

## THOMASVILLE CITY COUNCIL MEETING AGENDA

Monday, March 18, 2024 – 6:00 P.M.

20 Stadium Drive, Thomasville, NC 27360

Mayor Raleigh York, Jr. ~ Mayor *Pro Tem* Doug Hunt

1. Call to Order
2. Additions and Deletions to the Agenda
3. Public Forum – Please sign up in person to speak for two minutes on any topic. *The two-minute time limit will be enforced.*
4. Recognitions and Presentations
  - A. Proclamation – National Developmental Disability Awareness Month (March)
  - B. Proclamation – Women's History Month (March)
  - C. Proclamation – Brighter Vision Day (April 13, 2024)
5. Public Hearings

A. Request for Rezoning (Z-24-01)

Applicant/Owner: Faisal Alazzawi  
Location: 606 Old Raleigh Road  
Parcel Number: 1633600000035A  
Existing Zoning: C-2 Highway Commercial  
Requested Zoning: M-2CU Heavy Industrial Highway Commercial  
Conditional Use: The property will be used exclusively for operation as a garage for semi-trucks, trailers, parking, small office space.

*The Board of Planning & Adjustment held a public hearing on February 27, 2024 and voted 5 - 0 to approve this request.*

**\*\*\*To pass this rezoning, Council must find that this zoning amendment is reasonable and in the public's interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan.\*\*\***

B. Request for Rezoning (Z-24-03)

Applicant/Owner: 4 Amigos Investing, Inc.  
Location: 404 Davidson Street  
Parcel Number: 1037000H0001A  
Existing Zoning: C-1CU Neighborhood Commercial  
Conditional Use: Agriculture  
Requested Zoning: R-8 Medium Density Residential

*The Board of Planning & Adjustment held a public hearing on February 27, 2024 and voted 5 - 0 to approve this request.*

**\*\*\*To pass this rezoning, Council must find that this zoning amendment is reasonable and in the public's interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan.\*\*\***

6. Consent Agenda

- A. Consideration of Approval of Minutes – Briefing Meeting on February 12, 2024
- B. Consideration of Approval of Minutes – Council Meeting on February 19, 2024
- C. Consideration of Resolution Awarding Badge and Service Weapon to Retiring Police Officer Tracy Pierce
- D. Consideration of Grant Project Ordinance – 2022 TPD: Byrne Justice Assistance Grant (JAG)
- E. Consideration of Grant Project Ordinance – 2023 TPD: Byrne Justice Assistance Grant (JAG)
- F. Consideration of Amended Davidson County Economic Development Commission By-Laws
- G. Consideration of Artificial Intelligence Use Policy for City Employees

7. Regular Agenda

- A. Consideration of Budget Amendment 2024-P9-01
- B. Consideration of Resolution to Adopt the Thomasville Downtown Streetscape Master Plan
- C. Consideration of Amendment to Appendix A of the Thomasville Personnel Policy – Fire Trainee
- D. Consideration of Resolution to Adopt and Allocate Funds For an Outdoor Fitness Court as Part of the 2024 National Fitness Campaign
- E. Consideration of Settlement Agreement with Midnight Enterprises (f/k/a John & Jeff Schwarz, LLC)
- F. Consideration of Re-approval of Personnel Agreements:
  - i. City Manager Michael Brandt
  - ii. City Attorney Misti Whitman
- G. Consideration of Resolution to Conduct a Public Hearing for Petition for Closure of Alley on Clay Street
- H. Consideration of Road Closure Ordinances:
  - i. Spring Daze (May 4<sup>th</sup>)
  - ii. Parade of Excellence (May 24<sup>th</sup>)
  - iii. Memorial Day Parade (May 27<sup>th</sup>)

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

9. Closed Session – Personnel

10. Additional Items

11. Adjournment

# ~ PROCLAMATION ~

## NATIONAL DEVELOPMENTAL DISABILITY AWARENESS MONTH

WHEREAS, The month of March has been designated as “National Developmental Disability Awareness Month” to celebrate and recognize people with developmental disabilities; and

WHEREAS, Disabilities are a natural part of the human experience and in no way diminish the right of individuals with disabilities to live independently, enjoy self-determination, make choices, contribute to society and experience fully in the economic, political, social, cultural and educational mainstream of American society; and

WHEREAS, Local employers and members of the community can play an essential role in enhancing the lives of people with developmental disabilities by providing necessary support services and understanding that people with developmental disabilities can engage in competitive work in inclusive settings; and

WHEREAS, The goals of this city, county and state include providing individuals with developmental disabilities the opportunities and support to:

- make informed choices and decisions;
- live in homes and communities where such individuals can exercise their full rights and responsibilities as citizens;
- pursue meaningful and productive lives;
- contribute to their family, community, state and nation;
- have interdependent friendships and relationships with others; and
- achieve full inclusion in society.

NOW, THEREFORE, I, Raleigh York, Jr., Mayor of Thomasville, North Carolina, do hereby proclaim the month of March as

NATIONAL DEVELOPMENTAL DISABILITY AWARENESS MONTH.

This the 18<sup>th</sup> day of March, 2024.

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Raleigh York, Jr., Mayor



# A Proclamation by the Mayor for *Women's History Month 2024*

**WHEREAS**, women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and

**WHEREAS**, women were important in the establishment of early charitable, philanthropic, and cultural institutions in our Nation; they constitute a significant portion of the labor force, serve our country courageously in the military, and have played and continue to play critical economic, cultural, and social roles in every sphere of life; and

**WHEREAS**, women have served our country as early leaders in the forefront of every major progressive social change movement, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, the peace movement, and other movements, which create a more fair and just society for all; and

**WHEREAS**, despite these contributions, the role of women in history has been consistently overlooked and undervalued; and

**WHEREAS**, the Thomasville City Council is committed to working within all layers of the community to promote understanding, enhance knowledge, seek opportunity for all, and encourage acknowledgement of those who work for the betterment of their neighbors; and

**NOW, THEREFORE**, I, Raleigh York, Jr., Mayor of the City of Thomasville, North Carolina, am honored to declare March 2024 as

## *Women's History Month*

in Thomasville, and I call upon all residents to observe this month by participating in and supporting all activities celebrating the contributions of women.

**IN WITNESS, WHEREOF**, I have hereunto set my hand and affixed the Seal of the City of Thomasville, North Carolina, this 18<sup>th</sup> day of March, 2024.

---

Raleigh York, Jr., Mayor

ATTEST:

---

Wendy S. Martin, City Clerk



## City of Thomasville, North Carolina

# ~Proclamation~

### *LIONS BRIGHTER VISION DAY*

**WHEREAS**, the Lions Club is a worldwide organization that was founded over 100 years ago with a mission to improve health and well-being, strengthen communities, support those in need through humanitarian services and grants that impact lives globally, and encourage peace and international understanding; and

**WHEREAS**, the Thomasville Lions Club is going to hold an event on April 13, 2024 called "Lions Brighter Vision Day" to raise funds for the visually and hearing impaired. The local goal is to raise \$130,000 for the Thomasville/Fairgrove/Pilot District. The State goal is \$750,000. 100% of the funds raised will go to the cause.

**NOW, THEREFORE**, I, Raleigh York, Jr., Mayor of Thomasville North Carolina do hereby proclaim April 13, 2024 as

**"Lions Brighter Vision Day"**

and I encourage everyone to participate in this event and support this worthy cause.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of Thomasville on this the 18<sup>th</sup> day of March, 2024.

---

Raleigh York, Jr., Mayor  
Thomasville, North Carolina

# Agenda Item Cover Sheet

Admin. Use Only:

Committee Name

Public Safety

|  |
|--|
|  |
|--|

Committee Date  
And Agenda #

1.8.2024

PSafe 4

Item Name:

Set Public Hearing for Rezoning Case Z-24-01

Description of Item:

Applicant/Owner: Faisal Alazzawi  
Location: 606 Old Raleigh Road  
Parcel Number: 1633600000035A  
Existing Zoning: C-2 Highway Commercial  
Proposed Zoning: M-2CU Heavy Industrial Highway Commercial

Back-Up Materials:

Rezoning Case Record

Council Action Requested:

Set Public Hearing for Rezoning Case Z-24-01

Requested By:

Chuck George

Department:

PIE

To: Michael Brandt, City Manager  
From: Chuck George, Planning Director  
Date: February 28, 2024  
Re: City Council Meeting, March 18, 2024

The following items has been before the Board of Planning & Adjustment on Tuesday, February 27, 2024.

Request for Rezoning (Z-24-01)  
Applicant/Owner: Faisal Alazzawi  
Location: 606 Old Raleigh Road  
Parcel Number: 1633600000035A  
Existing Zoning: C-2 Highway Commercial  
Proposed Zoning: M-2CZ Heavy Industrial  
Conditional Use: The property will be used exclusively for operation as a garage for semi-trucks, trailers, parking, and small office space.

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

- There is no opposition to the proposed plan from adjacent property owners.
- The conditional use zoning will keep the property closer in line with adjacent properties.
- The stated use of the property with restrictions does not diminish the safety of value of surrounding properties or the public.

Find that this zoning amendment is reasonable and in the public interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan.

In granting a special use permit, the planning board affirms the following findings:

- (a) The use requested is among those listed as an eligible special use in the district in which the subject property is located or is to be located;
- (b) That the special use will not materially endanger the public health or safety if located where proposed and developed according to the plan as proposed;
- (c) That the special use meets all required conditions and specifications;
- (d) That the special use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- (e) That the location and character of the special use if developed according to the plan as proposed will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Thomasville and its environs.

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

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

**SECTION 1.** That the Official Zoning Map of the City of Thomasville, North Carolina as set out in Appendix A (Zoning), Article IV (Establishment of Districts), Section 2 (Location and Boundaries of Districts) be amended by changing certain property from C-2 (Highway Commercial) Zoning District to M-2CZ (Heavy Industrial Conditional Zoning) Zoning District as shown on the attached map (Z-24-01).

**SECTION 2.** That the City Council makes the following affirmative findings:

- (a) The use requested is among those listed as an eligible special use in the district in which the subject property is located or is to be located;
- (b) That the special use will not materially endanger the public health or safety if located where proposed and developed according to the plan as proposed;
- (c) That the special use meets all required conditions and specifications;
- (d) That the special use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- (e) That the location and character of the special use if developed according to the plan as proposed will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Thomasville and its environs.

**SECTION 3.** That the Zoning Enforcement Officer is hereby authorized to issue the attached Conditional Use Permit.

**SECTION 4.** That this Ordinance shall become effective upon its adoption by the City Council of the City of Thomasville.

**ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the City Council of the City of Thomasville.

\_\_\_\_\_  
Raleigh York, Jr., Mayor

**ATTEST:**

\_\_\_\_\_  
Wendy S. Martin, City Clerk



The Board of Planning and Adjustment of the City of Thomasville has Approved  
by a 5 to 0 vote the rezoning request (Z-24-01).

Applicant/Owner: Faisal Al Azzawi

Location: 606 Old Raleigh Road

Parcel Number: 1633600000035A

Existing Zoning: C-2 Highway Commercial

Proposed Zoning: M-2CZ Heavy Industrial

Conditional Use: The property will be used exclusively for operation as a garage for semi-trucks, trailers, parking, and small office space.

2 127 124  
Date

Carl Shottley  
Carl Shottley, Vice Chairperson

**MOTION TO REZONE INCLUDING NCGS 160-383 LANGUAGE**

I move to rezone the property from C-2 to M-2CZ (Conditional Use Permit)  
for the following reasons:

1. There is no opposition to the proposed plan from adjacent property owners.  
\_\_\_\_\_
2. The conditional use zoning will keep the property closer in line with adjacent  
properties \_\_\_\_\_ and
3. The stated use of the property with restrictions does not diminish the safety or  
value of surrounding properties or the public. \_\_\_\_\_

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

**MOTION TO DENY THE REZONING INCLUDING NCGS 160-383 LANGUAGE**

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

1. \_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_ and
3. \_\_\_\_\_  
\_\_\_\_\_

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



**City of Thomasville**  
**Rezoning Case # Z-24-01**  
**Staff Report: Chuck George, Planning Director**

**Applicant/Owner:** Baghdad Trucking Inc.

**Location:** 606 Old Raleigh Road

**Tax Parcel ID Number:** 163300000035A

**Request:** Rezoning from C-2 to M-2CZ

**Conditions:** The property will be used exclusively for operation as a repair garage for semi-trucks, trailers, parking, and small office space.

**Requested Zoning District Characteristics:**

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

The proposed zoning is M-2CZ Heavy Industrial – This district is identical to the M-2 heavy industrial district except that a conditional zoning permit is required as a prerequisite to any use or development, as provided for in this ordinance. This district is defined as certain lands so situated as to be suitable for industrial development, usually along railroad sidings or major thoroughfares, but where certain operations could adversely affect nearby properties. The purpose of this district is to permit the normal operations of almost all industries excepting those that would be detrimental to adjoining properties. Excluded from this district are those industries which are noxious by their emission of smoke, dust, fumes, glare, noise and vibrations and those industries which deal primarily in hazardous products such as explosives. Selected business uses are also appropriate in this district.

**Site Information**

|  |                  |               |                  |
|--|------------------|---------------|------------------|
| <b>Size of Parcel</b>                      | 2 Acres          |               |                  |
| <b>Existing Land Use</b>                   | Commercial       |               |                  |
| <b>Proposed Land Use</b>                   | Heavy Industrial |               |                  |
| <b>Surrounding Property Zoning and Use</b> | <b>Direction</b> | <b>Zoning</b> | <b>Use</b>       |
|  | N                | M-1CZ         | Light Industrial |
|  | E                | M-1           | Light Industrial |
|  | S                | C-2           | Commercial       |
|  | W                | C-2           | Commercial       |
| <b>General Site Information</b>            | Undeveloped Land |               |                  |
| <b>Historic Properties</b>                 | NA               |               |                  |
|  |                  |               |                  |

**History of Cases:**

Z-07-02: Rezoned from R-10 to C-2, May 21, 2007

## Compatibility with Adopted Plans

The 2035 Land Development Plan identified the area as Industrial Park Area Near I-85 (#7). Summary: The industrial park area along Old Raleigh Road and Don Truell Lane is developing quickly and has a newer stock of buildings than the Hamby Creek Industrial Corridor. North of the park exists relatively flat land in the County jurisdiction, that is also incorporated as potential future industrial use.

## Staff Comment

The 2-acre site is currently undeveloped. The proposed conditional zoning would allow the use of the property for semi-trucks, trailer parking, and a state-of-the-art truck garage, excluding all other uses listed in the permitted use table. The 2035 Land Development Plan encourages light industrial use on the east side of Old Raleigh Road. The surrounding properties' uses are industrial, warehousing, storage, dance studio, attorney office, and residential.

## Attachments

- Application
- Legal description
- Site map
- DC GIS Map
- Zoning map
- 2035 Land use map
- Table of permitted uses
- Consistency statement to approve or deny request

## Public Notice

| <i>Notification</i>      | <i>Zoning Board</i>   | <i>City Council</i>  |
|--------------------------|-----------------------|----------------------|
| Public Hearing Notice    | 2/16/2024 & 2/22/2024 | 3/7/2024 & 3/14/2024 |
| Property Posted          | 2/16/2024             | 3/1/2024             |
| Notification Letter Sent | 2/16/2024             | 3/8/2024             |
|                          |                       |                      |

## Zoning Board Recommendation

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

- There is no opposition to the proposed plan from adjacent property owners.
- The conditional use zoning will keep the property closer in line with adjacent properties.
- The stated use of the property with restrictions does not diminish the safety of value of surrounding properties or the public.

Find that this zoning amendment is reasonable and in the public interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan.

In granting a special use permit, the planning board affirms the following findings:

- (a) The use requested is among those listed as an eligible special use in the district in which the subject property is located or is to be located;
- (b) That the special use will not materially endanger the public health or safety if located where proposed and developed according to the plan as proposed;
- (c) That the special use meets all required conditions and specifications;



- (d) That the special use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- (e) That the location and character of the special use if developed according to the plan as proposed will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Thomasville and its environs.

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## APPLICATION FOR CONDITIONAL USE PERMIT

File No. Z-24-01 Date 12/28/24

Applicant Faiza Alazzawi Phone 336-689-8630

Address 2626 Glenwood Ave Ste 550, Raleigh, NC 27608

Property Owner Nest Thomasville Holdings LLC Phone \_\_\_\_\_

Address 606 Old Raleigh Rd. Thomasville NC 27608

Existing Zone C-2 Requested Zone M2CZ

Location and Description of Property in  
Question Undeveloped

The following conditions are hereby agreed to by the property owner requesting conditional use zoning of the above property:

Permitted Uses to be Included: The property will be used exclusively for operation as a garage for semi-trucks, trailers, parking, and small office space.

Permitted Uses to be Excluded: All other uses listed in the permitted use table

Development Conditions: \_\_\_\_\_

Other Conditions: \_\_\_\_\_

Planning Board Hearing

Date 2/27/2024

Planning Board Action Approved 5-0

City Council Public Hearing Date 3-18-24

City Council Action \_\_\_\_\_

☐ APPROVED

☐ DENIED

PLANNING DEPARTMENT

Signed \_\_\_\_\_  
Secretary to Planning Board

# CITY OF THOMASVILLE

Planning & Zoning Department

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

## REZONING APPLICATION

File No. Z- 14-01

Date 12/28/2023

Applicant Faisal Alazzawi

Phone 336-689-8630

Applicant's Address 11 Manor Ridge Ct, Greensboro NC 27407

Property Owner Nest Thomasville Holdings LLC

Phone \_\_\_\_\_

Property Owner's Address 2626 Glenwood Ave Ste 550, Raleigh, NC 27608

Existing Zoning C2

Requested Zoning M2 C Z

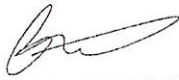
Address or Location of Property to be Rezoned 606 Old Raleigh Rd, Thomasvills NC 27360

Description of Property undeveloped

Fee Received \$ 500 Map No 16- 336 0000 00 35 A

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

Applicant's  
Signature



Owner's  
Signature

Planning Board Hearing Date 2-27-24

Planning Board Action

☒ Approved

☐ Denied

Vote of: 5-0

City Council Hearing Date 3-18-24

City Council Action

☐ Approved

☐ Denied

Vote of: \_\_\_\_\_

Signed \_\_\_\_\_

Secretary to Planning Board



**2023023382**DAVIDSON COUNTY NC FEE \$26.00  
STATE OF NC REAL ESTATE EXT  
\$280.00PRESENTED & RECORDED  
12/29/2023 03:07:46 PM  
MICHAEL E. HORNE  
REGISTER OF DEEDS  
BY: TARA W. WHITMAN  
DEPUTYBK: DE 2631  
PG: 2134 - 2135**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: \$ 280.00

Parcel Identifier: **1633600000035.A**Mail/Box to: **Grantee*****This instrument was prepared by: Law Office of Richard R. Foust, PA, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.***Brief description for the Index: **TRACT "A", MINOR SUBDIVISION, PB 51, PG 8**THIS DEED made this **29<sup>TH</sup>** day of **December** 2023 by and between

| GRANTOR  | GRANTEE  |
|--|--|
| <b>NEST THOMASVILLE HOLDINGS, LLC a</b><br><i>North Carolina Limited Liability Company</i> | <b>Baghdad Trucking Inc.</b><br><i>a North Carolina Corporation</i>            |
| <b><u>Mailing Address:</u></b><br>363 Main Street<br>Floor 2,<br>Hartford CT 06106         | <b><u>Mailing Address:</u></b><br>11 Manor Ridge Court<br>Greensboro, NC 27407 |
|  | <b><u>Property name:</u></b><br>606 Old Raleigh Road<br>Thomasville, NC 27360  |

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

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of **Thomasville**, Davidson County, North Carolina and more particularly described as follows:

***BEING all of New Tract "A" per the plat entitled "Minor Subdivision-Old Raleigh Road," which said plat is duly recorded in Plat Book 51, Page 8, in the Office of the Register of Deeds of Davidson County, North Carolina.***

The property hereinabove described was acquired by Grantor by instrument recorded in Book 2467 Page 2132-2133.

All or a portion of the property herein conveyed \_\_\_\_\_ includes or \_\_\_x\_\_\_ does not include the primary residence of a Grantor.

Submitted electronically by "Law Office of Richard R. Foust"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Davidson County Register of Deeds.

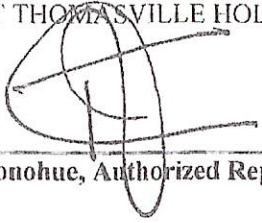
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

RIGHTS OF WAY, EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY, AND TO AD VALOREM TAXES.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

GRANTOR:  
NEST THOMASVILLE HOLDINGS, LLC

  
\_\_\_\_\_  
TJ Donohue, Authorized Representative

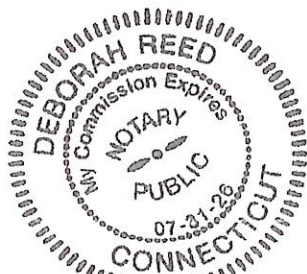
(SEAL)

STATE OF CONNECTICUT


COUNTY OF HARTFORD

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

Witness my hand and official seal or stamp, this 29<sup>th</sup> day of December, in the year 2023.



My commission expires: 7-31-2026

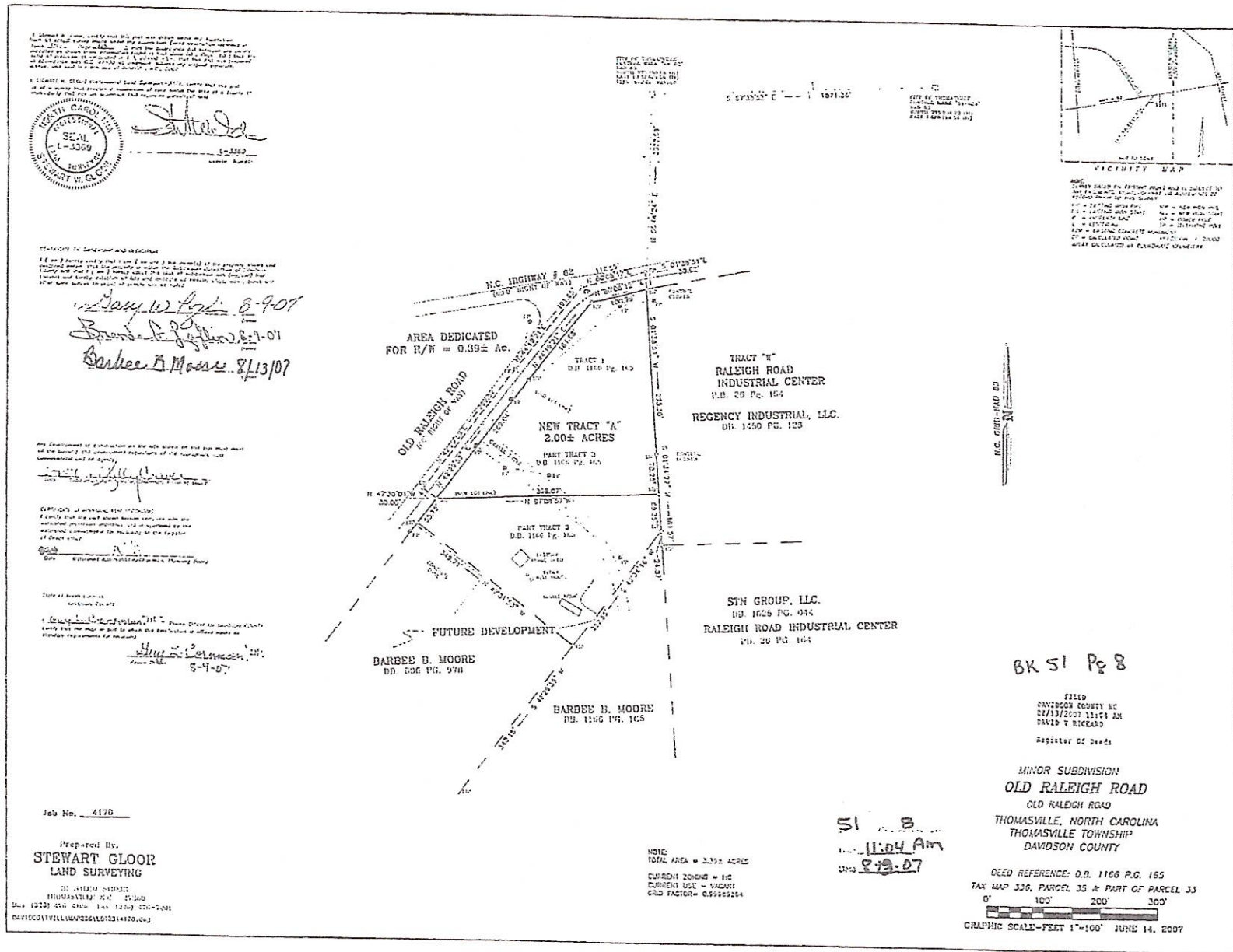
 (seal or stamp)

Notary Public Official Signature

Deborah Reed  
Notary Printed or Typed Name



606 Old Raleigh Road | Thomasville, NC 27360



The statements and figures herein while not guaranteed are secured from sources believed to be authoritative.  
This offering is subject to change of price, prior lease or sale and or withdrawal without notice. Prospects should verify all information.

WWW.PRICECOMPRO.COM



LAND

# FOR SALE

606 Old Raleigh Road  
Thomasville, NC 27360

## 2.00 +/- ACRES AVAILABLE

Property located at the intersection of Old Raleigh Road and NC Hwy #62. It is in a highly developed commercial/industrial area with other development currently in progress. Acreage tract is clear, level to slight slope to the front with timber on the rear of the property.

## PRICING INFORMATION

For Sale: \$ 225,000.00

## ZONING

C-2 (Commercial)

## TRACT DIMENSIONS (APPROX.)

- Old Raleigh Road frontage 456' X Hwy 62 frontage 100'
- Rear 363'
- Long side 392'

## FOR MORE INFORMATION

Don Swing  
p: (336) 250-2494  
e: [donswing@pricecompro.com](mailto:donswing@pricecompro.com)



The statements and figures herein while not guaranteed are secured from sources believed to be authoritative. This offering is subject to change of price, prior lease or sale and or withdrawal without notice. Prospects should verify all information.

[WWW.PRICECOMPRO.COM](http://WWW.PRICECOMPRO.COM)





Map for Parcel Address: 606 Old Raleigh Rd NC, Parcel ID: 16-336-0-000-0035.A

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Information Deemed Reliable But Not Guaranteed.  
Contact Us at (800) 374-7488 ext 3 for Help.





Map For Parcel Address: 806 Old Raleigh Rd NC, Parcel ID: 16-336-0-000-0035.A

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Information Deemed Reliable But Not Guaranteed.  
Contact Us at (800) 374-7488 ext 3 for Help.

Baghdad Trucking Inc  
Faisal Alazzawi- owner  
11 Manor Ridge Ct  
Greensboro, NC 27407  
[contact@baghdadtrucking.net](mailto:contact@baghdadtrucking.net)  
336-689-8630  
12/18/2023

**Land information:**

606 Old Raleigh Rd  
Thomasville, NC 27360

**Proposal to Purchase Land for Trucking Business**

To whom it may concern,

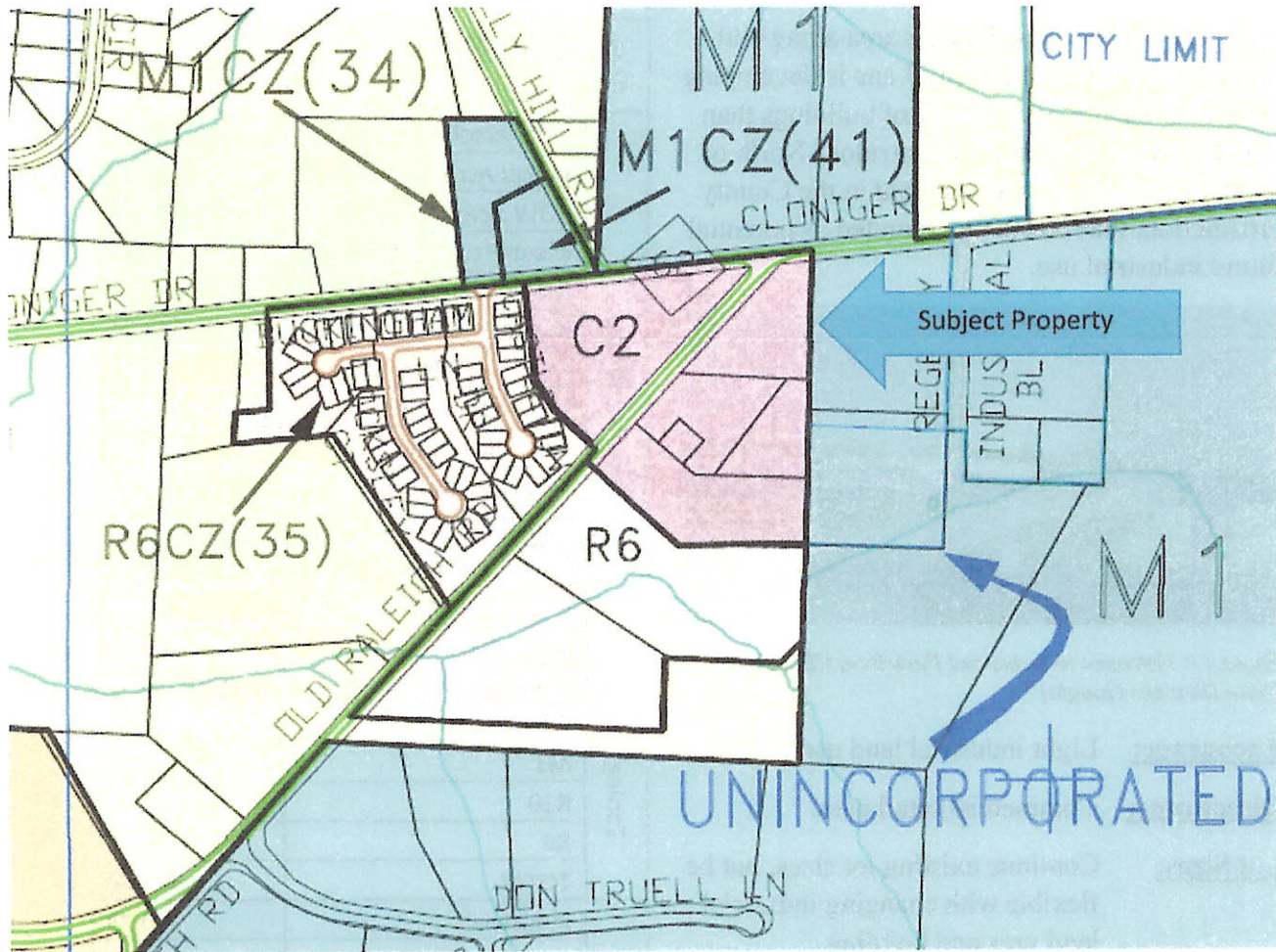
I am writing to express my interest in purchasing the property located at **606 Old Raleigh Rd, Thomasville NC 27360**. After thorough research and consideration, I believe that this land is an ideal location for my trucking company, which aligns with my business goals and objectives. I am the owner and operator of Baghdad Trucking Inc, a trucking business with a successful track record. As part of our expansion plan, we are in search of a suitable location to establish a state-of-the-art truck garage to meet the growing demands of our business.

Upon careful evaluation, this property stands out as an excellent choice due to its size, accessibility, and proximity to major highways. These factors make it an ideal location to serve as a truck garage, allowing for efficient operations and easy access for our clients and employees. The property will be used exclusively for the operation as a garage for semi-trucks and trailers, in the future I plan to build a small office space as well, and I assure you that all activities will comply with local zoning regulations and environmental standards. This development will not only contribute positively to the local economy but also create employment opportunities for the community. I am prepared to conduct any necessary due diligence on the property, including environmental assessments, surveys, and any other required investigations.

I would welcome the opportunity to discuss this proposal further and address any questions or concerns you may have. Thank you for considering my proposal, I look forward to hear back from you.



606 Old Raleigh Road  
Parcel Number 1633600000035A  
Zoning: C-2 (Highway Commercial)



Zoning Map colors index:

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



## INDUSTRIAL PARK AREA NEAR I-85 (#7)

**Summary:** The industrial park area along Old Raleigh Road and Don Truell Lane is developing quickly and has a newer stock of buildings than the Hamby Creek Industrial Corridor. North of the park exists relatively flat land in the County jurisdiction, that is also incorporated as potential future industrial use.



*Photo 17: Entrance to Industrial Park from Cloninger Drive (Source: Google)*

**Encourage:** Light industrial land uses.

**Discourage:** Commercial retail uses.

**Lot Sizes:** Continue existing lot sizes, but be flexible with changing industrial land uses and building configuration.

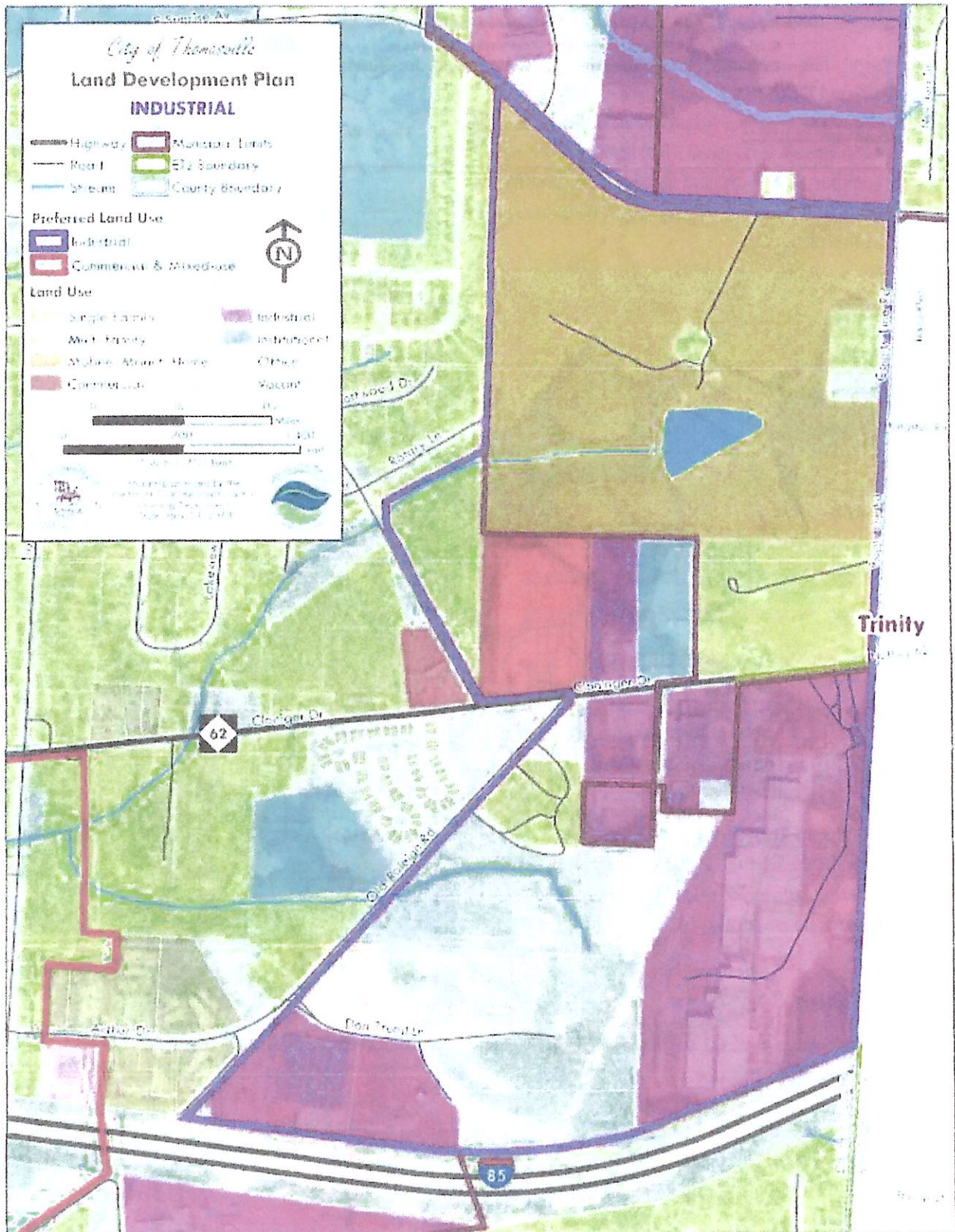
**Pedestrian and Bicycling Friendliness:** Provide pedestrian facilities for industrial business located in the industrial park and to provide connectivity to residential land uses along Old Raleigh Road.

**Other Criteria:**

- Encourage natural vegetative buffering and berms between industrial land use and residential land use.

|                  |                        |                |
|------------------|------------------------|----------------|
| Area             | Square Miles           | 0.55           |
|                  | Acres                  | 352.67         |
| Parcels and Size | # of Parcels           | 29             |
|                  | Parcel Acres           | 346.36         |
|                  | ROW Acres              | 6.31           |
|                  | Mean Parcel Size       | 11.94          |
|                  | Median Parcel Size     | 4.78           |
|                  | Range                  | 0.28 to 110.98 |
|                  | Top Third Mean Size    | 28.97          |
|                  | Top Third Range        | 7.89 to 110.98 |
|                  | Top Third Sum          | 289.97         |
|                  | Mid Third Mean Size    | 5.13           |
|                  | Mid Third Range        | 3.21 to 7.01   |
|                  | Mid Third Sum          | 46.17          |
|                  | Bottom Third Mean Size | 1.04           |
|                  | Bottom Third Range     | 0.28 to 2.01   |
|                  | Bottom Third Sum       | 10.45          |
| Zoning           | C2                     | 2.01           |
|                  | M1                     | 166            |
|                  | R10                    | 158.76         |
|                  | R6                     | 19.58          |
|                  | <b>TOTAL</b>           | <b>346.36</b>  |
| Land Use         | Industrial             | 100.73         |
|                  | SF                     | 40.75          |
|                  | MH                     | 110.98         |
|                  | Institutional          | 7.01           |
|                  | Commercial             | 14.81          |
|                  | Vacant                 | 70.68          |
|                  | <b>TOTAL</b>           | <b>171.72</b>  |







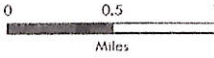


# City of Thomasville Land Development Plan

## DEVELOPMENT & RE-DEVELOPMENT AREAS



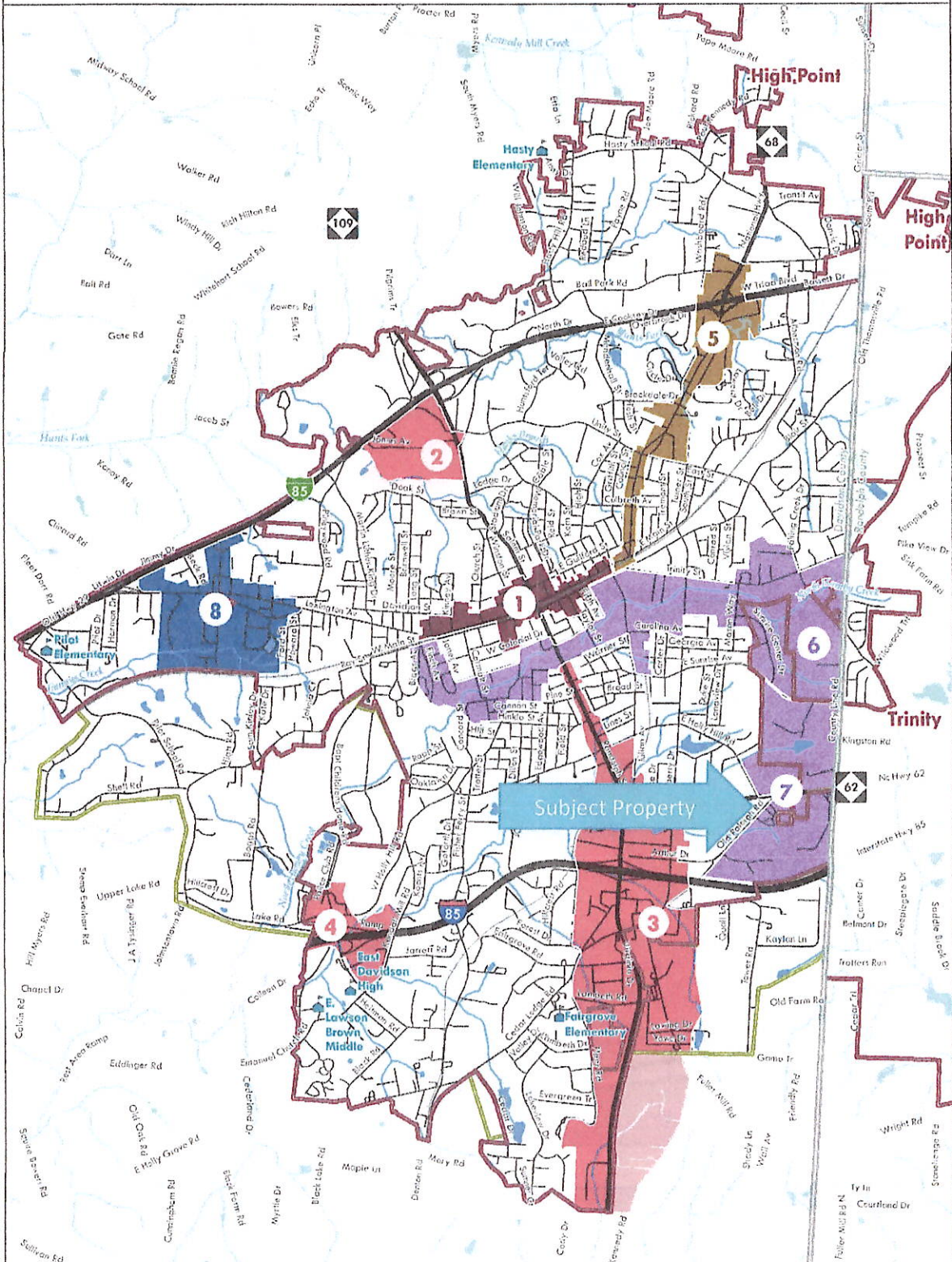
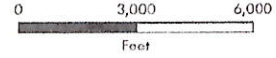
- Highway
- Road
- Railroad
- Stream
- Municipal Limits
- ETJ Boundary
- County Boundary
- Downtown Business District
- Commercial & Mixed-use
- National Highway Commercial Corridor
- Industrial
- Medical & Mixed-use



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



1 inch = 3,000 feet



MOTION TO REZONE INCLUDING NCGS 160A-383 LANGUAGE

I move to rezone the property from \_\_\_\_\_ to \_\_\_\_\_  
for the following reasons:

1. \_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_ and
3. \_\_\_\_\_  
\_\_\_\_\_

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

MOTION TO DENY THE REZONING INCLUDING NCGS 160A-383 LANGUAGE

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

1. \_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_ and
3. \_\_\_\_\_  
\_\_\_\_\_

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



---

## Section 5. Special provisions for special use permits.

In granting a special use permit, the city council shall make the following affirmative findings:

- (a) The use requested is among those listed as an eligible special use in the district in which the subject property is located or is to be located;
- (b) That the special use will not materially endanger the public health or safety if located where proposed and developed according to the plan as proposed;
- (c) That the special use meets all required conditions and specifications;
- (d) That the special use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- (e) That the location and character of the special use if developed according to the plan as proposed will *be in harmony with the area in which it is to be located and in general conformity with the plan of development of Thomasville and its environs.*

In granting a special use permit, the city council may impose such additional restrictions and requirements upon such permit as it may deem necessary in order that the purpose and intent of this ordinance are served, public welfare secured and substantial justice done. If all requirements and conditions are accepted by the applicant, the city council shall authorize the issuance of the special use permit; otherwise the permit shall be denied.

Any special use permit so authorized shall be perpetually binding upon the property included in such permit unless subsequently changed or amended by the city council, as provided for in this article.

Final plans for any development to be made pursuant to any special use permit shall be submitted to the board of planning and adjustment for review in the same manner as other development plans are now required to be approved by the board. In approving such final plans, the board of planning and adjustment may modify the requirements or conditions of such special use permit where in the opinion of the board such modification will result in equal or better performance and provided that the objective and purpose of the requirements and conditions of the special use permit are maintained. Any changes or modifications will need to be agreed to in writing by the permit applicant.

In granting modifications the board of planning and adjustment may require such conditions as will secure the objectives of the requirements or conditions modified. Any violation of a term or condition of a special use permit shall be treated the same as a violation of this ordinance and shall be subject to the same remedies and penalties as any such violation.

The city council may change or amend any special use permit, after a public hearing upon recommendation by the board of planning and adjustment and subject to the same consideration as provided for in this article for the original issuance of a special use permit.

No proposal to amend or change any special use permit shall be considered within 12 months of the date of the original authorization of such permit or within 12 months of hearing of any previous proposal to amend or change any such permit.

(Ord. No. 06-2021-ORD12, § 1(Exh. 1), 6-21-21)



## Agenda Item Cover Sheet

Admin. Use Only:

|  |
|--|
|  |
|--|

Committee Name

Public Safety

Committee Date  
And Agenda #

1.8.2024

PSafe 5

Item Name:

Set Public Hearing for Rezoning Case Z-24-03

Description of Item:

Applicant/Owner: 4 Amigos Investing, Inc.  
Location: 404 Davidson Street  
Parcel Number: 1037000H0001A  
Existing Zoning: C-1CU Neighborhood Commercial  
Conditional Use: Agriculture  
Proposed Zoning: R-8 Medium Density Residential

Back-Up Materials:

Rezoning Case Record

Council Action Requested:

Set Public Hearing for Rezoning Case Z-24-03

Requested By:

Chuck George

Department:

PIE

To: Michael Brandt, City Manager  
From: Chuck George, Planning Director  
Date: February 28, 2024  
Re: City Council Meeting, March 18, 2024

The following items has been before the Board of Planning & Adjustment on Tuesday, February 27, 2024.

Request for Rezoning (Z-24-03)  
Applicant/Owner: 4 Amigos Investing, Inc.  
Location: 404 Davidson Street  
Parcel Number: 16037000H0001A  
Existing Zoning: C-1CZ Neighborhood Commercial  
Conditional Use: Agriculture  
Proposed Zoning: R-8 Medium Density Residential

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

- A rezoning to R-8 brings the property back in line with the adjoining properties.
- Proposed zoning is consistent with the 2035 Land Use Plan.
- Rezoning will cause no harm to the adjacent property values or the public in general.

Find that this zoning amendment is reasonable and in the public interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan.

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

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

**SECTION 1.** That the Official Zoning Map of the City of Thomasville, North Carolina as set out in Appendix A (Zoning), Article IV (Establishment of Districts), Section 2 (Location and Boundaries of Districts) be amended by changing certain property from C-1 (Neighborhood Commercial) Conditional Zoning District to R-8 (Medium Density Residential) Zoning District as shown on the attached map (Z-24-03).

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

**ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the City Council of the City of Thomasville.

\_\_\_\_\_  
Raleigh York, Jr., Mayor

**ATTEST:**

\_\_\_\_\_  
Wendy S. Martin, City Clerk



The Board of Planning and Adjustment of the City of Thomasville has approved  
by a 5 to 0 vote the rezoning request (Z-24-03).

Applicant/Owner: 4 Amigos Investing, Inc.

Location: 404 Davidson Street

Parcel Number: 16037000H0001A

Existing Zoning: C-1CZ Neighborhood Commercial

Conditional Use: Agricultural

Proposed Zoning: R-8 Medium Density Residential

2, 27, 24

Date

Carl Shatley  
Carl Shatley, Vice Chairperson



MOTION TO REZONE INCLUDING NCGS 160-383 LANGUAGE

I move to rezone the property from C-1CZ (Agricultural) to R-8  
for the following reasons:

1. A rezoning to R-8 brings the property back in line with the adjoining properties.  
\_\_\_\_\_
2. Proposed zoning is consistent with the 2035 Land Use Plan  
\_\_\_\_\_ and
3. Rezoning will cause no harm to the adjacent property values or the public in  
general.\_\_\_\_\_

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

MOTION TO DENY THE REZONING INCLUDING NCGS 160-383 LANGUAGE

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

1. \_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_ and
3. \_\_\_\_\_  
\_\_\_\_\_

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

**City of Thomasville**  
**Rezoning Case # Z-24-03**  
**Staff Report: Chuck George, Planning Director**

**Applicant/Owner:** 4 Amigos Investing, Inc.

**Location:** 404 Davidson Street

**Tax Parcel ID Number:** 16037000H0001A

**Request:** Rezoning from C-1CZ to R-8

**Conditions:** N/A

**Requested Zoning District Characteristics:**

The current zoning is C-1CZ Neighborhood Commercial Conditional Zoning (Agriculture). This district is identical to the O-I office and institutional district except that a conditional zoning permit is required as a prerequisite to any use or development, as provided for in this ordinance. This district is defined as a compact neighborhood shopping district which provides convenience goods, such as groceries and drugs, and some types of personal services, to the surrounding residential area. The regulations are designed to protect the surrounding residential districts and provide an appropriate community appearance.

The proposed zoning is R-8 Medium Density Residential – This district defined as medium density residential areas of mostly single-family dwellings and certain open areas where similar residential development will likely occur. The uses permitted in this district are designed to stabilize and protect the essential characteristics of the area and prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations.

**Site Information**

|  |                            |               |                  |
|--|----------------------------|---------------|------------------|
| <b>Size of Parcel</b>                      | .27 Acres                  |               |                  |
| <b>Existing Land Use</b>                   | Agriculture                |               |                  |
| <b>Proposed Land Use</b>                   | Medium Density Residential |               |                  |
| <b>Surrounding Property Zoning and Use</b> | <b>Direction</b>           | <b>Zoning</b> | <b>Use</b>       |
|  | N                          | M-1           | Light Industrial |
|  | E                          | R-8           | Residential      |
|  | S                          | R-8           | Residential      |
|  | W                          | R-8           | Residential      |
| <b>General Site Information</b>            | Agriculture                |               |                  |
| <b>Historic Properties</b>                 | N/A                        |               |                  |
|  |                            |               |                  |

**History of Cases:**

Z-14-01

Rezone from R-8 to C-1CZ (Agriculture)

April 29, 2014

**Compatibility with Adopted Plans**

The 2035 Land Development Plan indicates the areas that have not been identified for development or redevelopment are suitable for infill development that is consistent with the existing surrounding land uses. Development or redevelopment in these areas should not be discouraged, and as land development market changes occur, this plan should be updated to reflect the changing conditions.

## Staff Comment

The subject property currently used for agriculture. The applicant request to rezone the property to residential use to allow them to construct a house. The request is consistent with the 2035 Comprehensive Plan and compatible with the surrounding area's existing development.

## Attachments

- Application
- Legal description
- Site map
- DC GIS Map
- Zoning map
- 2035 Land use map
- Table of permitted uses
- Consistency statement to approve or deny request

## Public Notice

| <i>Notification</i>      | <i>Zoning Board</i> | <i>City Council</i>  |
|--------------------------|---------------------|----------------------|
| Public Hearing Notice    | 2/16/2024 & 2/22/24 | 3/7/2024 & 3/14/2024 |
| Property Posted          | 2/16/2024           | 3/1/2024             |
| Notification Letter Sent | 2/16/2024           | 3/8/2024             |
|                          |                     |                      |

## Zoning Board Recommendation

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

- A rezoning to R-8 brings the property back in line with the adjoining properties.
- Proposed zoning is consistent with the 2035 Land Use Plan.
- Rezoning will cause no harm to the adjacent property values or the public in general.

Find that this zoning amendment is reasonable and in the public interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan.



# CITY OF THOMASVILLE

Planning & Zoning Department

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

## REZONING APPLICATION

File No. **Z- 23-03**

Date 2/2/24

Applicant 4 Amigos Investing Inc <sup>RASALLE</sup> <sub>D. Puerto</sub> Phone 336-991-8440

Applicant's Address 1587 Liberty Dr. Ste 11 Thomasville NC 27360

Property Owner 4 Amigos Investing Inc Phone 336-991-8440

Property Owner's Address 1587 Liberty Dr. Ste 11 Thomasville NC 27360

Existing Zoning C-1 Requested Zoning R-8

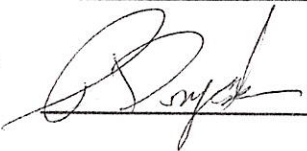
Address or Location of Property to be Rezoned 404 Davidson St  
Thomasville NC 27360

Description of Property Uncont lot

Fee Received \$ 500 Map No 16-037000 H0001A

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

Applicant's  
Signature



Owner's  
Signature



Planning Board Hearing Date 2-27-2024

Planning Board Action ☒ Approved ☐ Denied Vote of: \_\_\_\_\_

City Council Hearing Date 3-18-2024

City Council Action ☐ Approved ☐ Denied Vote of: \_\_\_\_\_

Signed \_\_\_\_\_

Secretary to Planning Board



**2023018514**DAVIDSON COUNTY NC FEE \$26.00  
STATE OF NC REAL ESTATE EXT  
\$110.00

PRESENTED &amp; RECORDED

10/13/2023 10:54:40 AM

MICHAEL E. HORNE

REGISTER OF DEEDS

BY: ANA BUTLER

DEPUTY

BK: DE 2621

PG: 1375 - 1376

Submitted electronically by "Citrin & Whitman, P.A."  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Davidson County Register of Deeds.

"This instrument prepared by: Misti Boles Whitman, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid  
by the closing attorney to the county tax collector upon disbursement of closing proceeds."

**NORTH CAROLINA GENERAL WARRANTY DEED**

|                                  |  |
|----------------------------------|--|
| Excise Tax:                      | \$ 110.00  |
| Parcel ID:                       | 16037000H0001A & B   |
| Mail/Box to:                     | GRANTEE:   |
| Prepared by:                     | CITRIN & WHITMAN, P.A., 22 WINSTON STREET, THOMASVILLE, NC 27360 |
| Brief description for the Index: | LOT 2 & 3, REDIVISION OF LOT 1A LA VINA                          |

THIS GENERAL WARRANTY DEED ("Deed") is made on the 13th day of October 2023, by and between:

| GRANTOR  | GRANTEE  |
|--|--|
| Earl B. Schrock, Unmarried<br>2622 Woodruff Avenue<br>High Point, NC 27262 | 4 Amigos Investing, Inc.<br>1587 Liberty Drive, Ste. 11<br>Thomasville, NC 27360 |

*Enter in the appropriate block for each Grantor and Grantee their name, mailing address, and, if appropriate, state of organization and character of entity, e.g. North Carolina or other corporation, LLC, or partnership. Grantor and Grantee includes the above parties and their respective heirs, successors, and assigns, whether singular, plural, masculine, feminine or neuter, as required by context.*

FOR VALUABLE CONSIDERATION paid by Grantee, the receipt and legal sufficiency of which is acknowledged, Grantor by this Deed does hereby grant, bargain, sell and convey to Grantee, in fee simple, all that certain lot, parcel of land or condominium unit in the City of Thomasville, Thomasville Township, Davidson County, North Carolina and more particularly described as follows (the "Property"):

BEING all of Lots No. 2 and No. 3 as shown on the map or plat entitled "REDIVISION OF LOT 1A LA VINA", said map or plat being duly recorded in the Office of the Register of Deeds for Davidson County, North Carolina in Plat Book 76, Page 2.

RDP  
Ebs

All or a portion of the Property was acquired by Grantor by instrument recorded in Book 2303 page 1810.

All or a portion of the Property ☐ includes or ☒ does not include the primary residence of a Grantor.

A map showing the Property is recorded in Plat Book 76 page 2.

TO HAVE AND TO HOLD the Property and all privileges and appurtenances thereto belonging to Grantee in fee simple. Grantor covenants with Grantee that Grantor is seized of the Property in fee simple, Grantor has the right to convey the Property in fee simple, title to the Property is marketable and free and clear of all encumbrances, and Grantor shall warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Power, telephone and utility easements found of record or appearing ground. Restrictions and/or Rights of Way of record.

IN WITNESS WHEREOF, Grantor has duly executed this North Carolina General Warranty Deed, if an entity by its duly authorized representative.

Earl B Schrock

Name: Earl B. Schrock

Name:

Name:

Name:

Entity Name

By:

Name:

Title:

By:

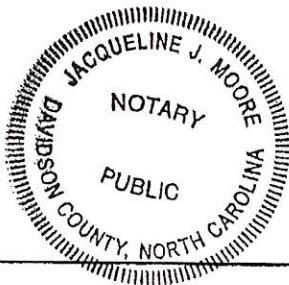
Name:

Title:

STATE OF North Carolina COUNTY OF Davidson

I Jacqueline J. Moore, a Notary of the above state and county, certify that the following person(s) personally appeared before me on the 13th day of October 2023 each acknowledging to me that he or she signed the foregoing document, in the capacity represented and identified therein (if any): Earl B. Schrock

Affix Notary Seal/Stamp



Jacqueline J. Moore  
Notary Public (Official Signature)

My commission expires: July 18, 2025



medically trained  
L-2973  
Sunyork  
License Number

[illegible]

OWNER CARL B. SCHULTZ

OWNER \_\_\_\_\_

OWNER \_\_\_\_\_

OWNER \_\_\_\_\_

State of North Carolina  
County of Davidson


I, Scott L. Davis, being duly sworn, depose and testify that the map or plat to which this certification is affixed meets the statutory requirements for recording.

Scott L. Davis  
Protest Officer

5-21-20

CERTIFICATE OF SHERIFF ADMINISTRATOR APPROVAL  
APPROVED FOR RECORDING BY THE CITY OF THOMASVILLE, N.C. SHERIFF ADMINISTRATOR  
ON THIS 19 DAY OF May, 2020  
                 PARAGRAPHS TO AUTHORITY OF ARTICLE II OF THE  
SHERIFFMAN OATH MUST BE RECORDED WITHIN TWENTY ( 20 ) DAYS OF THIS DATE.  
Wanda Hargis 5/19/20  
SHERIFFMAN ADMINISTRATOR

Job No. 7772

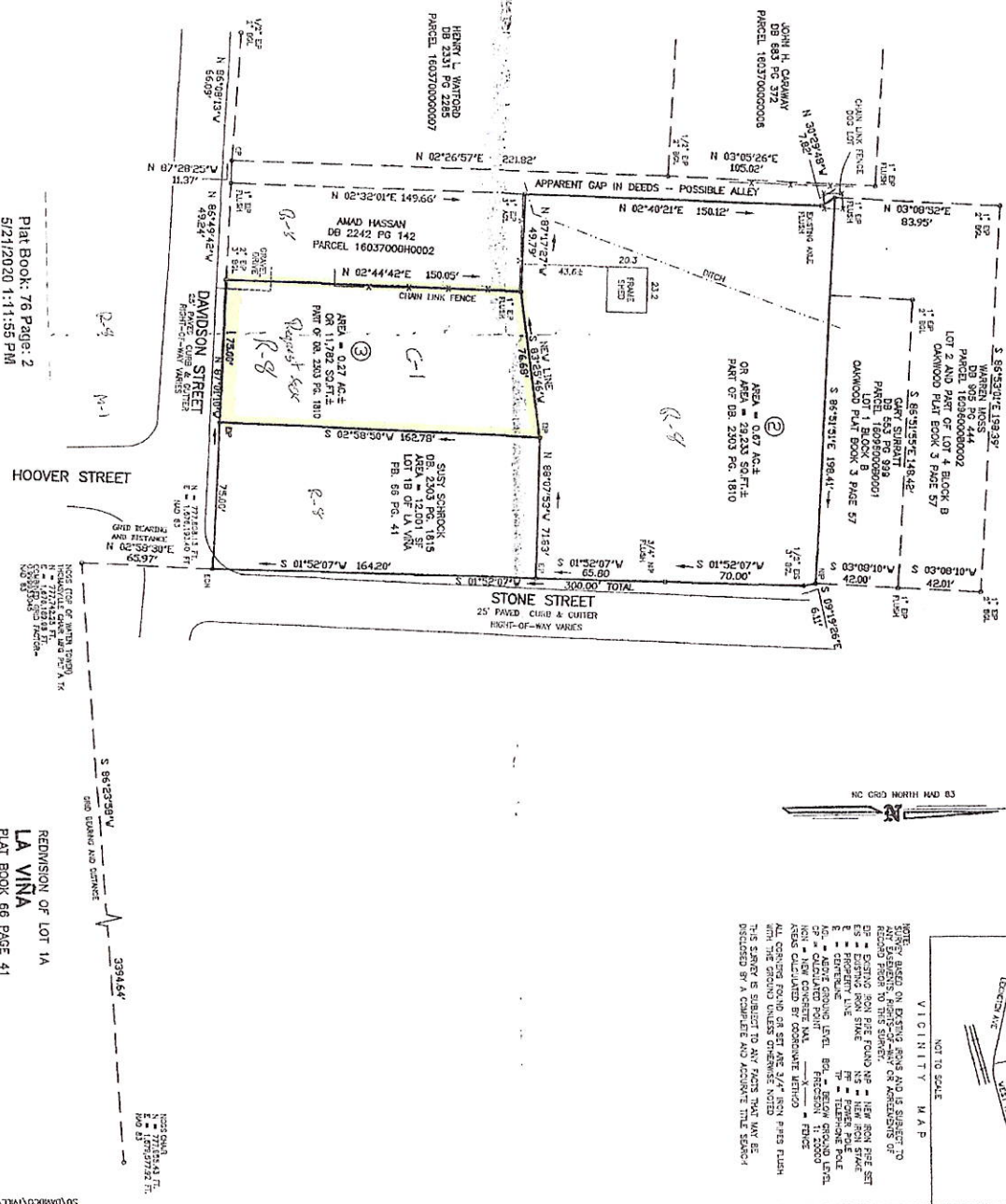
 **HORNER &  
ASSOCIATES, PA**

SUPREMACY AND LAND PLANNING

109 SALLEN STREET, THOMASTOWN, NC 27360

PHONE: (336)470-7211 FAX: (336)470-7212

C-2587



NOTE: SCORES BASED ON EXISTING RECORD AND IS SUBJECT TO  
REVISIONS BASED ON REVISIONS OF RECORDING OF  
RECORDED POINTS TO THIS POINT.

|                               |                          |
|-------------------------------|--------------------------|
| DE - EXISTING IRON PILE FOUND | NE - NEW IRON PILE SET   |
| ES - EXISTING IRON STRIKE     | NW - NEW IRON STRIKE     |
| RE - EXISTING IRON            | NP - NEW IRON PILE       |
| EC - EXISTING CEMENT          | TP - TYPICAL PILE        |
| NC - NEW IRON FOUND POINT     | BE - BELOW GROUND LEVEL  |
| NO - CALCULATED POINT         | FR - FREESTONE 1/2 20000 |
| NON - NEW CONCRETE JAIL       | —X— - PILE               |

ADDS CALCULATED BY CONCRETE METHOD

ALL CORRECTIONS FOUND ON SET ARE 3/4" PER PILE PLUSH  
 WITH THE GROUND UNLESS OTHERWISE NOTED

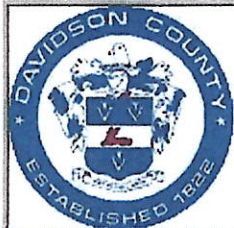
THIS DRAWING IS SUBJECT TO ANY POINTS THAT MAY BE  
 DISCUSSED BY A COMPLETE AND ACCURATE THAT DRAWING

REDEMPTION OF LOT 1A  
LA VINA  
408 DAWSON STREET  
FLORISSANT, MISSOURI 63031  
DEED BOOK 2303 PAGE 1810  
TOWNSHIP 36 NORTH  
RANGE 19 EAST  
SECTION 36

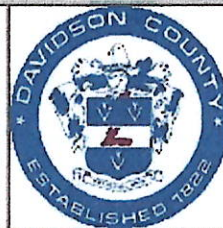
GRAPHIC SCALE - FEET  
1" = 40'

0 40 80 120





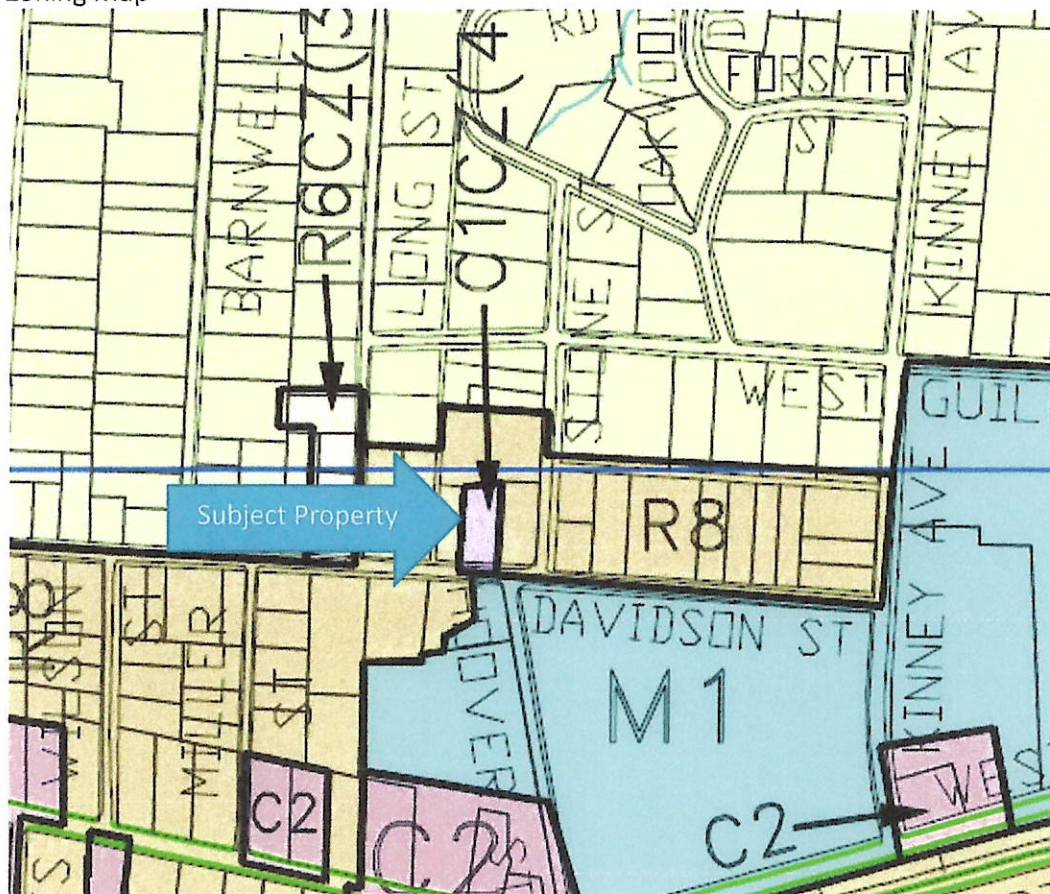
## Davidson County GIS



|   |   |                              |               |
|---|---|------------------------------|---------------|
| <b>Parcel Number :</b>                                    | 16037000H0001A  | <b>Land Units:</b>           | 1 LT          |
| <b>Pin Id :</b>   | 6777-02-67-0889   | <b>Deed Book:</b>            | 2621 Pg: 1375 |
| <b>Owner :</b>  | 4 AMIGOS INVESTING INC<br>1587 LIBERTY DR STE 11<br>THOMASVILLE NC 27360-6342 | <b>Deed Date:</b>            | 10/13/2023    |
| <b>Property Address:</b>                                  | DAVIDSON ST   | <b>Account Number:</b>       | 9272599       |
| <b>Township:</b>  | 16  | <b>Exempt Code:</b>          |               |
| <b>Building Value:</b>                                    | \$0   | <b>Other Building Value:</b> | \$0           |
| <b>Land Value:</b>  | \$23,520  | <b>Market Value:</b>         | \$23,520      |
| <b>Assessed Value:</b>                                    | \$23,520  | <b>Deferred Value:</b>       | \$0           |
| <b>Legal Description :</b> PB76-2 BH L1A BK2621-1375 TR 3 |   |                              |               |



Davidson Street  
Parcel Number 16037000H0001A  
Zoning: C-1 CU Agriculture  
Zoning Map



Zoning Map colors index:

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

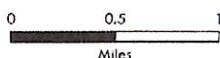




## DEVELOPMENT & RE-DEVELOPMENT AREAS



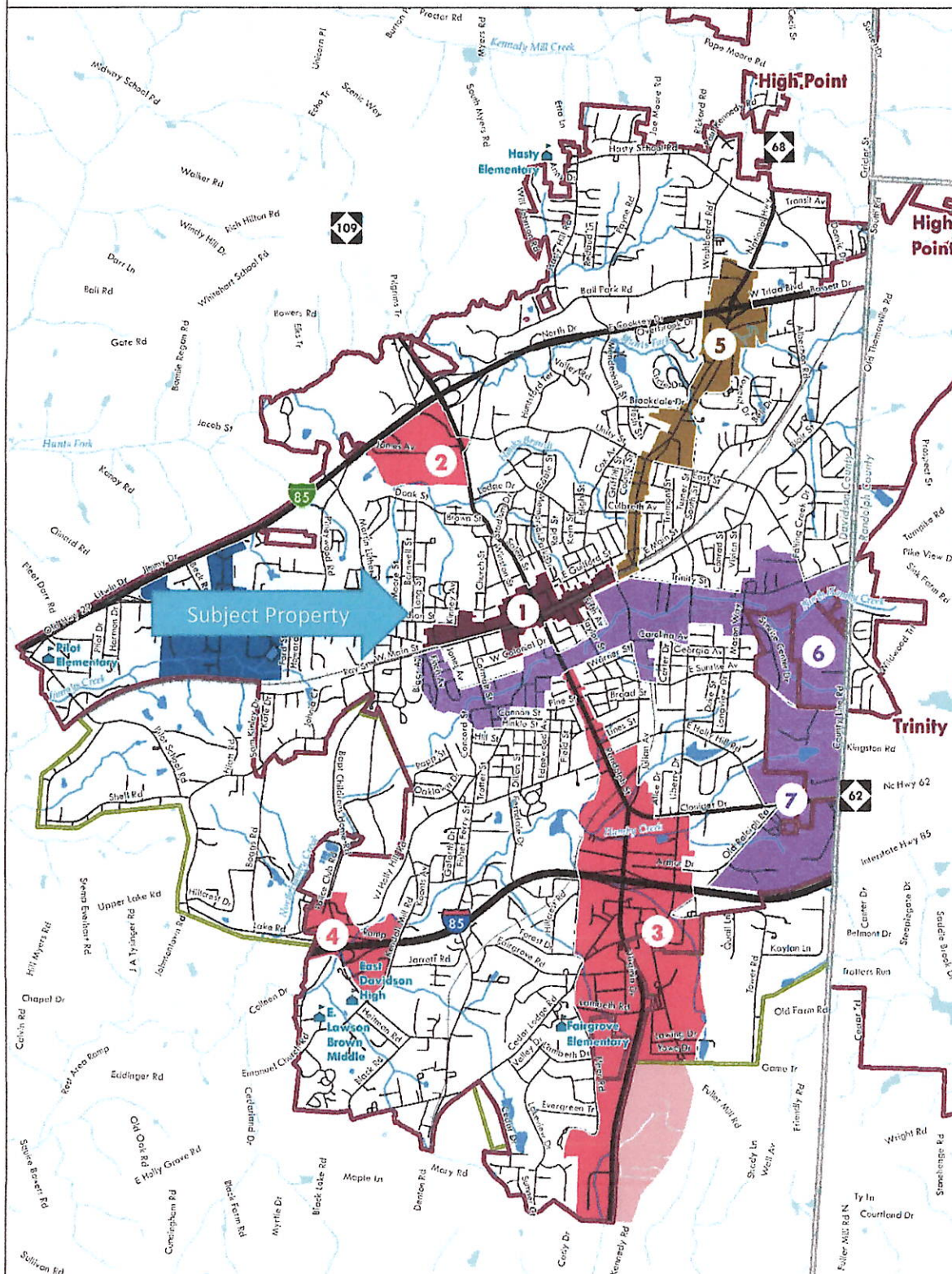
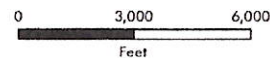
-  Highway   
  Municipal Limits   
  Downtown Business District   
  Industrial  
 Road   
  ETJ Boundary   
  Commercial & Mixed-use   
  Medical & Mixed-use  
 Railroad   
  County Boundary   
  National Highway Commercial Corridor  
 Stream



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



1 inch = 3,000 feet





MOTION TO REZONE INCLUDING NCGS 160-383 LANGUAGE

I move to rezone the property from \_\_\_\_\_ to \_\_\_\_\_  
for the following reasons:

1. \_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_ and
3. \_\_\_\_\_  
\_\_\_\_\_

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

MOTION TO DENY THE REZONING INCLUDING NCGS 160-383 LANGUAGE

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

1. \_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_ and
3. \_\_\_\_\_  
\_\_\_\_\_

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

**MINUTES FOR THE THOMASVILLE CITY COUNCIL BRIEFING MEETING ON MONDAY, FEBRUARY 12, 2024 AT 4:00 PM AT 20 STADIUM DRIVE, THOMASVILLE, NC.**

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

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

- Add a Closed Session for February 12, 2024 for Attorney/Client, Personnel and Economic Development matters

Council Member Grimes moved to approve the agenda as amended. Council Member Hunt seconded. *Motion unanimously approved 5 – 0.*

3. Public Forum to be held on February 19, 2024. People can sign up to speak for two minutes on any topic.
4. Recognitions and Presentations on February 19, 2024 – Proclamation: Black History Month presented to former Council Member Wendy Sellars.
5. Public Hearings to be held on February 19, 2024.

- A. Consideration of Ordinance to Repair or Demolish Unit at 219 Tower Road  
Paul E. Lewis Heirs, Nathaniel E. Lewis

Planning Director Chuck George advised that Habitat For Humanity planned to attend this hearing to share the issues they've had with theft of power and supplies at night from people hanging around on this property.

- B. Consideration of Ordinance to Repair or Demolish Unit at 114 College Street  
Freeman Family Trust, Kenya Alexis Young

Planning Director Chuck George advised that there have been having issues with vagrants and illegal activities at this property. He said, "It has been a nuisance to the community."

- C. Consideration of Amendment to Zoning Ordinance (Z-24-02) Article V, Section 2, Table of Permitted Uses to allow Microbreweries and Micro-distilleries in C-4, M-1 and M-2

- D. Annual Generic Community Development Block Grant (CDBG) Public

## **Hearing**

City Manager Brandt said CDBG Hearings require two public hearings. This “generic” hearing is just an acknowledgement that the City may accept funds from the CDBG Program this year. Later, if there are specific CDBG projects, a second public hearing will be held to share the details.

This is for information purposes only, and no Council action is required.

*The following items were put on the Consent Agenda by the Council members for consideration on February 19, 2024:*

### 6. Consent Agenda

- A. **Consideration of Approval of Minutes – Briefing Meeting on 01/08/24**
- B. **Consideration of Approval of Minutes – Council Meeting on 01/16/24**
- C. **Consideration of Hotel Occupancy Tax Voluntary Disclosure Agreement**

*The following items were put on the Regular Agenda by the Council members for consideration on February 19, 2024:*

### 7. Regular Agenda

- A. **Consideration of Acceptance of Resignation of Council Member and Appointment of Replacement to Fill the Remaining Term of Office**
  - B. **Consideration of Budget Amendment 2024-P8-01** as explained at Committees
8. Committee Reports and Appointments, Mayor’s Report and Appointments, City Manager’s Report, City Attorney’s Report on February 19, 2024
9. Closed Session on February 12, 2024 – Personnel, Attorney/Client & Economic Development Matters

Council Member Hunt moved to go into closed session for attorney/client and Personnel matters. Council Member Thrift seconded. *Motion unanimously approved 5 – 0.*

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

Council Member Hunter Thrift left the meeting.

- 10. Closed Session on February 19, 2024 – Personnel & Attorney/Client Matters
- 11. Additional Items – N/A
- 12. Adjournment – Council Member Grimes moved to adjourn. Council Member Hunt



seconded. *Motion unanimously approved* 4 – 0.

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Raleigh York, Jr., Mayor

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Wendy S. Martin, City Clerk

**MINUTES OF THE THOMASVILLE CITY COUNCIL MEETING ON MONDAY, FEBRUARY 19, 2024 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 Neal Grimes, Doug Hunt, JacQuez Johnson, Pat Shelton, Hunter Thrift and Payton Williams.

1. Call to Order – Mayor York called the meeting of the Thomasville City Council to order and welcomed everyone in attendance in person and online.
2. Additions and Deletions to the Agenda – There were no additions or deletions to the agenda. Council Member Thrift moved to approve the agenda as presented. Council Member Hunt seconded. Motion unanimously approved 7 – 0.
3. Public Forum – Nobody came forward to speak.
4. Recognitions and Presentations: Proclamation – Black History Month

Council Member Johnson presented this Proclamation to former Council Member and current School Board Member Wendy Sellars.

Mrs. Sellars thanked Council for recognizing Black History month for many years. She also invited the public to join her at the 5<sup>th</sup> annual Black History Month program at Ball Park Recreation Center on February 23<sup>rd</sup> from 5 – 8 PM for displays, a speaker, dancers, two Black Excellence Awards and information on local African American trailblazers.

5. Public Hearings – Nobody came forward to speak for or against any of these items.
  - A. Consideration of Ordinance to Repair or Demolish Unit at 219 Tower Road  
Paul E. Lewis Heirs, Nathaniel E. Lewis

Mayor York opened the public hearing.

Minimum Housing Inspector Randall Markham advised that he inspected the property on 11/16/23 and found that the structure was not in compliance with City code. On that date, he notified Mr. Lewis of a hearing on 11/29/23. Mr. Lewis did not appear. Mr. Markham notified the owners that they had 60 days to make necessary repairs. The repairs were not made. He requested that City Council approve the demolition of the structure because it is unsafe and unfit for human habitation.

No one spoke for or against this Ordinance. Mayor York closed the hearing. Council Member Hunt moved to approve this Ordinance. Council Member Shelton seconded. Motion unanimously approved 7 – 0.

- B. Consideration of Ordinance to Repair or Demolish Unit at 114 College Street

Freeman Family Trust, Kenya Alexis Young

Mayor York opened the public hearing.

Minimum Housing Inspector Randall Markham advised that he inspected the property on 11/20/23 and found the structure to be unsafe. On that date, he notified the owners of a hearing on 12/06/23. They did not appear. Mr. Markham then notified the owners that they had 60 days to make necessary repairs. The repairs were not made. He requested that City Council approve the demolition of the structure because it is unsafe and unfit for human habitation.

No one spoke for or against this Ordinance.

Mayor York closed the hearing. He then thanked the City's Minimum Housing inspectors Randall Markham and Josh Parks for doing a great job. He said, "That's a lot of work to be done here, and they've done a good job on both of these. We appreciate your efforts very much."

Council Member Hunt moved to approve this Ordinance. Council Member Shelton seconded. Motion unanimously approved 7 – 0.

C. Consideration of Amendment to Zoning Ordinance (Z-24-02) Article V, Section 2, Table of Permitted Uses to allow Microbreweries and Micro-distilleries in C-4, M-1 and M-2

City Manager Brandt said this stems from the City's 2035 Land Development Plan. The Plan recommends this type of uses for our Downtown and manufacturing districts. He added, "Hopefully this will spur some development in our Downtown."

Mayor York opened the public hearing. No one spoke for or against this Ordinance Amendment. Mayor York closed the hearing. Council Member Thrift moved to approve this Ordinance. Council Member Shelton seconded. Motion unanimously approved 7 – 0.

D. Annual Generic Community Development Block Grant (CDBG) Public Hearing

Mayor York opened the public hearing.

City Manager Brandt advised that no specific project is associated with this hearing. He explained that the City has to hold a generic hearing annually in order to be able to apply for CDBG grants from the North Carolina Department of Commerce. Each grant requires two public hearings, including this one.

No one spoke for or against this matter. Mayor York closed the hearing. No Council action was required.

6. Consent Agenda



- A. Consideration of Approval of Minutes – Briefing Meeting on 01/08/24
- B. Consideration of Approval of Minutes – Council Meeting on 01/16/24
- C. Consideration of Hotel Occupancy Tax Voluntary Disclosure Agreement

City Manager Michael Brandt explained that this was related to an online travel company that has informed the City that they did not pay hotel occupancy taxes between January 1, 2013 through September 30, 2020. This agreement approves this voluntary disclosure to pay the back taxes as determined by the travel company, with the understanding that the company name will remain confidential. They will provide a detailed report and full payment of the taxes within 90 days of the approval of this agreement.

Council Member Hunt moved to approve all the items on the Consent Agenda. Council Member Shell seconded. Motion unanimously approved 7 – 0.

## 7. Regular Agenda

- A. Consideration of Acceptance of Resignation of Council Member and Appointment of Replacement to Fill the Remaining Term of Office

Mayor York advised that Council Member Jeannette Shepherd has not been well for quite some time. He read her resignation, upon the advice of her physician. She resigned her position as Thomasville City Council Woman as of 2/15/24. She thanked everyone for their prayers, phone calls and cards.

Council Member Thrift moved to accept the resignation of Jeannette Shepherd.

Council Member Williams seconded, adding, “I admire Jeannette for the work she did while she was here and also for allowing someone else to take over so she can get better. I hope she does that.”

Council Member Hunt said, “She’ll be sorely missed.”

Mayor York added, “She put all that she had into doing this to the best of her ability. I send our love and prayers out to her tonight.”

Council Member Neal Grimes abstained with unanimous permission of the rest of Council. It was with sadness that Council unanimously approved this motion 6 – 0.

Council Member Thrift then moved to appoint interim Council Member Neal Grimes to fill Jeannette Shepherd’s unexpired term. Council Member Shelton seconded.

Mayor York thanked the Grimes family for allowing Neal to come back to serve on Council. He said, "He did a great job when he was here before, and he's doing a great job now, and he'll do a great job in the future."

Council Member Grimes abstained again, with unanimous permission of the rest of Council. The motion was approved 5 – 1. Council Member Johnson voted against it.

Council Member Grimes said he regretted that Mrs. Shepherd was unable to fulfill her term. He said, "She worked very hard to earn her victory." He added, "Now that Jeannette is no longer able to complete her term, I am honored to complete it for her, and will do my best for the citizens of Thomasville on her behalf."

Council Member Grimes and Senator Thom Tillis's Regional Representative Stephanie Blair then presented to Mayor York and Council a United States flag that was certified to have been flown over the US Capitol.

The certificate said, "...At the request of the Honorable Thom Tillis, United States Senator, this flag was flown in celebration of the ribbon cutting on May 11, 2023, of the new Thomasville Aquatic and Community Center Housing the City Council Chambers." It was signed by Chere Rexroat, RA, Acting Architect of the Capitol.

Mayor York accepted the flag for the City and thanked Senator Tillis for this gift. He said, "We will honor and cherish this. We appreciate it so much."

B. Consideration of Budget Amendment 2024-P8-01

City Manager Brandt said this Budget Amendment transfers \$14,326 from General Fund Contingency for personnel salary increases and \$250 to cover the full purchase cost of 6 Trade Street, which is the piece of property that we recently purchased for a Downtown parking lot. This will leave a balance of \$247,445.

This Budget Amendment also includes proceeds totaling \$10,838 appropriated in the Fire Department and \$3,573 in the Police Department for vehicle repairs due to accidents.

It also appropriates \$9,840 of surplus investment interest revenue in the Water/Sewer Fund for the purchase and configuration of four Paymentus card payment devices. This will allow citizens to be able to pay with a credit card at City Hall.

Council Member Thrift moved to approve it. Council Member Hunt seconded. Motion unanimously approved 7 – 0.

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

Mayor York and Council expressed their kind thoughts and prayers regarding Jeannette Shepherd. They also welcomed Councilman Grimes back and thanked Pat Shelton for filling in for Ron Bratton during his leave of absence.

Mayor Pro Tem Williams invited someone to come open a microbrewery/ micro-distillery in Thomasville.

She also invited everyone to attend the Downtown Retail Market Analysis meeting on February 27 at 6 PM at the Aquatic Center. She said, "It would be a good opportunity to learn about what our Downtown is lacking, what assets we have, and how we can fill it out in the coming years."

The theme of Black History Month this year is "African Americans and the Arts." She said, "Thomasville has a really thriving art culture, and we enjoy the contributions of African Americans every single day."

She gave a shout out to Daryl Poole's team in Public Works for being so responsive and ready to help.

Council Member Johnson wished everyone a happy Black History Month. He said it was an honor to be a member of Council and to reflect on some of the other African American trailblazers who paved the way for him, such as Former Councilman J. W. Mathis. He invited everyone to attend the Black History Month celebration with Ms. Sellars.

Council Member Grimes reported that Unity United Methodist Church has operated as a warming center for men for 14 nights since January 16th, while Father's Storehouse (across the street) operates as a warming center for Women and Children. He asked everyone to spread the word. Volunteers are invited to help at the church during the remainder of the cold weather season.

On behalf of the Personnel Committee, Council Member Thrift moved to make the following appointments, effective March 1st:

**ABC Board** Roger Bryant

**Beautification**

(3-year terms) Denise Barnes, Nancy Griffith, Cherie Johnson, Brooke Murphy

(2-Year term  
to fix staggering) Nathan Smith, Hilda Warner

**Golf Advisory** Don Clinard, David Costello  
(Senior Golfers)



### **Historic Preservation**

(3-year terms) Amanda Cox, Jennifer Mayhall, Jill Simpson

(2-year term  
to fix staggering David Carter

**Planning/Adjustment** ~~Edward Keller,~~ Pat Shelton

**Recreation** Bill Tagliaferri (3-year term)  
William Rainey (to fill Tony Vinzini's unexpired term)

**Tourism** Christy Jones, Edward Keller, Leslie Watts,  
Dee Stokes (at-large)

Council Member Hunt seconded. Council Member Pat Shelton abstained with unanimous permission of the rest of Council. Motion unanimously approved 6 – 0.

Council Member Thrift also invited everyone to Central Wesleyan Church for their annual pancake breakfast on March 9<sup>th</sup> from 7 – 11 AM. Donations will benefit the Memorial Day Parade and Ceremonies Committee.

Council Member Shelton thanked Council for allowing her to fill-in for Council Member Bratton over the past three months. She said, "He's healthy now. I'm so happy to report that."

Council Member Hunt thanked Chuck George's department for getting Thomasville cleaned up. He said, "I appreciate all you guys do!"

He thanked Thom Tillis's office for presenting Council with the flag.

He added that Jeannette was a close friend of his, and he will miss her.

Council Member Shell also encouraged everyone to participate in Black History Month activities. She also wished Jeannette well and thanked Neal Grimes and Pat Shelton for filling in over the past few months. She is happy that Council Member Bratton's health has improved.

Mayor York reported that there were 3 ribbon cuttings over the last month. January's Mayor Pro Tem Lisa Shell attended the ribbon cutting at Renew Integrative Wellness on Trade Street. He attended ribbon cuttings for grand reopenings at Piedmont Crossing's Veranda Building, as well as Childress Realty on Fisher Ferry.

He congratulated Nat P. Walker on his retirement from the City after over 20 years of service and many years of volunteering before that to give the cemetery some much-needed TLC. He will continue to help out at the cemetery on a part-time basis. He said, "Nat's heart is in what he does, and his heart is in (his work at) the cemetery."

Mayor York attended the Chamber's annual meeting, as well where they recognized the Citizen of the Year and other awards.

It was also his honor to present a key to the City to Lois Hunter for her 49 years of service at the Thomasville Housing Authority. He asked for prayers for her health in her retirement.

He thanked Pat Shelton for always being willing to come back and serve on Council when she is needed. He said, "You've always done a great job and done your homework. You're always ready with all the issues. We really thank you."

City Manager Brandt thanked Got Your Six Towing Co. for cleaning up the road before dawn on Saturday morning, after a vehicle lost control and collided with another vehicle, pushing it through the window at the old Palace Theater. He said, "I just wanted to give them a shout out for doing that type of work on a cold, dark night when they could have just gotten those cars out of there and gotten home as fast as possible. I appreciate that they did that."

Regarding Black History Month, City Manager Brandt said, "I never think history is relegated to one month. It is part of our American story, so I, too, recognize Wendy Sellars and the work that she has done, and others throughout the community, to let people know the importance of all of our histories. They all play a role in our society."

9. Closed Session - Personnel and Attorney/Client

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

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

10. Additional Items – City Manager Brandt announced that the City has received a \$500,000 grant from the NC Commerce Industrial Development Fund to support the sewer extension for Nucor. These funds will reduce the cost that Nucor is contributing to the project.
11. Adjournment – Council Member Williams moved to adjourn. Council Member Thrift seconded. Motion unanimously approved 7 – 0.

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Raleigh York, Jr., Mayor

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Wendy S. Martin, City Clerk

# Agenda Item Cover Sheet

Admin. Use Only:

Committee Name

Public Safety

Committee Date  
And Agenda #

1.8.2024

PSafe3

Item Name:

Consideration of Resolution awarding Badge & Service Weapon to Retiring Police Officer Tracy Pierce

Description of Item:

Back-Up Materials:

Resolution

Council Action Requested:

Approve Resoution Awarding Badge and Service Revolver to Retiring Officer Tracy Pierce

Requested By:

Chief Dustin Carter

Department:

Police Department



**CITY OF THOMASVILLE**  
**RESOLUTION AWARDING BADGE AND SERVICE SIDEARM**  
**TO RETIRING LAW ENFORCEMENT OFFICER**  
**Master Police Officer I Tracy Pierce**

**WHEREAS,** North Carolina General Statutes 20-187.2 provides that retiring members of municipal law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service with the municipality; and

**WHEREAS,** NCGS 20-187.2 further provides that the governing body of the municipal law enforcement agency may, in its discretion, award to a retiring member the service side arm of said member; and

**WHEREAS,** MPO I Tracy Pierce has served the City of Thomasville Police Department for over 23 years.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Thomasville, North Carolina that the City Manager is hereby authorized, in accordance with the provisions of NCGS 20-187.2 to transfer to MPO I Tracy Pierce the badge worn by him as well as his service side arm, a Sig Sauer P320, Serial # 58J190036.

Duly adopted this 18th day of March, 2024 while in regular session.

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Raleigh York, Jr., Mayor

ATTEST:

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Wendy S. Martin  
City Clerk

# Agenda Item Cover Sheet

Admin. Use Only:

Committee Name

Personnel/Finance

|  |
|--|
|  |
|--|

Committee Date  
And Agenda #

3.5.24

PF4

Item Name:

Consideration of Grant Project Ordinance - 2022 TPD Byrne Justice Assistance Grant (JAG)

Description of Item:

Ordinance appropriates grant funding for TPD's 2022 JAG award. \$24,049 was awarded for the purchase of Power DMS software to aid toward N.C. Law Enforcement Accreditation (NCLEA).

Back-Up Materials:

Grant Project Ordinance and Award Letter

Council Action Requested:

Approval of Grant Project Ordinance

Requested By:

Thomas Avant

Department:

Finance

CITY OF THOMASVILLE  
Grant Project Ordinance

BE IT ORDAINED by the Thomasville City Council that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Grant Project is hereby adopted:

Section 1. The project authorized is the 2022 Justice Assistance Grant (JAG) Project described in the work statement contained in the Grant Agreement between this unit and the U.S. Department of Justice.

Section 2. The officers of this unit are hereby directed to proceed with the Grant Project within the terms of the funding agreement, the rules and regulations of the U.S. Department of Justice and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete this project:

|                   |               |             |
|-------------------|---------------|-------------|
| 063-5131-322-0600 | Federal Grant | \$24,049.00 |
|-------------------|---------------|-------------|

Section 4. The following expenditures are anticipated to be available to complete this project:

|                   |                   |             |
|-------------------|-------------------|-------------|
| 063-5131-522-2103 | Lease of Software | \$24,049.00 |
|-------------------|-------------------|-------------|

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreements and federal and state regulations.

Section 6. Requests for funds should be made in an orderly and timely manner as funds are obligated and expenses incurred.

Section 7. The Finance Officer is directed to report timely on the financial status of each project element in Section 4 and on the total revenues received or claimed.



Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this Grant Project in every budget submission made to this Council.

Section 9. Copies of this Grant Project Ordinance shall be made available to the Budget Officer and the Finance Officer for direction in carrying out this project.

ADOPTED this 18<sup>th</sup> day of March, 2024

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Mayor

ATTEST:

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City Clerk



STATE OF NORTH CAROLINA  
**DEPARTMENT OF PUBLIC SAFETY**  
GOVERNOR'S CRIME COMMISSION  
1201 Front Street, Suite 200  
Raleigh, NC 27609  
Telephone: (919) 733-4564 Fax: (919) 733-4625

<http://www.ncdps.gov/gcc/>

## GRANT AWARD

**Project Name:** Thomasville Police DeptNCLEA Grant

**Grant Period:** 10/01/2023 - 09/30/2025

**Agreement Number:** 2000071150

**Subrecipient:** CITY OF THOMASVILLE

**Implementing Agency:** Thomasville Police Department

**Authorizing Official:** Michael M. Brandt

**Project Director:** John Barber

**Source:** 2022 Byrne Justice Assistance Grants

**Federal Grant Number:** 15PBJA-22-GG-00633-JAGX

**CFDA #:** 16.738

**Match Funding Required (%):** 0.00%

**Federal Funding Award (%):** 100.00%

**Match Funding Required (\$):** \$0.00

**Federal Funding Award (\$):** \$24,049.00

**Grant Manager:** Keith Bugner

**Total Project Budget (\$):** \$24,049.00

On behalf of the Secretary of the Department of Public Safety, the Governor's Crime Commission (GCC) hereby awards this grant funding based upon the final application and in accordance with the laws and regulations of the United States and the State of North Carolina. Your funding initially is from the federal grant source listed herein. As funding levels change, the source of the funds may change. Subrecipients agree that they will abide by, and meet all match requirements, indicated above as Match Funding.

To view additional funding details, including totals by year and by expense type, you may access an Agreement Budget Summary in the [North Carolina Enterprise Business System \(EBS\)](#).

Award requirements include not only the conditions and limitations set forth in the application and special conditions, but also compliance with assurances and certifications that relate to conduct during the period of performance for the award. These requirements encompass financial, administrative, and programmatic matters, as well as other important matters (e.g., code of federal regulation). Therefore, all key staff should receive the special conditions, the assurances and certifications provided GCC, and the application as approved by GCC, so that they understand the award requirements. Information on all pertinent award requirements also must be provided to any subrecipient of the award. No alterations of any kind may be made to this grant award.

**The Special Conditions for this grant, posted on the GCC website at [www.ncdps.gov/gcc/award-special-conditions/](http://www.ncdps.gov/gcc/award-special-conditions/) are incorporated into this agreement as if the same were set forth herein.**

By initialing here, I certify, under penalty of perjury, on behalf of myself and the applicant, to the best of my knowledge and belief, that the following are true as of the date of this award acceptance: (1) I have conducted or there was conducted on our behalf a diligent review of all terms and conditions of, and all supporting materials submitted in connection with, this award, including any assurances and certifications (including anything submitted in connection therewith by a person on behalf of the applicant before, after, or at the time of the application submission and any materials that accompany this acceptance and certification); and (2) I have the legal authority to accept this award on behalf of the applicant.

### Authorizing Official

### Governor's Crime Commission

Signature of Authorizing Official \_\_\_\_\_ Date \_\_\_\_\_

Michael M. Brandt

Name of Authorizing Official \_\_\_\_\_

**Project Director**

Signature of Director \_\_\_\_\_ Date \_\_\_\_\_

Caroline Farmer, Executive Director

Name and Title of Director \_\_\_\_\_

Signature of Project Director \_\_\_\_\_ Date \_\_\_\_\_

John Barber

Name of Project Director \_\_\_\_\_

## **Federal Award Identification Worksheet**

**Federal award identification :** 2022 Byrne Justice Assistance Grants

**Project ID :** 2000071150

**Subrecipient :** CITY OF THOMASVILLE

**Federal Award Identification # (FAIN) :** 15PBJA-22-GG-00633-JAGX

**Unique Entity ID (UEI) :** KLLRF9REGXU4

**Federal award date :** October 1, 2021 To September 30, 2025

**Subaward period of performance start and end date :** October 1, 2023 To September 30, 2025

**Federal funds obligated in this agreement :** \$24,049.00

**Federal funds obligated to the subrecipient :** \$24,049.00

**Total federal award :** \$5,530,630.00

**Indirect cost rate for the federal award :** We do not receive an indirect cost rate

**Indirect cost rate to be used by the subrecipient :** 0.00%

**Identification of whether the award is research and development (R&D) :** We do not fund research and development

**Pass through entity and awarding official :** NC Governor's Crime Commission  
Caroline Farmer, Executive Director  
Caroline.Farmer@ncdps.gov

**Federal awarding agency :** United States Department of Justice - Bureau of Justice Assistance

**Federal award description :** The Edward Byrne Memorial Justice Assistance Grant (JAG) Program is the primary provider of federal criminal justice funding to states and units of local government.



## Agenda Item Cover Sheet

**Admin. Use Only:**

**Committee Name**

Personnel/Finance

|  |
|--|
|  |
|--|

**Committee Date  
And Agenda #**

3.5.2024

PF5

Consideration of Grant Project Ordinance - 2023 TPD Byrne Justice Assistance Grant (JAG)

**Description of Item:**

TPD also received a 2023 JAG award. \$29,400 was awarded for the purchase of body armor rifle plates for patrol officers.

**Back-Up Materials:**

Grant Project Ordinance and Award Letter

**Council Action Requested:**

Approval of Grant Project Ordinance

**Requested By:**

Thomas Avant

**Department:**

Finance

CITY OF THOMASVILLE  
Grant Project Ordinance

BE IT ORDAINED by the Thomasville City Council that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Grant Project is hereby adopted:

Section 1. The project authorized is the 2023 Justice Assistance Grant (JAG) Project described in the work statement contained in the Grant Agreement between this unit and the U.S. Department of Justice.

Section 2. The officers of this unit are hereby directed to proceed with the Grant Project within the terms of the funding agreement, the rules and regulations of the U.S. Department of Justice and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete this project:

|                    |               |             |
|--------------------|---------------|-------------|
| 063-5135-322.06-00 | Federal Grant | \$29,400.00 |
|--------------------|---------------|-------------|

Section 4. The following expenditures are anticipated to be available to complete this project:

|                    |                                   |             |
|--------------------|-----------------------------------|-------------|
| 063-5135-522.33-00 | Operations & Maintenance/Supplies | \$29,400.00 |
|--------------------|-----------------------------------|-------------|

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreements and federal and state regulations.

Section 6. Requests for funds should be made in an orderly and timely manner as funds are obligated and expenses incurred.

Section 7. The Finance Officer is directed to report timely on the financial status of each project element in Section 4 and on the total revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this Grant Project in every budget submission made to this Council.

Section 9. Copies of this Grant Project Ordinance shall be made available to the Budget Officer and the Finance Officer for direction in carrying out this project.

ADOPTED this 18<sup>th</sup> day of March, 2024

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Mayor

ATTEST:

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City Clerk





STATE OF NORTH CAROLINA  
DEPARTMENT OF PUBLIC SAFETY  
GOVERNOR'S CRIME COMMISSION  
1201 Front Street, Suite 200  
Raleigh, NC 27609  
Telephone: (919) 733-4564 Fax: (919) 733-4625

<http://www.ncdps.gov/gcc/>

## GRANT AWARD

**Project Name:** Thomasville Police Dept Body Armor Grant

**Grant Period:** 10/01/2023 - 09/30/2024

**Agreement Number:** 2000071123

**Subrecipient:** CITY OF THOMASVILLE

**Implementing Agency:** Thomasville Police Department

**Authorizing Official:** MICHAEL M. BRANDT

**Project Director:** JOHN BARBER

**Source:** 2023 BYRNE-JAG AWARD

**Federal Grant Number:** 15PBJA-23-GG-03000-JAGX

**CFDA #:** 16.738

**Match Funding Required (%):** 0.00%

**Federal Funding Award (%):** 100.00%

**Match Funding Required (\$):** \$0.00

**Federal Funding Award (\$):** \$29,400.00

**Grant Manager:** Keith Bugner

**Total Project Budget (\$):** \$29,400.00

On behalf of the Secretary of the Department of Public Safety, the Governor's Crime Commission (GCC) hereby awards this grant funding based upon the final application and in accordance with the laws and regulations of the United States and the State of North Carolina. Your funding initially is from the federal grant source listed herein. As funding levels change, the source of the funds may change. Subrecipients agree that they will abide by, and meet all match requirements, indicated above as Match Funding.

To view additional funding details, including totals by year and by expense type, you may access an Agreement Budget Summary in the [North Carolina Enterprise Business System \(EBS\)](#).

Award requirements include not only the conditions and limitations set forth in the application and special conditions, but also compliance with assurances and certifications that relate to conduct during the period of performance for the award. These requirements encompass financial, administrative, and programmatic matters, as well as other important matters (e.g., code of federal regulation). Therefore, all key staff should receive the special conditions, the assurances and certifications provided GCC, and the application as approved by GCC, so that they understand the award requirements. Information on all pertinent award requirements also must be provided to any subrecipient of the award. No alterations of any kind may be made to this grant award.

The Special Conditions for this grant, posted on the GCC website at [www.ncdps.gov/gcc/award-special-conditions/](http://www.ncdps.gov/gcc/award-special-conditions/) are incorporated into this agreement as if the same were set forth herein.

By initialing here, I certify, under penalty of perjury, on behalf of myself and the applicant, to the best of my knowledge and belief, that the following are true as of the date of this award acceptance: (1) I have conducted or there was conducted on our behalf a diligent review of all terms and conditions of, and all supporting materials submitted in connection with, this award, including any assurances and certifications (including anything submitted in connection therewith by a person on behalf of the applicant before, after, or at the time of the application submission and any materials that accompany this acceptance and certification); and (2) I have the legal authority to accept this award on behalf of the applicant.

### Authorizing Official

### Governor's Crime Commission

Signature of Authorizing Official \_\_\_\_\_ Date \_\_\_\_\_

Signature of Director \_\_\_\_\_ Date \_\_\_\_\_

MICHAEL M. BRANDT

Caroline Farmer, Executive Director

Name of Authorizing Official \_\_\_\_\_

Name and Title of Director \_\_\_\_\_

### Project Director

Signature of Project Director \_\_\_\_\_ Date \_\_\_\_\_

JOHN BARBER

Name of Project Director \_\_\_\_\_

## **Federal Award Identification Worksheet**

**Federal award identification :** 2023 BYRNE-JAG AWARD

**Project ID :** 2000071123

**Subrecipient :** CITY OF THOMASVILLE

**Federal Award Identification # (FAIN) :** 15PBJA-23-GG-03000-JAGX

**Unique Entity ID (UEI) :** KLLRF9REGXU4

**Federal award date :** October 1, 2022      To      September 30, 2026

**Subaward period of performance start and end date :** October 1, 2023      To      September 30, 2024

**Federal funds obligated in this agreement :** \$29,400.00

**Federal funds obligated to the subrecipient :** \$29,400.00

**Total federal award :** \$6,065,200.00

**Indirect cost rate for the federal award :** We do not receive an indirect cost rate

**Indirect cost rate to be used by the subrecipient :** 0.00%

**Identification of whether the award is research and development (R&D) :** We do not fund research and development

**Pass through entity and awarding official :** NC Governor's Crime Commission  
Caroline Farmer, Executive Director  
Caroline.Farmer@ncdps.gov

**Federal awarding agency :** Bureau of Justice Assistance

**Federal award description :** The Bryne JAG award will be utilized to help address public safety and criminal justice issues in the State of North Carolina.

Agenda Item Cover Sheet

Admin. Use Only:

Committee Name Personnel/Finance

Committee Date  
And Agenda # 

|          |      |
|----------|------|
| 3.5.2024 | PF11 |
|----------|------|

Item Name:

Consideration of Approval of Amended Davidson County Economic Development Commission By-Laws

Description of Item:

The new by-laws establish that the members of the Commission be appointed from the elected members of all of the City, Town, or County. Each jurisdiction appoints a regular member and an alternate.

Back-Up Materials:

Revised By-Laws

Council Action Requested:

Approval of new By-Laws of DCEDC

Requested By: M. Brandt

Department: Administration



BYLAWS  
OF  
DAVIDSON COUNTY ECONOMIC DEVELOPMENT COMMISSION (DCEDC)  
(A NON-PROFIT CORPORATION)

ARTICLE I  
OFFICE

1.01. PRINCIPAL OFFICE: The principal office of the corporation in the State of North Carolina shall be located at 913 N. Greensboro Street, Suite 404, Lexington, 27292, Davidson County, North Carolina.

1.02. REGISTERED OFFICE AND AGENT: The corporation shall have and continuously maintain in the State of North Carolina a registered office and a registered agent whose office is identical with such registered office.

ARTICLE II  
BOARD OF DIRECTORS

2.01. GENERAL POWERS: The affairs of the corporation shall be managed by its Board of Directors.

2.02 NUMBER, TENURE AND QUALIFICATIONS: The number of Directors shall be seven (7). All directors shall serve three (3) year terms with an expiration of June 30<sup>th</sup> of his/her respective expiration year. All Directors shall continue to serve until his/her successor has been selected and shall have qualified.

The seven (7) Directors shall be elected officials and will represent and serve as follows:

- One (1) shall be a member of the NC General Assembly from Davidson County;
- One (1) representing Davidson County, and an alternate;
- One (1) representing the City of Thomasville, and an alternate;
- One (1) representing the City of Lexington, and an alternate;
- One (1) representing the Town of Denton, and an alternate;
- One (1) representing the Town of Midway, and an alternate; and
- One (1) representing the Town of Wallburg, and an alternate.

The alternate Director for Davidson County and each of the municipalizes will only vote in the absence of the named Director for the County or that municipality on any matters to come before the Commission.

2.03 NOMINATION OF DIRECTORS: Each entity, as stated in aforementioned Section 2.02, shall make nominations for appointment to the Davidson County Board of Commissioners. The Board shall maintain membership of persons who represent a good geographic and population density cross section of Davidson County as well as representative of various business, professional and service occupational classifications in the county. The nominations of each Board member shall be for a three (3) year term. The appointment of members to the Board of Directors of the Corporation shall be made by the Davidson County Board of Commissioners at one of its June meetings of each year.

2.04. ANNUAL MEETING: A regular annual meeting of the Board shall be held at such place as shall be designated by the Board in July of each year. The meeting shall be held within Davidson County, North Carolina.

2.05. SPECIAL MEETINGS: Special meetings of the Board may be called at the request of the Chairman or by the secretary at the request of any two Directors. The authorized person(s) calling a special meeting of the Board may fix any place within Davidson County, North Carolina, as the place for holding such meeting.

2.07 NOTICE: Notice of any annual, regular, or special meeting of the Board shall be given at least two business days previously thereto by notice delivered via email to each Director at their email address as shown by the records. Any Director may waive notice of any meeting. The attendance of a Director at any meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. The business to be transacted at the meeting need not be specified in the notice or waiver of notice of such meeting, unless specifically required by law or these Bylaws.

2.08 QUORUM: Four (4) members of the Board shall constitute a quorum for the transaction of business at any meeting of the Board; but if less than a quorum is present at said meeting, a majority of the Directors present may adjourn the meeting from time to time without further notice.

2.09 MANNER OF ACTING: The act of a majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board, unless the act of a greater number is required by law or by these Bylaws. The Board may also act by written consent or approval of all of the Directors of the corporation setting forth the action taken.

2.10 VACANCIES: Any vacancy occurring in the Board shall be immediately communicated to the Board of Commissioners of Davidson County, and that City or Town which nominated the directorship which is vacated. The Board of Commissioners of Davidson County shall select a new Director to fill any vacancy at the next regularly scheduled meeting provided it has received a nomination from the respective Town or City. A Director shall be selected as provided in Section 2.03 to fill the vacancy for the unexpired term of his predecessor in office.

2.11 DIRECTORS - RESIDUARY POWERS: The Board shall have the powers and duties necessary or appropriate for the administration of the affairs of the corporation. All powers of the corporation shall be vested in the Board.

2.12 ACTION WITHOUT MEETING: Should a matter arise requiring a vote of the Directors between regular Board meetings, a vote may be taken by email as authorized by the Chairman. The Board may take action without meeting upon consent of a quorum on the item in question. The electronic consents shall be placed in the minutes of the next meeting of the Directors.

### ARTICLE III OFFICERS

3.01 OFFICERS: The officers of the Corporation shall be a Chairman, a Vice Chairman, a Secretary and a Treasurer, each of whom shall be elected by the Board of Directors.

3.02 ELECTION AND TERM OF OFFICE AND QUALIFICATIONS: The officers of the corporation to be elected by the Board of Directors shall be elected annually at the July meeting of the

Board of Directors. Each officer shall hold office for one year or until his successor is elected and qualified, or until his death, removal or resignation. The Chairman and Vice Chairman must be directors of the corporation. The Secretary and Treasurer need not be directors of the corporation, but if they are not directors, will by their office become non-voting, Ex-Officio directors of the corporation.

3.03. REMOVAL: Any officer may be removed at any time for cause by a three-fourths (3/4) vote of the directors then in office.

3.04. VACANCIES: Any vacancy occurring in any office of the corporation shall be filled by the Board of Directors.

3.05. CHAIRMAN: The Chairman shall be the chief executive officer of the corporation, and subject to the direction and under the supervision of the Board of Directors, shall have general charge of the business affairs and property of the corporation. He shall preside at all meetings of the directors of the corporation at which the Chairman is present; and shall in general perform all duties and have all powers incident to the office of Chairman, and shall perform such other duties and have such other powers as from time to time may be assigned to him by these Bylaws, or by the Board of Directors.

3.06 VICE CHAIRMAN: At the request of the Chairman or in the event of the absence or disability of the Chairman, the Vice Chairman shall perform all duties of the Chairman, and when so acting, shall have all the powers of, and shall be subject to all the restrictions upon the Chairman. The Vice Chairman shall perform such other duties and have such other powers as from time to time may be assigned to the Vice Chairman by these Bylaws or by the Board of Directors.

3.07 SECRETARY: The Secretary shall keep minutes of the proceedings of all meetings of the Board of Directors. The Secretary shall have custody of the seal of the corporation and shall have authority to cause such seal to be affixed to, or impressed or otherwise reproduced upon all documents the execution and delivery of which on behalf of the corporation shall have been authorized. The Secretary shall keep current records of the name, mailing addresses email addresses and telephone numbers of all directors of the corporation. The Secretary shall perform all duties and have such other powers as may from time to time be assigned by these Bylaws or by the Board of Directors.

3.08 TREASURER: The Treasurer, or their designee, shall have custody of the corporate funds and securities and shall keep full and accurate records of all receipts and disbursements in books belonging to the corporation. The Treasurer shall cause all monies and other valuable effects to be deposited in the name and to the credit of the corporation in such depositories as may be designated by the Board of Directors. The Treasurer shall cause the funds of the corporation to be disbursed when such disbursements have been duly authorized, taking proper vouchers for such disbursements, and shall render to the Chairman and the Board of Directors, whenever requested, an account of all his transactions as Treasurer and of the financial condition of the corporation. The Treasurer shall perform all duties and have all powers incident to the office of Treasurer and shall perform such duties and have other powers as may from time to time be assigned by these Bylaws or by the Board of Directors.

3.09 OTHER OFFICERS: Other officers may be designated by the Board of Directors as they from time to time deem best.

ARTICLE IV  
ORDER OF BUSINESS

4.01. ORDER OF BUSINESS: The order of business at any annual, regular, or special meeting of the Board of Directors shall be as follows:

- (a) Reading and approval of any unapproved minutes.
- (b) Reports of officers and/or committees.
- (c) Unfinished business.
- (d) Election of officers (if an annual meeting).
- (e) New business.
- (f) Adjournment.

4.02. PARLIAMENTARY PROCEDURE: On questions of parliamentary procedure not covered in these Bylaws, a ruling by the Chairman shall prevail.

ARTICLE V  
COMMITTEES

5.01. COMMITTEES OF DIRECTORS: The Board of Directors, with a resolution adopted (and attached as an Exhibit to the By-Laws) by a majority of the Directors in office, may designate one or more committees, each of which shall consist of three or more Directors, which committees, to the extent provided in said resolution, shall have and exercise the authority of the Board of Directors in the management of the corporation; but the designation of such committees and the delegation thereto of authority shall not operate to relieve the Board, or any individual directors, of any responsibility imposed upon it or him by law.

5.02. OTHER COMMITTEES: Other committees, not having and exercising the authority of the Board of Directors in the management of the corporation, may be designated by a resolution adopted by a majority of the Directors present at a meeting at which a quorum is present or may be designated by the chairman of the corporation. Any member thereof may be removed by the person or persons authorized to appoint such member whenever in his or their judgment the best interest of the corporation shall be served by such removal.

5.03. TERM OF OFFICE: Each member of a committee shall continue as such until the next annual meeting of the Board of Directors of the corporation and until his successor is appointed, unless the committee shall be sooner terminated, unless such member be removed from such committee, or unless such member shall cease to qualify as a member thereof.

5.04. CHAIRMAN: One member of each committee shall be appointed Chairman by the person or persons authorized to appoint the members thereof.

5.05. VACANCIES: Vacancies in the membership of any committee may be filled by appointments made in the same manner as provided in the case of the original appointments.



5.06. QUORUM: Unless otherwise provided in the resolution of the Board of Directors designating a committee or the decree of the chairman creating a committee, a majority of the whole committee shall constitute a quorum, and the act of a majority of the members present at a meeting at which a quorum is present shall be the act of the committee.

5.07. RULES: Each committee may adopt rules for its own government not inconsistent with these Bylaws or the rules adopted by the Board of Directors.

## ARTICLE VI CONTRACTS, CHECKS, DEPOSITS, AND FUNDS

6.01. CONTRACTS: The Board may authorize any officer or officers, agent or agents of the corporation, in addition to the officers so authorized by these Bylaws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation; and such authority may be general or confined to specific instances.

6.02. CHECKS, DRAFTS, ETC.: All checks, drafts, or orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the corporation shall be signed by such officer or officers, agent or agents of the corporation, and in such manner as shall from time to time be determined by resolution of the Board. In the absence of such determination by the Board, such instruments shall be signed by the treasurer and countersigned by the chairman of the corporation.

6.03 DEPOSITS: All funds of the corporation shall be deposited from time to time to the credit of the corporation in such banks, trust companies, and other depositories as the Board may select.

## ARTICLE VII BOOKS AND RECORDS

The corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its Board and committees having any of the authority of the Board of Directors, and shall keep at the registered or principal office a record giving the names and addresses of the members. All books and records of the corporation may be inspected by any member or his agent or attorney, for any proper purposes at any reasonable time. The Board shall cause an annual compilation of the records of the corporation to be made each year. The annual compilation shall be conducted by a CPA firm familiar with acceptable audit procedure.

## ARTICLE VIII FISCAL YEAR

The fiscal year of the corporation shall begin on the 1st day of July and end on the last day of June in each year.

ARTICLE IX  
CORPORATE SEAL

The Board shall provide a corporate seal, which shall be in the form of a circle and shall have inscribed thereon the name of the corporation, the words, "Corporate Seal," and "1986 - North Carolina."

ARTICLE X  
WAIVER OF NOTICE

Whenever any notice is required to be given under the provisions of the Statutes of the State of North Carolina or the Articles of Incorporation or the Bylaws of this corporation, a waiver thereof in writing signed by the person or persons entitled thereto, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

ARTICLE XI  
REPEAL OR AMENDMENT OF BYLAWS

12.01. Except as hereinafter specifically limited in Section 12.02, the Bylaws of this corporation may be repealed or amended by a majority vote of the Directors present at any annual or regular meeting of the Board of Directors or at any special meeting of the Board called for such purpose, at which a quorum is present: provided, however, that no such action shall change the purposes of this corporation so as to impair its rights and powers under the laws of the State of North Carolina, or to waive any requirement of bond or any provision for the safety and security of the property and funds of the corporation. Notice of any amendment to be offered at any meeting shall be given not less than seven nor more than 30 days before such meeting and shall set forth such proposed amendment.

12.02. The Bylaws of this corporation shall not be altered, amended, repealed, or rescinded without the prior approval of the Board of Commissioners of Davidson County, and the City Councils of the Town of Denton, City of Thomasville, City of Lexington, Town of Denton, Town of Midway, and Town of Wallburg.

Recommended for approval, this the \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Chairman

Attest:

\_\_\_\_\_  
Secretary

Adopted this the \_\_\_\_ day of \_\_\_\_\_. 2023.

**DAVIDSON COUNTY BOARD OF COMMISSIONERS**

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Chairman

---

Clerk to the Board

**CITY OF THOMASVILLE**

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Mayor

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City Clerk

**CITY OF LEXINGTON**

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Mayor

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City Clerk

**TOWN OF DENTON**

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Mayor

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Town Clerk

**TOWN OF MIDWAY**

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Mayor

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Town Clerk

**TOWN OF WALLBURG**

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Mayor

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Town Clerk



# Agenda Item Cover Sheet

Admin. Use Only:

Committee Name

Personnel/Finance

Committee Date  
And Agenda #

3.5.2024

PF12

Item Name:

Consideration of Approval of Artificial Intelligence Use Policy for City Employees

Description of Item:

With the increased availability and usage of AI in the workplace there are benefits and concerns raised by its usage by City employees. The proposed policy addresses some of these common concerns and appropriate usage of AI systems.

Back-Up Materials:

Proposed AI Usage Policy

Council Action Requested:

Consideration of Approval of Artificial Intelligence Use Policy for City Employees

Requested By:

M. Brandt

Department:

Administration

## **Policy Title: Artificial Intelligence and ChatGPT Usage Policy**

**Purpose:** The City of Thomasville acknowledges the potential benefits of leveraging artificial intelligence (AI) and associated technologies in daily work processes to enhance productivity, efficiency, and service delivery. This policy outlines the guidelines and best practices for the responsible use of AI by city employees.

**Scope:** This policy applies to all employees, contractors, and individuals acting on behalf of the City of Thomasville who utilize AI or similar technologies in their work-related tasks and projects.

### **Guidelines:**

#### **1. Authorized Usage:**

- AI and associated technologies may be utilized by employees when contributing to routine administrative tasks, data analysis, documentation, customer service, and other work-related processes to improve efficiency and accuracy.
- Employees utilizing AI technology must request written approval of the Department Manager explaining the usage of AI in their work processes
- The Department Manager will submit the written request to the City Manager or their designee for final approval. Usage of AI before approval may result in denial of use and disciplinary action.

#### **2. Accuracy and Accountability:**

- Employees utilizing AI or associated technologies are responsible for verifying the accuracy of outputs and ensuring that final work products meet the city's quality standards.
- Final accountability for any work product remains with the employee and Department Manager utilizing the technology.
- Creation of content utilizing AI technology must be acknowledged on any internal draft work products.
- City Administration will provide an appropriate public notification procedure for Departmental use.

#### **3. Data Privacy and Confidentiality:**

- Employees must adhere to established data privacy and confidentiality protocols when utilizing AI tools, ensuring that sensitive information or personally identifiable data is not compromised or shared inappropriately.
- Data used to create AI content is potentially accessible to any AI system utilized by the City. Consideration of this data transfer should be a consideration when utilizing AI tools.

#### **4. Ethical Use:**

- All AI and associated technologies usage must align with ethical guidelines, avoiding biased or discriminatory practices and adhering to legal and ethical standards in decision-making processes.

#### **5. Training and Awareness:**

- The city will provide training and resources to employees on the proper use of AI and associated technology tools, including understanding capabilities, limitations, and ethical considerations.
6. **Continuous Evaluation:**
- Regular evaluations will be conducted to assess the effectiveness, impact, and ethical implications of AI or ChatGPT usage, with adjustments made as necessary to ensure responsible and beneficial use.

**Compliance and Violations:** Failure to comply with this policy may result in disciplinary actions, which could include retraining, suspension of technology usage privileges, or other appropriate measures based on the severity of the violation.

**Policy Review:** This policy will be subject to periodic review and updates to incorporate technological advancements, changes in regulations, or emerging ethical considerations related to AI usage.

**Approval:** This policy is effective upon approval by the City of Thomasville's governing body or appropriate authority.

# Budget Amendment

**To:** City Manager

**From:** Finance Director

**Date:** 3/5/2024

**Council Budget Amendment Reference #:** 2024 – P9 - 01

**Re:** 2023-2024 Budget Amendment

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The amendment recognizes excess school supplement tax revenue, and increases the appropriation in the School Fund. In the General Fund, contingency is appropriated to cover the full annual cost of county contracted tax assessment billing. Surplus interest revenue (\$408,000) is appropriated to cover the first economic development incentive grant payment for the Unilin/Project Tower grant, and surplus sales tax revenue (\$379,680) is appropriated to cover the third payment for the Unilin/Project Titan grant. The amendment appropriates necessary funding to comply with GASB 96 requirements for recognizing the full 3-year lease cost of DebtBook debt management software and the 5-year cost of Power DMS software at the beginning of the subscription terms. To properly close out the Golf Course Fund at 6/30/2024, as required, the amendment transfers the ending fund balance in the Golf Course Fund to the General Fund.



## GENERAL FUND

### INCREASE REVENUE

|                    |  |                |
|--------------------|--|----------------|
| 010-0000-310.01-00 | Local Sales Taxes                        | \$ 379,680.00  |
| 010-0000-350.00-00 | Investment Earnings/Interest             | \$ 408,000.00  |
| 010-0000-370.07-00 | Other Financing Sources/IT Subscriptions | \$ 31,600.00   |
| 010-0000-370.07-00 | Other Financing Sources/IT Subscriptions | \$ 62,911.00   |
| 010-0000-370.09-00 | Other Financing Sources/Transfers-In     | \$ 600,000.00  |
| Total              |  | \$1,482,191.00 |

### DECREASE APPROPRIATION

|                    |                         |              |
|--------------------|-------------------------|--------------|
| 010-9010-505.58-00 | Unallocated/Contingency | \$ 34,000.00 |
| Total              |                         | \$ 34,000.00 |

### INCREASE APPROPRIATION

|                    |  |                |
|--------------------|--|----------------|
| 010-4110-512.90-01 | Contribution to Other/Economic Development | \$ 379,680.00  |
| 010-4110-512.90-01 | Contribution to Other/Economic Development | \$ 408,000.00  |
| 010-4410-514.73-00 | Capital Outlay/Other Improvements          | \$ 31,600.00   |
| 010-4411-512.45-01 | Contracted Services/Professional           | \$ 34,000.00   |
| 010-5110-524.73-00 | Capital Outlay/Other Improvements          | \$ 62,911.00   |
| 010-9010-505.57-00 | Unallocated/Miscellaneous                  | \$ 600,000.00  |
| Total              |  | \$1,516,191.00 |

### **GOLF COURSE FUND**

#### INCREASE REVENUE

|                    |   |               |
|--------------------|---|---------------|
| 031-0000-398.01-00 | Approp. from Retained Earnings/Unreserved | \$ 600,000.00 |
|--------------------|---|---------------|

#### INCREASE APPROPRIATION

|                    |                           |               |
|--------------------|---------------------------|---------------|
| 031-9010-503.60-10 | Transfers to General Fund | \$ 600,000.00 |
|--------------------|---------------------------|---------------|

### **SCHOOL FUND**

#### INCREASE REVENUE

|                    |                           |               |
|--------------------|---------------------------|---------------|
| 040-0000-302.00-00 | Current Year Property Tax | \$ 150,971.00 |
|--------------------|---------------------------|---------------|

|                    |                      |              |
|--------------------|----------------------|--------------|
| 040-0000-303.00-00 | Penalties & Interest | \$ 50,324.00 |
|--------------------|----------------------|--------------|

|       |  |               |
|-------|--|---------------|
| Total |  | \$ 201,295.00 |
|-------|--|---------------|

#### INCREASE APPROPRIATION

|                    |   |               |
|--------------------|---|---------------|
| 040-9010-512.90-00 | Contribution to Other – School Supplement | \$ 201,295.00 |
|--------------------|---|---------------|

**RE: Unilin - Project Tower EDI Grant Payment #1**

Tim Maness <Tim.Maness@DavidsonCountyNC.gov>

Tue 2/20/2024 8:40 AM

To: Avant, Thomas <Thomas.Avant@thomasville-nc.gov>

Cc: Casey R. Smith <Casey.Smith@DavidsonCountyNC.gov>; Krpejs, Eric <Eric.Krpejs@thomasville-nc.gov>; Brandt, Michael <Michael.Brandt@thomasville-nc.gov>

**\*\*\*EXTERNAL SENDER ALERT\*\*\* This email is not sent from The City of Thomasville, NC, and its authenticity has not been independently verified. Be vigilant and do not disclose sensitive information, click on unfamiliar links, or download attachments unless you are certain of the sender's identity and intentions.**

Good morning,

The payments for Titan and Bart were certainly off schedule as the agreements for Titan and Tower were revisited and had to be modified. Essentially things slipped through the cracks, and we're trying to get back on track. That does present challenges properly budgeting incentive payments, etc.

As mentioned yesterday, Titan Year #3 and Tower Year #1 payments (2023 Performance Years) are due when Mohawk sends their request for payment. **For Titan, the payment request is to be made in May or within (30) days from the beginning of May.** They'll send that to us, we'll verify capital investment and jobs #'s and send a request to the City on official letterhead requesting the payments and the verify the payment amount.

**For Tower**, I need to reach out to Mohawk as we need to make sure we have the Certificate of Occupancy and documentation that the improvements have been completed along with the amount spent for improvements (per the agreement). Once I get more clarification regarding Tower, I'll relay the information to you all ASAP. That payment request could come at anytime based on the timeline in the agreement.

**From the County's agreement for Titan...**

3. After completion of the aforementioned new investment in the facility, the Company shall certify to the County in writing by one authorized to execute contracts on behalf of the Company that the said improvements have been completed. The Company shall include with the certification adequate documentation that the improvements have been completed and the amount spent for the improvements. The County's obligation to begin payment of the grants in accordance with this agreement shall not be triggered until such certification and supporting documentation, including the Certificate of Occupancy for the facility, has been received by the County.

4. The County will make five (5) annual cash incentive payments to the Company equal to .00432 times the Company's annual value of the new capital investment in the facility, machinery and equipment, not to exceed \$341,712.00 per year. The five (5) annual cash incentive payments as herein described shall be paid on the certification of the jobs created and total investment made by the Company. The Davidson County Tax Assessor shall be responsible for determining the annual value of said plant and machinery, and the decision as to the annual value by the Tax Assessor shall be binding on all parties. The said five (5) annual cash incentive payments as herein described shall be due and payable by the County to the Company as follows: Beginning May, 2022 and in May for each of the four (4) years thereafter, the Company within thirty (30) days shall submit and file with the County supporting documentation of its full compliance with the terms and conditions of this Agreement including, without limitation, proof of payment of its Davidson County ad valorem taxes, as well as documentation concerning employment numbers as hereinafter described. The five (5) annual cash incentive payments shall be due and payable by the County to the Company within thirty (30) days after receipt of the supporting documentation.

**Tim Maness**  
Budget & Management Analyst  
Davidson County Government  
913 N. Greensboro Street, Suite 404  
Lexington, NC 27292  
+1-336-242-2920  
[www.co.davidson.nc.us](http://www.co.davidson.nc.us)



**From:** Avant, Thomas <Thomas.Avant@thomasville-nc.gov>  
**Sent:** Tuesday, February 20, 2024 6:58 AM  
**To:** Tim Maness <Tim.Maness@DavidsonCountyNC.gov>  
**Cc:** Casey R. Smith <Casey.Smith@DavidsonCountyNC.gov>; Krpejs, Eric <Eric.Krpejs@thomasville-nc.gov>; Brandt, Michael <Michael.Brandt@thomasville-nc.gov>  
**Subject:** Re: Unilin - Project Tower EDI Grant Payment #1

**CAUTION External email. Do not click links or open attachments unless verified.**

Thanks, Tim. Just to be clear, in early January, we paid years 1 and 2 of Project Titan (\$759,360) and the final Project Bart payment (\$70,000) as billed in December.



For budgeting purposes this fiscal year (by 6/30/2024), are you saying we could also owe year 3 of Titan (\$379,680) and year 1 of Tower (\$408,000)? Also, when would you expect us to be billed?

Our hope is that in future years, the billing will be one payment each annually for Titan and Tower, so we can budget accordingly. Thanks.

Thomas

---

**From:** Tim Maness <[Tim.Maness@DavidsonCountyNC.gov](mailto:Tim.Maness@DavidsonCountyNC.gov)>

**Sent:** Monday, February 19, 2024 5:13 PM

**To:** Avant, Thomas <[Thomas.Avant@thomasville-nc.gov](mailto:Thomas.Avant@thomasville-nc.gov)>

**Cc:** Casey R. Smith <[Casey.Smith@DavidsonCountyNC.gov](mailto:Casey.Smith@DavidsonCountyNC.gov)>; Krpejs, Eric <[Eric.Krpejs@thomasville-nc.gov](mailto:Eric.Krpejs@thomasville-nc.gov)>

**Subject:** RE: Unilin - Project Tower EDI Grant Payment #1

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Good afternoon,

Per the agreement, Mohawk has to submit their request to us along with the required back-up. I asked their finance folks when/if they might submit.

Thomasville may owe the following if/when jobs/capital investments are presented and requests made:

- |                                    |                  |
|------------------------------------|------------------|
| • Project Titan – Payment 3 of 5 = | \$379,680        |
| • Project Tower – Payment 1 of 5 = | <u>\$408,000</u> |
| • Total =                          | \$787,680        |

Thanks,

**Tim Maness**

Budget & Management Analyst

Davidson County Government

913 N. Greensboro Street, Suite 404

Lexington, NC 27292

+1-336-242-2920

[www.co.davidson.nc.us](http://www.co.davidson.nc.us)



**From:** Avant, Thomas <[Thomas.Avant@thomasville-nc.gov](mailto:Thomas.Avant@thomasville-nc.gov)>

**Sent:** Monday, February 19, 2024 10:20 AM

**To:** Tim Maness <[Tim.Maness@DavidsonCountyNC.gov](mailto:Tim.Maness@DavidsonCountyNC.gov)>

**Cc:** Casey R. Smith <[Casey.Smith@DavidsonCountyNC.gov](mailto:Casey.Smith@DavidsonCountyNC.gov)>; Krpejs, Eric <[Eric.Krpejs@thomasville-nc.gov](mailto:Eric.Krpejs@thomasville-nc.gov)>

**Subject:** Unilin - Project Tower EDI Grant Payment #1

**CAUTION External email. Do not click links or open attachments unless verified.**

Hi Tim,

I hope all is well. I wanted to reach out to see if you had an expected timeframe for billing the city for its first year of the Unilin Project Tower economic development incentive grant payment owed (\$408,000).

Based on the invoice we received back in December for all other payments owed this fiscal year, on page 2, it's noted that Project Tower's first payment would be due the 1<sup>st</sup> quarter of 2024.

Due to the payments we made this year for two years of Project Titan and a final payment for Project Bart, totaling \$829,360, we will need to appropriate funding through Council to make the Project Tower payment this year. This funding can be appropriated in March by the Council, but we will need to plan accordingly. Can you confirm that we will be billed for \$408,000 this year and when? Please also confirm that in future fiscal years we will be on a standard schedule of one Project Titan and one Project Tower payment owed per year. Thanks for your assistance!

**Thomas C. Avant | Finance Director**  
P 336-475-4233 | F 336-475-4283  
City of Thomasville

10 Salem Street, Thomasville, NC 27360  
P.O. Box 368, Thomasville, NC 27361-0368



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Davidson County Government, PO Box 1067, Lexington, NC, USA, [www.co.davidson.nc.us](http://www.co.davidson.nc.us)  
Pursuant to North Carolina General Statutes, Chapter 132, Public Records, this e-mail and any attachments, as well as any e-mail messages(s) that may be sent in response to it, may be considered public records and therefore are subject to public records requests for review and copying.

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If you are not the intended recipient, you must destroy this message and inform the sender immediately. This electronic mail message and any attachments, as well as any electronic mail

# Agenda Item Cover Sheet

Admin. Use Only:

Committee Name Personnel/Finance

Committee Date  
And Agenda # 

|          |     |
|----------|-----|
| 3.5.2024 | PF6 |
|----------|-----|

Item Name:

Consideration of Adoption of Conceptual Streetscape Master Plan

Description of Item:

City and Tourism Commission hired Withers/Ravenel to develop a conceptual master plan for creation of downtown streetscape improvements to the public areas. The proposed plan provides ideas and concepts that improve the flow of pedestrian and vehicle movement, along with wayfinding signage ideas, development of new or enhanced public infrastructure and other improvements.

Back-Up Materials:

Council Action Requested:

Consideration of Adoption of Conceptual Streetscape Master Plan

Requested By: Tammy Joyce

Department: Administration



**RESOLUTION TO ADOPT THE  
THOMASVILLE DOWNTOWN STREETSCAPE MASTER PLAN**

**WHEREAS,** The City of Thomasville's, (the "City") downtown area provides a place-making space for small business opportunities, historic preservation, and revitalization for residents and visitors to Thomasville; and

**WHEREAS,** The City has recently performed an evaluation of the downtown streetscape in order to develop a conceptual Master Plan, which will help define the long-range capital improvement needs of the City; and

**WHEREAS,** The City Council wishes to adopt the conceptual Downtown Streetscape Master Plan for the City of Thomasville (the "Master Plan") dated March 2024 prepared by the firm WithersRavenel.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Thomasville that the "Downtown Streetscape Master Plan" is hereby approved and shall be utilized by the Downtown Economic Development Department, PACE (People Achieving Community Enhancement) and City Council to guide future development and infrastructure of the City.

Adopted this the 18<sup>th</sup> day of March, 2024.

[SEAL]

**CITY OF THOMASVILLE**

By: \_\_\_\_\_

Raleigh York, Jr., Mayor

Attest: \_\_\_\_\_

Wendy S. Martin, City Clerk



## Agenda Item Cover Sheet

**Admin. Use Only:**

Committee Name

Personnel/Finance

|  |
|--|
|  |
|--|

Committee Date  
And Agenda #

3.5.2024`

PF8

**Item Name:**

Consideration of Amendment to Appendix A of Thomasville Personnel Policy.

**Description of Item:**

Staff have been working on two proposals to enhance our ability to attract early-career employees to the City. Staff is proposing the creation of a Fire Fighter Trainee and a Water Plant Operator Apprentice. Both positions will be included in the current approved number of positions for their appropriate departments.

**Back-Up Materials:**

Fire Fighter Trainee position description; Water Plant Operator position description

**Council Action Requested:**

Consideration of Amendment to Appendix A of Thomasville Personnel Policy.

**Requested By:**

M. Brandt

**Department:**

Administration



**Thomasville Fire & Rescue**  
712 East Main Street  
Thomasville, North Carolina 27360  
Telephone 336-475-5524



*Office of the Fire Chief*  
**Jason D. Myers**

Tuesday, March 5<sup>th</sup>, 2024

**To:** Mayor Raleigh York & City Council

**Re:** Proposal for the addition of Firefighter Trainee position

---

### **Overview:**

The atmosphere surrounding recruitment and retention of new firefighters has changed drastically over the last couple of years. The hiring pool is becoming much more restrictive forcing fire departments to change their approach to the recruitment of firefighters. We are witnessing unprecedented lateral transfer options, sign-on bonuses, and accelerated starting pay offers as departments compete for this reduced number of applicants. Historically, our hiring practices do not support Thomasville Fire and Rescue with the opportunity to hire or make a “job offer” to individuals who may be interested in the fire service but are not certified prior to application. We are limiting our hiring potential! With this mind, we are proposing the addition of a Firefighter Trainee position within the City of Thomasville.

### **Background:**

Typically, the process for an individual to become an employee with Thomasville Fire and Rescue begins with an interest and application process, similar to many other occupations. Historically, a vacancy or opening is placed on the city website and also shared by a department’s social media page. Once the application is submitted, it is usually held until a date pre-determined by the Fire Chief.

Candidates are then contacted to begin the assessment process. The first step in this process begins with a written examination. At Thomasville, this is a 75-question basic civil service exam with emphasis on math, reading, comprehension, and general knowledge. Our written exam is not fire specific so any individual, regardless of familiarity with the fire service, may successfully complete the exam. The written examination usually produces an 80 to 90 percentile success rate of the applicants, based on our 2023 data.

The next step in the process is a physical abilities assessment. This assessment allows the candidates to promote their own fitness and prove that they have the physical strength and endurance to perform important fire ground related tasks. Upon successful completion of both the



written examination and the physical abilities assessment, candidates are scheduled for an interview. During this phase, we begin to collect background, history, certifications and review references. There is a selection committee established, which normally consists of three chief officers for the first-round interviews. This selection committee then recommends candidates for the next round of interviews.

A second interview committee is established, consisting of two additional chief officers and a Human Resources representative. It is only after this stage that the fire chief will tally all scores, based on a grading matrix, and review evaluator notes before making a conditional job offer. Lastly, the candidate is sent for a urinalysis, physician's exam and full background check. If cleared by each, the candidate can officially be offered a position within our department and will be assigned to a shift and crew.

### **Variables Defined:**

Typically, Thomasville Fire and Rescue (TFD) has been blessed by the fact that when an open position is posted, we usually have on average of 25-30 applicants per process. The applicants we are used to seeing are already fully certified NC firefighters and have ties to our local volunteer or combination departments. This is beneficial because we do not have to send anyone for additional schooling and there is a quick path to being assigned a shift and crew. At this point most of the additional training is provided "In-house" via company evolutions or accredited facilities type training as required by North Carolina Office of State Fire Marshal (NCOSFM). Historically, TFD has very little turnover, and we have been very fortunate to have the opportunity to hire these certified, knowledgeable and experienced individuals. TFD has reaped these benefits for some time! Fast forward to today, and the times and generations have begun to change.

Most recently, in the post-COVID era, the number of applicants has drastically dwindled to approximately a quarter of previous figures and sometimes even less. This is due in part because of the labor market/shortage that was created following the pandemic. Also, we are competing directly with larger neighboring cities such as High Point, Greensboro, Winston-Salem, Concord, and Charlotte for an even smaller pool of applicants, in general. Furthermore, those large municipalities are offering large bonuses and/or lateral transfer opportunities, etc. This is unprecedented in today's fire service and forces us to be more creative and adjust our hiring practices in order to remain competitive. Can these ever-changing issues actually become opportunities to diversify and reach talent we have not been able to reach before? Most definitely.

### **Solutions Defined:**

Historically, Thomasville Police Department has sponsored recruits to attend Basic Law Enforcement Training (BLET) however, did not have the means to pay the recruits throughout the program. They experienced issues competing with other departments that were willing to pay the recruits to attend the curriculum. Recently, Council approved a "Police Officer Trainee" position affording Thomasville Police Department the ability to hire candidates full-time and pay them while they attend BLET. With the success of this program, we as an administration, reached out to Chief Carter with TPD for insight. Over the last couple years, Chief Carter stated they were able to become approximately 33% diverse and hired 58% women and minorities from July of 2023 until February 2024. TPD has been able to expand their outreach tremendously, mainly due to the efforts put in place by their administration. Police Chief Carter stated it was key to get in front of these aspiring individuals early and often in order to keep their interests and keep them involved.

Thomasville Fire and Rescue has an opportunity not afforded to TPD, being our hiring age is 18 versus their hiring age of 21, due to legalities of being sworn and carrying a firearm. Also, mentioning that our local high schools are filled with diverse individuals that are close to meeting our age requirement that may also have a keen interest in a fire service career but with little to no



direction on how to begin the process. Are we missing out on good people who can potentially excel in the fire service by not addressing these variables? In short- YES.

The realism is the fire service is a predominantly white, male-dominated profession. Not all folks grew up near a rural fire department or traditionally had generations of family involved in the fire service, so they are completely unfamiliar. Social economics have changed as well as multigenerational perspectives. Should this halt our efforts to be more diverse and representative of our community? Absolutely not! There are much talented individuals with aspiring dreams to become firefighters out there and TFD needs to do a better job in locating and reaching out just as TPD has done. Strides can be made by working directly with counselors within our local high schools (Thomasville and East Davidson) to help identify individuals who may express an early interest or aptitude in this very specialized field. Other avenues may include corresponding with our surrounding community colleges such as Davidson-Davie (DDCC), Forsyth-Tech (FTCC), Guilford-Tech (GTCC), or Rowan-Cabarrus (RCCC) as a means to sponsor particular individuals for training which may not have the opportunity or means to pursue this particular profession.

A Firefighter Trainee position can offer any particular individual the time and monetary support which it takes to become fully certified and gain some valuable experience. This would certainly level the playing field and allow us to reach those individuals not previously exposed to the volunteer fire service. It opens an entire new world of opportunity. Best of all, this can be accomplished with a Firefighter Academy, which these community college institutions run often. When an individual completes one of these academies, it prepares them for the expectations of a career firefighter that is responsible for responding to fires, hazardous materials incidents, rescues, medical emergencies, etc. Currently, both Rowan-Cabarrus Community College (RCCC) and Guilford Technical Community College (GTCC) offer a spring and fall firefighter academy, outlined as follows:

- **RCCC Firefighter Academy – 11 weeks**
  - NC Firefighter I & II
  - Hazardous Materials Responder
- **GTCC Firefighter Academy – 20 weeks**
  - NC Firefighter I & II
  - Hazardous Materials Responder
  - Technical Rescuer
  - Technical Rescuer – Vehicle Rescue
  - Emergency Vehicle Driver
  - Transportation Information Management Systems

\*(Note: Both of these programs have the NC Emergency Medical Technician program offered for an additional 8 weeks of study)\*

As a result, by identifying, hiring, and sponsoring these same individuals who may not have otherwise had an opportunity to pursue a fire service career, we are able to create a more diverse workforce and also fill those potential vacancies more quickly and efficiently.

## **Results:**

Based on the research conducted, Thomasville Fire and Rescue is proposing the creation and addition of a Firefighter Trainee position. This Trainee position can be funded in the following way:

- In the event we have a current full-time vacancy, due to retirement, resignation, etc., we will hire the Firefighter Trainee as a full-time employee, one pay classification below Firefighter I (as outlined in Appendix A of the City of Thomasville Personnel Policy Manual). In the event we have a planned full-time vacancy, due to retirement, resignation, etc., we will hire the Firefighter Trainee as a part-time employee, paid at that current, part-time hourly rate. The Firefighter Trainee will be required to sign a contractual agreement, see attached,



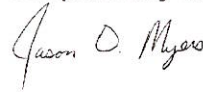
agreeing they will provide the City of Thomasville with 18 months of employment service. Upon successfully completing the Firefighter Academy and receiving the aforementioned certifications through the State of North Carolina, the Firefighter Trainee will be transitioned into the role of Firefighter I with Thomasville Fire & Rescue. The newly promoted Firefighter I would be subject to a 12-month probationary period, similar to any additional new hire.

**Conclusion:**

Aligning with the City of Thomasville's Strategic Plan, our Core Value of "Diversity, Equity & Equality" is being addressed by reaching members of our community that were not actively recruited before, specifically through high school recruitment. By increasing the number of qualified candidates, this enhances our ability to provide "Quality, Effective Service" as outlined in another of our Core Values. With this, I propose the acceptance and recognition of a Firefighter Trainee position.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink that reads "Jason D. Myers". The signature is written in a cursive, flowing style.

Jason D. Myers

Fire Chief

Thomasville Fire & Rescue

jason.myers@thomasville-nc.gov



## **CITY OF THOMASVILLE JOB DESCRIPTION**

**POSITION TITLE:     FIREFIGHTER (TRAINEE)**

**SALARY:                     GRADE 24:     \$39,399.36 - \$66,978.94 Annually  
   (\$18.94 - \$32.20 per Hour)**

**FLSA CLASS:                 HOURLY (NON-EXEMPT)**

### **OVERVIEW:**

The City of Thomasville is seeking a qualified candidate for a paid firefighter trainee position within the Thomasville Fire & Rescue Department. Program participants are eligible for all benefits offered to full-time employees.

With an annual operating budget of approximately \$50 million, the City is responsible for establishing and maintaining key infrastructure, multipurpose public facilities and parks, and most recently, a \$6.5 million initiative to construct a new state of the art aquatic community center. As an integral employer within the City limits, the City of Thomasville has over 300 employees that serve in administrative, utilities, maintenance, public works, planning and engineering as well as public safety roles.

The purpose of this trainee program is to provide fundamental skills training, working knowledge of fire department operations, skills assessments and professional job related certifications. The program is designed to allow trainees to explore and develop a promising career path while developing certifications and skills as professionals.

### **DESCRIPTION OF DUTIES:**

- Participating in fire suppression activities including entering burning structures in an effort to extinguish fires and search for and rescue victims, and ventilating structures by creating openings in windows, doors and ceilings.
- Participating in post-fire suppression activities to salvage and protect property including covering furniture, fixtures and personal belongings, as well as sweeping and mopping to prevent water damage and securing buildings to prevent unauthorized entry.
- Cleaning, servicing and maintenance of fire fighting vehicles and equipment.
- General fire station clean-up including sweeping and mopping floors, cleaning furniture and bathrooms, lawn mowing and other necessary grounds keeping activities.





- Attending training sessions, studying training manuals and participating in fire drills to stay abreast of modern firefighting techniques and to maintain developed skills.
- Conducting service inspections of the City fire hydrants.
- Performing related work as required.
- Ensures that all work is performed in accordance with OSHA and City Safety Standards and Policies.

### **RESPONSIBILITIES:**

An employee in this class combats and extinguishes fires and assists in maintaining departmental equipment, buildings and grounds. Some public contact is required in the performance of the employee's duties. Good judgment and initiative are required in applying modern fire suppression principles and practices. This employee is subject to the usual hazards of fire suppression activities requiring work in inside and outside environments in extreme temperatures and exposure to various hazards such as hazardous spills with fumes, oils, gases or flammable liquids. Work is performed under the general supervision of the fire captain at the employee's assigned station. Work is evaluated through observation, inspection and discussion.

### **KNOWLEDGE, SKILLS AND ABILITIES:**

- General knowledge of geographic and street layout of the City and of hydrant locations.
- General knowledge of modern firefighting principles, practices and procedures.
- General knowledge of the rules and regulations of the Fire Department and local ordinances.
- General knowledge of CPR and first-aid principles and skill in their application.
- Skill in the operation and maintenance of the various equipment used in the Fire Department.
- Ability to exercise sound judgment in routine and emergency situations.
- Ability to deal courteously with the public.

### **PHYSICAL REQUIREMENTS:**

Must have the ability to physically perform the basic life operational functions of climbing, balancing, stooping, kneeling, crouching, crawling, reaching, standing, walking, pushing, pulling, lifting, fingering, grasping, feeling, talking, hearing and performing repetitive motions.



Must have the visual acuity to operate machines such as drills, power saws where seeing the job is at or within arm's reach; and close visual acuity to operate measurement devices such as gauges on the fire truck.

This employee is subject to working in adverse environmental conditions including work inside and outside in extreme temperatures and may be exposed to blood borne pathogens.

### **DESIRABLE TRAINING AND EXPERIENCE:**

Completion of high school diploma or GED required. CPR Certification.

### **SPECIAL REQUIREMENTS:**

Possession of a valid North Carolina driver's license, with a good driving record. Must be at least 18 years old to qualify.

### **APPLICATION PROCESS:**

Applications can be obtained from the Human Resources Department, City Hall, Monday thru Friday, 8:00 AM through 5:00 PM or any time on the City of Thomasville website at <https://www.thomasville-nc.gov>.

### **SELECTION PROCESS:**

Applications will be reviewed to select the best-qualified applicants. Selection will include a written examination, agility testing and a structured interview.

*Revised February, 2024*



# APPENDIX A: CLASSES TO GRADES SCHEDULE

CITY OF THOMASVILLE  
EFFECTIVE UPON ADOPTION DECEMBER 18, 2023

| PG | Class Titles  | Minimum Annual | Minimum Hourly | Maximum Annual | Maximum Hourly |
|----|---|----------------|----------------|----------------|----------------|
| 17 | Customer Service Golf (Part-Time)   | \$28,000.40    | \$13.46        | \$47,600.65    | \$22.88        |
| 18 | Assistant Golf Professional I<br>Parks & Recreation Worker I<br>Laborer<br>Office Support I<br>Sanitation Collector   | \$29,400.42    | \$14.13        | \$49,980.67    | \$24.03        |
| 19 | Golf Greenskeeper I   | \$30,870.77    | \$14.84        | \$52,480.30    | \$25.23        |
| 20 | Collections Clerk<br>Parks & Recreation Worker II<br>Lead Operator Golf<br>Meter Reader<br>Office Support II  | \$32,413.96    | \$15.58        | \$55,103.72    | \$26.49        |
| 21 | Equipment Operator I<br>Golf Greenskeeper II<br>Meter Services Technician<br>Peak Time Collections Clerk<br>Communication Officer I<br>Sanitation Equipment Operator<br>Streets Operator I  | \$34,034.63    | \$16.36        | \$56,724.37    | \$27.27        |
| 22 | Accounting Clerk I<br>Assistant Golf Professional II<br>Billing Clerk<br>Call Center Operator<br>Equipment Operator II<br>Fleet Service Assistant<br>Maintenance Mech/Cemetery<br>Communication Officer II<br>Streets Operator II | \$35,736.37    | \$17.18        | \$60,751.84    | \$29.21        |
| 23 | Administrative Specialist I<br>Auto Mechanic I<br>Equipment Operator III<br>Lead Meter Reader<br>Sanitation Equipment Operator, Senior  | \$37,523.20    | \$18.04        | \$63,788.82    | \$30.67        |
| 24 | Accounting Clerk II<br>Animal Control Officer<br>Assistant/Spray Technician (Golf)<br><b>Firefighter Trainee</b><br>Lead Billing Clerk<br>Signs & Signals Technician<br>W/S Maintenance Technician<br>W/S Plant Operator I        | \$39,399.36    | \$18.94        | \$66,978.94    | \$32.20        |

|    |   |             |         |             |         |
|----|---|-------------|---------|-------------|---------|
| 25 | Accounting Technician<br>Administrative Specialist II<br>Auto Mechanic II<br>Maint/Constr Crew Leader<br>Parks & Recreation Crew Leader<br>Firefighter I<br>Golf Greens Crew Leader<br>Golf Turf Mechanic<br>Administrative Specialist II.<br>Permits Specialist<br>Recreation Center Supervisor<br>Recreation Specialist<br>Streets Crew Leader<br>W/S Plant Operator II/C<br>Accountant | \$41,369.34 | \$19.89 | \$70,327.88 | \$33.81 |
| 26 | Firefighter II<br>Human Resources Technician<br>Minimum Housing Inspector<br>Police Officer Trainee<br>Records/Communication Supervisor<br>W/S Plant Operator III/B<br>W/S Plant Operator/Lab Technician<br>W/S Utility Chief Maintenance Mechanic  | \$43,737.77 | \$21.03 | \$73,844.24 | \$35.50 |
| 27 | Auto Mechanic III<br>Code Inspector I<br>Engineering Technician<br>Executive Assistant<br>Fire/Rescue Specialist<br>Police Officer I<br>Purchasing/Inventory Specialist<br>Recreation Programs Manager<br>W/S Plant Operator IV & A   | \$45,609.69 | \$21.93 | \$77,536.47 | \$37.28 |
| 28 | Accounting Specialist<br>Business License Inspector<br>Customer Svc Supervisor<br>Garage Supervisor<br>Police Officer II<br>Fire Engineer<br>Rescue Engineer<br>Sanitation Supervisor<br>Signs & Signals Supervisor<br>Streets Supervisor<br>W/S Lead Plant Operator<br>Purchasing Officer  | \$47,890.17 | \$23.02 | \$81,413.28 | \$39.14 |
| 29 | Athletic Director<br>Code Inspector II<br>Human Resources Analyst<br>Master Police Officer I<br>PC Support Specialist<br>Risk Manager   | \$51,290.36 | \$24.66 | \$87,193.63 | \$41.92 |

|    |  |             |         |              |         |
|----|--|-------------|---------|--------------|---------|
|    | W/S Plant Maintenance Chief  |             |         |              |         |
| 30 | Assistant Construction Superintendent<br>Downtown Economic Development Director<br>Financial Analyst<br>Master Police Officer II   | \$52,798.91 | \$25.38 | \$89,758.13  | \$43.15 |
| 31 | City Surveyor  | \$55,438.88 | \$26.65 | \$94,246.08  | \$45.31 |
| 31 | Code Inspector III<br>Fire Captain<br>Garage Superintendent<br>Golf Course Superintendent<br>Head Golf Professional<br>Maintenance Construction Superintendent<br>Parks & Recreation Superintendent<br>Police Corporal<br>Recreation Program Manager<br>Rescue Captain |             |         |              |         |
| 32 | Accounting Operations Manager<br>Master Sergeant<br>Planning/Zoning Administrator<br>Police Sergeant<br>Street Superintendent  | \$59,375.01 | \$28.55 | \$100,937.65 | \$48.53 |
| 33 | City Clerk<br>Construction Superintendent<br>Laboratory Supervisor<br>Sanitation Superintendent<br>W/S Plant Superintendent  | \$62,343.77 | \$29.97 | \$105,984.43 | \$50.95 |
| 34 | Director of Emergency Management<br>Division Chief of Code Enforcement/Fire Marshal<br>Division Chief of Fire and Life Safety<br>Division Chief of Training<br>Division Chief/Fire Marshal<br>Fire Battalion Chief<br>Police Lieutenant                                | \$64,177.40 | \$30.85 | \$109,101.57 | \$52.45 |
| 35 | Assistant Finance Director   | \$67,386.27 | \$32.40 | \$114,556.64 | \$55.08 |
| 36 | MIS Assistant Director   | \$70,755.60 | \$34.02 | \$120,284.52 | \$57.83 |
| 37 | Police Captain   | \$74,293.37 | \$35.72 | \$126,298.74 | \$60.72 |
| 38 | Police Major   | \$78,008.04 | \$37.50 | \$132,613.68 | \$63.76 |
| 39 | City Engineer<br>Deputy Fire Chief<br>Director of Finance<br>Human Resources Director<br>MIS Director<br>Parks & Recreation Director<br>Public Works Director  | \$81,908.43 | \$39.38 | \$139,244.35 | \$66.94 |
| 40 | Peak Time City Attorney  |             |         |              |         |

|    |                        |             |         |              |         |
|----|------------------------|-------------|---------|--------------|---------|
|    | Utilities Director     | \$86,003.85 | \$41.35 | \$146,206.55 | \$70.29 |
| 43 | Assistant City Manager |             |         |              |         |
|    | Fire Chief             | \$99,560.21 | \$47.87 | \$169,252.36 | \$81.37 |
|    | Police Chief           |             |         |              |         |





**Thomasville Fire & Rescue**  
712 East Main Street  
Thomasville, North Carolina 27360  
Telephone 336-475-5524



## **Firefighter Trainee - Training and Employment Agreement**

Applicant: \_\_\_\_\_

Position: \_\_\_\_\_ Firefighter Trainee \_\_\_\_\_

WHEREAS, the applicant identified below acknowledges that Thomasville Fire & Rescue has incurred substantial expenses in the hiring process for the applicant and will incur substantial expenses in the process of training the undersigned applicant to be a Firefighter in conformance with North Carolina Office of the State Fire Marshal and to the standards of this agency, and;

WHEREAS, it is acknowledged by the undersigned that these expenses are expected to be recaptured through service by the applicant to such agency after hiring and completion of such training and that Thomasville Fire & Rescue will suffer substantial detriment if the undersigned should resign or take employment elsewhere during a period of eighteen (18) months following applicant's hiring and first day of work at the agency.

NOW, THEREFORE, it is hereby agreed between the parties in consideration of the mutual promises and obligations set forth as follows:

### **WITNESSETH:**

1. The applicant agrees to undertake the required firefighter certification training, including but not limited to required classroom work and a specified period of field or facility instruction. Further, after completion of the required firefighter certification training, including but not limited to required classroom work and a specified period of field or facility instruction, the applicant also agrees to complete any required probationary training as scheduled. The applicant further agrees to attain a passing grade in all such training and, where applicable, to achieve the minimum standards necessary for certification as a certified NC Firefighter as promulgated by the North Carolina Office of State Fire Marshal.

2. The applicant further agrees to devote full time to the training and subsequent service, and to perform all assignments and duties in a professional manner satisfactory to the agency regulations, operating procedures and orders and directives from the Chief of Thomasville Fire & Rescue.

3. The agency agrees to provide uniforms and equipment, where applicable, as determined by the agency to be necessary to the performance of assigned duties and, further, to make available to the applicant essential training including but not limited to:

- a. Firefighter I & II certified along with Technical Rescuer, Technical Rescuer-Vehicle Rescue, Hazardous Materials Responder, and;

b. Supervised on-duty probationary training;

4. The agency agrees to pay for the applicant's uniforms, tuition and books for the Firefighter Academy.

5. Upon successful completion of the Firefighter Academy program and other necessary requirements, applicant shall immediately engage in employment with the Thomasville Fire Department at the usual and customary wage and employee benefits as provided for the applicant's pay grade and job classification.

6. In the event that the applicant terminates his or her employment with the agency within eighteen (18) months subsequent to the first working day, the applicant agrees to pay to the Thomasville Fire Department the sum of four thousand dollars (\$3,000.00) for fees or gear paid by the agency on behalf of applicant or to the Community College. It is specifically agreed that this sum is not a penalty, but is rather agreed upon as liquidated damages to compensate the agency for its costs to hire and train applicant. It is agreed that liquidated damages are appropriate in that hiring and training expenses are difficult to determine with certainty and that injury to the agency for premature termination is difficult to quantify. Liquidated damages are agreed upon so that applicant is not unjustly enriched by a breach of this agreement. This sum does not represent an attempt to recover salary paid.

7. The liquidated damages set forth in paragraph six (6) above will be due and payable at the time that the applicant terminates his or her employment with the agency prior to the expiration of the agreement period provided for herein.

The agency agrees that the damages assessed shall be not more than the figure assessed and, where appropriate, may be reduced in accordance with cost reductions not otherwise contemplated. In the event that the applicant terminates employment, the damages due shall be prorated according to the percentage of essential training completed as of the time of termination. The applicant further agrees that if such damages are not paid when due, the applicant shall pay all necessary and reasonable attorneys' fees, court costs and other reasonable incidental expenses incurred in enforcing this agreement.

8. The applicant shall not be required to pay liquidated damage for early termination if:

a. The applicant is dismissed from employment during the agreement period, or;

b. The applicant is required to terminate employment due to a disabling physical illness or injury, or;

c. The applicant fails to complete training satisfactorily, or;

d. It is determined to be in the best interest of the agency, as determined in the sole discretion of the Fire Chief.

Liquidated damages will be payable in the event that it reasonably appears or there is substantial evidence that the applicant has willfully sought to cause his or her own dismissal, failure, illness or injury.

9. The applicant expressly acknowledges that he or she understands that the advice of an independent attorney with respect to this agreement prior to signing it may be obtained at applicant's expense. The parties further agree that this document embodies the whole agreement



between them and there are no inducements, promises, terms, conditions or obligations made or entered into other than contained herein.

The foregoing provisions are understood and agreed to by the undersigned. In witness whereof the parties have executed this agreement this \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_.

\_\_\_\_\_  
APPLICANT

\_\_\_\_\_  
FIRE CHIEF

\_\_\_\_\_  
WITNESS

Agenda Item Cover Sheet

Admin. Use Only:

Committee Name Personnel/Finance

Committee Date  
And Agenda # 

|          |      |
|----------|------|
| 3.5.2024 | PF14 |
|----------|------|

Item Name:

Adoption of Resolution in Support of development of an Outdoor Fitness Court as part of the 2024 National Fitness Campaign

Description of Item:

The National Fitness Campaign is providing a \$30,000 grant for the construction and operation of an Outdoor Fitness court. The Organization offers a \$30,000 grant. The City is responsible for the rest of the costs associated with this (\$130,000-150,000). It is the intent of TP&R to apply for an Accessibility Grant from the State in the amount of \$500,000, with a 20% match. The State grant funds can act as the match for NFS, while the \$30,000 grant from NFS can be part of our 20% match requirement. This commitment of the resolution is contingent upon receipt of the State grant. If TPR does not receive the State grant, we will look to other funding sources, but will not be required to construct the fitness court.

Back-Up Materials:

Resolution of Support

Council Action Requested:

Approve Resolution of Support

Requested By: C. Tobin

Department: TPR





**RESOLUTION TO ADOPT AND ALLOCATE FUNDS FOR  
AN OUTDOOR FITNESS COURT® AS PART OF THE 2024 NATIONAL FITNESS CAMPAIGN**

**WHEREAS,** the City of Thomasville has submitted a Grant Application to National Fitness Campaign (NFC) for participation in their 2024 initiative to install and activate outdoor Fitness Courts® in 200 cities and schools across the country; and

**WHEREAS,** the City of Thomasville will accept a \$30,000 National Grant from the NFC Grant Committee and Statewide Partners, and seek to provide a local match to promote and implement a free-to-the-public outdoor Fitness Court®; and

**WHEREAS,** the City of Thomasville will work to secure supplemental funding as needed through community sponsors, local funds and Grant opportunities, which will be made available and committed to this program for the purchase of the outdoor Fitness Court®; and

**WHEREAS,** the City of Thomasville will commit to attempt to begin construction and launch the outdoor Fitness Court® by the end of the 2024 calendar year if funding allows; and

**WHEREAS,** the City of Thomasville believes the outdoor Fitness Court® is an important wellness ecosystem that supports healthier communities, commits to funding/fundraising to participate in NFC's 2024 Campaign, and will earn local and national recognition as a leader in providing affordable health and wellness.

**NOW, THEREFORE, BE IT RESOLVED,** that the City of Thomasville will collaborate with NFC to implement the outdoor Fitness Court® and make fitness free to community residents and visitors.

Adopted this the 18<sup>th</sup> day of March, 2024.

[SEAL]

**CITY OF THOMASVILLE**

By: \_\_\_\_\_

Raleigh York, Jr., Mayor

Attest: \_\_\_\_\_

Wendy S. Martin, City Clerk

## **SETTLEMENT AGREEMENT**

THIS SETTLEMENT AGREEMENT ("Settlement Agreement") is entered into between MIDNIGHT ENTERPRISES, LLC (f/k/a John & Jeff Schwarz, LLC) (hereinafter "Midnight") and the CITY OF THOMASVILLE (hereinafter "City").

WHEREAS Midnight is the owner of the real property located at 401 E. Main Street, Thomasville, NC 27360 (hereinafter "the Property"); and

WHEREAS, a water leak was discovered at the Property and it was reported to the City by Midnight. The City determined that the leak was the responsibility of Midnight. The City also determined that the meter was not working and there was not a commercial account established for the Property with Midnight; and

WHEREAS, Midnight mistakenly believed it was paying a City utility bill but it was actually only paying the bill for the sprinkler system; and

WHEREAS, City replaced the meter and established a commercial account for the Property with Midnight; and

WHEREAS, per the City's policy, the City must back bill Midnight for two years for water and sewer usage; and

WHEREAS, City utilized a portion of the Property for parking for approximately seven years without compensating Midnight; and

WHEREAS, the Parties would like to resolve the issues related to this commercial water account and the City's usage of Midnight's property for parking; and

NOW, THEREFORE, in consideration of the promises contained herein, the Parties agree as follows:

1. City shall credit Midnight's commercial account the amount of \$5,815.74 which represents the back billed amount for water usage.

2. Midnight shall agree that any rent that was due from City to Midnight for the City's usage of the parking area on the Property from the time Midnight acquired the Property until the time that City later purchased a portion of the Property from Midnight shall be deemed paid in full.

3. Midnight shall be responsible for the balance of its water bill that includes current charges of \$2,207.05 due to ongoing water leaks on Midnight's side of the meter.

4. Midnight shall use its best efforts to immediately repair the water leaks on the Property.

5. The validity, construction, interpretation, and administration of this Settlement Agreement shall be governed by the laws of the State of North Carolina.

6. This Settlement Agreement constitutes the entire agreement between the Parties pertaining to the subject matter contained herein, and its terms are contractual and not a mere recital.

[SIGNATURE PAGE FOLLOWS]

**THE UNDERSIGNED HAVE READ THE FOREGOING SETTLEMENT AGREEMENT  
AND GENERAL RELEASE AND FULLY UNDERSTAND IT.**

This the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

MIDNIGHT ENTERPRISES, LLC

By: \_\_\_\_\_ (SEAL)  
John R. Schwarz, Manager

CITY OF THOMASVILLE

By: \_\_\_\_\_ (SEAL)  
Raleigh York, Mayor

Attest:

\_\_\_\_\_  
Wendy Martin, Clerk to Council



STATE OF NORTH CAROLINA

CITY OF THOMASVILLE

EMPLOYMENT AGREEMENT

THIS AGREEMENT, executed and entered into as of the 20<sup>th</sup> day of December, 2022, by and between the CITY OF THOMASVILLE, a political subdivision of the State of North Carolina in Davidson County, organized and acting under authority of Chapter 160A of the North Carolina General Statutes (hereinafter referred to as "CITY") the Employer, and MICHAEL M. BRANDT, of the State of North Carolina, (hereinafter referred to as "BRANDT"), the Employee.

WITNESSETH

WHEREAS, the Thomasville City Council (hereinafter referred to as the "Council") hired BRANDT as City Manager effective December 21, 2020 by Employment Agreement dated November 10, 2020, as amended from time to time, with said Agreement setting forth certain benefits, conditions of employment, and working conditions, and;

WHEREAS, said Agreement is set to expire on December 20, 2022, and the Parties desire to enter into a new contract;

WHEREAS, CITY has the authority pursuant to N.C.G.S. §160A-147 to enter into a contract and set the terms of employment of a City Manager, and;

WHEREAS, CITY has the authority pursuant to N.C.G.S. §160A-162 to fix the compensation for all City officers, including the City Manager, and;

WHEREAS, CITY has the authority pursuant to N.C.G.S. §160A-20.1 to enter into contracts with private individuals for public purposes and thus appropriate money for employment pay, and;

NOW THEREFORE, in consideration of the mutual covenants herein contained as well as the mutual benefits derived by all parties hereto, the sufficiency of which is hereby acknowledged, CITY and BRANDT hereby agree as follows:

1) EMPLOYMENT AND DUTIES: CITY will continue to employ BRANDT as Manager of the City of Thomasville Government, said employment having begun on December 21, 2020. BRANDT agrees to perform the functions and duties of Manager of City of Thomasville as set forth in N.C.G.S. §160A-148 and such other legally permissible and proper duties and functions as the council shall assign to him from time to time. CITY shall not inhibit or otherwise impair BRANDT for the requirements of N.C.G.S. 160A-148.

2) SALARY: BRANDT will be paid an annual base salary of \$148,756.66 for all services rendered by BRANDT. This salary is payable in biweekly installments at the same time as other CITY employees are paid. Salary payments shall be subject to withholding for applicable taxes and other deductions.

3) ADDITIONAL BENEFITS: CITY agrees to provide BRANDT with all fringe benefits afforded to other employees of every classification. The following additional benefits shall be granted in addition to salary: BRANDT shall accumulate sick leave at the rate of 8 hours per month and vacation leave at the rate of 12 hours per month, with an annual maximum carryover of 144 hours of vacation leave.

4) WORKING FACILITIES: CITY shall provide BRANDT with such offices, secretarial and stenographic assistance, and other facilities, equipment and services, which will assist BRANDT in the performance of duties as Manager.

5) VEHICLE ALLOWANCE: CITY recognizes that BRANDT's duties require that he shall have and operate a vehicle while performing the duties required pursuant to this Agreement. CITY shall pay BRANDT a vehicle allowance of \$500.00 per month for the use of his vehicle on CITY business within the CITY. This allowance shall be increased by five percent each year on December 1<sup>st</sup>. If BRANDT uses the vehicle on CITY business outside of City of Thomasville, BRANDT shall follow the procedures as prescribed in the Personnel Manual for the CITY.

6) PROFESSIONAL DEVELOPMENT: In order to provide for the continued professional development of BRANDT and for the advancement and/or benefit of CITY, CITY hereby agrees to pay:

a) The professional dues and subscriptions of BRANDT necessary for his continuation and full participation in such national, regional, state and local associations and the organizations necessary and desirable for his continued professional participation and growth, and;

b) The reasonable and necessary travel and subsistence expenses of BRANDT for professional and official travel, meetings and occasions adequate to continue the professional development of BRANDT and to pursue necessary official and other functions of and for CITY including, but not limited to, the annual conference of the International Management Association, the National and State Associations of Cities, and such other national, regional, state and local governmental groups and committees thereof to which BRANDT, of which he is a member, or to which he renders service, and;

i) The reasonable and necessary travel and subsistence expenses of BRANDT for short courses, institutes and seminars that are reasonably necessary for his professional development or the benefit of CITY, and;

ii) The reasonable and necessary travel and subsistence expenses of BRANDT for short courses, institutes and seminars, which BRANDT is

required by CITY to attend.

7) REIMBURSEMENT: BRANDT shall submit a pay voucher form as supplied by the Finance Department and receipts and other statements for such expenses incurred. Travel and subsistence expenses shall be reported to the Finance Department by no later than the fifth (5th) day of the month immediately following the travel or subsistence for which reimbursement is sought and shall be paid to BRANDT on the tenth (10th) day of the month immediately following the travel or subsistence. *Provided*, however, BRANDT shall receive a maximum of ten dollars (\$10.00) as reimbursement for any meal for which he does not present a receipt. For dues and subscriptions, BRANDT shall promptly submit a pay voucher supplied by the Finance Department and any bill or documentation showing the amount of such dues or subscriptions and CITY shall directly pay for such dues or subscriptions. If BRANDT pays out of his personal funds the costs of dues and subscriptions, the pay voucher shall so indicate and shall be accompanied by proof of payment. BRANDT shall submit such information and shall be reimbursed in accordance with the schedule for reimbursement of travel and subsistence expenses.

8) ANNUAL REVIEW: At least annually, CITY shall review and evaluate the performance of BRANDT. The CITY shall attempt to complete this review prior to the adoption of the City of Thomasville Budget Ordinance each year. The CITY may increase BRANDT's base salary and other benefits in the amount and to the extent that the Council may determine. *Provided*, however, that such increases shall not be authorized in any year in which a general freeze on salaries of employees of the CITY has been established. If the CITY enacts an across-the-board salary increase for all employees, the increase shall also be applied to the BRANDT's base salary. If the annual review is not completed by thirty (30) days of the hiring anniversary date, the maximum merit or across-the-board increase as approved for all other classes of employees shall be applied to BRANDT's salary. In the event a salary survey is performed, BRANDT's position shall be considered in the first round of positions reviewed and adjusted.

9) TERMINATION: The parties acknowledge that pursuant to N.C.G.S. §160A-147, the following provisions apply:

a) Notice: BRANDT serves at the pleasure of the Council and therefore the CITY may decide to dismiss BRANDT for any cause or without cause and without notice prior to such decision of CITY. The CITY having taken action shall deliver notice of such termination. Notice by CITY shall be in writing and given at least seven (7) days prior to the effective date of termination, and;

b) The following provisions shall apply to termination of BRANDT's employment as Manager:

i) Generally, at any time the parties may mutually terminate this Agreement and BRANDT's employment with CITY. This Agreement and BRANDT's employment with CITY may also be terminated at the pleasure of the CITY

Council. If BRANDT's employment is terminated at the pleasure of the Council, the following provisions shall apply:

If BRANDT's employment is terminated prior to December 20, 2024 without cause or for any cause not listed in the Acts Barring Severance Pay section below, the CITY shall pay BRANDT twelve month's severance pay based on his base salary at the date of termination. BRANDT shall also be paid at his current base salary rate for any unused vacation and comp time.

10) NON-APPLICABILITY OF PERSONNEL MANUAL: Pursuant to the City of Thomasville Personnel Manual, BRANDT shall be exempt from the Personnel Manual unless a specific reference to a particular portion is set forth herein. This Agreement, not the Personnel Manual, shall apply to BRANDT's employment as Manager. CITY SHALL NOT BE REQUIRED TO COMPLY WITH THE PROCEDURES IN THE PERSONNEL MANUAL REGARDING THE DISCIPLINE, TERMINATION AND REINSTATEMENT OF EMPLOYEES IN REGARDS TO BRANDT's EMPLOYMENT.

a) BRANDT shall be subject to the same substance abuse and drug-free workplace policy as all other CITY employees. Therefore, Section 1, and by reference Appendix F of Article VI of the Personnel Policies is incorporated by reference.

11) SUSPENSION: CITY, by and through Council, shall have the right to suspend BRANDT with or without pay and benefits for an allegation of an act which, if true, would violate Paragraph 12 set forth herein.

Additionally, in like manner to Section 9, Article VIII, Separation and Disciplinary Action of the City of Thomasville Personnel Policies, BRANDT may be suspended for causes relating to personal conduct detrimental to service with the CITY in order to avoid undue disruption of work, to protect the safety of persons or property or for other serious reasons.

Pursuant to Section 11, Article VIII, Separation and Disciplinary Action of the City of Thomasville Personnel Policies, BRANDT may be suspended with or without pay in a non-disciplinary manner during the investigation, hearing, or trial of any criminal charge pending against BRANDT, or during the course of a civil action involving BRANDT.

In any case, any suspension, whether with or without pay, shall be reviewed at least once every thirty days by the City Council.

12) ACTS BARRING SEVERANCE PAY: Notwithstanding the above, if BRANDT commits or is criminally CONVICTED of any illegal act involving personal gain to himself, or a felony, or a misdemeanor that involves moral turpitude and CITY decides to terminate his employment after or as a result of or because of one of these events, CITY shall have no obligation to pay the severance sums designated herein in Paragraph 9. Furthermore, the CITY shall have no obligation to pay BRANDT any such



severance sums if BRANDT voluntarily terminates his employment with the CITY to accept other employment or begin retirement. NOTHING IN THIS PARAGRAPH 12 OR ANY OTHER PORTION OF THIS AGREEMENT SHALL BE CONSTRUED AS REQUIRING THE CITY TO FIND CAUSE OR JUSTIFICATION IN ORDER TO REMOVE BRANDT AS MANAGER OR TO AFFORD BRANDT ANY NOTICE OR HEARING OR OPPORTUNITY TO RESPOND TO ALLEGATIONS OF CONDUCT FOR WHICH THE COUNCIL MAY DECIDE TO TERMINATE BRANDT'S EMPLOYMENT.

13) BONDING AND INDEMNIFICATION: CITY shall pay the full cost of any fidelity, or other bond required of BRANDT as Manager under any law or ordinance. Pursuant to G.S. §160A-148, the CITY shall indemnify BRANDT against any civil, criminal or other legal action involving alleged activities within the course and scope of BRANDT's duties as Manager CITY shall not indemnify BRANDT against any civil, criminal or other legal action where such action is based upon or alleges willful, corrupt, wanton or criminal conduct by BRANDT, the CITY shall have no duty to indemnify BRANDT against any legal action involving alleged conduct by BRANDT which is outside the course and scope of BRANDT's official duties as Manager. The decision of City whether to provide such an indemnification is final. This paragraph provides no legally enforceable right on behalf of BRANDT.

14) NOTICES: Any notice required or desired to be given under this Agreement shall be deemed given if in writing and sent by Certified Mail to his residence in the case of BRANDT, or to the Mayor of the City Council at its principal office in the case of CITY.

15) ASSIGNMENT AND DELEGATION: Neither BRANDT nor CITY may assign their respective rights or delegate their respective duties under this Agreement to any other person or entity. However, nothing in this Paragraph 15 shall prohibit BRANDT or CITY from delegating any powers, duties or functions as permitted by any applicable statute, ordinance or other law or as otherwise required for the performance of official duties. Further, a change in the composition or membership of the City Council for the CITY shall not constitute an assignment of this Agreement or delegation of any duties under this Agreement to such new members of the Council.

16) JURISDICTION AND VENUE: Any action to apply, interpret or enforce the terms of, or seek compensation for the alleged breach of, this Agreement or a claim of violation of rights shall be brought only in the Superior Court Division of the General Court of Justice of North Carolina. Venue of any legal proceeding shall be only in Davidson County, North Carolina. Both parties waive a jury trial on any claim or issue of fact between these parties.

17) BUDGET ORDINANCE: From year to year, CITY shall appropriate sufficient funds to the extent permitted by law, in the City of Thomasville Budget Ordinance, to enable CITY to comply with the terms of this Agreement

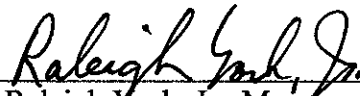
18) SEVERABILITY OF PROVISIONS: If any sentence, clause, paragraph or provision of this Agreement is declared or held invalid or unenforceable by and order or judgment of the Superior Court of Davidson County or the appellate Courts of the State of North Carolina, the remaining sentences, clauses, paragraphs or provisions shall continue to have force and effect.

19) NO PRESUMPTION IN INTERPRETATION: This Agreement was reviewed by Misti Boles Whitman, City Attorney, but no presumption regarding interpretation of terms shall apply as a result of the Thomasville City Attorney reviewing this Agreement.


20) CAPACITY TO CONTRACT: This Agreement was entered as a result of negotiations between the parties, with neither party being under any compulsion or by any outside force. BRANDT certifies that to the best of his knowledge he is in good health and not under any impairment and that he has the legal capacity to enter into contracts.

21) ENTIRE AGREEMENT: This Agreement contains the entire understanding and agreement of the parties and shall be binding upon and shall endure to the benefit of all heirs, assigns, executives, administrators, and other personal representatives of BRANDT. It may be changed only by an agreement in writing signed by the parties. CITY shall recognize no alleged oral or alleged unwritten agreement.

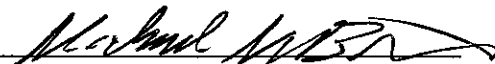
22) IN WITNESS WHEREOF, the CITY has caused this Agreement to be signed and executed on its behalf by the Mayor of the City of Thomasville and duly attested by its Clerk, and BRANDT.

  
Raleigh York, Jr., Mayor


ATTEST:

  
Wendy S. Martin, City Clerk



  
Michael M. Brandt

APPROVED AS TO FORM

  
Misti Boles Whitman, City Attorney

City of Thomasville

\_\_\_\_\_  
Raleigh York, Jr., Mayor

ATTEST: \_\_\_\_\_  
Wendy S. Martin, City Clerk

\_\_\_\_\_  
Michael M. Brandt

APPROVED AS TO FORM \_\_\_\_\_  
Misti Boles Whitman, City Attorney

## **CITY OF THOMASVILLE**

### **CITY ATTORNEY EMPLOYMENT AGREEMENT**

THIS AGREEMENT, effective as of the 1<sup>st</sup> day of February, 2021, by and between the CITY OF THOMASVILLE, a political subdivision of the State of North Carolina in Davidson County, organized and acting under authority of Chapter 160A of the North Carolina General Statutes (hereinafter the "CITY"), the Employer, and MISTI BOLES WHITMAN, Attorney, a citizen and resident of North Carolina, (hereinafter "WHITMAN"), the Employee.

#### **WITNESSETH**

1. WHEREAS, it is the desire of the Thomasville City Council (the "Council") to employ WHITMAN as City Attorney (hereinafter City Attorney) of City of Thomasville Government; and

2. WHEREAS, WHITMAN desires to be employed as City Attorney; and

3. WHEREAS, the parties desire to enter into this Employment Agreement for the services of WHITMAN as City Attorney of City of Thomasville Government; and

4. WHEREAS, CITY has the authority pursuant to N.C.G.S. §160A-173 to enter into a contract and set the terms of employment for the employment of a City Attorney; and

5. WHEREAS, CITY has the authority pursuant to N.C.G.S. §160A-162 to fix the compensation for all City officers, including the City Attorney; and

6. WHEREAS, CITY has the authority pursuant to N.C.G.S. §160A-20.1 to enter into contracts with private individuals for public purposes and thus appropriate money for employment pay;

7. NOW, THEREFORE, in consideration of the mutual covenants herein contained, CITY and WHITMAN agree as follows:

8. EMPLOYMENT AND DUTIES: CITY hereby agrees to employ WHITMAN as City Attorney of City of Thomasville Government and WHITMAN agrees to perform the functions and duties of City Attorney of City of Thomasville Government as they have customarily been performed, and for such other legally permissible and proper duties and functions as the City Council shall assign to her from time to time. The parties contemplate that the City Attorney position will continue to require enough hours of services to qualify Whitman for retirement benefits and health insurance coverage as discussed on page two herein. The parties recognize that certain matters may require the assistance of outside counsel. Should that become necessary, WHITMAN shall inform the City Council and shall obtain approval prior



to consulting outside counsel. CITY shall not inhibit or otherwise impair WHITMAN from fulfilling the duties and requirements of the Office of City Attorney. WHITMAN shall be classified as a part-time employee eligible for participation in the North Carolina Employees Retirement system.

9. SALARY: For all services rendered by WHITMAN, CITY shall pay WHITMAN an annual base salary of \$115,000.00 payable in biweekly installments at the same time that other CITY employees are paid. Salary payments shall be subject to withholding for applicable taxes and other deductions. CITY may and/or shall increase WHITMAN's annual salary in accordance with Paragraph 14 of this Agreement.

10. ADDITIONAL BENEFITS: CITY agrees to cooperate with WHITMAN receiving retirement benefits through the North Carolina Employees Retirement system. WHITMAN shall be entitled to participate in the group health insurance offered to City employees. The CITY shall pay for WHITMAN's health insurance and WHITMAN may add spouse and/or family coverage at her own expense. WHITMAN shall not accumulate sick leave or vacation leave as do other City employees. With respect to certain additional benefits which are sometimes paid by North Carolina municipalities to their City Attorney, the parties agree as follows:

11. WORKING FACILITIES AND SUPPLIES AND POSTAGE: WHITMAN shall provide her own working facilities, and the CITY shall have no responsibility or liability in this respect. Therefore, the CITY will not provide WHITMAN with offices, secretarial and stenographic assistance, and other facilities, equipment and services which will assist WHITMAN in the performance of her duties as CITY Attorney. The CITY will not be required to reimburse WHITMAN for the stationary and other supplies which she will use in the performance of her duties, nor will the CITY reimburse WHITMAN for the postage and other expenses necessarily attendant upon her job.

12. VEHICLE ALLOWANCE: WHITMAN will provide her own vehicle and transportation costs. The CITY will have no responsibility or liability with respect to the provision of any motor vehicle to facilitate WHITMAN's performance as City Attorney.

13. PROFESSIONAL DEVELOPMENT: WHITMAN will provide for her own continued professional development, including meeting the Continuing Legal Education requirements of the North Carolina State Bar. Additionally, WHITMAN will ensure that she applies for and receives such education as is necessary for her to perform her duties as City Attorney. The CITY will therefore have no responsibility or liability with respect to the payment for:

a) The professional dues and subscriptions necessary for WHITMAN to participate in such national, regional, state and local associations and the organizations necessary and desirable for her continued professional participation and growth; and

b) The reasonable and necessary travel and subsistence expenses of WHITMAN for professional and official travel, meetings and occasions adequate to continue the

professional development of WHITMAN and to pursue necessary official and other functions of and for CITY including, the North Carolina Association of Municipal Attorneys, the North Carolina Bar Association, the Davidson County Bar Association, the North Carolina State Bar, and such other national, regional, state and local governmental groups and committee of which WHITMAN is or shall become a member; and

c) The reasonable and necessary travel and subsistence expenses of WHITMAN for short courses, institutes and seminars that are reasonably necessary for her professional development for the benefit of CITY.

14. ANNUAL REVIEW: At least annually, CITY shall review and evaluate the performance of WHITMAN. The CITY shall attempt to complete this review prior to the adoption of the City of Thomasville Budget Ordinance each year. This review is not mandatory and is not "of the essence" of this agreement. The CITY may increase WHITMAN's base salary and other benefits in the amount and to the extent that the Council may determine; provided, however, that such increases shall not be authorized in any year in which a general freeze on salaries of employees of the CITY has been established. If the CITY enacts an across-the-board salary increase for all employees, the increase shall also be applied to WHITMAN's base salary. If the annual review is not completed by thirty (30) days of the hiring anniversary date, the maximum merit increase as approved for all other classes of employees shall be applied to WHITMAN's salary. Notwithstanding anything hereinabove to the contrary, WHITMAN's base salary shall be increased by five percent (5%) on her first anniversary and five percent (5%) on her second anniversary.

15. TERMINATION: The parties acknowledge that pursuant to N.C.G.S. §160A-147, the following provision shall apply to termination of WHITMAN's employment as City Attorney:

a) The parties may by mutual consent terminate this agreement and WHITMAN's employment with CITY at any time. If WHITMAN determines to conclude her employment as City Attorney, she will provide to the CITY thirty days' notice of the end of her tenure, and will endeavor to assist the CITY in selecting and training her replacement, should the CITY so desire and WHITMAN be capable of so doing.

b) WHITMAN serves at the pleasure of the Council and therefore the Council may decide to dismiss WHITMAN for any cause or without cause and without notice prior to such decision of CITY. The CITY having taken action shall deliver notice of such termination. Notice by CITY shall be in writing and given at least seven (7) days prior to the effective date of termination.

c) If WHITMAN's employment is terminated at the pleasure of the Council, and without her consent, then the following terms shall apply:

1.1) If WHITMAN's employment is terminated on or after February 2, 2023 without cause or for any cause not listed in the Acts Barring Severance Pay section below, CITY shall pay WHITMAN the minimum liability set forth in Paragraph (1.3) below, and;

1.2) If WHITMAN's employment is terminated prior to February 2, 2023 without cause or for any cause not listed in the Acts Barring Severance Pay section below, the CITY shall pay WHITMAN her then current base salary rate following her termination in accordance with the normal pay schedule of the CITY until February 2, 2023, and;

1.3) The minimum liability to the CITY shall in no case be less than six months of WHITMAN's base salary at the date of termination.

16. ACTS BARRING SEVERANCE PAY: Notwithstanding the above, if WHITMAN commits or is criminally convicted of any illegal act involving personal gain to herself, or a felony, or a misdemeanor that involves moral turpitude and CITY decides to terminate her employment after or as a result of or because of one of these events, CITY shall have no obligation to pay the severance sums designated in Paragraph 15. Furthermore, the CITY shall have no obligation to pay WHITMAN any such severance sums if WHITMAN voluntarily terminates her employment with the CITY to accept new employment or begin retirement.

NOTHING IN THIS PARAGRAPH 16 OR ANY OTHER PORTION OF THIS AGREEMENT SHALL BE CONSTRUED AS REQUIRING THE CITY TO FIND CAUSE OR JUSTIFICATION IN ORDER TO REMOVE WHITMAN AS CITY ATTORNEY OR TO AFFORD WHITMAN ANY NOTICE OR HEARING OR OPPORTUNITY TO RESPOND TO ALLEGATIONS OF CONDUCT FOR WHICH THE COUNCIL MAY DECIDE TO TERMINATE WHITMAN'S EMPLOYMENT.

17. BONDING AND INDEMNIFICATION: CITY shall pay the full cost of any fidelity or other bond required of WHITMAN as City Attorney under any law or ordinance. Pursuant to G.S. §160A-148, the CITY shall indemnify WHITMAN against any civil, criminal or other legal action involving alleged activities within the course and scope of WHITMAN's duties as City Attorney. CITY shall not indemnify WHITMAN against any civil, criminal or other legal action where such action is based upon or alleges willful, corrupt, wanton or criminal conduct by WHITMAN. The CITY shall have no duty to indemnify WHITMAN against any legal action involving alleged conduct by WHITMAN which is outside the course and scope of WHITMAN's official duties as City Attorney. The decision of City whether to provide such an indemnification is final. This paragraph provides no legally enforceable right on behalf of WHITMAN.

18. NOTICES: Any notice required or desired to be given under this Agreement shall be deemed given if in writing and sent by Certified Mail to her principal office located at 22 Winston Street, Thomasville, NC 27360 in the case of WHITMAN, or to the Mayor of the City Council at his principal office in the case of CITY.

19. ASSIGNMENT AND DELEGATION: Neither WHITMAN nor CITY may assign their respective rights or delegate their respective duties under this Agreement to any other person or entity. However, nothing in this Paragraph 19 shall prohibit WHITMAN or CITY from delegating any powers, duties or functions as permitted by any applicable statute, ordinance or other law or as otherwise required for the performance of official duties. Further,

a change in the composition or membership of the City Council for the CITY shall not constitute an assignment of this Agreement or delegation of any duties under this Agreement to such new members of the Council.

20. JURISDICTION AND VENUE: Any action to apply, interpret, or enforce the terms of, or seek compensation for the alleged breach of this Agreement, or a claim of violation of rights, shall be brought only in the Superior Court Division of the General Court of Justice of North Carolina. Venue of any legal proceeding shall be only in Davidson County, North Carolina. Both parties waive a jury trial on any claim or issue of fact between these parties.

21. NON-APPLICABILITY OF PERSONNEL MANUAL: Pursuant to the City of Thomasville Personnel Manual, WHITMAN shall be exempt from the Personnel Manual. This Agreement, not the Personnel Manual, shall apply to WHITMAN's employment as City Attorney. CITY SHALL NOT BE REQUIRED TO COMPLY WITH THE PROCEDURES IN THE PERSONNEL MANUAL REGARDING THE DISCIPLINE, TERMINATION AND REINSTATEMENT OF EMPLOYEES IN REGARDS TO WHITMAN's EMPLOYMENT.

22. BUDGET ORDINANCE: From year to year, CITY shall appropriate sufficient funds to the extent permitted by law, in the City of Thomasville Budget Ordinance, to enable CITY to comply with the terms of this Agreement.

23. SEVERABILITY OF PROVISIONS: If any sentence, clause, paragraph or provision of this Agreement is declared or held invalid or unenforceable by an order or judgment of the Superior Court of Davidson County or the appellate Courts of the State of North Carolina, the remaining sentences, clauses, paragraphs or provisions shall continue to have force and effect.

24. CAPACITY TO CONTRACT: This Agreement was entered as a result of negotiations between the parties, with neither party being under any compulsion or by any outside force. WHITMAN certifies that to the best of her knowledge she is in good health and not under any impairment, and that she has the legal capacity to enter into contracts.

25. ENTIRE AGREEMENT: This Agreement contains the entire understanding and agreement of the parties and shall be binding upon and shall endure to the benefit of all heirs, assigns, executors, administrators and other personal representatives of WHITMAN. It may be changed only by an agreement in writing signed by the parties. CITY shall recognize no alleged oral or alleged unwritten agreement.

26. IN WITNESS WHEREOF, the CITY has caused this Agreement to be signed and executed on its behalf by the Mayor of the City of Thomasville and duly attested by its Clerk, and WHITMAN.



CITY OF THOMASVILLE

By:

Raleigh York, Jr.  
Mayor

Misti Boles Whitman

Misti Boles Whitman

ATTEST

Wendy S. Martin  
City Clerk



City of Thomasville

---

Raleigh York, Jr., Mayor

ATTEST:

---

Wendy S. Martin, City Clerk

---

Misti Boles Whitman, City Attorney

## Agenda Item Cover Sheet

Admin. Use Only:

|  |
|--|
|  |
|--|

Committee Name

Transportation

Committee Date  
And Agenda #

3.5.2024

TRAN1

Item Name:

Consideration of a Resolution to Conduct a Public Hearing re: Petition for Closure of Alley on Clay Street

Description of Item:

A request to close an Alley on Clay Street has been recieved. City Council must call for a public hearing to move this request forward.

Back-Up Materials:

Resolution for Public Hearing; Application for alley closure

Council Action Requested:

Consideration of a Resolution to Conduct a Public Hearing re: Petition for Closure of Alley on Clay Street

Requested By:

W. Martin

Department:

Administration

**RESOLUTION OF THE THOMASVILLE CITY COUNCIL  
TO CONDUCT A PUBLIC HEARING FOR THE PURPOSE OF  
CONSIDERING A PETITION FOR THE  
CLOSURE OF THE ALLEY ON CLAY STREET**

A Petition having been filed with the City Council of the City of Thomasville, North Carolina by Milton Pena Pacheco and Elizabeth Pena Solis, requesting the City to close the alley on Clay Street at the following location:

*Beginning at a point not set in the Norther right-of-way line of Clay Street, said point being N 89° 57' 33" E 2.57' from an existing right-of-way monument, said monument having North Carolina NAD 83 Ground Coordinates (Combined Factor 0.99989229) of Northing 777,083.11, Easting 1,674,507.23; Running thence from the point not set N 03° 22' 33" E a distance of 147.69' to a point not set; Thence N 03° 22' 33" E a distance of 52.60' to a point not set; Thence S 77° 37' 29" E a distance of 9.11' to a point not set; Thence S 03° 22' 33" W a distance of 51.04' to a point not set; Thence S 03° 22' 33" W a distance of 147.29' to a point not set; Thence S 89° 57' 33" W a distance of 9.02' to a point not set; Which is the point of beginning, having an area of 0.041 Acres (1,793 Sq. Ft.) as shown as "Alleyway To Be Closed" on that plat entitled "Survey For: Milton Ernesto Pena Pacheco Elizabeth Fabiola Pena Solis" Prepared by Survey Carolina, PLLC dated January 5, 2024, Job Number 14519*

It further appearing that Petitioners are owners of adjacent property; and

It further appearing that the closing of the alley would deny access to no one. The closing of said alley is not adverse 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 City Council Meeting at 20 Stadium Drive, Thomasville, North Carolina at 6:00 P.M. on Monday, April 15, 2024 to consider and act upon the said Petition for the closing of said 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 alley on Clay Street who did not join in the Petition for the Alley 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 18<sup>th</sup> day of March, 2024.

\_\_\_\_\_  
Raleigh York, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Wendy S. Martin, City Clerk



## STREET CLOSURE CHECKLIST

|  |     |
|--|-----|
| Petition   | (X) |
| Copy of deed   | (✓) |
| Survey   | (X) |
| Tax office listing of property owners                                    | (✓) |
| Closure fee of \$831   | (✓) |
| Engineering Dept. description and map ✓                                  | (✓) |
| City attorney review and draft resolution                                | ( ) |
| Council Mtg. to consider res. & set hearing                              | ( ) |
| Advertise FOUR weeks in a row ( <b>pending...</b> )                      | ( ) |
| Notice of Hearing by reg. or cert. mail to all adjoining property owners | ( ) |
| Post sign in 2 places near street to be closed                           | ( ) |
| Attorney file certified copy of the order at ROD                         | ( ) |

(If denied, may appeal within 30 days to the Superior Court.)

NORTH CAROLINA )  
 )  
DAVIDSON COUNTY )

PETITION TO CLOSE

Alley on clay St 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 all of Alley on clay St Street as shown in Plat Book PB 1 Page 87.

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 Alley on clay St 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 16 day of November 2023

  
\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
(SEAL)

  
\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
(SEAL)

### Description

Beginning at a point not set in the Northern right-of-way line of Clay Street, said point being N 89°57'33" E 2.57' from an existing right-of-way monument, said monument having North Carolina NAD 83 Ground Coordinates (Combined Factor 0.99989229) of Northing 777,083.11, Easting 1,674,507.23; Running thence from the point not set N 03°22'33" E a distance of 147.69' to a point not set; Thence N 03°22'33" E a distance of 52.60' to a point not set; Thence S 77°37'29" E a distance of 9.11' to a point not set; Thence S 03°22'33" W a distance of 51.04' to a point not set; Thence S 03°22'33" W a distance of 147.29' to a point not set; Thence S 89°57'33" W a distance of 9.02' to a point not set; Which is the point of beginning, having an area of 0.041 Acres (1,793 Sq. Ft.) as shown as "Alleyway To Be Closed" on that plat entitled "Survey For: Milton Ernesto Pena Pancheco Elizabeth Fabiola Pena Solis" Prepared by Survey Carolina, PLLC dated January 5, 2024, Job Number 14519.

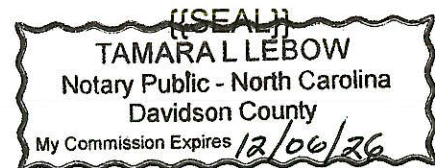


STATE OF NORTH CAROLINA  
DAVIDSON COUNTY

I, Tamara L. Lebow, a Notary Public of  
Davidson County, North Carolina, do hereby certify that  
Elizabeth Pena Solis personally appeared before me this day and  
acknowledged the execution of the foregoing instrument.

Witness my hand and notarial seal, this the 16<sup>th</sup> day of November, 2023.

Tamara L. Lebow  
Notary Public  
My Commission Expires: 12/06/26

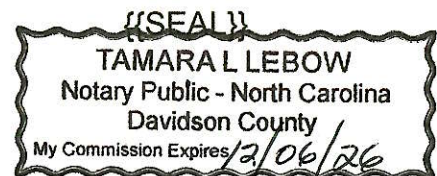


STATE OF NORTH CAROLINA  
DAVIDSON COUNTY

I, Tamara L. Lebow, a Notary Public of  
Davidson County, North Carolina, do hereby certify that  
Milton Pena Pacheco personally appeared before me this day and  
acknowledged the execution of the foregoing instrument.

Witness my hand and notarial seal, this the 16<sup>th</sup> day of November, 2023.

Tamara L. Lebow  
Notary Public  
My Commission Expires: 12/06/26



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}}

CITY OF THOMASVILLE  
\*\*\* CUSTOMER RECEIPT \*\*\*

Batch ID: TLL                      11/17/23 01                      Receipt no:    41631

| Type | SvcCd | Description | Amount   |
|------|-------|-------------|----------|
| ZF   |       | ZONING FEES |          |
|      | Qty   | 1.00        | \$831.00 |

ROAD CLOSURE REQUEST  
MILTON & ELIZABETH PENA  
ALLEY CLOSURE ON CLAY ST

Tender detail  
CK Ref#:                      429                      \$831.00  
Total tendered:                      \$831.00  
Total payment:                      \$831.00

Trans date: 11/16/23                      Time: 14:20:34

\*\*\* THANK YOU FOR YOUR PAYMENT \*\*\*



- THIS SURVEY IS NOT SUBJECT TO GS 47-30 AND IS NOT TO BE USED FOR RECORDING

This survey is of an existing parcel or parcels of land and does not create a new street or change an existing street.

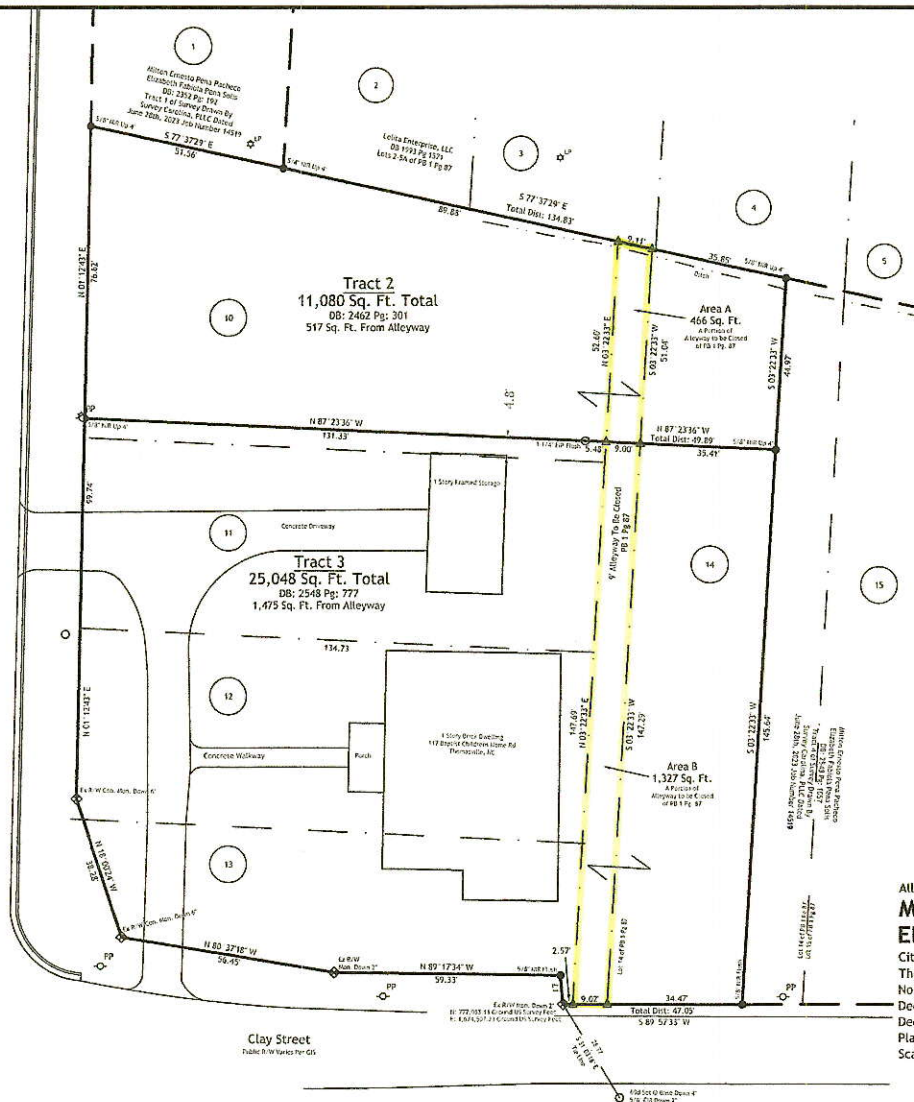
I, Dan W. Tanner II, certify that this map was drawn under my supervision from an actual survey drawn under my supervision (deed description recorded in Book 2467, page 301; Book 2548, page 777; and that the boundaries not surveyed are indicated as drawn from information in Book See, page Notes or other reference source and that the ratio of precision or positional accuracy is 1:10,000 +; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600)."

This 6th day of February, 2024.

Seal

Professional Land Surveyor

Professional Land Surveyor



Location Map  
(Not to Scale)

- |  |                                  |                         |                          |
|--|----------------------------------|-------------------------|--------------------------|
|  | Hardwood Tree                    |                         | Catch Basins             |
|  | Evergreen Tree                   |                         | Yard Vent                |
|  | Stone                            |                         | Storm Sewer Manhole      |
|  | E-1 to E-7 Right of Way Monument |                         | Archeology Box           |
|  | RIS - Railroad Station           |                         | Drop Inlet               |
|  | HIS - New Iron Road              |                         | Irrigation Control Valve |
|  | HPS - New Iron Pipe              |                         | Rock Flow Preventer      |
|  | HGS Monument                     |                         | Wetland                  |
|  | E-1 Existing Road                |                         | Water Manhole            |
|  | E-6 - Existing Iron Road         |                         | Water Inlet              |
|  | E-7 Existing Road                |                         | Fire Dept. Connection    |
|  | Existing Concrete Monument       |                         | Fire Hydrant             |
|  | Rock Bunch                       |                         | Telephone Pole           |
|  | Computered Pole / Pallet Not Set |                         | Telephone Pole           |
|  | Well                             |                         | Transformer              |
|  | Fragility Line                   |                         | Communications Manhole   |
|  | Computered Property Line         |                         | SS - Sanitary Sewer      |
|  | Way of Way Line                  |                         | SS Manhole               |
|  | Furniture Line                   |                         | SS Clearance             |
|  | Tree Line                        |                         | SS - Storm Risk          |
|  | Setback Lines                    |                         | Pump                     |
|  | Gas Line                         |                         | Power Pole               |
|  | Sanitary Sewer Line              |                         | Gas Pole                 |
|  | Storm Sewer Line                 |                         | Gas Pole                 |
|  | Water Line                       |                         | Gas Valve                |
|  | Fence                            |                         | Gas Valve                |
|  | Overhead Utility Line            |                         | Gas Inlet                |
|  | Overhead Power Line              |                         | Gas Inlet                |
|  | Underground Electric Line        |                         | Gas Hydrant              |
|  | Underground Gas Line             |                         | Electric Manhole         |
|  | Overhead Gas Line and Knot       | 2" or 3" Spot Elevation |                          |
|  | Roadway                          |                         |                          |

**Owners:**  
Milton Ernesto Pena Pancheco  
Elizabeth Fabiola Pena Solis  
615 Lexington Ave  
Thomasville, NC 27360

Alley Closure Survey For:  
**Milton Ernesto Pena Pancheco**  
**Elizabeth Fabiola Pena Solis**  
 City of Thomasville  
 Thomasville Township      Davidson County  
 North Carolina      February 6, 2024

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Deed Book:2462 Pg:301  
 Deed Book:2548 Pg:777  
 Plat Book:1 Pg:87  
 Scale: 1" = 20 US Survey Feet

Bar Scale:  
0 20 40 60



**SURVEY CAROLINA, PLLC**  
154 S. Fayetteville St, Suite B, Asheboro, NC 27203  
Phone Number: 336 625-8000  
Email: [mail@surveycarolina.com](mailto:mail@surveycarolina.com)

Firm #: P-1110  
Dan W Tanner II L-4787  
© 2023 Survey Carolina, PLLC

Job #: 14519

## **SPRING DAZE DAY ROAD CLOSURE ORDINANCE**

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

**Sec. 78-26. Spring Daze Day Road Closure of the Code of Ordinances, City of Thomasville, North Carolina, is hereby amended. It shall read in its entirety as follows:**

Article I. In General  
Sec. 78-26. Spring Daze 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: Saturday, May 4, 2024  
Time: 8:00 A.M. to 3:00 P.M.

Streets to be closed as follows:

- East Guilford Street from BL Makers Market to Memorial Park Drive; and
- All of Commerce 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 18<sup>th</sup> day of March, 2024.

---

Raleigh York, Jr., Mayor

**ATTEST:**

---

Wendy S. Martin, City Clerk

## THOMASVILLE PARADE OF EXCELLENCE ROAD CLOSURE ORDINANCE

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THOMASVILLE** that the following section is adopted as the Thomasville Parade of Excellence 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. 78-28. Thomasville Parade of Excellence Road Closure, and it shall read in its entirety as follows:**

Article I. In General

Sec. 78-28. Thomasville Parade of Excellence 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: May 24, 2024

Time: 9:45 A.M. – 12:30 P.M

Roads closed: East Sunrise at Pontiac to Borders Street;  
Duke at Georgia and Pontiac; and  
Longview Drive @ Leach

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 18<sup>th</sup> day of March, 2024.

---

Raleigh York, Jr., Mayor

**ATTEST:**

---

Wendy S. Martin, City Clerk

## **THOMASVILLE MEMORIAL DAY PARADE ROUTE ROAD CLOSURE ORDINANCE**

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

**Sec. 78-24. Thomasville Memorial Day Parade Route Road Closure of the Code of Ordinances, City of Thomasville, North Carolina, is hereby amended. It shall read in its entirety as follows:**

Article I.                    In General  
Sec. 78-24.                Thomasville Memorial Day Parade Route 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:                                Monday, May 27, 2024  
Time:                                7:30 A.M. – 12:00 P.M  
Route Description:               Streets to be closed as follows:

- West Main Street starting at Winston Street to East Main Street at Memorial Park Drive;
- Salem Street at Stadium Drive; and
- Emma 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 18<sup>th</sup> day of March, 2024.

---

Raleigh York, Jr., Mayor

**ATTEST:**

---

Wendy S. Martin, City Clerk