

CITY OF THOMASVILLE COUNCIL MEETING AGENDA

Tuesday, January 16, 2024 – 6:00 P.M.

20 Stadium Drive, Thomasville, NC 27360

Mayor Raleigh York, Jr. ~ Mayor *Pro Tem* Lisa Shell

1. Call to Order
2. Additions and Deletions to the Agenda
3. Public Forum – Please sign up in person to speak for two minutes on any topic. *The two-minute time limit will be enforced.*
4. Public Hearing – Request for Rezoning (Z-23-12)

Applicant/Owner: Ford Associates, LLC
Location: 274 Kennedy Road
Parcel Number: 1633700000065
Existing Zoning: R-10 Low Density Residential
Requested Zoning: C-2 Highway Commercial

The Planning Board held a public hearing on December 19, 2023 and voted 5 - 0 to approve this request because:

- It is encouraged by the Zoning Department guidelines and complies with the 2035 Comprehensive Plan.
- It follows the natural progression of commercial development to the southern limits of the City.
- With the City's C-2 buffer in place, it should have no negative effects on the public or surrounding properties.
- This rezoning is reasonable and in the public interest due to its consistency with the Comprehensive Plan and, as a result, its furtherance of the goals and objectives of the Comprehensive Plan.

5. Consent Agenda
 - A. Consideration of Approval of Minutes Organizational Meeting on 12/4/23
 - B. Consideration of Approval of Minutes Briefing Meeting on 12/11/23
 - C. Consideration of Approval of Minutes Council Meeting on 12/18/23
 - D. Consideration of Approval of FY 2024 Audit Contract with Martin Starnes & Associates
6. Regular Agenda
 - A. Consideration of Revision of Solid Waste Collection Ordinance Regarding Vacant Properties with Active Water/Sewer Accounts
 - B. Consideration of Approval of Resolution to Adopt Parks & Recreation Master Plan
7. Committee Reports and Appointments, Mayor's Report and Appointments, City Manager's Report, City Attorney's Report
8. Additional Items
9. Adjournment

Agenda Item Cover Sheet

Admin. Use Only:

Committee Name

Public Safety

Committee Date And
Agenda #

1.8.2024

PSafe 3

Item Name:

Public Hearing for Rezoning Case Z-23-12

Description of Item:

Applicant/Owner: Ford Associates LLC

Location: 274 Kennedy Road

Parcel Number: 1633700000065

Existing Zoning: R-10 Low Density Residential

Proposed Zoning: C-2 Highway Commercial

Back-Up Materials:

Rezoning Case Record

Council Action Requested:

Consideration of Approval or Denial of Rezoning Case

Requested By:

Chuck George

Department:

PIE

To: Michael Brandt, City Manager
From: Chuck George, Planning Director
Date: December 20, 2023
Re: City Council Meeting, January 16, 2024

The following items has been before the Board of Planning & Adjustment on Tuesday, December 19, 2023.

1. Request for Rezoning (Z-23-12)
Applicant/Owner: Ford Associates LLC
Location: 274 Kennedy Road
Parcel Number: 16337000000065
Existing Zoning: R-10 Low Density Residential
Proposed Zoning: C-2 Highway Commercial

A public hearing was conducted, and the board voted 5-0 to approve the request for the following reason:

- It is encouraged by the Zoning Department guidelines and complies with the 2035 Comprehensive plan.
- It follows the natural progression of commercial development to the southern limits of the City.
- With the City's C-2 buffer in place, it should have no negative effects on the public or surrounding properties.
- Find that this rezoning is reasonable and in the public interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan.

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE CITY OF THOMASVILLE, NORTH CAROLINA**

BE IT ORDAINED, that the Code of Ordinances of the City of Thomasville be amended in the following respects:

SECTION 1. That the Official Zoning Map of the City of Thomasville, North Carolina as set out in Appendix A (Zoning), Article IV (Establishment of Districts), Section 2 (Location and Boundaries of Districts) be amended by changing certain property from R-10 (Low Density Residential) Zoning District to C-2 (Highway Commercial) Zoning District as shown on the attached map (Z-23-12).

SECTION 2. That this Ordinance shall become effective upon its adoption by the City Council of the City of Thomasville.

ADOPTED this the _____ day of _____, _____, by the City Council of the City of Thomasville.

Raleigh York, Jr., Mayor

ATTEST:

Wendy S. Martin, City Clerk



The Board of Planning and Adjustment of the City of Thomasville has approved
by a 5 to 0 vote the rezoning request (Z-23-12).

Applicant/Owner: Ford Associates LLC

Location: 274 Kennedy Road

Parcel Number: 1633700000065

Existing Zoning: R-10 Low Density Residential

Proposed Zoning: C-2 Highway Commercial

12 / 19 / 23

Date

A handwritten signature in cursive script, reading "Jane Hill", written over a horizontal line.

Jane Hill, Chairperson

MOTION TO REZONE INCLUDING NCGS 160D-604(d); -605(a); -701 LANGUAGE

I move to rezone the property from R-10 to C-2
for the following reasons:

- 1 - It is encouraged by the Zoning Department guidelines and complies with the 2035 Comprehensive plan.
- 2 - It follows the natural progression of commercial development to the southern limits of the City.
- 3 - With the City's C-2 buffer in place, it should have no negative effects on the public or surrounding
properties.

Further, I move that the City Council find that this rezoning is reasonable and in the public interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan.

MOTION TO DENY INCLUDING NCGS 160D-604(d); -605(a); -701 LANGUAGE

I move to deny the rezoning of the property from _____ to _____
_____ for the following reasons:

City of Thomasville Planning & Zoning
Rezoning Case # Z-23-12
Staff Report: Chuck George, Director

Applicant/Owner: Ford Associates LLC

Location: 274 Kennedy Road

Tax Parcel ID Number: 1633700000065

Request: Rezoning from R-10 to C-2

Requested Zoning District Characteristics:

The current zoning is R-10 Low Density Residential – This district is defined as low density residential areas of mostly single-family dwellings plus open areas where similar residential development will likely occur. The uses permitted in this district are designed to stabilize and protect the essential characteristics of the area and to prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations.

The proposed zoning is C-2 Highway Commercial - This district is defined as certain areas that are primarily designed for citizens using the major highways that run through or around the city. The district is customarily located along the major arterial highways. This district may also provide retailing and personal services for the benefit of residents in nearby areas and nonresidents. Included also are certain functions, such as warehousing, that are compatible with the primary uses.

Site Information

Size of Parcel for Flag Lot	Approx. 1.853 acres		
Existing Land Use	R-10 Low density residential		
Proposed Land Use	C-2 Highway commercial		
Surrounding Property Zoning and Use	Direction	Zoning	Use
	N	R-10	Residential
	E	R-10	Residential
	S	R-10	Residential
	W	R-10	Residential
Physical Characteristics	Wooded lot with dilapidated structure		
Historic Properties	NA		

History of Denied Cases:

N/A

Compatibility with Adopted Plans

The 2035 Land Development Plan indicates the areas as Development and Re-development area (#3), NC 109 South Commercial & Mixed-use. Encourage mixed-use and commercial along NC 109 and Liberty Drive south of I-85. Medium and high-density residential. Discourage commercial expansion into existing residential areas that do not have direct access to NC 109 or Liberty Drive south of I-85.

Staff Comment

Approximately 1.853 acres lot with a residential structure. Adjacent to residential properties and near NC HWY 109. The 2035 Comprehensive Plan encourages mixed-use and commercial along NC 109. The required buffer between commercial and residential property will suffice to protect existing property owners. NCDOT may require road improvements for commercial development.

Attachments

- Rezoning Application
- Legal description
- Zoning map
- Davidson County GIS,
- 2035 Land use map
- Permitted use table
- Consistency statement to approve or deny request

Public Notice

<i>Notification</i>	<i>Planning/Adjustment Board</i>	<i>City Council</i>
Public Hearing Notice	12/7/23 & 12/14/23	1/4/24 & 1/11/24
Property Posted	12/4/23	1/4/24
Notification Letter Sent	12/1/23	1/4/24

Zoning Board Recommendation

A public hearing was conducted, and the board voted 5-0 to approve the request for the following reason:

- It is encouraged by the Zoning Department guidelines and complies with the 2035 Comprehensive plan.
- It follows the natural progression of commercial development to the southern limits of the City.
- With the City's C-2 buffer in place, it should have no negative effects on the public or surrounding properties.
- Find that this rezoning is reasonable and in the public interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan.

CITY OF THOMASVILLE

Planning & Zoning Department

PO BOX 368 • THOMASVILLE, NC 27360 • (336) 475-4255

REZONING APPLICATION

File No. **Z-23-12**

Date **11-30-23**

Applicant **Jeanne Ford Owner**
Ford Associates NC LLC

Phone **919-274-7881**

Applicant's Address **4441 Six Forks Rd. Ste 106-345, Raleigh NC**

Property Owner **Ford Associates LLC** Phone **919-274-7881**

Property Owner's Address **4441 Six Forks Rd. Ste 106-345, Raleigh NC 27609**

Existing Zoning **R10** Requested Zoning **C2**

Address or Location of Property to be Rezoned **274 Kennedy Road, Thomasville NC 27360**

Description of Property **Wooded lot, 1.853 ACRES**

Fee Received \$ **500**

Map No **16-33700000065**

(PLEASE MAKE CHECK PAYABLE TO "CITY OF THOMASVILLE")

Applicant's
Signature

Jeanne Ford

Owner's
Signature

*Jeanne Ford, owner
Ford Associates NC*

Planning Board Hearing Date **12-19-23**

Planning Board Action

☒ Approved

☐ Denied

Vote of: **5-0**

City Council Hearing Date **1-16-23**

City Council Action

☐ Approved

☐ Denied

Vote of: _____

Signed _____

Secretary to Planning Board

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: Guilford County \$73.00 / Davidson County \$56.00 / Forsyth County \$196.00

Parcel Identifier Number: SEE ATTACHED LEGAL DESCRIPTION

Mail/Box to: Grantee at 4441 Six Forks Road Ste. 106-345, Raleigh, NC 27609

This instrument was prepared by: Innovative Closing Solutions, 1901 Lendew Street, Suite 4, Greensboro, NC 27408

Brief description for the Index: MULTIPLE TRACTS

THIS DEED made this December 10, 2015 by and between

GRANTOR

Foster Survivors Trust aka
Foster Survivor's Trust and
Foster Family Trust as per the attached
Exhibit B
Grantor Address:

1540 16th Ave, Circle NW
Hickory, NC 28601

GRANTEE

Ford Associates LLC

Buyer Address:

4441 Six Forks Road Ste. 106-345
Raleigh, NC 27609

Property Address:
Multiple Addresses
See Attached Legal Description

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor according to the attached **Exhibit B**, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey, according to the attached **Exhibit B**, unto the Grantee in fee simple, all those certain lots or parcels of land situated in Davidson, Forsyth, and Guilford Counties, North Carolina and more particularly described as on the attached **Exhibit A**.

The property hereinabove described was acquired by Grantor by instrument recorded as detailed on the attached **Exhibit B**.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, according to the attached **Exhibit B**, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor, according to the attached **Exhibit B**, will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions: none.

See also Exhibits C & D, Certificates of Trust

THIS PROPERTY DOES NOT INCLUDE THE PRIMARY RESIDENCE OF A GRANTOR.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

Foster Survivors Trust aka Foster Survivor's Trust

Foster Family Trust

Sharon Foster Milligan (SEAL)
Sharon Foster Milligan, Trustee

Sharon Foster Milligan (SEAL)
Sharon Foster Milligan, Trustee

STATE OF NORTH CAROLINA, COUNTY OF FORSYTH

I, the undersigned Notary Public of the aforesaid State and Forsyth County, do hereby certify that Sharon Foster Milligan, Trustee of Foster Survivors Trust aka Foster Survivor's Trust personally appeared before me this date and acknowledged the execution of the foregoing instrument for the purposes therein expressed. Witness my hand and notarial seal this the 10 day of December, 2015.

My Commission Expires: 10/3/17

Brian H. Elam
Brian H. Elam, Notary Public



STATE OF NORTH CAROLINA, COUNTY OF FORSYTH

I, the undersigned Notary Public of the aforesaid State and Forsyth County, do hereby certify that Sharon Foster Milligan, Trustee of Foster Family Trust personally appeared before me this date and acknowledged the execution of the foregoing instrument for the purposes therein expressed. Witness my hand and notarial seal this the 10 day of DEC, 2015.

My Commission Expires: 10/3/17

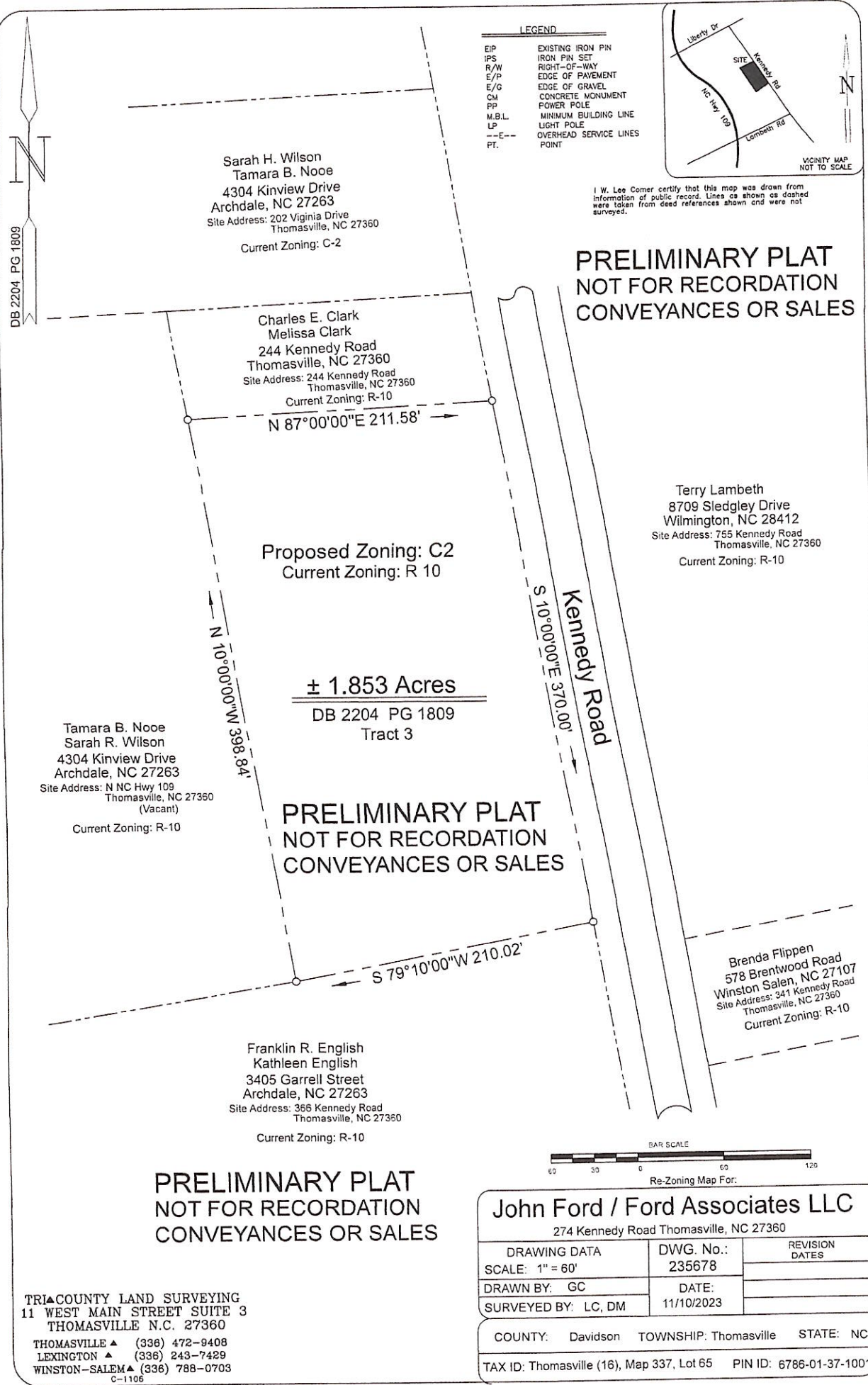
Brian H. Elam
Brian H. Elam, Notary Public



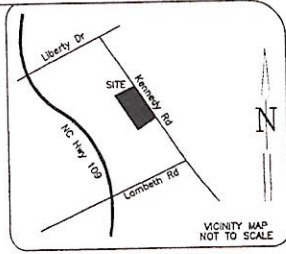
Tract 3 - 284 Kennedy Road, Thomasville, NC (AKA 274 Kennedy Road)

Parcel ID# 1633700000065 (Davidson County)

BEGINNING AT A POINT IN THE WESTERN PROPERTY LINE OF KENNEDY ROAD, FORMERLY FULLER'S MILL ROAD, SAID BEGINNING POINT BEING LOCATED AT THE SOUTHEAST CORNER OF THE PROPERTY OF ROLAND KINLEY AND THE NORTHEAST CORNER OF NANNIE K. ROTHROCK; THENCE ALONG THE WESTERN PROPERTY LINE OF KENNEDY ROAD SOUTH 10 DEGREES 00 MINUTES EAST 370 FEET TO A POINT, THE NORTHEAST CORNER OF THE PROPERTY OF FRED HEPLER; THENCE ALONG THE NORTHERN PROPERTY LINE OF FRED HEPLER SOUTH 79 DEGREES 10 MINUTES WEST 210.02 FEET TO A POINT, A NEW CORNER IN THE PROPERTY OF NANNIE ROTHROCK; THENCE ALONG A NEW LINE IN THE PROPERTY OF NANNIE ROTHROCK NORTH 10 DEGREES 00 MINUTES WEST 398.84 FEET TO A POINT IN THE SOUTHERN PROPERTY LINE OF ROLAND KINLEY; THENCE ALONG THE SOUTHERN PROPERTY LINE OF ROLAND KINLEY NORTH 87 DEGREES 00 MINUTES EAST 211.58 FEET TO A POINT IN THE WESTERN PROPERTY LINE OF KENNEDY ROAD, THE POINT AND PLACE OF BEGINNING. SEE SURVEY "MRS. NANNIE ROTHROCK" PREPARED BY E.M. TEER, REGISTERED LAND SURVEYOR, AND DATED OCTOBER, 1972.



- LEGEND**
- EIP EXISTING IRON PIN
 - IPS IRON PIN SET
 - R/W RIGHT-OF-WAY
 - E/P EDGE OF PAVEMENT
 - E/G EDGE OF GRAVEL
 - CM CONCRETE MONUMENT
 - PP POWER POLE
 - M.B.L. MINIMUM BUILDING LINE
 - LP LIGHT POLE
 - E-- OVERHEAD SERVICE LINES
 - PT. POINT



I W. Lee Comer certify that this map was drawn from information of public record. Lines as shown as dashed were taken from deed references shown and were not surveyed.

**PRELIMINARY PLAT
NOT FOR RECORDATION
CONVEYANCES OR SALES**

Sarah H. Wilson
Tamara B. Nooe
4304 Kinview Drive
Archdale, NC 27263
Site Address: 202 Virginia Drive
Thomasville, NC 27360
Current Zoning: C-2

Charles E. Clark
Melissa Clark
244 Kennedy Road
Thomasville, NC 27360
Site Address: 244 Kennedy Road
Thomasville, NC 27360
Current Zoning: R-10

Proposed Zoning: C2
Current Zoning: R 10

± 1.853 Acres
DB 2204 PG 1809
Tract 3

Tamara B. Nooe
Sarah R. Wilson
4304 Kinview Drive
Archdale, NC 27263
Site Address: N NC Hwy 109
Thomasville, NC 27360
(Vacant)
Current Zoning: R-10

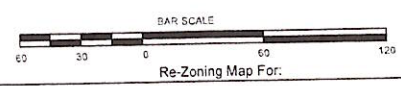
**PRELIMINARY PLAT
NOT FOR RECORDATION
CONVEYANCES OR SALES**

Terry Lambeth
8709 Sledgley Drive
Wilmington, NC 28412
Site Address: 755 Kennedy Road
Thomasville, NC 27360
Current Zoning: R-10

Brenda Flippen
578 Brentwood Road
Winston Salem, NC 27107
Site Address: 341 Kennedy Road
Thomasville, NC 27360
Current Zoning: R-10

Franklin R. English
Kathleen English
3405 Garrell Street
Archdale, NC 27263
Site Address: 356 Kennedy Road
Thomasville, NC 27360
Current Zoning: R-10

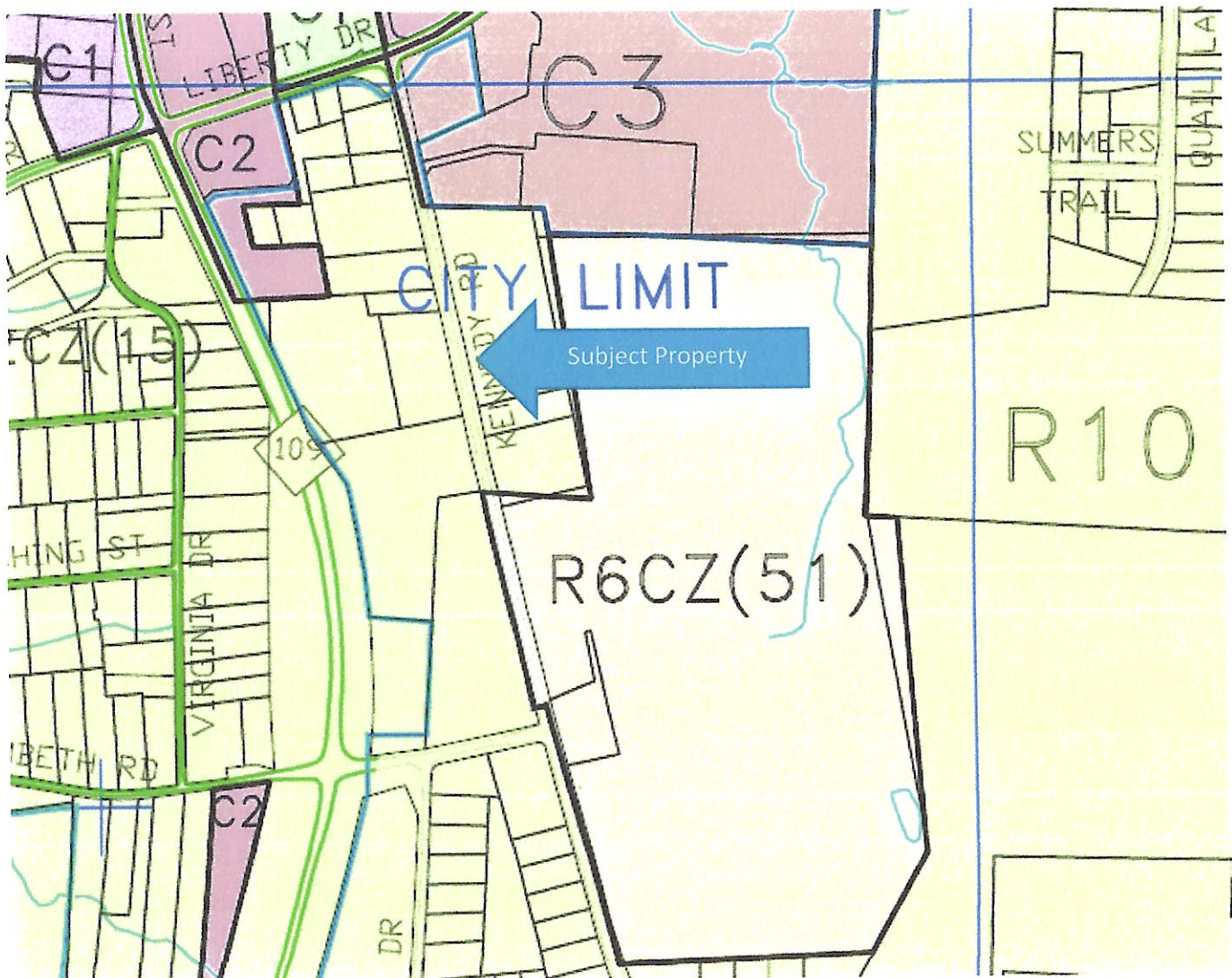
**PRELIMINARY PLAT
NOT FOR RECORDATION
CONVEYANCES OR SALES**



TRI▲COUNTY LAND SURVEYING
11 WEST MAIN STREET SUITE 3
THOMASVILLE N.C. 27360
THOMASVILLE ▲ (336) 472-9408
LEXINGTON ▲ (336) 243-7429
WINSTON-SALEM ▲ (336) 788-0703
C-1106

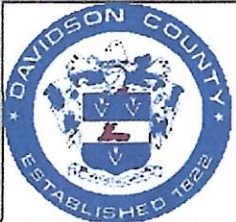
John Ford / Ford Associates LLC 274 Kennedy Road Thomasville, NC 27360		
DRAWING DATA	DWG. No.:	REVISION DATES
SCALE: 1" = 60'	235678	
DRAWN BY: GC	DATE:	
SURVEYED BY: LC, DM	11/10/2023	
COUNTY: Davidson	TOWNSHIP: Thomasville	STATE: NC
TAX ID: Thomasville (16), Map 337, Lot 65 PIN ID: 6786-01-37-1001		

274 Kennedy Road
Parcel Number 1633700000065
Zoning: R-10 Low Density Residential
Zoning Map

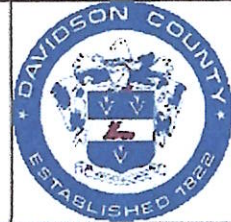


Zoning Map colors index:

Brown – R-6 High Density Residential
Orange – R-8 Medium Density Residential
Yellow – R-10 Low Density Residential
Dark Orange – R-10M Mobile Home Park
Light Green – O-I Office and Institutional
Pink – C-2 Highway Commercial District
Red – C-4 Central Commercial District
Light Blue – M-1 Light Industrial District
Purple – M-2 Heavy Industrial District



Davidson County GIS



Parcel Number :	1633700000065	Land Units:	1.83 AC
Pin Id :	6786-01-37-1001	Deed Book:	2204 Pg: 1809
Owner :	FORD ASSOCIATES LLC 4441 SIX FORKS RD STE 106-345 RALEIGH NC 27609	Deed Date:	12/10/2015
Property Address:	274 KENNEDY RD	Account Number:	9221207
Township:	16	Exempt Code:	
Building Value:	\$30,780	Other Building Value:	\$0
Land Value:	\$35,960	Market Value:	\$66,740
Assessed Value:	\$66,740	Deferred Value:	\$0
Legal Description : L65 BK2204-1809 OFF RALEIGH R			

NC 109 SOUTH COMMERCIAL & MIXED USE (#3)

Summary: This development area has seen a lot of activity over the last 10 years. Both vacant and parcels with structures on site have been developed and re-developed into primarily highway commercial retail and restaurant uses. This area is located along Interstate 85 and is a southern gateway to Thomasville, as well as a “rest area” for interstate travel. A mix of large lot commercial uses is located closer to the I-85 exit. Southern portions of the small area have also seen residential growth pressure, but sewer service is not anticipated to be provided outside current city limits, limiting the density of this residential development. Northern portions of the small area contain a mix of light industrial and commercial retail uses.



Photo 13: ABC Store Along NC 109 South

- Encourage:** Mixed use and commercial along NC 109 and Liberty Drive south of I-85. Medium and high density residential.
- Discourage:** Commercial expansion into existing residential areas that do not have direct access to NC 109 or Liberty Drive south of I-85.
- Lot Sizes:** Continue existing lot sizes.

Pedestrian and Bicycling Friendliness: Require sidewalk construction with new commercial, medium and high density residential development. Insure that safe and accessible pedestrian and bicycle access is provided within the private rights of way of new commercial development and re-developing commercial areas. Connect parks and open space areas with multi-use trails to residential and commercial uses.

Other Criteria:

- Preserve the scenic look and tree buffer of NC 109 south of the existing commercial area.
- Buffer adjacent residential land uses from commercial areas through vegetative screening and berms as new development occurs.
- Work with the Parks and Recreation department to locate a public park for community use.

Area	Square Miles	1.66
	Acres	1,060.21
Parcels and Size	# of Parcels	560
	Parcel Acres	885.59
	ROW Acres	174.62
	Mean Parcel Size	1.58
	Median Parcel Size	0.65
	Range	0.01 to 63.85
	Top Third Mean Size	3.79
	Top Third Range	0.77 to 63.85
	Top Third Sum	708.33
	Mid Third Mean Size	0.65
	Mid Third Range	0.45 to 0.89
	Mid Third Sum	121.33
	Bottom Third Mean Size	0.3
	Bottom Third Range	0.01 to 0.45
	Bottom Third Sum	55.94
Zoning	C1	10.54
	C2	84.82
	C3	96.99
	M1	104.76
	M2	1.49
	OI	6.11
	PDH (County)	13.78
	R10	390.65
	R8	6.14
	RA3 (County)	170.32
	TOTAL	885.60
Land Use	Commercial	163.22
	Industrial	73.30
	Institutional	7.66
	MF	4.56
	MH	19.40
	MHP	19.98
	Office	13.36
	OS	0.83
	SF	344.13
	Vacant	239.16
	TOTAL	885.60

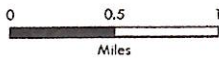


City of Thomasville Land Development Plan

DEVELOPMENT & RE-DEVELOPMENT AREAS



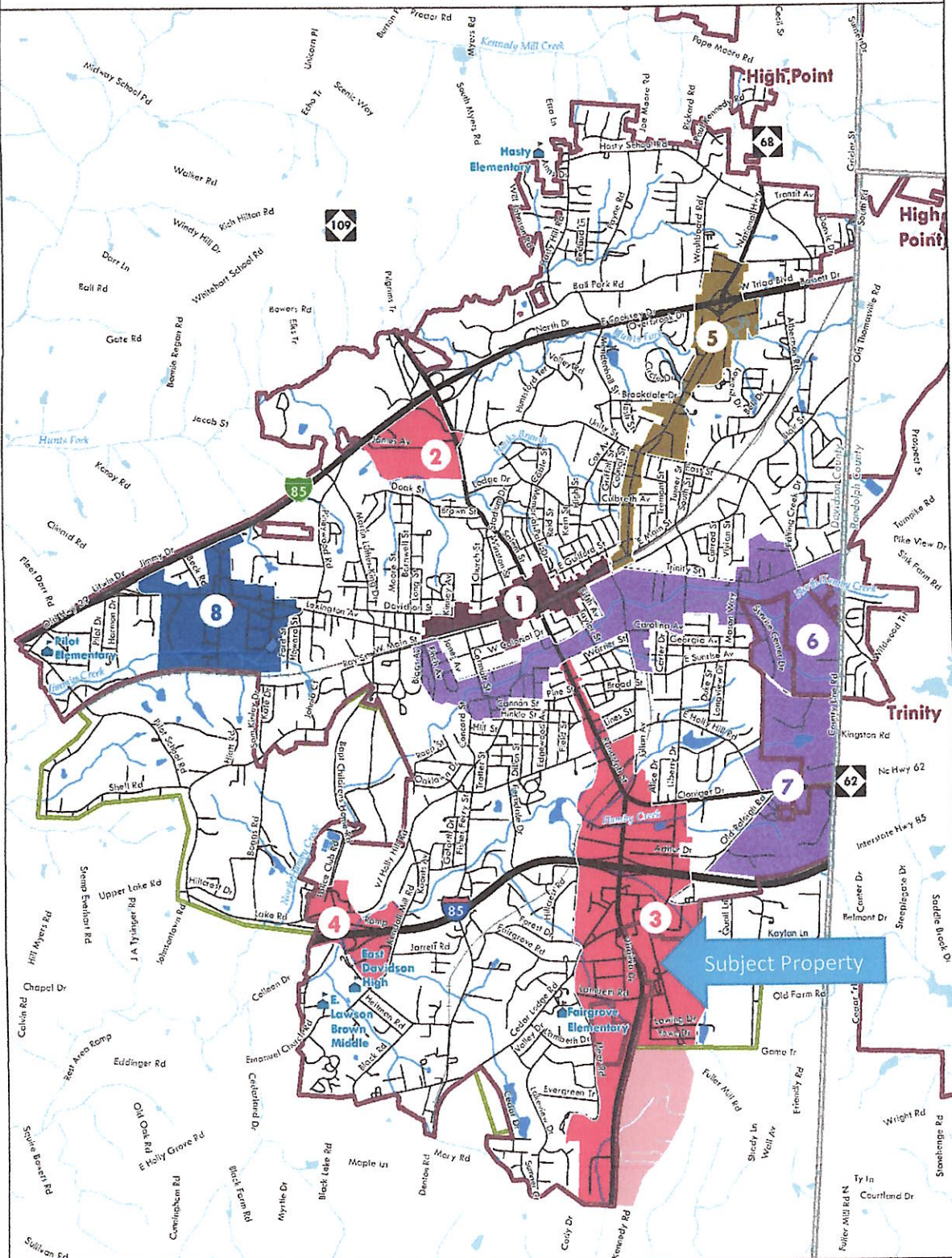
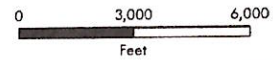
- | | | | |
|------------|--------------------|--|-----------------------|
| — Highway | — Municipal Limits | — Downtown Business District | — Industrial |
| — Road | — ETJ Boundary | — Commercial & Mixed-use | — Medical & Mixed-use |
| — Railroad | — County Boundary | — National Highway Commercial Corridor | |
| — Stream | | | |



Mapping provided by the
Piedmont Triad Regional Council
Planning Department
Date: May 14, 2018



1 inch = 3,000 feet



MOTION TO REZONE INCLUDING NCGS 160-383 LANGUAGE

I move to rezone the property from _____ to _____
for the following reasons:

1. _____

2. _____
_____ and
3. _____

Further, I move that the City Council find that this rezoning is reasonable and in the public interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan.

MOTION TO DENY THE REZONING INCLUDING NCGS 160-383 LANGUAGE

I move to deny the rezoning of the property from _____ to _____
_____ for the following reasons:

1. _____

2. _____
_____ and
3. _____

Further, I move that the City Council find that this rezoning is unreasonable and not in the public interest due to its inconsistency with the comprehensive plan and, as a result, is a hindrance to the goals and objectives of the comprehensive plan.

Section 2. Table of permitted uses.

Districts in which particular uses are permitted as a use by right are indicated by "X." Districts in which particular uses are permitted as a use by right with certain conditions are indicated by "X" with a reference to a footnote to this table [see section 3]. Districts in which particular uses are prohibited are indicated by a blank.

Permitted Uses	R-20	R-15	R-10	R-10M	R-8	R-6	O-I	C-1	C-2	C-3	C-4	M-1	M-2	Special Requirements
Accessory building, including but not limited to fallout shelters, garages, guesthouses, toolsheds, swimming pools	X	X	X	X	X	X	X	X	X	X	X	X	X	See note 1.
Agencies, including but not limited to travel, brokers, insurance, loan, employment							X	X	X	X	X	X	X	
Agricultural uses, nurseries, truck farms, greenhouses, etc.								X	X	X	X	X	X	
Antiques and gift retail sales								X	X	X	X			
Any industrial use not otherwise prohibited by law or by this ordinance which would not create a nuisance or a hazard													X	See notes 5 and 7.
Amusements, commercial, including but not limited to bowling alleys, roller skating rinks; not including drive-in theaters, commercial stables, roller coasters, carousels, fairgrounds, automobile racetracks, circuses or the like									X	X	X	X	X	
Appliance distributors for wholesale									X	X	X	X	X	
Arts and crafts supply and retail sales								X	X	X	X	X	X	
Assembling of electrical appliances, electronic instruments and devices, radios and phonographs, including electroplating; and the manufacturing of small parts only such as coils, capacitors, transformers, crystal holders and the like												X	X	
Athletic fields, recreational buildings, playgrounds, no commercial gain, no automobile or motorcycle racing	X	X	X	X	X	X	X	X	X	X	X	X	X	
Auditoriums, indoor theaters, assembly halls									X	X	X	X	X	
Automobile accessories sales								X	X	X	X	X	X	
Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading or recapping, and similar uses													X	See note 9.
Automobile repair shops including body and fender work conducted within a completely enclosed building									X		X	X	X	See note 9.
Automobile sales, new and used									X		X	X	X	See note 9.
Automobile laundry								X	X	X	X	X	X	
Automobile parking lots serving uses permitted in district in which lot is located	X	X	X	X	X	X	X	X	X	X	X	X	X	See note 10.
Automobile parking lots, serving uses in another district							X	X	X	X	X	X	X	
Automobile parking lots, commercial, may be for monetary gain							X	X	X	X	X	X	X	

Permitted Uses	R-20	R-15	R-10	R-10M	R-8	R-6	O-I	C-1	C-2	C-3	C-4	M-1	M-2	Special Requirements
Automobile service station, not including outside storage of used, wrecked, inoperable or dismantled automobiles								X	X	X	X	X	X	See note 3.
Bakeries selling at retail products produced on premises								X	X	X	X	X	X	
Banks, savings and loan and similar financial institutions							X	X	X	X	X	X	X	
Bed and breakfast inns	X	X	X	X	X	X	X	X	X	X	X	X	X	See note 21.
Bicycle and motorbike sales and repair								X	X	X	X	X	X	
Blacksmith and horseshoeing shop												X	X	
Book and stationary stores								X	X	X	X	X	X	
Broadcasting studios, radio, TV								X	X	X	X	X	X	
Boardinghouse, rooming house					X	X	X	X	X					
Carpet, rug, bag [rag] cleaning establishments									X		X	X	X	
Catering establishments								X	X	X	X	X		
Cemetery or mausoleum	X	X	X	X	X	X	X	X	X			X		See note 11.
Churches, synagogues, temples, and other places of worship, rectories, Sunday schools	X	X	X	X	X	X	X	X	X	X	X	X		
Cleaners and dyers								X	X	X	X	X	X	See note 4.
Cleaners, self-service								X	X	X	X	X		See note 4.
Clothing sales								X	X	X	X			
Clubs, lodges, community buildings, public or private nonprofit	X	X	X	X	X	X	X	X	X	X	X	X	X	See note 12.
Coal, coke, wood lots												X	X	
Colleges, universities, including fraternity, sorority houses, dormitories, and incidental uses when on the same unit of property							X	X	X	X	X	X		
Compartmentalized storage for individual storage of residential and commercial goods									X			X	X	
Construction storage yards, lumberyards												X	X	
Correctional, penal institutions, jails											X	X	X	
Day care accessory use, child	X	X	X	X	X	X	X	X	X	X	X	X	X	See note 20.
Day care, adult as a home occupation (for not more than five persons)			X	X	X	X	X	X	X	X	X	X		See note 2.
Day care, child (small home)	X	X	X	X	X	X								See note 20.
Day care, child (large home)				X	X	X	X							See note 20.
Day care center, child							X	X	X	X		X	X	See note 20.
Day care facility, adult, (for six or more persons)							X	X	X	X	X	X		
Drive-in restaurants								X	X	X	X	X	X	
Drive-in theaters													X	
Dwellings, single-family detached	X	X	X	X	X	X	X				X			See note 18.
Dwellings, single-family attached, two-family, and multifamily including townhouses, patio homes and other styles					X	X	X				X			See notes 13 and 18.

Permitted Uses	R-20	R-15	R-10	R-10M	R-8	R-6	O-I	C-1	C-2	C-3	C-4	M-1	M-2	Special Requirements
Dwellings for caretaker or domestic employee on premises where employed	X	X	X	X	X	X	X							See note 14.
Electrical shops									X	X	X	X	X	
Exhibition buildings, galleries or showrooms									X	X	X	X	X	
Facilities within a physician's or dentist's office building or within a convalescent home or hospital, not to exceed 50 percent of the ground floor area of such office or building, for the dispensing, and sale, on and within the premises, of prescription medicines and medical appliances customarily prescribed by licensed physicians and dentists and dispensed upon such prescription by licensed pharmacists under the laws of the state							X							
Family care home	X	X	X	X	X	X								
Fairgrounds, carousels, roller coaster, Ferris wheels, super slides and the like of a permanent nature									X			X	X	
Fences and walls	X	X	X	X	X	X	X	X	X	X	X	X	X	
Flammable liquids or gases, bulk storage in quantities less than 100,000 gallons									X			X	X	
Flea markets, open air sales not incidental to the operation of an otherwise permitted use, farmers' markets, antique fairs, craft fairs, used or new merchandise promotion									X	X		X	X	
Flower, plant sales, not enclosed								X	X	X	X	X	X	
Foundry casting, lightweight, nonferrous metal not causing noxious fumes, noise or odors												X	X	
Frozen food lockers									X			X	X	
Funeral homes							X		X		X	X	X	
Furniture, retail sales								X	X	X	X	X		
Golf courses, except par three or miniature courses	X	X	X	X	X	X						X	X	
Golf courses, par three or miniature courses									X			X	X	
Golf driving range									X			X	X	
Hardware and building materials sales								X	X	X	X	X	X	See note 1.
Home occupations	X	X	X	X	X	X	X							See note 2.
Hospitals, sanatoria, homes for aged, nursing homes							X	X	X		X			
Hotels, motels									X	X	X	X		
Junkyards													X	See note 15.
Laboratories, experimental photo or motion picture, film or testing												X	X	
Laboratories, medical, research							X		X		X	X	X	
Laundries								X	X	X	X	X	X	See note 4.
Laundries, self-service								X	X	X	X	X	X	See note 4.
Lock and gunsmiths								X	X	X	X	X	X	

Permitted Uses	R-20	R-15	R-10	R-10M	R-8	R-6	O-I	C-1	C-2	C-3	C-4	M-1	M-2	Special Requirements
Machine shop, excluding: punch press over 20 tons' rates [rated] capacity, drop hammers and automatic screw machines												X	X	
Manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, shell, textiles, wood (excluding planning mills), tars and paint not employing a boiling process												X	X	See note 5.
Manufacturing, compounding, processing, packaging or treatment of such products as baking goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toilet soap, toiletries, and food products												X	X	
Manufacturing and maintenance of electric and neon signs, billboards and commercial advertising structures and light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves and the like												X	X	
Manufacturing of musical instruments, toys, novelties and rubber and metal stamps												X	X	
Manufacturing of pottery and figurines or similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas												X	X	
Medical, dental, paramedical, chiropractor offices							X	X	X	X	X	X		
Metal shops involving fabrication of sheet metal only												X	X	
Mobile home parks				X										See note 16.
Mobile homes, agricultural implements, heavy machinery sale, repair, rental or storage									X			X	X	
Monument works, stone works												X	X	
Motels, hotels									X	X	X	X		
Nightclubs									X	X	X	X		
Offices							X	X	X	X	X	X	X	
Orphanages and similar philanthropic institutions	X	X	X	X	X	X	X							
Outdoor Flea Markets/Open Air Sales									X	X		X	X	
Photographic developing, processing and finishing								X	X	X	X	X	X	
Physical culture establishments							X	X	X	X	X	X		
Planning or sawmills													X	
Pool halls, game rooms									X	X	X			
Public parks, recreational facilities	X	X	X	X	X	X	X	X	X	X	X	X	X	
Public buildings, libraries, museums, art galleries and similar public nonprofit facilities	X	X	X	X	X	X	X	X	X	X	X	X	X	

Permitted Uses	R-20	R-15	R-10	R-10M	R-8	R-6	O-I	C-1	C-2	C-3	C-4	M-1	M-2	Special Requirements
Public utilities, static transformer stations, transmission lines and towers and telephone exchanges, not including service and storage	X	X	X	X	X	X	X	X	X	X	X	X	X	See note 17.
Printing or binding shop									X		X	X	X	
Quarries or other extractive industries													X	
Repair and servicing of office and household equipment								X	X	X	X	X	X	
Restaurants, including all eating places except: drive-ins, nightclubs, clubs, lodges								X	X	X	X	X	X	
Retail business, but not car sales, not otherwise listed								X	X	X	X	X	X	See note 1.
Schools (academic), kindergarten, elementary, secondary, public or private	X	X	X	X	X	X	X	X	X	X	X	X	X	
Schools (nonacademic), commercial, vocational, public or private to include music and dance studios							X	X	X	X	X	X	X	
Service establishments, including but not limited to barbershops, small item repair shops, rental shops, custom fabrication, tailor shops, beauty parlors								X	X	X	X	X	X	
Sheet metal, roofing shops									X			X	X	
Shoe repair								X	X	X	X	X	X	
Signs	X	X	X	X	X	X	X	X	X	X	X	X	X	See article VI.
Stables, commercial												X	X	
Storage, outdoor, not including junkyards or storage of petroleum products in quantities over 100,000 gallons, not otherwise listed herein									X			X	X	See note 6.
Stores or shops, retail, but not automobile sales or repair and not otherwise listed herein								X	X	X	X	X	X	
Telephone exchanges, radio and television towers, cell towers									X	X	X	X	X	
Temporary buildings incidental to a construction project, a temporary permit for which has been issued concurrent with the permit for the permanent building(s) or construction	X	X	X	X	X	X	X	X	X	X	X	X	X	
Temporary events, uses and structures including but not limited to: circuses, carnivals, fairs, rides, sideshows, open air exhibits, musicals, dramas, religious events, stage shows, art and craft shows, sales and displays, all of a nonpermanent nature, whether held in conjunction with permanent or temporary buildings, in the open air or any combination thereof								X	X	X	X	X	X	See note 8.
Tobacco processing and storage												X	X	
Tourist homes							X	X						
Transportation terminals, freight									X			X	X	
Transportation terminals, passengers									X	X	X	X	X	

Permitted Uses	R-20	R-15	R-10	R-10M	R-8	R-6	O-I	C-1	C-2	C-3	C-4	M-1	M-2	Special Requirements
Travel trailer parks									X	X	X	X		
Upholstery, paper hanging, and decorator shops									X	X	X	X		
Veterinary establishments									X	X	X	X	X	
Wholesale establishments									X	X	X	X	X	
Warehouses, sales or service									X			X	X	
Woodworking shops												X	X	

(Ord. of 11-18-96, § II; Ord. of 9-20-05, § 1; Ord. of 5-19-08, § 1; Ord. No. 11-30-ORD40, 11-30-09; Ord. No. 06-2015-ORD13, § 2, 6-15-15; Ord. No. 12-2017-ORD-21, 12-19-17)

**MINUTES FOR THE THOMASVILLE CITY COUNCIL ORGANIZATIONAL MEETING
ON MONDAY, DECEMBER 4, 2023 AT 6:00 PM AT 20 STADIUM DRIVE,
THOMASVILLE, NC.**

Elected officials in attendance: Mayor Raleigh York, Jr.; Mayor *Pro Tempore* D. Hunter Thrift; Council Member Doug Hunt; Interim Council Members Neal Grimes and Pat Shelton; and Council Members Elect JacQuez Johnson, Lisa Shell, and Payton Williams.

1. CALL TO ORDER - Mayor Raleigh York, Jr. called the organizational meeting of the Thomasville City Council to order.
2. INSTALLATION OF OFFICIALS - NC Court of Appeals Judge April C. Wood administered oaths to Council Members JacQuez Johnson, Lisa Shell, and Payton Williams.

Mayor York explained that Council Members Bratton and Shepherd are out on medical leave. He said, "We remember them tonight in prayer." Former Council Members Neal Grimes and Pat Shelton are filling in those seats temporarily.

He welcomed Council Members Shell and Williams back, and he welcomed brand new Council Member JacQuez Johnson. He was proud that JacQuez was his second intern to get elected to City Council, saying, "He has gone full circle with me, and I'm really proud of that. Welcome aboard! We're looking for great things from you, and we'll get them, I'm sure.

3. PRESENTATION OF 2024 MEETING AND MAYOR PRO TEM SCHEDULE

Mayor York asked Council to approve the 2024 Meeting schedule, which includes the Mayor *Pro Tem* appointments that he made.

Council Member Grimes arrived at the meeting at this point.

Mayor *Pro Tem* Thrift moved to approve the 2024 Meeting Schedule. Council Member Hunt seconded. No discussion. *Motion unanimously approved 7 – 0.*

4. PRESENTATION OF COMMITTEE ASSIGNMENTS - Mayor York appointed the Council Members to various committees. The complete list of appointments is available in the City Clerk's office and on the City's website.

Mayor York stated that the Mayor Pro Tem each month will attend the meetings of the Chamber of Commerce, the County Commissioners, and the Thomasville Board of Education.

5. ADJOURNMENT - Council Member Shelton moved to adjourn this meeting. Council Member Johnson seconded. No discussion. *Motion unanimously approved 7 – 0.*

Raleigh York, Jr., Mayor

Wendy S. Martin, City Clerk

MINUTES FOR THE THOMASVILLE CITY COUNCIL BRIEFING MEETING ON MONDAY, DECEMBER 11, 2023 AT 4:00 PM AT 20 STADIUM DRIVE, THOMASVILLE, NC.

Elected officials in attendance: Mayor Raleigh York, Jr. and Council Members Neal Grimes, Doug Hunt, Lisa Shell, Pat Shelton, and Payton Williams. Mayor *Pro Tempore* Hunter Thrift was absent at 4:00.

1. Call to Order - Mayor York called the Briefing meeting of the Thomasville City Council to order.

Council Member Shelton moved to recess the meeting until 5:30. Council Member Hunt seconded. *Motion unanimously approved 6 – 0.*

Meeting reconvened at 5:30. Mayor York and all the Council Members were present.

2. Additions and Deletions to the Agenda

Upon request of Council Member Shelton, City Manager Brandt asked that Council add:

5. Update on the status of the Father's Storehouse (on December 11, 2023)

Council Member Shelton moved to approve the agenda as amended. Council Member Hunt seconded. *Motion unanimously approved 7 – 0.*

3. Public Forum on December 18, 2023 – Please sign up in person at the podium to speak for two minutes on any topic. *The two-minute time limit will be enforced.*
4. Recognitions and Presentations on December 11, 2023

Presentation - Nucor Project Update by Josh Johnson of Alley, Williams, Carmen & King (AWCK)

City Manager Brandt advised that the Nucor bids that came in last Thursday were “significantly higher than expected. We had anticipated about a \$2M - \$2.5M project when we started this. We are currently with a bid of \$9.2M.” He said contributing factors to the price increase included the addition of the County's regional system, but a significant portion is related to the Nucor project, based on the work that needs to be done and the timing of the work that's being proposed.

Mr. Johnson passed around handouts dated December 11, 2023 regarding the “Bid Breakdown for Nucor Economic Development Site.” This is available upon request from the City Clerk.

He explained that when Nucor originally came, their projected sewer volume was 5,000 gallons per day, with a peak of 25,000. This fit within the City's existing system.

Now, the number has increased to about 10,000 gpd, with a peak of 120,000 – 150,000. That significant change is the need for the overall regional system and a change in the scope to be able to provide them with sewer service.

The original \$2M project quote included a small pump station to pump down the hill to Hwy. 64. That's no longer an option with the larger flow. Now, if we were to do that, we'd have to replace 4 or 5 pump stations. That alone would cost about \$10M.

The original project budget from 2022 was funded about 80% through Golden Leaf and Commerce IDF grants. Nucor was covering the remaining \$500,000.

The new bid includes the money from Golden Leaf Grant, the Commerce Department Grant, and Nucor, as well as funding from Davidson County to oversize the line in order to go from 12" to 24" pipes.

The bidders said the largest cost impacts were the rock borers, which will be required to tunnel through the rock to put the sewer line in. Four of those could be changed from boring to open cuts to decrease the cost. That would include 3 roads and a to-be-built railroad crossing/to-be-built access into Nucor.

He said, "By turning those into open cuts, versus bores...we'll save a significant amount of money. Then, also, by adding 60 days to the contract, we can potentially save a significant amount of money, which takes our low bid from \$9.2M to \$7.1M. Of that \$7.1M, Davidson County would be paying \$568,000 as part of the oversizing agreements. That still leaves \$5M, essentially, that is out there to be funded based on agreements regarding the incentive package, Nucor is responsible for any cost overruns on the project."

Mr. Johnson has given Nucor this information and will be meeting with them again to figure out how they want to proceed.

He added that of the nearly \$2M that will be saved by this "value engineering," Nucor would be the most impacted entity. Two of the roads that would be open-cut are access roads to Nucor, and one is on their site.

City Manager Brandt asked Senator Jarvis if there are any additional state funds that might be available for this project. Senator Jarvis said the budget has already been approved, so unless there were any unallocated money available at Commerce, he didn't know of any.

City Manager Brandt spoke with Nucor about giving the project an additional 60 days to save \$2M. He is waiting on their response.

Council Member Hunt asked how the project went from \$2M to \$9.2M?

Mr. Johnson said the change from 25,000 gpd to 150,000 gpd created an expected increase from \$2M to about \$4.5M or \$5M. They did not expect \$9.2M.

Council Member Shelton asked if Nucor still wanted to use our current pump station. Mr. Johnson said that would no longer be feasible when the demand would be above the City's capacity.

Council Member Hunt asked if this was just for the flow back to 64 (not the Regional system.) Mr. Johnson said that was correct. The only cost from the Regional system would be the additional cost for the oversized lines. He said the cost to serve Nucor without the Regional system, would include upgrading all the pump stations going up the hill and back to the waste water plant.

City Manager Brandt said, "We would have been able to serve their immediate need with what we have in place, but when they wanted the additional..."

Council Member Hunt said, "So this is all because of what they want. It has nothing to do with what we negotiated earlier." Mr. Johnson agreed.

Council Member Thrift asked if Nucor would be willing to cover the additional charges.

City Manager Brandt said they have done larger projects and had a return on their investment in 90 days. So, they may. They're just going to have to decide if they want to pay \$7.1M or \$5M (with the value engineering and 60 additional days) or nothing at all. The costs that they're adding on is due to the significant cost of boring, which we didn't know about when we made the incentive offer.

Mr. Johnson said the reason that we're having this issue is because Nucor needs more sewer than what they originally said. "They're on the hook for it, not the City...Right now, Thomasville's role is that you're the grantee on the Golden Leaf and on the Commerce money, and ultimately you're going to own the system. So, administratively you have a role, but the funding sources all come from outside."

Council Member Shelton asked if Nucor is still building a pump station.

Utilities Director Morgan Huffman said, "They will have a pump station on site that will pump up to where they connect." He said that will be their pump station and they will own it and pay for it. There will be a meter on it so we can meter their sewer, but the City won't have any obligation to maintain it.

Mr. Johnson said, "As part of the Regional System, you will have a big pump station as part of the agreement with Davidson County and Thomasville. Until the Regional System comes on, there's a small temporary pump station associated with this project."

City Manager Brandt said the oversized pipes are directly related to the Regional System. The County has already paid for the over-sized pipe. He added that the only money that the City has invested is for staff time that has been spent dealing with this. No other City money has been spent for this project. "We are the pass-through for the

Golden Leaf or the pass-through for Commerce. We're the pass-through for Nucor, which they've already spent some money on it. And they're a pass-through for Davidson County."

Mr. Johnson said, "They are limited to 55,000 gpd until the Regional System comes online. At which point, this will tie into the Regional System, and they'll have the full flow that they need."

He added, "This project will buy one temporary pump station at the bottom end. And they are building their own onsite pump station."

Mr. Huffman said, "The temporary pump station will be ours."

City Manager Brandt clarified that Nucor has two choices right now:

1. Approve the bid at \$9.2M (\$6.9M from Nucor) and get it done in 180 days and do bores; or
2. Value engineer it for \$7.6M (\$5.1M from Nucor) and give an additional 60 days and do open cuts.

He said, "Unless Council definitively authorizes expending City funds for this projects, we are not spending City funds."

Council Member Shelton asked who would maintain the temporary pump station that's being built. City Manager Brandt said the City would, because we would own it.

Mr. Johnson said Nucor will have private sewer on their property that would tie into that line at manhole #27. They will maintain that and will be responsible for that line all the way back.

Council Member Shelton asked when this project will begin.

Mr. Johnson said it is their intent to start in mid-January.

City Manager Brandt said if Nucor and the County submit letters of authorization agreeing with these numbers, then they would need a special meeting ASAP to consider the contract.

5. Update on the status of the Father's Storehouse (on December 11, 2023)

Planning Director Chuck George and Fire Marshal Glen Pressley met with Brenda Ward today. She is opening a temporary overflow (for High Point and Lexington) shelter for women and children.

Ms. Ward knows she will need to keep a log of the number of people and the days she receives those people and which shelter she called to confirm that they were full. The Fire Marshall is going to go there about once a week to check her log to make

sure she is in compliance.

She is working on meeting all the requirements, so she can open up in a couple of weeks. She will get her occupancy permit when she meets the fire code regulations. She has to build a fire door, add one fire extinguisher, post an evacuation route chart on two different doors, post an occupancy sign, and get a drawing from Matt Summey of the area where the homeless people will be located.

Mr. George verified today that Ms. Ward already has sprinklers and smoke detectors. She can have the maximum of 20 people at one time. She must have two people there, one of whom must be awake at all times. She plans to open in the next week or so.

He added that she could open up her facility as a white flag shelter (warming center), but people cannot sleep overnight. The rules about when they open up are up to them.

Mr. George said under the emergency requirements, she can only accept people if the nearby shelters in Lexington and High Point are full. "She can operate as a temporary shelter up to 150 days in a 365 day calendar year." There is no limits on how many days each person can stay there out of those days, as long as the other shelters are maxed out.

He added that the zoning would need to be changed from C-2 Hwy Commercial to O-I Office Institutional in order to operate as an emergency shelter. The current C-2 zoning is sufficient for a warming center.

City Attorney Whitman said people aren't supposed to stay overnight in beds at a warming center. They are usually open only when temperatures drop to a certain point. Until the emergency overflow shelter requirements are met, they can say, "This is a warming center just for temporary crisis to get people out of the bitterly cold temperatures." Being a warming center is not limited by other shelters being full.

ACM Bowling said Father's Storehouse "has done this before, and we had no issues with her facility before." They have had a warming center and fed about 40 people a night, and no one stayed there. Heidelberg picked it up for two years, and they only had one person stay two nights in all that time.

Mr. George said one neighbor didn't want this to become a permanent shelter without having the chance to speak at a hearing.

He verified that the rules about the temporary emergency overflow shelter are governed by State Statute, not the City.

There are other rules with regards to children. Father's Storehouse has decided to house women and children, so men cannot stay there.

6. Public Hearings on December 11, 2023

A. Request for Rezoning (Z-23-09)

Applicant/Owner: R.E.W. Homes, LLC
Location: Kendall Mill Road
Parcel Number: 1633800000035
Existing Zoning: R-8 CZ Medium Density Residential Conditional Zoning
Requested Zoning: R-6 High Density Residential

The Planning Board held a public hearing on November 28, 2023 and voted 6 - 0 to approve this rezoning.

This property is a little over 10 acres of land. They may do single family residential homes.

Two neighbors attended but didn't speak in opposition to it. They didn't want apartments there.

City Attorney Whitman advised Council Member Shelton to recuse herself from these hearings, because she was on the Planning Board when this hearing was heard.

Planning Director George asked Council to specify the reasons for approving or denying the request, and to include whether it's consistent with the Land Use Plan.

B. Request for Rezoning (Z-23-10)

Applicant/Owner: Joseph Dean
Location: 420 Lexington Avenue
Parcel Number: 16098000B0016
Existing Zoning: C-2 Highway Commercial
Requested Zoning: R-8 Medium Density Residential

Mr. George said they are requesting this so they can pay residential taxes instead of commercial. They have no plans to change it to commercial use.

The Planning Board held a public hearing on November 28, 2023 and voted 6 - 0 to approve this request. No one spoke in opposition to this request.

C. Request for Rezoning (Z-23-11)

Applicant/Owner: Rafaelle DiPuorto
Location: Taylor/Montlieu Avenue
Parcel Number: 16119000B0009
Existing Zoning: M-1 CZ Light Industrial Conditional Zoning
Requested Zoning: R-6 High Density Residential

The Planning Board held a public hearing on November 28, 2023 and voted 6 - 0 to approve this request.

One person (Lisa Edwards) came to make sure apartments weren't going up at this location.

AGENDAS: Pursuant to Council's earlier discussion, the following items were

Removed from the agenda:

- Consideration of Revised Grant Project Ordinance – Nucor – Golden Leaf Grant; and
- Consideration of Contract for Sewer Line Construction for Project Nucor and County Regional Sewer System

Added to the agenda:

- Consideration of Approval of Award of Bid to Thompson Arthur for Re-Paving Certain Streets

The following items were put on the Consent Agenda by the Council members for consideration on December 18, 2023:

7. Consent Agenda on December 18, 2023

- A. Consideration of Approval of Minutes – Briefing Meeting on 11/13/23
- B. Consideration of Approval of Minutes – Council Meeting on 11/20/23
- C. Consideration of Approval of Minutes – Special Called Meeting on 11/27/23
- D. Consideration of AT&T Water Tower Rental Contract

The following items were put on the Regular Agenda by the Council members for consideration on December 18, 2023:

8. Regular Agenda on December 18, 2023

A. Consideration of Budget Amendment 2024-P6-01

Finance Director Thomas Avant said this Amendment was updated after Council Committees to include:

- A \$5,000 reimbursement grant for the Fire Department for an electronic door lock system at the main Fire Department Headquarters;
- Insurance proceeds for a wreck in the Police Department; and
- We do not need any appropriations from the Powell Bill Reserve for the paving project, since bids came in under the anticipated amount. The \$220,235 (1-cent of property tax from the Reserve) is staying in the Reserve, leaving a total of about \$38,000 in Contingency, in case any other project costs come in over budget;

He said, "Coupled with the Powell Bill budget for paving, Streets budget for paving and the 1-cent from the Paving Reserve, we have enough to fund the paving project."

B. Consideration and Approval of Thomasville Pay & Classification Study Update

C. Consideration of Approval of Award of Bid to Thompson Arthur for Re-Paving Certain Streets (5.66 miles of roads as posted on the City's website)

City Manager Brandt advised that the portion of Winston Street from Guilford to Main will likely be removed from the paving contract, because Piedmont Natural Gas is going to be building a new pump station behind the City's Trade Street building, and they are going to tear up Winston Street. If they don't finish their project in time, we may do a different road instead, or just hold on to those funds.

9. Committee Reports and Appointments, Mayor's Report and Appointments, City Manager's Report, City Attorney's Report on December 18, 2023

10. Closed Session on December 18, 2023 – Attorney/Client and Personnel Matters

Council Member Thrift moved to go into closed session for attorney/client and Personnel matters. Council Member Shelton seconded. *Motion unanimously approved 7 – 0.*

Council returned to open session. No action was taken in closed session.

11. Additional Items – N/A

12. Adjournment – Council Member Shelton moved to adjourn. Council Member Johnson seconded. *Motion unanimously approved 7 – 0.*

Raleigh York, Jr., Mayor

Wendy S. Martin, City Clerk

MINUTES OF THE THOMASVILLE CITY COUNCIL MEETING ON MONDAY, DECEMBER 18, 2023 AT 6:00 PM AT 20 STADIUM DRIVE, THOMASVILLE, NC.

Elected officials in attendance: Mayor Raleigh York, Jr.; Mayor *Pro Tempore* Hunter Thrift and Council Members Neal Grimes, Doug Hunt, Lisa Shell, Pat Shelton, and Payton Williams.

1. Call to Order – Mayor York called the meeting of the Thomasville City Council to order and welcomed everyone in person and online.
2. Additions and Deletions to the Agenda –City Manager Michael Brandt asked that Council add a real estate discussion to the closed session in item 8.

Council Member Grimes moved to approve the agenda as amended. Council Member Shelton seconded. Motion unanimously approved 7 – 0.

3. Public Forum – No one spoke during the public forum.
4. Public Hearings

Upon recommendation of City Attorney Misti Whitman, Council Member Shelton requested that she be allowed to recuse herself from the following hearings, because she was on the Planning Board when these matters were heard at that level.

Council Member Williams moved to recuse Council Member Shelton from voting during these three hearings. Council Member Hunt seconded. Motion unanimously approved 6 – 0. (Council Member Shelton did not vote.)

A. Request for Rezoning (Z-23-09)

Applicant/Owner: R.E.W. Homes, LLC
Location: Kendall Mill Road
Parcel Number: 1633800000035
Existing Zoning: R-8 CZ Medium Density Residential Conditional Zoning
Requested Zoning: R-6 High Density Residential

Planning Director Chuck George said the Planning Board held a public hearing on November 28, 2023 and voted 6 - 0 to approve this request because:

- The conditions previously imposed are no longer required under the formal conditional use;
- The rezoning does not conflict with the 2035 Land Use Plan;
- The rezoning will not adversely affect adjacent property values; and
- They found that the rezoning is reasonable and in the public interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the Comprehensive Plan.

He added that no one spoke against this rezoning at the Planning Board hearing.

Mayor York opened the public hearing. No one spoke for or against this rezoning. Mayor York closed the hearing.

Council Member Hunt moved to approve this rezoning for the reasons stated by Mr. George. Council Member Shell seconded. Motion unanimously approved 6 – 0. (Council Member Shelton did not vote.)

B. Request for Rezoning (Z-23-10)

Applicant/Owner: Joseph Dean
Location: 420 Lexington Avenue
Parcel Number: 16098000B0016
Existing Zoning: C-2 Highway Commercial
Requested Zoning: R-8 Medium Density Residential

Planning Director George said the Planning Board held a public hearing on November 28, 2023 and voted 6 - 0 to approve this request because:

- Rezoning the property is the appropriate course of action given the fact it is currently a residence;
- Rezoning the property protects the current essential characteristics of the area;
- Rezoning the property does not conflict with the adjoining properties; and
- They found that the rezoning is reasonable and in the public interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan.

He added that no one spoke against this rezoning at the Planning Board hearing.

Mayor York opened the public hearing.

Joseph and Angela Dean spoke in favor of this rezoning. They said they are currently using the property for residential, and they have no plans on using it for a business, so they want it to be zoned for the current use. They added that they wanted to be able to rebuild their house if something happened to it.

No one spoke against this rezoning. Mayor York closed the hearing.

Mayor *Pro Tem* Thrift moved to approve this rezoning because it is consistent with the comprehensive plan and for the other reasons stated by Mr. George. Council Member Johnson seconded. Motion unanimously approved 6 – 0. (Council Member Shelton did not vote.)

C. Request for Rezoning (Z-23-11)

Applicant/Owner: Rafaelle DiPuorto
Location: Taylor/Montlieu Avenue

Parcel Number: 16119000B0009
Existing Zoning: M-1 CZ Light Industrial Conditional Zoning
Requested Zoning: R-6 High Density Residential

Planning Director George said that the Planning Board held a public hearing on November 28, 2023 and voted 6 - 0 to approve this request because:

- The property is surrounded by R-6 properties already;
- It is consistent with the 2035 Comprehensive Plan;
- It does no harm to the surrounding properties or the Public; and
- They found that the rezoning is reasonable and in the public interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan.

He added that one person spoke against this rezoning with concerns if it would be used for apartments or two homes. He said, "The property is large enough to be subdivided into two parcels, if approved tonight, for two residential homes – or it could be used as a duplex, either way, based on our zoning."

Mayor York opened the public hearing.

Samantha Payne spoke on behalf of Rafaelle DiPuorto. She requested that Council approve this rezoning so Ms. DiPuorto could build two 3-bedroom/2-bathroom homes that are each 1200-1300 square foot. They might also have a garage.

No one spoke against this rezoning. Mayor York closed the hearing.

Council Member Hunt moved to approve this rezoning for the reasons stated by Mr. George. Council Member Shell seconded. Motion unanimously approved 6 – 0. (Council Member Shelton did not vote.)

5. Consent Agenda – Assistant City Manager Eddie Bowling spoke briefly about each of these items:
 - A. Consideration of Approval of Minutes – Briefing Meeting on 11/13/23
 - B. Consideration of Approval of Minutes – Council Meeting on 11/20/23
 - C. Consideration of Approval of Minutes – Special Called Meeting on 11/27/23
 - D. Consideration of AT&T Water Tower Rental Contract – This small addition to our water tower would increase revenue from AT&T in the amount of \$2,700 annually.

Mayor *Pro Tem* Thrift moved to approve all the items on the Consent Agenda. Council Member Hunt seconded. Motion unanimously approved 7 – 0.

6. Regular Agenda

A. Consideration of Budget Amendment 2024-P6-01

City Manager Brandt explained that this amendment appropriates as follows:

- \$41,680 from the Economic Development Reserve for an economic development incentive grant payment for the Unilin/Mohawk - Project Bart expansion project. That was the first of 3 Unilin/Mohawk economic development projects between the city and the company. This would leave a balance of \$264,356 in the Economic Development Reserve.
- Insurance proceeds appropriated in the Meter Service Division of the Water/Sewer Fund; along with Inspections and Police Departments in the General Fund for vehicle damages.
- \$15,000 donation from the Doak Finch Foundation is appropriated in the Recreation Dept. for replacement of the athletic field fencing at the Central Recreation Center. Special thanks to the Finch family and the Doak Finch Foundation for this donation.
- \$1,000 contribution from Laura and Neal Grimes is appropriated in the Beautification Fund in support of continuing efforts to beautify the old Belk building downtown with the mechanical window displays. Special thanks to the Grimes family for this donation.
- \$12,000 of contingency funding is appropriated in the Golf Course Fund for the additional construction cost of the restroom on the golf course. The project was funded through ARPA grant proceeds, but additional costs are required for solar power and installation, a septic system, and a propane tank. Golf Course Contingency balance is now \$28,000.
- The amendment appropriates \$504,368 of available funding to fund half-year salary study implementation costs in the General Fund and Golf Course Fund. \$3,000 from contingency will supplement the General Fund costs, and an additional \$9,137 will be transferred from contingency to cover the cost of salary and fringe benefits for two replacement Council members. General Fund contingency balance is now \$277,021.
- In the Water/Sewer Fund, \$108,522 of contingency funding is appropriated for salary study implementation. The contingency balance is now \$111,478 in the Water/Sewer Fund.
- The amendment appropriates \$220,235 – the value of 1-cent of property tax revenue – from the Street Paving Reserve for the FY 2024 city street resurfacing project. With this appropriation, \$1,049,799 is available in our paving budget for the award of the contract to Thompson Arthur Paving and Construction – APAC Atlantic (\$1,010,831 total bid cost; \$38,968 is included in budget for contingency costs of the project).

Paving funds included in budget: \$279,480 – vehicle tag fee revenue in Streets Division; \$550,048 in Powell Bill Division; \$220,235 from Paving Reserve.

No funding is required to be appropriated from the Powell Bill Reserve to fund the project, and the Powell Bill Reserve balance is currently \$775,706, which is slightly more than the FY 2024 budgeted revenue (\$764,020) for the annual Powell Bill distribution from the state.

- \$5,000 of grant revenue from NCLM is appropriated in the Fire Department for reimbursement of the cost of remote door locks at Fire Department headquarters. The remaining cost of the project will be funded in the Fire Department budget.

Council Member Grimes moved to approve this Budget Amendment. Council Member Shelton seconded. Motion unanimously approved 7 – 0.

B. Consideration and Approval of Thomasville Pay & Classification Study Update

City Manager Brandt advised that this updated Pay & Classification Study, Appendix A includes technical corrections as follows:

- In the Police Department the Police Lieutenant Grade should have adjusted two steps instead of one step, from Grade 32 to Grade 34.
- In the Fire Department, the Rescue Captain position should have been one step instead of two steps (grade 31); and the Fire Engineer position should be one grade higher – Grade 28.

Mayor *Pro Tem* Thrift moved to approve this Thomasville Pay & Classification Study Update. Council Member Hunt seconded.

Council Member Williams thanked staff for fine-tuning the pay study. She said, “This is a really big deal...I’m very proud of our City for being a really good place to live – for a lot of reasons – but also because you get paid well.”

Motion unanimously approved 7 – 0.

C. Consideration of Approval of Award of Bid to Thompson Arthur for Re-Paving Certain Streets

City Manager Brandt said this Consideration of Approval of Award of Bid to APAC Thompson Arthur is for the paving of certain streets in the amount of \$1,010,831.03.

This is for approximately 5.5. miles of street to include portions of Cox, Winston, Birch Tree Lane, Howard Circle, Country Manor, Deerfield Court, Redbud Lane, Chrisswood Avenue, College Street, White Street, Bell Drive, Lanford Drive, Linda Drive, Gail Drive, Council Street, Griffith Street, Hawthorne Lane, Poplar Lane, and Lines Street.

Council Member Hunt moved to approve this award of bid to Thompson Arthur. Council Member Johnson seconded.

As Chair of the Transportation Committee, Council Member Williams pointed out that over a 10th of the city-owned roads will have been paved within just two years. She said, "We are maximizing our impact with our budget for fixing our roads."

Mayor York said, "In the last couple of years, we've been able almost double our paving award each year."

City Manager Brandt said this year we would be paving approximately 5.5 miles of city streets. We pick which roads get paved based on a pavement study that we completed a few years ago. The worst and/or most travelled roads get focused on first.

Motion unanimously approved 7 – 0.

7. Committee Reports and Appointments, Mayor's Report and Appointments, City Manager's Report, City Attorney's Report

Mayor York, the Council Members and City Staff all wished everyone a very happy holiday and a safe and happy new year.

Mayor Pro Tem Thrift invited everyone to visit Downtown Thomasville to see the Christmas lights, windows and decorations. He said, "They're absolutely beautiful. Beautification does a great job of taking care of that for us."

Council Member Grimes wished Council Members Jeannette Shepherd and Ron Bratton well. He added, "It is an honor to be here. I am well aware of the City employees and the wonderful, wonderful job that they do."

Council Member Williams said, "A historic number of people are struggling financially and otherwise right now. If you need help in Davidson County, the United Way works to run the 2-1-1 number. You can call 2-1-1 and be directed to resources that can help you and your family out."

She congratulated and thanked Brenda and the Father's Storehouse for opening a much-needed emergency overflow shelter. She said, "I am very proud of that effort. I hope they know that they have the support of me and the folks up here. We're really proud of them for stepping in to meet that need."

She thanked the Fire Department for handling all the house fires, vehicle incidents and other issues that they have to deal with. She said, "They've responded super professionally, super quickly, taking care of people. So I'm very proud of them and all that they do for our city."

Council Member Johnson said he's excited to be a part of the City Council. He thanked voters for entrusting him as an advocate and true voice on behalf of the people of this great city.

He reported that he attended the "Save our Babies" event where over 100 toys were donated to families in need in our community.

He thanked Mt. Zion church and all the sponsors who put on the spectacular Chair City Christmas event.

Council Member Shelton thanked Council for appointing her as an interim Council Member.

She attended the City Employees Christmas Luncheon, where Thomasville Police Department's SWAT Team was recognized and were each given a Thomasville City Challenge coin for their part in resolving a hostile situation.

She urged people to be cautious with burning candles and not to use extension cords for space heaters.

Council Member Hunt reminded everyone to check their fire alarms/smoke detectors/CO monitors to be safe. He also suggested turning Christmas trees off overnight.

Council Member Shell thanked the Police and Fire Departments for taking local kids shopping for toys and clothing last Saturday.

Mayor York reported that he met with children from the Primary and Liberty Drive Schools. He was happy when they recognized him again at the Chair City Christmas event. That was a wonderful event with a very large turnout. People were singing Christmas carols and having a great time.

He also attended Pancakes with Santa and saw the Parks and Rec. After School children's group at City Hall.

It was his pleasure to participate in the Save Our Babies toy giveaway, many Christmas luncheons, open houses and dinners, and the annual Christmas parade. He added that had one of the largest crowds he has ever seen for Thomasville parades.

City Manager Brandt volunteered to participate in a Fire Fighter Agility Test last week. He had the opportunity to wear the gear and perform a number of actions typical of a fire fighter on the scene of a fire. He said he was pretty proud to finish the course in 17 minutes, until he realized the real fire fighters could do it in under 5 minutes. This gave him a new appreciation for what fire fighters go through before even getting to the scene of a fire, let alone fighting a fire.

Last Friday, the City held its annual holiday banquet and recognized employees who have retired or will retire this year. He recognize the following retirees:

Police Chief Kattner,
Police Lieutenant Widener,
Police Lieutenant Baity,
Police Sergeant Shores,
Fire Captain Moser,
Fire Engineer Morris,
City Surveyor Hutchins,
Lead Accounting Clerk McKinnon,
Streets Laborer Kinley,
Sanitation Collector Blakney,
Sewer Plant Operator Huneycutt,
Sewer Plant Operator Powell, and
Sewer Plant Operator Everhart.

(City Manager Brandt gave his condolences to the
Everhart family for his passing in July, after retiring.)

He said, "These employees gave over 300 years to the city and the citizens of Thomasville. I wish them well in their retirement."

City Manager Brandt said, "I wish you a very Merry Christmas and a happy new year. If you celebrate other holidays, I hope you enjoy those, also. The most important part is to spend time with family and friends as we remember those that we've lost this year."

City Attorney Whitman explained the rules for the Father's Storehouse's Temporary Overflow Emergency Shelter. The Fire Code states that overflow shelters differ from permanent shelters in that the overflow shelter can only operate when the other permanent shelters nearby (High Point and Lexington) are full. The people needing shelter are *not* required to go to these other shelters to determine if they are full. The operator of the emergency overflow temporary shelter can be responsible for calling and making sure they are full before they open their doors. The operator must maintain a log book indicating when she has made contact with those shelters, that they are full, and log attendance at her shelter.

Assistant City Manager Eddie Bowling addressed Council and said, "I want to thank each one of you for investing in our employees. They're our most valuable asset, and by adopting the Pay and Classification Study, you recognized what they provide to our City. We appreciate that. It has been a long, arduous process to get to where we are, so thank you for supporting that."

8. Closed Session – Personnel & Real Estate

Mayor Pro Tem Thrift moved that Council go into closed session for personnel and real estate matters. Council Member Shell seconded. Motion unanimously approved 7 – 0.

No action was taken in closed session. Open session was resumed.

9. Additional Items

- A. Council Member Shelton made a motion that, effective immediately, Council authorize the City to make a \$20,000 offer for the purchase of 6 Trade Street, with closing as soon as possible. Council Member Johnson seconded. Motion unanimously approved 7 – 0.
- B. On behalf of the Personnel/Finance Committee, Mayor *Pro Tem* Thrift moved to appoint Eric Kuppel to fill Judy Smith's unexpired term on the Planning Board. Council Member Hunt seconded the motion.

Council Member Shelton said, "Eric has done an excellent job as being the alternate for the Planning Board. He's always well prepared and ready to take a seat, if someone doesn't show up. So I think this is an excellent choice on the Board's part."

Motion unanimously approved 7 – 0.

- C. Update on Nucor Sanitary Sewer Contract - City Manager Brandt said representatives from Nucor, the County, the City and the City's engineers met last week to discuss this project. They discussed the large cost increase of the project and ways to cut costs. They will be meeting again this coming week in efforts to get to a point where the contract can be approved.
- D. Council Retreat Agenda - Council set the schedule for the Council Retreat to begin on January 5th from 3:30 PM to 7:30 PM (with dinner for Council at about 5:00 PM) and January 6th (with breakfast at 8:00 and the meeting starting at 8:30.)

City Manager Brandt explained that he wants to have two presentations on Friday:

- Streetscape Plan presentation by Withers Ravenell
- Recreation Master Plan presentation by Cory Tobin

After dinner will be a recap of what Council has done and where the City stands (including some financials)

Saturday will start with breakfast at 8:00 AM with the meeting starting at 8:30.

City Manager Brandt handed out a list of proposed agenda items to be discussed at the Council Retreat and asked Council to prioritize the items, since there wouldn't be time to cover them all.

It was decided that all the items that discuss Recreation topics, such as the dog park, trails, golf course, etc. would be covered in Recreation's presentation, so they didn't need to have another discussion. City Manager Brandt said they could hear Recreation's full Master Plan presentation on Friday, and if they had any questions after that, they could bring them up on Saturday.

Council Members wanted to make sure the following items were discussed at Retreat:

- Parks & Recreation (Including Trails)
- School Supplement Tax (The schools, how they're funded, and what our supplement tax pay for versus the State and County funds)

City Manager Brandt did say that all capital items come from the County. Operations come from the State. The City supplements that.

Council Member Hunt wanted to see how their funds were spent. The School's annual audits are available on their website. Our Finance Department has their annual budgets.

- Future Capital (What should we construct next? City Hall, Gymnasium, WWTP...)

Council Member Thrift said that should get included in our Strategic Plan.

Council Member Shelton asked about our bond rating and whether we could do a set-aside for our next construction project, like we did for the PD and TACC.

- Downtown MSD Tax District
- Litter/Recycling/Trash

Council Member Williams wants the City to have the proper equipment to handle these issues, such as easy-to-use public trash cans with large openings and garbage collection trucks with electric arms, etc.

- Sidewalks & Maintenance

Council Member Grimes said, "There's a bucket of money in Transportation for sidewalks, not only just streets, but sidewalks."

City Manager Brandt said those do require matching funds and other grant requirements.

The trail discussion may go along with the Recreation Master Plan.

- Minimum Appearance Requirements (in Downtown and more, as needed)
Broken windows, neon signs, etc. This may go along with the Main Street Program.

There are ordinances in place, but they're not being enforced. Council Member Williams suggested additional code enforcement officers may be warranted.

- DEI Director Staff Member

City Manager Brandt said that at this time, no new positions are being created, so that we can focus on implementing the pay study.

Council Member Shelton suggested getting a breakdown of our current gender/minority employees to find out our current statistics as a starting point.

10. Adjournment – Council Member Shelton moved to adjourn. Council Member Johnson seconded. Motion unanimously approved 7 – 0.

Agenda Item Cover Sheet

Admin. Use Only:

Committee Name Personnel/Finance

Committee Date
And Agenda #

1.8.2024	PF9
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Item Name:

Consideration of Approval of FY 2024 Audit Contract with Martin Starnes & Associates

Description of Item:

Annual audit contract requires Council approval.

Back-Up Materials:

contract (awaiting from MSA)

Council Action Requested:

Approve Contract

Requested By: Thomas Avant

Department: Finance

The	Governing Board City Council
of	Primary Government Unit City of Thomasville, NC
and	Discretely Presented Component Unit (DPCU) (if applicable) N/A

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name Martin Starnes & Associates, CPAs, P.A.
	Auditor Address 730 13th Avenue Drive SE, Hickory, NC 28602

Hereinafter referred to as Auditor

for	Fiscal Year Ending 06/30/24	Date Audit Will Be Submitted to LGC 10/31/24
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Must be within four months of FYE

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types). The basic financial statements shall include budgetary comparison information in a budgetary comparison statement, rather than as RSI, for the General Fund and any annually budgeted Special Revenue funds.

2. At a minimum, the Auditor shall conduct the audit and render the report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards (GAGAS)* if the Governmental Unit expended \$100,000 or more in combined Federal and State financial assistance during the reporting period. The auditor shall perform a Single Audit if required by Title 2 US Code of Federal Regulations Part 200 *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards, Subpart F* (Uniform Guidance) or the State Single Audit Implementation Act. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit in accordance with the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

Effective for audits of fiscal years beginning on or after June 30, 2023, the LGC will allow auditors to consider whether a unit qualifies as a State low-risk auditee based upon federal criteria in the Uniform Guidance §200.520(a), and (b) through (e) as it applies to State awards. In addition to the federal criteria in the Uniform Guidance, audits must have been submitted timely to the LGC. If in the reporting year, or in either of the two previous years, the unit reported a Financial Performance Indicator of Concern that the audit was late, then

the report was not submitted timely for State low-risk auditee status. Please refer to "Discussion of Single Audits in North Carolina" on the LGC's website for more information.

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.

4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC Staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.

5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to *Government Auditing Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC Staff within four months of fiscal year end. If it becomes necessary to amend the audit fee or the date that the audit report will be submitted to the LGC, an amended contract along with a written explanation of the change shall be submitted to the Secretary of the LGC for approval.

7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.

For GAAS or *Government Auditing Standards* audits, if an auditor issues an AU-C §260 report, commonly referred to as "Governance Letter," LGC staff does not require the report to be submitted unless the auditor cites significant findings or issues from the audit, as defined in AU-C §260.12 - .14. This would include issues such as difficulties encountered during the audit, significant or unusual transactions, uncorrected misstatements, matters that are difficult or contentious reviewed with those charged with governance, and other significant matters. If matters identified during the audit were required to be reported as described in AU-C §260.12-.14 and were communicated in a method other than an AU-C §260 letter, the written documentation must be submitted.

8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Approval is also required for the Alternative Compliance Examination Engagement for auditing the Coronavirus State and Local Fiscal Recovery Funds expenditures as allowed by US Treasury. Approval is not required on audit contracts and invoices for system improvements and similar services of a non-auditing nature.
9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. This also includes any progress billings [G.S. 159-34 and 115C-447]. All invoices for audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.
10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).
11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC Staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC Staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.
12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.
13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

14. The Auditor shall submit the report of audit in PDF format to LGC Staff. For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC. These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements and/or the compliance section, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC Staff.

15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC.

17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 30 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

18. Special provisions should be limited. Please list any special provisions in an attachment.

19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the primary government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.

20. The contract shall be executed, pre-audited (pre-audit requirement does not apply to hospitals), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.

21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.

22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

26. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

27. **Applicable to audits with fiscal year ends of June 30, 2020 and later.** For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and *Government Auditing Standards, 2018 Revision* (as applicable). Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.

All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.

28. **Applicable to audits with fiscal year ends of June 30, 2021 and later.** The auditor shall present the audited financial statements including any compliance reports to the government unit's governing body or audit committee in an official meeting in open session as soon as the audited financial statements are available but not later than 45 days after the submission of the audit report to the Secretary. The auditor's presentation to the government unit's governing body or audit committee shall include:

- a) the description of each finding, including all material weaknesses and significant deficiencies, as found by the auditor, and any other issues related to the internal controls or fiscal health of the government unit as disclosed in the management letter, the Single Audit or Yellow Book reports, or any other communications from the auditor regarding internal controls as required by current auditing standards set by the Accounting Standards Board or its successor;
- b) the status of the prior year audit findings;
- c) the values of Financial Performance Indicators based on information presented in the audited financial statements; and
- d) notification to the governing body that the governing body shall develop a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters," if required under 20 NCAC 03 .0508.

29. Information based on the audited financial statements shall be submitted to the Secretary for the purpose of identifying Financial Performance Indicators and Financial Performance Indicators of Concern. See 20 NCAC 03 .0502(c)(6).

30. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 17 for clarification).

31. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/state-and-local-government-finance-division/local-government-commission/submitting-your-audit>

32. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

33. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

FEES FOR AUDIT SERVICES

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Government Auditing Standards, 2018 Revision*. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will be not be approved.

Financial statements were prepared by: ☐ Auditor ☐ Governmental Unit ☐ Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

Name:

Title and Unit / Company:

Email Address:

Eric E. Krpejs

Assistant Finance Director, City of Thomasville

eric.krpejs@thomasville-nc.gov

OR Not Applicable ☐ (Identification of SKE Individual on the LGC-205 Contract is not applicable for GAAS-only audits or audits with FYEs prior to June 30, 2020.)

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.


3. The audit fee information included in the table below for both the Primary Government Fees and the DPCU Fees (if applicable) should be reported as a specific dollar amount of audit fees for the year under this contract. If any language other than an amount is included here, the contract will be returned to the audit form for correction.

4. Prior to the submission of the completed audited financial report and applicable compliance reports subject to this contract, or to an amendment to this contract (if required) the Auditor may submit interim invoices for approval for services rendered under this contract to the Secretary of the LGC, not to exceed 75% of the billings for the unit's last annual audit that was submitted to the Secretary of the LGC. All invoices for services rendered in an audit engagement as defined in 20 NCAC .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

Primary Government Unit	City of Thomasville, NC
Audit Fee (financial and compliance if applicable)	\$ 52,000
Fee per Major Program (if not included above)	\$ 3,500 per major program in excess of 3
Additional Fees Not Included Above (if applicable):	
Financial Statement Preparation (incl. notes and RSI)	\$ 11,000
All Other Non-Attest Services	\$
TOTAL AMOUNT NOT TO EXCEED	\$ 63,000 (includes up to 3 major programs)

Discretely Presented Component Unit	N/A
Audit Fee (financial and compliance if applicable)	\$
Fee per Major Program (if not included above)	\$
Additional Fees Not Included Above (if applicable):	
Financial Statement Preparation (incl. notes and RSI)	\$
All Other Non-Attest Services	\$
TOTAL AMOUNT NOT TO EXCEED	\$

SIGNATURE PAGE**AUDIT FIRM**

Audit Firm*	
Martin Starnes & Associates, CPAs, P.A.	
Authorized Firm Representative (typed or printed)* Amber Y. McGhinnis	Signature* 
Date* 01/10/24	Email Address* amcghinnis@msa.cpa

GOVERNMENTAL UNIT

Governmental Unit*	
City of Thomasville, NC	
Date Governing Board Approved Audit Contract* (Enter date in box to right)	
Mayor/Chairperson (typed or printed)* Raleigh York, Jr., Mayor	Signature*
Date	Email Address* raleigh.york@thomasville-nc.gov

Chair of Audit Committee (typed or printed, or "NA") N/A	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1). Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Sum Obligated by This Transaction:	\$ 63,000 (includes up to 3 major programs)
Primary Governmental Unit Finance Officer* (typed or printed) Thomas C. Avant, Finance Director	Signature*
Date of Pre-Audit Certificate*	Email Address* thomas.avant@thomasville-nc.gov

SIGNATURE PAGE – DPCU
(complete only if applicable)

DISCRETELY PRESENTED COMPONENT UNIT

DPCU* N/A	
Date DPCU Governing Board Approved Audit Contract* (Enter date in box to right)	
DPCU Chairperson (typed or printed)*	Signature*
Date*	Email Address*

Chair of Audit Committee (typed or printed, or "NA") N/A	Signature
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1). Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Sum Obligated by this Transaction:	\$
DPCU Finance Officer (typed or printed)* N/A	Signature*
Date of Pre-Audit Certificate*	Email Address*

Remember to print this form, and obtain all
required signatures prior to submission.

PRINT



Koonce, Wooten & Haywood, LLP
CERTIFIED PUBLIC ACCOUNTANTS

Report on the Firm's System of Quality Control

To the Shareholders of Martin Starnes & Associates, CPAs, P.A. and the
Peer Review Committee, Coastal Peer Review, Inc.

We have reviewed the system of quality control for the accounting and auditing practice of Martin Starnes & Associates, CPAs, P.A. (the firm) in effect for the year ended December 31, 2020. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included engagements performed under *Government Auditing Standards*, including compliance audits under the Single Audit Act and an audit of an employee benefit plan.

As part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Martin Starnes & Associates, CPAs, P.A. in effect for the year ended December 31, 2020, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Martin Starnes & Associates, CPAs, P.A. has received a peer review rating of *pass*.

Koonce, Wooten & Haywood, LLP

Koonce, Wooten & Haywood, LLP

May 4, 2021

Raleigh

4060 Barrett Drive
Post Office Box 17806
Raleigh, North Carolina 27619

919 782 9265
919 783 8937 FAX

Durham

3500 Westgate Drive
Suite 203
Durham, North Carolina 27707

919 354 2584
919 489 8183 FAX

Pittsboro

579 West Street
Post Office Box 1399
Pittsboro, North Carolina 27312

919 542 6000
919 542 5764 FAX

Smithfield

212 East Church Street
Post Office Box 2348
Smithfield, North Carolina 27577

919 934 1121
919 934 1217 FAX

Agenda Item Cover Sheet

Admin. Use Only:

Committee Name

Personnel/Finance

--

**Committee Date
And Agenda #**

1.8.2024

PF5

Consideration of Revision of City Ordinance Regarding Solid Waste Collection Changes for Vacant Properties with active water/sewer accounts.

Description of Item:

Request to revise Sec. 66-11 of City Ordinance to allow monthly solid waste disposal fee charged to all utility accounts.

Back-Up Materials:

Ordinance Revision, Summary Memo., Email, and Ordinances from Other Cities

Council Action Requested:

Approve Amendment to Ordinance

Requested By:

Thomas Avant

Department:

Finance

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
CHAPTER 66. SOLID WASTE**

CITY COUNCIL OF THE CITY OF THOMASVILLE

The City Council finds that the City of Thomasville Code of Ordinances Solid Waste Chapter 66-11, **Refuse collection fees and charges** subsections (b) and (c) should be amended as follows:

(b) Charges and fees shall apply to the following categories of customers receiving solid waste collection service from the city:

- (1) Residential and nonresidential ~~occupied~~ property whose solid waste is collected by the city in rollout containers; and
- (2) Residential ~~occupied~~ property whose solid waste is collected by the city in bulk containers; and
- (3) Nonresidential ~~occupied~~ property whose solid waste is collected by the city in bulk containers.

(c) A separate unit charge shall apply for each family or household ~~occupancy~~ property unit of any structure served by a rollout or bulk container. A separate unit charge shall apply for each bulk container serving nonresidential property depending on the size of the container and frequency of collection. In the case of nonresidential ~~occupancies~~ property units served by a rollout container(s), a separate unit charge shall apply for each container.

Upon the motion of Council Member _____, and a second by Council Member _____, at the Thomasville City Council Meeting on January 16, 2024, the foregoing ordinance amendment was passed by a vote of ___ - ___.

This ordinance amendment shall be effective upon date of adoption.

CITY OF THOMASVILLE

By: _____
Raleigh York, Jr., Mayor

Attest: _____
Wendy S. Martin, City Clerk

[SEAL]

Sec. 66-11. Refuse collection fees and charges.

- (a) Charges and fees for the collection and disposal of solid wastes and recyclable waste shall be established by the city council from time to time, a schedule of which shall be maintained in the office of the city clerk.
- (b) Charges and fees shall apply to the following categories of customers receiving solid waste collection service from the city:
 - (1) Residential and nonresidential ~~occupied~~ property whose solid waste is collected by the city in rollout containers; and
 - (2) Residential ~~occupied~~ property whose solid waste is collected by the city in bulk containers; and
 - (3) Nonresidential ~~occupied~~ property whose solid waste is collected by the city in bulk containers.
- (c) A separate unit charge shall apply for each family or household ~~occupancy~~ **property unit** of any structure served by a rollout or bulk container. A separate unit charge shall apply for each bulk container serving nonresidential property depending on the size of the container and frequency of collection. In the case of nonresidential ~~occupancies~~ **property units** served by a rollout container(s), a separate unit charge shall apply for each container.
- (d) The fees and charges provided for in subsections (a) and (b) above shall be billed monthly and shall be payable with the city water or sewer service billing, according to established billing procedures in effect at the time. Such charges, if unpaid, shall be a lien upon the property involved and may be collected as provided in G.S. 105-385.
- (e) If such charges shall not be paid as provided in subsection (c) of this section, the city may discontinue further collection and removal of such garbage and refuse from the property involved. Further placement of garbage and refuse on such property shall be unlawful and shall subject the resident of the dwelling unit and/or the owner of the property to all applicable health and sanitation regulations and laws.

(Ord. of 2-18-08; Ord. No. 08-2013-ORD17, 8-19-13)

SANITATION FEES

The proposed sanitation fee change is a policy change that will generate additional revenue and will streamline the current process now used in Billing and Collections.

Current Policy

- If an owner/landlord/property manager signs up for service for cleaning and repairs, we do not activate or bill for the garbage service.
- The consumption on these accounts are monitored monthly to make sure they do not exceed the average usage for cleaning and repairs.
- While monitoring these, if we see the usage increase to levels that would indicate someone living there, we then contact the owner to verify. If they do in fact have someone living there under their name, the owner must pay a security deposit on the account and we also activate their garbage service and by policy we are able to back charge them up to 24 months of service they received but did not pay for.

Proposed Policy change

- Every parcel within the City that is eligible to receive garbage service shall be assessed a monthly landfill sanitation fee.
- When an owner/landlord/property manager activates service at an address, regardless of the purpose, the sanitation fee should be activated at that time as well.
- This will make the move in process more uniform because everyone will be activated and billed for all available services at a location without having to decipher whether or not it may or may not be used.

It is presumed that all residential and non-residential customers use the service that is provided to them. When we are not billing customers for this service, we have no way to follow up to see if they are really using the service or not. When sanitation trucks go by an address and see debris on the curb, they stop and pick it up without knowing if that customer is paying for the service they are getting. It has also been observed that when people with rental units clean out after a tenant, they place this trash on the curb to be picked up and we are not billing them for this service.

Please see attached policies for City of Lexington, City of Asheboro, City of Salisbury, City of Greensboro

Avant, Thomas

From: Berrier, Tonya <Tonya.Berrier@thomasville-nc.gov>
Sent: Wednesday, November 29, 2023 4:20 PM
To: Avant, Thomas
Cc: Hines, Latoya
Subject: Sanitation estimates

Estimated sanitation fees:

At any given time during the year, we have an average of 150 accounts in indefinite service status which means they are not getting billed for sanitation service. The current rate is \$7.25 per month which would give the City an average loss of \$1,087.50 per month and/or \$13,050.00 per year.

The new proposed rate is \$15.00 per month for sanitation service. If approved with this ordinance change, the City will see an increase of approximately \$ 2,250.00 per month and/or \$27,000 per year. If the ordinance change is not approved, this would become the amount of loss to the City.

Let me know if you need anything else.

Thank you!

Tonya B. Berrier | Lead Billing Clerk
P 336-475-4226 | F 336-475-0830
City of Thomasville, NC
10 Salem Street | Thomasville, NC 27360
PO Box 368 | Thomasville, NC 27361-0368
tonya.berrier@thomasville-nc.gov



Pursuant to North Carolina General Statutes, Chapter 132, Public Records, this e-mail and any attachments, as well as any e-mail messages(s) that may be sent in response to it, may be considered public records and therefore are subject to public records requests for review and copying.

Avant, Thomas

From: Avant, Thomas <Thomas.Avant@thomasville-nc.gov>
Sent: Wednesday, November 29, 2023 9:29 AM
To: Brandt, Michael; Misti Whitman
Cc: Hines, Latoya; Berrier, Tonya; Ensley, Brittany L.; Payne, Rhonda; Rheuark, Wendy M.; Bowling, Eddie; Krpejs, Eric; Poole, Daryl; Hassan Sardar
Subject: Re: Sanitation Fee Discussion
Attachments: Memo - Proposed Revision to Code of Ordinances - Sec. 66-11.pdf; (2) Proposed Revision - Thomasville NC Code of Ordinances - Sec_66_11.docx

Michael,

As we briefly discussed yesterday, Tonya has proposed an operational process revision to begin charging all utility customers the monthly solid waste disposal fee, whether the property unit is "occupied" or not. This change appears to be aligned with the policies of most other local governments, as you can see by Tonya's research (first attachment includes highlighted language from 4 other city ordinances - Salisbury, Asheboro, Lexington, and Greensboro). Her memo. (included in first attachment) also clearly explains our current procedure and its shortfalls, as well as the proposed procedure and its benefits.

This change will require, I believe, a revision to the city Code of Ordinances (Sec. 66-11 - Refuse Collection Fees and Charges). As you indicated yesterday, this proposed revision would be provided to Council at the February budget workshop. I'm assuming all departments will be presenting FY 2025 fee schedule changes at the workshop as well, so this would accompany my proposed revisions to the Utility Fee Schedule.

I've downloaded the section from our ordinance in Word and revised accordingly (second attachment), after consultation with Latoya, Tonya, and Daryl.

Hopefully, you and Misti can review the proposed changes and supporting documentation and provide any necessary revisions to ensure we are addressing the issue at hand effectively and legally.

For your question regarding why the ordinance was originally drafted to only include "occupied" dwellings, Daryl mentioned that it was before his time here, but he thought the assumption was that property units that were not currently "occupied" would not be using the city's solid waste collection services, which isn't always the case. Our assumption is that some unoccupied dwellings paying a water/sewer bill may not be using solid waste collection service but many are.

I've asked Tonya to provide an estimate of how many open accounts we have currently that are paying a water/sewer bill but are not being charged for solid waste service, so I can estimate lost revenue.

I'd like to thank Tonya for her excellent work to propose this procedural change, conduct the necessary research, and summarize the findings and potential benefits of this proposal in a clear, concise, and actionable manner and helping us improve our processes/procedures and generate additional revenue. I commend her for her leadership on this project.

Thanks,
Thomas

Asheboro, NC Code of Ordinances

§ 51.36 USER CHARGES FOR RESIDENTIAL SANITATION CUSTOMERS.

(A) A charge of \$18.00 per month for each solid waste disposal container provided by the city and assigned to a residential dwelling, \$5.00 per month for each recycling container provided by the city and assigned to a residential dwelling, and \$31.00 per regularly scheduled pick-up of a residential dumpster is hereby established for residential sanitation customers. Additional pick-ups for residential dumpsters shall be \$40.00 per pick-up.

(B) The collection charges instituted in this section will be added to the sanitation customer's water and sewer bill. Payment terms will be the same as for the water and sewer bill. In the event of nonpayment of this charge, collection of the customer's refuse/recyclables will be discontinued until payment is remitted in full. All payments for solid waste/recycling services user fees and water and sewer charges whether full or partial payments shall be applied to the customer's account as follows: First, to any solid waste services user fee charges including any arrears charges; second, to any recycling services user fee charges including arrears charges; and third, to any water and sewer charges including arrears charges. In the event of partial payments, the utility charges will be considered outstanding and the prescribed disconnection of services for non-payment will be enforced.

(C) All residential premises located within the corporate limits of the City of Asheboro shall be assumed to be using the solid waste and recycling collection services offered by the city. The occupants of the premises shall be charged for these services so long as the premises remain in the city limits, are or have previously been improved for residential dwelling purposes, and contractual arrangements for solid waste collection services have not been made with an entity other than the City of Asheboro. In the absence of documentation to establish otherwise, the customer of record with the city's water billing office shall be deemed to be the occupant of the premises receiving solid waste/recycling collection services and shall be responsible for all of the associated fees that will be charged each month.

(D) In the case of disputes about the fees charged pursuant to the provisions of this section, the City Manager, or his designee, shall have the authority to adjust any fee charged after the Manager or other designated official has reviewed the circumstances surrounding the charge and determined, consistent with the provisions of the Code of Asheboro, that the disputed charge was added to the customer's account in error.

(E) Provisions specific to residential dumpsters.

(1) Dumpsters may be rented from the city by a residential sanitation customer at a rental rate of \$21.00 per dumpster per month. A customer's eligibility to rent a dumpster from the city is contingent on the customer utilizing the city as the exclusive provider of solid waste collection services for the rented dumpster(s). The city's Environmental Services Department will terminate, without any penalty to the city, the rental relationship with a customer and will immediately retrieve any and all dumpsters rented to a customer if a solid waste collection service other than the city is found to have collected materials from a city-owned dumpster. The city will replace a dumpster previously rented from the city with a cleaned dumpster upon the request and agreement of the customer to receive this service at a charge of \$100.00 per dumpster each time such a request is made.

(2) A one pick-up per week minimum is hereby established for any residential customer using a dumpster.

(3) Unless arrangements are made otherwise and the city is notified of and agrees to these arrangements, the owner(s) of the real property where a residential dumpster is located shall be responsible for the charges specified in this section.

(4) The owner of the property upon which a dumpster is located is deemed responsible for the maintenance of the premises in general and the location of the dumpster site in particular so as to allow the Environmental Services Department's trucks reasonable access to the dumpster.

(5) In order to receive residential dumpster service, all property owners must complete a dumpster permit and properly execute a harmless agreement in favor of the city.

(6) The city shall not be liable for any damages resulting to parking lots, drives, and the like caused by the weight of the trucks used or dumpster pick-up. Each property owner is expected to maintain a lot or drive of sufficient structure to support the weight of the collection trucks.

(F) No refuse which is unacceptable as routine refuse at the landfill will be collected from residential sanitation customers. Examples of unacceptable waste include but are not limited to: hazardous waste, tires, batteries, medical waste, yard waste, liquid waste, and white goods. Any receptacles containing any of these materials will not be picked-up by the Environmental Services Department until the unacceptable materials are removed.

(G) The owner of the premises where the dumpsters/containers are located and the residents utilizing the dumpsters/containers are responsible for the contents of the containers. The city is not responsible for policing containers to prevent the dumping of unacceptable waste, or refuse from individuals not related to the customer(s).

Ord. 34-02, passed 10-10-02; Am. Ord. 59-03, passed 6-5-03; Am. Ord. 67-03, passed 7-10-03; Am. Ord. 28 ORD 6-06, passed 6-20-06; Am. Ord. 21 ORD 6-07, passed 6-7-07; Am. Ord. 40 ORD 6-08, passed 6-24-08; Am. Ord. 37 ORD 6-10, passed 6-24-10; Am. Ord. 19 ORD 6-12, passed 6-28-12; Am. Ord. 13 ORD 6-14, passed 6-26-14; Am. Ord. 17 ORD 6-15, passed 6-29-15; Am. Ord. 36 ORD 6-22, passed 6-28-22)

Sec. 21-30. - Charges and fees.

The following categories for those residences, businesses and institutions producing garbage within the city will be charged accordingly by the city for garbage collection. For the purpose of this section, one (1) collection is defined as the emptying of one (1) rollout container.

- (1) Institutions, organizations and businesses shall be provided (1) collection of garbage each week. The institution, organization, or business will be assessed a monthly landfill and collection fee. This fee shall be assessed against each such institution, organization, or business on a monthly basis and added to the city utility statement or other statement if no utilities are provided.
- (2) The charge for each collection in excess of the one (1) weekly will be billed a prorated monthly charge.
- (3) Every parcel located within the city on which there is located a residence shall receive garbage service from the city, and each such parcel shall be assessed a monthly landfill, collection, and recycling fee which must be paid whether or not the residence located on said parcel utilizes the city collection service. The landfill, collection, and recycling fee shall be assessed against each such parcel on a monthly basis and added to the city utility statement or other statement if no utilities are provided.
- (4) If an institution, organization, business, or residence requires more than a single roll-out container, an additional container will be provided. Each additional container will be billed for landfill and collection fees at the same rate as the first container.
- (5) If a central collection point as defined in section 21-24 has been established, each institution, organization, business, or residence will be billed for service as follows:
 - a. Retail businesses will be billed as if they have two (2) roll-out containers. If recycling is provided, it will be billed as if each has a single roll-out container.
 - b. Offices (if billed separately inside a single building) will be billed as if they have a single roll-out container. If recycling is provided, it will be billed as if each has a single roll-out container.
 - c. Office buildings (if separate offices are not individually billed) will be billed as if they have three (3) roll-out containers. If recycling is provided, it will be billed as if each has a two (2) roll-out containers.
 - d. Restaurants or other establishments selling prepared foods will be billed as if they have four (4) roll-out containers. If recycling is provided, it will be billed as if each has a single roll-out container. If recycling is provided, it will be billed as if each has a two (2) roll-out containers.

Sec. 10-73. - Presumption of service.

- (a) It is presumed that all residential and nonresidential units receive service. This presumption may be rebutted, and the fee for service released or refunded in accordance with rules, regulations, interpretations and policies established by city council.
- (b) The city manager or his/her designee will hear and decide appeals on presumption of service questions, release or refund for service charged or collected under circumstances described in subsection (a) of this section, and in other circumstances as defined by rules, regulations, interpretations and policies pursuant to authority granted by section 10-72(e) of this article.
- (c) If a customer disputes the accuracy of his/her bill or presumption of service, they have a right to a hearing at which they may present, orally or in writing, their complaint and contentions to the city manager.
- (d) The burden of proof for showing that a nonresidential unit does not receive service will be upon the party responsible for paying the fees and charge established in this article, and will be made on forms provided and approved by the city. By way of example, but not limitation, the following are considered to be valid cases of nonresidential units receiving no refuse service:
 - (1) The unit does not have containerized refuse service.
 - (2) Waste hauling is contracted with a private refuse hauler who hauls the waste to a permitted landfill or to any other point outside the city's collection system.
 - (3) Waste is hauled as part of a cleaning service agreement and is hauled to the county landfill or to any other point outside the city's collection system.
 - (4) The location generates no waste.
- (e) Nonresidential units unoccupied for more than thirty (30) consecutive days will be allowed an exemption from fees and charges. The burden of proof for showing that a unit has been unoccupied for more than thirty (30) consecutive days will be upon the party responsible for paying the fees and charges established in this article, and will be done on a month-to-month basis on forms provided as set forth in the city's administrative policy.

(Ord. No. 94-9, 8-9-93)

Sec. 25-21. - Types of fees.

- (a) *Solid waste monthly fee.* A monthly fee of three dollars and fifty cents (\$3.50) shall be assessed to all property units eligible for curbside collection service in accordance with section 25-13 of this chapter. This fee shall be used for the purposes of curbside collection, processing and disposal of refuse, yard waste, bulk waste, and recycling materials. The effective date of this ordinance is July 1, 2022.
- (b) *Stationary container program.* There is hereby established a charge for commercial collection of wet and dry garbage, and recycling materials from stationary containers.
- (1) *Scheduled commercial refuse collection fees.* Fees shall become effective on and after July 1, 2023.
- The fee for one (1) time per week shall be one hundred thirty-seven dollars (\$137.00) per month for each stationary container and stationary packing unit.
 - The fee for two (2) times per week shall be two hundred nineteen dollars (\$219.00) per month for each stationary container and three hundred five dollars (\$305.00) per month for each stationary packing unit.
 - The fee for three (3) times per week shall be two hundred sixty-nine dollars (\$269.00) per month for each stationary container and four hundred thirty-seven dollars (\$437.00) per month for each stationary packing unit.
 - The fee for four (4) times per week shall be three hundred nine dollars (\$309.00) per month for each stationary container and five hundred sixty-nine dollars (\$569.00) per month for each stationary packing unit.
 - The fee for five (5) times per week shall be three hundred forty-eight dollars (\$348.00) per month for each stationary container.
 - The fee for six (6) times per week shall be three hundred seventy-one dollars (\$371.00) per month for each stationary container.
- (2) *Unscheduled commercial refuse collection fees.* Fees shall be sixty dollars (\$60.00) per collection for stationary containers and seventy-five dollars (\$75.00) per collection for stationary packing units. Fees shall become effective on and after July 1, 2013.
- (3) *Commercial recycling collection fees.* Fees shall become effective on and after July 1, 2023.
- The fee for one (1) time per week shall be ninety-three dollars (\$93.00) per month for each stationary container and stationary packing unit.
 - The fee for two (2) times per week shall be one hundred six dollars (\$106.00) per month for each stationary container and stationary packing unit.
 - The fee for three (3) times per week shall be one hundred nineteen dollars (\$119.00)

Agenda Item Cover Sheet

Admin. Use Only:

Committee Name Personnel/Finance

Committee Date
And Agenda #

1.8.2024	PF7
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Item Name:

Consideration of Approval of Resolution to Adopt Parks & Recreation Master Plan

Description of Item:

Staff requests Council to adopt the P&R Master Plan developed by Withers/Ravenel

Back-Up Materials:

Resolution of Adoption;

Council Action Requested:

Approve Resolution of Adoption of P&R Master Plan

Requested By: Cory Tobin

Department: P&R

RESOLUTION

ADOPTING THE THOMASVILLE PARKS & RECREATION MASTER PLAN

Whereas, The City of Thomasville, (the “City”) operates a Parks and Recreation Department to provide recreational opportunities for residents and visitors to Thomasville, and;

Whereas, The City has recently performed an evaluation of the Park and Recreation facilities and operations in order to develop a Comprehensive Plan, which will define the long-range capital improvement needs of the City, and;

Whereas, The City Council wishes to adopt the Parks and Recreation Comprehensive Plan for the City of Thomasville (the “Master Plan”) dated January 2024 prepared by the firm WithersRavenel.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Thomasville that the “Parks & Recreation Comprehensive Plan” is hereby approved and shall be utilized by the Parks & Recreation Department and City Council to guide future development and infrastructure of the City; and

This the 16th day of January, 2024.

CITY OF THOMASVILLE

By: _____
Raleigh York, Mayor

Attest: _____
Wendy S. Martin, City Clerk