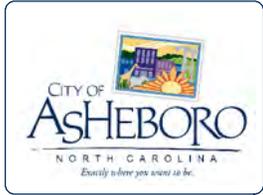


-  Subject Property
-  Central Business District - Tier 1
-  CBD Fringe Development - Tier 2
-  Commercial and Employment Center - Tier 3

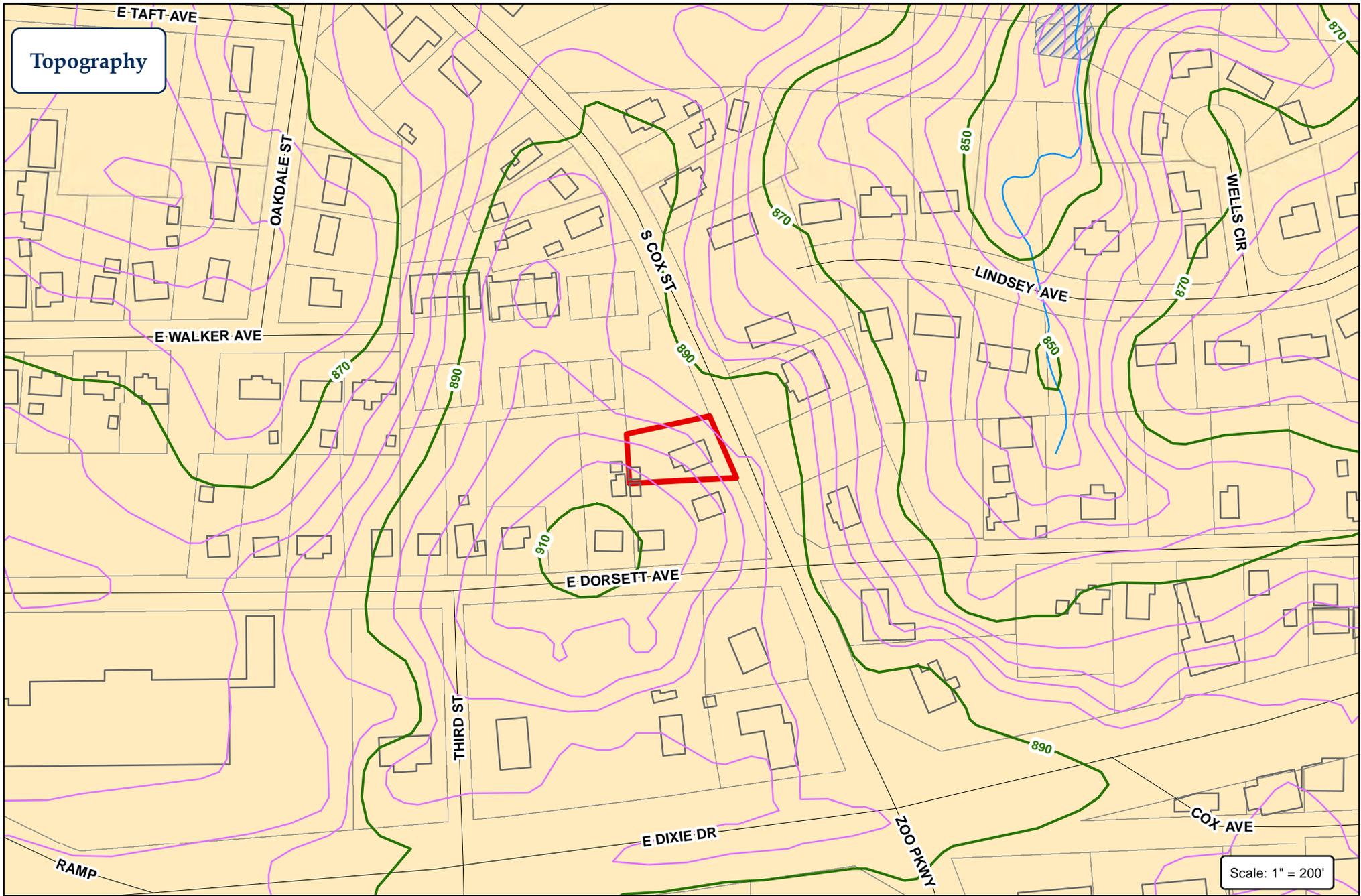
Scale: 1" = 200'

City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-15-07

Parcel: 7750879078



Topography



City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-15-07
Parcels: 7750879078

-  Subject Property
-  City Limits
-  ETJ





City of Asheboro
 Planning & Zoning Department
 Rezoning Case: RZ-15-06
 Parcels: 7750879078

 Subject Property
 Zoning



Item 5 (b)

Notice of Complaint and Pending Proceedings

Code Enforcement Office, City of Asheboro, North Carolina

In the Matter of: NONRESIDENTIAL BUILDING MAINTENANCE CODE VIOLATION located at 436 West Salisbury Street (Parcel #7751635864), Asheboro, North Carolina

A preliminary investigation of the above-referenced property was made on March 17, 2015 and a number of violations of the city's Nonresidential Building Maintenance Code were noted. As a result of these violations, the building or structure appears to be dangerous to the public health, safety, and welfare. Specific violations that were noted include but are not limited to:

- Exterior walls that are not structurally sound, free from defects and damages, and capable of bearing imposed loads safely.
- Floors or roofs which have improperly distributed loads, which are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

In order to make a determination about the condition of the property, discuss city procedures and explain how to remedy the violations, a hearing has been scheduled.

NOTICE IS HEREBY PROVIDED THAT, PURSUANT TO NCGS 160A-439 AND TITLE XV CHAPTER 152 OF THE CODE OF ASHEBORO, A HEARING WILL BE HELD BY ME OR MY DESIGNATED REPRESENTATIVE ON SEPTEMBER 15, 2015 AT 10:00 A.M., 146 NORTH CHURCH STREET, ASHEBORO, NORTH CAROLINA, 2ND FLOOR CONFERENCE ROOM #205.

At this hearing, persons or parties owning or having an interest in this property are requested to show cause why an order should not be issued finding that the property is in violation of the city's Nonresidential Building Maintenance Code and directing that the violations be corrected or other remedies taken so that it will be brought into compliance.

All owners and parties in interest shall be given the right to appear in person, or otherwise, and to give testimony at that place and time. Following the hearing, the hearing officer may issue such order to repair, alter, improve, vacate, close, remove or demolish the building or structure as appears appropriate.

This 4th day of September, 2015

Ed L. Brown
Code Enforcement Officer
City of Asheboro
(336) 626-1201 Ext. 220.

Notice of Complaint and Pending Proceedings

Code Enforcement Office, City of Asheboro, North Carolina

In the Matter of: HOUSING CODE VIOLATION located at 607 Tucker Street (Parcel #7761153039), Asheboro, North Carolina

A preliminary investigation of the above-referenced property was made on April 21, 2015 and a number of violations of the city's Housing Code were noted. As a result of these violations, conditions exist in the dwelling that appear to render it dangerous or injurious to the health, safety or morals of the occupants of the dwelling, the occupants of neighboring dwellings, or other residents of the city. Specific violations that were noted include but are not limited to:

- dilapidation, disrepair and structural defects due to a structure fire.

In order to make a determination about the condition of the property, discuss city procedures and explain how to remedy the violations, a hearing has been scheduled.

NOTICE IS HEREBY PROVIDED THAT, PURSUANT TO NCGS 160A-441 AND TITLE XV CHAPTER 151 OF THE CODE OF ASHEBORO, A HEARING WILL BE HELD BY ME OR MY DESIGNATED REPRESENTATIVE ON SEPTEMBER 15, 2015 AT 10:00 A.M., 146 NORTH CHURCH STREET, ASHEBORO, NORTH CAROLINA, 2ND FLOOR CONFERENCE ROOM #205.

At this hearing, persons or parties owning or having an interest in this property are requested to show cause why an order should not be issued finding that the property is in violation of the city's Housing Code and directing that the violations be corrected or other remedies taken so that it will be brought into compliance.

All owners and parties in interest shall be given the right to appear in person, or otherwise, and to give testimony at that place and time. Following the hearing, the hearing officer may issue such order to repair, alter, improve, vacate, close, remove or demolish the building or structure as appears appropriate.

This 5th day of September, 2015

Ed L. Brown
Code Enforcement Officer
City of Asheboro
(336) 626-1201 Ext. 220.

Item 6 (b)

ORDINANCE NO. _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**AN ORDINANCE TO EXTEND THE CITY OF ASHEBORO'S
CORPORATE LIMITS BY ANNEXING APPROXIMATELY 17.53 ACRES
OF LAND OWNED BY RANDOLPH ELECTRIC MEMBERSHIP
CORPORATION THAT ARE CONTIGUOUS WITH
THE EXISTING PRIMARY CITY LIMITS**

WHEREAS, pursuant to Section 160A-31 of the North Carolina General Statutes, a petition requesting annexation by the City of Asheboro of the territory described in Section 1 of this Ordinance was presented to the Asheboro City Council on August 6, 2015; and

WHEREAS, this petition for annexation was signed on behalf of Randolph Electric Membership Corporation, which is the owner of the parcel of land described in Section 1 of this Ordinance, by the corporation's chief executive officer; and

WHEREAS, by means of a duly adopted resolution (Resolution Number 29 RES 8-15), the Asheboro City Council directed the city clerk to investigate the sufficiency of the petition, and the clerk has certified the sufficiency of the said petition; and

WHEREAS, pursuant to Asheboro City Council Resolution Number 30 RES 8-15, notice was published to the public on the 15th day of August, 2015, in *The Courier-Tribune*, a newspaper having general circulation in the City of Asheboro, setting forth that a public hearing would be held during the Asheboro City Council's regular September meeting, which would begin at 7:00 o'clock p.m., on the 17th day of September, 2015, in the Council Chamber at Asheboro City Hall, to consider the adoption of an ordinance annexing the described area into the City of Asheboro; and

WHEREAS, the said public hearing has, in fact, been held on the 17th day of September, 2015; and

WHEREAS, the Asheboro City Council has determined that the annexation petition meets the requirements of Section 160A-31 of the North Carolina General Statutes;

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

Section 1. By virtue of the authority granted in Section 160A-31 of the North Carolina General Statutes, the following described area is hereby annexed and made part of the City of Asheboro, North Carolina:

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the existing primary city limits line for the City of Asheboro and in the western margin of the public right-of-way for Interstate 73/74 (US 220 Bypass) at an existing iron pipe marking the northeast corner of the Randolph Electric Membership Corporation property described in Deed Book 1666, Page 1445, Randolph County Public Registry (this parcel of land is proposed for annexation and shall be hereinafter referred to as the "REMC Annexation Parcel"), the said beginning point is located by means of the North Carolina Coordinate System at the coordinates of North 698,708.9156 feet and East 1,752,060.4002 feet (NAD 27); thence from the said beginning point and departing from the existing primary city limits line by proceeding South 23 degrees 11 minutes 02 seconds West 540.29 feet along the western margin of the public right-of-way for Interstate 73/74 and the eastern boundary line for the REMC Annexation Parcel to a right-of-way monument; thence departing from the western margin of the public right-of-way for Interstate 73/74 and continuing to follow the eastern boundary line of the REMC Annexation Parcel the following course and distance: South 28 degrees 20 minutes 18 seconds West 209.82 feet to an existing iron pipe at the southeast corner of the REMC Annexation Parcel; thence North 58 degrees 22 minutes 56 seconds West 1,062.59 feet along the southern boundary line of the REMC Annexation Parcel to an existing iron pipe at the southwest corner of the said parcel to be annexed; thence along the boundary line between the REMC Annexation Parcel and The Phillips Family of Asheboro Limited Partnership property described in Deed Book 1596, Page 1479, Randolph County Public Registry the following course and distance: North 30 degrees 55 minutes 25 seconds East 751.34 feet to an existing iron pipe at the northwest corner of the REMC Annexation Parcel and on the existing primary city limits line of the City of Asheboro; thence along the existing primary city limits line and the northern boundary line of the REMC Annexation Parcel the following course and distance: South 57 degrees 57 minutes 08 seconds East 980.47 feet to the point and place of BEGINNING, and containing a total of 17.53 acres of land, more or less, to be annexed.

The above-listed description is in accordance with a plat of survey entitled "ANNEXATION MAP FOR RANDOLPH ELECTRIC MEMBERSHIP CORPORATION" that was drawn under the supervision of Charles E. Morgan, Jr., Professional Land Surveyor with Registration Number L-3945. The job number listed on the plat is 7118 R 10, and the said plat of survey is dated July 20, 2015.

Section 2. Upon and after September 17, 2015, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the

City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. Said territory shall be subject to municipal taxes according to Section 160A-58.10 of the North Carolina General Statutes.

Section 3. The Mayor of the City of Asheboro shall cause to be recorded in the office of the Register of Deeds of Randolph County, North Carolina, and in the office of the Secretary of State of North Carolina at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this Ordinance. Such a map shall also be delivered to the Randolph County Board of Elections, as required by Section 163-288.1 of the North Carolina General Statutes.

Section 4. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 5. This Ordinance shall be in full force and effect upon and after the 17th day of September, 2015.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 17th day of September, 2015.

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

ATTEST:

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

Approved as to form:

Jeffrey C. Sugg, City Attorney
City of Asheboro, North Carolina