

**REGULAR MEETING  
ASHEBORO CITY COUNCIL  
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING  
THURSDAY, JULY 10, 2014  
7:00 p.m.**

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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  
D. Jason Cheek, Police Lieutenant  
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  
Michael D. Rhoney, Water Resources Director  
Jonathon M. Sermon, Recreation Services Superintendent  
James O. Smith, Police Major  
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 private prayer or meditation, Mayor Smith asked everyone to stand and repeat the pledge of allegiance.

**3. Consent agenda:**

Upon motion by Mr. Baker 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 June 5, 2014.**

**(b) The minutes of the City Council's special meeting on June 26, 2014.**

**(c) Acknowledgement of the receipt of the minutes of the Asheboro ABC Board's meeting on May 5, 2014.**

[A copy of the above-referenced minutes received from the Asheboro ABC Board is on file in the City Clerk's office.]

**(d) Acknowledgement of the receipt of the annual budget adopted by the Asheboro ABC Board for FY 2014-2015.**

[A copy of the above-referenced annual budget received from the Asheboro ABC Board is on file in the City Clerk's office.]

**(e) Acknowledgement of the receipt of the minutes of the Asheboro ABC Board's meeting on June 2, 2014.**

[A copy of the above-referenced minutes received from the Asheboro ABC Board is on file in the City Clerk's office.]

**(f) Change Order #1 (Final) on the Airport Obstruction Clearing Project (Terry's Plumbing and Utilities, Inc.) increasing the construction contract amount by \$7,500**

to \$77,718.00 for the clearing of three (3) additional acres as required by recently revised FAA standards.

[A copy of the above-referenced change order is on file in the City clerk's office.

- (g) A resolution awarding a service side arm to a retiring officer of the Asheboro Police Department.

RESOLUTION NUMBER 15 RES 7-14

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

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

**WHEREAS**, effective September 1, 2014, Master Police Lieutenant Timothy Scott Maness 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 October 22, 1990; 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 Lieutenant Maness for his valuable service to the city by awarding to him, at a minimal monetary cost, the service side arm issued to the officer at the time of his retirement;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro that, effective September 1, 2014, in consideration of the combination of his dedicated service to the City of Asheboro and the payment to the City of Asheboro of one dollar (\$1.00), Timothy Scott Maness is to be awarded, upon a determination by the Chief of Police that Mr. Maness 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. SFS963 and three magazines).

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting that was held on the 10<sup>th</sup> day of July, 2014.

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

ATTEST:

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

- (h) A resolution authorizing the conveyance of surplus police department helmets to the City of Archdale.

RESOLUTION NUMBER 16 RES 7-14

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**CONVEYANCE OF SURPLUS POLICE HELMETS TO THE ARCHDALE POLICE DEPARTMENT**

**WHEREAS**, the City of Asheboro owns a total of nine helmets, which are referred to as PASGT (Personal Armor System for Ground Troops) helmets, which are also sometimes referred to as K-Pot helmets, that were initially used by the Asheboro Police Department's SWAT team; and

**WHEREAS**, due to upgrades in equipment, the Asheboro Police Department no longer needs these previously used helmets; and

**WHEREAS**, these helmets, which are viewed as surplus property by the Asheboro Police Department command staff, are described in greater detail on the sheet attached to this Resolution as ATTACHMENT A (this attachment is hereby incorporated into this Resolution by reference as if copied fully herein, and the helmets described by the attached sheet shall be hereinafter referred to as the "Surplus Helmets"); and

**WHEREAS**, the Chief of Police for the City of Archdale has informed the command staff at the Asheboro Police Department that the Archdale Police Department is looking for surplus helmets that

could be used to assist in protecting that department's officers during high risk situations such as the service of certain search warrants and conducting raids; and

**WHEREAS**, Section 160A-274 of the North Carolina General Statutes authorizes a unit of government in this state to exchange with, lease to, lease from, sell to, or purchase from any other governmental unit in this state any interest in real or personal property upon such terms and conditions as the governmental unit deems wise, with or without consideration; and

**WHEREAS**, the Asheboro City Council has concluded that it is advisable for the City of Asheboro to convey for no consideration the Surplus Helmets to the City of Archdale for use by the Archdale Police Department;

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

**Section 1.** The City of Asheboro hereby conveys all of its right, title, and interest in the Surplus Helmets to the City of Archdale.

**Section 2.** The Surplus Helmets shall be conveyed for no consideration.

**Section 3.** The Mayor of the City of Asheboro is authorized to execute all documents necessary to convey the Surplus Helmets in the manner authorized by this Resolution.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting that was held on the 10<sup>th</sup> day of July, 2014.

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

ATTEST:

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

[The "ATTACHMENT A" referenced in the above-listed Resolution is on file in the City Clerk's office.]

(i) **A resolution authorizing the electronic auction of surplus vehicles and equipment.**

**RESOLUTION NUMBER** 17 RES 7-14

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

**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 a current 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").

**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.

**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](http://www.govdeals.com).

**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.

**Section 5.** The electronic auction shall begin at 9:00 AM Eastern Standard Time on Thursday, August 14, 2014, and the auction shall end no sooner than 3:00 PM Eastern Standard Time on Thursday, August 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.

**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.

**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.

**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, of 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 10<sup>th</sup> day of July, 2014.

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

ATTEST:

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

#### EXHIBIT 1

#### SURPLUS PROPERTY – AUGUST 2014 ELECTRONIC AUCTION

1. 1977 Kaiser Two-and-a-Half Ton Surplus Military Truck (VIN 052519439)
2. 1992 M149 Surplus Military Trailer (VIN NCX01039266)
3. 2002 Ford Crown Victoria (VIN 2FAFP71W02X111692)
4. 1997 GMC 3500 Truck (VIN 1GDJC34J2VF022694)
5. 1999 Ford Crown Victoria (VIN 2FAFP71W4XX163737)
6. 1996 Chevrolet Step Van (VIN 1GBHP32R5T3317646)
7. 1988 Chevrolet Southwind Motor Home (VIN 1GBKP37W5J3318488)

8. 2000 Mercury Sedan (VIN 2MEFM74W9YX665786)
9. 1997 Toyota 4 Runner (VIN JT3GN86R5V0041577)
10. 1991 Toro Groundsmaster 322-D Mower (Serial No. 30788-10939)

## 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.

**4. Public comment period.**

Mayor Smith opened the floor for comments from the public.

Ms. Bobbie B. Waters, a resident of the Greystone neighborhood, presented comments and concerns in regards to the changes in the restrictions on the numbers of dogs per household in the city that were discussed during previous meetings. Ms. Waters felt that the ordinance should not be amended to increase the number of dogs and cats from 2 to 3. Specifically, Ms. Waters felt that there were already too many unattended dogs and cats roaming her neighborhood.

Additionally, Ms. Waters expressed her concerns of animals defecating on her property. She felt that citizens should take responsibility for their animals.

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

**5. Finance items:**

**(a) An ordinance to amend the General Fund Budget 2014-2015.**

Ms. Reaves presented and recommended adoption, by reference, of the aforementioned ordinance.

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

**15 ORD 7-14**

**ORDINANCE TO AMEND THE GENERAL FUND FY 2014-2015**

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

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

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

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

| <u>Account #</u> | <u>Expense Description</u>          | <u>Increase<br/>(decrease)</u> |
|------------------|-------------------------------------|--------------------------------|
| 10-580-7400      | Capital Outlay                      | (165,000)                      |
| 10-615-7400      | Capital Outlay                      | 126,200                        |
| 10-620-1507      | Maintenance & Repair- Tennis Center | 13,000                         |
| 10-565-7400      | Capital Outlay                      | 25,800                         |
|                  | Total Increase / (Decrease)         | (0)                            |



**(c) A resolution declaring the official intent of the City of Asheboro to purchase certain municipal vehicles and equipment and then reimburse the general fund with installment financing proceeds.**

Ms. Reaves presented and recommended adoption, by reference, of the aforementioned resolution.

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

**RESOLUTION NUMBER 19 RES 7-14**

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

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

**WHEREAS**, in order to maintain a satisfactory level of municipal services for the citizens of the City of Asheboro, the Asheboro City Council has adopted a budget ordinance for fiscal year 2014-2015 that allocates funding for the acquisition of vehicles and equipment deemed essential for maintaining uninterrupted municipal services; and

**WHEREAS**, the vehicles and equipment that are to be acquired during the 2014-2015 fiscal year in order to maintain essential municipal services provided by city departments that receive their funding from the municipal corporation's general fund are as follows:

1. A fire truck budgeted at approximately \$425,000;
2. A leaf truck budgeted at approximately \$162,221;
3. Six police cars with emergency equipment budgeted at approximately \$165,031; and

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

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

**WHEREAS**, the Asheboro City Council has decided that the above-stated expenditures are to be reimbursed to the general fund during the current fiscal year with proceeds from an installment financing agreement that will create security interests in the said municipal vehicles and equipment acquired during the city's 2014-2015 fiscal year; and

**WHEREAS**, more favorable financing terms can be obtained if the city takes the steps necessary to allow the lending institution from whom financing is ultimately obtained to exclude the interest paid or payable under an installment financing agreement with the city from the gross income of the lending institution; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro that, prior to the execution of any installment financing agreement and consistent with the city's budget ordinance for fiscal year 2014-2015, a maximum of \$752,252 may be expended from the general fund, with the intent of seeking reimbursement for the expenditures from installment financing proceeds, for the above-listed vehicles and associated equipment; and

**BE IT FURTHER RESOLVED** that the City Council of the City of Asheboro hereby formally and explicitly declares the official intent of the City of Asheboro to fully reimburse, with loan proceeds from an installment financing agreement that is to be executed prior to the end of the 2014-2015 fiscal year, any and all expenditures from the general fund for the future purchase during this fiscal year of the vehicles and equipment that are listed hereinabove and that are necessary to the provision of essential municipal services.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 10<sup>th</sup> day of July, 2014.

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

ATTEST:

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

**6. Amendments to the Code of Asheboro**

**(a) An ordinance to amend Chapter 91 (Animals).**

Mr. Sugg presented and recommended adoption, by reference, of an ordinance amending Chapter 91 of the Code of Asheboro.

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

**ORDINANCE NUMBER 16 ORD 7-14**

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

**UPDATE OF ANIMAL CONTROL REGULATIONS**

**WHEREAS**, Chapter 91 of the Code of Asheboro prescribes animal control regulations for the City of Asheboro; and

**WHEREAS**, Sections 91.05 and 91.06 of the Code of Asheboro address the maximum number of dogs and cats maintained on the premises of a household; and

**WHEREAS**, these ordinance provisions were enacted on the basis of the conclusion that too many animals in one place, especially in an urban setting, can produce noise, odor, and other adverse conditions that impact the quality of life of the city's inhabitants; and

**WHEREAS**, the City Council acted upon the above-stated conclusion by adopting ordinance provisions that regulate by size of lot, number of animals, and the age of the animals; and

**WHEREAS**, city staff members and the City Council subsequently received feedback from community members about the need to make adjustments in the regulatory balance that was struck between the interest in owning pets and the interest in preventing the development of public nuisance situations; and

**WHEREAS**, the City Council has decided to update the Code of Asheboro in an effort to better address these competing interests;

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

**Section 1.** Section 91.05 of the Code of Asheboro is hereby rewritten as follows:

**§ 91.05 Maximum Number of Dogs on Premises**

- (A) It shall be unlawful for any person to keep or maintain more than **two three dogs** per household on any **lot or parcel of land or zoning lot** having less than 30,000 square feet, and an additional 7,000 square feet shall be required for each additional dog. A total of no more than five dogs per household shall be allowed on any **lot or parcel of land or zoning lot** within the city limits regardless of square footage.
- (B) The limitation prescribed by this Section on the number of dogs per household on a **single lot or parcel of land or zoning lot** shall not apply to dogs that are less than six months of age.
- (C) Notwithstanding the preceding provisions, and subject to the limitation that, on or after April 1, 2012, no new or additional dogs that would increase or perpetuate the noncompliance of a household with this Section may be kept or maintained in a household, any dog lawfully kept or maintained as part of a household located within the corporate limits of the City of Asheboro prior to April 1, 2012 may continue to be kept or maintained as part of the same household for the remainder of the dog's life.

**Section 2.** Section 91.06 of the Code of Asheboro is hereby rewritten as follows:

**§ 91.06 Maximum Number of Cats on Premises**

- (A) It shall be unlawful for any person to keep or maintain more than ~~two~~ **three** cats per household on any ~~lot or parcel of land or zoning lot~~ having less than 30,000 square feet, and an additional 7,000 square feet shall be required for each additional cat. A total of no more than five cats per household shall be allowed on any ~~lot or parcel of land or zoning lot~~ within the city limits regardless of square footage.
- (B) The limitation prescribed by this Section on the number of cats per household on a single ~~lot or parcel of land or zoning lot~~ shall not apply to cats that are less than six months of age.
- (C) Notwithstanding the preceding provisions, and subject to the limitation that, on or after April 1, 2012, no new or additional cats that would increase or perpetuate the noncompliance of a household with this Section may be kept or maintained in a household, any cat lawfully kept or maintained as part of a household located within the corporate limits of the City of Asheboro prior to April 1, 2012 may continue to be kept or maintained as part of the same household for the remainder of the cat's life.

**Section 3.** Section 91.12 of the Code of Asheboro is hereby rewritten as follows:

**§ 91.12 RESPONSIBILITY FOR ANIMALS ON PUBLIC ~~RIGHTS-OF-WAY AND PROPERTY AND THE PROPERTY OF OTHERS.~~**

~~It shall be unlawful for the owner or custodian of any animal to fail to remove feces deposited by the animal on any public street, sidewalk, gutter, park, or other publicly owned property.~~

~~It shall be unlawful for the owner or custodian of an animal to fail to remove feces deposited by the animal on either of the following types of property:~~

- ~~(A) Any public street, sidewalk, gutter, park, or other publicly owned property; or~~
- ~~(B) Any property owned or legally controlled by another person or entity that has not given permission for entry onto the property by the animal that defecated on the property.~~

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

**Section 5.** This ordinance shall take effect and be in force from and after the date of its adoption.

This ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 10<sup>th</sup> day of July, 2014.

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

ATTEST:

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

**(b) An ordinance to amend Chapter 30 (General Administrative Provisions)**

Mr. Sugg presented and recommended adoption, by reference, of an ordinance to amend Chapter 30 (General Administrative Provisions) of the Code of Asheboro.

Upon motion by Ms. Carter and seconded by Mr. Burks, Council voted unanimously to adopt the following ordinance by reference.

**ORDINANCE NUMBER** \_\_\_\_\_ **17 ORD 7-14**

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

**DELEGATION OF PROPERTY DISPOSAL AUTHORITY TO THE CITY MANAGER**

**WHEREAS**, Section 30.07 of the Code of Asheboro delegates to the City Manager the authority to dispose of certain city-owned personal property; and

**WHEREAS**, the statutory provision that enabled this delegation of authority has been amended to increase the value of the property that may be disposed of pursuant to this delegated authority; and

**WHEREAS**, the City of Asheboro has begun using electronic auctions to dispose of surplus personal property, and this additional property disposal tool has enhanced the ability of the City Manager to efficiently access the marketplace throughout the year in order to determine the fair market value of the city's surplus personal property; and

**WHEREAS**, the City Council concurs with the city staff's recommendation to update Section 30.07 of the Code of Asheboro to reflect these changes in law and practice;

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

**Section 1.** Section 30.07 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 30.07 DISPOSAL OF SURPLUS PERSONAL PROPERTY.**

(A) ~~Except where otherwise provided by state law, the~~ **The City Manager**, pursuant to G.S. § 160A-266(c), ~~may is hereby authorized to~~ dispose of any surplus personal property owned by the city whenever he or she determines in his or her discretion that:

- (1) The item or group of items has a fair market value of less than ~~\$5,000~~ **\$30,000**.
- (2) The property is no longer necessary for the conduct of public business; and
- (3) Sound property management principles and financial considerations indicate that the interests of the city would best be served by disposing of the property.

(B) The City Manager may dispose of any such surplus personal property by any means which he or she judges reasonably calculated to yield the highest attainable sale price in money or other consideration, including but not limited to the methods of sale provided in ~~G.S. § 160A-265 et seq~~ **Article 12 of Chapter 160A of the North Carolina General Statutes**. Such sale may be public or private, and with or without notice and minimum waiting period.

(C) The surplus property shall be sold to the party who tenders the highest offer, or exchanged for any property or services useful to the city if greater value may be obtained in that manner, and the City Manager ~~may is hereby authorized to~~ execute and deliver any applicable title documents. If no offers are received within a reasonable time, the City Manager may retain the property, obtain any reasonably available salvage value, or cause it to be ~~disposed of~~ **discarded** as waste material. No surplus property may be donated to any individual or organization except by resolution of the City Council.

~~(D) The City Manager shall, on or before February 1, report in writing to the City Council on any property disposed of under the provisions of this section from July 1 through December 31 of the previous year, and shall, on or before August 1, report in writing to the City Council on any property disposed of under these provisions from January 1 through June 30 of that year. The written report shall generally describe the property sold or exchanged, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale or exchange since the last such report was submitted.~~

~~(D) The City Manager shall keep a record of all property disposed of under the provisions of this section, and that record shall generally describe the property sold or exchanged, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale or exchange.~~

**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 adoption.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 10<sup>th</sup> day of July, 2014.

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

ATTEST:

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

**7. Discussion by Mayor Smith and the Council Members concerning appointments to the following boards:**

**(a) Resolution appointing Stephen R. Knight to a new 3-year term of office on the Asheboro ABC Board.**

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

**RESOLUTION NUMBER 20 RES 7-14**

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

**REAPPOINTMENT OF STEPHEN R. KNIGHT TO A THREE-YEAR TERM  
OF OFFICE ON THE ASHEBORO ABC BOARD**

**WHEREAS**, the Asheboro ABC Board consists of three (3) members that are appointed by the Asheboro City Council; and

**WHEREAS**, Section 18B-700(a) of the North Carolina General Statutes provides, in pertinent part, as follows:

If the board is a three-member board, one member of the initial board of a newly created ABC system shall be appointed for a three-year term, one member for a two-year term, and one member for a one-year term. As the terms of initial board members expire, their successors shall each be appointed for three-year terms; and

**WHEREAS**, Stephen R. Knight was first appointed to the Asheboro ABC Board for a three-year term on August 12, 2008, when the initial local board was appointed by the Asheboro City Council, and, effective August 12, 2011, he was reappointed to a three-year term; and

**WHEREAS**, the Asheboro ABC Board has consistently performed its duties in a very efficient and professional manner; and

**WHEREAS**, the Asheboro City Council believes that it is in the best interest of the Asheboro ABC system and the municipal corporation to reappoint Stephen R. Knight to the Asheboro ABC Board for another three-year term, and Mr. Knight has agreed to accept this reappointment;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro, North Carolina that, effective August 12, 2014, Stephen R. Knight is reappointed to the Asheboro ABC Board for another three-year term of office.

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 10<sup>th</sup> day of July, 2014.

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

ATTEST:

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

**(b) Vacancy on the Asheboro Airport Authority due to the passing of Keith Crisco.**

Mayor Smith reported to the Council Members that he has spoken with Mr. Bobby J. Crumley, who is interested in serving on the Asheboro Airport Authority. Mr. Crumley was an alternate candidate for appointment at the time Mr. Keith Crisco was appointed.

Upon motion by Ms. Carter and seconded by Mr. Baker, Council voted unanimously to appoint Mr. Crumley to fulfill Mr. Crisco's unexpired term on the Asheboro Airport Authority.

**8. An ordinance to update the Cultural and Recreation Services Policy Manual's provisions pertaining to malt beverages and unfortified wines in Bicentennial Park.**

Mr. Sermon presented and recommended adoption, by reference, of an ordinance updating the Cultural and Recreation Services Policy Manual's provisions pertaining to malt beverages and unfortified wines in Bicentennial Park.

After some discussion and upon motion by Mr. Bell and seconded by Mr. Moffitt, Council voted to adopt the following ordinance by reference. Council Members Baker, Bell, Burks, Hunter, Moffitt, and Swiers voted in favor of the motion. Council Member Carter voted no.

**ORDINANCE NUMBER** \_\_\_\_\_ **18 ORD 7-14**

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

**ROTARY PAVILION AT BICENTENNIAL PARK REGULATIONS**

**WHEREAS**, the City of Asheboro Cultural Services Department has been tasked with operating the Rotary Pavilion at Bicentennial Park facilities (the "Park"), and the Cultural Services Department utilizes the City of Asheboro Cultural and Recreation Services Policy Manual as the manual that contains the rules and regulations applicable to the facilities operated by the department on behalf of the city; and

**WHEREAS**, Section 98.01 (Adoption by Reference) of the Code of Asheboro provides that the City of Asheboro Cultural and Recreation Services Policy Manual (the "Manual") has been adopted by the Asheboro City Council by reference and made a part of the Code of Asheboro; and

**WHEREAS**, within the Manual, Article XII contains the regulations governing the operation of the Park; and

**WHEREAS**, prior to the adoption of this Ordinance, Section 12.3 of the Manual provided as follows:

Regulations authorizing the sale, possession, and consumption of malt beverages and unfortified wines on the premises of this facility are currently under review. Until final adoption of these regulations, the sale, possession, and consumption of malt beverages and unfortified wines on the premises of this facility are strictly prohibited; and

**WHEREAS**, the city staff presented to the City Council, during its regular meeting for July 2014, proposed regulations pertaining to the sale, possession, and consumption of malt beverages and unfortified wines on the premises of the Park; and

**WHEREAS**, the proposed regulations, which are formatted as amendments to Article XII of the Manual, 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 has concluded that it is advisable to give final approval to the amended regulations found in the attached EXHIBIT 1;

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

**Section 1.** Article XII of the City of Asheboro Cultural and Recreation Services 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 modified by the contents of 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 date of its adoption.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 10<sup>th</sup> day of July, 2014.

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

ATTEST:

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

## **EXHIBIT 1**

### **ARTICLE XII. ROTARY PAVILION AT BICENTENNIAL PARK**

#### **SECTION 12.1 APPLICATION**

The Rotary Pavilion at Bicentennial Park and the contiguous city-owned property when used in support of events at the pavilion shall be administered by the City of Asheboro Cultural Services Department in a manner that will provide the citizens of Asheboro and Randolph County with an opportunity for a quality experience. Under the general supervision of the Recreation Services Superintendent, the Cultural Services Department shall coordinate the use of the pavilion with the Recreation Services Department which is responsible for processing reservations at Bicentennial Park. This park may be rented to individuals or other types of legal entities, subject to the terms and conditions listed herein and elsewhere within the Code of Asheboro.

Application to use this venue shall be made on a form available from the Asheboro Cultural and Recreation Services Departments. Applications are subject to the final departmental review and decision making authority of the Recreation Services Superintendent.

#### **SECTION 12.2 RULES AND REGULATIONS**

1. Unless authorization to the contrary is listed on the prescribed application form as part of the written approval of an event by the Cultural Services Department, alcoholic beverages are prohibited. In those cases where the Recreation Services Superintendent has authorized the sale, possession, and/or consumption of unfortified wines and/or malt beverages on the premises in connection with and for the duration of the approved event, such sale, possession, and/or consumption of the listed beverages must be conducted in strict compliance with Section 12.3 of this manual, any conditions attached by the Recreation Services Superintendent to the event approval, and all applicable laws, ordinances, and regulations. No alcoholic beverages other than unfortified wines and malt beverages are permitted on the premises of the facility at any time.
2. The park is open from 6am – 11pm. No activities may take place after the curfew time unless approved by the Recreation Services Superintendent.
3. Items such as vehicles, tractors, heavy machinery, etc. shall not be parked on any area of grass at any time.
4. The person/organization renting the facility shall pay for and maintain, at all times during the individual or entity's use of the facility, Comprehensive and General Liability insurance coverage with primary limits of liability of no less than one million dollars (\$1,000,000) per occurrence for bodily injury and property damage. The required policy or policies shall be written through insurance carriers which are qualified to do business in North Carolina. Furthermore, the City of Asheboro is to be named as an additional insured and shall be furnished with a Certificate of Insurance in a form satisfactory to the City. In order to be deemed satisfactory, such a certificate must affirmatively state without any disclaimer or limitation whatsoever that the coverage or coverages referred to therein shall not and cannot be terminated or modified until the city has received thirty (30) days written notice thereof. A satisfactory Certificate of Insurance must be in the possession of the Cultural Services Department no later than 48 hours prior to the scheduled event. Failure to provide proof of insurance will result in the event being cancelled. Furthermore, the Applicant must agree to forever hold harmless and to fully indemnify the City and its personnel, agents, officials, and City Council, in both their official and individual capacities, from any and all judgments, liens, claims, assessments, demands, attorney fees, actions, and causes of action of any sort arising out of any damage or injury sustained by any person or entity by reason of any negligent or willful act or omission of the Applicant or its officers, employees, agents or contractors in connection with the Applicants use of the Rotary Pavilion at Bicentennial Park.
5. The person/organization renting the facility must designate a representative who will be responsible for all phases of the event and who will be on site the entire time the event is taking place.

6. Upon request, trashcans will be provided by the City of Asheboro. The size of the event will determine the number of cans available.
7. Rental of Rotary Pavilion at Bicentennial Park does not automatically include the parking areas. Renters must request to use the parking areas. Blocking the parking lot during regular business hours Monday – Friday is discouraged and may only be approved at the sole discretion of the Recreation Services Superintendent.
8. As appropriate, the renter is responsible for procuring the services of properly trained security/law enforcement personnel.
9. Portable toilets are to be provided by the renter and shall be placed at a designated location.
10. Portable Grills shall not be placed under the pavilion or on any grass areas. They shall be placed at a designated location.
11. No items may be sold, displayed, given, or exhibited on the premises without prior approval of the Recreation Services Superintendent.
12. The Asheboro Police Department and employees in the Asheboro Cultural and Recreation Services Departments shall have access to all areas of the park at all times before, during, and after the event.
13. The person/organization renting the facility is responsible for clean up following the event. The facility must be cleaned prior to the normal park closing time on the day of the event. Failure to clean up, shall result in loss of security deposit.
14. No items may be attached to any area of the pavilion structure, trees, bushes, poles or artwork in the park.
15. Signs may not be placed in the park without written permission of the ~~Parks & Recreation Director~~ Recreation Services Superintendent or his designee.
16. Tents may be set up in the field, however, if they need to be staked, they shall be placed in a designated area.
17. Anyone using a tent (700 sq ft. or larger) is responsible for obtaining the appropriate inspections from the building inspector, fire marshal and any necessary zoning permits prior to event.
18. Failure to adhere to these guidelines shall subject future rental applications to denial.
19. ~~The Parks & Recreation Director reserves the right~~ Recreation Services Superintendent is authorized to cancel any event, at any time, based on rental agreement violations.
20. ~~The Parks & Recreation Director City of Asheboro reserves the right, in the sole discretion of the city, to co-sponsor an event any and all events.~~
21. A user fee shall be charged to all applicants for the use of Rotary Pavilion at Bicentennial Park. All Applicants shall be subject to the following charges:
  - a. Security Deposit: \$75.00 (This refundable fee must be paid at time of application).
  - b. City Resident (with Rec Card) Rate: ~~\$100.00~~ \$325.00
  - c. Non-Resident Rate: ~~\$175.00~~ \$400.00
  - d. Non-Profit / Government Rate: \$225.00
  - e. The rental rate must be paid at least 48 hours in advance of the event.

**SECTION 12.3 SALE, POSSESSION, AND CONSUMPTION OF MALT BEVERAGES AND UNFORTIFIED WINES**

~~Regulations authorizing the sale, possession, and consumption of malt beverages and unfortified wines on the premises of this facility are currently under review. Until final adoption of these regulations, the sale, possession, and consumption of malt beverages and unfortified wines on the premises of this facility are strictly prohibited.~~

Authorization for the sale, possession, and consumption of malt beverages and unfortified wines on the premises of this facility must be requested from the Cultural Services Department on the prescribed facility rental application. No stand alone authorization for the distribution of alcoholic beverages will be granted. Such authorization will only be provided as one component, along with other components such as facility rental issues, of a comprehensive event plan that must receive final approval from the Recreation Services Superintendent before the event may be advertised as taking place on city property. When creating and submitting an event plan, the applicant must be guided by the operational guideline that the distribution of malt beverages and/or unfortified wines are meant to enhance the experience of the event and should in no way detract from the program and the use of this facility.

In order to obtain approval of a comprehensive event plan, the following conditions, which represent a baseline for an event plan before it is eligible for review by the Recreation Services Superintendent, must be satisfied:

1. Any malt beverages and unfortified wines found on the premises of the Rotary Pavilion at Bicentennial Park, as well as any contiguous city-owned property included within the event plan, must have been obtained in accordance with a sale/distribution plan developed and implemented by the event organizer. The sale, possession, or consumption on the city's premises of any alcoholic beverage not obtained and possessed in strict compliance with the sale/distribution plan approved by the Recreation Services Superintendent is prohibited.
  2. The sale/distribution plan drafted by an event organizer must be compliant with all applicable laws, ordinances, and administrative regulations in order to be considered for approval.
  3. In its capacity as the Lessor of the premises, the City of Asheboro hereby establishes that, in order to be eligible to submit a request for permission to sale/distribute alcoholic beverages on these premises, the event organizer must establish that the contemplated event is planned for a charitable purpose. An event is deemed to be for a charitable purpose if the event is either (a) organized by a legal entity that is recognized under the laws of the United States and the State of North Carolina as a not for profit organization, or (b), in the absence of formal legal recognition of a stand alone not for profit legal entity, the purpose of the event can be demonstrated to the satisfaction of the Recreation Services Superintendent to be a charitable event for civic, educational, patriotic, or religious purposes. Any event organizer seeking to obtain permission for the sale/distribution of alcoholic beverages must be willing to provide legal documentation to establish the event organizer's eligibility for the requested authorization. If the event organizer does not provide the documentation requested by the Recreation Services Superintendent for eligibility verification purposes, no sale/distribution plan will be reviewed, and the request for authorization to sale/distribute alcoholic beverages shall be denied.
  4. The event organizer must consult with and satisfactorily address any legal and regulatory compliance concerns raised by the Asheboro Police Department in connection with the sale/distribution plan. One of the compliance concerns that must be addressed to the satisfaction of the Chief of Police and the Recreation Services Superintendent is the manner in which the event organizer proposes to ensure that adequately trained personnel are in place and capable of enforcing vital elements of the plan. By way of illustrating and not limiting the types of details that must be shown on the plan submitted for review, the plan must, at a minimum, clearly identify the location(s) in the park where alcoholic beverages may be sold, possessed, and/or consumed, clearly state what methodology will be used to ensure that alcoholic beverages are not served to underage persons or to individuals who are already intoxicated, and what arrangements have been made to provide adequate security for the planned event. The Chief of Police, or his designee, must be given a minimum of seven (7) days to review the plan for any legal and regulatory compliance concerns as well as general public safety concerns prior to the Recreation Services Superintendent making a final decision as to whether the submitted plan is acceptable.
  5. The event organizer, or an authorized representative in the case of an event organizer that is a legal entity other than a natural person, must provide written acknowledgment that the organizer has received a copy of the regulations applicable to the rented facilities along with a copy of the Schedule of Deposits, Fees, and Charges Administered by the Cultural and Recreation Services Departments, and the event organizer must agree in writing to comply with all of these regulations and user fees.
  6. In addition to the insurance requirements specified above in Section 12.2, the event organizer shall pay for and maintain, at all times during the individual or entity's use of the facility, Liquor Liability insurance coverage with an each common cause limit and aggregate limit of liability of no less than one million dollars (\$1,000,000). The required policy shall be written through insurance carriers which are qualified to do business in North Carolina. Furthermore, the City of Asheboro is to be named as an additional insured and shall be furnished with a Certificate of Insurance in a form satisfactory to the City. In order to be deemed satisfactory, such a certificate must affirmatively state without any disclaimer or limitation whatsoever that the coverage or coverages referred to therein shall not and cannot be terminated or modified until the city has received thirty (30) days written notice thereof. A satisfactory Certificate of Insurance must be in the possession of the Cultural Services Department no later than forty-eight (48) hours prior to the scheduled event. Failure to provide proof of insurance will result in the event being cancelled.
9. **Discussion of the bids received for both the Wastewater Treatment Plant Digester Cover Project and the Water Treatment Plant Filter Replacement Project.**

Mr. Rhoney presented the bid summary for the Wastewater Treatment Plant Digester Cover Project. Five (5) bids were received on June 13, 2014. One of the bids did not contain all of the required information, so it was considered "not responsive" and subsequently rejected. The four (4) responsible and responsive bids are as follows:

|  | <u>Part A: BASE BID</u> | <u>Part B: ALTERNATE BID</u> |
|--|-------------------------|------------------------------|
| Haren Construction Co., Inc.<br>Etowah, TN | \$778,000               | \$783,000                    |
| Morrison Engineers, PLLC<br>Raleigh, NC    | \$978,647.75            | \$988,650                    |
| RTD Construction, Inc.<br>Zephyrhills, FL  | \$942,340               | \$948,578                    |
| Terry's Plumbing & Utilities               | \$1,587,900             | \$1,612,900                  |

The bid submitted for the "Base Bid" by Haren Construction Co., Inc. of Etowah, Tennessee was the lowest responsive and responsible bid at \$778,000. Upon motion by Mr. Baker and seconded by Ms. Carter, Council voted unanimously to award the contract to Haren Construction Co., Inc. in the amount of \$778,000.

With regard to a separate project, Mr. Rhoney presented the bid summary for the Water Treatment Plant Filter Replacement Project. Five (5) bids were received on June 12, 2014. The bids received were as follows:

| <u>BIDDER</u>   | <u>BID AMOUNT</u> |
|---|-------------------|
| Dellinger, Inc.<br>2631 Old Charlotte Hwy<br>Monroe, NC 28110                   | \$837,476.00      |
| Gilbert Engineering Co.<br>638 South Meeting St.<br>Statesville, NC 28677       | \$1,063,910.00    |
| Morrison Engineering, PLLC<br>7701 Chapel Hill Rd, Ste 200<br>Raleigh, NC 27607 | \$1,100,000.00    |
| T A Loving Company<br>400 Patetown Road<br>Goldsboro, NC 27530                  | \$974,100.00      |
| Terry's Plumbing and Utilities<br>465 Lewallen Road<br>Asheboro, NC 27205       | \$1,143,402.00    |

All of the bids were over budget, and Mr. Rhoney recommended to the Council that all of the referenced bids be rejected. Mr. Rhoney also recommended the performance of additional engineering work and the rebidding of the contract as one project including all eight filters rather than two phases of four filters.

Upon motion by Ms. Carter and seconded by Mr. Hunter, Council voted unanimously to reject the above-referenced bids and rebid the project in accordance with the Water Resources Director's recommendations.

[A copy of the above-referenced bid summaries are on file in the City Clerk's office.

**10. Closed session.**

Mayor Smith entertained a motion to go into closed session pursuant to the statutory provisions found in Section 143-318.11(a)(4) of the North Carolina General Statutes in order to discuss matters relating to the location or expansion of industries or other businesses in the area served by the City of Asheboro, including agreement on a tentative list of economic development incentives that may be offered by the city in negotiations.

Upon motion by Mr. Bell and seconded by Mr. Baker, Council voted unanimously to go into closed session for the above-stated reason and pursuant to the above-cited statutory authority.

A separate general account of the closed session held pursuant to Section 143.318.11(a)(4) of the North Carolina General Statutes has been prepared and filed in the City Clerk's office.

**11. Return to open session.**

After returning to open session, there were no action items to be discussed.

There being no further business, the meeting was adjourned at 8:41 p.m.

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

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