

**AGENDA
REGULAR MEETING
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, JULY 11, 2013, 7:00 PM**

1. Call to order.
2. Silent prayer and pledge of allegiance.
3. Recognition of Rickey D. Wilson, Chief of Police (Retired), for his years of dedicated service to the City of Asheboro.
4. Consent agenda:
 - (a) Approval of the minutes of the city council's meeting on June 6, 2013.
 - (b) Approval of the minutes of the city council's meeting on June 27, 2013.
 - (c) Final approval of the findings, conclusions, and order entered under land use case no. SUP-13-03.
 - (d) Approval of a resolution exempting the city's procurement of engineering services for the Chlorine Dioxide Primary Disinfection System Project at the Asheboro Water Treatment Plant from the provisions of Chapter 143, Article 3D of the North Carolina General Statutes.
5. Community Development Division Items (Mr. Nuttall will present these items.)
 - (a) Zoning Case SUP-13-04: Quasi-judicial hearing concerning the request of Ash Rand Rescue and EMS, Inc. for a Special Use Permit authorizing a public use facility at 805 South Cox Street.
 - (b) Zoning Case RZ-13-10: Legislative hearing concerning the establishment of city zoning (OA6 Office Apartment and R40 Low-Density Residential) for the recently annexed Cross Road Retirement Community property.
 - (c) Consideration of a resolution authorizing application(s) for grant funding to support the Randolph County SPCA Shelter/Community Center project.
6. Public comment period.
7. Recognition of the Finance Director's recent selection as a financial executive of the year by The Business Journal. (Mr. Ogburn will present this item.)

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8. Consideration of the potential lease to the Randolph County Schools of transmitter and antenna space on a city-owned tower. (Mr. Sugg will present this item.)
9. Discussion of items not on the agenda.
10. Adjournment.

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, JUNE 6, 2013
7:00 p.m.**

Item 4 (a)

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

Clark R. Bell)
Edward J. Burks)
Michael W. Hunter) – Council Members Present
Walker B. Moffitt)
Charles A. Swiers)

Talmadge S. Baker)
Linda H. Carter) – Council Members Absent

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
John L. Evans, Assistant Community Development Director
Michael L. Leonard, P.E., City Engineer
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney
Todd Swaney, Police Captain

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

3. Consent agenda:

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

- (a) The minutes of the City Council's regular meeting on May 9, 2013.**
- (b) The minutes of the City Council's special meeting on May 30, 2013.**
- (c) Acknowledgement of the receipt of a copy of the Asheboro ABC Board's adopted budget for fiscal year 2013-2014 in addition to copies of the minutes of the ABC Board meetings held on April 1, 2013 and May 8, 2013.**

A copy of the Asheboro ABC Board's adopted budget for fiscal year 2013-2014 along with copies of the minutes of the ABC Board meetings held on April 1, 2013 and May 8, 2013 were received by the Mayor and the Council Members. Copies of the budget and the minutes are on file in the City Clerk's office.

- (d) In response to a request from the North Carolina Department of Transportation, a resolution authorizing the execution of a temporary construction easement and a permanent drainage (storm sewer) easement across city-owned land located adjacent to Bridget No. 430 on SR 1163 (Tot Hill Farm Road).**

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT AGREEMENT ON BEHALF OF THE CITY OF ASHEBORO

WHEREAS, Section 160A-273 of the North Carolina General Statutes provides that a city is authorized to grant easements over, through, under, or across city property; and

WHEREAS, the City of Asheboro owns 25.9 acres, more or less, of land described in Deed Book 1291, Page 201, Randolph County Public Registry, and this land is adjacent to Bridge No. 430 on Tot Hill Farm Road (North Carolina Secondary Road 1163); and

WHEREAS, the North Carolina Department of Transportation (hereinafter referred to as the "NCDOT") has proposed certain improvements that will positively impact Bridge No. 430 and Tot Hill Farm Road; and

WHEREAS, in order to construct the planned improvements, the NCDOT has requested (a) a permanent drainage easement over approximately 0.017 of an acre of city-owned land and (b) a temporary construction easement over approximately 0.033 of an acre of city-owned land; and

WHEREAS, in order to obtain the requested easements, NCDOT personnel have drafted and transmitted to city personnel legal instruments to effectuate the conveyance of the requested easements; and

WHEREAS, these legal instruments are collectively attached to this Resolution as EXHIBIT 1 and are incorporated into this Resolution by reference as if copied fully herein; and

WHEREAS, the NCDOT has appraised the requested permanent easement and temporary construction easement as having a value of two hundred and no hundredths dollars (\$200.00), and, accordingly, the NCDOT has offered to pay this sum of money to the city as monetary consideration for granting the requested easements; and

WHEREAS, the proposed improvements are beneficial in nature, and the requested easements will pose no obstacle or impediment to the city's use of the above-described land; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the terms and conditions of the legal instruments attached to this Resolution as EXHIBIT 1 are hereby found to be reasonable and acceptable; and

BE IT FURTHER RESOLVED that the Mayor of the City of Asheboro and any other necessary officials of the municipal corporation are hereby authorized and directed to execute, on behalf of the City of Asheboro, the legal instruments attached to this Resolution as EXHIBIT 1.

This Resolution was approved by the Asheboro City Council in open session during a regular meeting of the governing board that was held on the 6th day of June, 2013.

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

ATTEST:

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

[The legal instruments identified as EXHIBIT 1 in the preceding resolution are on file and available for inspection in the City Clerk's office.]

(e) A resolution authorizing the disposal of a damaged police vehicle.

RESOLUTION AUTHORIZING THE DISPOSAL OF A DAMAGED POLICE VEHICLE

WHEREAS, Article IX, Section 9.3 of the Charter of the City of Asheboro provides that the City Council shall have the power granted by Chapter 160A, Article 12 of the General Statutes of North Carolina to sell any personal property belonging to the City of Asheboro; and

WHEREAS, Section 160A-265 of the North Carolina General Statutes authorizes the City of Asheboro (hereinafter referred to as the "City"), in the discretion of the City Council, to dispose of personal property belonging to the City regardless of the method utilized by the City to acquire the property; and

WHEREAS, Section 160A-266 of the North Carolina General Statutes authorizes the utilization of private negotiation and sale for the disposal of an item of personal property belonging to the City where the item of personal property is valued at less than thirty thousand and no hundredths dollars (\$30,000.00); and

WHEREAS, Section 160A-267 of the North Carolina General Statutes provides that, if the City Council proposes to dispose of property by private sale, a resolution must be adopted authorizing a City official to dispose of the personal property by private sale at a negotiated price and notice of the contents of the resolution authorizing the private sale shall be published once after the adoption of the resolution; and

WHEREAS, a City-owned 2001 Dodge van (VIN 2B7HB11Y41K526851) assigned to the municipal police department was damaged when an individual attempted to avoid detention by backing the vehicle she was operating in a manner that led to a collision with the City's vehicle on February 14, 2013; and

WHEREAS, after an appraisal was performed by representatives of Nationwide Affinity Insurance Company (hereinafter referred to as "Nationwide"), which is the liability insurance carrier for the owner of the vehicle that collided with the City's 2001 Dodge van, city staff members were informed that the City's van was deemed to be a total loss; and

WHEREAS, in an effort to settle the City's claim for damages, Nationwide has offered to pay to the City the sum of four thousand eight hundred thirty-five and no hundredths dollars (\$4,835.00) on the condition that the City assign title to Nationwide so that the said vehicle can be sold for salvage; and

WHEREAS, on the basis of the City staff's recommendation that the settlement offer is reasonable in light of the age and condition of the damaged police vehicle, the City Council has concluded that the proposed settlement of the City's claim for damages is acceptable;

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

Section 1. The City's 2001 Dodge van (VIN 2B7HB11Y41K526851), which has been appraised as a total loss as a consequence of a collision with another vehicle on February 14, 2013, is hereby declared to be surplus personal property.

Section 2. The City Manager is hereby authorized to settle the City's claim for damages by accepting Nationwide's settlement offer and assigning the title to this surplus vehicle to Nationwide for salvage in consideration of the payment to the City of four thousand eight hundred thirty-five and no hundredths dollars (\$4,835.00).

Section 3. In accordance with Section 160A-267 of the North Carolina General Statutes, a summary of the contents of this resolution shall be published once in *The Courier-Tribune*, a newspaper having general circulation in the City of Asheboro, and the sale of this surplus vehicle shall not be consummated until ten (10) days have elapsed since the date of publication of the said notice.

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on June 6, 2013.

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

ATTEST:

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

4. Public hearing on the proposed budget for fiscal year 2013-2014.

Mayor Smith opened the public hearing on the budget for fiscal year 2013-2014.

Mr. Ogburn utilized a visual presentation to highlight the fund allocations for the proposed fiscal year 2013-2014 annual budget. The fund allocations are as follows:

General Fund	\$23,143,485
Water & Sewer Fund	<u>\$15,290,066</u>
Total:	\$38,433,551

The recommended budget reflects an unchanged property tax rate of \$0.55 per \$100 valuation and no fee increase for utility services. The budget is balanced with no allocation of fund balance from the General Fund or retained earnings from the Water and Sewer Fund.

Mayor Smith invited comments from the public, but none were offered. Mayor Smith closed the public hearing and announced that written comments will be accepted from the public until final consideration of the budget. Final consideration of the budget will take place during a special meeting of the Council at 12:30 p.m. on June 27, 2013 in the Council Chamber.

In addition to a copy of the proposed budget, a copy of the visual presentation utilized by Mr. Ogburn is on file in the City Clerk's office.

5. Community Development Division Items:

(a) Land Use Cases RZ-13-09, SUP-13-03, and SUB-13-01: Combined hearing on requests to rezone the property located at 2513 Old Cedar Falls Road from R40 Low-Density Residential to R10 Medium-Density Residential, issue a Special Use Permit, and approve a subdivision sketch design.

Mayor Smith opened the public hearing on these land use cases (RZ-13-09, SUP-13-03, and SUB-13-01). Mr. Nuttall was placed under oath and provided the Community Development Division staff's analysis of the applicant's requests.

This application for a legislative rezoning, the issuance of a Special Use Permit and the approval of a Sketch Design pertains to approximately 106.13 acres of land that is owned by Phyllis E. Thomas and is located at 2513 Old Cedar Falls Road. This property is more specifically identified by Randolph County Parcel Identification Number 7772117810.

Old Cedar Falls Road (SR 2216) is a state-maintained major thoroughfare. The property was annexed on October 5, 2006 at the request of the property owner. Currently, water and sewer lines do not extend to the property, but a developer could extend the lines under the city's water and sewer line extension policy.

The Land Development Plan proposes development of a recreational greenway on this property. A small portion of the property (primarily in the northwestern quadrant) is located in a Special Hazard Flood Area. A portion of the proposed Northeast Corridor (Thoroughfare Plan 2001) crosses the northeastern quadrant of the tract.

The applicant, Mr. Brian Thomas, is requesting a rezoning of the property to the R10 Medium-Density residential zoning district along with a Special Use Permit authorizing a residential Planned Unit Development (PUD) consisting of 160 attached dwelling units within 80 residential structures along with an agricultural tourism use, including a banquet center. However, if the Special Use Permit is not granted or initiated, rezoning the property to R10 would allow any uses, including conventional subdivisions, permitted in the R10 district by right. A Special Use Permit has previously been approved allowing a 198 site recreational vehicle (RV) resort (which allows sale of individual lots) with an agricultural tourism facility (including a banquet center) as an optional amenity to the RV resort.

In addition to having the property rezoned and requesting a Special Use Permit for a Residential Planned Unit Development, the applicant is requesting the approval of a sketch design for the proposed subdivision, Reserves at the Vineyards, consisting of 160 lots plus common area with the average lot size of 3,360 square feet. The development proposes a gatehouse and private streets, restricting access to visitors.

The Community Development Division staff and the Planning Board recommended approval of the requested legislative rezoning based on the following analysis:

"The existing R40 Low Density Residential district is primarily intended to accommodate property developed at lower densities due to lack of public water and sewer services, while annexation of the subject property creates the ability to extend public water and sewer services to the property consistent with R10 Medium-Density Residential land uses. The R10 designation, which allows single and two-family dwellings at medium densities, is consistent with the LDP proposed land use map's 'neighborhood residential' classification of the property. The East Small Area Plan envisions employment growth south of the subject property and provision of urban services in Economic Development Areas identified by the Land Development Plan and Economic Development Zones identified by the NC Department of Commerce (the property is located in both)."

On behalf of the applicant, Mr. Scott Eggleston, Esq. and Mr. Jim Wright, who is a certified real estate appraiser were placed under oath and addressed the four standard tests for issuance of a Special Use Permit.

No witnesses came forward in opposition to the applicant's request to place the property in an R10 Medium-Density Residential zoning district and for the issuance of a Special Use Permit. There being no comments and no opposition from the public, Mayor Smith asked the Council to proceed to the deliberative phase of the process.

With regard to the request to place the property in a different zoning district, the Council considered and took action with one motion to approve: (i) the requested rezoning and (ii) adopted a statement as to the consistency of the requested zoning designation with the adopted comprehensive plans as well as the reasonableness of the request and whether granting the request is in the public interest. This motion, which was made by Mr. Moffitt and seconded by Mr. Swiers, and was approved without dissent by Council Members Bell, Burks, Hunter, Moffitt, and Swiers. With the approval of this motion, the Council:

- (i) Adopted the recommendation of the Planning Board and placed the above-described property in an R10 Medium Density Residential zoning district; and
- (ii) Adopted the following consistency/reasonable statement:

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

With regard to the application for a Special Use Permit, Mr. Moffitt then moved to approve, with the staff recommended conditions, the requested Special Use Permit for a Residential Planned Unit Development, including an Agricultural Tourism Facility, to be located on the above-described property. Mr. Burks seconded the motion, and Council Members Bell, Burks, Hunter, Moffitt, and Swiers voted in favor of this motion. The issuance of this permit is based on the four standard tests being met.

The formal findings of fact, conclusions of law, and order authorizing the Special Use Permit will be entered by the Council during regular session on July 11, 2013. This order will reflect the conditions imposed upon this permit as a consequence of the testimony presented during the public hearing.

With regard to the request for a subdivision sketch design approval and based on the recommendations of the Community Development Division staff and the Planning Board, Mr. Moffitt moved to approve the sketch design for the proposed Reserves at the Vineyards subject to the following comments/conditions:

- 1. The NC Department of Transportation (NCDOT) does not allow water and/or sewer lines and appurtenances within the public right-of-way.
- 2. The HOA and/or property owners will be responsible for maintaining the low pressure sewer system, pumps, and all related appurtenances.
- 3. The HOA and/or property owners will be responsible for maintaining the private water line (and related appurtenances) and all private streets/drives.
- 4. The Land Development Plan identifies a public greenway on this property. The LDP recommends accommodating this facility during the development process.
- 5. RV storage can either be prohibited by Homeowners Association documents recorded with final plat or a separate, screened area will need to be provided.
- 6. Technical corrections to the plat that were identified by the city staff are to be made.
- 7. Hydrant locations will be subject to further review by the fire department and the fire prevention bureau when the preliminary plat is submitted.
- 8. Per the fire department and the fire prevention bureau, street radii may need to increase in certain locations.
- 9. Per the fire department and the fire prevention bureau, a secondary access from Old Cedar Falls Road must be constructed when the number of residential units exceeds 30.

Mr. Bell seconded the motion. Council Members Bell, Burks, Hunter, Moffitt, and Swiers voted aye.

The visual presentation utilized by Mr. Nuttall during his presentation is on file in the City Clerk's office.

(b) Consideration of a recommendation from the Asheboro Redevelopment Commission concerning potential changes to the commission's membership roll.

Mr. Nuttall presented the following recommendations from the Asheboro Redevelopment Commission concerning potential changes to the commission's membership roll:

1. To appoint Mr. David Jarrell to the unexpired term formerly held by Mr. Charlie Robbins. This term expires on April 1, 2014.
2. To appoint Mr. Michael Moore to the currently vacant seat for a full five (5) year term that will expire on April 1, 2018.
3. To reduce the commission's membership roll from nine (9) members to eight (8) members, eliminating one currently vacant seat.
4. To reappoint Mr. Roger Spoon to a five (5) year term that will expire on April 1, 2018.

These recommendations were reflected in a resolution presented to the Council Members for their consideration. Upon motion by Mr. Bell and seconded by Mr. Hunter, Council voted unanimously to adopt the following resolution by reference. Council Members Bell, Burks, Hunter, Moffitt, and Swiers voted aye.

31 RES 6-13

**A RESOLUTION REDUCING AND CLARIFYING THE MEMBERSHIP ROLL
OF THE ASHEBORO REDEVELOPMENT COMMISSION**

WHEREAS, on October 8, 1970, the Asheboro City Council, by means of formally adopting a resolution, entered into the public record the governing board's finding that blighted areas existed in the City of Asheboro and that the redevelopment of such areas was in the interest of the public health, safety, and welfare of the residents of the City of Asheboro; and

WHEREAS, after making this finding, the City Council utilized the same resolution that is referenced in the immediately preceding paragraph to create the Asheboro Redevelopment Commission to function within the territorial limits of the City of Asheboro; and

WHEREAS, the vital role played by the Asheboro Redevelopment Commission in the redevelopment of blighted areas is just as important today as it was in 1970; and

WHEREAS, over the years, many dedicated residents have rendered important service to their city by serving on the redevelopment commission; and

WHEREAS, during the decades that have passed since October 8, 1970, the membership roll for the redevelopment commission has been set at different numbers and different members of the commission have served as long as they could and, in some cases, were unable to finish their scheduled terms of office; and

WHEREAS, during the course of reviewing the redevelopment commission's initial recommendation that former Mayor David Jarrell and Mr. Michael Moore should be considered to fill the unexpired term of retired commission member Charlie Robbins, the City Council concluded that it would be advisable for city staff members to research the status of the membership roll of the redevelopment commission before final action was taken on filling the unexpired term of Mr. Robbins; and

WHEREAS, this research led to the conclusion that the paperwork reflecting the terms of office of certain commission members needed to be updated to remove certain inaccuracies and that more appointments were needed than originally thought because the City Council, on June 7, 1984, had expanded the membership roll of the redevelopment commission to nine (9) members, which is the maximum number of members permitted under the enabling legislation for redevelopment commissions; and

WHEREAS, after having the results of the aforementioned research forwarded, at the direction of the Council, to the commission members for review, the Asheboro Redevelopment Commission studied the research data during a regular meeting on June 3, 2013, and recommended that the City Council clarify in the minutes of its next meeting the terms of office of all of the commission members, reappoint commission member Roger Spoon to a 5-year term of office, appoint former Mayor David Jarrell to fill the unexpired term of retired commission member Charlie Robbins, appoint Michael Moore to fill a currently vacant 5-year term of office, and reduce the membership of the commission from nine (9) members to eight (8) members since the ninth seat is currently vacant and, at present, there is no demonstrable need for nine (9) members; and

WHEREAS, the City Council concurs with these recommendations;

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

Section 1. Effective immediately, Roger Spoon is hereby reappointed to a 5-year term of office that commenced on April 1, 2013, and will expire on April 1, 2018.

Section 2. Effective immediately, Michael Moore is hereby appointed to a 5-year term of office that commenced on April 1, 2013, and will expire on April 1, 2018.

Section 3. Effective immediately, David Jarrell is hereby appointed to fill the unexpired term of Charlie Robbins that expires on April 1, 2014.

Section 4. Effective immediately, the number of members of the Asheboro Redevelopment Commission is hereby reduced from a total of nine (9) members to a total of eight (8) members.

Section 5. With the above-stated actions, the membership roll of the Asheboro Redevelopment Commission immediately after the adoption of this Resolution will be as follows:

<u>Member</u>	<u>Term Expires</u>
1. Linda Carter, Chair	April 1, 2014
2. David Jarrell	April 1, 2014
3. Tommy Lemonds	April 1, 2014
4. Martha Norman	April 1, 2014
5. Cynthia Bailey, Vice-Chair	April 1, 2017
6. Katie Snuggs	April 1, 2017
7. Michael Moore	April 1, 2018
8. Roger Spoon	April 1, 2018

This Resolution was adopted in open session during a regular meeting of the Asheboro City Council that was held on the 6th day of June, 2013.

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

ATTEST:

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

6. Consideration of the annexation of city-owned property located at 1431 East Salisbury Street.

Mayor Smith opened the public hearing on the request for annexation of city-owned land located at 1431 East Salisbury Street.

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

Mr. Leonard presented and recommended adoption, by reference, of an ordinance to extend the corporate limits of the City of Asheboro.

Mr. Burks moved to adopt the following ordinance by reference. Mr. Bell seconded the motion, and Council Members Bell, Burks, Hunter, Moffitt, and Swiers voted aye.

Ordinance Number 11 ORD 6-13
ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF ASHEBORO, NORTH CAROLINA
(City-Owned Land Located at 1431 East Salisbury Street)

WHEREAS, on May 9, 2013, the Asheboro City Council adopted, pursuant to Section 160A-31 of the North Carolina General Statutes, a resolution (Resolution Number 25 RES 5-13) stating the City Council's intent to annex the city-owned property located at 1431 East Salisbury Street (the land to be annexed is more specifically described below in Section 1); and

WHEREAS, after due notice of the public hearing on the proposed annexation was published on the 17th day of May, 2013, in *The Courier-Tribune*, a newspaper having general circulation in the City of Asheboro, a public hearing on the question of the said annexation was in fact held during the Asheboro City Council's regular meeting that began at 7:00 o'clock p.m. on the 6th day of June, 2013, in the Council Chamber at Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203; and

WHEREAS, the Asheboro City Council finds that the proposed annexation 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, effective immediately, the following described property, which is contiguous with the existing primary corporate limits of the City of Asheboro, is hereby annexed and made part of the City of Asheboro, North Carolina:

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the western boundary line of the City of Asheboro property previously described in Deed Book 905, Page 144, Randolph County Public Registry at a $\frac{3}{4}$ " existing iron pipe flush with the ground at the intersection of the said western boundary line with the southern margin of the public right-of-way for Martin Luther King, Jr. Drive (North Carolina Secondary Road 2189), this beginning point is located by means of the North Carolina Coordinate System at the coordinates of North 712,730.59 feet and East 1,765,520.99 feet (NAD 83); thence from the said beginning point following the proposed primary city limits line for the City of Asheboro by proceeding into the public right-of-way for Martin Luther King, Jr. Drive North 01 degree 27 minutes 45 seconds West 55.32 feet to a computed point on the existing primary city limits line for the City of Asheboro; thence following the existing primary city limits line that is located within the public right-of-way for Martin Luther King, Jr. Drive the following courses and distances: South 32 degrees 05 minutes 43 seconds East 280.16 feet to a computed point; thence South 32 degrees 05 minutes 43 seconds East 280.15 feet to a computed point; thence South 32 degrees 49 minutes 56 seconds East 52.86 feet to a computed point; thence South 36 degrees 32 minutes 03 seconds East 52.46 feet to a computed point; thence South 41 degrees 47 minutes 02 seconds East 50.46 feet to a computed point; thence South 46 degrees 16 minutes 59 seconds East 49.73 feet to a computed point; thence South 55 degrees 44 minutes 31 second East 51.81 feet to a computed point; thence South 58 degrees 23 minutes 46 seconds East 15.32 feet to a computed point; thence departing from the public right-of-way for Martin Luther King, Jr. Drive, but continuing to follow the existing primary city limits for the City of Asheboro, and proceeding along the northern margin of the public right-of-way for East Salisbury Street (North Carolina Secondary Road 2237) the following courses and distances: South 88 degrees 50 minutes 05 seconds West 121.99 feet to a $\frac{1}{4}$ " existing iron pipe flush with the ground; thence in a northwesterly direction along the arc of a curve with a radius of 3,970.00 feet and an arc length of 350.09 feet (a chord bearing and distance of North 88 degrees 31 minutes 17 seconds West 349.98 feet) to a computed point in an existing utility pole; thence departing from the northern margin of the public right-of-way for East Salisbury Street and proceeding along the proposed primary city limits line by running along the western boundary line of the said City of Asheboro property the following courses and distances: North 00 degrees 58 minutes 38 seconds West 200.44 feet to a $\frac{3}{4}$ " existing iron pipe that is 4" below ground; thence North 00 degrees 58 minutes 38 seconds West 333.14 feet to a $\frac{3}{4}$ " existing iron pipe that is flush with the ground; thence North 00 degrees 31 minutes 55 seconds West 75.08 feet to the point and place of BEGINNING, and containing 3.226 acres (140,534 square feet) of land, more or less, to be annexed.

The above-listed description is in accordance with a plat of survey entitled "Annexation Plat for City of Asheboro FUTURE FIRE STATION #3 AREA." This plat was drawn under the supervision of Thomas Scaramastra, a Professional Land Surveyor with Registration Number L-4421, from an actual survey made under his supervision. The job number listed on the plat is 13-009, and the said plat of survey is dated April 19, 2013.

Section 2. Upon and after June 6, 2013, 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 6th day of June, 2013.

This ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 6th day of June, 2013.

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

ATTEST:

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

Approved as to form:

/s/Jeffrey C. Sugg
Jeffrey C. Sugg, City Attorney

7. Consideration of petitions received from the Asheboro Housing Authority, Sandhills Center for Mental Health, and Our Daily Bread Kitchen, Inc. requesting the annexation of approximately 2.956 acres of land located at the eastern terminus of East Pritchard Street.

Mayor Smith opened the public hearing on the request for annexation of 2.956 acres of land located at the eastern terminus of East Pritchard Street.

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

Mr. Leonard presented and recommended adoption, by reference, of an ordinance to extend the corporate limits of the City of Asheboro.

Mr. Burks moved to adopt the following ordinance by reference. Mr. Swiers seconded the motion, and Council Members Bell, Burks, Hunter, Moffitt, and Swiers voted aye.

**Ordinance Number 12 ORD 6-13
ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF ASHEBORO, NORTH CAROLINA
(A Total of 2.956 Acres of Land Located at the Eastern Terminus of East Pritchard Street)**

WHEREAS, pursuant to Section 160A-31 of the North Carolina General Statutes, petitions requesting annexation by the City of Asheboro of the territory described in Section 1 of this Ordinance were presented to the Asheboro City Council on May 9, 2013; and

WHEREAS, by means of a duly adopted resolution (Resolution Number 26 RES 5-13), the Asheboro City Council directed the City Clerk to investigate the sufficiency of the petitions, and the Clerk has certified the sufficiency of the said petitions; and

WHEREAS, pursuant to Asheboro City Council Resolution Number 27 RES 5-13, notice was published to the public on the 17th day of May, 2013, 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 meeting at 7:00 o'clock p.m. on the 6th day of June, 2013, in the Council Chamber at Asheboro City Hall, to consider the adoption of an ordinance annexing the said area into the City of Asheboro; and

WHEREAS, the advertised public hearing was in fact held on the 6th day of June, 2013; and

WHEREAS, the Asheboro City Council has concluded that the petitions meet 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, effective June 30, 2013, 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 Asheboro city limits line at an existing iron pipe that is located at the southeast corner of the area proposed for annexation into the

city, the said existing iron pipe is at the southeast corner of the Sandhills Center for Mental Health property described in Deed Book 1823, Page 2286, Randolph County Public Registry; thence from the said beginning point following the existing primary city limits line around the entirety of the area to be annexed by first proceeding along the southern boundary line of the said Sandhills Center for Mental Health property the following courses and distances: North 85 degrees 16 minutes 09 seconds West 191.59 feet to an existing iron pipe; thence North 85 degrees 15 minutes 58 seconds West 41.80 feet to a computed point (this computed point is located North 19 degrees 00 minutes 40 seconds West 460.75 feet from the corner of the City of Asheboro primary city limits as located by means of the North Carolina Coordinate System at the coordinates of North 716,184.046 feet and East 1,763,126.258 feet (NAD 27)); thence North 19 degrees 00 minutes 40 seconds West 242.21 feet across the said Sandhills Center for Mental Health property and the Asheboro Housing Authority property described in Deed Book 1015, Page 143, Randolph County Public Registry to a computed point; thence continuing across the Asheboro Housing Authority property, the public right-of-way for East Pritchard Street, the Our Daily Bread Kitchen, Inc. property described in Deed Book 1574, Page 1398, Randolph County Public Registry, and a separate portion of the Asheboro Housing Authority property described in Deed Book 1015, Page 143, Randolph County Public Registry the following course and distance: North 24 degrees 16 minutes 36 seconds East 659.19 feet to a computed point on the boundary line for the City of Asheboro property described in Deed Book 1123, Page 416, Randolph County Public Registry; thence South 53 degrees 54 minutes 31 seconds East 39.42 feet along the boundary line for the said City of Asheboro property to an existing iron pipe; thence departing from the boundary line for the City of Asheboro property and proceeding South 25 degrees 14 minutes 29 seconds West 397.17 feet to an existing iron pipe on the northern boundary line of the previously referenced Our Daily Bread Kitchen, Inc property; thence along the Our Daily Bread Kitchen, Inc property boundary line the following courses and distances: South 84 degrees 17 minutes 14 seconds East 53.06 feet to an existing iron pipe; thence South 25 degrees 11 minutes 59 seconds West 89.14 feet to an existing iron pipe in the margin of the public right-of-way for East Pritchard Street; thence following the cul-de-sac at the eastern terminus of East Pritchard Street by proceeding in a southeasterly direction along the arc of a curve with a radius of 45.00 feet and an arc length of 110.96 feet (a chord bearing and distance of South 34 degrees 15 minutes 41 seconds East 84.91 feet) to a new iron pipe; thence along the northern and eastern boundary lines of the previously referenced Sandhills Center for Mental Health property the following courses and distances: South 85 degrees 16 minutes 45 seconds East 205.41 feet to an existing iron pipe; thence South 16 degrees 34 minutes 34 seconds West 150.01 feet to an existing iron pipe; thence South 17 degrees 15 minutes 59 seconds West 156.94 feet to the point and place of BEGINNING, and containing 2.956 acres (128,761 square feet) of land, more or less, to be annexed.

The above-listed description is in accordance with a plat of survey entitled "Annexation Plat for City of Asheboro EAST PRITCHARD STREET AREA." This plat was drawn under the supervision of Thomas Scaramastra, a Professional Land Surveyor with Registration Number L-4421, from an actual survey made under his supervision. The job number listed on the plat is 13-003, and the said plat of survey is dated March 8, 2012.

Section 2. Upon and after June 30, 2013, 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 30th day of June, 2013.

This ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 6th day of June, 2013.

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

ATTEST:

Approved as to form:

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

/s/Jeffrey C. Sugg
Jeffrey C. Sugg, City Attorney

8. Public comment period.

Mayor Smith opened the floor for comments from the public, and none were offered.

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

9. Consideration of approval of Change Order #5 on the Sunset Theatre Renovation Project (Rehab Builders, Inc.) increasing the contract amount by \$19,021.00 to \$1,680,865, and increasing the contract time by 35 days to August 19, 2013.

Mr. Leonard presented the above-referenced Change Order #5 on the Sunset Theatre Renovation Project by Rehab Builders, Inc. increasing the contract amount by \$19,021.00 to \$1,680,865. This change order also increases the contract time by 35 days to August 19, 2013.

In regards to the above-referenced Change Order #5, Mr. Leonard summarized the following additions and repairs to the Sunset Theatre Renovation Project:

- A Dutch door was added to the concession area where no door was present before;
- An electrician had to move the panel in the concession area closet in order to get enough separation from the location of the ice machine;
- Plumbing was added in the concession area closet including a wall sink and a floor sink;
- Repair and replace termite damage in the concession area ceiling structure;
- Add a rail to the handicapped ramp as it was required by code to be on both sides of the ramp but was only shown on one;
- A window was added to the sound booth for security purposes;
- The ladder to the right side of the stage was changed to stairs and guard rails for easier access;
- A chandelier and wiring were added to the main foyer for more aesthetic appeal;
- A power vent from the bookstore to the room in the rear was added because the door that was added in an earlier change order changed the circulation of air in Building Number 3; and
- A 150 Amp Electric Service Panel was added to the rear of the bookstore and Building Number 3 as it was omitted in the original plans.

Mr. Bell moved to approve the above-referenced Change Order #5. Mr. Burks seconded the motion, and Council Members Bell, Burks, Hunter, Moffitt, and Swiers voted aye.

10. Introduction of Ms. Kerrin Lowe, Community Development Department Intern.

Mr. Nuttall introduced Ms. Kerrin Lowe, who is the Community Development Department Intern. She is a rising Senior at UNC Chapel Hill and is studying Interpersonal and Organizational Communications. Ms. Lowe's duties will include, but are not limited to, updating information on the city's website and on Channel 8, assisting in the city's marketing and promotional efforts as well as the city's Wayfinding Project.

11. Discussion of enhancements related to how meeting agendas and related information is delivered to the City Council and the public.

Mr. Nuttall reported that Council meeting agendas and related information will soon be available electronically. Council Members and citizens will be able to click on a link via the city's website in order to access the information for council meetings. A "practice" link will possibly be available for Council Members to access the agenda and related information for the regular July council meeting.

12. Upcoming events:

- Randolph County Economic Development Annual Meeting on Thursday, June 20, 2013 at 8:00 a.m. at AVS.
- Retire Asheboro, North Carolina Open House: Officially begins on Saturday, June 22, 2013 at 9:00 a.m. at City Hall and includes a concert at 6:00 p.m. that evening in Bicentennial Park by the Sand Band.
- Special City Council Meeting on Thursday, June, 27, 2013 at 12:30 p.m. in the Council Chamber to consider the adoption of the budget for fiscal year 2013-2014.

13. Items not on the agenda.

Mayor Smith reported that the North Carolina General Assembly passed Senate Bill 258 amending the Charter of the City of Asheboro. A copy of Senate Bill 258 (now Session Law 2013-64) is on file in the City Clerk's office.

There being no further business, the meeting was adjourned at 8:25 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor

**NOTICE OF A SPECIAL MEETING OF THE
ASHEBORO CITY COUNCIL**

Item 4 (b)

Thursday, June 27, 2013

12:30 p.m.

Notice of a special meeting of the City Council of the City of Asheboro, North Carolina is hereby given. This meeting will be held on June 27, 2013, at 12:30 p.m. in the Asheboro City Hall Council Chamber, 146 North Church Street, Asheboro, North Carolina 27203.

The purpose of this special meeting is to conduct the following business:

- a. Consideration of approving project and budget ordinance amendments for fiscal year 2012-2013; and
- b. Consideration of adopting the fiscal year 2013-2014 budget for the City of Asheboro.

This notice is issued on the 13th day of June, 2013, in accordance with the laws and ordinances of the State of North Carolina and the City of Asheboro.

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

#

**SPECIAL MEETING
 ASHEBORO CITY COUNCIL
 CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
 THURSDAY, JUNE 27, 2013
 12:30 p.m.**

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

- David H. Smith) – Mayor Presiding
- Talmadge S. Baker)
- Clark R. Bell)
- Edward J. Burks)
- Linda H. Carter) – Council Members Present
- Michael W. Hunter)
- Charles A. Swiers)
- Walker B. Moffitt) – Council Member Absent

John N. Ogburn, III, City Manager
 Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
 Michael L. Leonard, P.E., City Engineer
 Trevor L. Nuttall, Community Development Director
 Deborah P. Reaves, Finance Director
 Jeffrey C. Sugg, City Attorney

1. Call to order.

Mayor Smith called the meeting to order for the transaction of business, and business was transacted as follows.

2. Consent agenda:

Mr. Bell moved to approve the consent agenda that consisted of the following project and budget ordinance amendments. Mr. Baker seconded the motion, and Council Members Baker, Bell, Burks, Carter, Hunter, and Swiers voted aye.

(a) Approval of the following project ordinance amendments.

(i) Ordinance to amend the Daves Mountain Project.

13 ORD 6-13

ORDINANCE TO AMEND THE DAVES MOUNTAIN PROJECT FY 2012-2013

WHEREAS, the Daves Mountain Project Ordinance was adopted in 2007 to establish the financial accounting for a project relating to sewer system improvements to the Daves Mountain area and water and sewer system improvements to the Cedar Creek Subdivision, and;

WHEREAS, due to system design issues, at the June 5, 2008 Council Meeting, the City Council decided not to adopt the Annexation Ordinance as it was written, and;

WHEREAS, since that meeting, the General Assembly has changed the general statutes regarding annexation, and as result, the outlined project does not meet the requirements of the amended general statutes, and;

WHEREAS, all contractual obligations for the project to date have been satisfied, and;

WHEREAS, the revenue and expense line items in the budget need to be amended in preparation of closing the project, and;

WHEREAS, the City of Asheboro desires to be in compliance with all generally accepted accounting principles,

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

That the following Expense line item be increased / decreased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase / (Decrease)</u>	<u>Amended Budget</u>
69-810-0402	Survey, Engineering, Design	(92,884)	386,116
69-810-0406	Legal Services	(7,500)	1,900
69-810-0500	Administration	(670)	330
69-810-3000	Contribution to W&S fund	101,054	101,054
	TOTAL	\$0	489,400

Adopted this the 27th day of June 2013.

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

ATTEST:

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

(ii) Ordinance to close the Daves Mountain Project.

14 ORD 6-13

ORDINANCE TO CLOSE THE DAVES MOUNTAIN PROJECT FY 2012-2013

WHEREAS, all contractual obligations for the Daves Mountain project to date have been satisfied, and;

WHEREAS, the officers of the City of Asheboro submit the below as the final budget for the project and request that the project be closed;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA that the below budget is accepted as the final budget and Daves Mountain Project (#69) is hereby closed.

Revenues:

<u>Account #</u>	<u>Revenue Description</u>	<u>Budget</u>
69-367-3000	Contribution from W&S fund.	489,400
	TOTAL	489,400

Expenses:

<u>Account #</u>	<u>Expense Description</u>	<u>Budget</u>
69-810-0402	Survey, Engineering, Design	386,116
69-810-0406	Legal Services	1,900
69-810-0500	Administration	330
69-810-3000	Contribution to W&S fund	101,054
	TOTAL	489,400

Adopted this the 27th day of June 2013.

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

ATTEST:

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

(iii) Ordinance to amend the Zoo City Park Fund.

15 ORD 6-13

ORDINANCE TO AMEND THE ZOO CITY PARK FUND FY 2012-2013

WHEREAS, due to the current economic environment, the construction of the proposed Zoo City Park was put on hold in April 2010, and;

WHEREAS, all contractual obligations for the project to date have been satisfied, and;

WHEREAS, the revenue and expense line items in the budget need to be amended in preparation of closing the project until the economic environment improves and City Council desires to move forward with the project, and

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

That the following Revenue line item be increased / decreased:

<u>Account #</u>	<u>Revenue Description</u>	<u>Increase / (Decrease)</u>	<u>Amended Budget</u>
68-340-0000	Kiwanis Club of Asheboro Contrib.	50,000	50,000
68-350-0000	PARTF Grant	(500,000)	0
68-367-1000	Contribution from General Fund	(210,002)	290,002
	TOTAL		340,002

That the following Expense line item be increased / decreased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase / (Decrease)</u>	<u>Amended Budget</u>
68-850-0000	Construction	(668,000)	282,000
68-860-0000	Kiwanis Club of Asheboro (return contribution)	0	50,000
68-870-0000	Contribution to General fund	8,300	8,300
	TOTAL	\$0	340,002

Adopted this the 27th day of June 2013.

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

ATTEST:

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

(iv) Ordinance to close the Zoo City Park Fund.

16 ORD 6-13

ORDINANCE TO CLOSE THE ZOO CITY PARK FUND FY 2012-2013

WHEREAS, all contractual obligations for the project to date have been satisfied, and;

WHEREAS, the officers of the City of Asheboro submit the below as the final budget for the project and request that the project be closed;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA that the below budget is accepted as the final budget and Zoo City Park Fund (#68) is hereby closed.

Revenues:

<u>Account #</u>	<u>Revenue Description</u>	<u>Budget</u>
68-340-0000	Kiwanis Club of Asheboro Contrib.	50,000
68-367-1000	Contribution from General Fund	290,002
	TOTAL	340,002

Expenses:

<u>Account #</u>	<u>Expense Description</u>	<u>Budget</u>
68-850-0000	Construction	282,000
68-860-0000	Kiwanis Club of Asheboro (return contribution)	50,000
68-870-0000	Contribution to General fund	8,300
	TOTAL	340,002

Adopted this the 27th day of June 2013.

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

ATTEST:

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

(v) Ordinance to amend the Sunset Theatre Project (Fund #67).

17 ORD 6-13

ORDINANCE TO AMEND SUNSET THEATRE PROJECT (FUND #67) FY 2012-2013

WHEREAS, the current adopted budget for the Sunset Theatre Project is in the amount of \$2,411,155, and;

WHEREAS, on September 11, 2012, the Local Government Commission approved the City of Asheboro debt service request of \$1,200,000 and;

WHEREAS, on October 4, 2012, the City of Asheboro received the approved Installment purchase amortization schedule from the Local Government Commission, and;

WHEREAS, a total of \$190,161.42 in debt service payments will be due in the 2013-2014 fiscal year, and;

WHEREAS, the budget as adopted requires amendment to reflect the transfer of funds from the Sunset Theatre project fund to the General fund for payment of this debt service in 2013-2014, and;

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

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

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

<u>Account #</u>	<u>Revenue Description</u>	<u>Increase</u>	<u>Line item Amended Budget</u>
67-370-0000	Campaign Contributions	121,000	799,734
67-370-0001	M Stedman Covington Fdn Contrib	50,000	50,000
67-370-0002	Progress Energy Contribution	20,000	20,000
	Total	191,000	

Section 2: That the following Expense line item be increased / (decreased):

<u>Account #</u>	<u>Expense Description</u>	<u>Increase / (Decrease)</u>	<u>Line Item Amended Budget</u>
67-830-0000	Contribution to GF- Debt service	191,000	335,715
	Total	191,000	

Adopted this the 27th day of June 2013.

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

ATTEST:

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

(vi) Ordinance to amend the Economic Development Fund.

18 ORD 6-13

ORDINANCE TO AMEND THE ECONOMIC DEVELOPMENT FUND FY 2012-2013

WHEREAS, on June 9, 2005, the City Council passed an ordinance pledging \$375,000 to Energizer as long as Energizer Battery achieved certain performance requirements, and;

WHEREAS, on August 12, 2008, the City Council entered into an economic incentive contract with Kennametal and Randolph County in which the City of Asheboro would contribute \$185,000 to Kennametal over a three year period as long as Kennametal achieved certain performance requirements, and;

WHEREAS, neither Energizer nor Kennametal were able to meet the performance requirements outlined in the economic incentives contracts, and as a result, the originally established budgets for these economic incentive payments can now be reversed, and;

WHEREAS, expenditures for the Allen Precision project were different than originally budgeted and thus expenditure line items need to be updated, and;

WHEREAS, on June 7, 2012, the Asheboro City Council pledged to Randolph County Senior Adults Association capital campaign a total appropriation of five hundred thousand dollars (\$500,000) that is to be paid in annual payments of one hundred thousand dollars (\$100,000) over the course of five (5) years, beginning in fiscal year July 1, 2012 to June 30, 2013, and;

WHEREAS, on June 25, 2013, the City of Asheboro received three hundred fifty thousand dollars (\$350,000) from One NC Fund to be disbursed to Malt-O-Meal Company as their first and final payment of the One NC grant awarded, and;

WHEREAS, there are changes in revenues and expenses in the project fund relating to ongoing annual community support payments to various agencies that support and promote Economic Development and Quality of Life in Asheboro, and;

WHEREAS, revenue and expenditures in the Economic Development Fund need to be adjusted to account for these changes, 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 / (decreased):

<u>Line Item</u>	<u>Description</u>	<u>Increase / (decrease)</u>
72-367-1000	GF Contribution- Energizer	(375,000)
72-367-1027	GF Contribution- Kennametal #1	(61,000)
72-367-1028	GF Contribution- Kennametal #2	(61,000)
72-367-1029	GF Contribution- Kennametal #3	(63,000)
72-368-0001	Contribution to Sr. Adults Ctr (12-13)	\$100,000
72-368-0002	Contribution to Sr. Adults Ctr (13-14)	\$100,000
72-368-0003	Contribution to Sr. Adults Ctr (14-15)	\$100,000
72-368-0004	Contribution to Sr. Adults Ctr (15-16)	\$100,000
72-368-0005	Contribution to Sr. Adults Ctr (16-17)	\$100,000
72-367-3001	W&S Fund Contribution	\$118,000
72-367-1010	Malt-O-Meal One NC Grant Award	\$350,000
	Total	<u>\$408,000</u>

Section 3: That the following expense line items be increased / (decreased):

<u>Line Item</u>	<u>Description</u>	<u>Increase / (Decrease)</u>
72-850-2400	Energizer Payments	(375,000)
72-860-0017	Kenametal Payment #1	(61,000)
72-860-0018	Kenametal Payment #2	(61,000)
72-860-0019	Kenametal Payment #3	(63,000)
72-900-1001	Allen Precision sanitary sewer construction	8,000
72-900-1002	Allen Precision water system construction	11,000
72-900-1003	Allen Precision cul-de-sac erosion control	(19,000)
72-830-0001	Contribution to Sr. Adults Ctr. (12-13)	\$100,000
72-830-0002	Contribution to Sr. Adults Ctr. (13-14)	\$100,000
72-830-0003	Contribution to Sr. Adults Ctr. (14-15)	\$100,000
72-830-0004	Contribution to Sr. Adults Ctr. (15-16)	\$100,000
72-830-0005	Contribution to Sr. Adults Ctr. (16-17)	\$100,000
72-840-2000	Chamber of Commerce	\$40,000
72-840-4000	Economic Development Corp	\$76,000
72-840-6000	Piedmont Triad Partnership	\$2,000
72-860-1000	Malt-O-Meal Company – One NC Grant	\$350,000
		<u>\$408,000</u>

Adopted this the 27th day of June, 2013.

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

ATTEST:

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

(vii) Ordinance to amend The Water and Sewer Systems Improvement Fund (#70).

19 ORD 6-13

**ORDINANCE TO AMEND THE WATER AND SEWER SYSTEMS IMPROVEMENT FUND (#70)
FY 2012-2013**

WHEREAS, the old cedar falls road Gravity Sewer and Pump Station Project and the Tot Hill / Airport Lift Station Project whose expenses are accounted for in the Water and Sewer Systems Improvement Fund are currently close to completion, and;

WHEREAS, actual expenses for these two projects have changed from that which was originally budgeted, and;

WHEREAS, the Water and Sewer Systems Improvement Project Fund budget needs to be amended to adjust the expenditure line item amounts, and:

WHEREAS, the City Council of the City of Asheboro desires to amend the budget as required by law and to be in compliance with all generally accepted accounting principles.

THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina

That the following expense line items are changed:

<u>Account</u>	<u>Expense Description</u>	<u>Increase / (Decrease)</u>	<u>Amended Budget</u>
70-820-0000	Gravity Sewer & Force Main Const.	(56,000)	444,000
70-830-0000	Pump Station Const.	56,000	399,000
70-850-0001	Engineering Costs	(6,000)	196,905
70-850-0002	Land Acquisition	5,000	7,100
70-850-0003	Administration	1,000	3,000
	Total	<u>0</u>	

Adopted this the 27th day of June, 2013.

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

ATTEST:

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

(b) Approval of Fiscal Year 2012-2012 budget ordinance amendments.

(i) Ordinance to amend the General Fund FY 2012-2013.

20 ORD 6-13

ORDINANCE TO AMEND THE GENERAL FUND FY 2012-2013

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

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

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

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

<u>Account #</u>	<u>Description</u>	<u>increase / (decrease)</u>
10-350-0200	US Justice Funds DEA	(100,000)
10-349-0301	Grants SAFER	(12,000)
10-358-0300	Transfer Station Revenue	(125,000)
10-383-0001	Sale of Timber	(253,500)
10-399-0000	Fund Balance Allocation	490,500
Total Increase / Decrease		0

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

<u>Account #</u>	<u>Expense Description</u>	<u>increase / (decrease)</u>
10-410-0400	Professional Services	(18,000)
10-420-5900	COG dues	(4,000)
10-440-0401	Professional Services- Segal	(11,000)
10-440-5500	Tax Refunds	(5,000)
10-450-0200	Salaries & Wages	5,000
10-480-3500	Software / Network Support	23,000
10-490-0200	Salaries & Wages	(37,000)
10-495-0200	Salaries & Wages	(41,000)
10-495-0400	Professional Services	9,000
10-495-0702	Fringe Benefits: FICA	(2,500)
10-495-0705	Fringe Benefits – Retirement	(2,900)
10-495-1200	Printing & Publishing	(23,000)
10-495-1400	Travel School Conferences	(23,000)
10-495-5600	Educational Programs	(1,500)
10-495-5700	Miscellaneous	1,500
10-500-1300	Utilities, Fuel, Lights	(5,000)
10-500-1500	Maintenance & Repair Bldg	(1,000)
10-500-1600	Maintenance & Repair – Equipment	(2,000)
10-500-3300	Central Office Supply	(1,000)
10-500-3400	Supplies & materials	(1,000)
10-500-6000	Small Equipment	(1,500)
10-510-0200	Salaries & Wages	255,000
10-510-0201	Overtime	12,000
10-510-0400	Professional Services	13,000
10-510-3400	Other Supplies & Materials	20,000
10-530-0200	Salaries & Wages	(57,000)
10-530-0702	Fringe Benefits: FICA	(10,000)
10-530-0705	Fringe Benefits – Retirement	(9,000)
10-530-1500	Maintenance & Repair - building	106,000
10-530-1700	Maintenance & Repair - vehicle	21,000
10-530-4500	Contracted Maintenance & Repair	(60,000)
10-530-7400	Capital Outlay- Equipment	(245,000)
10-540-0200	Salaries & Wages	(3,000)
10-540-6000	Small Equipment	(1,250)
10-545-0200	Salaries & Wages	2,100
10-545-5400	Insurance	(1,000)
10-545-5800	Workers Compensation	(11,000)
10-545-6000	Small Equipment	(1,250)
10-550-7401	Parking Lot Improvements	(15,000)
10-555-3500	Gas, Oil, Tires –Contra	25,000
10-590-0401	Professional Services- Wellness	64,000
10-615-0200	Salaries & Wages	23,000
10-615-1502	Maintenance & Repair- Senior Adult Ctr.	15,000
10-620-0400	Professional Services	33,000
10-625-1210	Golf Programs- City Am	10,000
10-640-5400	Insurance	(16,000)
10-640-0200	Salaries & Wages	(30,200)

Increase / (Decrease) 0

Adopted this 27th day of June, 2013

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

ATTEST:

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

(ii) Ordinance to amend the Water and Sewer Fund FY 2012-2013.

21 ORD 6-13

ORDINANCE TO AMEND THE WATER & SEWER FUND FY 2012-2013

WHEREAS, The City Council of the City of Asheboro desires to amend the budget as required by law to adjust for changes in revenues and 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>
30-720-7400	Capital Outlay- Equipment	20,000
30-720-7401	Capital Outlay- KIOSK Bldg	18,000
30-830-7400	Capital Outlay- Equipment	(38,000)
	Increase / Decrease	0

Adopted this 27th day of June, 2013

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

ATTEST:

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

3. Consideration of the budget ordinance for the City of Asheboro for fiscal year 2013-2014.

Mr. Ogburn presented and recommended adoption, by reference, of the budget ordinance for the City of Asheboro for fiscal year 2013-2014.

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

22 ORD 6-13

CITY OF ASHEBORO BUDGET ORDINANCE

BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina in session assembled:

Section 1: The following amounts are hereby appropriated in the General Fund for the operation of the city government and its' activities for the fiscal year beginning July 1, 2013 and ending June 30, 2014, in accordance with the chart of accounts heretofore established for this City:

<u>ACCOUNT</u>	<u>DEPARTMENT OR FUNCTION</u>	<u>APPROPRIATION</u>
10-410	Mayor and Governing Body	121,081
10-420	City Manager's Office	187,717
10-440	Finance Office	384,634
10-450	Legal & City Clerk	161,916
10-480	Information Technology	170,861
10-490	Planning/Community Development	465,555
10-500	Municipal Building Headquarters	84,600
10-510	Police Department	6,673,028
10-530	Fire Department	3,499,472
10-540	Building Inspections Department	151,272
10-545	Fire Inspections Department	254,373
10-550	Operations Division - Public Works	666,035
10-555	Fleet Maintenance	1,206,301
10-565	Street Maintenance	2,355,391
10-575	City Engineer Office	199,783
10-580	Environmental Services	2,371,880
10-585	Recycling Transfer Station	197,761
10-590	Human Resources	484,926
10-615	Arts & Cultural Services	432,007
10-620	Recreation Services	904,836
10-625	Municipal Golf Course	177,847
10-630	Library	268,163
10-640	Facilities Maintenance	1,661,596
10-650	Airport Authority	62,450
	Total Appropriations	23,143,485

Section 2: It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Ad Valorem Taxes (Real & Vehicle)	12,972,000
Tax on Short Term Rental Vehicles	24,000
ABC Board Revenue	192,000
Beer & Wine Tax Revenue	110,000
Privilege Licenses	330,000
Cable TV Franchises	190,000
Concessions and Merchandise	65,025
Contracted Maintenance NCDOT	21,000
Utilities Franchise Tax - State	1,900,000
Powell Bill Allocation - State	650,000
Local Sales Tax & Hold Harmless Funds	4,475,000
Building Permits	45,000
Inspection Fees	40,800
Rezoning, Stone, Burial Fees & Cemetery Fees	27,000
US Justice – DEA Reimbursement for OT	126,000
Charges for Services - Refuse Collection	950,000
Recycling Revenues	18,000
Recreation Program Revenues	355,800
Grant (SAFER) Proceeds	25,000
Proceeds of Lease Purchase Financing	28,000
Transfer Station Revenue (new)	75,000
Reimbursement from Asheboro City Schools –SRO Officers	240,000
All Other Revenues	283,860
Total Estimated Revenues	23,143,485

Section 3: There is hereby levied a tax at the rate of fifty-five cents (\$.55) per one hundred (\$100) valuation of property as listed for taxes as of January 1, 2013 for the purpose of raising the revenue listed as " Current Year's Taxes" in the General Fund in Section 2 of this ordinance.

This rate is based on a total valuation of property for the purposes of taxation of \$2,180,000,000 and an estimated rate of collection of 98.0%.

Section 4: The following General Fund Fees are hereby adopted for provision of services by the city government for the fiscal year beginning July 1, 2013.

Sanitation Department Fees:

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Residential Can / per month	\$0
Commercial Can / per month	\$10
Residential Dumpster / per pick-up	\$24
Commercial Dumpster / per pick-up	\$24
Above billed <u>monthly</u> based on annualized collection schedule	
Missed Residential Dumpster / per pick-up	\$40
Missed Commercial Dumpster / per pick-up	\$40
Compaction Dumpster / per pick-up	\$44
Missed Compaction Dumpster / per pick-up	\$54
Dumpster Rent / per month	\$21
Dumpster Clean / Replace / each	\$100
Cardboard Dumpster / per pick-up	\$20
Recycling Dumpster / per pick-up	\$20
Yard Waste Collection per scoop	
First and Second scoop*	\$0
Each scoop thereafter*	\$12
*Applicable to brush that is within specifications	
Waste left in ditch, curb or street per scoop	\$24
Waste out of Specs per scoop	\$24
Waste after hours /emergency collection- cost per scoop	\$50
Tires Collection / each	\$5
C&D /Building Materials / per scoop	\$20
Curb side pick-up	\$10
Electronics Collection	\$10
White Goods Collection	\$10

Recycling Transfer Station Fees:

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Tipping Fee per Ton	\$48

Planning Department Fees:

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Rezoning	\$200
Text Amendment (Ordinance, use list)	\$200
Map of CU district Only	\$200
SU/CU Permit or amendments	\$350
BOA: Appeal	\$0
Variance	\$250
Interpretation	\$250
Watershed Permit	\$25
Flood Zone Permit	\$75
Zoning Compliance Permits:	
SF Res	\$25
Duplex	\$100
MF Res	\$250
Commercial	\$250
Industrial / Institutional	\$250
SF Accessory Structure	\$25
Accessory Structure Commercial	\$50
Accessory Structure Industrial	\$50
Accessory Structure Institutional	\$50
Soil Evaluation	\$10
Change Occupancy	\$25
Change Use	\$250
Sign / sign type	\$25
Land Disturbance Permit	\$50
Temp Produce/Seasonal Sales Permit	\$50
Limited Duration Event Permit	\$50
Certificate of Zoning Compliance:	
SF Res	\$25
Duplex	\$25
MF Res	\$50
Commercial	\$100

Industrial	\$100
Change use	\$100
Subdivision	
Sketch	\$100
Preliminary	\$200
Final	\$200 + \$25 per lot
Minor	\$100
Zoning Verification Official Letter	
Residential	\$25
Non-Residential	\$75

Inspection Department Permit Fees:

	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Building Permit		\$5/\$1000 up to \$150,000; \$1.50/\$1,000 thereafter
Minimum Permit		\$30
Minimum Sign		\$30
Non-bid Jobs (new)		\$40/ sq. ft
Habitable Space		\$20/ sq. ft
Mobile Home		\$100
Swimming Pool		\$100
Demolition		\$60
Relocate Structure		\$120
Plumbing Permit		\$5 per fixture, \$30 minimum
Sewer Line: House		\$30
Sewer Line: Commercial/Large		\$100
Heating/ AC Permit		
Boiler		\$0.0005/BTU
Gas Line-Residential		\$30
Gas Line-Commercial		\$50
Gas Furnace/Gas Pack		\$50
Heat Pump		\$50
Oil Furnace		\$50
Air Conditioners		
Under 5 tons		\$50
Additional per ton over 5		\$10
Unit Change out (no duct work)		
Residential		\$25
Commercial		\$50
Commercial Grease Hood		\$50
Mobile Home Heating/ AC Unit		\$40
Gas Appliances		\$10 each
Minimum Permit		\$30
Electrical Permits		
Temporary service		\$30
Residential		\$50
Commercial		\$100 first 5000 sq ft plus \$5/1000 sq ft
Service Charge		\$30
Service Repair		\$30
Mobile Home Service		\$50
Sign		\$30
Duplex		\$100
Apartments (each)		\$40

Fire Inspection Department Penalties:

Penalties	
Non-Life Safety / offense /day until corrected before re-inspection	\$50
Non-Life Safety/offense/day until corrected after re-inspection	\$100
Non-Occupancy Life Safety / offense /day until corrected before re-inspection	\$150
Non-Occupancy Life Safety/offense/day until corrected after re-inspection	\$300

Occupancy Life Safety / person over limit	\$100
Exit Life Safety/ locked, blocked, obstructed exit	\$500

Parks & Recreation Fees:

<u>Facility/Activity</u>	<u>Service</u>	<u>City Resident</u>	<u>Non-Resident</u>
Lake Lucas:			
	Daily Fishing Permit	\$3	\$4
	Annual Fishing Permit	\$35	\$50
	Daily Jon Boat Rental	\$8	\$12
	Daily Canoe Rental	\$6	\$10
	Daily Kayak/Canoe Launch	\$2.50	\$3.50
	Annual Kayak/Canoe Launch	\$35	\$50
	Daily other boat launch	\$7	\$9.50
	Annual other boat launch	\$100	\$135
	Boat Rental Spaces	\$75	\$125
Lake Reese:			
	Daily other boat launch	\$7	\$9.50
	Daily Kayak/Canoe Launch	\$2.50	\$3.50
	Annual Kayak/Canoe Launch	\$35	\$50
	Annual other boat launch	\$100	\$135
	Daily Duck hunting permit per boat	\$12.50	\$16
Baseball/Softball Field Rental:			
	Rental per Hour (no lights)	\$15	\$20
	Light Fee per hour	\$10	\$15
	Tournament rental per weekend		
	One Field	\$175	\$255
	Two Fields	\$300	\$400
	Concession Stand/Restroom	\$50	\$65
	Additional Maintenance	\$45	\$60
Youth Sports Fees:			
	City Resident	\$20	\$50
	Late fee applied after registration deadline	\$10	\$10
Sunset Theatre Rentals- Applies to All			
	Security Deposit	\$100	
	Party Rental (3 hours max)	\$100	
	Dark/Rehearsal	\$50	
	Non-Profit- Single Day	\$125	
	General Meeting	\$100	
	Private Event	\$300	
	Commercial/ For Profit	\$350	
Rotary Pavilion at Bicentennial Park Rental			
	Security Deposit	\$75	\$75
	Daily Rate	\$100	\$175
Skate Park			
	Daily admission	\$1	\$2
	15 admissions pass	\$10	\$25
	1 year unlimited pass	\$150	\$300
Room Rental (Skate Park & Sunset Theatre annex)			
	1 hour	\$20	\$25
	½ day	\$60	\$75
	Full day	\$100	\$125
Shelter Rental			
	Memorial Park: 10am-3pm; 3:30pm-dark	\$18	\$35
	Full day	\$35	\$70
	All other Parks: 10am-3pm; 3:30pm-dark	\$10	\$20
	Full day	\$20	\$40
Tennis Courts			
	Lights per hour per court	\$3	\$4

Pools:

Public Swim (day)		
2 years & under w/ paying adult	\$0	
3 years & older	\$2.50	\$3.25
Groups (15+)	\$2	\$2.75
Public Swim (night)		
2 years & under w/ paying adult	\$0	
3 years & older	\$2	\$2.75
Public Lap Swim	\$1	\$1.75
Swimming lessons (group)	\$25	\$30
Swimming lessons (private)	\$50	\$60
Swim Pass (15 admissions)	\$30	\$40
Pool Rental (2 hr min) 0-49	\$150	\$225
Pool Rental (2 hr min) 50+	\$200	\$300

Golf Course:

Walking Only	\$8	\$10
Riding 9 holes- w/ green fees	\$15	\$18
Riding 18 holes- w/ green fees	\$21	\$25
Twilight (after 3pm) 18 holes w/ green fees	\$16	\$20
Membership Fees		
Junior (Summer June-August)	\$75	\$125
Individual	\$365	\$465
Senior	\$290	\$390
Senior Couple	\$475	\$575
Family	\$600	n/a
Member Cart Fees		
Nine holes	\$6	\$7
Eighteen holes	\$11	\$13

Disk Golf Course

Tournament Rental per day (8 hrs)	\$100	\$175
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**City Resident/Non resident rates are established according to the residence of the individual. City Residents need to obtain a REC card to receive the City Resident Rate.

Downtown Farmer's Market	Member
Daily Fee	\$5

Section 5: The following amounts are hereby appropriated in the Water and Sewer Fund for the operation of the city government and its' activities for the fiscal year beginning July 1, 2013 and ending June 30, 2014, in accordance with the chart of accounts heretofore established for this City:

<u>ACCOUNT</u>	<u>DEPARTMENT OR FUNCTION</u>	<u>APPROPRIATION</u>
30-720	Billing and Collecting	416,428
30-810	Water Meter Operations	705,510
30-820	Water Supply and Treatment	3,489,550
30-830	Wastewater Treatment	6,232,309
30-840	Water Maintenance	1,034,734
30-850	Wastewater Maintenance	1,392,922
30-860	Technical Services	192,847
30-870	Systems Maintenance	1,269,004
30-880	Water Quality	556,762
	Total Appropriations	15,290,066

Section 6: It is estimated that the following revenues will be available in the Water and Sewer Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Sale of Water	6,949,172
Sewer Charges	5,240,753
Sampling and Monitoring Fees	33,401
Surcharges	216,708
Septic Tank Discharges	43,545
Water and Sewer Connection Fees	80,499

Late & Return Check Fees	337,238
Proceeds from Lease Purchase	2,176,000
Other Revenues	212,750
Total Estimated Revenues	15,290,066

Section 7: The following Water & Sewer Fund Fees are hereby adopted for provision of services by the city government for the fiscal year beginning July 1, 2013.

Water and Sewer Billing Department

<u>SERVICE</u>	<u>INSIDE CITY</u>	<u>OUTSIDE CITY</u>
Monthly Cost		
Water Minimum Fee	\$13.77	\$34.43
Sewer Minimum Fee	\$16.84	\$42.10
Above referenced minimum bill includes 150 cubic ft usage		
Consumption Fee- above min. for all above referenced customers		
Water-per 100 cu. ft. over 150 cu. ft.	\$2.63	\$6.58
Sewer-per 100 cu. ft. over 150 cu. ft.	\$2.63	\$6.58
Sewer Only Service (monthly)		
Residential Customer	\$19.60	\$39.94
Commercial Customer	\$27.00	\$54.75
Deposit for Service	\$110	\$140
Deposits on accounts are applied to final bill upon termination of service		
Fees:		
Return Check/Draft Fee	\$25	\$25
Partial Payment Fee	\$5	\$5
Tamper Fee- First Occurrence	\$150	\$150
Tamper Fee- Second Occurrence	\$500	\$500
Late payment charge* - tier 1	\$10	\$10
Late payment charge* - tier 2	\$20	\$20
Cleaning / Inspection connection	\$10	\$10

* Payments must be received by 5:00 pm on the due date to avoid the late payment charge. Payments "in route" are subject to the late fee as they are not yet received.

Water and Sewer Maintenance Department

<u>SERVICE</u>	<u>INSIDE CITY</u>	<u>OUTSIDE CITY</u>
Water Tap Rates		
3/4" Complete Service	\$1,700	\$2,550
1" Complete Service	\$2,100	\$3,150
1 1/2" Complete Service	\$3,510	\$5,265
2" Complete Service	\$3,550	\$5,325
3/4" New Tap	\$850	\$1,275
1" New Tap	\$1,050	\$1,575
1 1/2" New Tap	\$1,755	\$2,633
2" New Tap	\$1,775	\$2,663
3/4" New Meter, Setter, Box	\$850	\$1,275
1" New Meter, Setter, Box	\$1,050	\$1,575
1 1/2" New Meter, Setter, Box	\$1,755	\$2,633
2" New Meter, Setter, Box	\$1,775	\$2,663
3/4" New Meter, existing svc.	\$215	\$323
1" New Meter, existing svc.	\$350	\$525
1 1/2" New Meter, existing svc.	\$500	\$750
2" New Meter, existing svc.	\$650	\$975
Services not listed	Cost	Cost plus 50%
Sewer Tap Rates		
4" Complete Service	\$1,100	\$2,750
6" Complete Service	\$1,450	\$3,625
Services not listed	Cost	Cost plus 100%

**RESOLUTION EXEMPTING THE CHLORINE DIOXIDE PRIMARY DISINFECTION
SYSTEM PROJECT AT THE WATER TREATMENT PLANT FROM THE
PROVISIONS OF CHAPTER 143, ARTICLE 3D OF THE
NORTH CAROLINA GENERAL STATUTES**

WHEREAS, Section 143-64.31 of Chapter 143, Article 3D of the North Carolina General Statutes provides in pertinent part as follows:

It is the public policy of this State and all public subdivisions and Local Governmental Units thereof . . . to announce all requirements for architectural, engineering, surveying, and construction management at risk services, to select firms qualified to provide such services on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee other than unit price information at this stage, and thereafter to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm; and

WHEREAS, Section 143-64.32 of the North Carolina General Statutes provides in pertinent part as follows:

Units of local government . . . may in writing exempt particular projects from the provisions of this Article (Article 3D) in the case of:

- (a) Proposed projects where an estimated professional fee is in an amount less than thirty thousand dollars (\$30,000), or
- (b) Other particular projects exempted in the sole discretion of . . . the unit of local government, stating the reasons therefore and the circumstances attendant thereto; and

WHEREAS, the city's water resources division is contemplating improvements at the water treatment plant that could include the use of a chlorine dioxide primary disinfection system; and

WHEREAS, in order to properly research the available chlorine dioxide systems and, if the decision is made to utilize such a system, to develop construction contract plans that would efficiently facilitate the furnishing and installation of the desired system, the city is going to have to contract for certain professional design services; and

WHEREAS, based on staff investigations of the engineering services needed for a chlorine dioxide primary disinfection system, the estimated cost for the required design services will not exceed twelve thousand and no hundredths dollars (\$12,000.00);

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, due to the fact that the estimated professional engineering services fee for the above-described project at the city's water treatment plant is substantially less than thirty thousand and no hundredths dollars (\$30,000.00), the Chlorine Dioxide Primary Disinfection

System Project is hereby exempted from the provisions of Article 3D of Chapter 143 of the North Carolina General Statutes; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute, in accordance with the applicable laws and the city's standard contracting policies, a contract with a professional engineering firm selected by the City Manager and the Water Resources Director for the provision of the engineering services needed to successfully complete the the Chlorine Dioxide Primary Disinfection System Project.

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 11th day of July, 2013.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk



SUP-13-04: Special Use Permit Request for a Public Use Facility
805 South Cox Street (Ash Rand Rescue and EMS, Inc.)

Staff Report

SPECIAL USE PERMIT STAFF REPORT

SUP Case No. SUP-13-04

7/11/2013 City
Council

General Information

Applicant Ash Rand Rescue and EMS, Inc.
Address 805 South Cox Street
City Asheboro NC 27203
Phone 336-625-3354
Location 805 South Cox Street
Requested Action Special Use Permit for a Public Use Facility

Existing Zone O & I (Office and Institutional) **Existing Land Use** Public Use Facility
Size 0.598 acres (+/-) **Pin #** 7750892736 and 7750891697

Applicants Reason as stated on application

Public Use Facility (specifically allowing an increase in impervious surface area)

Surrounding Land Use

North Office **East** Single-family residential/residential PUD
South Single/Multi-Family Res./Commercial **West** Office/Two-family and Multi-family residential

Zoning History RZ-07-21: This property was rezoned from RA6 High Density Residential to O & I (Office and Institutional) (2007)

Growth Strategy Map Primary Growth

Proposed LDP Map Activity Center

Legal Description

The property of Ash Rand Rescue and EMS, Inc., located at 805 South Cox Street, totaling approximately 0.598 acres (+/-) and more specifically described by Randolph County Parcel Identification Numbers 7750892736 and 7750891697.

Analysis

1. The site is within the City limits and is served by all city services.
2. South Cox Street is a major thoroughfare. South Main Street is a city-maintained collector street.
3. The area is characterized by a mix of uses (single and multi-family development, offices, and commercial).
4. The property is currently utilized as a Public Use Facility (Ash Rand Rescue and Emergency Services).
5. The property is located within Tier 3 of the Center City Planning Area (CCPA).
6. A 6,672 square ft. two-story addition to the north side of the building and additional parking are proposed.
7. A public use facility is permitted by right in an O & I zoning district. The Ordinance allows public use facilities to apply for an SUP when there is a deficiency in meeting certain zoning ordinance requirements.
8. The Special Use Permit is sought for the following variations from zoning ordinance requirements:
 - a.) Within Tier 3 of the CCPA, the maximum lot coverage of impervious surfaces (i.e. buildings, pavement) is 55 percent (Section 200A.E.2(a)(vi)). The applicant proposes 67.19 percent impervious coverage.
 - b.) The maximum driveway width for a commercial driveway is 36 feet (Section 408.L.5). The applicant proposes a driveway approximately 63 feet in width along South Main Street (city-maintained street).
 - c.) The minimum distance between curb cuts is 36 feet (Section 408L.3). The site plan indicates that a proposed curb cut on South Main Street is located approximately 10 feet from an existing curb cut. The presence of these deficiencies is the sole reason the applicant is seeking a Special Use Permit. Other than items 8 (a-c) above, the site plan meets the requirements of the Zoning Ordinance.

LDP Conformity Issues

The introductory statement to Tier 3 of the CCPA is to preserve and enhance the visual appeal of streets leading into and out of Asheboro's Central Business and Central Business Fringe Area Planning Areas (Tiers 1 and 2 of CCPA).

SPECIAL USE PERMIT STAFF REPORT

SUP Case No. SUP-13-04

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

Staff Comments

THE CITY COUNCIL SHALL FIND THAT THE FOUR STANDARD TESTS ARE IN FAVOR OF THE APPLICANT TO APPROVE THIS REQUEST. THIS DETERMINATION SHALL BE BASED ON EVIDENCE SUBMITTED IN SWORN TESTIMONY. The following conditions are suggested:

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

Suggested Conditions

1. The development approvals granted by this permit are issued on the basis of the review and evaluation process authorized by Section 602.2(b) of the Asheboro Zoning Ordinance. Consequently, this review and evaluation process has focused exclusively on the use of the Zoning Lot for a public use facility. If approval is sought in the future for any development activity that is not connected with a public use facility, the findings, conclusions, and order issued under file number SUP-13-04 shall be deemed, with one exception, to be inapplicable to the analysis of such a request. This one exception would be the potential implication of the applicability of Article 800 of the Asheboro Zoning Ordinance to improvements actually constructed on the Zoning Lot in reliance upon the permit issued under file number SUP-13-04. Otherwise, any such application for a development activity unrelated to the public use facility shall be analyzed by applying the city's land use regulations to the facts of the request as if the approvals granted under SUP-13-04 were never issued by the Council.
2. The review and approval by the Council of the site plan submitted under file number SUP-13-04 shall not be deemed to restrict the authority previously granted to city staff members under Section 602.2(a) of the Asheboro Zoning Ordinance. Notwithstanding the fact that subsequent land development activities on the Zoning Lot may necessitate actions that are not reflected on the approved site plan, the Council hereby expressly reaffirms the on-going authority of city staff members to issue, without seeking further approval from the Council, the necessary permits for the public use facility land use located on the Zoning Lot when, and only if, the development activity for which the permit is requested is compliant with the entirety of the regulatory requirements prescribed by the Asheboro Zoning Ordinance.
3. Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute, and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this Special Use Permit in the chain of title for the Zoning Lot.

SPECIAL USE PERMIT STAFF REPORT

SUP No. SUP-13-04

Page 3

For Special Use Permit Hearings:

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

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

SUP Requirements

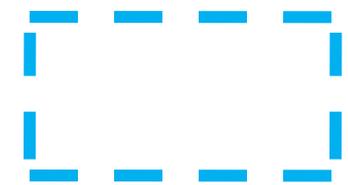
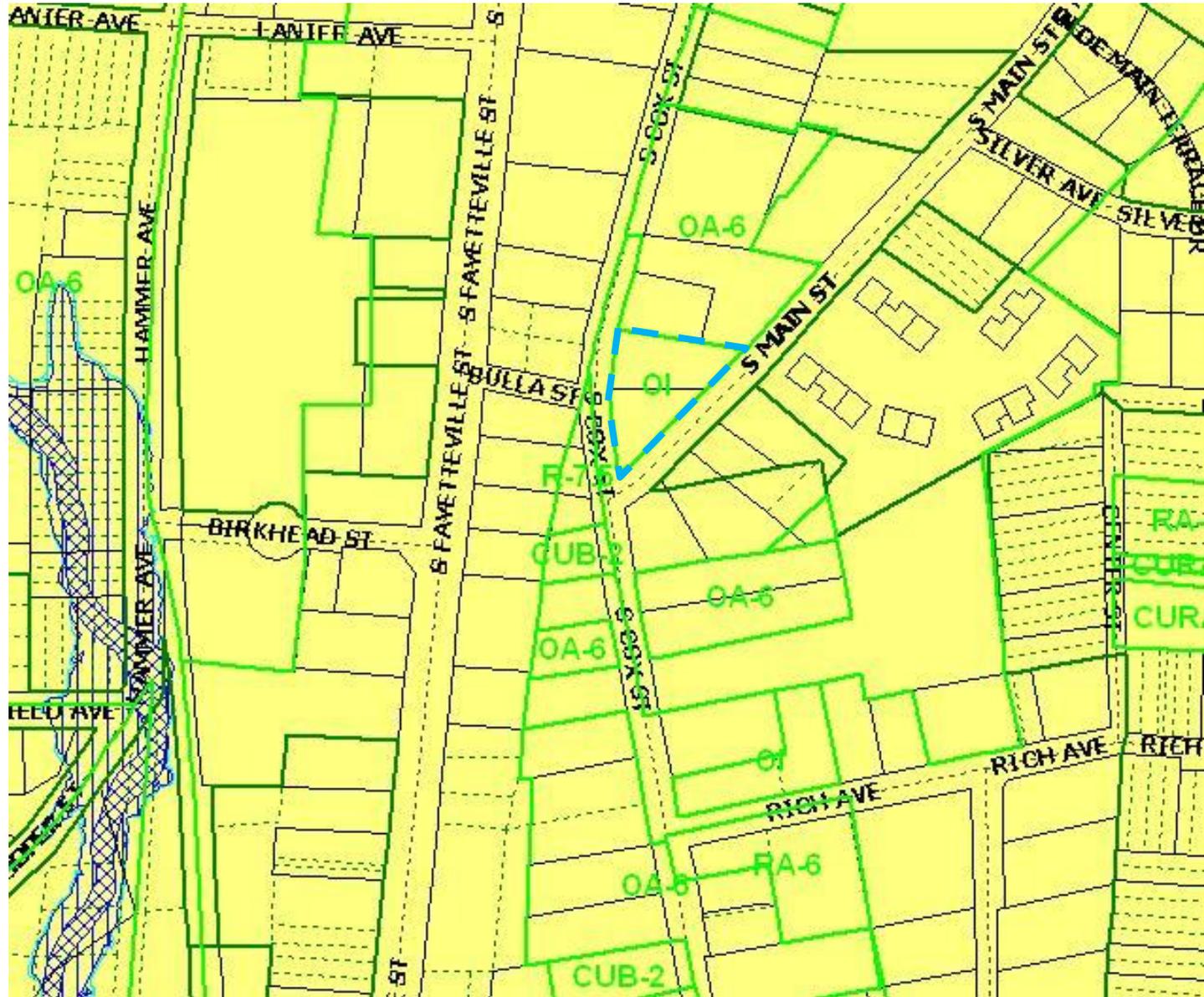
Section 602.2b of Zoning Ordinance states the following:

In cases where there is a deficiency in the ability of a Public Use Facility to meet all regulatory requirements of the Zoning Ordinance, City Council shall review the application for a Public Use Facility and evaluate whether or not a Special Use Permit shall be issued for the proposed public use facility solely on the basis of the general standards prescribed by Section 602.1* of this Ordinance. For the limited purpose of evaluating public use facilities under General Standard No. 2 of Section 602.1*, a public use facility shall be deemed to have satisfied this standard if a site plan has been submitted in accordance with Section 1005 of this Ordinance.

*Staff Note: Section 602.1 recites the four standards (tests) that must be found in favor of the applicant to grant a Special Use Permit. General Standard No. 2 is as follows:

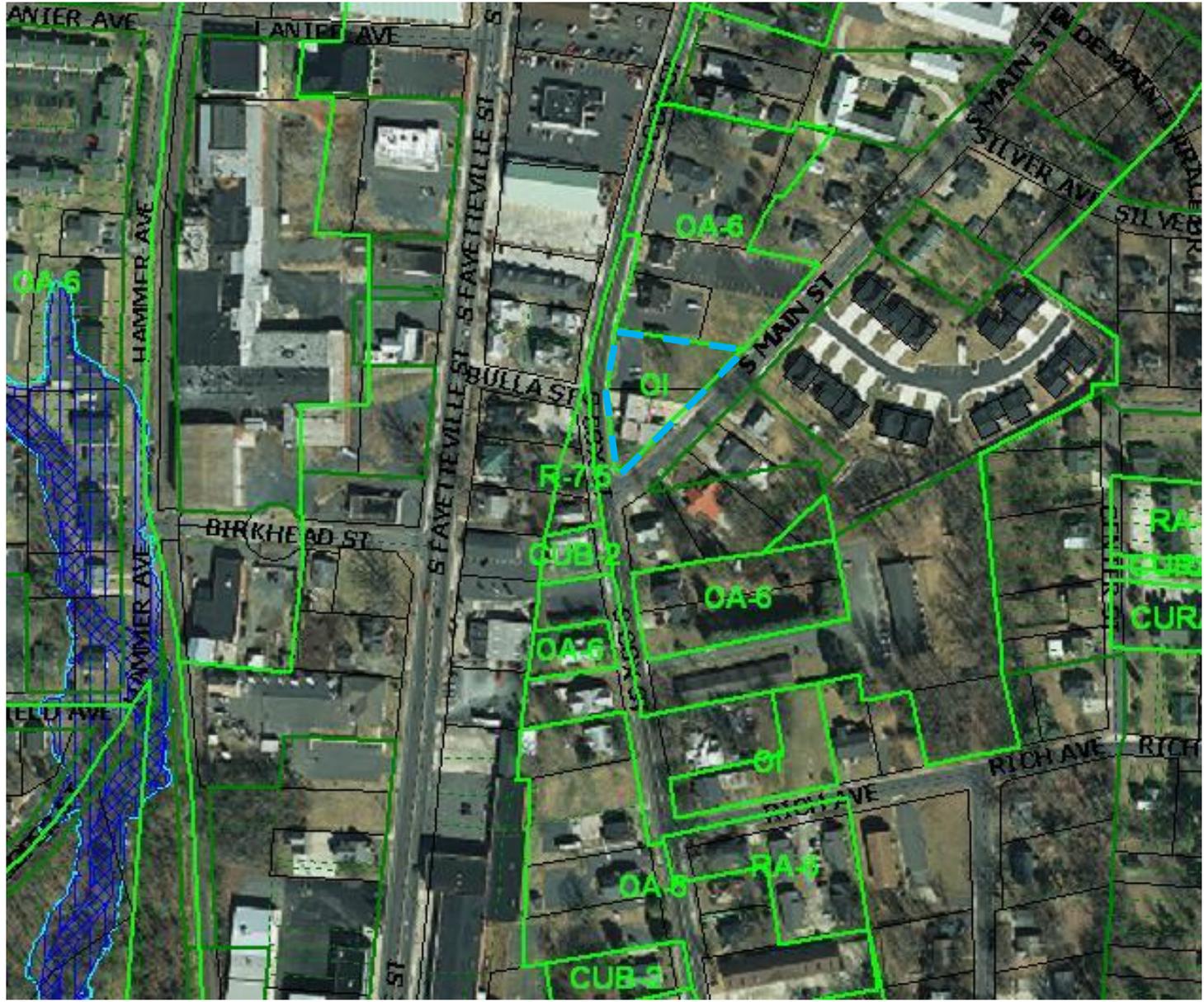
That the use meets all required conditions and specifications of the Asheboro Zoning Ordinance.

Zoning Map



Subject
Property

Aerial Map



Subject
Property



**RZ-13-10: Establish Initial City Zoning on property previously zoned by
Randolph County**

Old Cox Road (Cross Roads Community)

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-13
-10

Date June 3, 2013 PB

Applicant City of Asheboro

Legal Description

The properties of The Cross Road Retirement Center, Inc., The Cross Road Rest and Retirement Center, Inc., and Cross Road Village, Inc., located at 1302, 1306, 1308, 1346, 1368, 1380, and 1402 Old Cox Road totaling approximately 45.952 acres (+/-) and more specifically identified by Randolph County Parcel Identification Numbers 7669560493, 7669554855, 7669557913, 7669551809, 7669564321 ,7669653406.

Requested Action Apply City zoning (OA6 Office-Apartment and R40 Low-Density Residential) to property presently within Randolph County's zoning jurisdiction (OI Office Institutional and RR Residential Restricted)

Existing Zone Randolph County (RR and OI)

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-13-10

Date June 3, 2013 PB
July 11, 2013 CC

General Information

Applicant City of Asheboro
Address 146 North Church Street
City Asheboro NC 27203
Phone 336-626-1201
Location 1302, 1306, 1308, 1346, 1368, 1380, 1402 Old Cox Road
Requested Action Apply City zoning (OA6 Office-Apartment and R40 Low-Density Residential) to property presently within Randolph County's zoning jurisdiction (OI Office Institutional and RR Residential Restricted)

Existing Zone Randolph County (OI, RR) **Existing Land Use** Institutional/Multi-family and single-family residential
Size 45.952 acres (Cross Roads Retirement) **Pin #** 7669560493, 7669554855, 7669557913, 7669551809, 7669564321, 7669653406

Applicant's Reasons as stated on application

"Effective June 30, 2013, the subject property will be located in the City limits, necessitating initiation of city zoning. The zoning amendment is intended to recognize the current use of the property and appropriate potential uses. A detailed analysis of the proposed zoning's compliance with the LDP will be explained in the staff's report. State statutes give the City sixty (60) days to establish zoning on the property."

Surrounding Land Use

North Residential/Undeveloped Commercial **East** Low-Density Residential/Church
South Low-Density Residential **West** Planned Unit Dev./Low-Density Res./Industrial

Zoning History The property was previously within the City's ETJ. Previous zoning history includes rezoning of property, and granting of several conditional use permits and modifications to the permits (RZ-96-23, RZ-97-34, CUP-00-13, RZ-00-34, CUP-01-09, CUP-02-10, CUP-03-13, CUP-04-03, CUP-05-11 CUP-06-18). The county enacted zoning on the property in March, 2013 after the property was released from the City's ETJ in January, 2013.

Legal Description

The properties of The Cross Road Retirement Center, Inc., The Cross Road Rest and Retirement Center, Inc., and Cross Road Village, Inc., located at 1302, 1306, 1308, 1346, 1368, 1380, and 1402 Old Cox Road totaling approximately 45.952 acres (+/-) and more specifically identified by Randolph County Parcel Identification Numbers 7669560493, 7669554855, 7669557913, 7669551809, 7669564321, 7669653406.

Analysis

1. The current uses of the property include a mix of institutional uses including a multi-family development (for the elderly), nursing home, congregate living facility, child day care center and a single-family residence.
2. The property is currently located outside the city limits. The multi-family development, nursing home, child day care center and congregate living facility are connected to city water and sewer.
3. The City released this property from its extraterritorial zoning jurisdiction on January 1, 2013.
4. The property owner requested annexation of the property into the city limits which was approved. The annexation becomes effective on June 30, 2013. State statutes require that the City establish initial zoning on the property within sixty (60) days of the effective date of the annexation.
5. The proposal is to rezone the property to OA6 (Office-Apartment), except for Parcel #7669653406, which is proposed to be rezoned to R40 (Low-Density Residential). The zoning ordinance describes the OA6 and R40 districts as follows:
OA6 District: *Intended to produce moderate intensity office and residential development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designed OA6 shall normally be located with access to a major or minor thoroughfare with access to local residential streets discouraged.*
R40 District: *Intended to provide regulations which will produce a low intensity mixture of single family, duplex dwellings, and Class A Mobile Home dwellings usually served by individual wells and/or sewage disposal systems, plus the necessary governmental and other support facilities to provide service to such suburban intensity living.*

Rezoning Staff Report

RZ Case # RZ-13-10

Page 2

Consistency with the 2020 LDP Growth Strategy designations

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

Growth Strategy Map Designation Resource Conservation

Proposed Land Use Map Designation Conservation Residential

Small Area Plan Southeast

LDP Goals/Policies Which Support Request

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

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

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

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

Checklist Items #12 and #13: The property is located outside of Watershed Area and Special Hazard Flood Area.

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

LDP Goals/Policies Which Do Not Support Request

Recommendation

Approve

Reason for Recommendation

Staff believes that the proposed zoning classification is compatible with existing land uses on the property and surrounding land uses. The parcels proposed to have OA6 (Office-Apartment) zoning have high-density residential, and industrial to the north and west and lower density residential to the east). The parcel that is proposed for R40 (Low-Density Residential) zoning currently is used for low-density residential purposes. Additionally, the R40 designation on the eastern portion of the property is appropriate considering the land development plan's designation of the property as "conservation residential", which proposes very low density residential uses.

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

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

Zoning Map



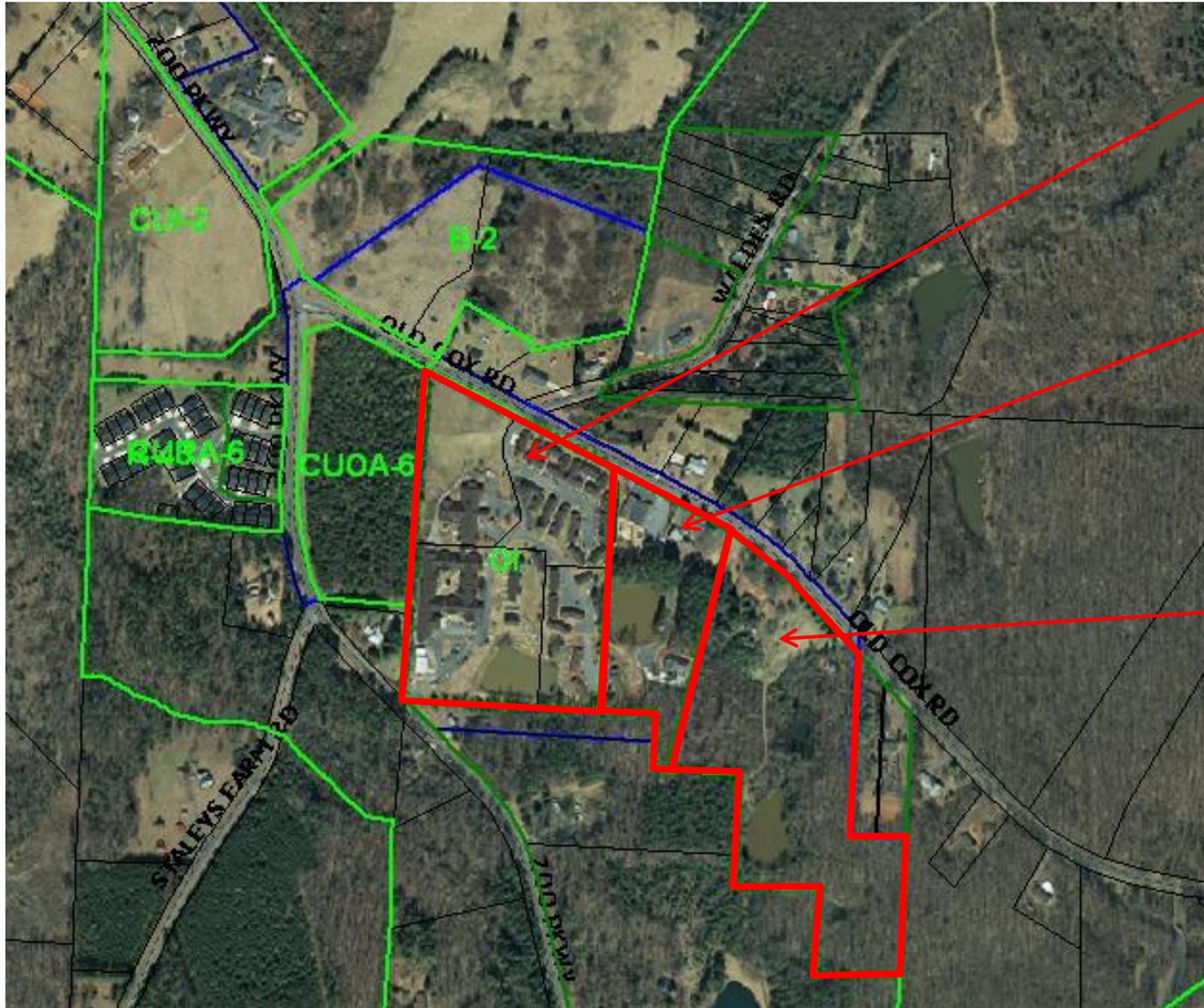
City-County
Zoning Jurisdiction
Boundary



Subject
Property

Note: Annexation
of the subject property
does not become effective
until June 30, 2013

Cross Road Community: Aerial Photo Existing and Proposed Zoning



1302, 1306, 1308 Old Cox Road
-Cross Roads Retirement Community

Current Randolph County Zoning:
OI (Office Institutional)

Proposed City of Asheboro Zoning:
OA6 (Office-Apartment)

1346, 1368, 1380 Old Cox Road
-Shepherd's Way Day School
-Cross Roads Administrative Annex
-Baptist Children's Homes of NC

Current Randolph County Zoning:
RR (Residential Restricted)

Proposed City of Asheboro Zoning:
OA6 (Office-Apartment)

1402 Old Cox Road
Current Randolph County Zoning:
RR (Residential Restricted)

Proposed City of Asheboro Zoning:
R40 (Low-Density Residential)

**RESOLUTION FOR THE CITY OF ASHEBORO
APPLICATION FOR GRANT FUNDING TO SUPPORT
THE RANDOLPH COUNTY SPCA SHELTER AND
COMMUNITY CENTER PROJECT**

WHEREAS, there may be grant funds available to aid eligible units of government in financing the cost of improvements that will result in job creation, and

WHEREAS, The City of Asheboro sees a need and intends to assist in redevelopment of a currently underutilized commercial site, and

WHEREAS, The City of Asheboro intends to request grant assistance from programs that may have grant funds available for the project;

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

That John Ogburn, City Manager, and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Asheboro for grants to assist in the construction of the project described above.

That John Ogburn, City Manager, and successors so titled, is hereby authorized and directed to furnish information that may be requested in connection with such application or the project; and to execute such other documents as may be required in connection with the application.

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

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 11th of July, 2013.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN
THE CITY OF ASHEBORO AND THE RANDOLPH
COUNTY BOARD OF EDUCATION

WHEREAS, the City of Asheboro (hereinafter referred to as the “City”) owns and operates a tower that is located on Dave’s Mountain and is used for the transmission of radio signals needed to efficiently and effectively conduct municipal operations; and

WHEREAS, The tower described in the immediately preceding paragraph (hereinafter referred to as the “Tower”) is located on a secured parcel of land (Randolph County Parcel Identification Number 7752308105) that is utilized primarily for a water tank which is part of the City’s public water supply and distribution system; and

WHEREAS, the Randolph County Board of Education (hereinafter referred to as the “County Schools”) has asked to use space on the Tower for the transmission of radio signals in furtherance of school operations; and

WHEREAS, Section 160A-272 of the North Carolina General Statutes provides that property owned by the City may be leased to a tenant if the desired property will not be needed by the City for the term of the lease; and

WHEREAS, on June 29, 2013, notice was published in *The Courier-Tribune* of the Asheboro City Council’s intent to consider, during its regular meeting on July 11, 2013, a resolution authorizing the lease of the requested space to the County Schools; and

WHEREAS, the City Council of the City of Asheboro is agreeable to leasing space on the Tower to the County Schools so long as the requested space is not needed for the City’s operations; and

WHEREAS, the proposed lease agreement between the City and the County Schools is attached to this Resolution as EXHIBIT 1 and is hereby incorporated into this Resolution by reference as if copied fully herein;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the proposed lease agreement with the County Schools, which is attached to this resolution as EXHIBIT 1, is hereby approved; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute on behalf of the City any and all documents and instruments necessary to carry into full force and effect the lease agreement attached hereto as EXHIBIT 1.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 11th day of July, 2013.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

EXHIBIT 1

NORTH CAROLINA)
) LEASE AND AGREEMENT FOR USE
) OF TRANSMITTER SPACE
RANDOLPH COUNTY)

This Agreement, which pertains to the use of transmitter space on a tower constructed and owned by the City of Asheboro on Dave’s Mountain, is made and entered into this _____ day of _____, 2013, by and between the CITY OF ASHEBORO, a North Carolina municipal corporation with its principal office located at 146 North Church Street, Asheboro, North Carolina 27203 (hereinafter referred to as the “Lessor”), and THE RANDOLPH COUNTY BOARD OF EDUCATION, a body corporate with its principal office located at 2222-C South Fayetteville Street, Asheboro, North Carolina 27205 (hereinafter referred to as the “Lessee”).

WITNESSETH:

The Lessor owns and operates a tower that is located on Dave’s Mountain and is used for the transmission of radio signals needed to efficiently and effectively conduct municipal operations. The said tower (hereinafter referred to as the “Tower”) is located on a secured parcel of land (Randolph County Parcel Identification Number 7752308105) that is utilized primarily for a water tank which is part of the Lessor’s municipal water supply and distribution system. The Lessee has asked to use space on the Tower for the transmission of radio signals in furtherance of school operations, and the Lessor is agreeable to leasing to the Lessee space on the Tower so long as the requested space is not needed for the Lessor’s operations.

Accordingly, and in consideration of the mutual promises herein of both parties, it is hereby mutually agreed as specified in the following sections of this Agreement:

Section 1. The Lessee agrees to lease and use space on the Tower for the limited and sole purpose of installing transmitter[s] and antenna[e]. Subject to the terms and conditions found within this Agreement, the Lessor agrees that the Lessee may install and service its transmitter[s] and antenna[e] on the Tower.

Section 2. Subject to the termination provisions specified herein, the term of this Agreement shall be ten (10) years. This Agreement shall commence at 12:01 a.m. on the 1st day of August, 2013, and terminate at midnight on July 31, 2023; provided, however, that either party may terminate, with or without cause, this Agreement without any early termination fee or penalty of any kind prior to July 31, 2023, so long as written notice of the termination of the Agreement is provided between January the 1st and March the 1st of the calendar year in which

the Agreement is to be terminated. Upon proper delivery of such notice of early termination, this Agreement shall terminate at midnight on the 31st day of July of the calendar year in which proper delivery of the notice is made. Delivery of the notice of early termination of the Agreement shall be deemed to be proper and effective when deposited in the United States mail, with first class postage prepaid, and addressed as follows:

LESSOR: City of Asheboro
Attn: City Manager
Post Office Box 1106
Asheboro, North Carolina 27204-1106

LESSEE: The Randolph County Board of Education
Attn: Assistant Superintendent for Operations
2222-C South Fayetteville Street
Asheboro, North Carolina 27205

Section 3. The Lessee shall pay to the Lessor an annual rental fee of three thousand and no hundredths dollars (\$3,000.00) in good funds. The first annual payment shall be paid on or before the 1st day of August, 2013, and the subsequent annual rental payment payments shall be paid on or before the 1st day of August of each succeeding year until this Agreement terminates. The annual rental payments are to be made payable to the City of Asheboro and mailed to the City of Asheboro Finance Department, Post Office 1106, Asheboro, North Carolina 27204-1106 or hand delivered to the Finance Department on the second floor of Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203.

Section 4. Equipment installation, maintenance, replacement, and/or repair work undertaken in any form or to any degree by the Lessee's officials, employees, agents, contractors, and any other representatives shall be made at the sole expense of the Lessee and shall include, but not be limited to, the designing, painting, and/or staining of all equipment so that such equipment is reasonably compatible, both functionally and aesthetically, with the Tower and other improvements located on the Tower premises as of the commencement date of this Agreement.

Section 5. The Lessee shall maintain its equipment in a good and safe operating condition. At the termination of this Agreement's term, the Lessee will, at its sole expense, remove the equipment that it installed and restore the Tower and its associated premises to its original condition, less normal wear and tear and any casualty not caused by the Lessee, within sixty (60) calendar days of the Agreement's date of termination.

Section 6. Lessee agrees to install and maintain equipment only of types and generating frequencies that will not cause interference to transmissions or signals from Lessor. The Lessee agrees and warrants that its equipment shall comply with all noninterference rules of the Federal Communications Commission. Furthermore, Lessee's activities, operations, and equipment shall not interfere with the Lessor's operation, maintenance, and repair of the Tower, the parcel of land upon which the Tower is located, and any improvements located on the said

parcel of land, including, without limitation, any and all infrastructure utilized as part of the Lessor's municipal water supply and distribution system.

In the event Lessee fails to comply with the above-stated non-interference provisions, Lessee shall take all steps necessary to correct and eliminate the interference. If such interference cannot be eliminated within 48 hours of Lessee's receipt of written notice from the Lessor of the existence of such interference, Lessee shall temporarily shut down the equipment (except for intermittent operation for the purpose of testing after performing maintenance, repair, modification, replacement, or other action taken for the purpose of correcting such interference). If such interference is not corrected within 30 days after receipt by Lessee of the written notice of the existence of the interference, Lessee agrees to either remove its noncompliant equipment from the Tower, or this Agreement shall terminate as if by expiration and all of the Lessee's equipment shall be removed as provided herein.

Lessee shall be responsible for the testing needed to confirm that its equipment and transmissions are compatible with the Lessor's communications facilities and that no interference will exist. Lessor will not be liable for monetary damages or equitable relief for interference caused by existing or future communications equipment or frequencies used by the Lessor on its premises.

Section 7. The Lessee's officials, employees, agents, contractors, and any other representatives shall notify the on-duty personnel at the City of Asheboro Water Treatment Plant at (336) 626-1215 of the need to access the Tower and receive explicit authorization to enter this critical water supply infrastructure site before accessing the secured premises. Lessor's personnel shall not withhold approval for access to install, maintain, and operate the Lessee's transmitter[s] and antenna[e] unless the Lessor has a good faith basis for believing that the requested access and proposed work will interfere with or be detrimental to the Lessor's use of the Tower and/or the public water supply infrastructure located on the premises.

Section 8. Additionally, prior to beginning any equipment installation, maintenance, replacement, and/or repair work in any form or to any degree, the Lessee shall submit drawings accurately describing the proposed work to the Lessor for review to determine the compatibility of the proposed work with the operation and maintenance of the Tower and the other municipal infrastructure located on the site. Before any of the above-described activities may be commenced, express written approval must be received from the Lessor's Public Works Director and Water Resources Director. Such approval shall not be withheld unless the Lessor's officials have a good faith basis for believing that the proposed work will negatively impact the Lessor's use of the Tower and/or the public water supply infrastructure located on the premises.

Section 9. Any damage to the Tower and/or any other real or personal property of the Lessor that is caused by the Lessee's installation, construction, maintenance, operation, repair, replacement, and upgrade activities on the premises shall be immediately and completely repaired by the Lessee at its sole expense.

Section 10. The Lessee shall comply with all applicable laws, statutes, ordinances, rules, and regulations relating to the use of the Tower and the parcel of land upon which it is located, specifically including by way of illustration and not limitation occupational health and

safety laws and regulations as well as the laws and regulations applicable to the premises because of the presence of the Lessor's public water supply and distribution infrastructure.

Consistent with federal and state work place safety laws, the Lessee shall initiate, maintain, and supervise all safety precautions and programs for its officials, employees, agents, and contractors accessing the Tower to install, maintain, and/or operate the Lessee's transmitter[s] and antenna[e].

Section 11. At a minimum, Lessee shall carry during the term of this Agreement, at the sole cost and expense of the Lessee, general liability insurance with a minimum limit of liability of one million and no hundredths dollars (\$1,000,000.00) combined single limit for bodily injury or death/property damage arising out of any one occurrence. Furthermore, the Lessee shall not allow any of its officials, employees, agents, contractors, and any other representatives onto the Tower and its premises unless such individuals are covered by workers' compensation insurance that has not lapsed and is compliant with North Carolina law.

The Lessee shall furnish to the Lessor, annually and in a form satisfactory to the Lessor, certificates of insurance to demonstrate the maintenance of the insurance coverage specified in the immediately preceding paragraph. All policies shall provide for thirty (30) days advance written notice of material change, cancellation, or renewal.

Section 12. The Lessor shall make arrangements for the provision of all utilities necessary for the operation of the Lessee's equipment. The cost associated with such provision of utilities shall be included within the annual rental rate prescribed by this Agreement.

Section 13. Lessor will provide notice to Lessee of any casualty affecting the demised premises as soon as is practicable. If any part of the Tower or its surrounding premises is damaged by fire or other casualty so as to render, in Lessor's or Lessee's determination, the premises unsuitable for continued use, then either party may terminate this Agreement by providing written notice to the other party, which termination will be effective as of the date of such damage or destruction. Upon such termination, Lessee will be reimbursed for any prepaid rent on a pro rata basis, but Lessor shall not be obligated to provide any other form of monetary relief, compensation, and/or damages to Lessee as a result of such casualty that rendered the premises unsuitable for use.

Section 14. Title to all improvements constructed or installed by Lessee on the demised premises shall remain in Lessee, and all improvements constructed or installed by Lessee shall at all times be and remain the property of Lessee, regardless of whether such improvements are attached or affixed to the Lessor's Tower. Upon the expiration or termination of this Agreement, the Lessee shall, within a reasonable period not to exceed sixty (60) calendar days, remove all improvements, fixtures, and personal property constructed or installed on the Lessor's premises by Lessee and shall restore the Lessor's premises to its original condition, reasonable wear and tear and casualty not caused by the Lessee excepted.

Section 15. If Lessee fails to pay any rental payment when due, or if Lessee fails to perform any of the other covenants, terms, or conditions of this Agreement, prior to exercising

any rights or remedies against Lessee on account thereof, Lessor shall first provide Lessee with written notice of the failure and provide Lessee with a 30-calendar day period to cure such failure. Lessee agrees and covenants that, upon such notification of a violation or breach of the terms and conditions of this Agreement, it shall immediately and diligently undertake to correct any such condition. Lessee must, without delay or excuse, absolutely correct the defect or violation on or before the date specified by Lessor. In the event the failure to perform or comply with any term and condition of this Agreement is not cured by Lessee within the above-referenced 30-calendar day period to cure or within any other time period specified by Lessor in its written notice of the breach or failure to perform, whichever is later, the Lessor may, at its option, terminate this Agreement immediately. Upon such termination, this Agreement shall become null and void, and Lessor and Lessee shall have no further obligations to each other, other than Lessee's obligation to remove its property as provided herein.

Furthermore, the Lessor may order the Tower and the parcel of land upon which it is located closed immediately when any condition exists on the premises that an agency or official of the city, county, state, or federal government, which is charged with public health and safety responsibilities, deems to constitute a threat to health or safety.

Any continuing violation or breach by Lessor of any of the terms and conditions of this Agreement shall also be grounds for termination of this Agreement by Lessee upon 30 calendar days written notice to Lessor.

Section 16. Lessee is prohibited from assigning this Agreement or subleasing the area leased to the Lessee, and its rights herein, in whole or in part.

Section 17. With the exception of any loss or damage caused by the negligence or willful misconduct of one of the parties to this Agreement, neither Lessor nor Lessee shall be responsible or liable to the other party to this Agreement for any loss or damage arising from any claim to the extent such loss or damage is attributable to any acts or omissions of other users of the Tower or the parcel of land upon which it is located, acts of vandalism, structural failures, power failures, or other destruction or damage to the Tower and associated premises.

Section 18. Time shall be of the essence of this Agreement and each and every term and condition thereof.

Section 19. Both Lessor and Lessee acknowledge and stipulate that this Agreement is the product of mutual negotiation and bargaining and that counsel has drafted it for both Lessor and Lessee. As such, the doctrine of construction against the drafter shall have no application to this Agreement.

Section 20. Except as the same may be subsequently modified by means of a legal instrument signed by authorized officials of the Lessor and Lessee, this Agreement as set out herein constitutes the total understanding between the parties with respect to this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

LESSOR:

**THE CITY OF ASHEBORO, a North Carolina
municipal corporation**

CITY SEAL

By: _____
David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

**STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH**

I do hereby certify that I am a Notary Public of the County and State aforesaid, and I do hereby further certify that Holly H. Doerr, who is personally known to me, voluntarily and personally appeared before me this day and acknowledged that she is the City Clerk for the City of Asheboro and that, by authority duly given, the Mayor of the City of Asheboro voluntarily executed the foregoing instrument on behalf of the city for the purposes stated therein, Ms. Doerr sealed the instrument with the municipal seal, and she attested the instrument as the City Clerk.

WITNESS my hand and notarial stamp or seal, this the ____ day of _____, 2013.

Notary Public

OFFICIAL SEAL

(Printed or Typed Name of Notary Public)

My commission expires:

LESSEE:

**THE RANDOLPH COUNTY BOARD OF EDUCATION,
a body corporate under the North Carolina
General Statutes**

CORPORATE SEAL

By: _____
Tommy McDonald, Chairperson

ATTEST:

Secretary

**STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH**

I do hereby certify that I am a Notary Public of the County and State aforesaid, and I do hereby further certify that _____, who is personally known to me, voluntarily and personally appeared before me this day and acknowledged that he is the Secretary of The Randolph County Board of Education, a body corporate, and that, by authority duly given and as the act of the corporation, the Chairperson of The Randolph County Board of Education voluntarily executed the foregoing instrument on behalf of the corporation for the purposes stated therein with the Board Secretary sealing and attesting the instrument.

WITNESS my hand and notarial stamp or seal, this the ____ day of _____, 2013.

Notary Public

OFFICIAL SEAL

(Printed or Typed Name of Notary Public)

My commission expires:

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

Finance Officer