

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

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

David H. Smith) – Mayor Presiding

Talmadge S. Baker)
Clark R. Bell)
Edward J. Burks)
Linda H. Carter) – Council Members Present
Michael W. Hunter)
Walker B. Moffitt)
Charles A. Swiers)

John N. Ogburn, III, City Manager
Dumont Bunker, P.E., City Engineer
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
John L. Evans, Assistant Community Development Director
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney
Larry R. Trotter, Chief Building Inspector
Felix L. Ward, Cultural and Recreation Services Director
Rickey D. Wilson, Chief of Police

1. Call to order.

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

2. Silent prayer and pledge of allegiance.

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

3. Appearance and recognition of guests and citizens.

Mayor Smith welcomed everyone in attendance and recognized boy scouts from troop 527 who were in attendance as a requirement for their communications badge. Additionally, Mayor Smith welcomed students from the Asheboro High School Student LIFT program who announced that a BBQ dinner will be held on March 9, 2013 from 5:00 p.m. until 7:30 p.m. at Central United Methodist Church. The proceeds of this BBQ dinner will benefit the Christians United Outreach Center.

4. Consent agenda:

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

- (a) The minutes of the City Council's regular meeting on February 7, 2013.**
- (b) An ordinance to amend the Water and Sewer Systems Improvement Project Fund (#70) for FY 2012-2013.**

03 ORD 3-13

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

WHEREAS, on January 10, 2013, the City Council approved the low bid received on December 20, 2012 from HD Supply Waterworks Inc. of Greensboro, North Carolina to supply 2,400 radio read meters for \$447,600 (not including sales tax), and adopted a resolution awarding the procurement contract to HD

Supply contingent on approval of the award by the NC Department of Environment and Natural Resources – Public Water Supply Section (NCDENR-PWS), and;

WHEREAS, the City of Asheboro received approval for award of contract for the project (project # WIF-1718) from NCDENR-PWS on February 11, 2013, and;

WHEREAS, the project will be funded by a DWSRF loan in the amount of 466,152 and a 2% local match of \$9,323.00 from the City of Asheboro, and;

WHEREAS, the Water and Sewer Systems Improvement Project Fund budget needs to be amended to account for this projects revenues and expenditures, 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

Section 1: That the following revenue line items are changed:

<u>Account</u>	<u>Revenue Description</u>	<u>Increase</u>	<u>Amended Budget</u>
70-370-0001	DWSRF Loan	466,152	466,152
70-370-3000	Contribution from W&S fund	<u>9,323</u>	9,323
	Total	475,475	

Section 2: That the following expense line items are changed:

<u>Account</u>	<u>Expense Description</u>	<u>Increase</u>	<u>Amended Budget</u>
70-870-0000	Meter Purchase Cost	447,600	447,600
70-870-0001	Design	11,000	11,000
70-870-0002	Administration	7,552	7,552
70-870-0003	Closing Costs	<u>9,323</u>	9,323
	Total	475,475	

Adopted this the 7th day of March, 2013.

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

ATTEST:

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

(c) An ordinance to amend the Water and Sewer Fund (#30) for FY 2012-2013.

04 ORD 3-13

**ORDINANCE TO AMEND
THE WATER AND SEWER FUND (#30)
FY 2012-2013**

WHEREAS, on January 10, 2013, the City Council approved the low bid received on December 20, 2012 from HD Supply Waterworks Inc. of Greensboro, North Carolina to supply 2,400 radio read meters for \$447,600 (not including sales tax), and adopted a resolution awarding the procurement contract to HD Supply contingent on approval of the award by the NC Department of Environment and Natural Resources – Public Water Supply Section (NCDENR-PWS), and;

WHEREAS, the City of Asheboro received approval for award of contract for the project (project # WIF-1718) from NCDENR-PWS on February 11, 2013, and;

WHEREAS, the project will be funded by a DWSRF loan in the amount of 466,152 and a 2% local match of \$9,323.00 from the City of Asheboro, and;

WHEREAS, the Water and Sewer Fund budget needs to be amended to account for the local match of \$9,323 to be transferred to the Water & Sewer System Improvement Fund, 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

Section 1: That the following revenue line items are changed:

<u>Account</u>	<u>Revenue Description</u>	<u>Increase</u>	<u>Amended Budget</u>
30-399-0000	Fund Balance Appropriation	9,323	802,283

Section 2: That the following expense line items are changed:

<u>Account</u>	<u>Expense Description</u>	<u>Increase</u>	<u>Amended Budget</u>
30-810-7000	Contribution to Capital Project Fund 70	9,323	9,323

Adopted this the 7th day of March, 2013.

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

ATTEST:

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

(d) A resolution authorizing a technical correction to the City of Asheboro Personnel Policies and Procedures Manual.

12 RES 3-13

RESOLUTION CONCURRING WITH A TECHNICAL CORRECTION MADE BY THE CITY MANAGER TO THE CITY OF ASHEBORO PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, the City of Asheboro Personnel Policies and Procedures Manual (hereinafter referred to as the "Manual") was originally promulgated by the city manager and approved by resolution of the Asheboro City Council on March 4, 2004; and

WHEREAS, the city manager periodically receives recommendations from the human resources director and/or the personnel committee as to improvements that can be made to the city's uniform system of personnel administration; and

WHEREAS, consistent with this established practice, the Asheboro City Council previously adopted, during a regular meeting held on December 6, 2012, a Resolution identified as Resolution Number 56 RES 12-12 concurring with various amendments of the Manual that were promulgated by the city manager in response to recommendations that he had received from the human resources director and the personnel committee; and

WHEREAS, these amendments to the Manual had an effective date of January 1, 2013; and

WHEREAS, subsequent to January 1, 2013, a clerical error was discovered in the promulgated amendments in that a reference was made in the personnel policies to the "Cultural and Recreation Services Division" (emphasis added) when, in fact, the reference was supposed to designate specific departments within the said division; and

WHEREAS, in order to amend the Manual to reflect the policy that was intended for implementation, the city manager has issued revised text for the specific policy in question; and

WHEREAS, the city's elected officials agree with this corrective action;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that it concurs with the city manager's correction of the earlier clerical error by revising the Manual to provide, effective March 15, 2013, in Article I, Section 8 of the Manual as follows:

The city prohibits the hiring of relatives within the same department; however, related persons may work for the city in different departments. When an issue pertaining to the employment of relatives within the same department arises subsequent to the hiring process, the permissibility of related persons working within the same department will be evaluated on a case-by-case basis. While not expressly prohibited, such a situation is discouraged. An employee may not serve as a direct supervisor for a related employee under any circumstances.

For the purpose of this section relatives shall be deemed to include spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren, plus the various combinations of half, step, in-law, and adopted relationships that can be derived from those named.

Seasonal recreational and part-time employees in either the Cultural and Recreation Services Division Cultural Services Department or the Recreation Services Department are exempted from the prohibition specified in this Section.

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 7th day of March, 2013.

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

ATTEST:

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

- (e) **Acknowledgement of the receipt of the Asheboro Airport Authority oath of office forms signed by Stephen R. Knight, Murray S. Marsh, Jr., J. Curtis Williams, and Dr. James M. Rich, Jr.**

Copies of the oath of office forms signed by Mr. Stephen R. Knight, Murray S. Marsh, Jr., J. Curtis Williams, and Dr. James M. Rich, Jr. were received by the Mayor and Council Members, and the said oath forms are on file in the City Clerk's office.

- (f) **Acknowledgement of the receipt of the Asheboro ABC Board's minutes of its meeting on January 7, 2013.**

A copy of the minutes of the Asheboro ABC Board's meeting on January 7, 2013 was received by the Mayor and Council Members, and a copy of the minutes is on file in the City Clerk's office.

5. Planning Board Service Recognitions:

Mr. Nuttall presented Mr. Ernest Confer with a resolution adopted by the Asheboro Planning Board in recognition of his nine (9) years of service as a member of the Board. A similar resolution was also prepared for Mr. Frank Havens for his service on the Asheboro Planning Board. Mr. Havens was unable to attend.

6. Timber Management Program: Presentation by Registered Forester Jerry Tugwell.

Registered Forester, Mr. E. Gerald (Jerry) Tugwell utilized a visual presentation and updated the Council Members on the harvest of timber located on the city-owned land around Lakes Bunch and McCrary as well as the old city landfill site. The City Council approved the timber sale during its regular meeting in April of 2012.

During his presentation, Mr. Tugwell indicated that the timber in the select harvest area (along the west side of the lake and consisting of approximately 70 acres of land) was sold to Chatham Lumber Company for \$65,946.00. The timber harvest for this area was conducted during May and June of 2012.

The timber located in the clear-cut harvest area (along the east side of the lake and consisting of approximately 111 acres of land) was sold as a bid sale on June 28, 2012 to Troy Lumber Company for \$374,064.00. The net proceeds for this harvest were \$328,533.00. The logging began on this project on November 1, 2012 and was completed on December 31, 2012.

At the conclusion of his presentation, Mr. Tugwell reported that tree planting was scheduled for the clear-cut harvest area during January 2013 and was completed on February 5th and 6th, 2013. The site is now in a position to grow and prosper into the future.

A copy of the visual presentation is on file in the City Clerk's office.

7. Annual Reports from the Building Inspections Department and the police Department.

- (a) **Chief Building Inspector Larry Trotter**

Mr. Larry Trotter, Chief Building Inspector, presented an overview of the Building Inspection Department's activities during 2012. The department's report reflected a total of 778 permits issued with an overall decrease in building permit valuations in 2012 as

compared to 2011. A copy of the written report submitted to the Council Members is on file in the City Clerk's office.

(b) Police Chief Rickey Wilson

Mr. Rickey D. Wilson, Chief of Police, presented an overview of the Police Department's activities for 2012. Along with highlighting the department's statistics, Chief Wilson highlighted certain programs that have recently been implemented, including but not limited to, the Community Watch Program and the Explorers Post Program.

A copy of the report presented by Chief Wilson is on file in the City Clerk's office.

8. Public Hearing: Potential Amendments to the Charter of the City of Asheboro.

(a) Summary by City Manager of actions taken and comments received in advance of the public hearing.

Mayor Smith opened the public hearing on the potential amendments to the Charter of the City of Asheboro.

Mr. Ogburn reported to the Council Members that, since its last meeting and original discussion of potential amendments to the Charter of the City of Asheboro, city staff members have received comments regarding the need for the continued use of the nonpartisan primary and election method. In regards to certain residency requirements for Police and Fire Chief, city staff members have received no comments.

During his presentation, Mr. Ogburn presented to the Council Members a draft bill (BILL DRAFT 2013-LM-53 [v.2] (02/18)) that was used for discussion purposes only. This draft was not ready for introduction by the local legislative delegation. (A copy of the text of the draft bill is included on a visual presentation utilized by Mr. Ogburn during his presentation.)

A copy of the visual presentation utilized by Mr. Ogburn during his presentation is on file in the City Clerk's office.

(b) Receive public comment.

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

(c) Council discussion of potential course(s) of action.

Throughout discussion, Council Members concluded that the draft bill (BILL DRAFT 2013-LM-53 [v.2] (02/18)), as presented by Mr. Ogburn, was satisfactory with certain modifications. Upon motion by Mr. Bell and seconded by Ms. Carter, Council voted unanimously to request the support of the local legislative delegation for BILL DRAFT 2013-lm-53 [V.2] (21/18) with the following modification:

SECTION 2. Article IV of the Charter of the City of Asheboro, being Chapter 481 of the 1967 Session Laws, as amended by Chapter 921 of the 1989 Session Laws, is amended by adding a new section to read as follows:

"Sec.4.20. Regular Municipal Elections. Regular Municipal Elections. Regular municipal elections shall be held each odd-numbered year in accordance with the uniform municipal election laws of North Carolina. Elections shall be conducted on a nonpartisan basis, and the results determined using the ~~nonpartisan plurality method as provided in G.S. 163-292~~ nonpartisan primary and election method as provided in G.S. 163-294.

9. Community Development Division Items:

(a) Public hearing to receive comments concerning the proposed issuance by the Public Finance Authority, a commission duly organized under the laws of the State of Wisconsin, of Multifamily Rental Housing Revenue Bonds to refinance and improve the existing Asheboro Summit Apartments located at 156 East Academy Street, Asheboro, North Carolina 27203.

Mayor Smith opened the public hearing on the proposed issuance of Multifamily Rental Housing Revenue Bonds to refinance and improve the existing Asheboro Summit Apartments located at 156 East Academy Street, Asheboro, North Carolina 27203.

Mr. Nuttall reported that the Public Finance Authority, a commission duly organized under the laws of Wisconsin (the "Issuer") intends to issue its Multifamily Rental Housing Revenue Bonds for refinancing and improving, among other projects, 101 existing one and two bedroom apartment units for the elderly and disabled located at 156 East Academy Street (Asheboro Summit Apartments). The City of Asheboro will not have any liability with respect to these bonds, and the bonds will not be backed by the taxing power of the city. The Issuer will lend a portion of the proceeds of the North Carolina Bonds to Asheboro Affordable Housing, L.L.C., a North Carolina limited liability company.

Mr. Peter M. Wright, Esq., General Counsel of RHA/Housing, Inc. offered comments that can be broken into bullet points as follows:

- That the bonds would be issued by the Public Finance Authority; and
- That the City of Asheboro would have no liability therefor; and
- That the purpose of the bond issue is to refinance and improve the Asheboro Summit Project; and
- That the Public Finance Authority is not permitted to issue tax-exempt bonds for this purpose without the consent of the City of Asheboro; and
- That the owner of the project (Asheboro Affordable Housing, L.L.C) wishes to lock in long term fixed rates and also raise funds to eliminate water intrusion issues at the project, among other things.

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

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

13 RES 3-13

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

WHEREAS, Public Finance Authority (the "Authority"), intends to issue its Multifamily Rental Housing Revenue Bonds in an amount not to exceed \$11,000,000 (the "Bonds") of which up to \$10,000,000 will be issued as tax-exempt bonds and the remainder issued as taxable bonds; and

WHEREAS, a portion of the Bonds in an initial aggregate principal amount not to exceed \$4,500,000 (the "North Carolina Bonds") will be loaned to Asheboro Affordable Housing, L.L.C. (the "Borrower") to assist in the refinancing and improvement of a multifamily residential facility for the elderly and disabled families of low and moderate income located in the City of Asheboro, North Carolina and known as Asheboro Summit Apartments (the "Project"); and

WHEREAS, the North Carolina Bonds will be issued in two series, one as tax-exempt bonds (the "North Carolina Tax-Exempt Bonds") and a second series as taxable bonds; and

WHEREAS, the North Carolina Tax-Exempt Bonds, in the initial aggregate principal amount of not to exceed \$4,000,000, are intended to be issued as qualified 501(c)(3) bonds for affordable housing facilities under the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, Section 147(f) of the Code and the governing statute for the Authority both require that the governmental unit having jurisdiction over the area in which the Project to be financed is located must approve the issuance of the Bonds;

WHEREAS, the Council constitutes the highest elected governing body of the City;

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

WHEREAS, the Council has this day held a public hearing as evidenced by the certificate and summary of public hearing attached hereto as Exhibit A, and an affidavit of publication of notice of such public hearing has been submitted to the Council;

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

1. The Council, as the elected representatives of the governmental unit having jurisdiction over the area in which the Project is located, hereby approves the issuance of the Bonds by the Authority for the benefit of the Borrower, as required by Section 147(f) of the Code and the Joint Exercise Agreement, to permit the Authority to assist in the financing of the Project.

2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Borrower. THE BONDS DO NOT CONSTITUTE A DEBT OF THE STATE OF NORTH CAROLINA OR ANY POLITICAL SUBDIVISION OR MUNICIPALITY THEREOF, INCLUDING THE CITY, OR A PLEDGE OF THE FAITH AND CREDIT OF THE STATE OF NORTH CAROLINA OR ANY POLITICAL SUBDIVISION OR MUNICIPALITY THEREOF, INCLUDING THE CITY.

3. This resolution shall take effect immediately upon its adoption.

Adopted by the City Council of the City of Asheboro, North Carolina this 7th day of March, 2013.

/s/Holly H. Doerr
Clerk, City Council of the City of Asheboro, North Carolina

Exhibit A

CERTIFICATE AND SUMMARY

The undersigned Clerk to the city Council of the city of Asheboro, NC hereby certifies:

1. Notice of a public hearing (the "Hearing") to be held on March 7, 2013, with respect to the issuance of bonds by the Public Finance Authority for the benefit of Asheboro Affordable Housing, L.L.C. (the "Borrower") was published on February 19th, 2013, in *The Courier-Tribune*.

2. The presiding officer of the Hearing was David H. Smith, Mayor.

3. The following is a list of the names and addresses of all persons who spoke at the Hearing:

Peter M. Wright
3060 Peachtree Road, N.W.
Suite 900
Atlanta, GA 30305

4. The following is a summary of the oral comments made at the Hearing:

Mr. Wright stated that the bonds would be issued by the Public Finance Authority; that the city of Asheboro would have no liability therefor, and that the purpose of the bond issue is to refinance and improve the Asheboro Summit Project. He said that the Public Finance Authority is not permitted to issue tax-exempt bonds for this purpose without the consent of the city of Asheboro. He said that the owner of the project (Asheboro Affordable Housing, L.L.C.) wishes to lock in long term fixed rates and also raise funds to eliminate water intrusion issues at the project, among other things.

IN WITNESS WHEREOF, my hand and the seal of the city Council of the city of Asheboro, NC this 12th day of March 2013.

(SEAL)

By: /s/Holly H. Doerr
Clerk

(b) Consideration of a resolution supporting the renovation of a building in downtown Asheboro for the proposed Senior Adults Activities Center and authorizing the submission of an application to the Rural Economic Development Center for Funding.

Mr. Nuttall presented and recommended adoption, by reference, of a resolution supporting the renovation of a building in downtown Asheboro for the proposed senior adults activities center and authorizing the submission of an application to the rural economic development center for funding.

Ms. Candie Rudzinski, Executive Director of Randolph County Senior Adults Association, was available to answer questions.

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

RESOLUTION SUPPORTING THE RENOVATION OF A BUILDING IN DOWNTOWN ASHEBORO FOR THE PROPOSED SENIOR ADULTS ACTIVITIES CENTER AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE RURAL ECONOMIC DEVELOPMENT CENTER FOR FUNDING

WHEREAS, the City of Asheboro, like Randolph County and the rest of the nation, anticipates that the fastest growing segment of the community's population will be adults age 60 and over; and

WHEREAS, the Randolph County Senior Adults Association (hereinafter referred to as "RCSAA") provides services, including without limitation preventative health measures, that are designed to impact in a positive and meaningful manner the goal of improving the quality of life of the community's seniors and their families; and

WHEREAS, RCSAA is currently confronting the challenge of finding a facility that can accommodate the need for an enhanced and expanded physical plant from which RCSAA can offer preventative health services to the growing population of senior adults; and

WHEREAS, a building located at 173 North Church Street in downtown Asheboro has been identified as an excellent candidate for renovation and conversion from its former purpose as part of a local manufacturer's facilities to a state of the art multi-purpose Senior Adults Activities Center to be owned and operated by RCSAA for the purpose of providing the services that improve the wellness of the community's seniors and to hereby increase the quality of life of senior adults and their families; and

WHEREAS, the expanded services that will be facilitated by the proposed renovation of the existing building will enable RCSAA to create three (3) fulltime jobs; and

WHEREAS, RCSAA has committed itself to renovating and repurposing the former industrial building by undertaking a three million dollar (\$3,000,000) capital campaign known as "The Expanding Opportunities for Active Living Campaign;" and

WHEREAS, the provision of wellness services for senior adults and the resulting job creation is such an important public purpose that the Asheboro City Council has pledged to RCSAA's 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; and

WHEREAS, due to the Asheboro City Council's high level of commitment to this project to expand and enhance the services offered to senior adults, the city is also willing to assist RCSAA in obtaining grant funding that can bring the proposed Senior Adults Activities Center to reality; and

WHEREAS, one of the potential sources of grant funding that has been identified for this project is the Rural Hope initiative undertaken by the North Carolina Rural Economic Development Center, Inc. with the design to spur economic activity and job creation in the health care sector while improving the availability and quality of health care services in rural communities; and

WHEREAS, the City of Asheboro as an eligible applicant (an eligible applicant is defined as a unit of government in partnership with private or nonprofit health care provider) may apply for grant funding under the Rural Hope initiative in an amount that does not exceed five thousand dollars (\$5,000) per job created; and

WHEREAS, based on the formula stated in the immediately preceding recital, the City Council wishes to proceed with an application for grant funding through the Rural Hope initiative in the total amount of fifteen thousand dollars (\$15,000);

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the City Council unequivocally supports the Randolph County Senior Adults Association's project to renovate the existing building at 173 North Church Street and convert this industrial building into a multi-purpose Senior Adults Activities Center that will enable RCSAA to enhance and expand the wellness and preventative health care services that it provides to the senior adults in Asheboro and Randolph County; and

BE IT FURTHER RESOLVED, as evidenced by the commitment of a total of five hundred thousand dollars (\$500,000) to RCSAA's capital campaign known as "The Expanding Opportunities for Active Living Campaign," the City of Asheboro's financial commitment to the project will more than satisfy the Rural Hope grant requirement that the applicant provide a cash match of five percent (5%) of the grant request toward the building renovation project; and

BE IT FURTHER RESOLVED that the Mayor and the city's appointed officials are hereby authorized to execute the legal instruments required by the North Carolina Rural Economic Development Center, Inc. to successfully complete the grant application process prescribed for the Rural Hope initiative.

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 7th day of March, 2013.

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

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

(c) Consideration of a final plat submitted for Fairway Townhomes (Community Development Division File No. SUB-11-03).

Mr. Nuttall presented the final plat for Lots 3-6 of the proposed Fairway Townhomes. Mr. Larry McKenzie requested the approval of a final plat for this phase of the subdivision located along Sherwood Road. The plat submitted for approval pertains to just 4 out of a total of 14 lots in the subdivision plus common area.

During his presentation, Mr. Nuttall noted that the approved preliminary plat shows a temporary turnaround at the terminus of Bogey Lane. If the developer proposes phasing the development and provides a different location for the temporary turnaround until the completion of the development, then the location of the turnaround must be acceptable for public works and emergency vehicles. The site plan approved with Special Use Permit File Number SUP-11-03 requires continued maintenance (consistent with Section 304A.8 of the Asheboro Zoning Ordinance) of the required landscape screen on the western boundary of the property adjoining the Forrest J. Hardwick property.

The Community Development Division and the Planning Board recommended granting the requested final plat approval with the following comments/conditions:

1. Homeowners' documents restricting RV parking as required by the Ordinance shall be submitted and recorded with the final plat.
2. Solid waste facilities and screening are required as part of Phase I.
3. The following items must be completed or guaranteed within Phase I:
 - a. Paving for the permanent turnaround.
 - b. Recreation space (grass picnic area with tables)
 - c. Sidewalks

Mr. Larry McKenzie was available to answer questions.

Upon motion by Mr. Bell and seconded by Baker, Council voted unanimously to approve, with the immediately preceding comments/conditions, the final plat submitted for this phase of the Fairway Townhomes Subdivision.

The aforementioned final plat is on file in the City Clerk's office.

(d) Extraterritorial Planning Jurisdiction Transition Issues:

(i) Planning Board Membership

As a follow-up in regards to the Council's discussion at its regular January meeting of the need to adjust the Asheboro Planning Board's membership in light of the recent ETPJ reduction, Mr. Nuttall reported that currently, only one of five ETPJ representatives resides in the revised ETPJ area. After discussing the Council's directive with the Asheboro Planning Board members, the Community Development Division staff, with the support of the Planning Board, offers the following:

- Upon request, ETPJ representatives not residing in the ETPJ would step down at the end of the calendar year.
- Council Members could then reduce the Board's membership from 10 to 7 with 5 city residents and 2 ETPJ residents, 1 of whom would be a 2014 appointee residing within the ETPJ area.
- Under this scenario, in nine months (January 2014), there would be no board members not residing within the city's planning jurisdiction.

After substantive discussion, Council Members responded positively to this proposed course of action. Community Development Division staff members will take the appropriate procedural steps over the coming months to implement these concepts.

(ii) Update of Title XV (Land Usage) and Chapter 95 (Fire Prevention) of the Code of Asheboro.

Mr. Nuttall presented for a potential ordinance to update Article XV (Land Usage) and Chapter 95 (Fire Prevention) of the Code of Asheboro. Before formal consideration can be given to adopting such an ordinance, a public hearing must be held on the proposal. With the Council's permission, city staff is prepared to advertise the statutorily prescribed hearing for the contemplated ordinance.

Upon motion by Mr. Bell and seconded by Ms. Carter, Council voted unanimously to authorize to city staff to proceed with publishing notice of a public hearing on the above-referenced amendments to the Code of Asheboro that will be held during the Council's April 2013 regular meeting.

(e) Presentation concerning "Retire Asheboro" open house to be held June 21-23, 2013.

Mr. Nuttall announced that a "Retire Asheboro" open house will be held June 21-23 in furtherance of Asheboro's recognition as a retirement community. A schedule of events for the weekend is on file in the Community Development Division as well as the City Clerk's office.

10. 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.

11. Receipt of petitions from The Cross Road Rest and Retirement Center, Inc. and Cross Road Village, Inc. (Cross Road Retirement Community) requesting satellite annexation of 53.792 acres of land at 1302 Old Cox Road.

(a) Consideration of a resolution directing the city clerk to investigate the annexation petitions.

Prior to any discussion of the aforementioned item, Ms. Carter disclosed that she is the Chairperson for the Cross Road Rest and Retirement Community. This position with the nonprofit organization does not create a financial interest for her in terms of whether the petition is granted or denied. After consulting with the city attorney, the consensus was reached that the recusal from this legislative decision was unwarranted.

Mr. Bunker presented and recommended adoption, by reference, of a resolution directing the city clerk to investigate a petition requesting noncontiguous annexation of 53.792 acres of land located at 1302 Old Cox Road.

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

15 RES 3-13

**A RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE
THE REQUESTED ANNEXATION OF NONCONTIGUOUS TERRITORY**

(Cross Road Retirement Community – 53.792 Acres of Land)

WHEREAS, petitions requesting the annexation of approximately 53.792 acres of land located at and in proximity to 1302 Old Cox Road have been received by the City Council of the City of Asheboro from the following fee simple owners of the real property for which annexation into the City of Asheboro has been requested: The Cross Road Rest and Retirement Center, Inc. (aka The Cross Road Retirement Center, Inc.) and Cross Road Village, Inc.; and

WHEREAS, due to the fact that this real property is not contiguous with the existing primary corporate limits of the City of Asheboro, this request for annexation of the real property commonly referred to as the Cross Road Retirement Community is subject to the provisions of Chapter 160A, Article 4A, Part 4 of the North Carolina General Statutes; and

WHEREAS, Section 160A-58.2 of the North Carolina General Statutes provides that the sufficiency of such petitions shall be investigated by the city clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Asheboro deems it advisable to proceed in response to this request for annexation;

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

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting that was held on the 7th day of March, 2013.

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

ATTEST:

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

CERTIFICATE OF SUFFICIENCY

(Cross Road Retirement Community – 53.792 Acres of Land)

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

I, Holly H. Doerr, CMC, NCCMC, City Clerk for the City of Asheboro, North Carolina, do hereby certify that, with the assistance of the city engineering department, I have investigated the petitions attached hereto by reviewing these petitions, the submitted plat of survey that bears the seal of a professional land surveyor, and any additional materials supplied by the petitioner through the city's engineering department. As a consequence of that review, I have found as a fact that the said petition is signed by all of the owners of the real property lying in the area described therein. Furthermore, the petitions appear to be sufficient to satisfy the provisions of Section 160A-58.1 of the North Carolina General Statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro, North Carolina on this the 7th day of March, 2013.

(CITY SEAL) _____
/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

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

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

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

16 RES 3-13

**A RESOLUTION SETTING THE DATE OF A PUBLIC HEARING ON THE QUESTION OF
ANNEXATION PURSUANT TO SECTION 160A-58.2
OF THE NORTH CAROLINA GENERAL STATUTES**

(Cross Road Retirement Community – 53.792 Acres of Land)

WHEREAS, petitions requesting annexation of the territory described within the attached EXHIBIT 1 have been received; and

WHEREAS, the City Council of the City of Asheboro, North Carolina has, by resolution, directed the city clerk to investigate the sufficiency of these petitions; and

WHEREAS, certification by the city clerk as to the sufficiency of the said petitions has been made;

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

Section 1. A public hearing on the question of the above-referenced request for annexation of territory that is not contiguous with the primary corporate limits of the City of Asheboro is to be held during a regular meeting of the Asheboro City Council that will begin at 7:00 o'clock p.m. on the 4th day of April, 2013 in the Council Chamber at Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203.

Section 2. The area proposed for annexation is described on the attached sheet that is identified as EXHIBIT 1 and is hereby incorporated into this resolution by reference as if copied fully herein.

Section 3. Notice of the public hearing specified in Section 1 of this Resolution shall be published in *The Courier-Tribune*, a newspaper having general circulation in the City of Asheboro, at least ten (10) days prior to the date of the said public hearing.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 7th day of March, 2013.

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

ATTEST:

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

EXHIBIT 1

Grant Township, Randolph County, North Carolina:

BEGINNING at the intersection of Zoo Parkway (North Carolina Highway 159) and Old Cox Road (North Carolina Secondary Road 2834) at a concrete right-of-way marker in the northern margin of the public right-of-way for Old Cox Road, this beginning point is located by means of the North Carolina Coordinate System at the coordinates of North 697,213.934 feet and East 1,764,583.371 feet (NAD 83); thence from the said beginning point proceeding along the proposed satellite corporate limits line for the City of Asheboro by following the northern margin of the public right-of-way for Old Cox Road South 56 degrees 33 minutes 58 seconds East 33.54 feet to a ½-inch rebar set flush with the ground; thence continuing along the section of the northern margin of the public right-of-way for Old Cox Road that is part of the existing satellite corporate limits line for the City of Asheboro shown on a plat of survey recorded in Plat Book 49, Page 15, Randolph County Public Registry the following courses and distances: South 56 degrees 33 minutes 58 seconds East 159.65 feet to a 1-inch existing iron pipe that is flush with the ground; thence South 60 degrees 24 minutes 52 seconds East 364.43 feet to a 1-inch angle iron that is flush with the ground; thence continuing along the northern margin of the public right-of-way for Old Cox Road, but departing from the existing satellite corporate limits line, the following courses and distances: South 61 degrees 06 minutes 18 seconds East 700.78 feet to a ½-inch new rebar flush with the ground; thence South 62 degrees 31 minutes 52 seconds East 124.85 feet to a ⅝-inch rebar that is flush with the ground; thence South 62 degrees 46 minutes 21 seconds East 237.25 feet to a ⅝-inch rebar that is flush with the ground; thence South 63 degrees 27 minutes 39 seconds East 107.85 feet to a ⅝-inch rebar that is 4" above the ground; thence South 40 degrees 52 minutes 01 second East 26.53 feet to a computed point; thence continuing to proceed in a southeasterly direction along the northern margin of the public right-of-way for Old Cox Road by following the arc of a curve with a radius of 1,375.00 feet and an arc length of 329.14 feet (a chord bearing and distance of South 49 degrees 05 minutes 57 seconds East 328.36 feet) to a computed point; thence South 42 degrees 14 minutes 29 seconds East 255.93 feet to a ½-inch rebar set flush with the ground; thence South 02 degrees 54 minutes 27 seconds West 76.83 feet across Old Cox Road to a ½-inch rebar that is 6" above the ground in the deed line for The Cross Road Retirement Center, Inc. property described in Deed Book 2152, Page 168, Randolph County Public Registry; thence following the proposed satellite corporate limits line along the eastern boundary line of The Cross Road Retirement Center, Inc. property the following courses and distances: South 02 degrees 54 minutes 27 seconds West 653.58 feet to a 1-inch existing iron pipe that is 8" above the ground; thence South 88 degrees 17 minutes 28 seconds East 89.42 feet to a ½-inch rebar that is 6" above the ground; thence South 88 degrees 18 minutes 25 seconds East 109.53 feet to a 1¼-inch existing iron pipe that is 6" above the ground; thence South 02 degrees 55 minutes 51 seconds West 497.39 feet to a 1½-inch existing iron pipe that is 10" above the ground and located at the southeast corner of The Cross Road Retirement Center, Inc. property; thence along the common boundary line between The Cross Retirement Center, Inc. property and the David F. Hall property described in the Office of the Randolph County Clerk of Superior Court in Estate File 01E/882 the following courses and distances: North 88 degrees 10 minutes 35 seconds West 198.68 feet to a ½-inch existing iron rod that is flush with the ground; thence North 87 degrees 35 minutes 08 seconds West 99.99 feet to a 1½-inch flat iron that is flush with the

ground; thence North 03 degrees 13 minutes 00 seconds East 302.61 feet to a 5/8-inch existing iron rod that is flush with the ground; thence North 87 degrees 34 minutes 50 seconds West 301.97 feet to a 1-inch existing iron pipe that is flush with the ground; thence North 03 degrees 01 minute 18 seconds East 100.51 feet to a 1-inch existing iron pipe that is 4" above the ground; thence continuing along the proposed satellite corporate limits line by following the common boundary line between the previously referenced property of The Cross Road Retirement Center, Inc. and the Elton T. and Cynthia C. Caviness property described in Deed Book 1803, Page 1521, Randolph County Public Registry the following courses and distances: North 03 degrees 02 minutes 20 seconds East 300.07 feet to a 1-inch existing iron pipe that is 6" above the ground; thence North 87 degrees 34 minutes 28 seconds West 125.08 feet to a 1-inch existing iron pipe that is 18" above the ground; thence North 87 degrees 27 minutes 53 seconds West 130.33 feet to a 5/8-inch existing iron pipe that is 6" above the ground; thence continuing along the proposed satellite corporate limits line by following the common boundary line between the Cross Road Village, Inc. property described in Deed Book 1403, Page 263, Randolph County Public Registry and the said Elton T. and Cynthia C. Caviness property the following courses and distances: North 87 degrees 17 minutes 39 seconds West 49.81 feet to a 1/2-inch rebar that is 6" above the ground; thence North 04 degrees 01 minute 15 seconds East 99.91 feet to the southeast corner of the The Cross Road Rest and Retirement Center, Inc. property described in Deed Book 2168, Page 308, Randolph County Public Registry; thence North 86 degrees 39 minutes 04 seconds West 766.22 feet along the southern boundary line of the The Cross Road Rest and Retirement Center, Inc. property to a 1/2-inch rebar that is flush with the ground and is located in the eastern margin of the public right-of-way for Zoo Parkway; thence North 44 degrees 05 minutes 00 seconds West 169.81 feet along the eastern margin of the public right-of-way for Zoo Parkway to a 1/2-inch rebar set flush with the ground; thence departing from Zoo Parkway and proceeding along the western boundary line of The Cross Road Rest and Retirement Center, Inc. property described in Deed Book 1598, Page 1179, Randolph County Public Registry the following course and distance: North 04 degrees 46 minutes 46 seconds East 317.38 feet to a 1-inch existing iron pipe that is 6" above the ground; thence departing from this boundary line and proceeding along the southern boundary line of The Cross Road Rest and Retirement Center, Inc. property described in Deed Book 1648, Page 1469, Randolph County Public Registry the following courses and distances: North 84 degrees 57 minutes 04 seconds West 305.92 feet to a 1/2-inch rebar that is flush with the ground; thence South 72 degrees 18 minutes 21 seconds West 8.90 feet to a computed point in the eastern margin of the public right-of-way for Zoo Parkway; thence South 72 degrees 18 minutes 21 seconds West 60.27 feet across Zoo Parkway to a computed point on the western margin of the public right-of-way for Zoo Parkway; thence continuing along the proposed satellite corporate limits line by following in a northwesterly direction the arc of a curve with a radius of 825.00 feet and an arc length of 273.20 feet (a chord bearing and distance of North 16 degrees 11 minutes 25 seconds West 271.95 feet) to a computed point that is on the western margin of the public right-of-way for Zoo Parkway and on the existing satellite corporate limits line shown on a plat of survey recorded in Plat Book 67, Page 48, Randolph County Public Registry; thence departing from the western margin of the public right-of-way for Zoo Parkway and proceeding along the existing satellite corporate limits line the following courses and distances: South 85 degrees 19 minutes 14 seconds East 31.56 feet to a computed point; thence North 05 degrees 35 minutes 12 seconds West 108.46 feet to a computed point; thence North 00 degrees 00 minutes 56 seconds East 100.15 feet to a computed point; thence North 03 degrees 28 minutes 58 seconds East 200.40 feet to a computed point; thence North 04 degrees 29 minutes 36 seconds East 100.15 feet to a computed point; thence North 87 degrees 07 minutes 53 seconds West 30.03 feet to a computed point on the western margin of the public right-of-way for Zoo Parkway; thence departing from the existing satellite corporate limits line and proceeding along the western margin of the public right-of-way for Zoo Parkway the following courses and distances: North 03 degrees 24 minutes 33 seconds East 104.24 feet to a computed point; thence proceeding in a northwesterly direction along the arc of a curve with a radius of 886.08 feet and an arc length of 238.52 feet (a chord bearing and distance of North 04 degrees 10 minutes 06 seconds West 237.80 feet) to a computed point; thence departing from the western margin of the public right-of-way for Zoo Parkway and proceeding North 53 degrees 13 minutes 08 seconds East 98.94 feet to the point and place of BEGINNING, and containing 53.792 acres of land, more or less, to be annexed.

The above-listed description is in accordance with a plat of survey entitled "ANNEXATION PLAT PREPARED FOR City Of Asheboro And Cross Road Retirement Community." This plat was drawn under the supervision of Glenn L. Brown, a Professional Land Surveyor with Registration Number L-3663, from an actual survey made under his supervision. The job number listed on the plat is G12120, and the said plat of survey is dated January 4, 2013.

12. Boards, Commissions, and Authority Appointments:

(a) Council action on filling the vacancy on the Asheboro Airport Authority.

Mr. Ogburn reported that at its special meeting on Monday, March 4, 2013, the Asheboro Airport Authority reviewed information packages for individuals interested in serving on the Asheboro Airport Authority. The individuals who formally expressed an interest in serving on the Board were: J. Keith Crisco, Bobby James Crumley, and Keith G. Hodgin, Jr.

The Board selected the following two individuals for equal and further consideration by the city council for appointment to the Asheboro Planning Board Board: J. Keith Crisco and Bobby James Crumley.

**AN ORDINANCE AMENDING THE CITY OF ASHEBORO CULTURAL AND RECREATION SERVICES
DIVISION POLICY MANUAL**

WHEREAS, the City of Asheboro Cultural and Recreation Services Division has been tasked with operating the Downtown Farmers' Market in a manner that achieves the Asheboro City Council's goals and expectations for the Downtown Farmers' Market; and

WHEREAS, the Asheboro City Council's primary goals and expectations for the Downtown Farmers' Market are as follows: (1) The creation and maintenance of a permanent, safe space for local farmers to sell their goods and thereby increase awareness of the important continuing role of agriculture in Randolph County and the lives of the municipality's citizens; (2) The provision of opportunities for elementary school children to learn about local agricultural activities; and (3) The provision of opportunities for citizens to purchase farm fresh goods; and

WHEREAS, on the basis of its annual review of the operations at the Downtown Farmers' Market during the preceding market season, the cultural and recreation services division's leadership team, with the concurrence of the city manager, has recommended to the Asheboro City Council that certain amendments need to be made to the regulations governing the operation of the market in order to enhance the safety, efficiency, and level of satisfaction experienced by vendors and citizens/customers when they participate in the Downtown Farmers' Market; and

WHEREAS, the proposed amendments to the regulations governing the operation of the Downtown Farmers' Market are attached hereto as EXHIBIT 1 and are hereby incorporated into this ordinance by reference as if copied fully herein; and

WHEREAS, the Asheboro City Council concurs with the recommendations received from the city manager and the staff in the cultural and recreation services division;

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

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

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

Section 3. This ordinance shall be in full force and effect upon and after the 15th day of March, 2013.

This ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 7th day of March, 2013.

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

ATTEST:

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

EXHIBIT 1

ARTICLE XI. DOWNTOWN FARMERS' MARKET

SECTION 11.1 OPERATION AND CONTROL

The Downtown Farmers' Market (hereinafter referred to as the "Market") and the facility in which it is operated shall be administered by the City of Asheboro Cultural and Recreation Services Division in a manner that will provide the citizens of Asheboro and Randolph County with an opportunity for a quality experience. The Asheboro City Council's primary goals and expectations for the Market are as follows: (1) The creation and maintenance of a permanent, safe space for local farmers to sell their goods and thereby increase awareness of the important continuing role of agriculture in Randolph County and the lives of the municipality's citizens; (2) The provision of opportunities for elementary school children to

learn about local agricultural activities; and (3) The provision of opportunities for citizens to purchase farm fresh goods.

~~Under general guidance from the Cultural and Recreation Services Director, a designated city employee within the Cultural and Recreation Services Division will operate the Market in the best interest of the City of Asheboro. The city employee designated by the Cultural and Recreation Services Director as the employee with operational responsibility for the Market at any given time shall be hereinafter referred to as the "Market Coordinator."~~

Subject to the general managerial authority of the Cultural and Recreation Services Director and the Recreation Services Superintendent, the Program Assistant (Cultural Services) within the City of Asheboro Cultural and Recreation Services Division shall function as the Market Coordinator with supervisory authority and operational responsibility for the Market. For purposes of implementing and interpreting the policies and regulations applicable to the Market, the Program Assistant (Cultural Services) will be referred to as the Market Coordinator. The Market Coordinator is responsible for maintaining the good order of the Market and operating the Market in a manner that furthers, consistent with all applicable laws and the best interests of the City of Asheboro, the City Council's above-stated goals and expectations.

In the interest of operational efficiency, the Market Coordinator is authorized to utilize one or more city employees within the Cultural and Recreation Services Division as his or her on-site designee(s) with full authority to exercise and perform the powers and duties of the Market Coordinator when the Coordinator is unavailable to directly exercise the powers and duties specified herein. Any actions taken by such a designee are subject to final review and approval by the Market Coordinator.

SECTION 11.2 HOURS OF OPERATION

- ~~A. The hours of operation of the Market shall vary with the season and activities permitted.~~
- ~~B. The operating days shall be Tuesday, Thursday and Saturday. Operating days may be added or deleted, depending on supply of produce. The Cultural and Recreation Services Director reserves the right to adjust hours of operation, as needed.~~
- A. The operational hours of the Market shall be set by the Cultural and Recreation Services Director (hereinafter referred to as the "Director") on the basis of the availability of vendors and consumers that wish to sell and buy produce/goods that are eligible for sale at the Market. Unless issues of supply and demand lead the Director to conclude otherwise, the Market shall be open between 7:00 a.m. and 1:00 p.m. on Tuesday, Thursday, and Saturday of each week during the months of May to October.
- B. Notwithstanding any other provision found within the adopted Market rules, the Director is hereby granted the authority to exercise his or her professional judgment and adjust the Market's days and hours of operation when the available evidence, including by way of illustration and not limitation the impact of the weather on the availability of agricultural goods as well as the feedback received from vendors and consumers, leads to the conclusion that the Market's operating hours should be increased or decreased. Prior to the opening day of a new Market season or whenever a change in operating days and hours occurs during the season, written notice of the Market's days and hours of operation shall be transmitted by the Director to the city's elected officials and chief executive officer no less than one (1) week in advance of the date upon which such a change in operational times becomes effective.

SECTION 11.3 DAILY FEES CHARGED TO VENDORS

If an individual or agricultural operation is found by the Market Coordinator to be eligible to participate in the Market as a vendor, the approved vendor will be required to pay a daily fee for the privilege of selling authorized items in an assigned space or spaces (a maximum of two spaces may be assigned to a vendor) during the Market's operational hours. This daily fee must be paid by each approved vendor on each day that the vendor is assigned a space or spaces at the Market. These daily fees for Market participants are non-refundable. Consequently, a vendor will not receive a refund of any fees if the Market Coordinator reassigns a vendor to a different space at the Market or orders the vendor to leave the premises due to a violation of the rules established for the operation of the Market.

The amount of the daily fee charged to and collected from approved vendors by the Market Coordinator is the amount established by the Asheboro City Council in the adopted Schedule of Deposits, Fees, and Charges for the Cultural and Recreation Services Division. This schedule of deposits, fees, and charges may be revised at any time and in the sole discretion of the Asheboro City Council.

SECTION 11.4 SUPPLEMENTAL OPERATIONAL RULES AND REGULATIONS

- A. The Market Coordinator shall enforce the rules and regulations specified herein on each day of the Market's operation. The Market Coordinator's regulatory duties specifically include, without limitation, daily inspection of the entirety of the items offered for sale at the Market in order to verify that each vendor is offering for sale only those items that fall within the scope of the certification listed in the posted Grower's Certification that was presented by the vendor as a prerequisite for obtaining permission to participate in the Market. The satisfactory completion of the prescribed daily inspections and the by inspecting produce and goods of each vendor to ensure compliance with the Grower's Certification and by documenting compliance or noncompliance of each vendor shall be documented by the Market Coordinator on a daily inspection form. The initials of staff on the daily inspection form shall signify, at a minimum, the payment of the required daily fee and compliance with the Grower's Certification.
- B. All goods offered for sale by a vendor must be grown or made by the person, family, or company selling the product at the market. Only home grown or home processed products from the following counties may be sold: Randolph, Alamance, Chatham, Davidson, Forsyth, Guilford, Moore, Montgomery, Richmond and Stanley. The specific types of products that may be sold at the Market are more specifically described in subsection J.
- C. The Market Coordinator is authorized to designate and adjust on an as-needed basis vehicular and pedestrian traffic flow patterns designed, to the fullest extent that is practical and reasonable for the Market Coordinator, to facilitate the creation of a safe and inviting environment for Market participants. This broad authorization includes, without limitation, the authority and duty to will assign a space or spaces to an eligible vendor on a daily basis. Except as specified in this subsection for establishing vendor space assignment priority on the basis of attendance and compliance with the Market rules, Subject to the guidelines established within this subsection for receiving priority consideration during the parking space assignment process, eligible vendors will be assigned spaces on a first come, first serve basis.

No space or combination of spaces at the Market can be utilized by a vendor without the express permission of the Market Coordinator. Subject to the rules stated herein, the Market Coordinator is expressly authorized and directed to assign spaces to vendors in a manner designed to facilitate for visitors an enjoyable and rewarding market experience that specifically includes a safe and efficient flow of pedestrian and vehicular traffic on the premises of the Market. The assignment and reassignment of spaces by the Market Coordinator can continue throughout the course of the market day when deemed necessary by the Market Coordinator to maintain the good order of the Market and to maintain the safe flow of pedestrians and motor vehicles.

When assigning vendors to spaces at the Market, priority shall be given to vendors who have excellent rule compliance and attendance records at the Market. This space assignment priority system shall be utilized, without limitation, to determine which vendors are assigned to the spaces located under the shelter (hereinafter referred to as the "Preferred Area") at the Market facility. Regardless of a vendor's attendance record or any other evaluative factor prescribed herein, a vendor that has been found, at any point in time, to be in violation of one or more of the regulations established for the operation of the Market, including without limitation facilitating or in any way encouraging the impeding of a traffic flow pattern established within the Market by the Market Coordinator, will not be assigned a space in the Preferred Area unless and until all vendors with an unblemished compliance record have been assigned their spaces at the time of the official opening of the Market for business, and the 30-minute waiting period before releasing reserved spaces has expired.

The space assignment priority system described herein will be used by the Market Coordinator to hold spaces in the Preferred Area for those vendors whose attendance and compliance with Market rules have enabled the vendors to obtain priority assignment status. Assigned spaces in the Preferred Area will be held for designated vendors with priority status until thirty minutes after the Market's opening time. Vendors are to arrive no sooner than one hour before the designated time that the Market opens to obtain access to their assigned space. Once this 30-minute waiting period has lapsed the Market has officially opened, the Market Coordinator is authorized to relocate and reassign vendors without regard to any sort of priority assignment system another vendor to the previously unused space for the remainder of the day. Once a vendor is properly placed by the Market Coordinator in a space, such a vendor will not be asked to relocate to another location during the course of the day so long as he or she complies with the entirety of the Market rules and is located in the Preferred Area. Overflow areas are not to be used if space is available for a vendor in the Preferred Area.

When spaces are assigned during the opening month of the season, the attendance component of the evaluation process shall be based on the vendor's attendance record during the immediately preceding market season. Subsequent to the initial assignment of spaces at the beginning of the current season, the vendors' attendance record throughout the course of the then current season as well as the level of continuing compliance with Market rules will be reviewed in order to determine if the existing space assignment priorities are to be retained or adjusted.

Regardless of the space assignment priority a vendor might otherwise enjoy at the Market, the maximum number of spaces a vendor can be assigned on any single day is two spaces. If a vendor who has been

assigned two spaces for use during the day fails to fully and properly utilize both spaces at any time during the market day, the Market Coordinator, in his or her sole discretion, may order the vendor to immediately consolidate his or her products into a single assigned space. The previously underutilized or improperly utilized space may then be reassigned by the Market Coordinator to another vendor.

If a vendor declines to accept the space(s) initially assigned by the Market Coordinator, such a vendor will not be eligible for the assignment of a space in the Preferred Area until the Market Coordinator has completed the assignment of spaces for all of the vendors who did not reject the Market Coordinator's initial assignment decision. Any vendor who refuses to accept the final space assignment decision of the Market Coordinator shall be asked to leave the Market premises.

~~Effective April 16, 2012, annual memberships are no longer available and are of no force and effect. Any money paid to the Cultural and Recreation Services Division in advance of this season's Market may, at the option of the former member who made the advance payment, be refunded directly to the former member or applied to daily fees that accrue during the course of the season.~~

- D. Each vendor authorized to sell at the Market is responsible for the safety and security of the vendor's products as well as for providing the vendor's own tables and other display items. Excess produce must be removed from the market and not dumped in market facility trash containers.
- E. In order to be a vendor at the Farmers' Market, a prospective vendor must submit a properly completed application and the appropriate fees in good funds to the designated personnel in the City of Asheboro Cultural and Recreation Services Division. Furthermore, the Market Coordinator may request additional information and/or documentation from potential applicants in order to research any question(s) that may arise in regard to the applicant's eligibility to be approved as a vendor at the Market. An application to be a vendor at the Market will not be approved until the Market Coordinator is provided with the requested information and is able to resolve all concerns about the applicant's eligibility to be a vendor.
- F. Staff shall review and approve each application. Applications should be received at least two weeks before the vendor plans to begin selling at the Market.
- G. All ~~vendors growers~~ must have received a "Grower's Certification" from their local cooperative extension service agent. In order to be deemed valid and in compliance with these rules and regulations, a Grower's Certification must be dated as having been issued on or after April 1 of the market season during which the ~~vendor grower~~ is currently offering goods for sale at the Market. Additionally, each ~~vendor grower~~ must post his or her Grower's Certification for public inspection at the grower's assigned space while selling at the Market.
- H. All vendors shall display a sign bearing their name and address. This sign shall be prominently displayed by the vendor while selling at the market. The sign shall be provided by the City of Asheboro Cultural and Recreation Services Division.
- I. Prices must be posted for all items to be sold.
- J. ~~Subject to the controlling provision within these regulations that any and all agricultural items offered for sale at the Market must be within the scope of the posted Grower's Certification, Products products that can be sold include:~~
 - a. Vegetables grown from seeds, sets, or seedlings;
 - b. Fruits, nuts, or berries;
 - c. Plants grown from seed, seedling transplant, or cutting;
 - d. Bulbs;
 - e. Eggs;
 - f. Meats;
 - g. Dairy products;
 - h. Honey;
 - i. Cut or dried flowers;
 - j. Straw;
 - k. Preserves, pickles, relishes, jams, and jellies produced at home by the seller;
 - l. Baked goods and any other low-risk packaged foods that are produced at home by the seller subsequent to a successful Home Processor Inspection conducted by the North Carolina Department of Agriculture and Consumer Services (hereinafter referred to as "NCDACS"); and
 - m. Any other commodity or product that comes directly from the farm without any additional processing beyond the customary process used to harvest the commodity or product, or in the case of edible products is made with a primary ingredient that comes directly from the farm, so long as such items are reasonably determined by the Cultural and Recreation Services Director or his designee to fall within the range of commodities or goods produced by the agricultural sector of the economies in the

counties of Randolph, Alamance, Chatham, Davidson, Forsyth, Guilford, Moore, Montgomery, Richmond and Stanley.

- K. No low-acid canned foods such as green beans, corn, peas, carrots, etc. may be sold. In addition, no canned tomato products may be sold.
- L. All products must be of top quality.
- M. All food must meet NCDACS and local health regulations. Members selling prepared foods must provide verification of current NCDACS inspection, specifically including the Home Processor Inspection for items produced in the home, when submitting their application.
- N. Food items must be labeled prior to sale with at least the following information:
 - a. Product name;
 - b. Manufacturer's name and address;
 - c. Net weight of the product in ounces/pounds and the gram weight equivalent; **and**
 - d. Complete list of ingredients in order of predominance by weight.
- O. Only standard canning jars with new rings and lids may be used.
- P. Home baked cakes, pies, cookies, and breads may be sold except cream pies.
- Q. **All goods marketed as certified goods and/or mandated by any lawful authority to be subjected to an inspection program prior to entering the market place must be validated by the vendor offering the goods for sale as compliant with the applicable legal authorities. This validation shall be accomplished by the display at the vendor's assigned space of documentation evidencing the advertised or mandated certification. Additionally, a copy of any such posted documentation must be provided to the Market Coordinator before the goods referenced in the certification are offered for sale. ~~products produced under certification such as organic, licensed meat, poultry, or dairy products or products requiring inspection, such as baked goods or preserves must display certification or license and have a copy on file with the Market Coordinator.~~**
- R. No live animals may be sold or given away at the market.
- S. No pets are allowed at the Market. Service animals are not deemed to be pets and are allowed at the Market. A service animal is any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.
- T. Any vendor selling meat, dairy, poultry, or other animal products that are regulated by the NCDACS and/or USDA are responsible for satisfying any regulatory requirements prior to selling of product. Vendors must file a copy of Department of Agriculture Form MP-2 (Registration of Poultry and Meat Handlers) with the Market Coordinator and keep a copy of this license with them at all times while selling at the market. Vendors also must inform the Staff of any change in licensing status immediately upon receiving notice of a change. All products must be stored in a new or like new condition refrigerator or freezer.
- U. Scales should be the type that can be or is approved and certified by the NCDACS.
- V. Any complaints, disputes, or violations of the rules shall be directed to the Market Coordinator for resolution.
- W. Neither the City of Asheboro nor its elected officials, officers, employees, agents or representatives, shall be responsible, in either an official or individual capacity, for loss through theft or otherwise of private property at the market. The Farmers' Market shall not be responsible for personal injuries or damages to individuals or personal property arising out of the actions or conduct of guests, invitees, or any type of third party not directly affiliated with the City of Asheboro.
- X. Each vendor shall be responsible for their own records, taxes, and compliance with all applicable regulations.
- Y. Without limitation as to additional enforcement actions that may be taken as deemed appropriate by city officials in light of the nature of a specific offense, the following enforcement protocols will be utilized when goods are displayed/offered for sale in violation of these rules and regulations during a particular season:
 - a. 1st Offense = A verbal warning will be issued to the offending vendor, and the goods displayed/offered for sale in violation of the rules and regulations must be immediately removed from the view of any member of the public. Goods subject to a verbal or written removal order cannot be sold at the market facility. Any vendor who refuses to comply with an order from a Market Coordinator to remove goods from

display will be asked to leave the premises and will be guilty of trespassing if this order to leave the premises is not obeyed within the amount of time reasonably necessary to load all of the vendor's displayed items for transport. No vendor ordered to leave the facility due to a violation of the adopted rules and regulations is entitled to a refund of any fees that he or she may have paid in order to participate in the Market.

- b. 2nd Offense = Upon discovery of a second violation of any of the rules and regulations prescribed for the Market, a vendor will be ordered to immediately leave the facility with the entirety of his or her goods. Such a vendor will not be permitted to sell any goods at the Market for a period of three (3) consecutive market days, inclusive of the date on which the second offense was discovered.
- c. 3rd Offense = Upon discovery of a third violation of any of the rules and regulations prescribed for the Market, a vendor will be ordered to immediately leave the facility with the entirety of his or her goods. Such a vendor will not be permitted to sell any goods at the Market for the remainder of the current season.

SECTION 11.5 VENDOR FEEDBACK

Market meetings shall be held before and after the Market season. The purpose of the meetings shall be to give Market participants the opportunity to voice their opinions and make suggestions of the operation of the market. Other meetings may be held on an as needed basis. The Cultural and Recreation Services Director shall preside at all meetings.

SECTION 11.6 FARMERS' MARKET FACILITY

1. No Alcoholic beverages or drugs are permitted.
2. No pets, other than service animals, are allowed.
3. No flea market items may be sold or displayed at any time.
4. Yard Sales may not be held at the Facility.
5. Rental of the facility must be approved by the Cultural and Recreation Services Division.
6. Security deposit and rental fees shall be set by City Council.
7. Vendors requiring electricity shall provide their own extension cords properly rated to meet their electrical requirements.
8. No items may be attached to any area of the Market structure, trees, etc.
9. Holding an event at the Market facility without authorization shall subject the event to immediate termination and other enforcement actions as deemed appropriate by the Cultural and Recreation Services Director.

- (b) Approval of Change Order #4 on the Sunset Theatre Renovation Project (Rehab Builders, Inc.) increasing the contract amount by \$13,647 to \$1,661,844 and increasing the contract time by 17 days to July 15, 2013.**

Mr. Ward presented the above-referenced Change Order #4 on the Sunset Theatre Renovation Project by Rehab Builders, Inc. increasing the contract amount by \$13,647.00 to \$1,661,844. This change order increases the contract time by 17 days to July 15, 2013.

Upon motion by Mr. Swiers and seconded by Ms. Carter, Council voted unanimously to approve the above-referenced Change Order #4. A copy of the approved change order is on file in the City Clerk's office.

15. Receive update of changes in the billing and collection operation.

Ms. Reaves updated the Council on changes in billing office operations, including bringing the processing of mailed payments back to city offices as an in-house operation. Ms. Reaves also discussed the successful implementation of a 24-hour payment kiosk that has been implemented behind city hall in order to enhance customer service by allowing customers to make payments after business hours. Customers may make payments by credit cards, debit cards, and checks.

16. Reminder of Town Hall Day, Wednesday, March 27, 2013.

17. Discussion of items not on the agenda:

- **Reminder of the State of Randolph event on Friday, March 8, 2013 at Pinewood Country Club**

