

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, JANUARY 9, 2014
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 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. Sweirs)

John N. Ogburn, III, City Manager
James R. Briles, Jr., Master Police Officer
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Michael L. Leonard, P.E., City Engineer
Ralph W. Norton, Chief of Police
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney

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. Recognition of Det. James R. Briles, Jr. as the Asheboro Police Department's Officer of the Year for 2013.

Chief Norton explained the process of selecting the Asheboro Police Department's Officer of the Year in that officers are nominated by the supervisors in each individual unit based on his/her merit and service throughout the year. The command staff reviews the nominations and votes for one officer.

Chief Norton recognized Detective James R. Briles, Jr. as the Asheboro Police Department's Officer of the Year for 2013. Detective Briles currently serves in the Criminal Investigation Division. Furthermore, Chief Norton described Detective Briles as hardworking and has been very instrumental in closing some of the department's cases.

Mayor Smith congratulated Detective Briles on his achievement.

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 December 5, 2013.**
- (b) A resolution awarding a service side arm to a retiring Asheboro police officer.**

01 RES 1-14

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

WHEREAS, effective March 1, 2014, Master Police Sergeant Franklin Dale VonCannon will begin his retirement from employment with the Asheboro Police Department after rendering honorable and invaluable service to the City of Asheboro and its citizens since the date of his initial employment with the Asheboro Police Department on June 12, 1985; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, effective March 1, 2014, in consideration of the combination of Sergeant VonCannon's dedicated service to the City of Asheboro and the payment to the City of Asheboro of one dollar (\$1.00), Franklin Dale VonCannon is to be awarded, upon a determination by the Chief of Police that Mr. VonCannon is not ineligible to own, possess, or receive a firearm under the provisions of federal or North Carolina law, ownership of his city-issued service side arm (a Glock 23 Generation 4 with serial no. SFS921 and three magazines).

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting that was held on the 9th day of January, 2014.

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

ATTEST:

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

- (c) **A resolution authorizing the sale of surplus city-owned personal property by electronic auction.**

02 RES 1-14

ASHEBORO CITY COUNCIL RESOLUTION

Resolution Authorizing an Electronic Auction of Personal Property

WHEREAS, Section 160A-270(c) of the North Carolina General Statutes authorizes the City Council of the City of Asheboro to "conduct auctions of real or personal property electronically by authorizing the establishment of an electronic auction procedure or by authorizing the use of existing private or public electronic auction services;" and

WHEREAS, GovDeals, Inc. is an online auction service provider that has extensive experience with the disposal of surplus government property; and

WHEREAS, pursuant to Asheboro City Council Resolution No. 54 RES 12-13, the city manager has executed an Online Auction Memo of Understanding with GovDeals, Inc., and the City of Asheboro is now a client of this online auction site; and

WHEREAS, the city manager, in consultation with the city's various division/department heads, has identified various items of city-owned personal property that are no longer needed by the city and are eligible for disposal by means of an electronic auction; and

WHEREAS, the above-referenced items of personal property that have been identified as ready for disposal as surplus property are listed within the attached EXHIBIT 1 that is hereby incorporated into this Resolution by reference as if copied fully herein; and

WHEREAS, the City Council concurs with the city staff's recommendation to dispose of the personal property listed in EXHIBIT 1 by means of the online auction service provided by GovDeals, Inc.;

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

Section 1. The items of city-owned personal property listed in EXHIBIT 1 are no longer needed by the City of Asheboro and are hereby declared to be surplus property (these items of surplus personal property shall be hereinafter collectively referred to as the "Surplus Property"); and

Section 2. The city manager or his designee is hereby authorized to sell the Surplus Property by means of an electronic auction conducted through the online auction services of GovDeals, Inc.; and

Section 3. The electronic address for the website where (a) information about the Surplus Property can be found, (b) the terms and conditions of sale can be reviewed, and (c) bids can be posted is www.govdeals.com; and

Section 4. As part of the online auction services utilized by the city, GovDeals, Inc. will collect, on behalf of the city, the proceeds from the auction in accordance with the terms and conditions stated in the Online Auction Memo of Understanding entered by and between the City of Asheboro and GovDeals, Inc.; and

Section 5. The electronic auction shall begin at 8:00 AM Eastern Standard Time on Thursday, February 13, 2014, and the auction shall end no sooner than 3:00 PM Eastern Standard Time on Friday, February 28, 2014; and

Section 6. The terms of sale shall be the "Online Sales – Terms and Conditions" approved as part of the Online Auction Memo of Understanding between the City of Asheboro and GovDeals, Inc.; and

Section 7. The said terms of sale specifically provide, in part and by way of illustration and not limitation, that all assets are offered for sale "AS IS, WHERE IS," successful bidders will receive a Buyer's Certificate by email from GovDeals, Inc., payment in full is due not later than five (5) business days from the time and date of issuance of the Buyer's Certificate, purchases will be released upon receipt of payment as specified in the terms of the sale, and all assets must be removed from city property within ten (10) business days from the time and date of the issuance of the Buyer's Certificate; and

Section 8. The entirety of the terms and conditions of the online auction to be conducted pursuant to this Resolution are attached hereto as EXHIBIT 2 (these terms of sale were previously identified in City of Asheboro Resolution Number 54 RES 12-13 as "EXHIBIT C – Online Auction Memo of Understanding") and are hereby incorporated into this instrument by reference as if copied fully herein; and

Section 9. The city clerk shall cause the publication, at least once and not less than ten (10) days before the date of the auction, a copy of this Resolution or a notice summarizing the contents of this Resolution.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 9th day of January, 2014.

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

ATTEST:

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

EXHIBIT 1

SURPLUS PROPERTY – FEBRUARY 2014 ELECTRONIC AUCTION

1. 1977 Kaiser Two-and-a-Half Ton Surplus Military Truck (VIN 052519439)
2. 1979 John Deere 310-A Backhoe (Serial No. 336792T)
3. 1984 Chevrolet M1008 Pickup (VIN 1GCGD34J9EF304746)
4. 1985 Chevrolet Blazer K-5 (VIN 1G8ED18J5FF132202)
5. 18' Roughneck Boat Model RNH1960 with a 35 HP Mercury Motor (Motor Serial No. 6626716)
6. 1986 Chevrolet 30K 2500 Pickup (VIN 1GCHD34J7HF321294)
7. 1988 MEP-002A Surplus Military Diesel Generator (5-KW 60 HZ) (Serial Number RZ60600)
8. 1989 Chevrolet Crew Cab Pickup (VIN 2GCFK29K1K1162005)
9. 1992 GMC Safari XT Van (VIN 1GKDM19Z6NB545360)
10. 1995 Jeep Laredo (VIN 1J4GZ58S6SC518469)
11. 1999 Ford Crown Victoria (VIN 2FAFP71W9XX163734)
12. 1999 Homemade Trailer (VIN NCX01039266) with a 400-Gallon Water Tank from a Surplus Military Water Buffalo (NSN # 2510-01-0915167-SN# 9129)
13. 2001 Ford Crown Victoria (VIN 2FAFP71W81X137455)
14. 2001 Ford Crown Victoria (VIN 2FAFP71W91X137447)
15. 2001 Ford Crown Victoria (VIN 2FAFP71W61X137454)
16. 2001 Ford Crown Victoria (VIN 2FAFP71W01X137448)
17. 2001 Ford Crown Victoria (VIN 2FAFP71W21X137452)

18. 2001 Dodge Dakota Truck (VIN 1B7GL22X61S308078)
19. 2006 Ford Crown Victoria (VIN 2FAHP71W16X157787)
20. 2007 Ford Crown Victoria (VIN 2FAHP71W77X130661)
21. 15-Person Capacity Surplus Military Inflatable Lifeboat (Mark 5 Mod II) (NSN # 1940-00-204-389)
22. Quantity of Two Office Desks
23. Metrotech Model 220 Transistorized Metal Locator (Serial No. 32712)
24. Metrotech Model 220 Transistorized Metal Locator (Serial No. 38930)
25. Metrotech Model 220 Transistorized Metal Locator (Serial No. 38934)
26. Metrotech Model 220 Transistorized Metal Locator (Serial No. 32728)
27. Model BS62Y Wacker Packer (Serial No. 714002142)
28. Model BS62Y Wacker Packer (Serial No. 654502646)
29. Model BS62Y Wacker Packer (Serial No. 654501716)
30. Model BS60Y Wacker Packer (Serial No. 677911242)
31. RST Technical Services Model 31-1000 Auger Snake (Serial No. N1B-10149, R3A-10252)
32. RST Technical Services Model 10-1220 Phillips Magnavox Pipeline Video Monitor (Serial No. S5A10008, P7A10022)
33. Redmax Weedeater (GZ30N) (Serial No. G7.30N1 4100/418)
34. Desk Chair
35. Desk Phone (Serial No. 202263-MDE-21S)
36. Hewlett Packard Model 4050N Laser Jet Printer (Serial No. USBCO87327)
37. Hewlett Packard Model CP1215 Color Laser Jet (Serial No. CNAC85W05S)
38. IBM PC Network Translator Unit Model 5178 (Serial No. AN064K5178)
39. IBM Typewriter (Serial No. 14300000299691)
40. Dell PC and Monitor Model E198FPf, DCSM (Serial No. 7M3VJ91, DP/N OG422H)
41. Dell PC and Monitor Model E198FPf, DCSM (Serial No. CN-OG422H-72872)
42. Dell Monitor E198FPf, DCSM (Serial No. CN-G422H-72872)
43. Dell PC Monitor E198FPf (Serial No. CN-OCNO78-72872-85K-2V72)
44. Dell PC Monitor E178FPb (Serial No. CN-ORY974-74261-7BF-6NG2)
45. Dell PC Monitor (Serial No. CN-OCN078-72872-85B-0J8L)
46. Dell PC Tower Optiplex GX270 DHM (Serial No. 190R 751)
47. Dell PC Tower DCSM (Serial No. 95WJBB1)
48. Dell PC Tower Optiplex GX240 DHM (Serial No. 5286S21)
49. Dell PC Tower Optiplex GX240 DCSM (Serial No. BRG9Z91)
50. Dell PC Tower Precision 330 WCP (Serial No. GNZ0T01)
51. Dell Latitude Lap Top C840 PP01X (Serial No. P/N 3J578 A01)
52. Dell Latitude Lap Top C840 PPX (Serial No. P/N 72MUF A01)
53. Minolta Floor Model Copier CS PRO Model EP 2030 (S/N 31729418, 6GDN0C1)
54. Office Cubical Panels (One 4' X 6'8" Panel; Two 3' X 6'8" Panels; and One 2'6" X 6'8" Panel)

EXHIBIT 2

City of Asheboro Asheboro, North Carolina

Online Sales - Terms and Conditions

All bidders and other participants of this service agree they have read and fully understand these terms and agree to be bound thereby.

Guaranty Waiver. All assets are offered for sale "**AS IS, WHERE IS.**" City of Asheboro (**Seller**) makes no warranty, guaranty or representation of any kind, expressed or implied, as to the merchantability or fitness for any purpose of the property offered for sale. The Buyer is not entitled to any payment for loss of profit or any other money damages – special, direct, indirect or consequential.

Description Warranty. **Seller** warrants to the Buyer the property offered for sale will conform to its description. Any claim for misdescription must be made prior to removal of the property. If **Seller** confirms the property does not conform to the description, **Seller** will keep the property and refund any money paid. The liability of the **Seller** shall not exceed the actual purchase price of the property. Please note upon removal of the property, **all sales are final.**

Personal and property risk. Persons attending during exhibition, sale or removal of goods assume all risks of damage of or loss to person and property and specifically release the seller and **GovDeals** from liability therefore.

Inspection. Most assets offered for sale are used and may contain defects not immediately detectable. Bidders may inspect the property prior to bidding. Bidders must adhere to the inspection dates and times indicated in the asset description. See special instructions on each asset page for inspection details.

Consideration of Bid. **Seller** reserves the right to reject any and all bids and to withdraw from sale any of the assets listed.

Buyer's Certificate. Successful bidders will receive a Buyer's Certificate by email from **GovDeals**.

Buyers Premium. If a Buyers Premium is shown on the auction page bidder box, then that amount (expressed as a percentage of the final selling price) will be added to the final selling price of all items in addition to any taxes imposed.

Payment. Payment in full is due not later than **5 business days** from the time and date of the Buyers Certificate. Payment must be made electronically through the GovDeals Website. Acceptable forms of payment are:

- PayPal
- Wire Transfer
- Visa
- MasterCard
- American Express
- Discover

PayPal and Credit Card purchases are limited to below \$5,000.00. If the winning bid plus applicable taxes, if any indicated, and the buyer's premium, equals more than \$4,999.99, PayPal and Credit Cards may not be used. If Wire Transfer is chosen, a Wire Transfer Transaction Summary page will provide payment and account information. The Wire Transfer must be completed within 5 days.

Removal. All assets must be removed within **ten (10) business days** from the time and date of issuance of the Buyer's Certificate. Purchases will be released only upon receipt of payment as specified. Successful bidders are responsible for loading and removal of any and all property awarded to them from the place where the property is located as indicated on the website and in the Buyer's Certificate. The Buyer will make all arrangements and perform all work necessary, including packing, loading and transportation of the property. Under no circumstances will **Seller** assume responsibility for packing, loading or shipping. See instructions on each asset page for removal details. A daily storage fee of \$10.00 may be charged for any item not removed within the ten (10) business days allowed and stated on the Buyer's Certificate.

Vehicle Titles. **Seller** will issue a title or certificate upon receipt of payment. Titles may be subject to restrictions as indicated in the asset description on the website.

Default. Default shall include (1) failure to observe these terms and conditions; (2) failure to make good and timely payment; or (3) failure to remove all assets within the specified time. Default may result in termination of the contract and suspension from participation in all future sales until the default has been cured. If the Buyer fails in the performance of their obligations, **Seller** may exercise such rights and may pursue such remedies as are provided by law. **Seller** reserves the right to reclaim and resell all items not removed by the specified removal date.

Acceptance of Terms and Conditions. By submitting a bid, the bidder agrees they have read, fully understand and accept these Terms and Conditions, and agree to pay for and remove the property, by the dates and times specified. These Terms and Conditions are displayed at the top of each page of each asset listed on [GovDeals](#). Special Instructions appearing on the asset page will override certain sections of the terms and conditions.

State/Local Sales and/or Use Tax. Buyers may be subject to payment of State and/or local sales and/or use tax. Buyers are responsible for contacting seller or the appropriate tax office, completing any forms and paying any taxes that may be imposed.

Sales to Employees. Employees of the **Seller** may NOT bid on the property listed for auction.

5. **Zoning Case RZ-13-15: An application filed by H.R. Gallimore, who was acting as an agent for property owner Nancy Jordan, to rezone property located east of Mountain Road, south of Springdale Lane, and west of Lincoln Avenue from CURA6 (Conditional Use High Density Residential) to RA6 (High Density Residential).**

The above-referenced case was continued, at the request of the applicant's agent, from the council's regular meeting in December 2013. No further action is requested at this time. During the January 2014 meeting, Mayor Smith announced, that prior to the beginning of the current meeting, the applicant, by and through her agent, withdrew the re-zoning application.

6. **Public comment period.**

Mayor Smith opened the floor for comments from the public.

Ms. Rosemarie Poeppelman of 1203 Mountain Road, Asheboro, presented comments and concerns about quality of life issues in her neighborhood such as high speed traffic, loitering, and the abandonment of certain vehicles at a church located across the street from her residence. Additionally, Ms. Poeppelman inquired about setting up a community watch group within her neighborhood in order to address these concerns. Chief Norton provided Ms. Poeppelman with

some information in order to begin a community watch group and provided his contact information for follow-up questions.

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

7. Boards, Commission, and Authority Appointments:

(a) Reappointment of Council Member Eddie Burks to a 2-year term from January 1, 2014, to January 1, 2016, on the Asheboro Board of the North Carolina Firefighters Relief Fund.

Mr. Ogburn reported that city staff recommends the reappointment of Council Member Eddie Burks to a 2-year term from January 1, 2014 to January 1, 2016 on the local board of trustees for the North Carolina Firefighters Relief Fund.

Upon motion by Mr. Bell and seconded by Ms. Carter, Council voted unanimously to appoint Council Member Burks to a 2-year term from January 1, 2014 to January 1, 2016 on the said local board of trustees.

(b) Reappointment of Mr. James Lindsey to the Asheboro Planning Board for a 5-year term.

Mr. Ogburn reported that city staff and the Asheboro Planning Board recommend the reappointment of Mr. James Lindsey to the Asheboro Planning Board for a 5-year term. Mr. Lindsey resides within the city limits and currently serves on the Planning Board.

Upon motion by Mr. Baker and seconded by Mr. Burks, Council voted unanimously to reappoint Mr. James Lindsey to the Asheboro Planning Board for a 5-year term.

(c) Receipt of a report concerning applications submitted for a vacant seat on the Asheboro Planning Board.

(i) Review of applications.

Mr. Ogburn utilized a visual presentation and presented the following two candidates who submitted applications for the vacant seat that provides representation for the extraterritorial planning jurisdiction on the Asheboro Planning Board:

1. Thomas Rush
2. Joanne Hamilton

(ii) Authorization to forward submitted applications to the Randolph County Board of Commissioners along with a recommendation for appointment to the Asheboro Planning Board as a representative from the city's extraterritorial planning jurisdiction.

While both of these candidates are highly qualified, the vacant seat is designated specifically for a representative who resides within the City of Asheboro's extraterritorial jurisdiction (ETJ). Mr. Rush is the only candidate that resides in the ETJ. Consequently, city staff requests authorization to transmit the submitted applications to the Randolph County Board of Commissioners with the recommendation that Mr. Thomas Rush should be appointed to the Asheboro Planning Board as the ETJ representative.

Upon motion by Mr. Moffitt and seconded by Mr. Swiers, Council unanimously authorized city staff to transmit the submitted applications to the Randolph County Board of Commissioners with the recommendation that Mr. Thomas Rush serve as an ETJ representative on the Asheboro Planning Board.

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

8. Receive recommendation of Finance Director for the purchase of a new truck for the water plant.

Ms. Reaves reported that the fiscal year budget for 2013-2014 included an appropriation for the purchase of a new truck for the water plant. Requests for bids were sent to all the local dealers in December 2013. Three bids that were received on December 27, 2013 did not meet specifications as required. City staff requests the authorization to purchase the truck off state contract for approximately \$27,200.

After some discussion and upon motion by Mr. Bell and seconded by Ms. Carter, Council voted unanimously to authorize city staff to purchase the said truck off of state contract for approximately \$27,200.

9. Discussion of potential economic development initiatives.

Mr. Ogburn utilized a visual presentation in order to give the Council an overview of potential economic development projects that are compatible with the city's capital improvement plan, land use plan and strategic plan. Mr. Ogburn specifically noted that the projects were not ranked or presented in any particular order.

The first potential project, referred to as the Pineview Street Industrial Area, is the former site of the Goodyear operations. This odd-shaped parcel, divided by a driveway, is approximately 130 acres of land with the former industrial facility located on site and approximately 35 acres of undeveloped land.

During his presentation, Mr. Ogburn highlighted that if the existing industrial facility, along with approximately 95 acres of land was purchased, then the remaining parcel which has rail access could be made attractive by extending the drive to connect to an existing street, Commerce Place, which is on the backside of the property. The estimated cost of this project is approximately \$380,224.00.

The second potential project, which is referred to as New Century Industrial Park, is estimated at approximately \$531,018.50. This project would involve extending New Century Drive to Veterans Loop Road by 1,500 feet and installing 800 feet of water and sewer lines. The road extension would open up approximately four (4) industrial building lots with easy access to nearby Interstate 73/74.

The third potential project discussed was referred to as the Heath Dairy Road Industrial Development. This project would involve building a 2,800 foot road to a 200-acre site on the west side of I-73/74 off of Pineview Street along with installing water and sewer lines and a pump station to serve the parcel. The estimated cost for this project is approximately \$2,463,438.30.

Mr. Ogburn emphasized to the Council that these were only potential projects and that they would be discussed in greater detail during the Council's Special Meeting which is scheduled for Thursday, January 30, 2014 at 5:30 in the Council Chamber. A copy of the visual presentation utilized by Mr. Ogburn is on file in the City Clerk's office.

10. Notice of a special city council meeting that is to be held on Thursday, January 30, 2014, at 5:00 p.m. in the Council Chamber.

11. Upcoming events:

- **Chamber of Commerce Annual Meeting on Friday, January 17, 2014 at 6:30 p.m. at Pinewood Country Club.**

There being no further business, the meeting was adjourned at 8:04 p.m.

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

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