

CITY OF THOMASVILLE COUNCIL MEETING BRIEFING AGENDA

Monday, July 10, 2023 – 4:00 P.M.
20 Stadium Drive, Thomasville, NC 27360

Mayor Raleigh York, Jr. ~ Mayor *Pro Tem* Jeannette Shepherd

1. Call to Order
2. Additions and Deletions to the Agenda
3. Recognitions and Presentations on July 17, 2023
 - A. Proclamation – Parks and Recreation Month (July)
 - B. Declaration of Support – United Way of Davidson County Month (August)
4. Public Forum on July 17, 2023 – Please sign up in person to speak for two minutes on any topic. *The two-minute time limit will be enforced.*
5. Public Hearing on July 17, 2023
 - A. Public Hearing to Consider Designating the T. Austin & Ernestine Lambeth Finch House as a Historic Landmark (Public Safety Committee)
6. Consent Agenda on July 17, 2023
 - A. Consideration of Approval of Minutes – Special Called Meeting (Budget Hearing) on 06/05/23
 - B. Consideration of Approval of Minutes – Briefing Meeting on 06/12/2023
 - C. Consideration of Approval of Minutes – Council Meeting on 06/20/2023
7. Regular Agenda on July 10, 2023
 - A. Discussion of Thomasville Noise Ordinance and Consideration of Temporary Moratorium on Enforcement in Certain Areas of Thomasville (Public Safety Committee)
 - B. Consideration of Amendment to Thomasville Code of Ordinances Section 54.2 Possession or Consumption of Alcoholic Beverages, Intoxication on City Property (Public Safety Committee)
 - C. Consideration of Street Road Closure Ordinance for Everybody's Night – September 29, 2023 (Public Safety Committee)
 - D. Consideration of Street Road Closure Ordinance for Everybody's Day – September 30, 2023 (Public Safety Committee)
 - E. Consideration of Amendment to Thomasville Code of Ordinances Chapter 82 – Utilities (Public Services Committee)
 - F. Consideration of Resolution accepting offer of dedication of Valley Drive in the City of Thomasville (Transportation Committee)

- G. Consideration of Resolution of the Thomasville City Council to Conduct a Public Hearing for the Purpose of Considering a Resolution for the Closure of a Portion of Kahler Street (Transportation Committee)
- H. Consideration of Resolution of Support of NC Governor's Highway Safety Program Grant Year 2 (Personnel/Finance Committee)
- I. Consideration of Amendment to Thomasville Personnel Policy, Article III, Section 3 (Personnel/Finance Committee)
- J. Consideration of Amendment to Thomasville Personnel Policy, Article XVIII, Section 14 & 15 (Personnel/Finance Committee)
- K. Discussion of Chain of Command Standard Operating Procedure (Personnel/Finance Committee)
- L. Closed Session for Personnel Matters
- 8. Committee Reports and Appointments, Mayor's Report and Appointments, City Manager's Report, City Attorney's Report on July 17, 2023
- 9. Additional Items
- 10. Adjournment

PROCLAMATION

Designating July as Parks and Recreation Month

WHEREAS, Parks and Recreation is an integral part of communities throughout this country that promotes health and wellness, improving people's physical and mental health.

- It promotes time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being;

- It encourages physical activities by providing space for popular sports, hiking trails, swimming pools and many other activities designed to promote active lifestyles; and

- It provides programming and education activities, such as out-of-school time programming, youth sports, and environmental education, which are critical to childhood development; and

WHEREAS, Parks and Recreation increases a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; local parks in North Carolina generated over \$6 billion dollars in economic activity and provided over 37,000 jobs, ranking NC as 10th in the nation; and

WHEREAS, Parks and Recreation is fundamental to the environmental well-being of our State. It provides essential and adaptable infrastructure that makes our communities resilient in the face of natural disasters; our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and enjoy recreation outdoors; and

WHEREAS, The U.S. House of Representatives has designated July as Parks and Recreation Month; and the City of Thomasville, North Carolina, recognizes the benefits derived from parks and recreation resources.

NOW, THEREFORE, I, Raleigh York, Jr., Mayor of the City of Thomasville, do hereby proclaim that July is Parks and Recreation Month, and I urge all citizens to participate in the many recreation activities available in Thomasville in July and all year long.

This the 17th day of July, 2023.

Raleigh York, Jr., Mayor



**United Way of
Davidson County**

**OFFICIALLY DECLARING AUGUST 2023 AS
UNITED WAY OF DAVIDSON COUNTY MONTH!**

WHEREAS, from the time of its inception in 1955, United Way of Davidson County has been strengthening our community by supporting programs from 25 community partners which tackle some of our communities' greatest challenges, including issues such as health, education and financial stability; and

WHEREAS, for 68 years, United Way of Davidson County has made a substantial impact by supporting a strong network of agencies, corporate partners, donors, supporters, volunteers, government entities, civic organizations, and community advocates who are committed to ensuring that:

- our children are well educated;
- struggling families can achieve self-sufficiency;
- our community is healthy and safe;
- our most vulnerable residents are cared for; and
- diversity is embraced and celebrated; and

WHEREAS, the United Way of Davidson County's mission is "Bringing together community resources to identify and meet the human service needs in Davidson County through responsible leadership;" and

WHEREAS, it is crucial to recognize and support the United Way of Davidson County and highlight how the funding they provided in 2022 has made a positive impact in the lives of 34,115 community members. Together we can build a stronger community and a better future for our children; and

WHEREAS, the United Way of Davidson County will begin its annual campaign on Tuesday, August 1, 2023.

NOW, THEREFORE, I, Raleigh York, Jr., Mayor of the City of Thomasville, and the Thomasville City Council, support the United Way of Davidson County, and hereby proclaim that United Way of Davidson County's annual campaign be recognized and celebrated during the month of August; and we encourage all Davidson County residents to look for ways to make a difference in our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Thomasville to be affixed.

This the 17th day of July, 2023.

Raleigh York, Jr., Mayor

Agenda Item Cover Sheet

Item Name: Ordinance Designating the T. Austin & Ernestine Lambeth Finch House as a Historic Landmark

Requested By: Chuck George **Department** Planning & Inspections

Assigned Committee: Public Safety **Agenda #** 6C

Committee Meeting Date: **Briefing Meeting Date:** 7/10/23 **Council Meeting Date:** 7/17/23

Description of Item:

Request by the property owner to designate the Finch House as a Historic Landmark under G.S. Chapter 160D, Article 9, Part 4.

Back-up Materials:

Staff memo; Ordinance; Back-up materials

Requested Action:

Approve Ordinance

Committee Action:

To: Michael Brandt, City Manager
From: Chuck George, Planning Director
Date: June 28, 2023
Re: City Council Meeting, July 17, 2023

The following item has been before the Historic Preservation Commission on Tuesday, February 7, 2023.

COA-23-01

Request for Local Historic Landmark Designation:

Property Owner/Applicant: Andrew Clement, A&H Development, LLC

Representative: Heather Fearnbach, Fearnbach History Services, Inc.

Location: 17 East Main Street

National Registry Site: NR 2019

Proposed Designation of the T. Austin and Ernestine Lambeth Finch House

A public hearing was conducted, and the commission voted 4-0 to approve the request for the following reason:

The COA is consistent with the design standards of the Historic Preservation Commission. It will not negatively affect the architectural and historical integrity of the properties in this area. Making the T. Austin and Ernestine Lambeth Finch House a local historical landmark will improve Thomasville's Historic District.

ORDINANCE DESIGNATING THE T. AUSTIN AND ERNESTINE LAMBETH FINCH HOUSE
AS A HISTORIC LANDMARK

CITY COUNCIL OF THE CITY OF THOMASVILLE

Whereas, the T. Austin and Ernestine Lambeth Finch House, which is situated near the center and the heart of the City of Thomasville, is an outstanding and historic structure, recognized as of special local significance as a remarkable and unique example of the Renaissance Revival style in the City of Thomasville; and

Whereas, all of the prerequisites to the designation of the T. Austin and Ernestine Lambeth Finch House as a Historic Landmark as prescribed in Part 4, Article 9, Chapter 160D (Historic Districts and Landmarks) of the General Statutes of North Carolina and controlling ordinances of the City of Thomasville have been met; and

Whereas, the City Council of the City of Thomasville has taken into full consideration all statements and information in the survey and research report prepared by the City of Thomasville Historic Preservation Commission and presented to the City Council under date of February 20, 2023 setting forth the history of this property; and

Whereas, the City of Thomasville Historic Preservation Commission has demonstrated the historic architectural and cultural significance of the property known as the T. Austin and Ernestine Lambeth Finch House; and

Whereas, the Division of Archives and History of the North Carolina Department of Cultural Resources has reviewed and commented positively on the findings of the City of Thomasville Historic Preservation Commission.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Thomasville, North Carolina that:

1. The property known as the T Austin and Ernestine Lambeth Finch House, which is located near the center and heart of the City of Thomasville, is hereby designated as a Historic Landmark pursuant to Part 4, Article 9, Chapter 160D of the General Statutes of North Carolina and the appropriate controlling ordinances of the City of Thomasville.

The owner of the T. Austin and Ernestine Lambeth Finch House is the City of Thomasville, and its address is:

Andrew Clement, A&H Development, LLC
17 E. Main Street
Thomasville, NC 27360

2. That the exterior and interior and its site of the T. Austin and Ernestine Lambeth Finch House may be materially altered, restored, remodeled, moved or demolished only following the issuance of a certificate of appropriateness pursuant to Chapter 2, Article 4, Division 3, Section 2-161 of the Code of Ordinances of the City of Thomasville. Nothing herein, with the exceptions stated in N.C.G.S Section 160D-949 shall be construed to prevent or delay the effective date of demolition of a designated structure or object for more than three hundred sixty-five (365) days from the date of such certificate.

3. That nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change in design, material or outer appearance thereof, after first obtaining the necessary permits and official approval for said stated repair. Nothing herein shall prevent the construction, alteration, restoration, demolition or removal of such feature prevent the construction, alteration, restoration, demolition or removal of such feature when a building inspection of similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Furthermore, nothing shall be construed to prevent the property owner from making any use of this property not prohibited by other statutes, ordinances or regulations.

4. That a suitable sign may be posted indicating the said property's designation as a historic property and containing any other appropriate information. If the owner consents, the sign shall be placed upon said building or property, but if the owner objects, the sign shall be placed on a nearby public right-of-way.

5. That T. Austin and Ernestine Lambeth Finch House, the owner of said property, hereby accepts notice as required by the applicable law of this action, and directs that copies of the Ordinance be filed and indexed in the office of the City Clerk of the City of Thomasville, in the Register of Deeds of Davidson County, with the Davidson County Tax Supervisor, and with the City Planning and Inspections Department as required by applicable law.

Upon the motion of member of Council _____,
and a second by member of Council _____, the
foregoing ordinance was passed upon its first reading by a vote of _____.

This Ordinance shall be in full force and effect from and after the date of its passage.

CITY OF THOMASVILLE

By: _____

Mayor

Adopted: _____

Attest: _____

City Clerk

[SEAL

Designation Parameters

Property owner Andrew Clement of A & H Development is seeking local historic landmark designation for the entire Finch House exterior and interior and its site, including the garage, to recognize the property's architectural significance. Character-defining features are enumerated below. The Historic Resources Commission's jurisdiction over interior spaces is limited to the features delineated in the following list.

Exterior

Green Ludowici-Celadon tile roof
White stucco walls
Deep eaves
Shaped rafter ends
Molded wood modillion cornice
Six-over-six and eight-over-eight double-hung wood-sash windows
Casement windows
Multipane oculus with a keystone surround
Tall dining room bow window comprised of five triple-hung six-pane sash
Classical flat-roofed portico with Tuscan columns and square pilasters, molded stepped cornice, cast-iron balcony balustrade, and bluestone floor and steps
Classical northeast porch with robust grouped Tuscan columns spanned by open wood lattice, cast-iron roof balustrade, granite step, and granite-bordered square red terra-cotta tile floor
Southeast porch with parged granite-capped planters, a granite-bordered square red terra-cotta tile floor, and granite steps
Double-leaf wood balcony door with paneled base and six-pane upper sections
Palladian-style tripartite first-story library entrances on north and south elevations, each with a tall, double-leaf, multipane wood door flanked by triple-hung four-pane sash
Classical library entrance surround comprising pilasters; a projecting, molded, denticulated cornice; and a blind round-arch tympanum featuring a central sunburst-motif and keystone
Three tall, rectangular, parged chimney stacks, one at each end of the building and one near the center
Copper gutters and downspouts

Interior

First Floor

Smooth plaster walls and ceilings
Tongue-and-groove oak floors
Black-and-white tile checkerboard-patterned vestibule floor
Mirrored vestibule walls
Two double-arm crystal sconces in reception hall
Paneled wainscoting and paired fluted corner pilasters at the reception hall's canted corners
Reception hall floor with progressively longer boards radiating out from the center in four triangular sections
Molded classical cornices in the reception hall, living room, dining room, and library
Wood baseboards, chair rails, cornices, and window and door surrounds
Stair with cast-iron foliate railing, twisted and straight cast-iron balusters, a molded wood handrail, painted risers, and hardwood treads
Single- and double-leaf raised-panel wood doors with original hardware

Multi-pane wood-framed French doors and transoms with original hardware
Classical living room mantel with fluted pilasters, a central sunburst-motif frieze panel flanked by reeded panels, and a black-and-white-marble firebox surround.
Single-leaf living room doors embellished with fretwork and three octagonal panels
Square red terra-cotta tile sun porch floor
Corner sunporch fireplace with arched firebox and a molded mantel shelf supported by two brackets
Dining room egg-and-dart cornice, paneled wainscoting, and four triple-arm crystal sconces
Wide-board oak first-story corridor floor ornamented with faux pegs
Arched reception hall and library door openings at the corridor's ends topped with keystones
Arched rosewood-paneled library door
Rosewood library mantel with foliate frieze panels and a beaded and acanthus-leaf cornice beneath a molded shelf, projecting curved pilasters, and burgundy marble firebox surround
Raised rosewood wall panels, fluted Doric pilasters, and cornices with foliate modillions
Wide three-section bookshelves topped with a central, scalloped, round-arch tympanum with a keystone recessed in walls flanking the fireplace and the corridor entrance

Second floor

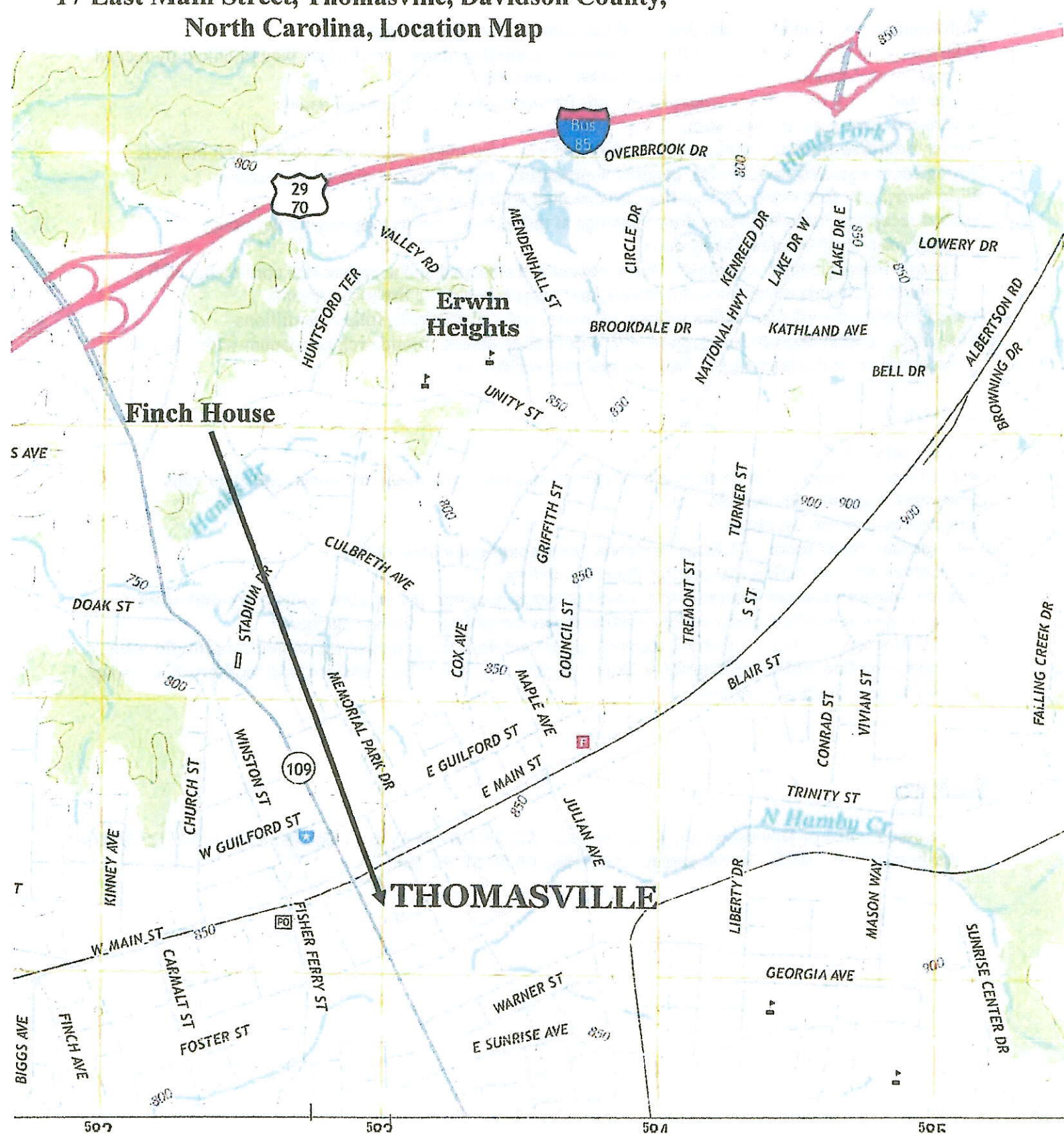
Plaster walls
Molded wood cornices, simple door and window architraves with mitered corners, and chair rails
Baseboards capped with molded trim
Tongue-and-groove oak floors
Two-vertical-panel doors with brass hardware and faceted-glass door knobs
Decorative cast-iron railing that secures the stair landing
Classical master bedroom mantel with paneled pilasters, a central frieze panel with an urn-and-swag motif, a molded shelf, and a yellow-glazed-square-ceramic-tile firebox surround
Original mirrored medicine cabinets, sconces, square-ceramic-tile wainscoting, square ceramic floor tile, white porcelain sinks with tapered polished chrome legs, towel bars, shelves, and toothbrush and soap holders, and porcelain bathtubs

Tax Value

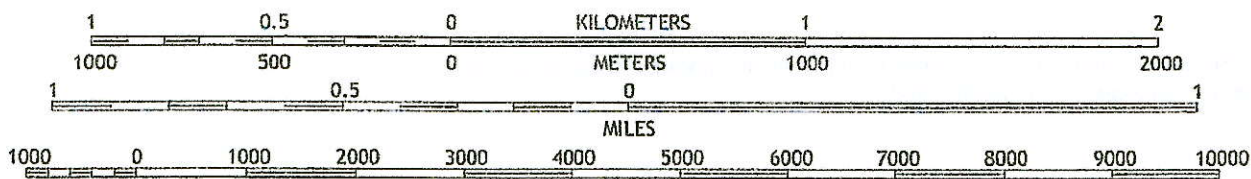
The assessed value of Davidson County tax parcel # 6787-01-07-1944 as of October 2022 is \$211,570.00 for the house, \$10,170.00, for the garage, and \$184,260.00 for the land.

T. Austin and Ernestine L. Finch House
17 East Main Street, Thomasville, Davidson County,
North Carolina, Location Map

U. S. Geological Survey
High Point West Quadrangle, 2016



SCALE 1:24 000



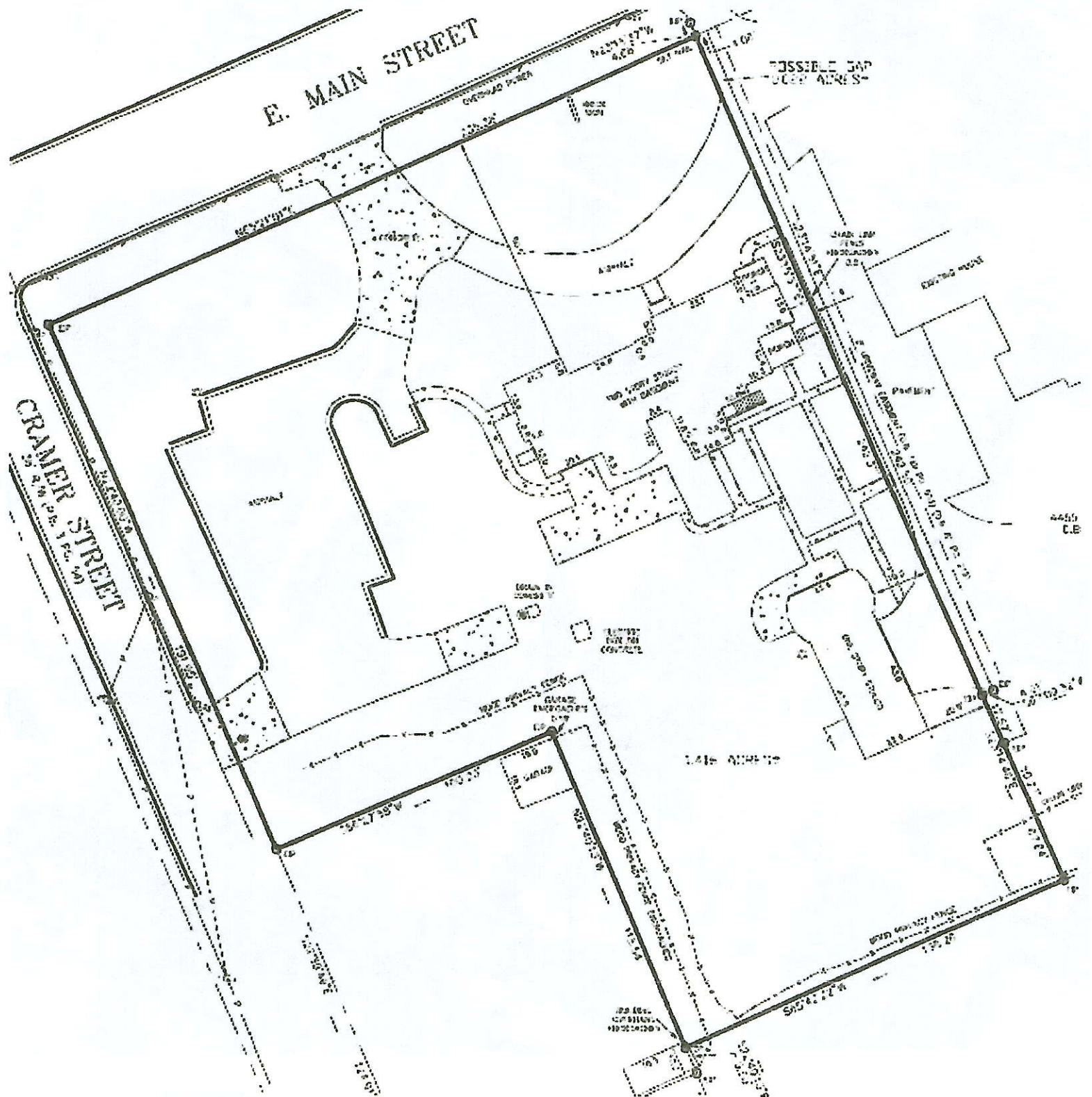
T. Austin and Ernestine L. Finch House
17 East Main Street, Thomasville, Davidson County, North Carolina
Local Historic Landmark Boundary



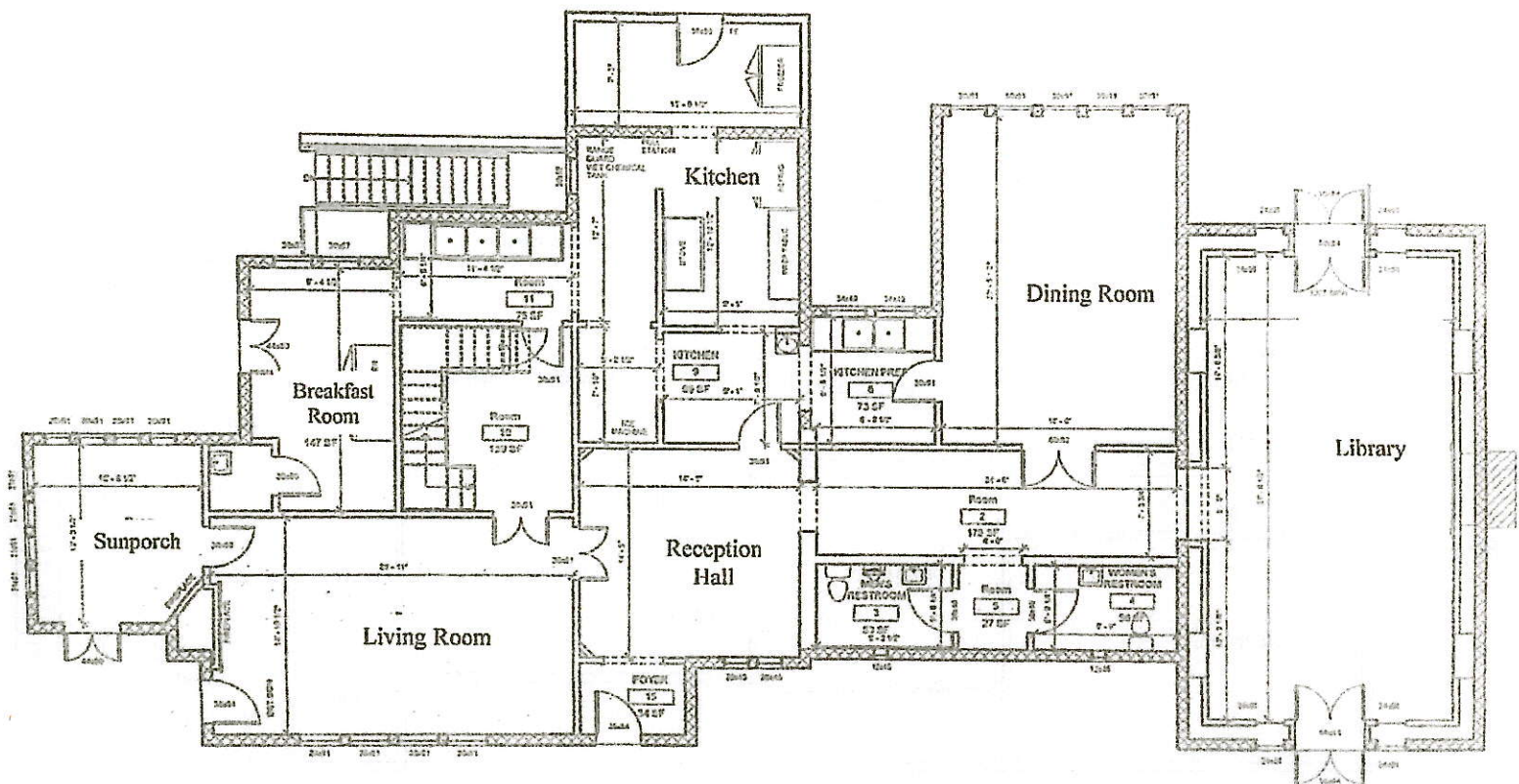
one inch equals sixty feet



T. Austin and Ernestine L. Finch House
17 East Main Street, Thomasville, Davidson County, North Carolina
Site Plan



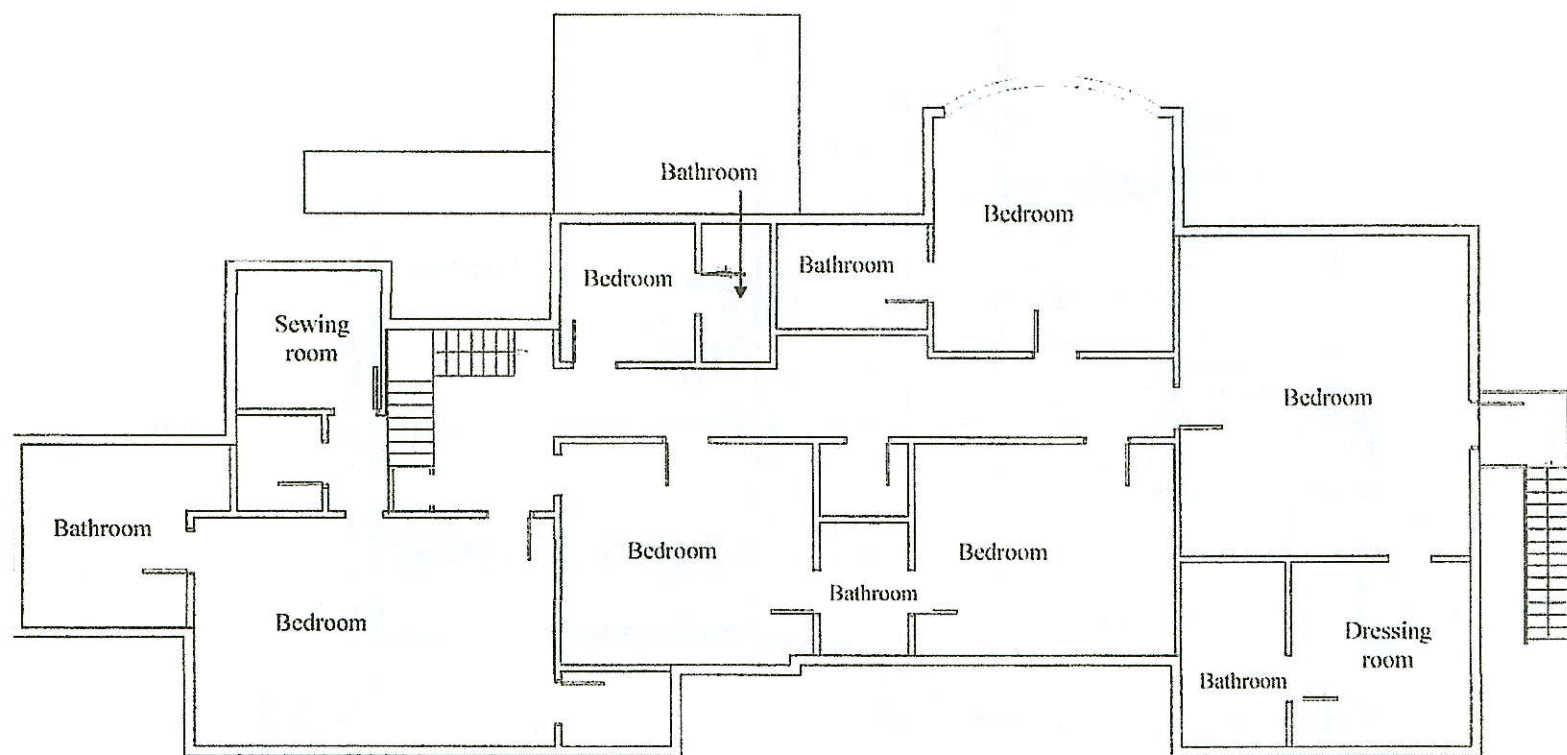
T. Austin and Ernestine L. Finch House
17 East Main Street, Thomasville, Davidson County, North Carolina
First Floor Plan



Base plan provided by a previous owner annotated by Fearnbach History Services, Inc. in March 2019



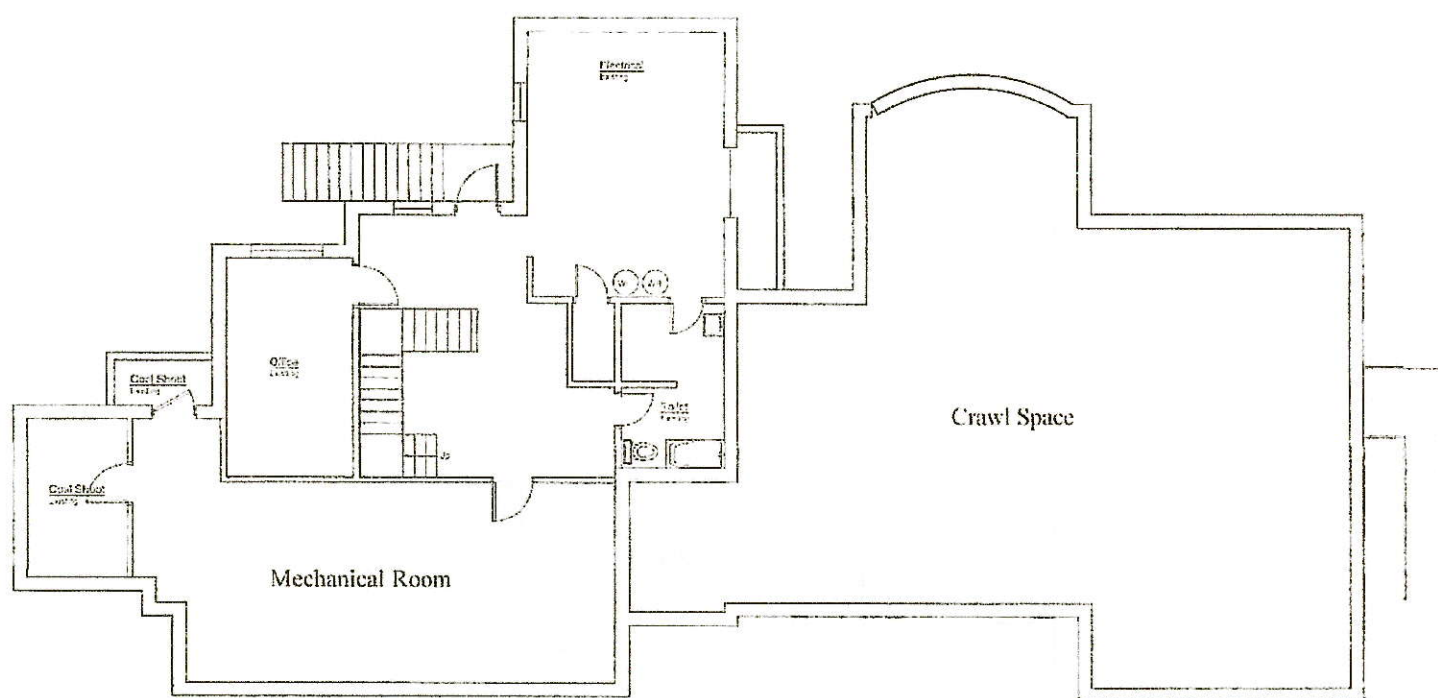
T. Austin and Ernestine L. Finch House
17 East Main Street, Thomasville, Davidson County, North Carolina
Second Floor Plan



Base plan created by ESPA Architects and Planners in December 2017 and annotated by Fearnbach History Services, Inc. in March 2019



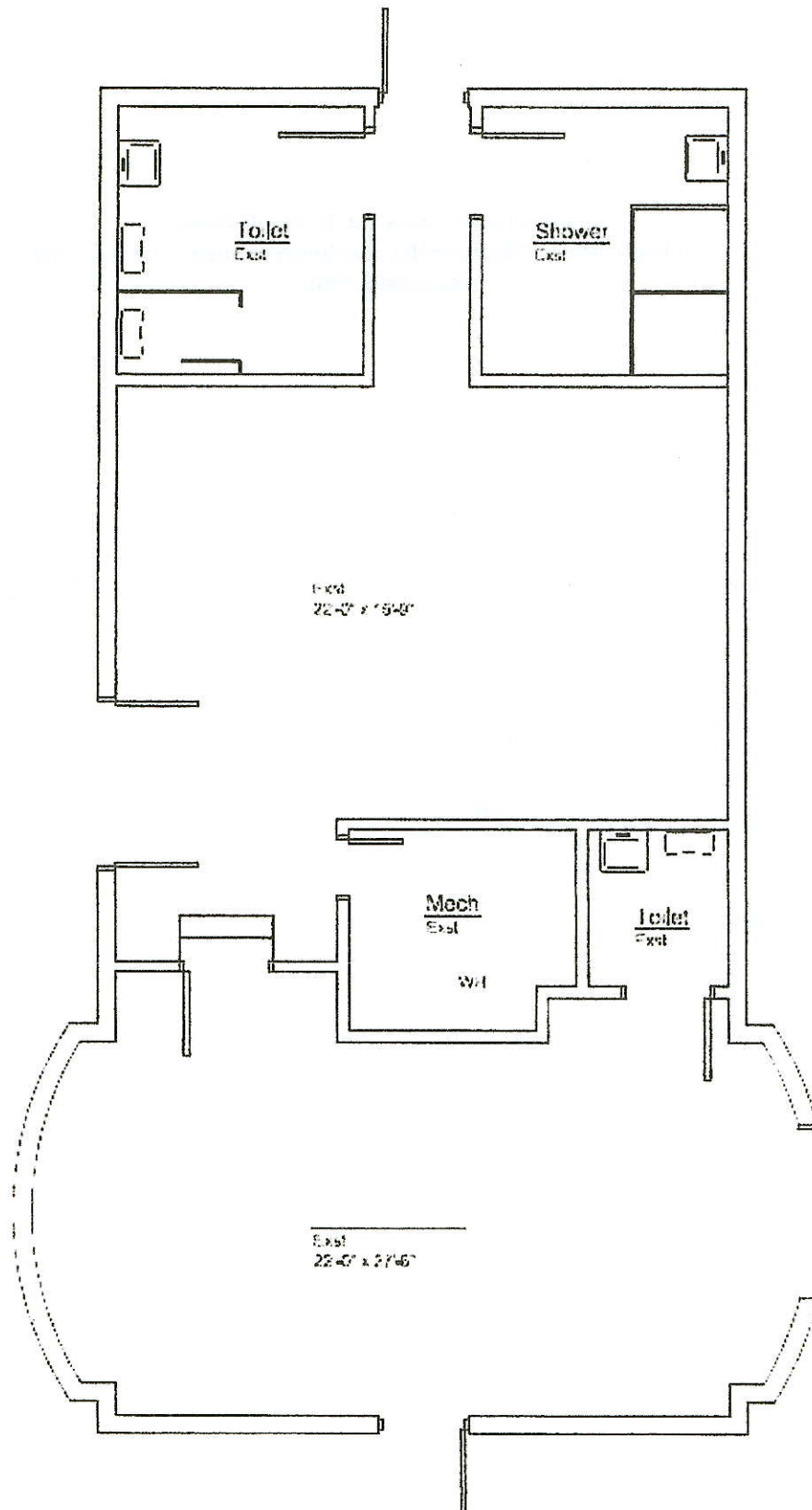
T. Austin and Ernestine L. Finch House
17 East Main Street, Thomasville, Davidson County, North Carolina
Basement Plan



Base plan created by E:SPA Architects and Planners in September 2018



T. Austin and Ernestine L. Finch House
17 East Main Street, Thomasville, Davidson County, North Carolina
Garage Plan



CITY OF THOMASVILLE SPECIAL CALLED COUNCIL MEETING MINUTES
Monday, June 5, 2023 – 6:00 P.M.

7003 Ball Park Road, Thomasville, NC 27360
Mayor Raleigh York, Jr. ~ Mayor Pro Tem Doug Hunt

Elected officials in attendance: Mayor Raleigh York, Jr.; Mayor Pro Tempore Lisa Shell; and Council Members Ron Bratton, Doug Hunt, Wendy Sellars, Jeannette Shepherd, Hunter Thrift, and Payton Williams.

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

2. Public Hearing: Proposed 2023/2024 Budget

Pat Harris Shelton came forward to speak against Council raises in the proposed budget. Her comments are on file with the City Clerk and are available upon request.

3. Adjournment – Council Member Sellars moved to adjourn. Council member Shell seconded. Motion unanimously approved 7 – 0.

Raleigh York, Jr., Mayor

Wendy S. Martin, City Clerk

MINUTES FOR THE THOMASVILLE CITY COUNCIL BRIEFING MEETING ON MONDAY, JUNE 12, 2023 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 Doug Hunt, Jeannette Shepherd, and Hunter Thrift. Council Member Wendy Sellars arrived after item 5A. Council Members Ronald Bratton and Payton Williams and were absent.

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

2. Additions and Deletions to the Agenda

Assistant City Manager Eddie Bowling had no additions or deletions to the agenda.

Council Member Thrift moved to approve the agenda. Council Member Hunt seconded. *Motion unanimously approved 4 – 0.*

3. Regular Agenda for June 12, 2023

Discussion of 29/70 Super Street Improvements

Planning Director Chuck George addressed the concerns about the Kanoy Road Bridge on 29/70.

He said the Super Street and the Kanoy Bridge are two different projects, not “one or the other.”

The Super Street is funded and will take place in 2028.

The Bridge hasn’t been funded yet. It hasn’t scored high enough on the Spot Sheet to be funded by the High Point MPO, State and Regional. It was added in 2017 and is in Spot 7 right now. He said it needs more points to be funded, but it is on the list. Accidents due to high traffic volume, for instance, would move it up on the list. If it gets funded, then it will take approximately ten years for the bridge to be built. It will cost approximately \$53M to build, which is probably why it hasn’t been built yet.

There weren’t any questions. No action required.

4. Public Forum – A public forum will be held at the Council Meeting on June 20, 2023. A two-minute time limit will be enforced.

5. Public Hearings on June 20, 2023

A. Request for Rezoning (Z-23-03) **APPEAL**
Applicant: James Gardner

Owner: JG Commercial Properties
Location: 814 Unity Street
Parcel Number: 16052000D0001
Existing Zoning: C-2 Highway Commercial
Requested Zoning: R-6 High Density Residential

The Planning Board held a public hearing on May 30, 2023 and voted 4-3 to deny this request because: • Changes need to be made to update the Land Development Plan. • The rezoning would pose as no negative effect on adjacent properties. • This would pose as a buffer between the M-2 and C-2 to the neighboring R-10 community. • It poses as no safety risk as presented. • Find that this rezoning is not reasonable and in the public interest due to its inconsistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan.

Planning Director George said the applicant brought this appeal to Council. He wants to build multi-family apartments or townhomes on this property. He owns the manufacturing building directly behind this property, and there is a car wash and furniture business to the west. There are residential areas to the east and south that are all zoned R-6 High Density Residential.

Note: Mark Goodman was at the meeting, but he didn't speak for or against this matter. Normally he would voice his opinion if he were against it.

Mr. George said this parcel is being used as a tanning and hair salon right now. He said the Planning Board members who voted against it cited that it didn't go along with the Land Use Plan.

Council Member Hunt asked why the property was designated as commercial. Mr. George said that was the determination of Piedmont Regional Council staff. Although, he said the back side of the car wash would be a good place to stop commercial zoning and have the rest of it residential.

Council Member Thrift asked if the applicant was planning on leaving the existing structure there. Mr. George said Mr. Gardner is a general contractor who has built many houses here in town, and he wants to remove it and rebuild.

Council Member Thrift said he understands staying with the Land Use Plan in general, but...

Mr. George said the Land Use Plan states that if the market changes, the map can be changed accordingly.

Council Member Hunt said in this particular instance, changing that property would line it up perfectly with other residential properties.

No further questions. No action was taken.

- B. Request for Rezoning (Z-23-04)
- | | |
|-------------------|---|
| Applicant: | City of Thomasville |
| Owner: | Coltrane Properties of the Triad, LLC |
| Location: | 345 Hasty School Road |
| Parcel Number: | 1631400000013A |
| Existing Zoning: | R-10 Low Density Residential |
| Requested Zoning: | R-10M Low Density Residential & Mobile Home Parks |

The Planning Board held a public hearing on May 30, 2023 and voted unanimously 7-0 to approve this request because • It is consistent with the use of the site, as it was annexed from the County. • This rezoning does not conflict with the adjacent properties in any way. • Rezoning would prohibit all activity of a commercial nature. • 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.

Planning Director George said this property currently is a trailer park. It was annexed into the City limits in 1986. He wasn't able to find any paperwork documenting that Council rezoned the classification to R-10M or SR-10, and our zoning map shows it as an R-10, so he asked Council to consider this rezoning to line up with the use it has been for over 50 years.

Council Member Hunt asked about the L-shaped parcel. Mr. George explained that the car lot was actually part of the County. The C-2 Highway Commercial property on Hasty School Road is going to remain unchanged. The section of property directly behind it is what's going to change.

No further questions. No action was taken.

The following items were put on the Consent Agenda by the Council members for consideration on June 20, 2023:

6. Consent Agenda

- A. Consideration of Approval of Minutes – Briefing Meeting on 05/08/2023
- B. Consideration of Approval of Minutes – Council Meeting on 05/15/2023
- C. Consideration of Real Estate Transfer Agreement with Bob & Maureen DaCosta
- D. Consideration of Resolution to Amend the Personnel Policies of the City of Thomasville: Article XII, Section 12, Article XIII, Section 19 – Worker's Compensation
- E. Consideration of Resolution to Amend the Personnel Policies of the City of Thomasville: Appendix C - Dependent Health Insurance Coverage
- F. Consideration of Thomasville City School Athletic Field Usage Agreement

G. Consideration of School Resource Officer Agreement with Thomasville City Schools

The following items were put on the Regular Agenda by the Council members for consideration on June 20, 2023:

7. Regular Agenda

- A. Consideration of Fiscal Year 2024 Budget Ordinance and Rate Schedules
- B. Consideration of Fiscal Year 2022 – 2023 General Fund Budget Amendment # 2023-P12-01
- C. Consideration of Resolutions Awarding Badges and Service Side Arms to Retiring Law Enforcement Officers Sgt. James Shores and Lt. Jason Baity

8. Committee Reports and Appointments, Mayor's Report and Appointments, City Manager's Report, City Attorney's Report on June 20, 2023

9. Additional Items – N/A

10. Adjournment – Council Member Sellars moved to adjourn. Council Member Shell seconded. *Motion unanimously approved 5 – 0.*

Raleigh York, Jr., Mayor

Wendy S. Martin, City Clerk

MINUTES FOR THE THOMASVILLE CITY COUNCIL MEETING ON TUESDAY, JUNE 20, 2023 AT 6:00 PM AT 20 STADIUM DRIVE, THOMASVILLE, NC.

Elected officials in attendance: Mayor Raleigh York, Jr.; Mayor *Pro Tempore* Lisa Shell; and Council Members Doug Hunt, Jeannette Shepherd, Wendy Sellars, Hunter Thrift and Payton Williams. Council Member Ronald Bratton had an excused absence.

1. Call to Order - Mayor York called the Council meeting of the Thomasville City Council to order.
2. Additions and Deletions to the Agenda - City Manager Michael Brandt requested that Council remove item 4. *A. Request for Rezoning (Z-23-03) Appeal*, per a request from the owner of the property.

Council Member Thrift moved to approve the agenda as amended. Council Member Hunt seconded. *Motion unanimously approved 6 – 0.*

3. Public Forum – No one came forward to speak.
4. Public Hearings
 - A. Request for Rezoning (Z-23-03) Appeal – This was removed from the agenda upon request of the property owner.
 - B. Request for Rezoning (Z-23-04)

Applicant:	City of Thomasville
Owner:	Coltrane Properties of the Triad, LLC
Location:	345 Hasty School Road
Parcel Number:	1631400000013A
Existing Zoning:	R-10 Low Density Residential
Requested Zoning:	R-10M Low Density Residential & Mobile Home Parks

The Planning Board held a public hearing on May 30, 2023 and voted unanimously 7-0 to approve this request.

Planning Director George said this property was annexed into Thomasville in 1988. The owner contends that this property was always zoned as R-10M, so he was concerned that our records currently have this property zoned as R-10. Mr. George wasn't able to find any paperwork classifying the property as R-10M, so he asked Council to change the property to R-10M to reflect the use it has been for over 50 years.

Mayor York opened the public hearing.

Donald Coltrane, owner, spoke for this rezoning. He said that this mobile home park was built back in the 1950's or 60's. When he purchased the property, it was zoned R-10M. Somehow, over the years, the 'M' was taken off. He asked that Council fix this, so that he could sell the property as a mobile home park someday.

No one came forward to speak against this rezoning. Mayor York closed the public hearing.

Council Member Hunt moved to approve this rezoning because:

- It is consistent with the use of the site, as it was annexed from the County;
- It does not conflict with the adjacent properties in any way;
- Rezoning would prohibit all activity of a commercial nature; and
- It 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.

Council Member Thrift seconded. *Motion unanimously approved 6 – 0.*

5. Consent Agenda – City Manager Brandt described each item as follows:

A. Consideration of Approval of Minutes – Briefing Meeting on 05/08/2023

B. Consideration of Approval of Minutes – Council Meeting on 05/15/2023

C. Consideration of Real Estate Transfer Agreement with Bob & Maureen DaCosta

This agreement transfers approximately 1,000 sq. ft. of property from the DeCostas for approximately 400 sq. feet of City property located in the rear parking lot and adjacent alley behind City Hall. Also in exchange, the City will install approximately 60 ft. of fence along new property line, which will be transferred to the DeCostas when this is complete.

D. Consideration of Resolution to Amend the Personnel Policies of the City of Thomasville: Article XII, Section 12, Article XIII, Section 19 – Worker's Compensation

These amendments will bring the City's Worker's Compensation policies in line with State law General Statute 97.

E. Consideration of Resolution to Amend the Personnel Policies of the City of Thomasville: Appendix C - Dependent Health Insurance Coverage

This amendment creates a provision within the Personnel Policies for the City Council to adopt rates for dependent health insurance coverage annually as part of the City Budget. This is an effort to help with recruitment and retention of employees by providing a lower rate for dependent health insurance coverage.

F. Consideration of Thomasville City School Athletic Field Usage Agreement

This agreement is for Cushwa Field, Finch Field, and Doak Park for high school and middle school athletics. This is a 3-year contract. The first year will cost TCS a \$16,000 rental fee; the second year will be \$18,000; the third year will be \$20,000. The City School Board has already approved this contract.

G. Consideration of School Resource Officer Agreement with Thomasville City Schools

This is a 3-year agreement with a price that is dependent upon the officer assigned to the school's salary over the next three years. The School Board will vote on this next week.

Council Member Sellars moved to approve all the items on the consent agenda. Council Member Shepherd seconded. *Motion unanimously approved 6 – 0.*

6. Regular Agenda

A. Consideration of Fiscal Year 2024 Budget Ordinance and Rate Schedules

Finance Director Thomas Avant said the annual budget ordinance authorizes appropriations for the operations of the City government for the fiscal year by fund and at the department and division level. It also details the expected revenues by fund available for the fiscal year to meet these appropriations. The budget ordinance must be adopted by July 1st to authorize spending in the new year.

The fiscal year 2024 Budget Ordinance totals \$49,526,223. It authorizes a tax rate of \$0.62 per \$100 of taxable property value in the General Fund. This is no change from the prior year.

It authorizes a School Supplement Tax rate of \$0.195 per \$100 of taxable property value. This is also no change from the prior year.

It levies a municipal vehicle tax of \$20 per registered motor vehicle. This is a \$10 increase from the prior year. Revenue generated from this increase will be used for City street maintenance, resurfacing and paving.

Budget and property tax revenues are based on a 97% rate of collection in the General Fund and an 88% rate of collection in the School Fund. Included in the FY 2024 Budget Ordinance is a 15% pay increase for City Council. This is a pay increase of \$949 per member, bringing each Council Member's annual salary to \$7,275.

The Budget Ordinance and Departmental Rate Schedules were voted on by roll call vote as required by law.

Council Member Hunt moved to approve this Budget Ordinance. Council Member Sellars seconded.

Council Member Thrift thanked Mr. Avant and the Finance staff for all their work on the budget. He said he would be voting against the budget because of the Council pay increase, but he said, "That was no fault of our staff. You guys put

together an excellent budget.”

Roll Call Vote:

For: Doug Hunt, Wendy Sellars, Lisa Shell, Jeannette Shepherd & Payton Williams

Against: Hunter Thrift

Motion approved by roll call vote of 5 to 1.

B. Consideration of Fiscal Year 2022 – 2023 General Fund Budget Amendment # 2023-P12-01

Finance Director Avant said this budget amendment appropriates insurance proceeds totaling \$6,311 from a police automobile accident and a \$1,143 payment from the N.C. Dept. of Insurance to the Fire Dept. as reimbursement for the cost of protecting state property in Thomasville. The amendment also appropriates \$15,000 of surplus green fee revenue to cover any potential budget deficits in the Golf Course Fund.

Council Member Thrift moved to approve this budget amendment. Council Member Hunt seconded. *Motion unanimously approved 6 – 0.*

C. Consideration of Resolutions Awarding Badges and Service Side Arms to Retiring Law Enforcement Officers Sgt. James Shores and Lt. Jason Baity

Police Chief Dustin Carter asked that Council award Sgt. James Shores and Lt. Jason Baity their badges and service side arms as set forth by North Carolina General Statute 20-187.2.

Council Member Sellars moved to approve these resolutions. Council Member Shell seconded.

Mayor York thanked both officers for their careers with the City of Thomasville and for the work that they did while they were here. He said, “We appreciate them and wish them well in their retirement.”

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 Council Member Thrift and the Memorial Day Committee for all the hard work they put into the Memorial Day parade and festivities.

Council Member Thrift moved to appoint Andrew Clement to the Hotel/Motel seat on

the Tourism Commission and to fill Mr. Clement's at-large seat for the remainder of that term with Joe Gray, Sr. Council Member Hunt Seconded. *Motion unanimously approved 6 – 0.*

Council Member Thrift also moved to extend the terms of Cheraton Love and Renee Dow on the appointed School Board until the installation of the elected School Board members. Council Member Sellars Seconded. *Motion unanimously approved 6 – 0.*

Council Member Sellars thanked City Clerk Wendy Martin for her work in organizing a successful Food Drive and for understanding that we have individuals in our community who need that service desperately.

Council Member Williams asked everyone to recognize and celebrate the contributions and diversity that we have in our community. She also expressed her excitement and thanks to everyone who helped build the beautiful new aquatic center facility. She hopes everyone gets a change to enjoy it this summer.

Mayor York reported that he attended a State Legislative Update with our local representatives, a breakfast in honor of our hard-working Public Works Department during Public Works Week, and the wonderful Memorial Day festivities that honored those we have lost and their families. He swore in the new Police Chief Dustin Carter. He also attended the Hi-Tom's All-Stars Night at Finch Field, where nine of our community members were honored as Unsung Heroes. He added that he and several others met with the staff from the NC Main Street Program.

City Manager Brandt reported that Thomasville is in the final running for being selected as a Downtown Affiliate Member of the Main Street Program. If selected in early July, the NC Main Street staff would work with City staff, PACE and other groups to develop a plan of action for economic vitality and strategic planning. Over a 2-year period, we would work to refine our program so that we could be accepted as one of NC's Main Street Communities. There are only 54 of them right now, and they will only be choosing 2 affiliate members this year. He said, "This is a fairly competitive event, and it's very important to demonstrate the sustainability of our downtown moving forward." He thanked Council for funding this project.

He also reported that the Aquatic Center had a power outage during a storm on Friday that resulted in damages to the pump system. The pool was shut down for many days while waiting for parts to arrive, but it would open again very soon.

He advised that the City honored the Juneteenth Holiday officially this year for the first time in its history. He said, "Juneteenth is a celebration of the news carried to Texas in June 1865 that President Lincoln's Emancipation Proclamation freed the remaining enslaved population. This event brought the United States ever closer to fulfilling the Declaration of Independence's writing that "All men are Created Equal." I am very proud of Council for adopting this holiday in our city and allowing for the employees to have off to celebrate as they will, and more importantly, to recognize the importance of this holiday to all members of our community."

8. Additional Items – N/A

9. Adjournment – Council Member Sellars moved to adjourn. Council Member Shepherd seconded. *Motion unanimously approved 6 – 0.*

Raleigh York, Jr., Mayor

Wendy S. Martin, City Clerk

Agenda Item Cover Sheet

Item Name: Discussion of CoT Noise Ordinance and Consideration of Temporary Moratorium on Enforcement in Certain Areas of Thomasville

Requested By: City Council **Department** City Council

Assigned Committee: Public Safety **Agenda #** 6A

Committee Meeting Date: **Briefing Meeting Date:** 7/10/23 **Council Meeting Date:** 7/17/23

Description of Item:

City Council continued discussion of amendment to CoT Noise Ordinance in regards to music events within the downtown district.

Back-up Materials:

Proposed Temporary Moratorium to provide time to study and develop new language.

Requested Action:

Provide feedback to City staff to construct an amended ordinance and consider adopting the moratorium to provide time for development of the amendment.

Committee Action:

**AN ORDINANCE IMPOSING A TEMPORARY
MORATORIUM OF THE ENFORCEMENT OF THE NOISE ORDINANCE
WITHIN THE CENTRAL COMMERCIAL DISTRICT (C-4 ZONING)**

CITY COUNCIL OF THE CITY OF THOMASVILLE

The City Council of the City of Thomasville finds that it is necessary to protect the comfort, repose, health, peace and safety of all of its citizens as set forth in Chapter 34, Article II, Sec. 34-31 of its Code of Ordinances, and;

The City Council further finds that it is necessary and important to protect and encourage development in the central commercial district in the heart of the city, and;

The City Council further finds that issues have been reported between businesses and residents in the central commercial district over the past few months that have made it necessary to examine the City's current noise ordinance in Chapter 34, Article II, and;

The City Council has determined that it is in the best interest of the citizens of Thomasville that it review the current noise ordinance, measure sound levels and determine if the existing ordinance needs to be updated to provide more particular ascertainable standards, and;

That such review of the current Ordinance is necessary in order to protect the citizens and the businesses in the City, and;

The City Council, with the professional advice and assistance of the City Manager, the Police Department and the City Attorney, shall study the City's current Code of Ordinances to determine if the noise ordinance should be amended in light of the current issues, and;

The City Council needs time to review the current Ordinance and potentially have additional studies performed and it is anticipated that it will take at least ninety (90) days from the date the City enacts this Moratorium Ordinance on Enforcement of the Noise Ordinance in the Central Commercial District, and;

The Moratorium of Enforcement being imposed under this Ordinance would terminate on October 15, 2023. That duration is necessary for proper review of the current ordinance.

During the period of the Moratorium, the City of Thomasville will take the following actions to remedy the situation which has brought about the necessity of this Moratorium:

1. The City will not enforce the existing Noise Ordinance set forth in Chapter 34, Article II, Sec. 34-31 through 35 of its Code of Ordinances, and;

2. The City will review the existing ordinance and investigate the sufficiency of the same;

3. If the City determines by investigation that additional requirements are needed to protect the residents and the businesses within the Central Commercial District, the City will then make the necessary modification to the existing ordinance.

NOW THEREFORE, BE IT ENACTED by the City Council of the City of Thomasville, North Carolina, that the following Moratorium of the Enforcement of the Noise Ordinance within the Central Commercial District (C-4 Zoning) be, and hereby is, enacted as follows:

The City shall not enforce the existing Noise Ordinance set forth in Chapter 34, Article II, Sec. 34-31 through 35 of its Code of Ordinances in the Central Commercial District for a term of ninety days is hereby enacted to commence on the date of the passage of this Ordinance, and will expire ninety days later.

This Ordinance Amendment shall be effective upon adoption.

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

This ____ day of June, 2023.

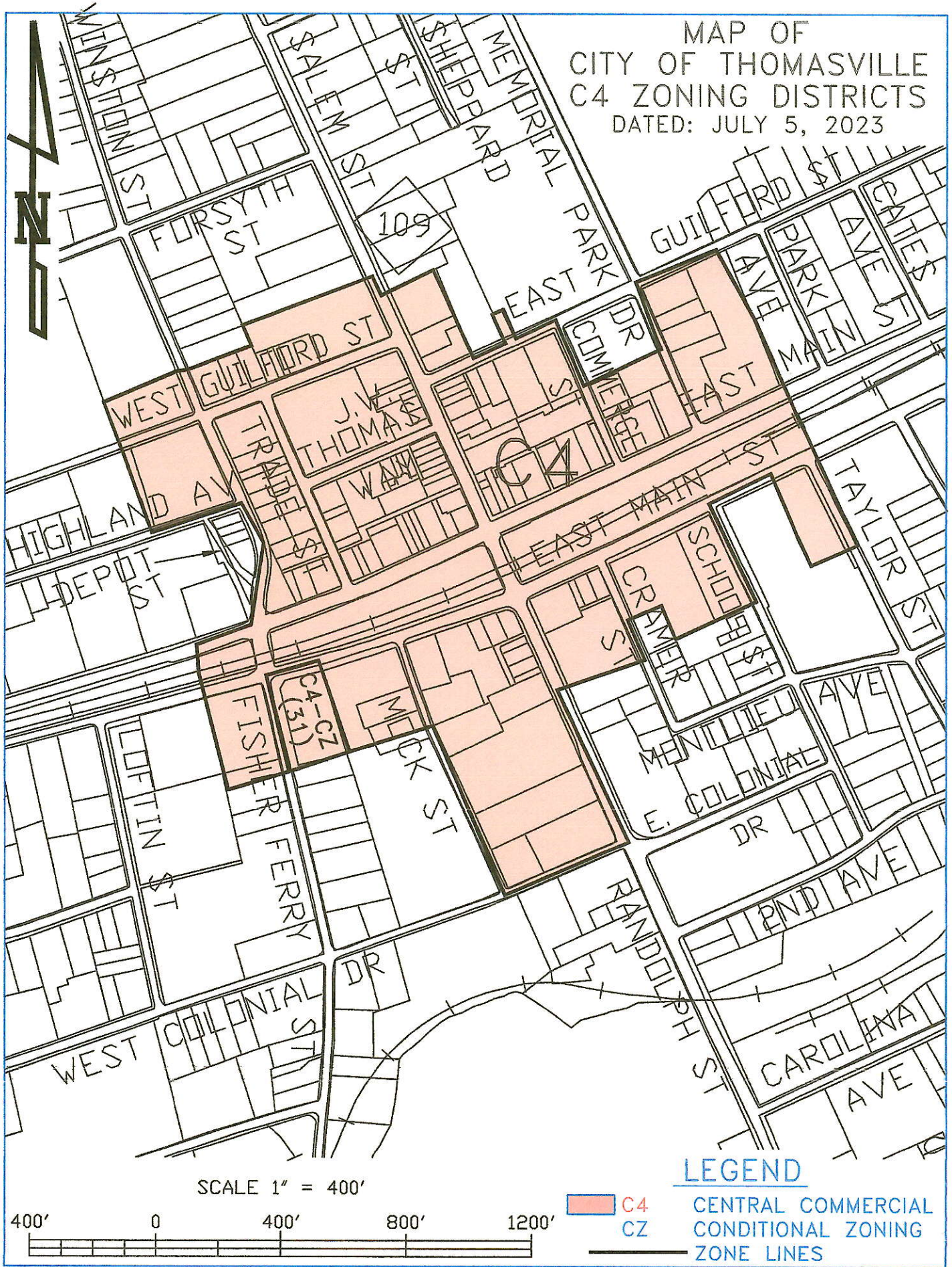
CITY OF THOMASVILLE

By: _____
Raleigh York, Jr., Mayor

Attest: _____
Wendy S. Martin, City Clerk

[SEAL]

MAP OF
CITY OF THOMASVILLE
C4 ZONING DISTRICTS
DATED: JULY 5, 2023



Agenda Item Cover Sheet

Item Name: Consideration of Amendment to CoT Code of Ordinances Section 54.2 Possession or Consumption of Alcoholic Beverages, Intoxication on City Property

Requested By: Michael Brandt **Department** Administration

Assigned Committee: Personnel/Finance **Agenda #** 6B

Committee Meeting Date: **Briefing Meeting Date:** 7/10/23 **Council Meeting Date:** 7/17/23

Description of Item:

The Tourism Commission is hosting Everybody's Night on Sept. 29. Cameron Marsden has requested that the City allow for the consumption of alcoholic beverages on the public right-of-way E Main Street and the Clock Tower parking lot during this event. The proposed amendment would provide for an exception, similar to other exceptions for public property alcohol consumption.

Back-up Materials:

Proposed Amendment to CoT section 54.2; Map of downtown area

Requested Action:

Consider approval of proposed ordinance amendment.

Committee Action:

Sec. 54-2. - Possession or consumption of alcoholic beverages, intoxication on city property.

- (a) It shall be unlawful for any person to transport or have in his possession any beer, wine or other alcoholic beverages on the premises of any city-owned property.
- (b) It shall also be unlawful for any person to consume any beer, wine or other alcoholic beverage or to be drunk and in an intoxicated condition while on or in any city-owned property.
- (c) Notwithstanding the foregoing, the sale, possession, and consumption of alcoholic beverages on the premises of Winding Creek Golf Course owned by the city, shall be lawful, and shall not be construed to be a violation of this section or any other section of the City Code, including specifically section 54-1. Nothing in this subsection shall be construed in a manner conflicting with the alcoholic beverage control laws of the State of North Carolina or any other state or local regulation regulating the conduct of any individuals consuming alcohol.
- (d) Notwithstanding the foregoing and any language in this Code to the contrary, the premises known as Finch Field shall be exempt from this section and it shall be lawful to transport, possess, and consume alcoholic beverages at Finch Field incident to attendance at Hi-Toms baseball games.
- (e) Notwithstanding the foregoing, and any language in this Code to the contrary, the premises known as the Farmer's Market shall be exempt from this section and it shall be lawful to transport, possess, and consume malt beverages and unfortified wines at the Farmer's Market at 21 East Guilford Street.
- (f) Notwithstanding the foregoing, and any language in this Code to the contrary, the premises known as Pace Park shall be exempt from this section and it shall be lawful to transport, possess, and consume malt beverages and unfortified wines at Pace Park at 8 Memorial Park Drive.
- (g) A violation of this section shall be a misdemeanor as provided by G.S. 14-4(a), unless it is an infraction as provided by G.S. 14-4(b).

(Code 1983, § 12-3; Ord. of 8-19-96(1); Ord. of 6-21-99(1); Ord. No. 08-16-ORD11, § 1, 8-16-10; Ord. No. 04-2014-ORD6, 5-19-14; Ord. No. 12-2021-ORD34, § B, 12-20-21)

Cross reference— Parks and recreation, ch. 58.

CITY COUNCIL OF THE CITY OF THOMASVILLE

Ordinance Permitting Sale, Possession, and Consumption
of Alcoholic Beverages in Downtown Thomasville for
Everybody's Night

BEING AN ORDINANCE to amend Section 54-2 of the Code of Ordinances of the City of Thomasville, Possession or consumption of alcoholic beverages, intoxication on city property.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Thomasville that Section 54-2 of the Code of Ordinances of the City of Thomasville is hereby amended to add the following new subsection (g) and the previous subsection (g) shall be re-lettered as the new subsection (h):

(g) Notwithstanding the foregoing, and any language in this Code to the contrary, the premises known as Downtown, bounded by Salem Street, the Clock Tower Parking Lot to Memorial Park Drive shall be exempt from this section and it shall be lawful to transport, possess, and consume malt beverages and unfortified wines Downtown during Everybody's Night held yearly in September.

(h) A violation of this section shall be a misdemeanor as provided by G.S. 14-4(a), unless it is an infraction as provided by G.S. 14-4(b).

This ordinance shall be effective upon adoption.

Upon the motion of member of Council _____,
and a second by member of Council _____, the
foregoing ordinance was passed upon its first reading by a vote of _____
_____.

CITY OF THOMASVILLE

By: _____
Raleigh York, Jr., Mayor

Attest: _____
Wendy S. Martin, City Clerk

[SEAL]

Agenda Item Cover Sheet

Item Name: Consideration of Street Road Closure Ordinance for Everybody's Night - September 29, 2023

Requested By: Wendy Martin **Department** Administration

Assigned Committee: Public Safety **Agenda #** 6D

Committee Meeting Date: **Briefing Meeting Date:** 7/10/23 **Council Meeting Date:** 7/17/23

Description of Item: NCDOT requires an Ordinance whenever a request to shutdown a NCDOT street is proposed

Back-up Materials: Ordinance

Requested Action: Approve Ordinance

Committee Action:

EVERYBODY'S NIGHT ROAD CLOSURE ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THOMASVILLE that the following section is adopted as Everybody's Night Road Closure Ordinance, to be included in the Code of Ordinances, City of Thomasville, Section 78. Traffic and Vehicles, Article I. In General.

The Code of Ordinances, City of Thomasville, North Carolina, is hereby amended by adding Sec. 78-27. Everybody's Night Road Closure, and it shall read in its entirety as follows:

Article I.	In General
Sec. 78-27.	Everybody's Night Road Closure

The City Council of the City of Thomasville, pursuant to the authority granted by G.S. 20-169, does hereby declare a temporary road closure during the date and time set forth below on the following described portion of a State Highway System route:

Date:	September 29, 2023, the last Friday in September
Time:	3:00 PM to 10:30 PM

Streets to be closed as follows:

- East Main Street on Salem Street side to just past Memorial Park Drive, before the Dollar Tree.

This ordinance shall be in effect when signs are erected giving notice of the limits and times of the celebration and implementation of adequate traffic control to guide through vehicles around the celebration area.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Adopted this 17th day of July, 2023.

Raleigh York, Jr., Mayor

ATTEST:

Wendy S. Martin, City Clerk

Agenda Item Cover Sheet

Item Name: Consideration of Street Road Closure Ordinance for Everybody's Day - September 30, 2023

Requested By: Wendy Martin **Department** Administration

Assigned Committee: Public Safety **Agenda #** 6E

Committee Meeting Date: **Briefing Meeting Date:** 7/10/23 **Council Meeting Date:** 7/17/23

Description of Item:

NCDOT requires an ordinance whenever a NCDOT street is requested to be closed for an event.

Back-up Materials:

Ordinance

Requested Action:

Approve Ordinance

Committee Action:

EVERYBODY'S DAY ROAD CLOSURE ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THOMASVILLE that the following section is adopted as Everybody's Day Road Closure Ordinance, to be included in the Code of Ordinances, City of Thomasville, Section 78. Traffic and Vehicles, Article I. In General.

The Code of Ordinances, City of Thomasville, North Carolina, is hereby amended by adding Sec. 78-26. Everybody's Day Road Closure, and it shall read in its entirety as follows:

Article I. In General
Sec. 78-26. Everybody's Day Road Closure

The City Council of the City of Thomasville, pursuant to the authority granted by G.S. 20-169, does hereby declare a temporary road closure during the date and time set forth below on the following described portion of a State Highway System route:

Date: September 30, 2023, the last Saturday in September
Time: 7:00 A.M. to 4:45 P.M.

Streets to be closed as follows:

- Close NC-109 between East Main and West Main south of Southern Railroad to East Guilford Street.
- Detour for NC-109 North: Right at East Main Street, (SR 2053), left at Underpass, straight on to Maple Street, left on East Guilford Street continuing straight and right on NC-109 (Salem Street).
- Detour to NC-109 South: Right on West Guilford Street, left on Winston Street, cross SR 2123 and left on West Main Street (SR 2053) to NC-109, turn right.
- East and West Main Streets will be closed between College Street and Winston Street. East Main will detour right on College Street to left on East Guilford Street, continue right on NC-109, left on West Guilford Street, left on Winston Street, right on West Main Street (SR 2123).
- West Main Street (SR 2123) will be closed at Winston Street. Traffic will detour down Winston Street, right on West Guilford Street, right on NC-109, left on East Guilford, right on Maple Street to East Main Street.

This ordinance shall be in effect when signs are erected giving notice of the limits and times of the celebration and implementation of adequate traffic control to guide through vehicles around the celebration area.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Adopted this 17th day of July, 2023.

Raleigh York, Jr., Mayor

ATTEST:

Wendy S. Martin, City Clerk

Agenda Item Cover Sheet

Item Name:	Consideration of Approval of CoT Code of Ordinances Amendment to Chapter 82 - Utilities		
<hr/>			
Requested By:	<u>Morgan Huffman</u>	Department	<u>Public Utilities</u>
Assigned Committee:	Public Services	Agenda #	6F
Committee Meeting Date:		Briefing Meeting Date:	7/10/23
		Council Meeting Date:	7/17/23
Description of Item:	<div style="border: 1px solid black; padding: 10px;"><p>Staff recommended that the City adjust our policy for installation of water and sewer taps for new construction to address fee structure and cost being carried by the Utility Fund. In order to enact these changes, Chapter 82 needs to be amended in multiple areas in sections 3 - 90.</p><p>In addition, since amendments are being proposed, staff also recommends a series of minor amendments addressing the title of the public utilities director in Chapter 82 - various sections 112 - 313.</p></div>		
Back-up Materials:	<div style="border: 1px solid black; padding: 10px;"><p>Ordinance of Amendment</p></div>		
Requested Action:	<div style="border: 1px solid black; padding: 10px;"><p>Approve proposed ordinance text amendment, effective October 1, 2023.</p></div>		
Committee Action:	<div style="border: 1px solid black; height: 100px;"></div>		

AN ORDINANCE AMENDING THE UTILITIES ORDINANCE

City Council of the City of Thomasville

The City Council of the City of Thomasville finds that Utilities Ordinance needs to be amended to better maintain the distribution and collection systems and to make it congruent with changes recently made to the Fee Schedule.

Now therefore, **Chapter 82, Utilities** is hereby amended as follows:

Article I. – In General, is hereby amended as follows:

Section 82-4, Operation of water and sewer facilities, Subsection (a) is hereby deleted and replaced with the following new subsection (a):

- (a) The water and sewer utilities department shall be responsible for adequate maintenance of all water mains for both clear and raw water, including house connections, and the maintenance and operation of all pump stations, plants and reservoirs. There shall be employed in the department an adequate number of employees to properly maintain and operate the facilities of this division.

Section 82-5, Construction of house connections for water or sewer service, Subsections (a) and (b) are hereby deleted and replaced with the following new subsections (a), (b), and (c):

- (a) All entities desiring to make a connection to the city-maintained water or sewer systems must make application to the Planning, Inspections and Engineering Department to have such connection(s) made by a Licensed Utility Contractor.
- (b) In connection with the installment of water and sewer services, every person or entity shall have such connections made at their own expense, including any and all drainage, subgrade, and road restoration. Where sanitary sewer connections were preinstalled by the city and have not yet been purchased by the served property owner, the right to connect to the existing preinstalled sanitary sewer connection can be purchased for a flat rate of \$1,250 per connection.
- (c) Only Utility Contractors licensed to work in the State of North Carolina are permitted to make connections to the city-owned water and sewer systems.

Section 82-7, Equipment furnished for water or sewer connection to be property of the city; change in size of meter or lateral, is hereby deleted and replaced with the following:

All meters, boxes, pipes and other equipment furnished and installed to make a water or sewer connection shall become the property of the city upon approval by inspection. If,

after an installation is completed, the property owner requests that a meter or lateral be changed in size and the request is approved by the director, the property owner shall have such change made by a Licensed Utility Contractor at their own expense.

Section 82-8, Construction of water or sewer laterals; setting of meters, is hereby deleted and replaced with the following:

The construction of water or sewer laterals within the street right-of-way shall be done only by a Licensed Utility Contractor, unless prior approval is obtained from the director. Meters will be set by city staff following final inspection approval. The construction of such laterals shall be done only after the written application therefor has been approved.

Section 82-9, Application for water or sewer connection, Subsections (a), (b), (c), (d), and (e) are hereby deleted and replaced with the following new subsections (a), (b), (c), (d), and (e):

- (a) Persons desiring connections made with the city water or sewer mains shall make application to the director of public utilities or his designated representative stating for what purposes the water or sewer is to be used, and all applications shall be filed by him. In case of willful misrepresentation on the part of the applicant, or any unreasonable waste of water, the city reserves the right to cut off the supply and assess the applicant with the additional cost, which shall conform with the rates published.
- (b) The application shall be filed not less than 20 working days before the proposed connection is desired.
- (c) The city shall have no responsibility for the design of a private water system, sewer system, sprinkler or other fire protection system. Application for a connection to serve such a system shall be made exactly as outlined except that the size of the connection desired shall be placed on the application.
- (d) Applicants are responsible for obtaining the services of a Licensed Utility Contractor to make all taps and all associated costs.
- (e) If, in the opinion of the director, the water or sewer connection applied for will be of such size or character as to put too great a demand on any part of the system and disrupt the city's ordinary service, he shall disapprove the application until such time as adequate means are provided to eliminate the unsatisfactory condition. If the waste proposed to be discharged into the city's sewerage system is, in the opinion of the director, of such nature or of such volume as to overload the existing sewage collection or treatment facilities, he shall disapprove the application and require the applicant to adopt remedial measures to eliminate the unsatisfactory condition. An appeal from the ruling by the director may be made to the city manager, and the city manager's decision shall be final. The city shall in no way be responsible for any cost or inconvenience caused by a change in service requirements after an application has been approved or by an installation before the application has been approved.

Section 82-10, Changes for water and sewer connections, Subsections (a) and (b) are hereby deleted and replaced with the following new subsections (a), and (b):

- (a) At the time of application to make a water or sewer service connection, a permit and inspection fee, set in the Fee Schedule adopted by City Council, shall be paid.
- (b) Water meters shall be paid for at the Billing and Collections Department in City Hall. Water Meters will be installed by city staff following final inspection approval as specified in Section 82-8.

Section 82-11, Location of water and sewer taps, Subsections (a) and (b) are hereby deleted and replaced with the following new subsections (a), and (b):

- (a) Both water meter setters and sanitary sewer cleanouts shall be installed at the edge of the public right-of-way to the maximum extent practicable.
- (b) The property owner shall provide a cleanout plug for use by the city where his private line joins the city's lateral.

Section 82-14, Pertinent regulations to be part of contracts for water or sewer service, is hereby deleted and replaced with the following:

All pertinent rules and regulations are hereby made a part of the terms and conditions whereby the city furnishes water and sewer service to any person, approves any water or sewer connection, or performs any work of any kind in connection with the furnishing of water or sewer service.

Article II - Water, is hereby amended as follows:

Section 82-41. City to tap main for all water connections, of Division 1, is hereby deleted and replaced with the following:

The city reserves the exclusive privilege of permitting and controlling tapping the water mains for any and all connections.

Section 82-45, Meter required, of Division 1, is hereby deleted and replaced with the following:

All water service connections shall be provided with standard approved water meters. Meters shall be purchased from the city by the property owner or consumer in accordance with established charges, and shall be installed by the city and at all times shall be under the control of the city, and the regular established and published meter rates for water as provided for in this chapter shall be charged in every case.

Section 82-53, Service outside city limits, Subsection (d), of Division 1, is hereby deleted and replaced with the following new subsection (d):

- (d) *Required information.* A new applicant shall complete and submit to the utilities director or his designee such plats, deeds or other information as required to determine the city's ability to provide the services.

Section 82-54, Private fire protection systems, Subsection (a), subparagraphs (2), (4), and (5) are hereby deleted in their entirety and Subsections (8), (9) and (11), of Division 1, are hereby deleted and replaced with the following new subparagraphs and renumbered where appropriate:

- (5) If, in any two subsequent meter reading periods, water has been used from the fire protection system for unauthorized purposes the city is authorized to enter any and all parts of the building to investigate the manner in which the water is being consumed as provided in section 82-44.
- (6) For purposes of testing a nonmetered system where a utilities department employee has to respond, a minimum charge as set forth in a fee schedule adopted by the city council, or the cost for the estimated quantity of water used, whichever is greater, shall be charged to the property owner.
- (8) No sprinkler system will be approved by the utilities director using chemicals or other antifreeze to prevent freezing without the use of an approved reduced pressure zone (RPZ) backflow preventer to prevent the backflow of these alien substances as provided in section 82-58(a).

Section 82-56, Use of water for building purposes, Subsection (c), of Division 1, is hereby deleted and replaced with the following new subsection (c):

- (d) After deducting the water rent, service charges and administrative charge, the city shall refund the balance of the deposit to the applicant after the meter is removed, returned to the city, and has been assessed for any damages. If the meter or the hydrant is damaged in any way, the total cost of repairs shall be billed to the applicant. While in use, no wrench shall be used on the hydrant except an approved hydrant wrench.

Section 82-61, Contamination of public water supply, of Division 1, is hereby deleted and replaced with the following:

No person shall contaminate any portion of the city's water supply, whether the water supply is in the reservoir or in a tank or pipe, and no person shall wade in, bathe in or contaminate the city reservoir or perform any other activity not specifically approved by the utilities director.

Section 82-83, Notification, of Division 2, Paragraph 2 is hereby deleted and replaced with the following:

Required water shortage response measures will be communicated through the city's website, The High Point Enterprise, Nixle alerts, PSA announcements on local radio and cable stations. Utility bill inserts will be used where appropriate to inform the public of the water shortage and the restrictions necessary to address the problem.

Section 82-90, Revision, subparagraph (3), of Division 2, is hereby deleted and replaced with the following new subparagraph (3):

(3) As provided for in G.S. 143-3.55.2.

Article III - Sewer Systems, Subsections 82-112, 82-113, 82-115(b), 82-116, 82-118, 82-121, 82-131, 82-132, 82-133, 82-137, 82-138, 82-139, 82-156, 82-157, 82-159, 82-176, 82-177, 82-196, 82-197, 82-198, 82-199, 82-200, 82-201, 82-202, 82-203, 82-205, 82-207, 82-208, 82-251, 82-271, 82-272, 82-273, 82-274, 82-291, 82-300, 82-311, and 82-313 are amended by replacing the title of "public services director" to "public utilities director" where appropriate:

The above Ordinance as amended will be effective on enactment.

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 _____, 2023.

This ____ day of _____, 2023.

CITY OF THOMASVILLE

By: _____
Raleigh York, Jr., Mayor

Attest: _____
Wendy S. Martin, City Clerk

[SEAL]

Agenda Item Cover Sheet

Item Name: Resolution accepting offer of dedication of Valley Drive to the City of Thomasville

Requested By: Chuck George **Department** Planning/Inspections

Assigned Committee: Committee Name **Agenda #** 6G

Committee Meeting Date: **Briefing Meeting Date:** 7/10/23 **Council Meeting Date:** 7/17/23

Description of Item:

Request to accept a portion of Valley Road

Back-up Materials:

Resolution; Backup materials and maps

Requested Action:

Approve resolution

Committee Action:

RESOLUTION ACCEPTING THE OFFER OF DEDICATION OF A STREET TO

THE CITY OF THOMASVILLE

CITY COUNCIL OF THE CITY OF THOMASVILLE

WHEREAS the City of Thomasville is a body politic existing and corporate in accordance with N.C.G.S. 160A-1 *et seq.*; and

WHEREAS the City of Thomasville has authority pursuant to N.C.G.S. 160A-1 *et seq.* to accept streets offered for dedication to public use within its corporate boundaries into the City of Thomasville's municipal street system; and

WHEREAS _____ dedicated a certain street to public use by way of a subdivision plat identified in Plat Book 81, Page 17, Davidson County Registry, a copy of which plat is attached hereto and incorporated by reference; and

WHEREAS _____ and its successors in interests sold lots to purchasers by reference to the subdivision plat; and

WHEREAS the street identified as Valley Drive on the plat is thereby offered for dedication to public use as a result of such sales by reference to the subdivision plat; and

WHEREAS the City of Thomasville desires its citizens have unimpeded access to the public road system; and

WHEREAS the City of Thomasville has determined that it is in the best interests of the City to accept the offer of dedication made by _____ as identified in Plat Book 81, Page 17.

NOW THEREFORE BE IT RESOLVED that the City of Thomasville accepts the offer of dedication of the street identified as Valley Drive in the Cedar Lodge Farm Map 2 subdivision plat recorded in Plat Book 81, Page 17, Davidson County Registry.

Upon the motion of Member of Council _____,
and a second by Member of Council _____ the
foregoing resolution was passed this _____ day of June, 2023.

CITY OF THOMASVILLE

By: _____
Raleigh York, Jr., Mayor

Attest: _____
Wendy S. Martin, City Clerk

Agenda Item Cover Sheet

Item Name: Resolution of The Thomasville City Council to Conduct a Public Hearing for the purpose of considering a resolution for the closure of a portion of Kahler Street

Requested By: Chuck George **Department** Planning & Inspections

Assigned Committee: Transportation **Agenda #** 6H

Committee Meeting Date: **Briefing Meeting Date:** 7/10/23 **Council Meeting Date:** 7/17/23

Description of Item:

Request by citizens to close an unopened portion of street ROW known as Kahler Street.

Back-up Materials:

Resolution and back-up materials

Requested Action:

Set public hearing for the ROW closure.

Committee Action:

**RESOLUTION OF THE THOMASVILLE CITY COUNCIL
TO CONDUCT A PUBLIC HEARING FOR THE PURPOSE OF
CONSIDERING A PETITION FOR THE
CLOSURE OF A PORTION OF KAHLER STREET**

A Petition having been filed with the City Council of the City of Thomasville, North Carolina by Natalie D. Widener and Michael Wayne Widener, Owners of NMR Properties, LLC, and Evelyn Gay Eddinger, requesting the City to close a portion of Kahler Street at the following location:

Being a tract or parcel of land situated in the City of Thomasville, Davidson County, North Carolina and being described as follows:

The Beginning Point is a computed point being located the following three calls from an iron pipe in the gravel driveway between Evelyn Eddinger (Deed Book 914 Page 971) and NMR Properties, LLC (Deed Book 2583 Page 2227) located on the western side of Salem Street, thence from said point and with the line of Evelyn Eddinger South 89 degrees 30 minutes 23 seconds West for a distance of 176.85' to an existing rail road spike in a grave drive, thence North 04 degrees 23 minutes 06 seconds West for a distance of 17.92' to an existing iron pipe, thence North 87 degrees 30 minutes 59 seconds West for a distance of 220.67' to a computed point at the northeast terminus of the undeveloped and unopened Kahler Street, The Point and Place of Beginning;

From said Point and Place of Beginning and with the east side of Kahler Street, crossing the property of NMR Properties, LLC, thence South 03 degrees 59 minutes 47 seconds West for a distance of 178.03' to a computed point in the center line of Hanks Branch, said point being on the southern property line of NMR Properties, LLC, the northern line of the City of Thomasville (see Plat Book 53 Page 61), thence with the center line of Hanks Branch and the northern line of the City of Thomasville and the existing closed portion of Kahler Street North 52 degrees 27 minutes 26 seconds West for a distance of 11.78' to a computed point, thence North 59 degrees 32 minutes 41 seconds West for a distance of 22.55' to a computed point in the center line of said branch, thence with the west side of Kahler Street, North 03 degrees 59 minutes 47 seconds East a distance of 160.68' to a computed point on the southern property line of Evelyn Eddinger (Deed Book 914 Page 971), thence with the line of Eddinger and the northern line of Kahler Street, South 87 degrees 30 minutes 59 seconds East for a distance of 30.01' to a computed point, the Point and Place of Beginning.

Said property contains 5,064 square feet or 0.12 acres more or less.

It further appearing that Petitioners own the realty on both sides of such portion of Kahler Street; and

It further appearing that the closing of said portion of Kahler Street will not deprive any individual of a reasonable means of ingress or egress to such individual's property and is not detrimental to the public interest; and

NOW, THEREFORE, in consideration of the foregoing facts and under the power and authority granted to the City Council of the City of Thomasville under N.C. General Statute §160A-299,

IT IS HEREBY RESOLVED that a public hearing be held at the Council Meeting at 20 Stadium Drive, Thomasville, North Carolina at 6:00 P.M. on Monday, August 21, 2023 to consider and act upon the said Petition for the closing of a portion of Kahler Street; and

BE IT HEREBY FURTHER RESOLVED that this Resolution be published once a week for four (4) successive weeks prior to said hearing in the Thomasville Times, a newspaper published in the City of Thomasville, Davidson County, North Carolina, and that a copy of this Resolution be sent by registered or certified mail to all owners of the properties adjoining the above-described portion of Kahler Street who did not join in the Petition for Street Closing, as shown on the Davidson County tax records, and that a Notice of the Closing and Public Hearing shall be prominently posted in at least two places along the said street.

Adopted this 17th day of July, 2023.

Raleigh York, Jr., Mayor

ATTEST:

Wendy S. Martin, City Clerk

NORTH CAROLINA)
)
DAVIDSON COUNTY)

PETITION TO CLOSE

A PORTION OF KAHLER STREET

TO: Members of the City Council of the City of Thomasville, N.C.

The undersigned Petitioners do hereby respectfully petition the City Council of the City of Thomasville, North Carolina to close a street in the City of Thomasville known as the portion of Kahler Street as shown in Plat Book 53, Page 61.

In support of the Petition, the Petitioners say:

This street is not needed for any purpose. The undersigned are all of the owners of adjacent property, and the closing of the street would deny access to no one. The closing of said street is not adverse to the public interest.

WHEREFORE, the Petitioners respectfully petition the City Council of the City of Thomasville, North Carolina, under authority granted to the said City Council in Section 160A-299 of the General Statutes of North Carolina, to grant and pass a Resolution and Ordinance closing that street known as the portion of Kahler Street located in the City of Thomasville as described above, reserving easements for any/all utilities that exist at the time of closure.

Respectfully submitted this 1 day of May, 2023.

 (SEAL)

_____ (SEAL)

 (SEAL)

_____ (SEAL)

_____ (SEAL)

_____ (SEAL)

STATE OF NORTH CAROLINA

DAVIDSON COUNTY

~~Alamance~~

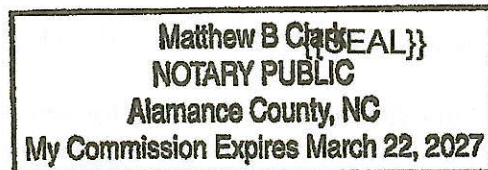
I, Matthew B Clark, a Notary Public of
Alamance County, North Carolina, do hereby certify that
Natalie D. Widener personally appeared before me this day and
acknowledged the execution of the foregoing instrument.

Witness my hand and notarial seal, this the 1 day of May, 2023.

Matthew B Clark

Notary Public

My Commission Expires: March 22, 2027



STATE OF NORTH CAROLINA

DAVIDSON COUNTY

~~Alamance~~

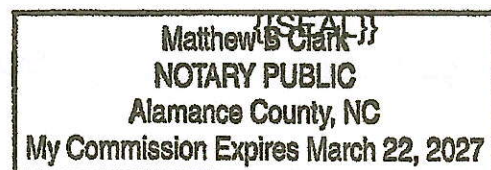
I, Matthew B Clark, a Notary Public of
Alamance County, North Carolina, do hereby certify that
Michael Wayne Widener personally appeared before me this day and
acknowledged the execution of the foregoing instrument.

Witness my hand and notarial seal, this the 1 day of May, 2023.

Matthew B Clark

Notary Public

My Commission Expires: March 22, 2027



STATE OF NORTH CAROLINA

DAVIDSON COUNTY

I, _____, a Notary Public of
_____ County, North Carolina, do hereby certify that
_____ personally appeared before me this day and
acknowledged the execution of the foregoing instrument.

Witness my hand and notarial seal, this the ____ day of _____, 20____.

Notary Public
My Commission Expires: _____

{{SEAL}}

NORTH CAROLINA)
)
DAVIDSON COUNTY)

PETITION TO CLOSE
A PORTION OF KAHLER STREET

TO: Members of the City Council of the City of Thomasville, N.C.

The undersigned Petitioners do hereby respectfully petition the City Council of the City of Thomasville, North Carolina to close a street in the City of Thomasville known as the portion of Kahler Street as shown in Plat Book 53, Page 61.

In support of the Petition, the Petitioners say:

This street is not needed for any purpose. The undersigned are all of the owners of adjacent property, and the closing of the street would deny access to no one. The closing of said street is not adverse to the public interest.

WHEREFORE, the Petitioners respectfully petition the City Council of the City of Thomasville, North Carolina, under authority granted to the said City Council in Section 160A-299 of the General Statutes of North Carolina, to grant and pass a Resolution and Ordinance closing that street known as the portion of Kahler Street located in the City of Thomasville as described above, reserving easements for any/all utilities that exist at the time of closure.

Respectfully submitted this 1 day of May, 2023.

Erleen Day Eldinger (SEAL)

_____(SEAL)

_____(SEAL)

_____(SEAL)

_____(SEAL)

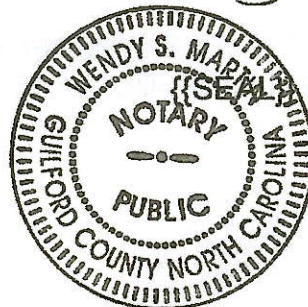
_____(SEAL)

STATE OF NORTH CAROLINA
DAVIDSON COUNTY

I, Wendy S. Martin, a Notary Public of
Guilford County, North Carolina, do hereby certify that
Everlyn Gay Eddinger personally appeared before me this day and
acknowledged the execution of the foregoing instrument.

Witness my hand and notarial seal, this the 1 day of May, 2023

Wendy S. Martin
Notary Public
My Commission Expires: 01/25/2027



STATE OF NORTH CAROLINA
DAVIDSON COUNTY

I, _____, a Notary Public of
_____ County, North Carolina, do hereby certify that
_____ personally appeared before me this day and
acknowledged the execution of the foregoing instrument.

Witness my hand and notarial seal, this the ____ day of _____, 20__.

Notary Public
My Commission Expires: _____

{{SEAL}}

STATE OF NORTH CAROLINA
DAVIDSON COUNTY

I, _____, a Notary Public of
_____ County, North Carolina, do hereby certify that
_____ personally appeared before me this day and
acknowledged the execution of the foregoing instrument.

Witness my hand and notarial seal, this the ____ day of _____, 20__.

Notary Public
My Commission Expires: _____

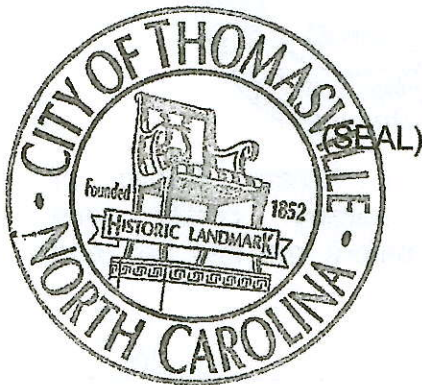
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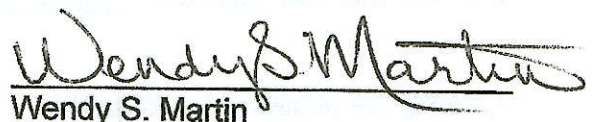
CERTIFICATE OF SUFFICIENCY

To the City Council of the City of Thomasville, North Carolina.

I, Wendy S. Martin, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G. S. 160A-31, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Thomasville, this 16th day of June, 2023.




Wendy S. Martin
City Clerk

Boundary Description for Proposed Road Closing

Kahler Street

NMR Properties LLC

Crossing Part of Deed Book 2586 Page 2227

Crossing Part of Tax Parcel: 16040000D0005

Being a tract or parcel of land situated in the City of Thomasville, Davidson County North Carolina and being described as follows:

The Beginning Point is a computed point being located the following three calls from an iron pipe in the gravel driveway between Evelyn Eddinger (Deed Book 914 Page 971) and NMR Properties, Llc(Deed Book 2583 Page 2227) located on the western side of Salem Street, thence from said point and with the line of Evelyn Eddinger South 89 degrees 30 minutes 23 seconds West for a distance of 176.85' to an existing rail road spike in a grave drive, thence North 04 degrees 23 minutes 06 seconds West for a distance of 17.92' to an existing iron pipe, thence North 87 degrees 30 minutes 59 seconds West for a distance of 220.67' to a computed point at the northeast terminus of the undeveloped and unopened Kahler Street, The Point and Place of Beginning;

From said Point and Place of Beginning and with the east side of Kahler Street, crossing the property of NMR Properties, Llc , thence South 03 degrees 59 minutes 47 seconds West for a distance of 178.03' to a computed point in the center line of Hanks Branch, said point being on the southern property line of NMR Properties, Llc, the northern line of the City of Thomasville(see Plat Book 53 page 61), thence with the center line of Hanks Branch and the northern line of the City of Thomasville and the existing closed portion of Kahler Street North 52 degrees 27 minutes 26 seconds West for a distance of 11.78' to a computed point, thence North 59 degrees 32 minutes 41 seconds West for a distance of 22.55' to a computed point in the center line of said branch, thence with the west side of Kahler Street, North 03 degrees 59 minutes 47 seconds East a distance of 160.68' to a computed point on the southern property line of Evelyn Eddinger (Deed Book 914 Page 971), thence with the line of Eddinger and the northern line of Kahler Street, South 87 degrees 30 minutes 59 seconds East for a distance of 30.01' to a computed point, the Point and Place of Beginning.

Said property contains 5,064 square feet or 0.12 acres more or less.

this description prepared by Michael J. Evans Sr. PLS on May 8 2023.



Michael J. Evans



Davidson County GIS



Fire Service Districts

Sq.Miles 16.4
Name THOMASVILLE

Townships

Sq. Miles 64.87
Name THOMASVILLE

County Zoning Districts

Zone

Soil Types

DSL Name

Soil Name

Type

Percent Sl

Hydric

Municipal Boundary

Name THOMASVILLE
SQ Miles 16.33



1 inch = 137 feet

The information contained on this map does not replace information that may be obtained by consulting the official source of the information. In no event shall Davidson County, NC or the consultants of Davidson County, NC be liable for any damages, direct or consequential, from the use of the information contained on this map.

Agenda Item Cover Sheet

Item Name: Resolution of Support of NC Governor's Highway Safety Program Grant Year 2

Requested By: Chief Dustin Carter

Department Police

Assigned Committee: Personnel/Finance

Agenda # 6I

Committee Meeting Date:

Briefing Meeting Date: 7/10/23

Council Meeting Date: 7/17/23

Description of Item:

Each year, City Council is required to approve a resolution of support for funding the Grant program.

Back-up Materials:

Resolution of Support; Agreement of Conditions

Requested Action:

Approve Resolution of Support

Committee Action:

**North Carolina Governor's Highway Safety Program
LOCAL GOVERNMENTAL RESOLUTION**

WHEREAS, the City of Thomasville, North Carolina (herein called the "Agency")

(The Applicant Agency)

has completed an application contract for traffic safety funding; and that Thomasville City Council

(The Governing Body of the Agency)

_____ (herein called the "Governing Body") has thoroughly considered the problem identified and has reviewed the project as described in the contract;

THEREFORE, NOW BE IT RESOLVED BY THE Thomasville City Council IN OPEN
(Governing Body)

MEETING ASSEMBLED IN THE CITY OF Thomasville, NORTH CAROLINA,

THIS _____ DAY OF _____, 20____, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Michael Brandt, City Manager is authorized to file, on behalf of the Governing
(Name and Title of Representative)
Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$ 70,413.00 to be made to the Governing Body to assist in defraying
(Federal Dollar Request)
the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$ 12,425.00 as
(Local Cash Appropriation)
required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by _____
(Chairperson/Mayor)

ATTESTED BY _____
(Clerk)

SEAL

DATE _____

**North Carolina Governor's Highway Safety Program
Agreement of Conditions**

This Agreement is made by and between the North Carolina Department of Transportation, hereinafter referred to as the "Department", to include the Governor's Highway Safety Program, hereinafter referred to as "GHSP"; and the applicant agency, for itself, its assignees and successors in interest, hereinafter referred to as the "Agency". During the performance of this contract, and by signing this contract, the Agency agrees as follows:

A. Federal Provisions

1. **Equal Opportunity/Nondiscrimination.** The Agency will agree to comply with all Federal statutes and implementing regulations relating to nondiscrimination concerning race, color, sex, religion, national origin, handicaps, and age. These include but are not limited to:
 - (a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq., 78 stat. 252);
 - (b) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. 4601)
 - (c) Federal-Aid Highway Act of 1973, (23 U.S.C. 324 et seq.), and Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686);
 - (d) Non-Discrimination in Federally-assisted programs of the United States Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (49 CFR Part 21), hereinafter referred to as "USDOT", as amended;
 - (e) Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794 et seq.), as amended, and 49 CFR Part 27; and
 - (f) The Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et seq.);
 - (g) The Civil Rights Restoration Act of 1987, (Pub. L. 100-209);
 - (h) Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131-12189) and 49 CFR parts 37 and 38;
 - (i) Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations;
 - (j) Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency
2. **Drug Free Workplace.** The Agency agrees to comply with the provisions cited in the Drug-Free Workplace Act of 1988 (41 U.S.C. 8103).
3. **Federal Grant Requirements and Contracts.** The Agency shall comply with the following statutes and implementing regulations as applicable:
 - (a) Highway Safety Act of 1966 (23 U.S.C. Chapter 4 -), as amended;
 - (b) Sec. 1906, Pub. L. 109-59, as amended by Sec. 4011, Pub. L. 114-94;
 - (c) Uniform Procedures for State Highway Safety Grant Programs (23 CFR part 1300);
 - (d) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 1201);
 - (e) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200) and all other relevant Federal regulations covering the Highway Safety Program;
 - (f) NHTSA Highway Safety Grant Funding Guidance, as revised, July 2015 (www.nhtsa.gov) and additions or amendments thereto.
4. **Political Activity (Hatch Act)** The Agency will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
5. **Lobbying.**
 - (a) **Certification Regarding Federal Lobbying.** The undersigned certifies, to the best of his or her knowledge and belief, that:
 - (i) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(ii) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(iii) The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure

(b) **Restriction on State Lobbying.** None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

6. Audits.

(a) **Audit Required.** Non-Federal entities that expend \$750,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year in accordance with the provisions of 2 CFR, Subpart F, §200.500. Guidance on determining Federal awards expended is provided in 2 CFR, Subpart F, §200.502.

(b) **Single Audit.** Non-Federal entities that expend \$750,000 or more in a year in Federal awards shall have a single audit conducted in accordance with 2 CFR, Subpart F, §200.501, except when they elect to have a program-specific audit conducted in accordance with 2 CFR, Subpart F, §200.501, paragraph (c).

(c) **Non-Governmental Entities.** Non-governmental entities (not-for-profit and for-profit entities) must adhere to North Carolina General Statute 143C-6.22 and 09 NCAC Subchapter 03M.

7. Instructions for Lower Tier Certification.

(a) By signing and submitting this proposal, the prospective lower tier participant (the Agency) is providing the certification set out below and agrees to comply with the requirements of 2 CFR Parts 180 and 1200.

(b) The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

(c) The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

(d) The terms covered transaction, civil judgement, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR Part 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.

(e) The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred,

- suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
- (f) The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR Parts 180 and 1200.
 - (g) A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
 - (h) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
 - (i) Except for transactions authorized under paragraph 7(e) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies including suspension or debarment.
 - (j) **Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions.**
 - (i) The prospective lower tier participant (the Agency) certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in covered transactions by any Federal department or agency.
 - (ii) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participants shall attach an explanation to this contract proposal.
8. **Buy America Act.** The Agency and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.
 9. **Prohibition On Using Grant Funds To Check For Helmet Usage.** The Agency and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.
 10. **Conditions for State, Local and Indian Tribal Governments.** State, local and Indian tribal government Agencies shall adhere to the standards established by 2 CFR Part 225, Cost Principles for State, Local, and Indian Tribal Governments and additions or amendments thereto, for principles for determining costs applicable to grants and contracts with state, local and Indian tribal governments.
 11. **Conditions for Institutions of Higher Education.** If the Agency is an institution of higher education, it shall adhere to the standards established by 2 CFR Part 215 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations and 2 CFR 220 Cost Principles for Educational Institutions for determining costs applicable to grants and contracts with educational institutions.

12. **Conditions for Non-Profit Organizations.** If the Agency is a non-profit organization, it shall adhere to the standards established by 2 CFR Part 215 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations and 2 CFR Part 230 Cost Principles for Non-Profit Organizations for determining costs applicable to grants and contracts with non-profit organizations.
13. **Conditions for Hospitals.** If the Agency is a hospital, it shall adhere to the standards established by 2 CFR Part 215 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.

B. General Provisions

1. **Contract Changes.** This document contains the entire agreement of the parties. No other contract, either oral or implied, shall supercede this Agreement. Any proposed changes in this contract that would result in any change in the nature, scope, character, or amount of funding provided for in this contract, shall require a written addendum to this contract on a form provided by the Department.
2. **Subcontracts Under This Contract.** The Agency shall not assign any portion of the work to be performed under this contract, or execute any contract, amendment or change order thereto, or obligate itself in any manner with any third party with respect to its rights and responsibilities under this contract without the prior written concurrence of the Department. Any subcontract under this contract must include all required and applicable clauses and provisions of this contract. Subcontracting does not relieve the Agency of any of the duties and responsibilities of this agreement. The subcontractor must comply with standards contained in this agreement and provide information that is needed by the Agency to comply with these standards. The Agency must submit any proposed contracts for subcontracted services to the Governor's Highway Safety Program for final approval no less than 30 days prior to acceptance.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment.** In all solicitations, either by competitive bidding or negotiation, made by the Agency for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Agency of the Agency's obligations under this contract. Additionally, Agencies making purchases or entering into contracts as provided for by this contract must adhere to the policies and procedures of 2 CFR Part 200 and North Carolina General Statute 143-128.4. Historically underutilized business defined; statewide uniform certification as it pertains to Historically Underutilized Businesses.
4. **Incorporation of Provisions in Subcontracts.** The Agency shall include the provisions of section A-1 through A-13 of this Agreement in every subcontract, including procurements of materials and leases of equipment, unless exempted by the regulations, or directives issued pursuant thereto. The Agency shall take such action with respect to any subcontract or procurement as the Department, the State of North Carolina, hereinafter referred to as the "State", the National Highway Traffic Safety Administration, hereinafter referred to as "NHTSA", or the Federal Highway Administration, hereinafter referred to as "FHWA", may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event the Agency becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Agency may request the Department or the State to enter into such litigation to protect the interests of the Department or the State. In addition, the Agency may request the NHTSA or FHWA to enter into such litigation to protect the interests of the United States.
5. **Outsourcing.** All work shall be performed in the United States of America. No work will be allowed to be outsourced outside the United States of America.
6. **Property and Equipment.**
 - (a) **Maintenance and Inventory.** The Agency shall maintain and inventory all property and equipment purchased under this contract.
 - (b) **Utilization.** The property and equipment purchased under this contract must be utilized by the Agency for the sole purpose of furthering the traffic safety efforts of the Agency for the entire useful life of the property or equipment.
 - (c) **Title Interest.** The Department and NHTSA retain title interest in all property and equipment purchased under this contract. In the event that the Agency fails or refuses to comply with the provisions of this Agreement or terminates this contract, the Department, at its discretion, may take either of the following actions:
 - (i) Require the Agency to purchase the property or equipment at fair market value or other mutually agreed to amount; or

- (ii) Require the Agency to transfer the property or equipment and title of said property or equipment, if any, to the Department or to another Agency, as directed by the Department.
- (d) **Non-expendable Property.** Non-expendable property is defined as property or equipment having a value of \$5000 or more with a life expectancy of more than one year. Non-expendable property purchased under this contract cannot be sold, traded, or disposed of in any manner without the expressed written permission of the Department.
7. **Educational or Other Materials.** If allowed, any educational or other materials developed using funds from this contract must be reviewed and approved by the GHSP prior to their production or purchase. The cost of these materials is generally limited to a maximum of \$5.00 per item. The purchase of promotional items and memorabilia are not an allowable cost.
8. **Review of Reports and Publications.** Any reports, papers, publications, or other items developed using funds from this contract must be reviewed and approved by the GHSP prior to their release.
9. **Reimbursement.**
- (a) **General.** Payments are made on a reimbursement basis. There is no schedule of advance payments. Only actual allowable costs are eligible for reimbursement. Claims for reimbursement must be made a minimum of quarterly and no more than once a month via the Grants Management System. Claims for reimbursement not made within the three month threshold are subject to denial. The itemized invoice shall be supported by documentation of costs as prescribed by the Department. Reimbursements will not be processed if other required reports are incomplete or have not been submitted. Failure to submit complete reports by the required deadline may result in denial of reimbursement.
- (b) **Approval.** The Governor's Highway Safety Program and the Department's Fiscal Section shall approve the itemized invoice prior to payment.
- (c) **Unapproved Costs.** Any rejected or unaccepted costs shall be borne by the Agency. The Agency agrees that in the event the Department determines that, due to Federal or State regulations that grant funds must be refunded, the Agency will reimburse the Department a sum of money equal to the amount of Federal and State participation in the rejected costs.
- (d) **Final Claims for Reimbursement.** Final claims for reimbursement must be received by the GHSP within 30 days following the close of the approved contract period. Project funds not claimed by this date are subject to reversion.
- (e) **Expending Funds Under This Contract.** Under no circumstances will reimbursement be made for costs incurred prior to the contract effective date or after the contract ending date.
10. **Project Costs.** It is understood and agreed that the work conducted pursuant to this contract shall be done on an actual cost basis by the Agency. The amount of reimbursement from the Department shall not exceed the estimated funds budgeted in the approved contract. The Agency shall initiate and prosecute to completion all actions necessary to enable the Agency to provide its share of the project costs at or prior to the conclusion of the project.
11. **Program Income.** The Agency shall account for program income related to projects financed in whole or in part with federal funds in accordance with 2 CFR 200.307. Program income earned during the contract period shall be retained by the Agency and deducted from the federal funds committed to the project by the GHSP unless approved in advance by the Federal awarding agency as an addition to the project. Program income must be accounted for separately and the records made available for audit purposes.
12. **Project Directors.** The Project Director, as specified on the signature page of this Agreement, must be an employee of the Agency or the Agency's governing body. Any exception to this provision must have the expressed written approval of GHSP.
13. **Reports Required.**
- (a) **Quarterly Progress Reports.** Unless otherwise directed, the Agency must submit Quarterly Progress Reports to the GHSP, on forms provided by the Department, which reflect the status of project implementation and attainment of stated goals. Each progress report shall describe the project status by quarter and shall be submitted to GHSP no later than fifteen (15) days after the end of each quarter. If the Agency fails to submit a Quarterly Progress Report or submits an incomplete Quarterly Progress Report, the Agency will be subject to having claims for reimbursement withheld. Once a Quarterly Progress Report that substantiates adequate progress is received, cost reimbursement requests may be processed or denied at the discretion of GHSP.
- (b) **Final Accomplishments Report.** A Final Accomplishments Report must be submitted to the GHSP within fifteen (15) days of completion of the project, on forms provided by the Department, unless otherwise directed. If the Agency fails to submit a Final Accomplishments Report or submits an

incomplete Final Accomplishments Report, the Agency will be subject to having claims for reimbursement withheld. Once a Final Accomplishments Report that substantiates adequate progress is received, claims for reimbursement may be processed or denied at the discretion of GHSP.

- (c) **Audit Reports.** Audit reports required in Section A-6 above shall be provided to the Department within thirty (30) days of completion of the audit.

14. Out-of-State Travel.

- (a) **General.** All out-of-state travel funded under this contract must have prior written approval by the Governor's Highway Safety Program.
- (b) **Requests.** Requests for approval must be submitted to the GHSP, on forms provided by the Department, no less than thirty (30) days prior to the intended departure date of travel.
- (c) **Agency Travel Policy Required.** For Agencies other than state agencies, out-of-state travel requests must include a copy of the Agency's travel policy, to include allowances for lodging, meals, and other travel-related expenses. For state agencies, maximum allowable subsistence is limited to the prevailing per diem rates as established by the North Carolina General Assembly.
- (d) **Agenda Required.** Out-of-state travel requests must include a copy of the agenda for the travel requested.

15. Conditions for Law Enforcement. In addition to the other conditions provided for in this Agreement, grants to law enforcement agencies are subject to the following:

(a) **Certifications Required.**

- (i) **In-car Camera or Video System.** For any in-car camera or video system purchased under this contract, it is required that the operator of that equipment has successfully completed Standardized Field Sobriety Testing training (SFST). A copy of this certificate must be filed with GHSP prior to reimbursement of in-car camera or video systems.
- (ii) **Radar.** For any radar equipment purchased under this contract, it is required that the operator of that equipment has successfully completed Radar Certification Training. A copy of this certificate must be filed with GHSP prior to reimbursement of radar equipment.
- (iii) **Alcohol Screening Devices.** For any preliminary alcohol screening devices purchased under this contract, it is required that the operator of that equipment has successfully completed the Alcohol Screening Test Device training offered by the Forensic Test for Alcohol Branch.

- (b) **Report Required - Monthly Enforcement Data Report.** In addition to the reports mentioned above, law enforcement agencies engaging in enforcement activities must submit a Monthly Enforcement Data Report on the form provided by the Department no later than fifteen (15) days after the end of each month. If the Agency fails to submit a Monthly Enforcement Data Report or submits an incomplete Monthly Enforcement Data Report, the Agency will be subject to having cost reimbursement requests withheld. Once a Monthly Enforcement Data Report that substantiates adequate progress is received, cost reimbursement requests will be processed. The agency head must sign the form. However, the agency head may assign a designee to sign the form by providing written signature authority to the GHSP.

16. Conditions for Local Governmental Agencies.

- (a) **Resolution Required.** If the Agency is a local governmental entity, a resolution from the governing body of the Agency is required on a form provided by the Department.
- (b) **Resolution Content.** The resolution must contain a commitment from the governing body to provide the local funds as indicated in this contract. Additionally, the resolution is required even if the funding is one hundred percent from federal sources, as it serves as recognition by the governing body of federal funding for purposes of Section A-6 above.

17. Seat Belt Policy and Use. Agency must adopt and enforce a seat belt use policy required for all seating positions unless exempted by state law.

18. Text Messaging Policy. Agency must adopt and enforce a policy banning text messaging while driving unless exempted by state law.

19. Prohibited Interests. No member, officer, or employee of the Agency during his or her tenure, and for at least one (1) year thereafter, shall have any interest, direct or indirect, in this contract or the proceeds thereof or therefrom.

20. Continued Federal and State Funding.

- (a) **Federal Funding.** The Agency agrees and understands that continuation of this project with Federal funds is contingent upon Federal funds being appropriated by the United States Congress specifically for that purpose. The Agency further agrees and understands that in the event funds originally

appropriated by Congress for these grants are subsequently reduced by further acts of Congress, funding to the Agency may be proportionately reduced.

- (b) **State Funding.** The Agency agrees and understands that continuation of this project with funds from the State of North Carolina is contingent upon State funds being appropriated by the General Assembly specifically for that purpose. The Agency also agrees that any state funds received under this contract are subject to the same terms and conditions stated in this Agreement.

21. Performance. All grants provided by the Governor's Highway Safety Program are performance-based and, as such, require that continual progress be made toward the reduction of the number and severity of traffic crashes. Any agency, whose performance is deemed unsatisfactory by the GHSP, shall be subject to the sanctions as provided for in this contract. Additionally, unsatisfactory performance shall be cause for the Department to reduce or deny future funding.

22. Resolution of Disputes. Any dispute concerning a question of fact in connection with the work not disposed of by contract by and between the Agency and the Department, or otherwise arising between the parties to this contract, shall be referred to the Secretary of the North Carolina Department of Transportation and the authorized official of the Agency for a negotiated settlement. In any dispute concerning a question of fact in connection with the project where such negotiated settlement cannot be resolved in a timely fashion, the final decision regarding such dispute shall be made by the Secretary of the North Carolina Department of Transportation, with the concurrence of the Federal funding agency, and shall be final and conclusive for all parties.

23. Department Held Harmless.

(a) **For State Agencies.** Subject to the limitations of the North Carolina Tort Claims Act, the Agency shall be responsible for its own negligence and holds harmless the Department, its officers, employees, or agents, from all claims and liability due to its negligent acts, or the negligent acts of its subcontractors, agents, or employees in connection with their services under this contract.

(b) **For Agencies Other Than State Agencies.** The Agency shall be responsible for its own negligence and holds harmless the Department, its officers, employees, or agents, from all claims and liability due to its negligent acts, or the negligent acts of its subcontractors, agents, or employees in connection with their services under this contract.

24. Records Access and Retention. The Agency shall provide all information and reports required by the regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department, the State, NHTSA, or FHWA, as appropriate, to be pertinent to ascertain compliance with such regulations, orders and instructions. Furthermore, the Agency shall maintain such materials during the contract period, and for five (5) years from the date of final payment from the Department or until all audit exceptions have been resolved, for such inspection and audit. Where any information required of the Agency is in the exclusive possession of another who fails or refuses to furnish this information, the Agency shall so certify to the Department, State, NHTSA, or FHWA, as appropriate, and shall set forth what efforts it has made to obtain the information. Pursuant to N.C.G.S. §147-64.7, the Department, the State Auditor, appropriate federal officials, and their respective authorized employees or agents are authorized to examine all books, records, and accounts of the Agency insofar as they relate to transactions with any department, board, officer, commission, institution, or other agency of the State of North Carolina pursuant to the performance of this Agreement or to costs charged to this Agreement.

25. Sanctions for Non-Compliance. The applicant Agency agrees that if it fails or refuses to comply with any provisions and assurances in this contract, the Department may take any or all of the following actions:

- (a) Cancel, terminate, or suspend this contract in whole or in part;
- (b) Withhold reimbursement to the Agency until satisfactory compliance has been attained by the Agency;
- (c) Refrain from extending any further funding to the Agency under this contract with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the Agency;
- (d) Refer the case to the United States Department of Justice for appropriate legal proceedings.

26. Cancellation, Termination, or Suspension of Contract.

- (a) **By the Department.** For noncompliance with any of the said rules, regulations, orders or conditions, due to management deficiencies or criminal activity this contract may be immediately canceled, terminated, or suspended in whole or in part by the Department. For noncompliance not indicative of management deficiencies or criminal activity the Department shall give sixty (60) days written notice

to take corrective action. If the Agency has not taken the appropriate corrective action after sixty (60) days the Department may cancel, terminate, or suspend this contract in whole or in part.

- (b) **By mutual consent.** The Agency or the Department may terminate this contract by providing sixty (60) days advanced written notice to the other party.
- (c) **Unexpended funds.** Any unexpended funds remaining after cancellation or termination will revert to the Department.
27. **Completion Date.** Unless otherwise authorized in writing by the Department, the Agency shall commence, carry on, and complete the project as described in the approved Highway Safety Project Contract by September 30 of the Federal fiscal year for which it was approved.
28. **E-Verify requirements.** If this contract is subject to NCGS 143-133.3, the contractor and its subcontractors shall comply with the requirements of Article 2 of Chapter 64 of the NC General Statutes.
29. **Certification of Eligibility Under the Iran Divestment Act.** Pursuant to G.S. 147-86.59, any person identified as engaging in investment activities in Iran, determined by appearing on the Final Divestment List created by the State Treasurer pursuant to G.S. 147-86.58, is ineligible to contract with the State of North Carolina or any political subdivision of the State. The Iran Divestment Act of 2015, G.S. 147-55 et seq. requires that each Agency, prior to contracting with the State certify, and the undersigned Agency Authorizing Official on behalf of the Agency does hereby certify, to the following:
- (a) that the Agency is not now and was not at the time of the execution of the Contract dated below identified on the Final Divestment List of entities that the State Treasurer has determined engages in investment activities in Iran;
- (b) that the Agency shall not utilize on any contract with the State agency any subcontractor that is identified on the Final Divestment List; and
- (c) that the undersigned Agency Authorizing Official is authorized by the Agency to make this Certification.
30. **Agency Fiscal Year.** The end date for the Agency's fiscal year is June 30.
31. **Signature.** By signing below, the Agency agrees to adhere to the terms and conditions of this Agreement.

AGENCY PROJECT DIRECTOR		
NAME <i>Tony Burgess</i>	TITLE <i>Sergeant</i>	ADDRESS <i>250 W. Main St., Thomasville, NC 27360</i>
SIGNATURE <i>Tony Burgess</i>	DATE <i>06/15/2023</i>	TELEPHONE NUMBER <i>(336) 475-4205</i>
AGENCY AUTHORIZING OFFICIAL		
NAME <i>Dustin Carter</i>	TITLE <i>Chief</i>	ADDRESS <i>250 W. Main St., Thomasville, NC 27360</i>
SIGNATURE <i>Dustin Carter</i>	DATE <i>06/15/2023</i>	TELEPHONE NUMBER <i>(336) 475-4274</i>
AGENCY OFFICIAL AUTHORIZED TO RECEIVE FUNDS		
NAME <i>Michael Brandt</i>	TITLE <i>City Manager</i>	ADDRESS <i>10 Salem St., Thomasville, NC 27360</i>
SIGNATURE <i>Michael Brandt</i>	DATE <i>06/15/2023</i>	TELEPHONE NUMBER <i>(336) 475-4222</i>

Agenda Item Cover Sheet

Item Name:	Consideration of Amendment to CoT Personnel Policy, Article III, Section 3		
Requested By:	<u>Michael Brandt</u>	Department	<u>Administration</u>
Assigned Committee:	Personnel/Finance	Agenda #	6J
Committee Meeting Date:		Briefing Meeting Date:	7/10/23
		Council Meeting Date:	7/17/23
Description of Item:	<p>City Council requested staff review policy regarding career advancement educational exclusions. After research and consideration of former policies and practices, staff has developed a sunset clause to provides time for employees to reach educational requirements, but does not penalize them for applying for promotions w/o educational attainment.</p>		
Back-up Materials:	<p>Memo</p>		
Requested Action:	<p>Consider adoption of amended Personnel Policy</p>		
Committee Action:			

June 30, 2023

Memorandum

To: Thomasville City Council

From: Michael Brandt, City Manager

Alisa Quick, Human Resources Director

RE: Proposed Amendment to Thomasville Personnel Policy

At the request of City Council, staff reviewed and are proposing the following language to address the concerns raised regarding career advancement educational exclusions. The last sentence of the first paragraph and the entire second paragraph is repeated language that is included in Article XVII Section 4. The third paragraph specifically states that any previous policies or procedures that do not follow the promotion process are modified to include a sunset date for obtaining educational requirements for promotions.

Article III Employment Standards:

Section 3. Promotion

It is the policy of the City to encourage qualified city employees to apply for higher rated positions. Candidates for promotion shall be chosen on the basis of their qualifications and work records. City employees may be promoted to higher positions without public advertisement. Employees applying for advancement in a career development program must follow the established procedures and department protocols set forth by each department as appropriate.

Applicants for advancement in the City of Thomasville's career development programs must achieve a minimum rating of "meets standards" on their periodic performance evaluations. These standards shall include educational and experience requirements for all perspective candidates for an internal promotion. Appointment to progressive classifications is subject to fiscal constraints and organizational demand.

Effective July 17, 2023, all previous policies and procedures whether established by policy, memorandum, or practice in all city departments, that provide for exclusions from the educational, or other requirements, of departmental career development programs are hereby modified to the following sunset provisions. For positions that require a 2-year degree, (Associate's) employees must obtain their degree by July 1, 2027 to continue to be eligible for promotion. For those positions requiring a four -year degree, (Bachelor's) employees must obtain their degree by July 1, 2029 to continue to be eligible for promotion. At no point will an employee promoted under the exception be required to obtain a degree to remain at their position even after the sunset period takes effect.

EXAMPLE Employee John Doe does not hold a degree of any sort. Due to John Doe's hiring date, he is exempt from educational requirements within his department career ladder. John Doe can be promoted for any position requiring an Associate's degree until July 1, 2027. After this date, he must have obtained an Associate's degree to be promoted. For positions requiring a Bachelor's degree, John Doe can be promoted to any position requiring a Bachelor's degree until July 1, 2029. After this date, he must have obtained a Bachelor's degree to be promoted.

Agenda Item Cover Sheet

Item Name: Consideration of Amendment to CoT Personnel Policy Article XVIII Section 14 New Employee Incentive (Temporary) and 15 PO Lateral Transfer Policy

Requested By: Michael Brandt **Department** Administration

Assigned Committee: Personnel/Finance **Agenda #** 6k

Committee Meeting Date: **Briefing Meeting Date:** 7/10/23 **Council Meeting Date:** 7/17/23

Description of Item:

In January, 2023, the City Council approved a temporary employee incentive plan to encourage employees to recruit new employees. A second section specifically addressed lateral entry transfers for Police Officers.

Staff is proposing to extend this program until Dec. 31, 2023.

Back-up Materials:

Proposed Policy Amendments Section 14 and 15.

Requested Action:

Request approval to extend programs until December 31, 2023.

Committee Action:

Proposed Policy Amendment**1st Revision January 17, 2023****2nd Revision July 17, 2023****Amendment to Article XVIII. Pay Plan****Proposed New Section : 14. New Employee Incentive (Temporary)**

In an effort to encourage current City employees to assist with recruitment and retention of new employees, the following incentive is established by the City Council. This incentive is available to all employees for all positions. A current employee may recommend someone to apply to the City, and if that new person is successfully hired and retained through their probationary period, then the incentive will be applicable. The current employee will receive a \$500, one-time, incentive payment. The new employee will receive a one-time \$500 retention bonus upon completion of their probationary period, in addition to any other salary adjustments available to the employee.

To be eligible for the incentive, new employees must be hired for an open position after January 1, 2023 and by December 31, 2023 ~~July 1, 2023~~. This deadline may be extended further upon approval by the City Council. This policy will be reviewed periodically and is subject to revision based on the recruiting and budgetary needs of the City of Thomasville.

Proposed Policy Amendment**1st Revision January 17, 2023****2nd Revision, July 17, 2023****Amendment to Article XVIII. Pay Plan****Proposed New Section: 15. Police Officer Lateral Transfer Incentive (Temporary)**

In order to encourage transfers of trained officers from other jurisdictions, sworn police officers currently employed with a law enforcement agency within the state of North Carolina and holding at least a General Law Enforcement Certification awarded by the North Carolina Criminal Justice Education and Training Standards will be eligible for a \$3,000 bonus. The bonus will be paid in two installments of \$1,500. The first installment will be paid upon successful completion of a 6-month probationary period. The second installment will be paid one year after the probationary period has ended (generally 18 months after hire date).

Eligible new employees may receive both the New Employee Incentive and the Lateral Transfer Incentive. To be eligible, a new police officer must sign their employment agreement after January 1, 2023, and by December 31, 2023 ~~July 1, 2023~~. This deadline may be extended further upon approval by the City Council. This policy will be reviewed periodically and is subject to revision based on the recruiting and budgetary needs of the City of Thomasville.

Agenda Item Cover Sheet

Item Name: Discussion of Chain of Command Standard Operating Procedure

Requested By: Councilman Hunt **Department** City Council

Assigned Committee: Personnel/Finance **Agenda #** 6L

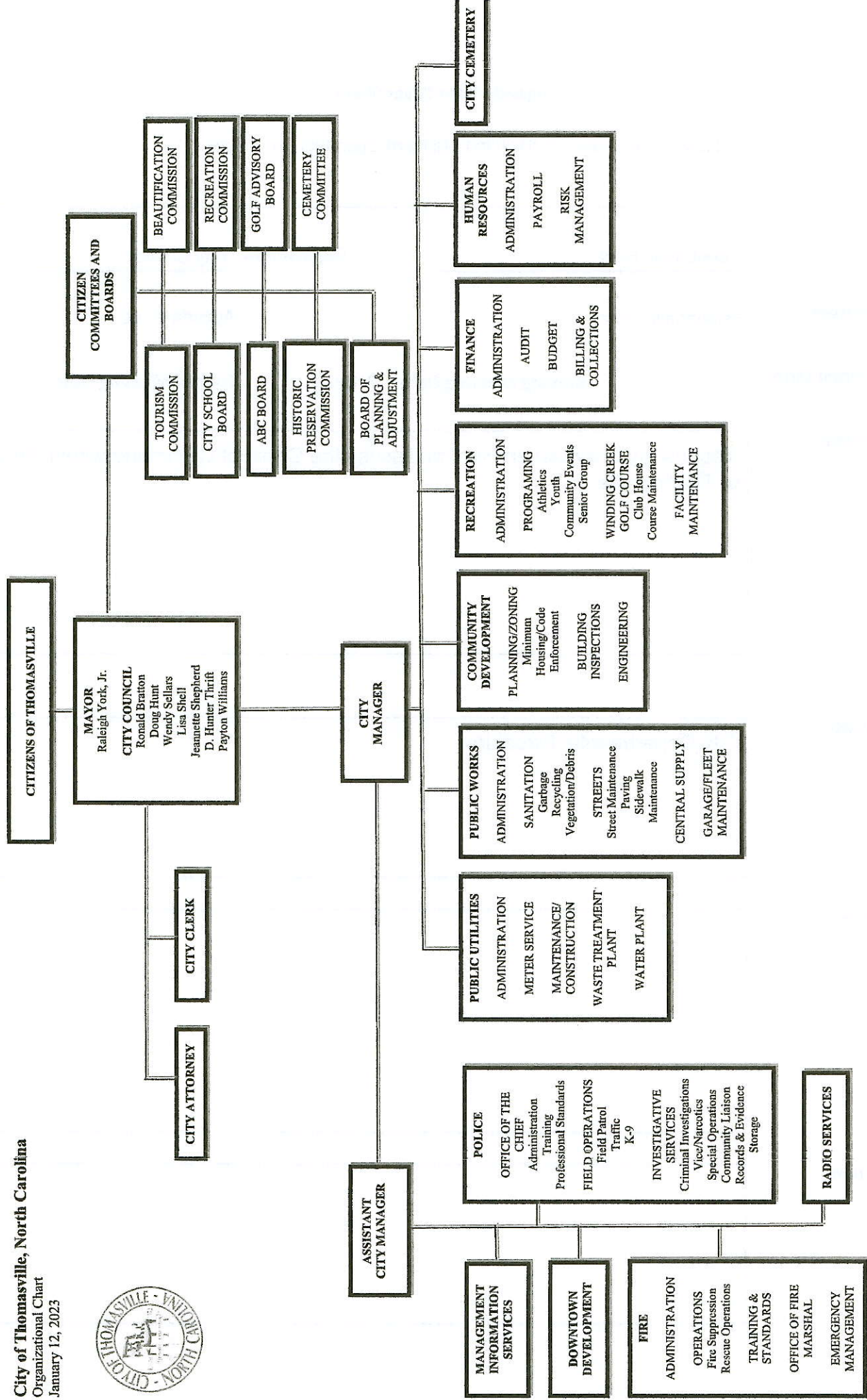
Committee Meeting Date: **Briefing Meeting Date:** 7/10/23 **Council Meeting Date:** 7/17/23

Description of Item: Request by Councilman Hunt to discuss the Chain of Command within the City of Thomasville

Back-up Materials: City Departmental Structure

Requested Action:

Committee Action:



Agenda Item Cover Sheet

Item Name: Request for Closed Session for Personnel

Requested By: Councilman Hunter Thrift

Department City Council

Assigned Committee: Personnel/Finance

Agenda #

Committee Meeting Date:

Briefing Meeting Date: 7/10/23

Council Meeting Date: 7/17/23

Description of Item:

Closed Session for Personnel

Back-up Materials:

NA

Requested Action:

NA

Committee Action: