

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

Thursday, May 24, 2012

5:00 p.m.

Notice of a special meeting of the Asheboro City Council is hereby given. This meeting will be held on Thursday, the 24th day of May, 2012, at 5:00 p.m. in the Council Chamber of Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203.

This special meeting has been called for the purpose of enabling the governing board to conduct the following business:

1. In preparation for an upcoming vacancy on the Asheboro ABC Board, the City Council will consider activating the formal process previously adopted on February 9, 2012, for filling vacancies on city authorities, boards, commissions, and committees.
2. Consideration of the adoption of a resolution authorizing a timber sale that will be conducted by advertisement for sealed bids.
3. Receive and discuss a budget briefing prepared by the city manager.

This notice is issued on the 18th day of May, 2012, 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

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**SPECIAL MEETING
ASHEBORO CITY COUNCIL
COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, MAY 24, 2012
5:00 p.m.**

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

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

- John N. Ogburn, III, City Manager
Dumont Bunker, P.E., City Engineer
Holly H. Doerr, CMC, City Clerk/Paralegal
Justin T. Luck, Zoning Administrator/Planner
Bradley W. Morton, Planning Technician/Deputy City Clerk
Deborah P. Reaves, Finance Director
Michael D. Rhoney, Water Resources Director
Jeffrey C. Sugg, City Attorney
Felix L. Ward, Cultural and Recreation Services Director
Kermit D. Williamson, Environmental Services Superintendant
Michael R. Wiseman, Wastewater Treatment Plant Manager

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. Discussion of an upcoming vacancy on the Asheboro ABC Board.

Mr. Sugg reported that Mr. Russell G. Walker, Jr., Chair of the Asheboro ABC Board, is not seeking appointment for a third term on the board after his term expires on August 12, 2012. Thus, Mr. Sugg presented a proposed time line for filling this upcoming vacancy by utilizing the general process for filling vacancies on city boards and commissions that was adopted by the City Council on February 9, 2012. The proposed time line is as follows:

Asheboro ABC Board Appointment Process

<u>Date</u>	<u>Action</u>
May 24, 2012	City Council authorizes posting of board vacancy on city web site and channel 8 as well as transmittal of notice via media release to local publications.
June 21, 2012	Close of application period at 5:00 p.m.
June 22, 2012	City staff transmits applications to Rodney Johnson, Asheboro ABC System General Manager.
July 2, 2012	Asheboro ABC Board recommends a minimum of two candidates to fill the vacancy created when the current Board Chair's term expires on August 12, 2012.
July 12, 2012	City Council selects appointee that will take the oath of office on August 13, 2012.

Upon motion by Mr. Swiers and seconded by Mr. Bell, Council voted unanimously to adopt proposed time line for filling the upcoming vacancy on the Asheboro ABC Board and authorized city staff members to take the administrative actions necessary to implement the approved process. Council Members Bell, Burks, Carter, Hunter, Moffitt, and Swiers voted in favor of the motion.

3. Consideration of a resolution authorizing a timber sale.

Mr. Sugg presented and recommended adoption, by reference, of a resolution authorizing the sale of timber within the approximately 111-acre portion of the city's "Little Lakes Property" that has been designated for a clear-cut timber harvest with the assistance of consulting forester, E. Gerald Tugwell, ACF of Tugwell Consulting Forestry, P.A.

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

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RESOLUTION AUTHORIZING A TIMBER SALE BY ADVERTISEMENT FOR SEALED BIDS

WHEREAS, the City of Asheboro owns a tract of land commonly referred to as the "Little Lakes Property" that is approximately 353 acres in size and is located west of the primary corporate limits of the City of Asheboro and south of Old Lexington Road, this real property is more specifically described by reference to the following deed books and page numbers in the office of the Randolph County Register of Deeds: Book 208, Page 423; Book 261, Page 101; and Book 1426, Page 376; and

WHEREAS, with the assistance of a consulting forester, E. Gerald Tugwell, ACF of Tugwell Consulting Forestry, P.A., approximately 111 acres of the total acreage in the above-described "Little Lakes Property" has been designated for a clear-cut timber harvest; and

WHEREAS, Section 160A-268 of the North Carolina General Statutes permits the city to sell real property by advertisement and sealed bid;

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

Section 1. Subject to certain restrictions and conditions stated herein, the Asheboro City Council hereby authorizes the sale of all merchantable timber within the approximately 111-acre portion of the above-described "Little Lakes Property" that has been designated for a clear-cut timber harvest. The property/cutting lines for this clear-cut harvest have been identified in the field by the placement of glo-pink flagging. These property/cutting lines with glo-pink flagging reflect a 200-foot no cut zone established by this Council around the city lake. Additionally, the boundaries of stream management zones (hereinafter referred to as "SMZs") within the clear-cut harvest area are marked with blue paint. No hardwood trees measuring less than 18 inches across the stump, measured 6 inches from the ground, may be harvested from the SMZs, but all pine timber may be harvested from the SMZs. Furthermore, this timber sale is contingent upon bidders unequivocally accepting and complying with the following additional conditions of the sale:

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

Section 2. The city will accept lump sum, sealed bids for this standing timber until 12:00 p.m., Thursday, June 28, 2012. Bids shall be delivered to the office of Tugwell Consulting Forestry, P.A., 374 Abby Lane, Asheboro, North Carolina 27205.

Section 3. At 12:00 p.m., Thursday, June 28, 2012, all bids received shall be opened in public, and the amount of each bid will be announced and recorded. The record of bids shall be reported to the Asheboro City Council during its regular meeting on Thursday, July 12, 2012.

Section 4. The Asheboro City Council will determine the highest responsible bidder for the standing timber and will award the bid during the council's regular meeting on Thursday, July 12, 2012. Bids will remain open and subject to acceptance until the Asheboro City Council awards the bid.

Section 5. In order for a bid to be deemed responsible by the Asheboro City Council, the bid must be accompanied by a bid deposit of five percent (5%) of the amount of the bid. A bid deposit may take the form of cash, a cashier's check, a certified check, or a surety bond. The deposit of the bidder to whom the award is made will be held until the sale of this standing timber is closed; if that bidder refuses at any time to close the sale, the deposit will be forfeited to the city. The deposits of other bidders will be returned at the time the Asheboro City Council awards the property to the highest responsible bidder.

Section 6. In addition, to be responsible, a bidder must be current on payment of all property taxes owed to the city.

Section 7. The city reserves the right to withdraw the property from sale at any time and the right to reject any and all bids.

This resolution was adopted by the Asheboro City Council in open session during a special meeting held on the 24th day of May, 2012.

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

ATTEST:

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

4. Budget briefing.

Mr. Ogburn utilized a PowerPoint presentation in order to give the Council Members details regarding the City of Asheboro's Proposed Fiscal Year 2012-2013 Budget. The proposed budget is balanced at \$39,256,984.00 with the General Fund allocation of \$24,566,959.00 and the Water and Sewer Fund allocation at \$14,690,025.00.

The recommended budget reflects an unchanged property tax rate of \$0.55 per \$100 valuation and a fee increase for certain city services, including water and sewer rates. The minimum monthly charge for water is proposed to change from \$12.27 to \$13.77, while the minimum monthly charge for sewer will change from \$15.34 to \$16.84 for customers located inside the city's corporate limits. For customers located outside of the city's corporate limits, the minimum monthly charge for water is proposed to increase from \$30.68 to \$34.43 and the minimum monthly charge for sewer is proposed to increase from \$38.35 to \$42.10. For customers that use more than 150 cubic feet of water per month, the inside the city limits rate for water consumption and sewer is proposed to increase from \$2.51 per 100 cubic feet of water to \$2.63 per 100 cubic feet of water, while the consumption rate for outside the city limits is proposed to increase from \$6.28 to \$6.58 per 100 cubic feet.

With regard to revenue, Mr. Ogburn also noted that one new source of revenue is the solid waste transfer station. During the upcoming fiscal year, staff proposes to accept and charge for solid waste collected by solid waste haulers other than the city's own forces.

During his presentation, Mr. Ogburn highlighted certain major expenses including, but not limited to, the following:

- Twenty (20) new police vehicles,
- A new fire truck,
- A side loader garbage truck,
- Hauling equipment and dumpsters for environmental services,
- Filters at the Waste Treatment Plant,
- A digester cover at Wastewater Treatment Plant,
- The maintenance and repair of four (4) water tanks,
- A service truck for the Traffic Division,
- A Landoll Trailer to transport equipment,
- A kiosk for 24 hour electronic payment option located behind City Hall, and
- A communication system upgrade.

Mr. Kermit Williamson, Environmental Services Superintendant, emphasized the city's need for an additional road tractor and certain hauling equipment in order for the city to haul its own solid waste. By hauling its own solid waste, the city would save on minimum tonnage charges and fuel usage along with being able to enhance the flexibility of the city to adjust hauling schedules and procedures when unexpected difficulties raise the possibility of leaving solid waste on the transfer station's tipping floor. The city is determined to take every reasonable action to avoid leaving solid waste on the tipping floor because such a practice leads to fines from the State of North Carolina and delays the starting of operations on the following day.

With the addition of a road tractor and hauling equipment to supplement the city's existing tanker trailer, the city can continue uphold its contractual obligation to remove a sugar water by-product from the MOM Brands facility. This by-product is very beneficial to the city's efficient operation of the wastewater treatment plant as Mr. Mike Wiseman, Wastewater Treatment Plant Manager, reported. Mr. Wiseman reported to the Council that the city's wastewater treatment plant is currently using the sugar water from MOM Brands in the nitrification process for nutrient removal. By using the sugar water, the city is able to save energy and reduce chemical costs.

Additionally, Mr. Ogburn highlighted that a kiosk is proposed to be located behind city hall in order to allow a 24-hour electronic payment option for the city's utility customers. The kiosk would accept payments in the form of checks, cash, and credit cards.

A public hearing on the budget will be held during the Council's regular meeting on June 7, 2012, and the City Council will consider adopting the city's budget for fiscal year 2012-2013 during a special meeting on June 28, 2012 at 12:30 p.m. in the Council Chamber.

[A copy of the city's proposed annual budget for fiscal year 2012-2013, as well as the PowerPoint presentation utilized by Mr. Ogburn, is on file in the City Clerk's office.]

There being no further business, the meeting was adjourned at 7:12 p.m.

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

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