

**REGULAR MEETING  
ASHEBORO CITY COUNCIL  
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING  
THURSDAY, JULY 14, 2016  
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 city management team members present:

David H. Smith            ) – Mayor Presiding  
  
Clark R. Bell             )  
Edward J. Burks         )  
Linda H. Carter         )  
Walker B. Moffitt       ) – Council Members Present  
Jane H. Redding         )  
Katie L. Snuggs         )  
Charles A. Swiers        )

John N. Ogburn, III, City Manager  
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal  
Michael L. Leonard, P.E., City Engineer  
Justin T. Luck, Zoning Administrator/Planner  
Trevor L. Nuttall, Community Development Director  
Deborah P. Reaves, Finance Director  
James O. Smith, Assistant Chief of Police  
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 say the pledge of allegiance.

**3. Recognition of the service rendered to the City of Asheboro by retired Master Police Officer Tony D. Richardson.**

On behalf of the Asheboro Police Department, Assistant Chief Smith presented Master Police Officer Richardson with a plaque that included his badge as a token of gratitude for his loyal service to the City of Asheboro. Along with his badge, Assistant Chief Smith presented Master Police Officer Richardson with his service side arm that he carried at the time of his retirement.

Additionally, on behalf of the City Council, Mr. Ogburn presented Master Police Officer Richardson with a retirement plaque from the municipal corporation.

**4. Consent agenda:**

Upon motion by Mr. Burks and seconded by Ms. Snuggs, Council voted unanimously to approve/adopt, as presented, the following consent agenda items.

**(a) The minutes of the city council's regular meeting on June 9, 2016.**

Copies of the approved minutes are on file in the City Clerk's office and are posted on the city's website.

**(b) The minutes of the city council's special meeting on June 29, 2016.**

Copies of the approved minutes are on file in the City Clerk's office and are posted on the city's website.

**(c) Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for June 7, 2016.**

A copy of the Asheboro ABC Board's meeting minutes is on file in the city clerk's office.

- (d) A resolution appointing J. Brooke Schmidly, Esq. to a new 3-year term of office and confirming her continuing designation as chair of the Asheboro ABC Board.

RESOLUTION NUMBER 16 RES 7-16

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**RESOLUTION APPOINTING J. BROOKE SCHMIDLY TO A NEW THREE-YEAR TERM OF OFFICE ON THE ASHEBORO ABC BOARD AND CONFIRMING HER CONTINUING DESIGNATION AS CHAIR OF THE ASHEBORO ABC BOARD**

**WHEREAS**, in accordance with Section 18B-700 of the North Carolina General Statutes, 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:

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 the initial board members expire, their successors shall each be appointed for three-year terms. The appointing authority shall designate one member of the local board as chairman; and

**WHEREAS**, J. Brooke Schmidly was first appointed to the Asheboro ABC Board for a two-year term on August 12, 2008, when the initial local board was appointed by the Asheboro City Council; and

**WHEREAS**, at the conclusion of her initial two-year term, Ms. Schmidly was appointed, effective August 12, 2010, to a three-year term of office on the Asheboro ABC Board; and

**WHEREAS**, when the initial Board Chair, the Honorable Russell G. Walker, Jr., announced that he did not wish to be reappointed to the Asheboro ABC Board for another term, this Council designated, effective August 13, 2012, J. Brooke Schmidly as Board Chair; and

**WHEREAS**, at the conclusion of her first three-year term, Ms. Schmidly was appointed, effective August 12, 2013, to her second three-year term of office on the Asheboro ABC Board; and

**WHEREAS**, from the time of its initial creation to the present, the Asheboro ABC Board has 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 Ms. Schmidly to the Asheboro ABC Board for another three-year term and to continue her designation as Board Chair; and

**WHEREAS**, Ms. Schmidly has expressed a willingness to continue her service on the Board;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro, North Carolina that, effective August 12, 2016, J. Brooke Schmidly is appointed to a new three-year term of office on the Asheboro ABC Board; and

**BE IT FURTHER RESOLVED** by the City Council of the City of Asheboro, North Carolina that, effective August 12, 2016, the continuing validity of the designation of J. Brooke Schmidly as the member of the Asheboro ABC Board who is to serve as the Board Chair is confirmed.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 14<sup>th</sup> day of July, 2016.

/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

- (e) **Approval to schedule and advertise a public hearing to be held on August 4, 2016, during the next regular city council meeting, on the question of the combined application to rezone a parcel of land (Randolph County Parcel Identification Number 7771054020) located on the south side of Crescent drive from R40 (Low-Density Residential) zoning to a CU-B2 (Conditional Use General Commercial) zoning district and for the issuance of a Conditional Use Permit authorizing a Mobile Home Sales lot.**

With the above-stated approval of the consent agenda, the scheduling and advertisement of a public hearing on the described Crescent Drive rezoning application was approved.

- (f) **Acknowledgement and announcement of the 15-day notice of a construction project to install clean-outs on sanitary sewer service lines located along Clegg Avenue and Jordan Avenue.**

With the above-stated approval of the consent agenda, a notice of the described construction project was acknowledged and announced as part of the council's meeting agenda.

- (g) **A resolution expressing the city council's concurrence with the city manager's revision of the City of Asheboro Employee Policies and Procedures Manual to reflect the city's work-related injuries and accidents policy.**

RESOLUTION NUMBER \_\_\_\_\_ 17 RES 7-16 \_\_\_\_\_

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

**A RESOLUTION EXPRESSING THE CITY COUNCIL'S CONCURRENCE WITH THE NEWLY REVISED CITY OF ASHEBORO EMPLOYEE POLICIES AND PROCEDURES MANUAL**

**WHEREAS**, the City of Asheboro Employee Policies and Procedures Manual (formerly known as the City of Asheboro Personnel Policies and Procedures Manual and 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**, subsequent to March 1, 2016, which was the effective date of the most recent revision of the Manual, the city manager amended the Manual in an effort to enhance the clarity of the city's policy for the reporting of work-related injuries and accidents; and

**WHEREAS**, the most recent amendment to the Manual was accomplished by adding a new "Section 7" to Article VI of the Manual, which pertains to general workplace policies and conditions of employment; and

**WHEREAS**, the proposed new section in Article VI of the Manual, which has a proposed effective date of August 1, 2016, is copied in its entirety hereinbelow; and

**WHEREAS**, the Asheboro City Council has concluded that the city manager's decision to update the Manual is consistent with best practices for the municipal corporation's human resources system and safety program;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro, North Carolina that it hereby concurs with the decision by the city manager to promulgate the following new section in Article VI of the City of Asheboro Employee Policies and Procedures Manual:

**Section 7. Work-Related Injuries and Accidents Policy**

The City of Asheboro places the highest priority on creating and maintaining a safe work environment. The establishment of a consistently safe workplace is essential to the city's operations and to the city's commitment to comply with all applicable laws pertaining to safety in the workplace. In furtherance of the commitment to create a safe work environment, employees are expected to assist the city in maintaining safe working conditions. The provisions found in this section apply to all employees while at work or engaged in work-related activities.

Employees are expected to follow common-sense safety practices and to correct or report any unsafe condition to their supervisors. Similarly, employees are required to report any work-related accidents, injuries, and illnesses to their supervisors. The detailed reporting procedures and safety policies for varying subject areas with which employees are required to comply are stated in the City of Asheboro Safety Policy Manual (the "Safety Manual").





**(a) Consideration of a Block Grant/Non Primary Entitlement Agreement for the Asheboro Regional Airport Ramp Rehabilitation Design Project.**

19 RES 7-16

**RESOLUTION**

A motion was made by Council Member Clark R. Bell and seconded by Council Member Linda H. Carter for the adoption of the following resolution, and upon being put to a vote was duly accepted:

WHEREAS, a Grant in the amount of **\$98,100** has been approved by the Department based on total estimated cost of **\$109,000**; and

WHEREAS, an amount equal to or greater than **ten percent (10%)** of the total estimated project cost has been appropriated by the Sponsor for this Project (APRON REHABILITATION (DESIGN/BID)).

NOW THEREFORE, BE AND IT IS RESOLVED THAT THE Mayor of the Sponsor be and he hereby is authorized and empowered to enter into a Grant Agreement with the Department, thereby binding the Sponsor to the fulfillment of its obligation incurred under this Grant Agreement or any mutually agreed upon modification thereof.

Council voted unanimously to adopt the above-referenced resolution by reference. Council Members Bell, Burks, Carter, Redding, Snuggs, and Swiers voted in favor of the motion.

A copy of the agreement is on file in the city clerk's office.

**(b) Consideration of a Block Grant/Non Primary Entitlement Agreement for the Asheboro Regional Airport Ramp Rehabilitation Construction Project.**

20 RES 7-16

**RESOLUTION**

A motion was made by Council Member Clark R. Bell and seconded by Council Member Charles A. Swiers for the adoption of the following resolution, and upon being put to a vote was duly accepted:

WHEREAS, a Grant in the amount of **\$531,100** has been approved by the Department based on total estimated cost of **\$590,000**; and

WHEREAS, an amount equal to or greater than **ten percent (10%)** of the total estimated project cost has been appropriated by the Sponsor for this Project (APRON REHABILITATION).

NOW THEREFORE, BE AND IT IS RESOLVED THAT THE Mayor of the Sponsor be and he hereby is authorized and empowered to enter into a Grant Agreement with the Department, thereby binding the Sponsor to the fulfillment of its obligation incurred under this Grant Agreement or any mutually agreed upon modification thereof.

Council voted unanimously to adopt the above-referenced resolution by reference. Council Members Bell, Burks, Carter, Redding, Snuggs, and Swiers voted in favor of the motion.

A copy of the agreement is on file in the city clerk's office.

**(c) Consideration of a contract with Sharpe Brothers, a Division of Vecellio & Grogan, Inc., for the Ramp Rehabilitation Project at the Asheboro Regional Airport.**

Mr. Leonard reported that two bids were received on May 12, 2016. Sharpe Brothers, a Division of Vecellio & Grogan, Inc. was the lowest responsive responsible bidder for the Ramp Rehabilitation Project at the Asheboro Regional Airport with a bid in the amount of \$599,238.00. Consequently, Mr. Leonard recommended that the contract be awarded to Sharpe Brothers.

Upon motion by Ms. Carter and seconded by Mr. Burks, Council voted unanimously to award the contract to Sharpe Brothers, a Division of Vecellio & Grogan, Inc. Council Members Bell, Burks, Carter, Redding, Snuggs, and Swiers voted in favor of the motion.

A copy of the entirety of the contract is on file in the City of Asheboro Engineering Department.

**(d) Consideration of Change Order #1 for the Asheboro Regional Airport Ramp Rehabilitation Project to reduce contract quantities in order to stay within the NCDOT Division of Aviation's appropriated project budget.**

Mr. Leonard presented Change Order Number 1 for the Asheboro Regional Airport Ramp Rehabilitation Project. Fuel resistant rejuvenator quantities were decreased to reduce the final contract cost from \$599,238 to \$589,748.

Upon motion by Mr. Bell and seconded by Mr. Burks, Council voted unanimously to approve Change Order #1 for the Asheboro Regional Airport Ramp Rehabilitation Project. Council Members Bell, Burks, Carter, Redding, Snuggs, and Swiers voted in favor of the motion.

A copy of the entirety of the contract, including Change Order #1, is on file in the City of Asheboro Engineering Department.

**(e) Consideration of a Block Grant/Non Primary Entitlement Agreement for the Asheboro Regional Airport New Terminal Building Design.**

21 RES 7-16

**RESOLUTION**

A motion was made by Council Member Edward J. Burks and seconded by Council Member Charles A. Swiers for the adoption of the following resolution, and upon being put to a vote was duly accepted:

WHEREAS, a Grant in the amount of **\$44,698** has been approved by the Department based on total estimated cost of **\$49,665**; and

WHEREAS, an amount equal to or greater than **ten percent (10%)** of the total estimated project cost has been appropriated by the Sponsor for this Project (TERMINAL BUILDING-CONCEPT/PRELIMINARY).

NOW THEREFORE, BE AND IT IS RESOLVED THAT THE Mayor of the Sponsor be and he hereby is authorized and empowered to enter into a Grant Agreement with the Department, thereby binding the Sponsor to the fulfillment of its obligation incurred under this Grant Agreement or any mutually agreed upon modification thereof.

Council voted unanimously to adopt the above-referenced agreement by reference. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion.

A copy of the agreement is on file in the city clerk's office.

**(f) Consideration of a resolution to authorize the entry of the city into a contract with Tugwell Consulting Forestry, P.A. for consulting forester services at the Asheboro Regional Airport.**

Mr. Leonard presented and recommended adoption, by reference, of a resolution authorizing the entry of the city into a professional services contract for consulting forester services.

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

**RESOLUTION NUMBER** \_\_\_\_\_ **22 RES 7-16**

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

**RESOLUTION AUTHORIZING THE ENTRY OF THE CITY INTO A PROFESSIONAL SERVICES CONTRACT FOR CONSULTING FORESTER SERVICES**

**WHEREAS**, the City of Asheboro (the "City") owns several acres of land, initially estimated at approximately 126 acres, at the Asheboro Regional Airport with standing timber that, in accordance with good asset management practices, should be evaluated for a potential timber sale; and

**WHEREAS**, Tugwell Consulting Forestry, P.A. of Asheboro, North Carolina has provided competent and satisfactory consulting forester services to the City during past timber sales; and



- d. The Consultant will make himself available to interested buyers to show the timber and answer any questions they may have concerning this timber sale.
  - e. If timber is to be sold by the negotiated offer, advertisement, and upset bid process, Consultant will seek to promote such type sale among available prospective buyers or offer to prospective buyers the timber at no less than the agreed price between the Owner and Consultant.
  - f. Supply to the attorney the proper information for preparation of the timber deed. Work with the attorney, timber purchaser, and Owner to coordinate and facilitate closing of the timber sale transaction.
  - g. Periodically check upon, and inspect the manner in which the timber is being harvested to be certain that the logging contractor follows all conditions specified in the timber deed.
  - h. Assist the landowner with reforestation, if desired, by preparing all cost-share forms and reforestation plans for submitting to the appropriate government agency.
3. The **Owner** agrees:
- a. To guarantee the title and legal ownership to any timber proposed to be sold.
  - b. To provide survey if necessary.
  - c. To provide legal right of ingress, egress, and regress to the property.
  - d. To the extent permitted by law, not to negotiate with any buyer as to price or otherwise, regarding provisions and details of the timber sale, without prior knowledge and consent of the Consultant.
  - e. To submit to the Asheboro City Council for approval in accordance with the North Carolina General Statutes a General Warranty Timber Deed, or Timber Sale Agreement, when presented.
  - f. To delineate, in writing before the timber sale, any and all fences, structures, improvements, sewer lines, equipment within the sale area, power lines, easements, or any item of importance or concern within the timber sale area.
4. The Owner agrees to pay the Consultant 10% of the total sale price for his efforts to sell said timber.
- a. The Consultant is due full commission if an acceptable offer is obtained in accordance with a statutorily approved method of sale. An acceptable offer is defined as: an offer that is submitted in strict compliance with a statutorily approved method of sale by a North Carolina municipal corporation of standing timber as real property and such offer meets or exceeds the fair market value, as set by the Consultant's timber appraisal.
  - b. If timber is not sold by the date set by the parties hereto for the sale by means of a statutorily compliant method for a North Carolina municipal corporation to sell standing timber because of low, no, or unacceptable bids, then Owner shall pay to Consultant an appraisal fee of \$2,500.00. Payment is due within 15 days after the date set for such sale.
  - c. Full payment is due at closing of the timber sale upon delivery of the timber deed and receipt of the sale proceeds. Consultant shall have the authority to take the sale proceeds into his escrow account for disbursement. A final disbursement of funds to the Owner in accordance with this contract and a settlement statement detailing the transaction shall be provided to the Owner within five business days of the Consultant's receipt of funds.
  - d. If the timber is not sold because of low, no, or unacceptable offers, Consultant shall, to the extent permitted by law, then have for a period of six months the exclusive right to negotiate for the sale of timber at the price established by the current appraisal by Consultant; provided, however, any such sale must be conducted in strict compliance with the property sale procedures established by the North Carolina General Statutes for the disposal of real property by North Carolina municipal corporations. If such a sale is successfully concluded, payment of the commission to the Consultant shall be made as specified in 4 above, less any appraisal fee previously paid.
5. It is understood and agreed that the duties to be performed by the Consultant with respect to preparing for and conducting the timber sale shall be done within a period of 90 days.

6. E-Verify Requirements: In order to enable the Owner to comply with contracting requirements prescribed for the City of Asheboro by Section 143-133.3 of the North Carolina General Statutes (the "General Statutes"), Consultant will comply, to the extent required by law, with the requirements of Article 2 of Chapter 64 of the General Statutes. Furthermore, if the Consultant utilizes a subcontractor in connection with the implementation of this Contract, the Consultant will require the subcontractor to comply, to the extent required by law, with the requirements of Article 2 of Chapter 64 of the General Statutes.
7. In order to comply with statutorily mandated contracting procedures that are applicable to the Owner as a North Carolina municipal corporation, an Iran Divestment Act certification must be obtained from service providers attempting to enter into contracts with the City of Asheboro. Therefore, in compliance with Section 147-86.59 of the General Statutes, the Consultant hereby certifies that (i) the Consultant is not listed on the Final Divestment List created by the North Carolina State Treasurer pursuant to Section 147-86.58 of the General Statutes, and that (ii) the Consultant will not utilize any subcontractor identified on the Final Divestment List to perform work under any contract with the City of Asheboro. The Final Divestment List can be found on the North Carolina State Treasurer's website with resources related to the Iran Divestment Act ([www.nctreasurer.com/Iran](http://www.nctreasurer.com/Iran)). The Final Divestment List will be updated every 180 days.

**IN WITNESS WHEREOF**, the parties hereto have executed this Contract the day, month, and year indicated below.

\_\_\_\_\_  
E. Gerald Tugwell, R.F., A.C.F.  
Tugwell Consulting Forestry, P.A.

\_\_\_\_\_  
John N. Ogburn, III, City Manager  
City of Asheboro, North Carolina

\_\_\_\_\_  
Date Contract Signed

\_\_\_\_\_  
Date Contract Signed

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

\_\_\_\_\_  
Deborah P. Reaves, Finance Officer  
City of Asheboro, North Carolina

[A copy of the visual presentation utilized by Mr. Leonard during his presentation of agenda items 6(a) through 6(f) is on file in the city clerk's office.]

**7. Transportation Items:**

- (a) **Consideration of an ordinance to authorize two-way traffic on sections of Cranford Street and North Randolph Avenue that were previously restricted to one-way traffic flow patterns.**

Mr. Leonard presented and recommended adoption, by reference, of the aforementioned ordinance.

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

**ORDINANCE NUMBER** \_\_\_\_\_ 18 ORD 7-16 \_\_\_\_\_

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

**AN ORDINANCE REPEALING CERTAIN ONE-WAY TRAFFIC FLOW RESTRICTIONS**

**WHEREAS**, Section 160A-296 of the North Carolina General Statutes provides that a city shall have general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits; and

**WHEREAS**, the Code of Asheboro, in Section 70.43 (titled "Operation on One-Way Streets"), provides as follows:

Upon those streets and parts of streets described in schedule 8 of § 72.02, vehicular traffic shall move only in the indicated direction when authorized signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited; and

**WHEREAS**, the Code of Asheboro, in Section 70.21 (titled "One-Way Street Signs"), provides as follows:

Whenever authorized signs are placed, erected or installed indicating that traffic shall proceed only in a certain direction, no driver of a vehicle shall disobey the directions contained in or given by such signs; and

**WHEREAS**, the Code of Asheboro, in Subsection (C) of Section 70.29 (titled "Designation and Posting Signs or Marking Streets"), provides as follows:

Pursuant to instructions given to him by the City Council from time to time and entered in the council minute book, the City Manager shall:

(C) Cause all streets and parts of streets which are designated as one-way streets to be posted accordingly and so as to show the direction in which traffic shall proceed. He shall then notify the City Clerk, who shall enter the description of such streets and parts of streets, and the direction of traffic thereon, in schedule 8 of § 72.02; and

**WHEREAS**, a section of Cranford Street and the block of North Randolph Avenue between Worth Street and East Salisbury Street are currently designated for one-way traffic; and

**WHEREAS**, the owner of certain real property that adjoins the one-way traffic flow section of Cranford Street has requested repeal of this restriction due to a lack of need for the restriction; and

**WHEREAS**, due to the difficulties posed by the one-way traffic flow designation on a residential street for the city's automated trucks that attempt to comply with traffic laws while collecting solid waste and recyclables, city staff has requested the repeal of the one-way traffic flow designation for the block of North Randolph Avenue between Worth Street and East Salisbury Street; and

**WHEREAS**, the Asheboro City Council has decided to approve both requests;

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

**Section 1.** The previous restriction of a section of Cranford Street to a designated one-way direction for vehicular traffic is hereby repealed. Vehicular traffic is hereby authorized to travel in east and west directions on the entire block of Cranford Street between South Fayetteville Street and South Cox Street.

**Section 2.** The previous restriction of the block of North Randolph Avenue between Worth Street and East Salisbury Street to a designated one-way direction for vehicular traffic is hereby repealed. Vehicular traffic is hereby authorized to travel in north and south directions on the entire block of North Randolph Avenue between Worth Street and East Salisbury Street.

**Section 3.** The City Manager is hereby instructed to cause the removal of any signage restricting vehicular traffic to one-way travel along the sections of Cranford Street and North Randolph Avenue described in Sections 1 and 2 of this Ordinance.

**Section 4.** The City Clerk shall revise schedule 8 of Section 72.02 of the Code of Asheboro to reflect the repeal of these one-way vehicular traffic designations and restrictions.

**Section 5.** All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

**Section 6.** 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 July 14, 2016.

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

ATTEST:

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

**(b) An update on the status of the review of Scarboro Street traffic flow pattern.**

Mr. Leonard reported that a meeting is scheduled with NCDOT on August 18, 2016 in order to discuss traffic flow pattern on Scarboro Street. City staff will update the Council Members as information becomes available.

**8. Legal items:**

**(a) Consideration of a resolution authorizing the purchase and recordation of a quit-claim deed that will enable the city to begin maintaining the Odd Fellows Cemetery.**

Mr. Sugg reported to the city council that Clyde L. Foust and his wife, Betty Foust, own a parcel of land that is identified by Randolph County Parcel Identification Number 7761431661. The southern boundary of this parcel of land adjoins the northern margin of the public right-of-way for Martin Luther King Jr. Drive (North Carolina Secondary Road 2189).

The said parcel of land (the "Street Frontage Parcel") adjoins a historic cemetery known as the Odd Fellows Cemetery that is located to the north of the Street Frontage Parcel. The parcel of land upon which the Odd Fellows Cemetery is located (the "Cemetery Parcel") is more specifically identified by Randolph County Parcel Identification Number 7761431737.

In order to clarify the boundaries of the Odd Fellows Cemetery and in an effort to address confusion created by unrecorded deeds to the land upon which the cemetery is located, an attorney in private practice has prepared a draft of a quitclaim deed that would, if executed, quitclaim unto the city the Street Frontage Parcel and the Cemetery Parcel. Mr. Foust and his wife have indicated that they are willing to execute the said deed in consideration of the payment by the city of the sum of \$1,000.00.

The elected officials indicated that they are interested in preserving the Odd Fellows Cemetery as a recognized cultural heritage site. However, the council members are not willing to spend public funds unless a more substantive instrument of conveyance, rather than a quit-claim deed simply releasing any interest the grantor has in the property, is used to convey the Street Frontage Parcel to the city. The quitclaim deed is acceptable for the Cemetery Parcel, but a more substantive instrument of conveyance for the Street Frontage Parcel is needed if the contemplated transaction is to be completed.

Mr. Sugg indicated that he would communicate the city's position to the relevant parties and report back to the city council when he had any new information.

**(b) A report on the legislative action that addressed the requests submitted by the city council for consideration during the recently concluded legislative session.**

Mr. Sugg reported that, on March 10, 2016, the City Council adopted Resolution Number 06 RES 3-16. This resolution stated as follows:

**RESOLUTION NUMBER** \_\_\_\_\_ **06 RES 3-16**

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

**RESOLUTION REQUESTING THE REMOVAL OF CERTAIN TERRITORY FROM THE CITY LIMITS BY LOCAL ACT OF THE NORTH CAROLINA GENERAL ASSEMBLY**

**WHEREAS**, Pamela Sue Vuncannon has requested of the Asheboro City Council the removal from the city limits of certain real property (approximately 19,861 square feet of land) that she obtained from Polyspray Corporation by means of a deed recorded in Deed Book 2341, Page 258, Randolph County Public Registry; and

**WHEREAS**, the real property that Ms. Vuncannon wishes to have removed from the city limits was annexed into the city in 1994 as part of a 51.72-acre annexation; and

**WHEREAS**, the expansion of municipal services to industry/manufacturing operations was the driving force behind the 51.72-acre annexation in 1994; and

**WHEREAS**, the sale of the property in question to a land owner that has no connection to the manufacturing operations in the area has removed the need for municipal services for this particular piece of property; and

**WHEREAS**, the Asheboro City Council supports Ms. Vuncannon in her effort to have the 19,861 square feet of land removed from Asheboro's city limits; and

**WHEREAS**, due to the fact that the city's governing board lacks the legal authority to deannex property, the Asheboro City Council has decided to request the assistance of the local legislative delegation to the North Carolina General Assembly with the introduction and passage of a local act to implement the deannexation requested by Ms. Vuncannon;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro, North Carolina that a request is hereby respectfully submitted to the local legislative delegation to the North Carolina General Assembly for the introduction and support of a local act to remove from the city limits of the City of Asheboro the following territory that is described by metes and bounds:

Cedar Grove Township, Randolph County, North Carolina:

BEGINNING on the existing primary city limits line for the City of Asheboro at a 3/4" existing iron pipe that is up 1" at the southeast corner of the Pamela Sue Vuncannon property described in Deed Book 2341, Page 258, Randolph County Public Registry (this tract of land is proposed for removal from the Asheboro City Limits and will be hereinafter referred to as the "Deannexation Tract"), the said beginning point is North 29 degrees 58 minutes 42 seconds West 679.77 feet from NCGS monument "Bingham" that is located by means of the North Carolina Coordinate System at the coordinates of North 703,571.16 feet and East 1,747,119.25 feet (NAD 83); thence from the said beginning point and following the proposed new primary city limits line South 86 degrees 25 minutes 02 seconds West 96.86 feet along the southern boundary line for the Deannexation Tract to a 1.5" existing iron rod that is up 2" at the southwest corner of the Deannexation Tract; thence departing from the southern boundary line of the Deannexation Tract and proceeding along the western boundary line of the territory to be removed from the city limits by following the shared boundary line between the Deannexation Tract and the Marcia H. Miller property described in Deed Book 1899, Page 2539 (Tracts 1 & 2), Randolph County Public Registry the following course and distance: North 00 degrees 11 minutes 13 seconds East 192.56 feet to a 1/2" existing iron pipe up 7" at the northwest corner of the Deannexation Tract; thence departing from the western boundary line for the Deannexation Tract and following the shared boundary line between the Deannexation Tract and the Pamela Sue Vuncannon property described in Deed Book 1618, Page 671, Randolph County Public Registry the following courses and distances: South 87 degrees 58 minutes 06 seconds East 46.61 feet to a computed point; thence North 36 degrees 01 minute 44 seconds East 84.59 feet to a 3/4" existing iron pipe up 2" at the northeast corner of the Deannexation Tract; thence departing from the northern boundary line of the Deannexation Tract and proceeding along the shared boundary line of the Deannexation Tract and the Dumont Bunker property described in Deed Book 1911, Page 2210, Randolph County Public Registry the following course and distance: South 00 degrees 03 minutes 56 seconds West 253.26 feet to the point and place of BEGINNING, and containing a total of 19,861 square feet (0.456 of an acre) of land, more or less, to be removed from the city limits of the City of Asheboro.

The above-listed description is in accordance with a plat of survey entitled "Plat of Proposed Deannexation of Certain Territory at the Request of the City of Asheboro(;) Property of Pamela Sue Vuncannon" that was drawn under the supervision of Thomas Scaramastra, Professional Land Surveyor with License Number L-4421. The job number listed on the plat is 16-004, and the said plat of survey's title block bears the date of February 9, 2016.

**BE IT FURTHER RESOLVED** by the City Council of the City of Asheboro, North Carolina that city staff members are hereby authorized to undertake all administrative actions deemed necessary to implement the provisions of this Resolution, specifically including without limitation engaging in discussions and correspondence on behalf of the municipal corporation with members of the local delegation and the legislative bill drafting office, to facilitate timely consideration of the proposed removal of territory from the city limits of Asheboro.

In response to the request to deannex the described property, the North Carolina General Assembly granted the request by enacting Session Law 2016-62 with an effective date of June 30, 2016.

Mr. Sugg also reported that the North Carolina General Assembly did not act on the city's request to amend the city charter to address certain property disposal concerns. However, the city's primary concern about clarifying the procedures for retiring service animals, specifically police canines, had been addressed in a positive manner with the ratification of a state-wide bill, House Bill 550. Governor McCrory appears to have no objection to signing the ratified bill with a proposed effective date of October 1, 2016.

In addition to the above legislative actions, Mr. Sugg informed the Council Members that discussions are taking place of possibly moving municipal elections to even-numbered years. Updates will be given when more information becomes available. No formal action was taken by the Council during this discussion of legislative action.

**9. Update on events to celebrate the city's recent designation as an All-America City.**

Mr. Luck informed the Council Members of the following events in celebration of the city's recent designation as an All-America City.

- Event 1: Asheboro City Council Meeting on Thursday, August 4, 2016 at 7:00 p.m. in the Council Chamber of City Hall.
- Event 2: Pigs and Pedals on Saturday, August 6, 2016 at 6:30 p.m. at the Bicentennial Park Stage.
- Event 3: Movie in the Park on Saturday, August 13, 2016 at 7:30 p.m. at the Bicentennial Park Stage. The video of the All-America City Presentation will be shown prior to the movie.

Additionally, Mr. Luck informed the Council Members that the following All-America City logo items will soon be available.

- Stickers and Window Clings
- Vehicle Plates
- Polo Shirts
- Flags
- Lapel Pins

The logo will also appear on entrance road signs, downtown banners, and the water tank located in the vicinity of Church Street.

A copy of the visual presentation utilized by Mr. Luck is on file in the city clerk's office.

**10. Information on the highway dedication ceremony to be conducted in honor of Talmadge Baker at the Asheboro Regional Airport on Thursday, August 25, 2016 at 3:00 p.m.**

Mr. Nuttall informed the Council Members that the highway dedication ceremony will be conducted in honor of Talmadge Baker at the Asheboro Regional Airport on Thursday, August 25, 2016 at 3:00 p.m. located at 2222 Pilots View Road in Asheboro.

There being no further business, the meeting was adjourned at 8:07 p.m.

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

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