

CITY OF THOMASVILLE COUNCIL MEETING BRIEFING AGENDA

Monday, February 12, 2024 – 4:00 P.M.

20 Stadium Drive, Thomasville, NC 27360

Mayor Raleigh York, Jr. ~ Mayor *Pro Tem* Payton Williams

1. Call to Order
2. Additions and Deletions to the Agenda
3. Public Forum on February 19, 2024 – Please sign up in person to speak for two minutes on any topic. *The two-minute time limit will be enforced.*
4. Recognitions and Presentations on February 19, 2024
 - A. Proclamation – Black History Month
5. Public Hearings on February 19, 2024
 - A. Consideration of Ordinance to Repair or Demolish Unit at 219 Tower Road
Paul E. Lewis Heirs, Nathaniel E. Lewis
 - B. Consideration of Ordinance to Repair or Demolish Unit at 114 College Street
Freeman Family Trust, Kenya Alexis Young
 - C. Consideration of Amendment to Zoning Ordinance (Z-24-02) Article V, Section 2, Table of Permitted Uses to allow Microbreweries and Micro-distilleries in C-4, M-1 and M-2
 - D. Annual Generic Community Development Block Grant (CDBG) Public Hearing
6. Consent Agenda on February 19, 2024
 - A. Consideration of Approval of Minutes – Briefing Meeting on 01/08/24
 - B. Consideration of Approval of Minutes – Council Meeting on 01/16/24
7. Regular Agenda on February 19, 2024
 - A. Consideration of Acceptance of Resignation of Council Member and Appointment of Replacement to Fill the Remaining Term of Office
 - B. Consideration of Budget Amendment 2024-P8-01
 - C. Consideration of Hotel Occupancy Tax Voluntary Disclosure Agreement
8. Committee Reports and Appointments, Mayor's Report and Appointments, City Manager's Report, City Attorney's Report on February 19, 2024
9. Closed Session on February 19, 2024 – Attorney/Client & Personnel
10. Additional Items
11. Adjournment

PROCLAMATION

BLACK HISTORY MONTH

WHEREAS, Black History Month is the observance of a special period of time to recognize the achievements and contributions of African Americans to our city, state and nation; and

WHEREAS, This observance presents the special opportunity to become more knowledgeable about black heritage and to honor the many black leaders who have played a part in the progress of our county; and

WHEREAS, Such knowledge can strengthen the insight of all our citizens regarding the issues of human rights, the great strides that have been made in the crusade to eliminate the barriers of equality for minority groups, and the continuing struggle against racial discrimination and poverty; and

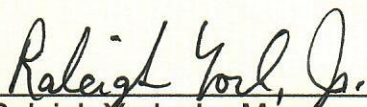
WHEREAS, As a result of their determination, hard work, intelligence, and perseverance, African Americans have achieved exceptional success in all aspects of society including business, education, politics, science, athletics and the arts; and

NOW, THEREFORE, BE IT PROCLAIMED that I, Raleigh York, Jr., Mayor of the City of Thomasville, North Carolina, do hereby proclaim February 2024 as

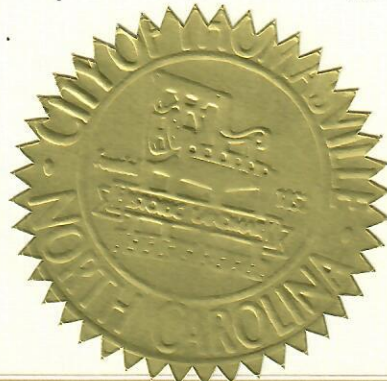
BLACK HISTORY MONTH

and encourage all citizens to participate in the educational and celebratory events honoring the contributions and accomplishments of African Americans.

Adopted this the 19th day of February, 2024.



Raleigh York, Jr., Mayor



Agenda Item Cover Sheet

Admin. Use Only:

Committee Name

Public Safety

Committee Date
And Agenda #

2.6.2024

PSafe 3

Item Name:

Set Public Hearing for Request of Condemnation of 219 Tower Road and 114 College Street

Description of Item:

Both properties have been inspected by Code Enforcement for unsafe housing conditions and have been found to be non-compliant. Repairs by the property owners have not taken place, therefore staff is recommending condemnation.

Back-Up Materials:

Condemnation case record

Council Action Requested:

Consideration of Condemnation of structures

Requested By:

Chuck George

Department:

PIE

To: Michael Brandt, City Manager
From: Chuck George, Planning Director
Date: January 31, 2024
Re: City Council Meeting, February 19, 2024

The following items are ready for consideration for condemnation for the following subject properties.
On February 19, 2024, City Council Meeting.

- 219 Tower Rd.
Paul E. Lewis Heirs,
Nathaniel E. Lewis 204 Broad St.
Thomasville, NC 27360

AN ORDINANCE TO REPAIR OR DEMOLISH UNIT

WHEREAS, Article IV, Section 14.141, of the Code of Ordinances for the City of Thomasville, North Carolina, Minimum Housing Code, sets forth the procedures for determining minimum standards of fitness for dwelling units, and

WHEREAS, Article IV, Section 14.141, of the Code of Ordinances for the City of Thomasville, North Carolina, sets forth the minimum requirements for dwellings or structures used or intended to be used for human habitation, and

WHEREAS, Paul Edward Lewis, is the owner of certain real property located within the corporate limits of the City of Thomasville, North Carolina, at 219 Tower Road, which is further described in Parcel number 1633700000034, whereon a dwelling unit is located, and

WHEREAS, the Thomasville Minimum Housing Inspector did on the 16th day of November, 2023, go upon said premises and personally inspect the same, and found said improvements thereon located to be deteriorated within the meaning of the Thomasville City Code, and

WHEREAS, the Thomasville Minimum Housing Inspector gave notification by certified mail and posted the property on November 16, 2023, notifying said owner that said inspector would conduct a hearing to determine the fitness of said dwelling unit at his office on November 29, 2023, at 10:00 o'clock A.M., and,

WHEREAS, said Inspector was present at the appointed time and place for said hearing and the owner, Paul Edward Lewis, did not appear, and

WHEREAS, said inspector at the aforesaid hearing made a determination that said dwelling unit located on the property of said owner is deteriorated and unfit for human habitation, and

made his said findings in writing, and issued and caused to be served upon said owner an order directing and requiring the owner to vacate and close the dwelling unit and to remove or demolish the same, or to bring the same in compliance with the minimum standard prescribed by the Thomasville City Code within sixty (60) days and

WHEREAS, the owner failed to comply with said order to vacate, close, remove, demolish, or repair and improve, and said minimum housing inspector gave notification thereof to the Mayor and City Council in writing, setting forth his findings, and

WHEREAS, notification was given to said owner that the Thomasville City Council would on February 19, 2024, at 6:00 o'clock P.M., in Council Chambers at The Thomasville Aquatic and Community Center, make its findings concerning the condition of the improvements located on said owner's property, and consider an ordinance authorizing the Minimum Housing Inspector to cause such improvements to be repaired, altered, improved, vacated, closed or demolished, as the circumstances might require, and

WHEREAS, the Thomasville City Council met and considered the aforesaid at said time and place February 19, 2024, and

WHEREAS, the Thomasville City Council finds as fact that the dwelling herein identified is dilapidated and hazardous in the respect reported by the Inspector, and that said dwelling unit is unfit for human habitation and that the same should be repaired or demolished within thirty (30) days from this date and that the owner has failed and refused to comply with the order of the Minimum Housing Inspector.

NOW, THEREFORE, BE IT ORDAINED that the Thomasville Minimum Housing Inspector cause the structure located on the premises of 219 Tower Road, which is further described in Parcel number 1633700000034, be closed to occupancy and demolished, and to accept bids for the demolition at the end of the thirty (30) days if the owner fails to comply with this order.

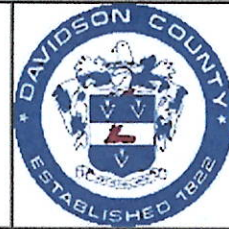
ADOPTED AND APPROVED by the Thomasville City Council, meeting in Regular Session this 19th day of February 2024.

Mayor

City Clerk



219 Tower Rd
Davidson County GIS
Hearing Letter



Hearing
11-29-23

Parcel Number : 1633700000034
Pin Id : 6786-01-48-2784
Owner : LEWIS PAUL EDWARD
204 BROAD ST
THOMASVILLE NC 27360-5204

Land Units: 0.48 AC
Deed Book: 0679 Pg: 0375
Deed Date: 12/22/1987

Property Address: 219 TOWER RD
Township: 16

Account Number: 4970340
Exempt Code:

Building Value: \$41,500 Other Building Value: \$0
Land Value: \$16,990 Market Value: \$58,490
Assessed Value: \$58,490 Deferred Value: \$0

Legal Description : L34 BK589-553&679-375 OFF RAL

No power
since
Jessica Dean
April 2023



ATTORNEYS AND COUNSELORS AT LAW

Misti Boles Whitman
Samantha N. Smith
Josephine L. Citrin
(1948-2021)

P.O. Box 966 • 22 Winston Street
Thomasville, North Carolina 27361-0966

citrinandwhitman.com

November 20, 2023

Telephone
(336) 476-3158

Facsimile
(336) 476-4503

VIA EMAIL

Mr. Randall Markham
City of Thomasville
Post Office Box 368
Thomasville, North Carolina 27360
Michael.Markham@thomasville-nc.gov
Chuck.George@thomasville-nc.gov

Re: Property located at 219 Tower Rd., Tax Identification Number
1633700000034, Paul E. Lewis Heirs, Owner, letter of opinion.

Dear Randall:

In response to your request for a title search, I have determined that, according to the public records of Davidson County, the current owner of the property are the heirs of Paul E. Lewis. There was no estate opened but there is an Affidavit recorded in Deed Book 1727, Page 742 naming Nathaniel E. Lewis as his only child. Nathaniel E. Lewis has multiple criminal judgments against him.

There are no outstanding deeds of trust against the property. The 2023 Davidson County property taxes in the amount of \$678.49 are due and payable. Additionally, there are past due 2013-2022 Davidson County property taxes in the amount of \$7,148.97.

Therefore, for service, I recommend that you provide notice to Nathaniel E. Lewis at 204 Broad St., Thomasville, NC 27360 and at the property itself at 219 Tower Rd., Thomasville, NC 27360. I also recommend that you also provide notice to Davidson County Tax Department at P.O. Box 1577, Lexington, 27293.

Please contact me should any further information be required.

Very truly yours,

Misti Boles Whitman
Attorney at Law

NORTH CAROLINA)
DAVIDSON COUNTY)

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

FILE NO. _____ M _____

NOTICE OF LIS PENDENS
FILED PURSUANT TO N. C. GEN. STAT. 1-120.2
**CITY OF THOMASVILLE CODE ENFORCEMENT
PROCEEDING**

THIS NOTICE OF LIS PENDENS is filed by the Department of Planning and Inspections of the City of Thomasville, a Municipal Corporation of Davidson County, North Carolina, to provide record notice of the following code enforcement proceeding:

1. This code enforcement proceeding is pending before the Housing Inspector of the City of Thomasville, Planning and Inspections Department, 10 Salem Street, Thomasville, NC 27360
2. The parties to this code enforcement action are:

Paul Edward Lewis

219 Tower Road

Thomasville, NC 27360

3. The nature and purpose of this code enforcement action is correction of violations of the Thomasville Code of Ordinances under (applicable proceeding checked):

☒ Chapter 14, Building and Building Regulations and Article 11 & Article 12,
North Carolina General Statutes

Other: City of Thomasville Minimum Housing Code Sec. 14-161 — 14-171

A copy of the complaint and notice of hearing issued in said code enforcement proceeding is attached hereto and incorporated herein by reference.

4. The real property affected by this code enforcement proceeding is described as follows:
Davidson County Tax Department Parcel Identification Number (PIN) 1633700000034

The undersigned certifies further that a copy of this Notice of Lis Pendens was served upon the owners and parties in interest in the subject dwelling in accordance with N.C. Gen. Stat. 1-120.2 and 160A-428 or 160A-445 as applicable.

Date: November 29, 2023

Randell Markham Randell Markham

Minimum Housing Inspector
Department of Planning & Inspections
City of Thomasville, North Carolina

For Completion by Clerk

JD _____, Page _____

November 29, 2023

FINDINGS OF FACT AND ORDER

**Paul Edward Lewis
204 Broad Street
Thomasville, NC 27360**

**Ref. 219 Tower Road, Thomasville, NC
PIN: 6786-01-48-2784
Parcel Number: 1633700000034**

The undersigned Housing Inspector of the City of Thomasville pursuant to law conducted a hearing at the time and place stated in the Complaint and Notice heretofore issued and served, or at time to which the hearing was continued with previous notice to the above-named owners and parties in interest or their agents or attorneys. At the hearing, the Answer, if any, filed by the owners and parties in interest was read and considered, and the evidence, contentions, and views of the owners and parties in interest were carefully analyzed and considered by the undersigned. In addition to other evidence presented, the undersigned personally inspected the property described above, and such inspection and examination has been considered, along with the other evidence offered at this hearing.

Upon the record and all of the evidence offered and contentions made, the undersigned Housing Inspector does hereby find the following facts:

1. The above-named owners and parties in interest with respect to the property located at the place specified above were duly served as required by law with written Complaint and Notice of Hearing which set forth the Complaint that the premises located at the above address is unfit for human habitation and is in violation of the City code of ordinances, and the particulars thereof, and fixed a time and place for a hearing upon the Complaint as provided by law. At the hearing, the following owners, persons in interest or their agents or their agents' attorney. **(Paul Edward Lewis was not present at the hearing.)**
2. The premises described above violates the city code of ordinances, by reason of the following found to be present and to exist in and about the structure: No power or water Utilities, Repair the porches and steps to code. Also repair any plumbing electrical including smoke detectors. Permits will need to be pulled for any of this work.
3. Due to these conditions, the building and/or premises described above is found to be in a condition within the meaning of the city code of ordinances, so as to be unfit for human habitation;

IT IS THEREFORE ORDERED that the owners of the property above are required to bring such property into compliance with the city code of ordinances by

☒ repairing, altering, improving or vacating and closing the deteriorated structure to comply with minimum standards of fitness.
☐ closing, repairing, altering, improving or vacating and demolishing the dilapidated structure;
☒ cleaning up the premises

by a date not later than the 29th day of January, 2024

If and when the Building unit becomes vacant, it shall be placarded stating by the inspector, who shall cause to be posted on the main entrance of the Building a placard stating that the building has been temporarily closed to occupancy by order of the inspector and that to occupy, lease or permit the occupancy of the Building before a certificate of compliance is obtained from the inspector shall constitute a misdemeanor rendering the violator subject to a fine or fifty dollars (\$50.00) or thirty (30) days in jail for each day in violation. Such placard will remain posted until a certificate of compliance is issued and that the owner is prohibited from leasing the property to another tenant or allowing its occupation by anyone under the above-described penalty of law.

This the 29th day of November 2023.

Randall Markham
Minimum Housing Inspector
City of Thomasville

Cc: DCTD





Sent from my iPhone

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.







219 Tower Road

Markham, Michael R. <Michael.Markham@thomasville-nc.gov>

Tue 1/30/2024 10:21 AM

To:Markham, Michael R. <Michael.Markham@thomasville-nc.gov>



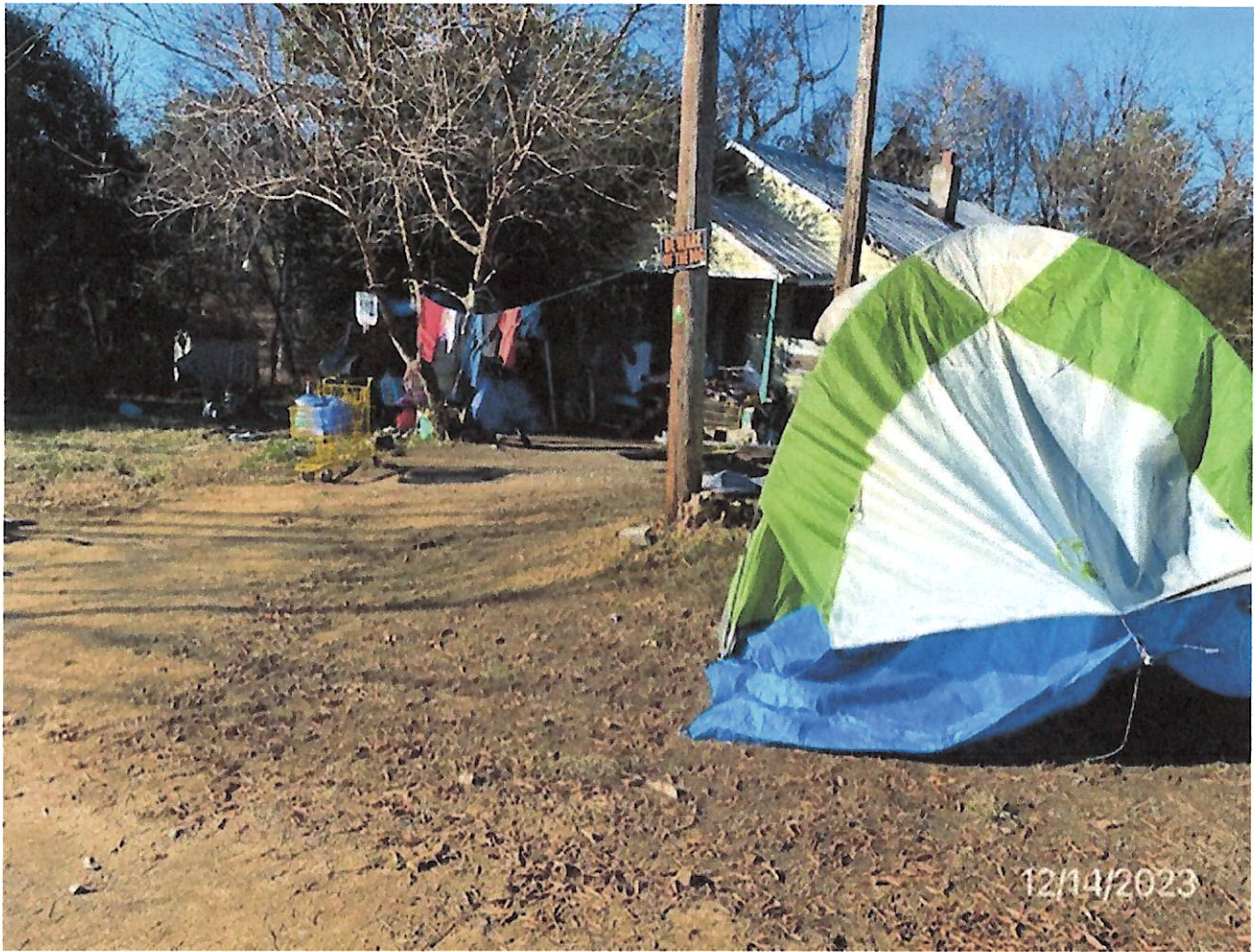
219 Tower Road

Markham, Michael R. <Michael.Markham@thomasville-nc.gov>

Thu 12/14/2023 3:11 PM

To: Markham, Michael R. <Michael.Markham@thomasville-nc.gov>









Sent from my iPhone

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.

To: Michael Brandt, City Manager
From: Chuck George, Planning Director
Date: January 31, 2024
Re: City Council Meeting, February 19, 2024

The following items are ready for consideration for condemnation for the following subject properties.
On February 19, 2024, City Council Meeting.

- 114 College Street
Freemans Family Trust
C/o Kenya Alexis Young
209 Arthur Dr., Apt. F
Thomasville, NC 27360

AN ORDINANCE TO REPAIR OR DEMOLISH UNIT

WHEREAS, Article IV, Section 14.141, of the Code of Ordinances for the City of Thomasville, North Carolina, Minimum Housing Code, sets forth the procedures for determining minimum standards of fitness for dwelling units, and

WHEREAS, Article IV, Section 14.141, of the Code of Ordinances for the City of Thomasville, North Carolina, sets forth the minimum requirements for dwellings or structures used or intended to be used for human habitation, and

WHEREAS, Freemans Family Trust, is the owner of certain real property located within the corporate limits of the City of Thomasville, North Carolina, at 114 College Street., which is further described in Parcel number 16075000A0005, whereon a dwelling unit is located, and

WHEREAS, the Thomasville Minimum Housing Inspector did on the 20th day of November, 2023, go upon said premises and personally inspect the same, and found said improvements thereon located to be deteriorated within the meaning of the Thomasville City Code, and

WHEREAS, the Thomasville Minimum Housing Inspector gave notification by certified mail and posted the property on November 20, 2023, notifying said owner that said inspector would conduct a hearing to determine the fitness of said dwelling unit at his office on December 6, 2023, at 10:00 o'clock A.M., and,

WHEREAS, said Inspector was present at the appointed time and place for said hearing and the owner, Freemans Family Trust, did not appear, and

WHEREAS, said inspector at the aforesaid hearing made a determination that said dwelling unit located on the property of said owner is deteriorated and unfit for human habitation, and

made his said findings in writing, and issued and caused to be served upon said owner an order directing and requiring the owner to vacate and close the dwelling unit and to remove or demolish the same, or to bring the same in compliance with the minimum standard prescribed by the Thomasville City Code within sixty (60) days and

WHEREAS, the owner failed to comply with said order to vacate, close, remove, demolish, or repair and improve, and said minimum housing inspector gave notification thereof to the Mayor and City Council in writing, setting forth his findings, and

WHEREAS, notification was given to said owner that the Thomasville City Council would on February 19, 2024, at 6:00 o'clock P.M., in Council Chambers at The Thomasville Aquatic and Community Center, make its findings concerning the condition of the improvements located on said owner's property, and consider an ordinance authorizing the Minimum Housing Inspector to cause such improvements to be repaired, altered, improved, vacated, closed or demolished, as the circumstances might require, and

WHEREAS, the Thomasville City Council met and considered the aforesaid at said time and place February 19, 2024, and

WHEREAS, the Thomasville City Council finds as fact that the dwelling herein identified is dilapidated and hazardous in the respect reported by the Inspector, and that said dwelling unit is unfit for human habitation and that the same should be repaired or demolished within thirty (30) days from this date and that the owner has failed and refused to comply with the order of the Minimum Housing Inspector.

NOW, THEREFORE, BE IT ORDAINED that the Thomasville Minimum Housing Inspector cause the structure located on the premises of 114 College Street, which is further described in Parcel number 16075000A0005, be closed to occupancy and demolished, and to accept bids for the demolition at the end of the thirty (30) days if the owner fails to comply with this order.

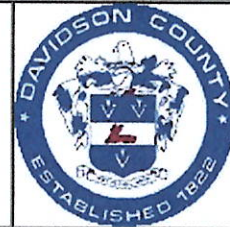
ADOPTED AND APPROVED by the Thomasville City Council, meeting in Regular Session this 19th day of February 2024.

Mayor

City Clerk



Hearing
114 College
Davidson County GIS



Parcel Number :	16075000A0005	Land Units:	0 LT
Pin Id :	6787-01-09-7736	Deed Book:	2585 Pg: 2465
Owner :	YOUNG KENYA ALEXIS TRUSTEE 209 ARTHUR DR APT F THOMASVILLE NC 27360	Deed Date:	02/03/2023
Property Address:	114 COLLEGE ST	Account Number:	9267172
Township:	16	Exempt Code:	
Building Value:	\$31,170	Other Building Value:	\$0
Land Value:	\$12,000	Market Value:	\$43,170
Assessed Value:	\$43,170	Deferred Value:	\$0
Legal Description :	P=1-342 BA L5 BK2585-2465		



ATTORNEYS AND COUNSELORS AT LAW

Misti Boles Whitman
Samantha N. Smith
Josephine L. Citrin
(1948-2021)

P.O. Box 966 • 22 Winston Street
Thomasville, North Carolina 27361-0966
citrinandwhitman.com

Telephone
(336) 476-3158
Facsimile
(336) 476-4503

September 29, 2023

VIA EMAIL

Mr. Chuck George
City of Thomasville
Post Office Box 368
Thomasville, North Carolina 27360
Chuck.George@thomasville-nc.gov

Re: Property located at 114 College St., Tax Identification Number
16075000A0005, Freemans Family Trust, Owner, letter of opinion.

Dear Chuck:

In response to your request for a title search, I have determined that, according to the public records of Davidson County, the current owner of the property is the Freemans Family Trust. The Trustee of the Trust is Kenya Alexis Young.

There are no outstanding deeds of trust against the property. The 2023 Davidson County property taxes in the amount of \$584.95 are due and payable.

Therefore, for service, I recommend that you provide notice to Freemans Family Trust, Attention Kenya Alexis Young at 209 Arthur Dr., Apt. F, Thomasville, NC 27360 as well as the property itself at 114 College St.

Please contact me should any further information be required.

Very truly yours,

Misti Boles Whitman
Attorney at Law

NORTH CAROLINA)
DAVIDSON COUNTY)

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

FILE NO. _____ M _____

NOTICE OF LIS PENDENS
FILED PURSUANT TO N. C. GEN. STAT. 1-120.2
**CITY OF THOMASVILLE CODE ENFORCEMENT
PROCEEDING**

THIS NOTICE OF LIS PENDENS is filed by the Department of Planning and Inspections of the City of Thomasville, a Municipal Corporation of Davidson County, North Carolina, to provide record notice of the following code enforcement proceeding:

1. This code enforcement proceeding is pending before the Housing Inspector of the City of Thomasville, Planning and Inspections Department, 10 Salem Street, Thomasville, NC 27360

2. The parties to this code enforcement action are:

Freemans Family Trust

Attn: Trustee Kenya Alexis Young

114 College Street

Thomasville, NC 27360

3. The nature and purpose of this code enforcement action is correction of violations of the Thomasville Code of Ordinances under (applicable proceeding checked):

☒ Chapter 14, Building and Building Regulations and Article 11 & Article 12,
North Carolina General Statutes

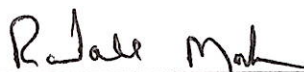
Other: City of Thomasville Minimum Housing Code Sec. 14-161 — 14-171

A copy of the complaint and notice of hearing issued in said code enforcement proceeding is attached hereto and incorporated herein by reference.

4. The real property affected by this code enforcement proceeding is described as follows:
Davidson County Tax Department Parcel Identification Number (PIN) 1616075000A0005

The undersigned certifies further that a copy of this Notice of Lis Pendens was served upon the owners and parties in interest in the subject dwelling in accordance with N.C. Gen. Stat. 1-120.2 and 160A-428 or 160A-445 as applicable.

Date: December 6, 2023



Minimum Housing Inspector
Department of Planning & Inspections
City of Thomasville, North Carolina

For Completion by Clerk

JD _____, Page _____



FINDINGS OF FACT AND ORDER

December 6, 2023

Freemans Family Trust
Trustee of Trust Kenya Alexis Young

Re: 114 College Street, Thomasville, NC
Parcel Number: 1616075000A0005

The undersigned Housing Inspector of the City of Thomasville pursuant to law conducted a hearing at the time and place stated in the Complaint and Notice heretofore issued and served, or at time to which the hearing was continued with previous notice to the above-named owners and parties in interest or their agents or attorneys. At the hearing, the Answer, if any, filed by the owners and parties in interest was read and considered, and the evidence, contentions, and views of the owners and parties in interest were carefully analyzed and considered by the undersigned. In addition to other evidence presented, the undersigned personally inspected the property described above, and such inspection and examination has been considered, along with the other evidence offered at this hearing.

Upon the record and all of the evidence offered and contentions made, the undersigned Housing Inspector does hereby find the following facts:

1. The above-named owners and parties in interest with respect to the property located at the place specified above were duly served as required by law with written Complaint and Notice of Hearing which set forth the Complaint that the premises located at the above address is unfit for human habitation and is in violation of the City Minimum Housing Code, and the particulars thereof, and fixed a time and place for a hearing upon the Complaint as provided by law. At the hearing, the following owners, persons in interest or their agents or their agents' attorney, were present therein: Did not appear
2. The premises described above violates the City Minimum Housing Code, by reason of the following found to be present and to exist in and about the structure: No power or water; the house is burnt on the back section of the house, and homeless people are going in and out of the burnt structure and using the bathroom outside.
3. Due to these conditions, the building and/or premises described above is found to be in a condition within the meaning of the City Minimum Codes, so as to be unfit for human habitation;

IT IS THEREFORE ORDERED that the owners of the property above are required to bring such property into compliance with the Minimum Housing Code by

 X repairing, altering, improving or vacating and closing the deteriorated structure to comply with minimum standards of fitness.
 closing, repairing, altering, improving or vacating and demolishing the dilapidated structure;
 cleaning up the premises

by a date not later than the 6th day of February 6, 2024.

If and when the dwelling or dwelling unit becomes vacant, it shall be placarded stating by the inspector, who shall cause to be posted on the main entrance of the dwelling or dwelling unit a placard stating that the building has been temporarily closed to occupancy by order of the inspector and that to occupy, lease or permit the occupancy of the dwelling or dwelling unit before a certificate of compliance is obtained from the inspector shall constitute a misdemeanor rendering the violator subject to a fine or fifty dollars (\$50.00) or thirty (30) days in jail for each day in violation. Such placard will remain posted until a certificate of compliance is issued and that the owner is prohibited from leasing the property to another tenant or allowing its occupation by anyone under the above-described penalty of law.

This the 6th day of December 2023.



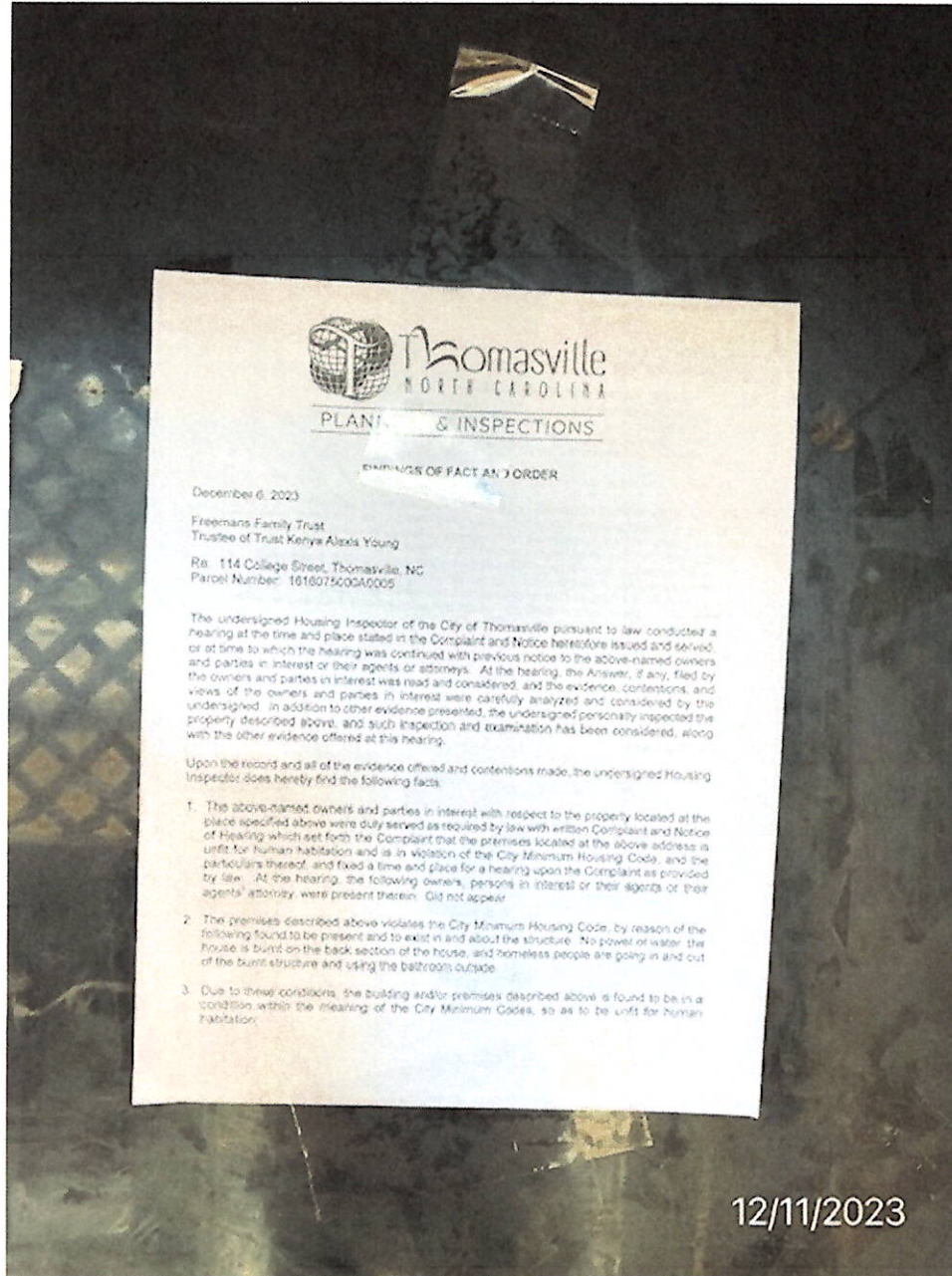
Chuck George
Planning & Zoning Administrator
City of Thomasville

114 College street door notice FtF

Markham, Michael R. <Michael.Markham@thomasville-nc.gov>

Mon 12/11/2023 9:41 AM

To: Markham, Michael R. <Michael.Markham@thomasville-nc.gov>



Sent from my iPhone

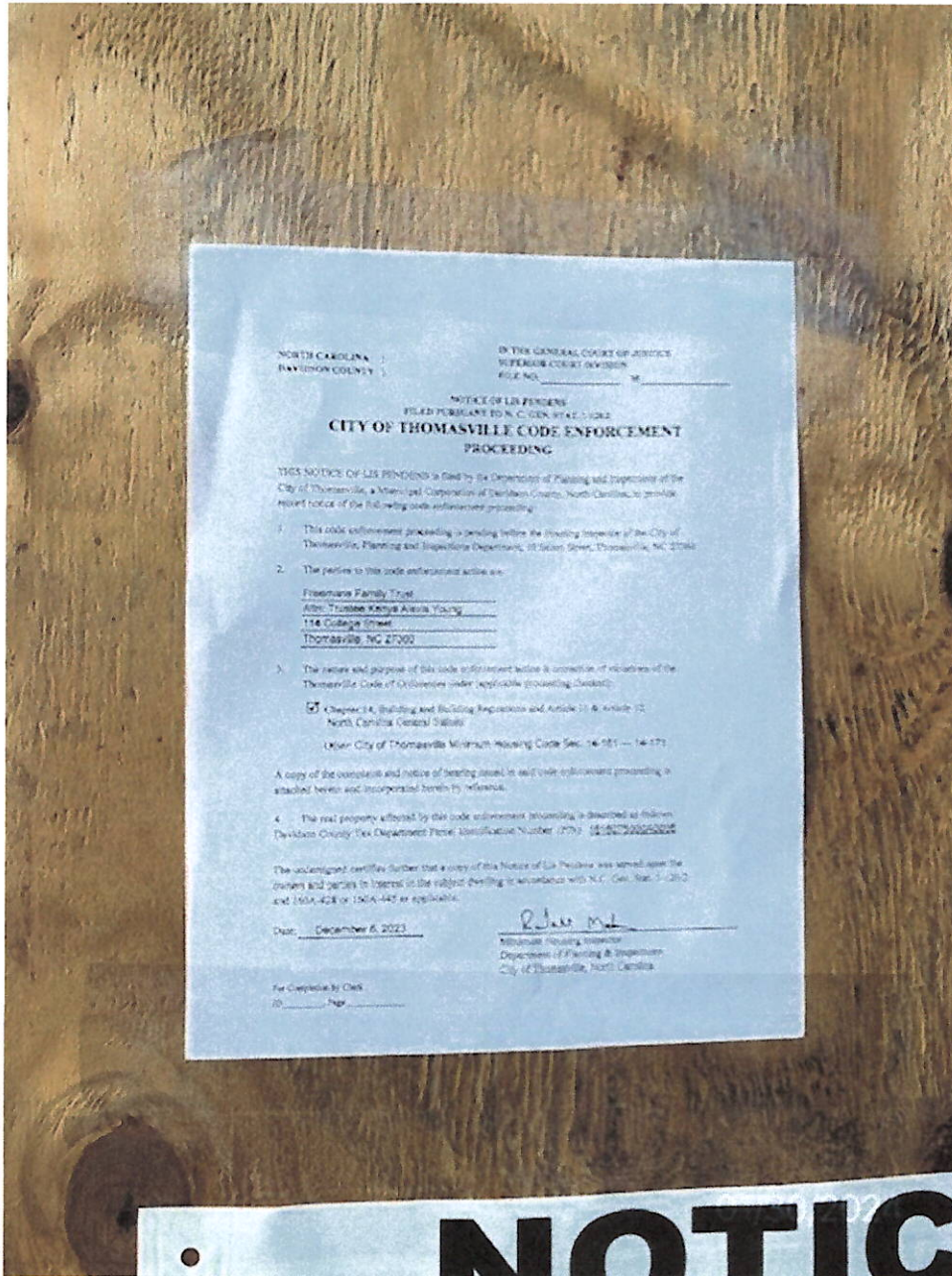
Pursuant to North Carolina General Statutes, Chapter 132, Public Records, this e-mail and any attachments, as well as any e-mail messages(s) that may be sent in response to it, may be considered public records and therefore are subject to public records requests for review and copying.

114 College street Liz pending door notice

Markham, Michael R. <Michael.Markham@thomasville-nc.gov>

Tue 1/30/2024 9:28 AM

To: Markham, Michael R. <Michael.Markham@thomasville-nc.gov>



Sent from my iPhone

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.

Posted
Marked 1st
+ cent
114 College
+ 209 Arthur Dr
Apt F



November 20, 2023
CERTIFIED MAIL

Freemans Family Trust
Kenya Alexis Young Trustee
209 Arthur Drive Apt F
Thomasville, NC 27360

RE: 114 College Street, Thomasville, NC 27360
Parcel Number: 16075000A0005

Dear, Freemans Family Trust
Kenya Alexis Young Trustee

You and each of you are notified that the Building Inspector for the City of Thomasville has determined pursuant to G. S. 160D-1117, which certain residential building located at 114 College Street, Thomasville, North Carolina is especially dangerous to life, health and other property because of its walls, floors, roof and structure are defective construction and decay.

You will take notice that a hearing will be held before said inspector at his office in Thomasville City Hall, Thomasville, North Carolina on December 06, 2023 at 10:00 a.m., at which time you will be heard in person or by counsel and present argument and evidence to the matter.

You are further notified that following such hearing the inspector will issue such orders to repair, close, vacate, or demolish said structure as appears appropriate from the evidence presented.

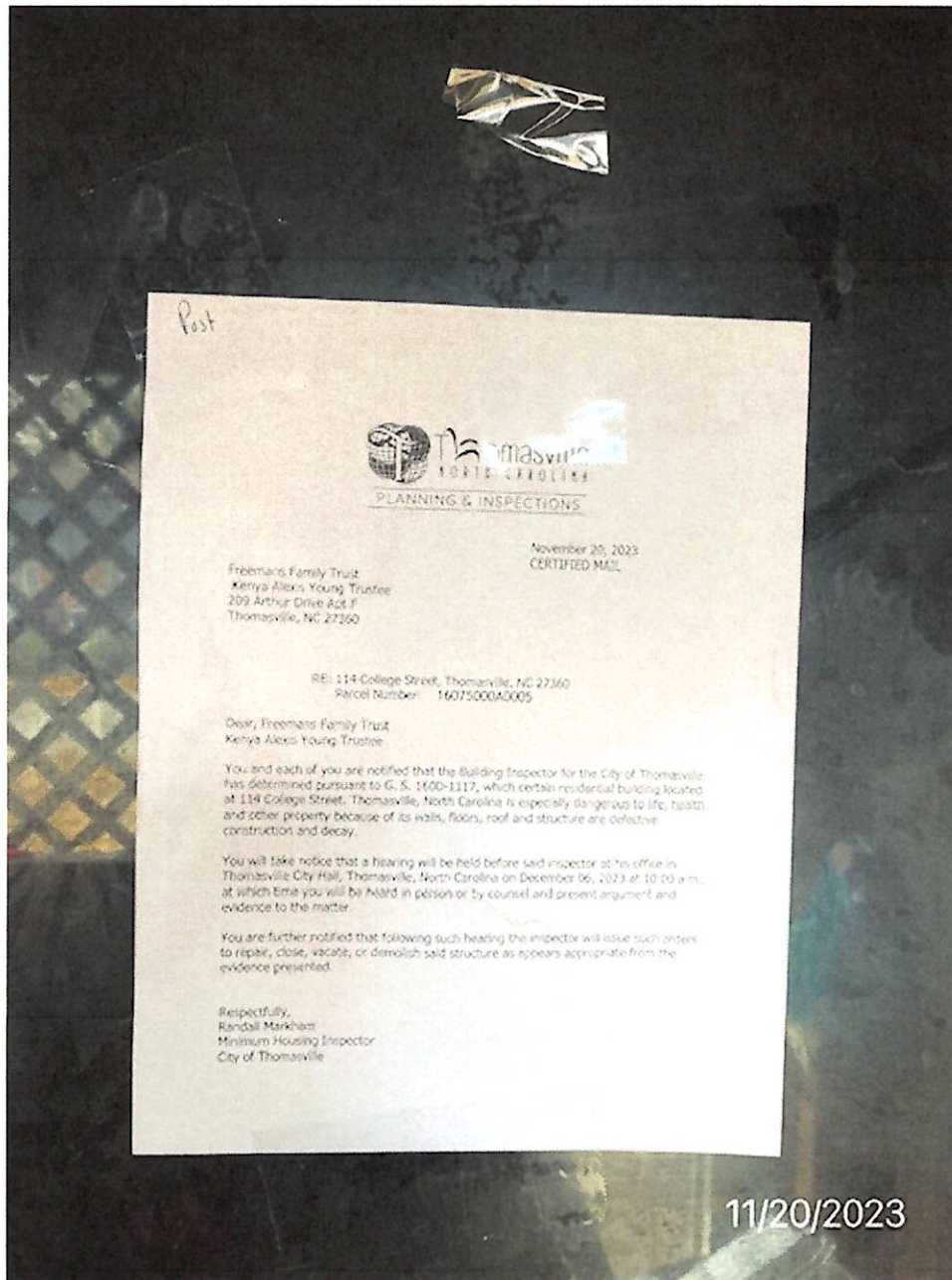
Respectfully,
Randall Markham
Minimum Housing Inspector
City of Thomasville

114 College street door notice for hearing

Markham, Michael R. <Michael.Markham@thomasville-nc.gov>

Mon 11/20/2023 11:44 AM

To: Markham, Michael R. <Michael.Markham@thomasville-nc.gov>



Sent from my iPhone

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.



2023001842

DAVIDSON CO, NC FEE \$26.00

NO TAXABLE CONSIDERATION

PRESENTED & RECORDED:

02-03-2023 12:44:05 PM

MICHAEL E. HORNE

REGISTER OF DEEDS

BY: SHERRY KEPLEY

DEPUTY

BK: DE 2585

PG: 2465-2466



DAVIDSON COUNTY TAX CERTIFICATION

Property Taxes Paid Through: 2022By: [Signature]Date: 2/3/202316-75-A-5

Excise "0"

NORTH CAROLINA QUITCLAIM DEED

Mail after recording to C/O 209 Arthur Drive, Apt F, Thomasville, NC 27360This instrument prepared by Trustee [Signature] GE Yiriniyah ELBrief description for the index Express Trust Gifted DeedTHIS QUITCLAIM DEED made this the 19 day of January, in the year 2023, by and between

GRANTOR

GRANTEE

The Anthony Bernard McCauley Trust,
Liam J. Jeremiah McCauley, Trustee+ Freemans Family Trust
+ Kanya Alexis Young, Trustee
+ C/O 209 Arthur Drive, Apt F
+ Thomasville N.C. 27360
+
+

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 may be required by context.

WITNESSETH, that said Grantors, for and in consideration of the sum of ten dollars and other consideration to them in hand paid, the receipt of which is hereby acknowledged, have remised and released and by these presents do remise, release, and forever quitclaim into the Grantee and his heirs and assigns all right, title, claim, and interest of the said Grantors in and to a certain tract or parcel of land lying and being in the County of Davidson, and State of North Carolina, in Thomasville Township, and more particularly described as follows:

BEGINNING: At an iron pipe, George Welborn's corner in the Western right of way line of College Street, said iron pipe being located South 73°30' West 6.20 feet from the back of College Street curb line (said curb being 25 feet wide back to back) and North 16°00' of College Street curb line (said curb being 24 feet wide face to face); thence with Welborn's line South 73°30' West 150.00 feet to an iron pipe Welborn's corner in Richard D. Callicutt's line; thence with Callicutt's line North 16°00' West 50.00 feet to an iron pipe, John W. Stevens' corner in Callicutt's line; thence with Stevens' line North 73°30' East 150.00 feet to an iron pipe, Stevens' corner in the western margin of College Street, said iron pipe being located South 73°30' West 4.40 feet from the back of College Street curb line; thence with the Western margin of College Street South 16°00' East 50.00 feet to the point of beginning.

For back reference see Deed Book 464, Page 469; Book 464, Page 467; and Deed Book 332, Page 36, Davidson County Registry.

Grantee takes this property subject to any restrictions or easements of record or visible upon the premises.

Grantor acquired the property hereinabove described by instrument recorded in Book 2549 at Page 514-516

A map showing the above-described property is recorded in Map/Cabinet 2549 at Page 514-516

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges thereunto belonging to him the said Grantee and his heirs and assigns free and discharged from all right, title, claim or interest of the said grantors or anyone claiming by, and through or under them. Title to the property hereinabove described is subject to the following exceptions if any:

ANY AND ALL OF PUBLIC RECORD

IN TESTIMONY WHEREOF, said Grantors have hereunto set their hands and seal the day and year first above written.

Lamont Jeremiah McCauley, Trustee (SEAL)
Kenya Alex Young, Trustee (SEAL)
_____(SEAL)
_____(SEAL)

STATE OF NORTH CAROLINA
COUNTY OF DAVIDSON

I, a Notary Public, of said State and County aforesaid, do hereby certify that LAMONT JEREMIAH MCCAULEY grantor(s), personally appeared before me this day, and (i) I have personal knowledge of the identity of the grantor(s), or (ii) I have seen satisfactory evidence of the grantor(s) identity, by current state or federal identification with the grantor(s) photograph in the form of a NCDL or (iii) a credible witness has sworn to the identity of the grantor(s) each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated herein and in the capacity indicated.

Witness my hand and official seal or stamp, this 19th day of JANUARY, in the year 2023.

(seal or stamp)

JOHN SADLER
Notary Public
Forsyth Co., North Carolina
My Commission Expires Nov. 26, 2023

[Signature]
Notary Public Official Signature
JOHN SADLER
Notary Printed or Typed Name

My commission expires: 11/26/2023

STATE OF NORTH CAROLINA
COUNTY OF DAVIDSON

I, a Notary Public, in and for the State and County aforesaid, do hereby certify that KENYA ALEXIS YOUNG personally appeared before me and being duly sworn says that he or she is a duly authorized agent of said above named corporation and as such has the authority to act in and for said corporation. I, (i) have personal knowledge of the identify of the above named authorized agent, or (ii) I have seen satisfactory evidence of the authorized agent's identity, by current state or federal identification with the authorized agent's photograph in the form of a GA DL Or (iii) a credible witness has sworn to before me the identity of the authorized agent, and that he or she signed the foregoing or annexed instrument on behalf of said corporation in the capacity so herein stated and acknowledge the said writing to be the act and deed of said corporation herein stated.

Witness my hand and official seal or stamp, this 19th day of JANUARY, in the year 2023.

(seal or stamp)

JOHN SADLER
Notary Public
Forsyth Co., North Carolina
My Commission Expires Nov. 26, 2023

[Signature]
Notary Public Official Signature
JOHN SADLER
Notary Printed or Typed Name

My commission expires: 11/26/2023

Randall Markham
Code Enforcement Officer
10 Salem Street
Thomasville N.C. 27360

Re: Notice of Violation

The inspection of private trust property at 114 College Street, Thomasville N.C. 27360 conducted on July 11, 2023 was a document trespass by a city official in accordance to N.C. Uniform Trust Law section 36C-5-505. As this is a private charitable trust property, it is not subject to any city ordinances described in your "Notice of Violation" letter. Freemans Family Trust does not give consent to any governing body to trespass upon 114 College Street or any of its properties to conduct any government business with written consent from Trustee(s). Any further communicated attempts from you or any agent of Thomasville City Code Enforcement of threats, coercion or compliance to your governing body is proof of your violation of this notice and you agree to pay Freemans Family Trust a penalty of no less than **5000.00usd per incident.**

We are not hostile or insensitive to the drug and homelessness problem that continue to plague this particular neighborhood. We continue to maintain the property, cut the grass, have posted "no trespassing signs" and we have called the police ourselves on several occasion ourselves to report violations, vagrants and loitering on this private property. These documented occasions showed our willingness to address the concerns of the citizens in that neighborhood. Despite our best efforts to keep the property clean and irritant free this neighborhood continues to see a rise in drug use and violence. This charitable Trust was formed to help those in need to overcome these societal ills and we obtained 114 College Street in an effort to revitalize the neighborhood and put the house in the hands of responsible citizens. We cannot do that if we continue to have these problems which are result of a greater problem then we as property owners can control.

We are willing to work with your organization or any organization with the greater goal of eliminating homelessness and drug addiction in this jurisdiction. We need of help from the city, not punishment. As such, any reasonable solution other than fines and liens to the private trust property that Thomasville City Code Enforcement is willing to share the financial responsibility and oversight would be a welcomed discussion by the Trust and beneficial to our mutual goals of making Thomasville a safe beautiful place for all its citizens and businesses. Again, we do not agree to contract with you to be subjected to your fines, fees and liens and the aforementioned trespasses but we willing to talk about mutually beneficial solutions to this community problem. Feel free to contact myself or Freemans Family Trust protector Mr. El at the numbers below.

Kenya A. Young, auth rep UCC 1-308
209 Arthur Drive #F
Thomasville N.C. 27360
Mr. El (404)-862-0179



Thomasville
NORTH CAROLINA

PLANNING & INSPECTIONS

July 11, 2023

Kenya Alexis Young Trustee
209 Arthur Drive Apt F
Thomasville, NC 27360

NOTICE OF VIOLATION

Re: Case #: 23-383
Recheck Date: July 21, 2023

To: Kenya Alexis Young Trustee

An inspection was conducted on July 11, 2023 of the property at 114 College Street, Thomasville, NC. Upon inspection of property, it reveals violation(s) of City of Thomasville Municipal Code (as described below).

Violation Detail

Sec. 46-31 Prohibited Conditions

Date Est: July 11, 2023 Location:

According to city ordinance grass can't be over 12 inches tall. Mow and weed eat entire property. Clean all trash and debris from entire property. The property needs to be secured. There are people going in and out of the property, the police were called out there yesterday.

I will re-check the property no earlier than **Ten (10) Days** to determine if the violation has been corrected. If the violation has been corrected, then no further action will be taken.

If the violation has **not** been corrected, the city will proceed with its legal option to clean up the property. The property owner will be charged for this service. If the property owner does not pay this fee, then a lien(s) is placed on the property in violation.

Should you not be able to comply with this notice before the above date, or if you have any questions, please contact me at the telephone number indicated below, There will be no further notices concerning this case issue.

Randall Markham
Code Enforcement Officer
Michael.markham@thomasville-nc.gov
(336) 475-4251

Alexis Kenya Young Trustee
209 Arthur Drive Apt. F
Thomasville, NC 27360

NOTICE OF VIOLATION

Re: Case #: 24-104

To: Alexis Kenya Young Trustee

An Inspection was completed on January 18, 2024 of the property at **114 College St.** Upon inspection of property, it reveals violations(s) of City of Thomasville Municipal Code (as described below).

Violation Detail Sec., 46-31 Prohibited Conditions.

Property has been classified as an imminent hazard by City of Thomasville Fire Department and Code Enforcement, and has had two fires extinguished on 1-17-24 and 1-18-24 by the Thomasville Fire Dept. Police have found multiple people squatting in home. Fire Dept. has found combustible materials in yard along house Property. The City of Thomasville has hired a private contractor to board up, secure and haul off trash/combustible materials. Property is classified as a danger to Community, and will be boarded and cleaned up by City of Thomasville Immediately.

The city will proceed with its legal option to clean up property. The property owner will be charged for this service. If the property owner does not pay this fee, then a lien(s) is placed on the property in violation.

If you have any questions, please contact me at the telephone number indicated below.

Respectfully,

Randall Markham
Code Enforcement Officer
Michael.markham@thomasville-nc.gov
336-475-4251

Tracking Number:

70210950000012868887

Remove X

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

We attempted to deliver your item at 2:52 pm on November 22, 2023 in THOMASVILLE, NC 27360 and a notice was left because an authorized recipient was not available.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivery Attempt

Notice Left (No Authorized Recipient Available)

THOMASVILLE, NC 27360

November 22, 2023, 2:52 pm

Departed USPS Regional Facility

GREENSBORO NC DISTRIBUTION CENTER

November 20, 2023, 8:58 pm

See All Tracking History

Feedback

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

- Text & Email Updates
- USPS Tracking Plus®
- Product Information

USPS Tracking®

[FAQs >](#)

Tracking Number:

70210950000012868870[Remove X](#)[Copy](#)[Add to Informed Delivery \(https://informedelivery.usps.com/\)](https://informedelivery.usps.com/)

Latest Update

Your item was picked up at the post office at 10:35 am on November 28, 2023 in THOMASVILLE, NC 27360.

Get More Out of USPS Tracking:**USPS Tracking Plus®**

Feedback

Delivered

Delivered, Individual Picked Up at Post Office

THOMASVILLE, NC 27360

November 28, 2023, 10:35 am

[See All Tracking History](#)[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)**Text & Email Updates****USPS Tracking Plus®****Product Information****See Less ^**

Track Another Package

Enter tracking or barcode numbers









114 College street boarded up 2024

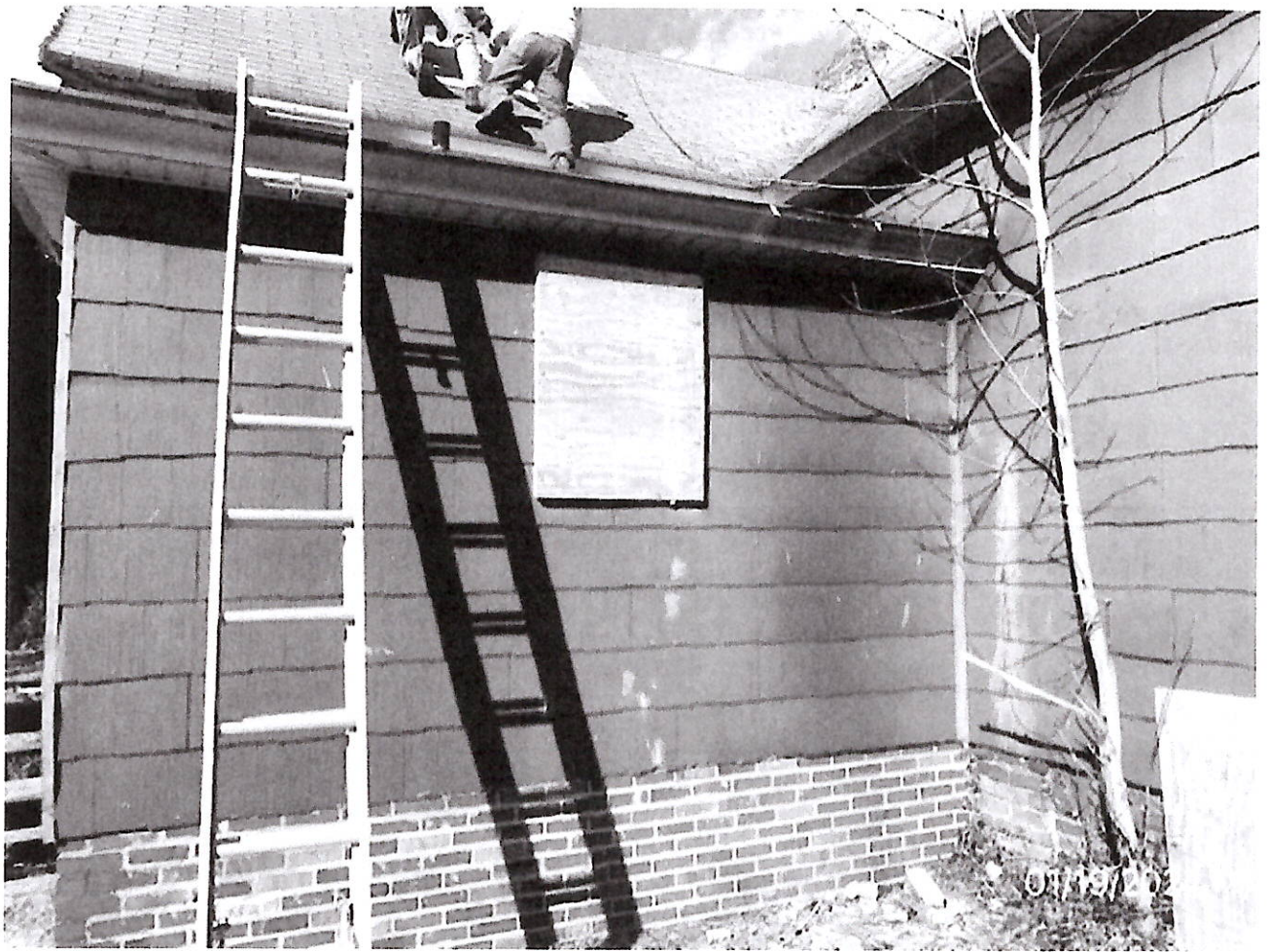
Markham, Michael R. <Michael.Markham@thomasville-nc.gov>

Fri 1/19/2024 1:54 PM

To: Markham, Michael R. <Michael.Markham@thomasville-nc.gov>











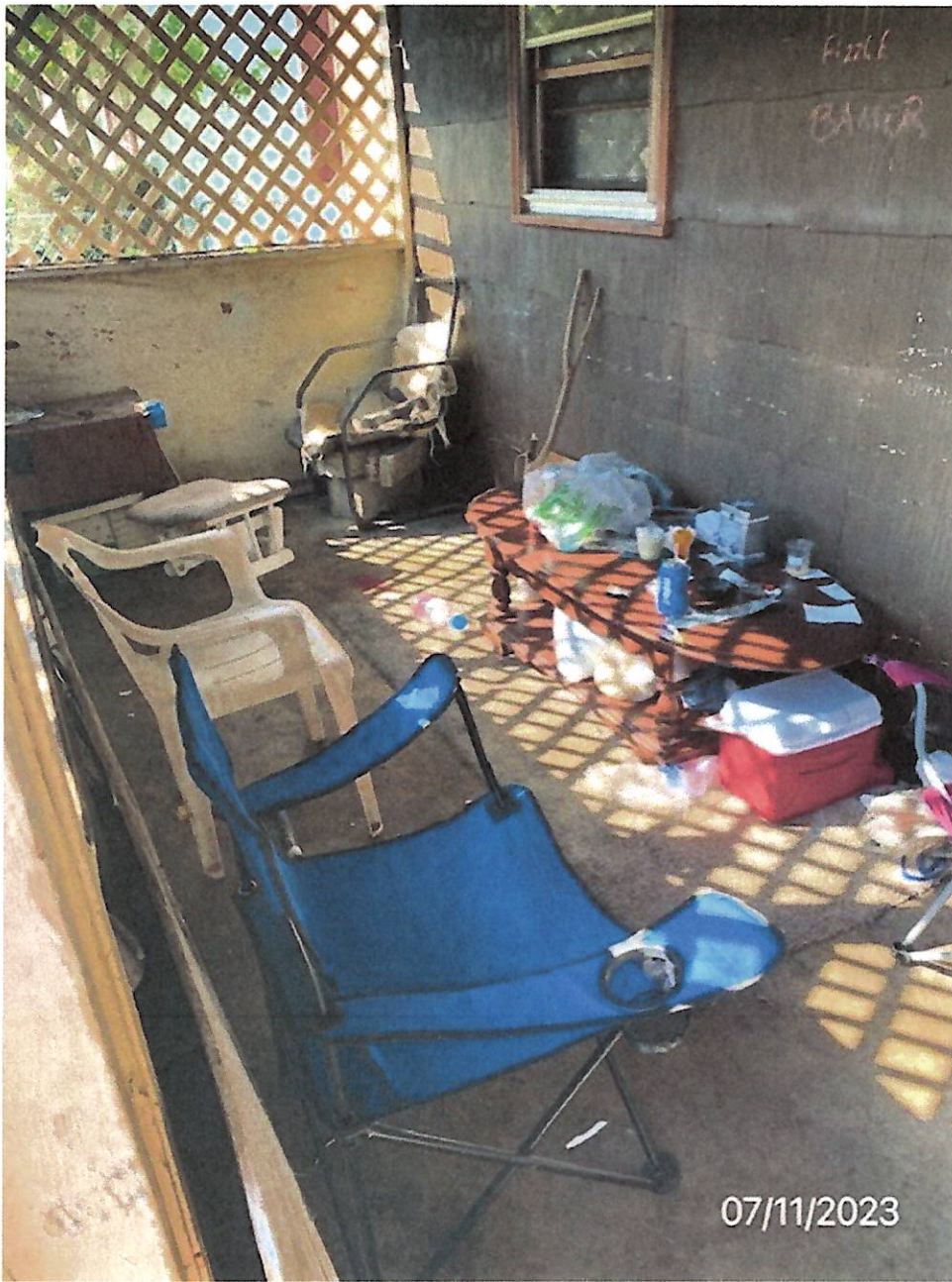
114 College street

Markham, Michael R. <Michael.Markham@thomasville-nc.gov>

Thu 11/30/2023 11:56 AM

To:Markham, Michael R. <Michael.Markham@thomasville-nc.gov>





114 College street

Markham, Michael R. <Michael.Markham@thomasville-nc.gov>

Mon 12/11/2023 10:28 AM

To: Markham, Michael R. <Michael.Markham@thomasville-nc.gov>

Trash after hearing date

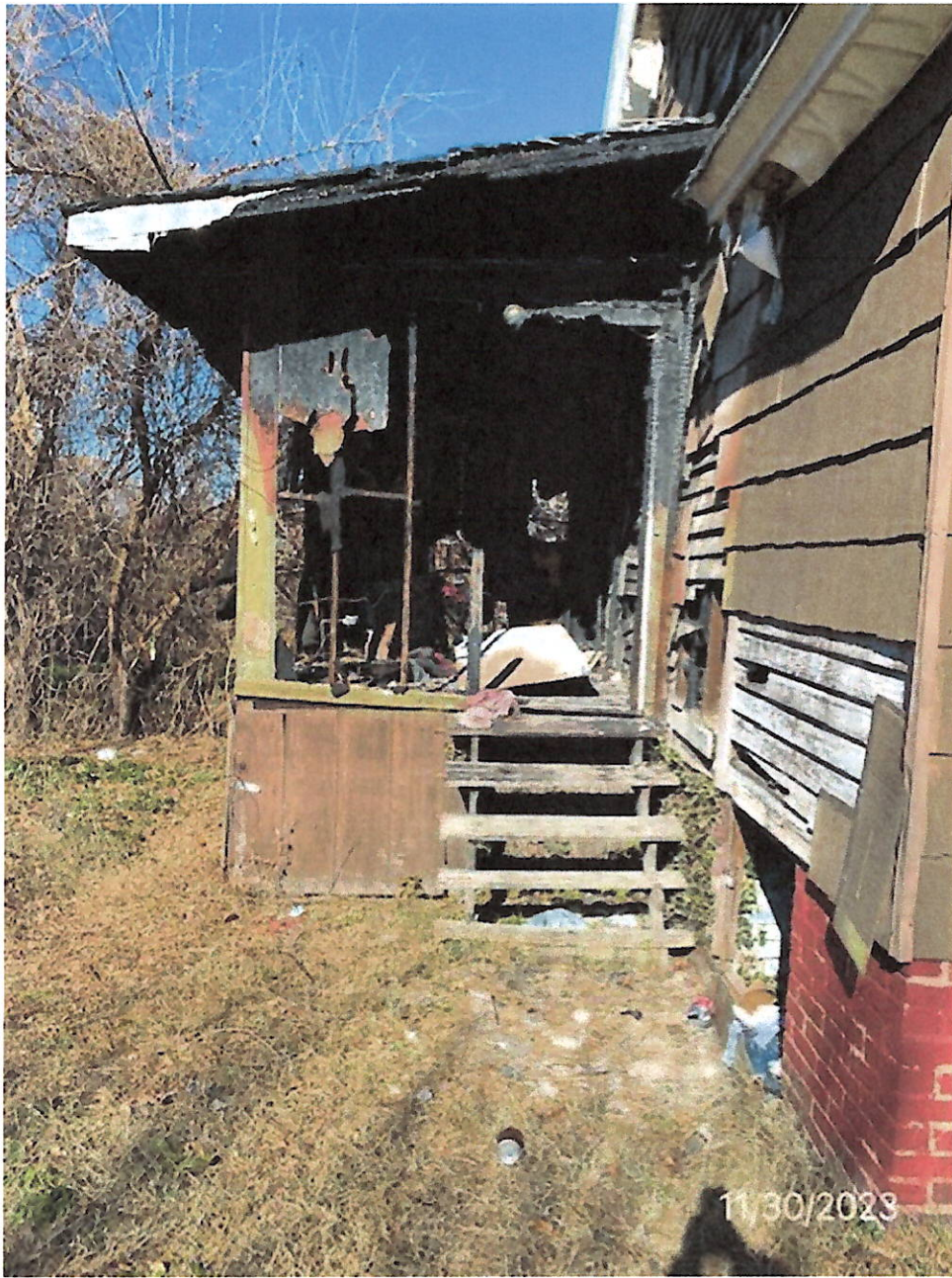






Sent from my iPhone

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114 College street door notice

Markham, Michael R. <Michael.Markham@thomasville-nc.gov>

Fri 1/19/2024 3:02 PM

To: Markham, Michael R. <Michael.Markham@thomasville-nc.gov>



Sent from my iPhone

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.

Agenda Item Cover Sheet

Admin. Use Only:

Committee Name Public Safety

Committee Date
And Agenda #

2.6.24	PSafe 5
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Item Name:

Consideration of Text Amendment Z-24-02 (Public Hearing)

Description of Item:

Proposed text amendment to allow for micro-breweries and micro distilleries in the C-4 (downtown) district, M-1, and M-2 districts.

Back-Up Materials:

Revised Code of Ordinances Appendix A, Zoning, Article V, Section 2 Permitted Use Table

Council Action Requested:

Consideration of Approval Text Amendment Z-24-02

Requested By: Chuck George

Department: PIE

To: Michael Brandt, City Manager
From: Chuck George, Planning Director
Date: January 31, 2024
Re: City Council Meeting, February 19, 2024

The following items has been before the Board of Planning & Adjustment on Tuesday, January 30, 2024.

Text Amendment (Z-24-02)

Applicant: Staff

Proposed Text Amendment for Microbreweries and Micro-distillery.

Appendix A - Zoning, Article V, Section 2 - Table of Permitted Uses. Allow Microbreweries and Micro-distillery in C-4, M-1, and M-2 Zoning District.

A public hearing was conducted, and the board voted 6-0 to approve the request for the following reason:

- Find that this text amendment 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.



The Board of Planning and Adjustment of the City of Thomasville has approved
by a 6 to 0 vote the text amendment request (Z-24-02).

Applicant: Staff

Proposed Text Amendment for Microbreweries and Micro-distillery.

Appendix A – Zoning, Article V, Section 2 – Table of Permitted Uses. Allow
Microbreweries and Micro-distillery in C-4, M-1, and M-2 Zoning District.

11/30/24

Date

Jane Hill

Jane Hill, Chairperson

CITY OF THOMASVILLE

P O BOX 368 • THOMASVILLE, NC 27360 • (336) 475-4249
Planning & Zoning Department

TEXT AMENDMENT APPLICATION

File No. Z-24-02 Date 1/2/2024

Applicant Staff Phone 336-475-4255

Address 10 Salem Street

Text Amendment Requested: To allow Micro-breweries and Micro-distilleries as a permitted use in the C-4, M-1, and M-2 zoning district.

Reason For Text Amendment: To bring our zoning ordinance in line with the 2035 Land Use Plan.
The 2035 Land Use Plan encourage breweries and tasting rooms in our downtown business district.

Application must be completed in full and returned with the \$500.00 application fee to the Planning Department no later than the first day of the month in which the petition needs to be heard at the regularly scheduled meeting of the Board of Planning & Adjustment. The Board meets the last Tuesday of each month at 5:30 P.M. in the Thomasville City Council Chambers, 7 West Guilford Street (unless otherwise noted).

Fee Received \$ N/A *(PLEASE MAKE CHECK PAYABLE TO "CITY OF THOMASVILLE")*

Applicant's Signature Chuck George

Planning Board Hearing Date 1/30/2024

Planning Board Action ☒ Approved ☐ Denied Vote of: 6-0

City Council Hearing Date 2/19/2024

City Council Action ☐ Approved ☐ Denied Vote of: _____

Comments: _____

Zoning Officer Signature _____

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

BE IT ORDANINED, that the Code of Ordinances of the City of Thomasville be amended in the following respect:

Appendix A (Zoning), Article V, Section 2 (Table of Permitted Uses) and Section 3 (Notes to the table of permitted uses, and Article XII, Section 1 (Definitions) shall be amended by adding the following to read as follows:

Article V, Section 2, Table of Permitted Uses:

Microbrewery, Micro-distillery are allowed in C-4, M-1, and M-2 districts.

Article XII.-Legal Provisions, Section1. Definitions:

Microbrewery: A distillery that produces no more than 15,000 US barrels (460,000 US gallons) per year.

Micro-distillery: A distillery that produces no more than 50,000 US gallons per year. Other typical names include, but are not limited to, "craft distillery," "small batch distillery," and artisan distillery."

Upon the motion of member of Council _____, and a second by member of Council _____, the foregoing Ordinance passed by a vote of _____.

This Ordinance shall be effective _____, 2022.

This ____ day of _____, 2022.

CITY OF THOMASVILLE

By: _____
Raleigh York, Jr., Mayor

Attest: _____
Wendy S. Martin, City Clerk

[SEAL]

DOWNTOWN BUSINESS DISTRICT (#1)

Summary: The downtown business district currently has a mix of business, institutional, residential and industrial land uses. The 4 general categories of land use do not tell the story of how varied and mixed the land uses are in this downtown area. The map on the opposite page shows how many different types of land uses exist in the downtown area. Most of the small area is encompassed by a municipal service district, a special incentive based tax district.



Photo 11: Main Street Downtown during Everybody's Day

Encourage: Commercial retail shops, restaurants, tasting rooms, breweries, grocery, vertical mixed-use with living quarters on the upper floors.

Discourage: Flea markets, high density of bars, warehouse/storage, used car lots.

Lot Sizes: No minimum lot size for commercial or mixed-use projects, continue existing minimum lot size for residential.

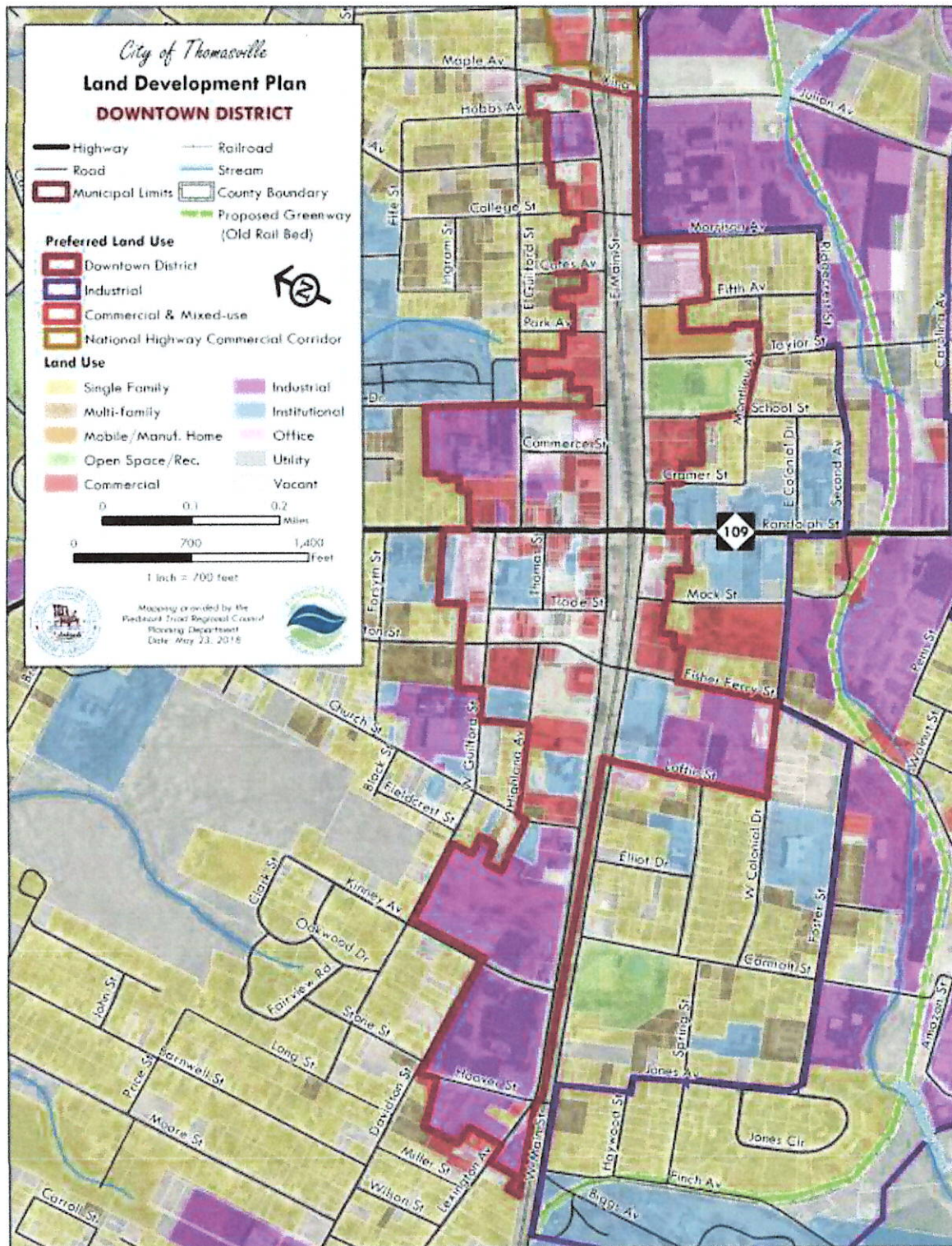
Pedestrian and Bicycling Friendliness:

Implement bicycle transportation plan improvements to build the bicycle network and provide bicycle parking at key locations downtown. Provide accessible and safe pedestrian crossings at key intersections insuring curb ramps, crosswalks and pedestrian refuge islands are constructed in areas of high pedestrian activity.

Other Criteria:

- Establish design and appearance standards for downtown, including a maintenance plan
- Conduct proactive code enforcement for appearance and maintenance violations
- Continue to market and promote the municipal service district incentives program to encourage investment in downtown properties.

Area	11	14.71
	Acres	275.16
Parcel and Size	# of Parcels	96.99
	Parcel Acres	29.25
	ROW Acres	840.36
	Mean Parcel Size	58.67
	Median Parcel Size	134.02
	Range	13.78
	Top Third Mean Size	796.39
	Top Third Range	0.28 to 21.89
	Top Third Sum	88.63
	Mid Third Mean Size	0.16
	Mid Third Range	0.09 to 0.28
	Mid Third Sum	9.76
	Bottom Third Mean Size	0.06
	Bottom Third Range	0.02 to 0.09
	Bottom Third Sum	3.42
Zoning	C2	17.84
	C4	29.25
	M1	41.34
	OI	5.37
	R6	7.17
	R8	0.56
	Unknown	0.28
	TOTAL	101.81
Land Use	Commercial	20.54
	Industrial	38.86
	Institutional	9.26
	MF	0.23
	MH	2.40
	Office	9.47
	OS	4.42
	SF	1.12
	Utility	0.34
	Vacant	15.17
	TOTAL	101.81



“Generic” First Public Hearing

In order for the City of Thomasville to be eligible to apply for Community Development Block Grant (CDBG) funds from the North Carolina Department of Commerce, Commerce Finance Division, two public hearings are required. The first public hearing is a “generic” public hearing, and once held, is good for one year. During that year, the City would only need to hold a project specific public hearing, prior to submitting a request for CDBG funding. Currently under the CDBG Program, funds can be requested for projects that include infrastructure improvements, building reuse or demolition, all of which must be for the purpose of promoting economic development through the creation of jobs, designed to benefit low and moderate-income persons.

The last “Generic” Public Hearing was held on February 20, 2023, therefore a new public hearing is being requested to be held at the February 19, 2024 City Council Meeting.

**City of Thomasville
Community Development Block Grant
Notice of Public Hearing**

Notice is hereby given that the Thomasville City Council will hold a public hearing on Monday, February 19, 2024 at 6:00 p.m. at 20 Stadium Drive, Thomasville, NC.

The purpose of this hearing is to receive citizen input regarding the use of Community Development Block Grant (CDBG) funds from the North Carolina Department of Commerce and the U.S. Department of Housing and Urban Development. CDBG funds may be used for infrastructure improvements, demolition or building reuse projects, which promote Economic Development through the creation of jobs, designed to benefit low and moderate-income residents within the City. All interested persons are invited to attend this hearing.

This information is available in Spanish or any other language upon request. Please contact the Clerk's Office at (336) 475-4214 or at 10 Salem Street, Thomasville, for accommodations for this request at least 48 hours prior to the hearing.

Esta información está disponible en español o cualquier otra lengua a petición. Entre en contacto con por favor la oficina del vendedor en (336) 475-4214 o en la calle de 10 Salem Street, Thomasville, para las comodidades para esta petición por lo menos 48 horas antes de la audiencia.

Hearing impaired persons desiring additional information or having questions regarding this subject should call the North Carolina Relay Number for the Deaf at 1-800-735-8262.

Publishing Instructions:

Please publish once in the Thomasville Times on February 7, 2024.

AFFIDAVIT REQUIRED

Please send affidavit and bill to:

**Wendy Martin
City of Thomasville
PO Box 368
Thomasville, NC 27361-0368**

**Please reference PO # G31504 on the invoice to insure prompt payment.
Thank you!**

MINUTES FOR THE THOMASVILLE CITY COUNCIL BRIEFING MEETING ON MONDAY, JANUARY 8, 2024 AT 4:00 PM AT 20 STADIUM DRIVE, THOMASVILLE, NC.

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

Mayor Pro Tem Shell asked for a moment of silence before the meeting in honor of fallen Greensboro Police Sergeant Phillip Dale Nix. She then thanked Thomasville's Police and Fire Fighters for putting their lives on the line every day for our community.

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

City Manager Brandt advised that Council Committees were not held in January, so this Briefing Meeting would go into more detail than usual.

2. Additions and Deletions to the Agenda

City Manager Brandt asked that Council make the following changes to the agenda:

- Move item 8.A. Budget Amendment to 3.C. for action this evening.
- Remove item 8.B. Stadium Lighting because it would be addressed with the Budget Amendment.
- Remove item 8.F. Downtown Streetscape Master Plan to be sent back for further discussion after meeting with the Railroad.

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

3. Regular Agenda

- A. Consideration of Revised Golden Leaf Project Ordinance for \$6,838,376

Finance Director Thomas Avant advised this is the revised Grant Project Ordinance for the Nucor Project. Funding for this project is coming from Nucor, Davidson County, a Golden LEAF Grant, and the State Industrial Development Fund. The additional cost of the Sewer Extension Project has been added to this Golden LEAF Grant Project Ordinance.

When combined with the previous grant, this project will have a total construction cost of \$7,162,000 and a total project cost of \$7,814,876. (Davidson County will pay \$2,362,398. Nucor and the Grants will pay \$5,452,478. Thomasville will pay nothing.)

Council Member Hunt moved to approve the Grant Project Ordinance as presented. Council Member Johnson seconded. *Motion unanimously approved 7 – 0.*

B. Consideration of Award of Bid to State Utilities Contractors for the Nucor Sewer Construction Project

City Manager Brandt said the bid of \$9.1M was significantly higher than expected. After a series of meetings with Nucor and Davidson County and Thomasville representatives, the project was “value engineered” down to \$7.2M. That involved open cutting roads, instead of boring them; the County paying additional costs for the “regional sewer” portion of the plan; and additional time to complete the project.

He has updated commitment letters from Davidson County and Nucor, as well as an updated letter from our engineers at Ally Williams Carmen and King that says the contract price is \$7,162,000. Nucor’s responsibility is now \$5,452,477.94. Davidson County’s responsibility is now \$2,362,397.66.

He asked that Council approve the Resolution of Award for the lowest bidder with State Utilities Contractors for \$7,162,000. This also authorizes the City Manager to execute the appropriate contract documents for the Nucor Sanitary Sewer Outfall for that amount

Council Member Grimes moved to award the bid to State Utilities Contractors. Council Member Hunt seconded. *Motion unanimously approved 7 – 0.*

C. Consideration of General Fund Budget Amendment 2024-P7-01 (PF1)

Finance Director Avant advised that this amendment would transfer \$20,000 for the purchase of the vacant 6 Trade Street Property for use as a public parking lot, as follows: \$10,000 from the Streetscapes set-aside and \$10,000 from the General Fund Contingency.

He said this vote is needed at Briefing, because \$90,000 needs to be approved for the purchase of a replacement fire truck, as the result of a recent accident, as follows: \$85,000 of insurance proceeds and \$5,000 from the General Fund Contingency.

That will leave \$262,021 in the General Fund Contingency.

He also advised that the current field lights at Cushwa Stadium are no longer replaceable. Therefore, a completely new system needs to be installed for a total cost of \$305,000. This price includes \$6,000 for a 25-year warranty to eliminate all labor and material costs for maintenance. \$105,000 of the funds will come from the Recreation Reserve balance, leaving \$28,336. (An additional \$141,000 will be to that account after June 30th.) The remaining \$200,000 will come from

surplus investment interest. Paying this way, instead of financing this equipment, would save the City \$40,000 in interest costs over several years.

Council Member Thrift moved to approve General Fund Budget Amendment 2024-P7-01. Council Member Hunt seconded. *Motion unanimously approved 7 – 0.*

After the official vote, Fire Chief Jason Myers relayed the \$90,000 offer to purchase the fire truck, and the sellers accepted. Chief Myers said they have to keep that truck in service until February 1st. They will only use it as a last resort during this time, however, and they will continue to insure it until we take ownership of it.

4. Public Forum on January 16, 2024 – Please sign up in person at the podium to speak for two minutes on any topic. *The two-minute time limit will be enforced.*
5. Recognitions and Presentations (if any) on January 16, 2024
6. Public Hearings on January 16, 2024

- A. Request for Rezoning (Z-23-12) (PSafe 3)
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

Planning Director Chuck George advised that this property has a dilapidated house on an about an acre and a half. The Fairgrove Fire Department plans to burn the house down as a training.

The Planning Board conducted a public hearing and voted 5-0

Several members from the community came out to speak in favor of this change. This change is “heading in a direction that the community wants to see.”

The 2035 Land Use Plan encourages mixed use in that area.

The following items were put on the Consent Agenda by the Council members for consideration on January 16, 2024:

7. Consent Agenda on January 16, 2024
 - 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

Finance Director Avant said he did not have the actual contract for Council's review yet. However, it must be considered for approval in January. The 2024 cost would be \$63,000, which is a \$3,000 increase over 2023, as presented in our 5-year quote.

The following items were put on the Regular Agenda by the Council members for consideration on January 16, 2024:

8. Regular Agenda on January 16, 2024

A. Consideration of Revision of Solid Waste Collection Ordinance Regarding Vacant Properties with Active Water/Sewer Accounts

City Manager Brandt handed out an Amendment to the Solid Waste Code of Ordinances.

Finance Director Avant thanked Lead Billing Clerk Tonya Berrier for discovering a loophole in our current ordinance. Currently, about 150 utility accounts do not pay the monthly solid waste disposal fee, although they have water and sewer services, because the property is being renovated or is in between tenants and is not currently occupied. The revision would remove the word "occupied" from section 66-11 of the Solid Waste Ordinance. It would then allow all utility customers to be charged the solid waste disposal fee. The City loses out on \$13,050 per year currently, and that number would increase, once our disposal fees go up.

City Manager Brandt clarified that this only affects properties with active water and sewer accounts.

Council Member Hunt asked if the city could also bill properties without active water accounts, since those properties also sometimes leave trash while they renovate. Finance Director Avant did not think that would be allowed.

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

City Manager Brandt said an approved Master Plan would help the Parks and Rec Department qualify for more grant funds.

Council Member Williams asked if adopting the Master Plan made Council "beholden to" the items listed. He said each item was subject to change and funding approval.

Recreation Director Cory Tobin said the Plan is being updated to include a recommendation for accessible services and accessible playground equipment, which will be valuable for grant opportunities.

Council Member Shelton asked Mr. Tobin to present a short slideshow to the public at the Council meeting to see what Parks and Rec is planning. He said he would do that and also put that information on the website.

The following items were discussed but were not sent to the Council Meeting for consideration on January 16, 2024:

D. Consideration of Request to Waive Tax Lien on Certain Properties to Encourage Purchase and Redevelopment

City Manager Brandt explained that he received a request from Marie Buchanan regarding talks she has had with staff regarding clearing city liens off properties to encourage their purchase and redevelopment.

He has spoken with the City Attorney about this matter, and he was advised that property taxes cannot be waived. The interest on tax liens, as well as City liens regarding property clean-up *can* be waived. The City has not done this before, but it is within their rights to do so.

Ms. Buchanan was specifically asking about a vacant property at 309 Church Street. No taxes have been paid on this property in about 10 years, totaling about \$1,500 in taxes, plus about 6% interest. The City could waive the interest and \$12,813 in lot clean-up liens since 2002. Actually, State law may only allow us to collect up to 10 years in liens.

Council Member Williams pointed out that if we were able to get someone to purchase these properties, the City wouldn't have to pay to clean up the lots anymore.

City Manager Brandt explained that these properties would still have to go through a foreclosure process, which could be a lengthy process because multiple heirs are involved. The County isn't going to prompt a foreclosure, because their taxes owed are so small. The City could use a third-party company to handle the foreclosure process. That could potentially free up a property that's not currently paying taxes and that is costing the city maintenance fees.

Council Member Hunt asked if that would set a legal precedent for all other similar properties.

City Manager Brandt said staff could develop a policy from a community development point of view to establish the process. This would include rules such as who could request this. Would it only apply to non-profits, or would it include for-profits developers?

Ms. Buchanan said she purchased the lot at 311 Church Street to revitalize it, since the first African American school was right behind it. There are a lot of dilapidated properties on this street. 313 has an encroachment on it. She was able to get a

set-back approved by the Planning Board. But she would also like to obtain 309 to help fix up the community. She is working in conjunction with 501(c)(3) company Cornerstone Church of Christ. She asked if Council would consider waiving the tax interest and clean-up liens and donating the property to the 501(c)(3). She said, "That way we can continue to move up that street and revitalize it and bring a nice curb appeal back to the community."

If she were able to get 309, they could get the property resurveyed straight and build two affordable homes at 309 and 311.

Council Member Williams stated, "I think the potential tax revenue that could be gained from a neighborhood like this will more than outweigh the money that we've lost and already spent."

Council Members Hunt and Thrift wanted to get a process in place before taking any action.

The current market value of the 309 property is \$7,500.

Council Member Johnson asked if Council waited to create a process, where would it leave this property.

City Manager Brandt said 309 is not in foreclosure, so City staff would have to check with the County to see if they were interested in foreclosing. If they were not, the City would have to hire a third-party company to handle it. He added that typically, the cost of that third-party company would get added to the foreclosure.

It was left that City staff would begin working on building a policy, and they would get in touch with Ms. Buchanan once that has been finalized.

F. Consideration of Downtown Streetscape Master Plan Developed by Withers/Ravenel (PF8) - This was tabled at this time. It would be discussed further and brought back to Council at a future date.

9. Committee Reports and Appointments, Mayor's Report and Appointments, City Manager's Report, City Attorney's Report on January 16, 2024

10. Closed Session on January 8, 2024 – Personnel Matters

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

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

11. Additional Items – In accordance with Article XIII, Section 12, Council Member Hunter Thrift moved that Council extend medical leave for Adam Cerretani for six additional months. Council Member Hunt seconded. *Motion unanimously approved 7 – 0.*

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

Raleigh York, Jr., Mayor

Wendy S. Martin, City Clerk

MINUTES OF THE THOMASVILLE CITY COUNCIL MEETING ON TUESDAY, JANUARY 16, 2024 AT 6:00 PM AT 20 STADIUM DRIVE, THOMASVILLE, NC.

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

1. Call to Order – Mayor *Pro Tem* Lisa Shell called the meeting of the Thomasville City Council to order.
2. Additions and Deletions to the Agenda – There were no additions or deletions to the agenda. Council Member Thrift moved to approve the agenda as presented. Council Member Shelton seconded. Motion unanimously approved 6 – 0.
3. Public Forum – Pastor Ellis McLendon, Pastor Kelvin Sellers, and licensed contractor Kevin Andrews all spoke regarding the need for a homeless shelter in Thomasville. Pastor Sellers asked for a meeting with Council to discuss this further.
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

Planning Director Chuck George advised that this property is approximately 1.5 acres with a residential structure. It is adjacent to residential property and is near NC-109. The 2035 Comprehensive Plan encourages mixed use and commercial along NC-109. The requested buffer between commercial and residential properties will suffice to protect existing property owners. NCDOT may require road improvements for any future development projects.

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's interest due to its consistency with the Comprehensive Plan and, as a result, its furtherance of the goals and objectives of the Comprehensive Plan

Mayor *Pro Tem* Shell opened the public hearing.

Ty Comer spoke on behalf of Ford Associates, LLC in favor of this rezoning.

No one else spoke for or against this rezoning.

Mayor *Pro Tem* Shell closed the public hearing.

Council Member Hunt moved to approve this rezoning for the reasons stated above. Council Member Johnson seconded. Motion unanimously approved 6 – 0.

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

City Manager Brandt reported that the Local Government Commission approved the annual audit contract. It then required Council approval. Martin Starnes' fee for fiscal year 2024 is \$63,000, which is \$3,000 higher than 2023, per the 5-year payment plan agreement. In return, they will complete the City's annual external audit and prepare our audited financial statements. The total cost of \$63,000 was in accordance with Martin Starnes' 5-year renewal letter, which was provided to Council FY 2022.

Council Member Hunt moved to approve all the items on the Consent Agenda. Council Member Thrift seconded. Motion unanimously approved 6 – 0.

6. Regular Agenda

- A. Consideration of Revision of Solid Waste Collection Ordinance Regarding Vacant Properties with Active Water/Sewer Accounts

City Manager Brandt explained that this ordinance amendment corrects a loophole that erroneously excluded unoccupied water/sewer customers from paying for solid waste pick up.

Council Member Hunt moved to approve this ordinance amendment. Council Member Williams seconded. Motion unanimously approved 6 – 0.

- B. Consideration of Approval of Resolution to Adopt Parks & Recreation Master Plan

Recreation Director Cory Tobin presented a slideshow summarizing the highlights of this plan. He thanked the present and former Councils for their foresight for the Recreation Department. The fruits of their labor included everything from a new

playground at Myers Park and the Central Rec gymnasium renovation to the construction of the Aquatic and Community Center. It has had a wonderful impact on the community.

He said this new Master Plan will help the Recreation Department plan what to do over the next five to ten years, like a roadmap to the future. They looked at what they had and recognized that “aging facilities are spaces of opportunity.” They then reached out to the entire community for their input via an online/in-person surveys; and they created a vision and recommendations from all that data in this Master Plan.

Mr. Tobin said the complete Master Plan document is on the city’s website at the Parks & Recreation’s main page. Key feasible and doable short-term (1-5 year) goals include:

- a dog park at Myers Park;
- renovations of the tennis courts and athletic spaces and accessibility upgrades at Central Rec.;
- fencing (is going in right now) at the youth soccer/t-ball/football field;
- renovation or rebuilding of the Reginald Strickland Center (with an advisory committee made up of community members);
- an addition of a park in southern Thomasville; and
- continuing the Greenway expansion to connect Thomasville’s schools to infrastructure and Downtown. He said, “A Unity Street to Culbreth Avenue connection would make a more active area for our residents to utilize, but also a safer route for some of our young folks to get to and from school.”

Council Member Thrift moved to approve this Resolution. Council Member Shelton seconded. Motion unanimously approved 6 – 0.

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

Council Member Hunt thanked the Sanitation Department for cleaning up the town after the holidays. He also asked everyone to keep our military in mind as we move into difficult times in the world.

Council Member Shelton asked people to continue donating to the local food banks all year long. She also congratulated Council Member Johnson and Coach Flippin for receiving an award from the MLK-SAC for being good leaders and for the work they do in the community.

Council Member Thrift moved to appoint:

- Neal Grimes back onto the ABC Board; and
- Casey Gardner to fill Eric Kuppel's unexpired term as Corporate Limits Alternate on the Board of Planning/Adjustment.

Council Member Hunt seconded. Motion unanimously approved 6 – 0.

Council Member Grimes thanked City employees for their extra hard work during the recent inclement weather.

He also spoke regarding the need for a homeless shelter in Thomasville, saying,

"I don't think you're going to find anybody that's not willing to support a homeless shelter. That's not a job of ours, but we can support and promote the efforts made by some of these organizations for warming shelters. There are a couple of them going on tonight. Father's Storehouse is open for females and children. My church right across the street is opening up for males. So, there are good things going on... Those things are available."

He also wished Council Members Shepherd and Bratton both speedy recoveries.

Council Member Williams added congratulations to Council Member Johnson for the Beloved Community Service Award, advising that he was the youngest person ever recognized with that award. She then shared some poignant Martin Luther King, Jr. quotes.

Council Member Johnson reported that the MLK-SAC did a phenomenal job of putting on an impactful weekend of celebration for their 31st annual MLK week celebration. On Saturday, high school students competed for over \$27,000 in scholarships in a speech contest. He thanked everyone who made that possible.

He is extremely grateful for being recognized, and he is "extremely hopeful for the work that we have to do for our community...There's still much work to be done. Dr. King told us very clearly what that work was, and that was the work of the people that need it most – the folks who do not have a voice. I'm excited about the work the Council can do to help provide this support to our community."

Mayor Pro Tem Shell congratulated Council Member Johnson on his award. She asked everyone to share the information about the Warming Centers at the Father's Storehouse and Unity United Methodist Church through Friday. She also asked people to make donations to the local shelters and food pantries.

City Manager Brandt advised people to take the appropriate steps to make sure their water pipes don't freeze. Open cabinets, disconnect outside hoses, shut off faucets from the inside and drain them, if possible, allow water to drip very slowly, and/or insulate pipes. Know where the water shutoff is in your house. If your pipes do freeze,

turn off the water and allow the pipes to defrost naturally. Don't use an open flame to defrost them.

City Attorney Whitman thanked everyone for their thoughts and prayers for her after her grandfather's passing and during her family's fight with COVID afterward. She applauded the City staff for how they handled issues during the flooding last week. She said she appreciates all their hard work.

Assistant City Manager Bowling encouraged everyone to bring their pets inside during the frigid temperatures.

He also commended City Staff for "springing into action, opening the Emergency Operations Center, and managing a vast array of incidents over a short period of time." He thanked and commended members from police, fire, streets and administrative departments who pulled together at the EOC to manage all incidents efficiently and quickly. Additionally, he thanked Emergency Management Director Sam Olshinski and all of his staff who made it a priority to keep everyone safe.

8. Additional Items – n/a
9. Adjournment – Council Member Johnson moved to adjourn. Council Member Williams seconded. Motion unanimously approved 6 – 0.

Raleigh York, Jr., Mayor

Wendy S. Martin, City Clerk

Budget Amendment

To: City Manager

From: Finance Director

Date: 2/5/2024

Council Budget Amendment Reference #: 2024 – P8 - 01

Re: 2023-2024 Budget Amendment

The amendment transfers funding from General Fund contingency for a salary increase at 12/1/2023 for the City Manager and additional funding (\$250) for the purchase of the 6 Trade Street property. Insurance proceeds are appropriated in the Fire Department for damage to a fire truck. \$9,840 of surplus investment interest revenue is appropriated in the Water/Sewer Fund for the purchase and configuration of 4 credit/debit card payment devices for utility and permitting/licensing payments.

GENERAL FUND

INCREASE REVENUE

010-0000-383.01-00	Refunds/Insurance Proceeds	\$ 10,838.00
010-0000-383-01-00	Refunds/Insurance Proceeds	\$ 3,573.00
Total		\$ 14,411.00

DECREASE APPROPRIATION

010-9010-505.58-00	Unallocated/Contingency	\$ 14,576.00
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	INCREASE APPROPRIATION	
010-4210-511.02-01	Full-time	\$ 11,882.00
010-4210-511.04-01	FICA	\$ 737.00
010-4210.511.04-02	Medicare	\$ 173.00
010-4210.511.06-01	NC Retirement	\$ 1,534.00
010-4210-514.71-00	Capital Outlay/Land	\$ 250.00
010-5110-522.15-04	Maintenance & Repairs/Vehicles	\$ 3,573.00
010-5310-522.15-04	Maintenance & Repairs/Vehicles	\$ 10,838.00
Total		\$ 28,987.00

WATER/SEWER ENTERPRISE FUND

	INCREASE APPROPRIATION	
030-0000-350.00-00	Investment Earnings/Interest	\$ 9,840.00

	INCREASE APPROPRIATION	
030-7015-572.33-00	Operations & Maintenance/Supplies	\$ 9,840.00

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Hanoi
Ho Chi Minh City
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* Associated Firm
** In cooperation with
Trench, Ross & Watanabe
Advogados

December 27, 2023

Finance Director
Thomas Avant
10 Salem Street
Thomasville, NC 27360

RE: Hotel Occupancy Tax Voluntary Disclosure

Dear Mr. Avant,

We are writing on behalf of our client ("Applicant") to request a voluntary disclosure agreement, pursuant to which Applicant would remit local hotel occupancy tax amounts ("Historical Tax") to Thomasville City ("You" or "Your") for certain tax periods during the January 1, 2013 through September 30, 2020 period ("Period at Issue") according to the terms outlined below.

Facts Concerning Historical Tax

Applicant is an online travel company that provides an online platform through which persons searching for travel services ("Consumers") may make a reservation request with an accommodation, such as a hotel, motel, short-term rental or other lodging provider (collectively, an "Operator"). During the Period at Issue, Applicant facilitated reservations for Operators with accommodations located in Your jurisdiction.

For purposes of the local hotel occupancy tax, a "facilitator," such as Applicant, "has the same responsibility and liability under the room occupancy tax as the... facilitator has under the State sales tax on accommodations."¹

Under the sales tax laws in effect until February 1, 2020, a "facilitator," such as Applicant, was required to "report to the [Operator] . . . the sales price a consumer pays to the facilitator for an accommodation rental marketed by the facilitator," and to "send the [Operator] the portion of the sales price the facilitator owes the [Operator] and the tax due on the sales price. . . ."² Under the guidance issued by the North Carolina Department of Revenue ("Department"), facilitators were permitted to satisfy this sales price and tax payment requirement by providing a credit card number to the Operator that the Operator could use to receive payment of its portion of the sales price as well as any tax due on the sales price.³ The Operator, in turn, had the sole legal obligation to remit the tax amounts received from the

¹ Former N.C. Gen. Stat. § 153A-155(c) (effective until 2-1-20); N.C. Gen. Stat. § 160A-215(c) (effective until 2-1-20).

² Former N.C. Gen. Stat. § 105-164.4F(c) (effective until 2-1-20).

³ North Carolina Department of Revenue, "Important Notice: Tax on Accommodations," (Dec. 2010, revised June 14, 2012).

facilitator to the Department. Notably, the statute expressly provided that “*a facilitator is not liable for tax sent to [an Operator] but not remitted by the [Operator]*” to the Department.⁴

Because a “facilitator,” such as Applicant, “has the same responsibility and liability under the room occupancy tax as the... facilitator has under the State sales tax on accommodations,”⁵ for purposes of the local hotel occupancy tax, “*a facilitator is not liable for tax sent to [an Operator] but not remitted by the [Operator]*” to the tax authority.⁶

As required, during the Period at Issue, Applicant sent Operators of accommodations in Your jurisdiction their portion of the sales price as well as any state and local sales tax and hotel occupancy tax due on the sales price by loading credit cards with the required amounts and providing the credit card numbers to the Operators.⁷ However, Applicant recently discovered that some of the local hotel occupancy tax amounts that were sent to various Operators via the credit cards were never actually collected by the Operators (i.e., some credit cards had unused balances in the amount of the Historical Tax).⁸ Thus, despite Applicant’s compliance with the full extent of its legal obligations, the Historical Tax potentially remains in Applicant’s possession.

Even though Applicant is not liable for the Historical Tax that it properly sent to the Operators, Applicant has come forward in good faith and out of an abundance of caution to report the Operators’ apparent failure to comply with their obligations with respect to such Historical Tax and to turn over the funds in question to You, in accordance with the terms outlined below.

Voluntary Compliance Agreement

Based on the facts as outlined above, Applicant proposes to remit the Historical Tax on the following terms:

1. The disclosure period shall be limited to the Period at Issue and Applicant will be relieved of any potential local hotel occupancy tax liability for prior periods;
2. You agree to waive all interest and penalties that could be imposed against Applicant, any of its directors, officers, partners or shareholders with respect to the Historical Tax;
3. In lieu of filing returns for the Period at Issue, Applicant will prepare a tax summary spreadsheet detailing the Historical Tax owed by period;

⁴ Former N.C. Gen. Stat. § 105-164.4F(c) (effective until 2-1-20) (emphasis added).

⁵ Former N.C. Gen. Stat. § 153A-155(c) (effective until 2-1-20); N.C. Gen. Stat. § 160A-215(c) (effective until 2-1-20).

⁶ Former N.C. Gen. Stat. § 105-164.4F(c) (effective until 2-1-20) (emphasis added).

⁷ *Id.*

⁸ Applicant notes that it pursued a voluntary disclosure agreement with the North Carolina Department of Revenue with respect to any state and local sales taxes that were sent to Operators but never remitted by the Operators. In connection with that voluntary disclosure agreement, the North Carolina Department of Revenue has agreed that, under the law in effect before February 1, 2020, Applicant was not required to remit the tax to the Department and thus is not liable for interest or penalties on the amounts at issue.

4. Within 90 days of receipt of a signed copy of this agreement, Applicant will return a countersigned copy of this Agreement that includes Applicant's name and signature and submit the summary spreadsheet described in paragraph 3 to You together with full payment of the tax; and
5. You agree to keep all information disclosed in this letter, the terms of this voluntary compliance agreement, and the identity of Applicant confidential.

If You are in agreement with the terms outlined above, please return a counter-signed copy of this letter to Baker & McKenzie LLP at HotelOccupancyTaxVDA@bakermckenzie.com.

We look forward to hearing from you at your earliest convenience.

Regards,



Lindsay M. LaCava

Partner

(212) 626-4416

lindsay.lacava@bakermckenzie.com

Voluntary Compliance Agreement Signatures

APPLICANT	THOMASVILLE CITY
<hr/>	
Name of Applicant	
<hr/>	
Signature	<hr/>
<hr/>	
Title	<hr/>
<hr/>	
Date	<hr/>
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Applicant's FEIN/Taxpayer ID Number	