

**AGENDA  
REGULAR MEETING  
CITY COUNCIL, CITY OF ASHEBORO  
THURSDAY, JUNE 5, 2014, 7:00 PM**

1. Call to order.
2. Silent prayer and pledge of allegiance.
3. Presentation to Dr. Diane Frost, retiring Superintendent of Asheboro City Schools.
4. Recognition of Judy Smith and Dina Tutterow on their successful completion of the Class IV Wastewater Laboratory Analyst exam given by the American Water Works Association - Water Environment Association - Wastewater Laboratory Analyst Certification Program.
5. Recognition of Brenda McMasters, Master Police Officer (Retired), for her years of dedicated service to the City of Asheboro.
6. Consent Agenda:
  - (a) Approval of the minutes of the regular meeting of the City Council held on May 8, 2014.
  - (b) Approval of the minutes of the special meeting of the City Council held on May 14, 2014.
  - (c) Approval of the minutes of the special meeting of the City Council held on May 20, 2014.
  - (d) Acknowledgement of the receipt on May 21, 2014, of the budget message and proposed budget for the Asheboro ABC Board for fiscal year 2014-2015.
  - (e) Approval of Change Order #1 (Final) on the Airport Obstruction Clearing Project (Terry's Plumbing and Utilities, Inc.) increasing the construction contract amount by \$7500 to \$77,718.00 for the clearing of three (3) additional acres as required by recently revised FAA Standards.
  - (f) Approval of a resolution authorizing the implementation of a sign maintenance policy to ensure compliance with minimum retroreflectivity requirements for traffic signage.

7. Legislative hearing on a zoning case (RZ-14-04) that was continued from the May meeting. Trevor Nuttall will present the staff's analysis of the request to rezone the property of Richard S. Stockner at 609 and 617 NC Highway 42 North from R10 and R7.5 (Medium-Density Residential) to OA6 (Office-Apartment).
8. Public hearing on the proposed budget for fiscal year 2014-2015. The finance director will provide an overview of the proposed budget, and then public input will be received.
9. Trevor Nuttall will present a report on the state of North Carolina's preliminary assessment of transportation priorities for Randolph County under the Strategic Transportation Investments Law.
10. The City Manager will introduce the city's new methodology for presenting performance measurement data (commonly referred to as the city's new dashboard).
11. Animal Control Items:
  - (a) Trevor Nuttall will present the staff's analysis of potential changes to the current restrictions in the Code of Asheboro pertaining to the maximum number of dogs and cats permitted in any one household.
  - (b) Chief Ralph Nortion will provide an update on the status of the city's contract with Randolph County for animal control services.
12. Public comment period.
13. Upcoming events:
  - Randolph County Economic Development Annual Meeting  
Tuesday June 24, 2014, 8:00 a.m. at AVS.
  - Special city council meeting on Thursday, June 26, 2014, at 12:30 PM to consider adoption of the budget for fiscal year 2014-2015.
14. Discussion of items not on the agenda and adjournment.

**REGULAR MEETING`  
ASHEBORO CITY COUNCIL  
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING  
THURSDAY, MAY 8, 2014  
7:00 p.m.**

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This being the time and place for a regular meeting of the Asheboro City Council, a meeting was held with the following elected officials and staff members present:

- David H. Smith            ) – Mayor Presiding
- Talmadge S. Baker        )
- Edward J. Burks           )
- Linda H. Carter           )
- Michael W. Hunter        ) – Council Members Present
- Walker B. Moffitt         )
- Charles A. Swiers         )
- Clark R. Bell             ) – Council Member Absent

John N. Ogburn, III, City Manager  
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal  
Michael L. Leonard, P.E., City Engineer  
Trevor L. Nuttall, Community Development Director  
Deborah P. Reaves, Finance Director  
Jeffrey C. Sugg, City Attorney  
E. Todd Swaney, Police Captain

**1. Call to order.**

A quorum thus being present, Mayor Smith called the meeting to order for the transaction of business, and business was transacted as follows.

**2. Silent prayer and pledge of allegiance.**

After a moment of silence was observed in order to allow for prayer or meditation, Mayor Smith asked everyone to stand and repeat the pledge of allegiance.

Mayor Smith welcomed everyone in attendance, specifically a Boy Scout who was in attendance as a requirement for his Eagle Scout Award.

**3. Presentation of Asheboro Pride Award.**

Mayor Smith presented the family of the late Paul Thomas with the Asheboro Pride Award for their outstanding support and investment in the community. The Thomas family is responsible for rehabilitating and updating the previously abandoned Cetwick Mill Building to include an event center that Asheboro citizens can use for special events.

**4. Presentation by Tammy O’Kelley, Director, Randolph County Tourism Development Authority, of a resolution in support of NC film tax credits.**

Ms. Tammy O’Kelley, Director of the Randolph County Tourism Development Authority, presented and recommended adoption, by reference of a resolution in support of North Carolina film tax credits.

Upon motion by Mr. Burks and seconded by Mr. Baker, Council voted unanimously to adopt the following resolution by reference.

**RESOLUTION NUMBER 10 RES 5-14**

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

**DECLARATION OF THE CITY COUNCIL’S SUPPORT FOR EXTENDING  
NORTH CAROLINA’S FILM TAX CREDIT**

**WHEREAS**, the film production incentive legislation, which is codified in Section 105-130.47 of the North Carolina General Statutes, is set to sunset on December 31, 2014; and

**WHEREAS**, states who have reduced or eliminated their respective film incentive programs experienced a dramatic drop in production within their borders; and

**WHEREAS**, North Carolina has established itself as one of the top filming destinations in the world as a result of its current 25% refundable tax credit incentive for film productions as well as the state's established film industry infrastructure; and

**WHEREAS**, the film production workforce has more than doubled in the last six years with an average of more than 25,000 job opportunities being available each year since the passage of the current incentive, an increase of more than 16,000 from years prior to adoption of the current incentives; and

**WHEREAS**, the film industry is responsible for 8,481 direct jobs and \$206.7 million in wages in North Carolina, including both production and distribution-related jobs, with more than 3,000 of the jobs production-related; and

**WHEREAS**, more than 4,000 highly skilled film professionals reside in the state of North Carolina; and

**WHEREAS**, the state's film industry supports more than 1,000 small businesses and retail operations throughout the state; and

**WHEREAS**, film production has contributed to jobs and increased economic activity in more than 50 North Carolina counties, including Randolph County; and

**WHEREAS**, spending by production companies in the state has exceeded \$1 billion over the past six years and is averaging in excess of \$292 million per year since the passage of the current incentive, a 265 percent increase from the yearly average from years prior to its adoption; and

**WHEREAS**, film industry spending has a direct impact on tourism and tourism related business in the state, including spending on lodging and at restaurants and attractions in addition to showcasing North Carolina's scenic beauty and destinations; and

**WHEREAS**, the sunset of the current 25 percent refundable tax credit incentive would effectively decimate the state's film industry as it has in other states; and

**WHEREAS**, without a state incentive program in North Carolina, opportunities for projects in the state, and particularly in the Piedmont Triad, will be lost as productions will go to states with stronger, more competitive incentive programs resulting in a loss of tax revenues for our county and region;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Asheboro, North Carolina does hereby declare its support for North Carolina's Film Tax Credit and the current state tax policy that has caused this industry to grow in our state; and

**BE IT FURTHER RESOLVED** that the Asheboro City Council hereby calls upon our representatives in the North Carolina General Assembly to extend North Carolina's Film Tax Credit sunset date for five years through December 31, 2019.

This Resolution was adopted in open session by the Asheboro City Council during a regular meeting that was held on the 8<sup>th</sup> day of May, 2014.

\_\_\_\_\_  
/s/David H. Smith  
David H. Smith, Mayor  
City of Asheboro, North Carolina

ATTEST:

\_\_\_\_\_  
/s/Holly H. Doerr  
Holly H. Doerr, CMC, NCCMC, City Clerk  
City of Asheboro, North Carolina

**5. Consent Agenda:**

Upon motion by Ms. Carter and seconded by Mr. Swiers, Council voted unanimously to approve the following consent agenda items. Council Members Baker, Burks, Carter, Hunter, Moffitt, and Swiers voted in favor of the motion.

- (a) The minutes of the City Council's regular meeting on April 10, 2014.**
- (b) Acknowledgement of the receipt of the minutes of the Asheboro ABC Board's meeting on April 7, 2014.**

- (c) **Acknowledgement of the receipt and acceptance, without amendment, of the operational hours proposed by the Recreation Services Superintendent for the city-owned pools during the 2014 season.**

A copy of the proposed operational hours for the 2014 season is on file in the City Clerk's office.

- (d) **The audit contract for the fiscal year ending June 30, 2014.**

A copy of the audit contract is on file in the City Clerk's office.

**6. Community Development Division Items:**

- (a) **Zoning Case RZ-14-04: A legislative hearing on the application filed by Carol Burrow (Agent for Richard S. Stockner) to rezone property located at 609 and 617 NC Highway 42 North from R10 and R7.5 (Medium-Density Residential) to OA6 (Office-Apartment).**

Mayor Smith opened the public hearing on the following request.

Mr. Nuttall presented a request from Ms. Carol Burrow, agent for the property owner, to continue the hearing on the above-referenced request until the Council's regular June 5, 2014 council meeting.

Upon motion by Ms. Carter and seconded by Mr. Burks, Council voted unanimously to continue the rezoning case to the June 5, 2014 regular council meeting. Council Members Baker, Burks, Carter, Hunter, Moffitt, and Swiers voted in favor of the motion.

- (b) **Subdivision Case SUB-12-01: Consideration of final plat certification for Old Town Village, Section II, Phase II.**

Mr. Nuttall presented the final plat for Section II, Phase II of the proposed Olde Towne Village. Carolina Bank requested the approval of a final plat for this phase of the subdivision located along the south side of Old Lexington Road. The plat submitted for approval pertains to only 0.49 of an acre of land and is more specifically identified as a portion of the parcel of land identified by Randolph County Parcel Identification Number 7741980250.

During his presentation, Mr. Nuttall noted that the Community Development Division and the Planning Board recommended granting the requested final plat approval with the following comments:

1. The current request for this phase of development includes the completion of Middleton Circle (street, sidewalks, water/sewer). Completion of Middleton Circle will allow staff to review and administratively approve the minor subdivisions of lots along this portion of the street. No lots are included with this final plat; only street right-of-way.
2. The planned turnaround at the end of Olde Towne Parkway as shown on the approved preliminary plat is not included with this final plat. This turnaround must be constructed before a dwelling on future lot 52 is issued a Certificate of Occupancy or the lot is platted. The city may also require the turnaround to be constructed prior to issuance of Certificate of Occupancy or final plat approval related to future lot 51 depending on an evaluation of conditions at the time of the request.
3. Infrastructure for this phase of development (final layer of asphalt, sidewalks, street seeding) has been guaranteed.
4. Staff has received a guarantee required for this phase (Ph.II) of the development. The guarantee is combined with the previously submitted guarantee for incomplete improvements in the first phase of the development. An Engineer's estimate of outstanding Phase I and Phase II improvements was included with the staff report.

Upon motion by Mr. Burks and seconded by Mr. Baker, Council voted unanimously to approve, with the immediately preceding comments, the final plat submitted for this phase of the Olde Towne Village Subdivision. Council Members Baker, Burks, Carter, Hunter, Moffitt, and Swiers voted in favor of the motion.

The aforementioned final plat is on file in the City Clerk's office.

**(c) Report on planned resurfacing projects by NCDOT.**

Mr. Nuttall reported that the North Carolina Department of Transportation has planned the following resurfacing projects to begin in the spring and summer of 2014.

1. To resurface Park Drive from Edgewood Road to Oakmont Drive to the end of the curb and gutter.
2. To resurface Oakmont Drive from Park Drive to Neely Drive.
3. To resurface Old Liberty Road from U.S. Highway 220 Business to WOW Road.
  
4. To resurface U.S. Highway 64 from U.S. Highway 49 to East Salisbury Street. This project is scheduled to begin late summer.

Mr. Nuttall highlighted that the resurfacing involving lane closures will be done at night, and that NCDOT has requested permission to use the city-maintained segment of West Walker Avenue as a nighttime detour. Additionally, City staff has consulted with the Asheboro/Randolph Chamber of Commerce and the Randolph County Tourism Development Authority and submitted summer and fall events for consideration of project time restrictions.

While a vote was not taken, the Council Members did express their general consent for city staff to express approval for the proposed use of West Walker Avenue for detour purposes.

**(d) Annual report summarizing 2013 Planning Board activities.**

Mr. Nuttall presented an annual report from the Planning Board Chairperson, Mr. Van Rich, summarizing the Planning Board's activities for 2013. From January 2013 to April 2014, the Planning Board reviewed a total 24 cases, consisting of 13 map amendments, five (5) text amendments, three (3) subdivision reviews and three (3) U.S. 220 Bypass Overlay district reviews.

A copy of the written annual report from the Planning Board is on file in the City Clerk's office.

**(e) Announcement of Zoning Administrator Justin Luck's receipt of a full tuition scholarship to attend the Subdivision Practice Course at the University of North Carolina School of Government.**

Mr. Nuttall announced to Mayor Smith and the Council Members that Zoning Administrator Justin Luck has received a full tuition scholarship to attend the Subdivision Practice course at the University of North Carolina School of Government. The course will enhance Mr. Luck's knowledge of subdivision practices throughout the state.

**7. Consideration of a request by Meridith Moon to amend Code of Asheboro Section 91.05 (Maximum Number of Dogs on Premises).**

**(a) Staff report.**

Mr. Nuttall utilized a visual presentation in order to summarize the current regulations in the Code of Asheboro for the maximum number of dogs on premises. During his presentation, Mr. Nuttall noted the following current regulations as defined in Section 91.05 of the Code of Asheboro:

- i. Households can have up to two (2) dogs if less than 30,000 square feet lot size; each additional dog requires 7,000 square feet of lot size (up to 5 dogs maximum).
- ii. Exempts dogs less than six months of age from being counted towards the maximum allowed.
- iii. Any dog lawfully kept or maintained prior to April 1, 2012 may continue to be kept or maintained for the remainder of the dog's life, regardless of lot size.

Additionally, Mr. Nuttall highlighted the following:

- i. Regulation was adopted by City Council in 2012 as part of an update to Animal Control provisions.
- ii. Prior to the adoption of regulation in 2012, households could keep up to five (5) dogs and/or cats regardless of property size.
- iii. Since adoption of the current ordinance in 2012, city staff has investigated seven (7) cases:  
-- 2 were not violations and 1 outside of jurisdiction

- 2 violations are in process of coming into compliance
  - 1 violation came into compliance
  - 1 open investigation
- iv. Most, but not all, investigations begin due to noise or nuisance complaints. This ordinance provides one non-subjective tool that can help to resolve complaints.

In order to compare Asheboro's regulations with other cities, Mr. Nuttall presented a chart depicting the regulations of cities with some similarities in size and characteristics to Asheboro, including but not limited to, Albemarle, Clemmons, Hickory, Garner, Holly Springs, Kernersville, and Salisbury. This comparison showed that Garner's code had similar regulations to Asheboro.

A copy of the visual presentation utilized by Mr. Nuttall is on file in the City Clerk's office.

**(b) Presentation by Ms. Meridith Moon**

Ms. Meridith Moon, along with her husband Tracy Moon, presented comments and concerns regarding the City of Asheboro's Code of Ordinances Section 91.05 (the Maximum Number of Dogs on Premises). On April 8, 2014, the Moons received a letter from Code Enforcement Officer, Ed Brown, informing them of an investigation into whether a violation existed because of their ownership of three (3) dogs. However, it was determined that the Moons were actually not currently in violation because two (2) of their dogs are fully grown and the other, a puppy, is less than six (6) months old. Ms. Moon emphasized to the Council that she is concerned that they will lose one of their dogs because the puppy is almost six (6) months of age since receiving the letter. The Moons have placed their home on the market in hopes of selling and moving out of the city's corporate limits so that they may keep all of their dogs.

During her presentation, Ms. Moon read a list of other towns (population above 20,000) that may or may not have restrictions on the number of dogs. Some towns had regulations on the maximum number of dogs but allowed more dogs with proper permits. The Moons believe Asheboro's regulations are too restrictive and asked for help.

No action was taken by the City Council on this item. City staff will continue to research this issue for a possible resolution and update the Council at its regular June meeting.

**8. Public comment period.**

Mr. H.R. Gallimore, a real estate agent in Asheboro, commented that the Moons' situation was not an isolated issue in Asheboro. Instead, the issue was widespread. He was concerned that if animal control issues were not resolved, then potential homebuyers would look elsewhere for their residences.

Ms. Morgan Tedder, a representative of the Asheboro Jaycees, asked the Council Members and anyone in attendance for ideas regarding future community projects for the organization. Ms. Tedder was enthusiastic about getting new members involved and emphasized that the organization's meetings were held on the second Monday of each month at 6:00 p.m. at the Jaycee headquarters.

**9. Presentation by Michael Leonard, P.E., of the annual report from the Asheboro Airport Authority.**

Mr. Leonard presented to Mayor Smith and the Council Members the annual report that was approved by the Asheboro Airport Authority. A copy of the report is on file in the City Clerk's office.

**10. Presentation by City Manager of statutorily prescribed county-wide reappraisal of property in 2014.**

Mr. Ogburn utilized a visual presentation and reported that the revenue neutral tax rate for 2014-2015 fiscal year is \$0.5728. A copy of the visual presentation utilized by Mr. Ogburn is on file in the City Clerk's office.

**11. Report on City of Asheboro departmental recipients of 2013 Safety Awards.**

Mr. Ogburn reported that the following departments received safety awards for 2013:

- Public Works/Operations – 3<sup>rd</sup> year Silver Award
- Fleet Maintenance – 4<sup>th</sup> year Silver Award
- Recreation – 1<sup>st</sup> Gold Award
- Water Treatment Plant – 6<sup>th</sup> year Gold Award
- Administration – 20<sup>th</sup> year Gold Award; with one million hours of no workplace accidents/injuries.

**12. Upcoming events that were announced by Mayor Smith:**

- **Asheboro Housing Authority Annual Meeting will be held on Tuesday, May 13, 2014 at 6:00 p.m.**
- **Ethics for Municipal Elected Officials live webinar will be held on Wednesday, May 14, 2014 from 10:00 a.m. until 12:00 p.m. in the Council Chamber.**
- **Budget Workshop will be held on Tuesday, May 20, 2014 at 5:30 p.m.**
- **Town Hall Day at the General Assembly will be held on Wednesday, June 4, 2014.**
  
- **Regular City Council Meeting and Budget Public Hearing will be held on Thursday, June 5, 2014.**
- **Budget adoption will be held on Thursday, June 26, 2014 at 12:30 p.m.**

There being no further business, the meeting was adjourned at 9:54 p.m.

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Holly H. Doerr, CMC, NCCMC, City Clerk

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David H. Smith, Mayor

**NOTICE OF A SPECIAL MEETING OF THE  
ASHEBORO CITY COUNCIL**

**Wednesday, May 14, 2014**

**9:45 a.m.**

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Notice of a special meeting of the Asheboro City Council is hereby given. This meeting will be held on Wednesday, the 14<sup>th</sup> day of May, 2014, at 9:45 a.m. in the Asheboro City Hall Council Chamber, 146 North Church Street, Asheboro, North Carolina 27203.

Legislation enacted by the North Carolina General Assembly in 2009 requires local elected officials to receive two (2) hours of ethics training within twelve (12) months of each election that resulted in the initial election or re-election of the individuals to local elected office. On May 14, 2014, the University of North Carolina School of Government will offer, by means of a live webinar, training that satisfies this legal requirement for local elected officials.

Mayor Smith and members of the Asheboro City Council intend to fulfill the mandated ethics training requirements by meeting in the Council Chamber at Asheboro City Hall and participating in the School of Government's "Ethics for Municipal Elected Officials Live Webinar" on May 14, 2014. The webinar is scheduled to run from 10:00 a.m. to 12:00 p.m. with registration beginning at 9:45 a.m. Due to the possibility that a majority of the members of the Asheboro City Council may be present for this webinar, the governing board has decided, in order to remain in strict compliance with the applicable laws, to treat the above described training session as a special meeting of the Asheboro City Council.

This notice is issued on the 9<sup>th</sup> day of May, 2014, in accordance with the laws and ordinances of the State of North Carolina and the City of Asheboro.

/s/ David H. Smith  
David H. Smith, Mayor  
City of Asheboro, North Carolina

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**SPECIAL MEETING  
ASHEBORO CITY COUNCIL  
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING  
WEDNESDAY, MAY 14, 2014  
9:45 a.m.**

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This being the time and place for a special meeting of the Asheboro City Council, a meeting was held with the following elected officials and staff members present:

- David H. Smith            ) – Mayor Presiding
  
- Clark R. Bell             )
- Linda H. Carter         )
- Michael W. Hunter      ) – Council Members Present
- Walker B. Moffitt       )
  
- Talmadge S. Baker      )
- Edward J. Burks         ) – Council Members Absent
- Charles A. Swiers       )

Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal  
Trevor L. Nuttall, Community Development Director

Mayor Smith called the meeting to order for the purpose of participating in the "Ethics for Municipal Officials Live Webinar" administered by the UNC School of Government.

Participation in the live webinar allowed Mayor Smith along with Council Members Bell, Carter, Hunter, and Moffitt to receive the required two (2) hours of ethics training since their re-election in November 2013. At the conclusion of the webinar, Mayor Smith adjourned the meeting at 12:04 p.m. No action was taken by the Council at this meeting.

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Holly H. Doerr, CMC, NCCMC, City Clerk

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David H. Smith, Mayor

**NOTICE OF A SPECIAL MEETING OF THE  
ASHEBORO CITY COUNCIL**

**Tuesday, May 20, 2014**

**5:30 p.m.**

Notice of a special meeting of the Asheboro City Council is hereby given. This meeting will be held on Tuesday, the 20<sup>th</sup> day of May, 2014, at 5:30 p.m. in the Asheboro City Hall Council Chamber, 146 North Church Street, Asheboro, North Carolina 27203.

This special meeting has been called for the purpose of enabling the governing board to conduct the following business:

1. Consideration of a request from the Asheboro ABC Board for authorization to set aside up to \$40,000 per year from the Asheboro ABC system's gross receipts for a Future Facility Fund that has been proposed by the ABC Board. After receiving comments from representatives of the Asheboro ABC Board, the City Council may adopt a resolution granting the requested authorization.
2. The proposed budget, along with a budget message, for fiscal year 2014-2015 will be submitted to the governing board. Mayor Smith and the members of the City Council will then participate in a budget workshop led by the City Manager and the Finance Director.

This notice is issued on the 16<sup>th</sup> day of May, 2014, in accordance with the laws and ordinances of the State of North Carolina and the City of Asheboro.

/s/ David H. Smith  
David H. Smith, Mayor  
City of Asheboro, North Carolina

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**SPECIAL MEETING  
ASHEBORO CITY COUNCIL  
COUNCIL CHAMBER, MUNICIPAL BUILDING  
TUESDAY, MAY 20, 2014  
5:30 p.m.**

This being the time and place for a special meeting of the Asheboro City Council, a meeting was held with the following elected officials and city staff members present:

David H. Smith ) – Mayor Presiding

Talmadge S. Baker )  
 Clark R. Bell )  
 Edward J. Burks )  
 Linda H. Carter ) – Council Members Present  
 Michael W. Hunter )  
 Walker B. Moffitt )  
 Charles A. Swiers )

John N. Ogburn, III, City Manager  
 Tamela D. Garner, Permit Technician / Deputy City Clerk  
 Michael L. Leonard, P.E., City Engineer  
 Trevor L. Nuttall, Community Development Director  
 Deborah P. Reaves, Finance Director  
 Jonathan M. Sermon, Recreation Services Superintendent  
 Jeffrey C. Sugg, City Attorney

**1. Call to order.**

A quorum thus being present, Mayor Smith called the meeting to order for the transaction of business and business was transacted as follows.

**2. Consideration of a request from Asheboro ABC Board.**

Mr. Ogburn introduced Steve Knight, Asheboro ABC Board Member, and Rodney Johnson, General Manager for the Asheboro ABC Board. Mr. Ogburn presented a resolution for the Approval of the Asheboro ABC Board's request to set aside, when available, a certain amount of gross receipts for a future facility fund.

Upon motion by Mr. Bell and seconded by Mr. Baker, Council voted to approve the following resolution by reference. Council Members Baker, Bell, Burks, Hunter, Moffitt and Swiers voted in favor of the motion, and Council Member Carter voted no.

**RESOLUTION NUMBER 11 RES 5-14**

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

**APPROVAL OF THE ASHEBORO ABC BOARD'S REQUEST TO SET ASIDE, WHEN AVAILABLE, A CERTAIN AMOUNT OF GROSS RECEIPTS FOR A FUTURE FACILITY FUND**

**WHEREAS**, the Asheboro ABC Board (the "Board") has engaged in a long-term planning process with the goal of finding the best way to support future operational needs and goals of the Board while assuring a reliable stream of revenue to the City of Asheboro (the "City"); and

**WHEREAS**, during the Board's meeting on May 5, 2014, the Board identified the need to begin funding for future facility requirements and related capital improvements; and

**WHEREAS**, with the identification of this need in mind, the Board concluded that the establishment of a Future Facility Fund would grow capital and reduce the reliance on debt financing to meet future capital improvement requirements; and

**WHEREAS**, when distributing revenue, the Board must comply with the statutory guidance found in Section 18B-805 of the North Carolina General Statutes; and

**WHEREAS**, pursuant to this statutory guidance, the Board must first pay all operational costs and make specified tax, alcohol treatment, and law enforcement distributions before setting aside, within limits set by the North Carolina ABC Commission, a working capital cash fund and then distributing the remaining revenue to the City; and

**WHEREAS**, in pertinent part, Section 18B-805(d) of the North Carolina General Statutes provides as follows: "With the approval of the appointing authority for the board, the local board may also set aside a portion of the remaining gross receipts as a fund for specific capital improvements;" and

**WHEREAS**, based upon its analysis of sales histories and expected revenues, the Board has concluded that it can direct a portion of revenues into a proposed Future Facility Fund without reducing the monthly distribution of fifteen thousand five hundred dollars (\$15,500) per month that the Board currently makes to the City; and

**WHEREAS**, the Board, by means of a letter signed by the Board's Chair and dated May 8, 2014, has requested approval from the City Council to set aside up to forty thousand dollars (\$40,000) per year from gross receipts to fund the Future Facility Fund; and

**WHEREAS**, in the above-referenced letter of May 8, 2014, the commitment was made that, if in any year the Board's net revenue is not sufficient to both fund the Future Facility Fund and continue the current level of monthly distributions to the City, the monthly distributions to the City would be preserved as a higher priority than contributing to the Future Facility Fund;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro, North Carolina that, so long as the Board's net revenue is sufficient to continue the current level of monthly distributions of fifteen thousand five hundred dollars (\$15,500) per month to the City, approval is hereby granted to the Asheboro ABC Board to set aside a maximum of forty thousand dollars (\$40,000) per year from gross receipts to fund the Future Facility Fund; and

**BE IT FURTHER RESOLVED** that the approval granted by this Resolution is effective as of July 1, 2014, and shall not expire unless and until another Resolution is adopted by the Asheboro City Council to revoke the approval granted herein.



**BUDGET MESSAGE FOR FISCAL YEAR 2014-2015**

North Carolina General Statute § 18B-702 “Financial operations of local boards” requires the Asheboro ABC Board Finance Officer prepare for the Board’s consideration an annual budget applicable for fiscal years. Upon adoption, no monies may be expended except as provided by the budget or as authorized by specific statute.

Retail operation of the Board’s single store commenced with its first sale on November 18, 2008. As of April 30, 2014, the single store located at 700 South Fayetteville Street has collected \$15,723,837.79 in sales and tax revenues. Sales and tax revenues are differentiated in this message to emphasize the mission of a local ABC board to not only sell spirits in a controlled environment, but also to collect significant tax revenues from those electing to purchase spirits.

A review of the Board’s financial records for the current fiscal year to date (July 1, 2013 through April 30, 2014) indicates a 3.94% sales and tax collections increase over the same period the previous year. Revenues are expected to remain consistent in the coming year and the proposed budget reduces many line-item expenses and working capital (cash) reserves enabling the Board to begin saving \$40,000 a year for capital improvements (Future Facility Fund) without reducing the monthly \$15,500 monthly contribution to the City of Asheboro.

On-going goals include continuation of the Board’s mission of responsibly controlling the sale and distribution of alcoholic beverages, superior customer service, and operational efficiency designed to increase profit margins.

The Asheboro ABC Board Budget Ordinance for fiscal year July 1, 2014, through June 30, 2015, prepared in accordance with governing laws and the Board’s stated desire to continue a responsibly sound fiscal policy, is hereby presented to the Board for consideration.

Respectfully submitted for consideration this the 20th day of May 2014.

  
Rodney E. Johnson  
General Manager  
Budget Officer

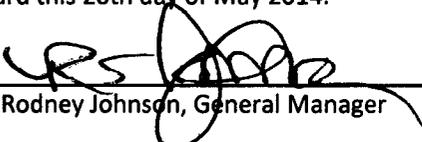
Attachment: Proposed Budget Ordinance for Fiscal Year 2014-2015

cc: Jeff Sugg, City of Asheboro  
NC ABC Commission

**PROPOSED**  
**ASHEBORO ABC BOARD**  
**ANNUAL BUDGET FOR FISCAL YEAR**  
**2014-15**

Sales		3,179,000.00
Other Income		300.00
	<b>Total</b>	<b>\$3,179,300.00</b>
Less Taxes		898,524.50
	<b>Net Sales</b>	<b>\$2,280,775.50</b>
Less:		
Cost of Sales		1,558,950.50
	<b>Gross Profit</b>	<b>\$721,825.00</b>
Less:		
	<b><u>Operating Expenses</u></b>	
Salaries, benefits and fees		250,500.00
Payroll taxes		20,150.00
Rent		64,800.00
Repairs and maintenance		6,500.00
Utilities		16,725.00
Insurance - general and bonds		14,050.00
Supplies and janitorial		11,500.00
Travel and training		3,100.00
Professional services		9,250.00
Dues and subscriptions		1,250.00
Bank fees and charges		30,000.00
Miscellaneous & Contingencies		7,000.00
	<b>Total Operating Expenses</b>	<b>\$434,825.00</b>
	<b>Operating Income</b>	<b>\$287,000.00</b>
Less:		
	<b><u>Capital Expenditures</u></b>	
Future Facility Fund		40,000.00
Capital Improvements		25,000.00
	<b>Total Capital Expenditures</b>	<b>\$65,000.00</b>
		<b>\$222,000.00</b>
Net Income before Distributions		<b>\$222,000.00</b>
Less:		
	<b><u>Distributions</u></b>	
Law Enforcement		15,000.00
Alcohol Education and Rehab		21,000.00
City of Asheboro General Fund		186,000.00
	<b>Total Distributions</b>	<b>\$222,000.00</b>
	<b>Net Income after Distributions</b>	<b>-</b>

Presented to the Asheboro ABC Board this 20th day of May 2014.

  
 \_\_\_\_\_  
 Rodney Johnson, General Manager

**RESOLUTION NUMBER \_\_\_\_\_**

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

**ADOPTION OF A SIGN MAINTENANCE POLICY THAT UTILIZES THE  
MEASURED SIGN RETROREFLECTIVITY METHOD**

**WHEREAS**, the term “retroreflectivity” is used to describe how light is reflected off of a surface and returned to its original source; and

**WHEREAS**, the Federal Highway Administration, in the most recent edition of the Manual on Uniform Traffic Control Devices, describes five (5) methods deemed acceptable for use by local agencies in maintaining minimum highway sign retroreflectivity; and

**WHEREAS**, each local agency must have an adopted retroreflectivity maintenance policy statement; and

**WHEREAS**, in order to ensure that the city complies with the minimum highway sign retroreflectivity requirements, city staff members have recommended adopting a field assessment methodology that is referred to as the measured sign retroreflectivity assessment method; and

**WHEREAS**, the measured sign retroreflectivity assessment method provides for the direct measurement, during the daytime, of the retroreflectivity of a sign by using a portable retroreflectometer; and

**WHEREAS**, the city has budgeted for a portable retroreflectometer that will enable city staff members to properly implement the measured sign retroreflectivity assessment method; and

**WHEREAS**, the proposed sign maintenance policy attached to this Resolution as EXHIBIT 1 (this policy shall be hereinafter referred to as the “Sign Maintenance Policy”) contains the mandated retroreflectivity maintenance policy statement and, if adopted, will implement the policy in a manner that is compliant with all of the applicable laws and regulations; and

**WHEREAS**, the Sign Maintenance Policy is hereby incorporated into this Resolution by reference as if copied fully herein; and

**WHEREAS**, the Asheboro City Council concurs with the city staff’s recommendation to adopt the said Sign Maintenance Policy;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro, North Carolina that, effective June 5, 2014, the Sign Maintenance Policy is hereby adopted as an official policy of the City of Asheboro; and

**BE IT FURTHER RESOLVED** that the Mayor and all other city officials and employees whose signatures are needed to properly document the adoption of the said policy are authorized and directed to execute the Sign Maintenance Policy in their official capacities on behalf of the municipal corporation.

This Resolution was adopted in open session during a regular meeting of the Asheboro City Council that was held on the 5<sup>th</sup> day of June, 2014.

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David H. Smith, Mayor  
City of Asheboro, North Carolina

ATTEST:

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Holly H. Doerr, CMC, NCCMC, City Clerk  
City of Asheboro, North Carolina

# **EXHIBIT 1**

## **CITY OF ASHEBORO – SIGN MAINTENANCE POLICY**

### **Minimum Sign Retroreflectivity Compliance as Required by the Federal Highway Administration Manual on Uniform Traffic Control Devices, 2009 Edition**

This policy statement describes the evaluation and assessment method employed by the City of Asheboro for the general maintenance of traffic signage and adequate sign retroreflectivity. The method described herein consists of routine daytime reviews for post or sign misalignment, damage, theft, or deterioration.

Each day, individual employees such as meter readers and maintenance crews within the City of Asheboro Public Works Division travel the streets of the City of Asheboro in order to go to and from specific work assignments located throughout the territory served by the public works division. These employees shall be instructed to immediately report any apparent problems (i.e. vision obstruction, vandalism, collision damage, or traffic control devices that appear substandard in appearance) through the employee's chain of command to the traffic unit within the operations department of the public works division. Upon receipt of such reports, personnel in the traffic unit will promptly initiate a maintenance work order for any needed repairs.

In order to supplement the observations of public works division personnel, the command staff for the Asheboro Police Department, which has officers patrolling the city's streets and responding to crashes involving motor vehicles around the clock, shall be asked to instruct the department's officers to relay reports of observed traffic control device deficiencies, including without limitation collision damage, through that department's designated channel of communications to the traffic unit within the operations department of the public works division.

Additionally, inspectors and code enforcement officers in the city's community development division travel throughout the city's jurisdiction as part of their assigned job duties. These inspectors and code officials shall be advised to report observed traffic control device deficiencies through the designated channel of communication to the city's public works division. As with reports from public works division employees and police department employees, these reports of traffic control device deficiencies shall ultimately be directed to the traffic unit within the operations department of the public works division for the prompt initiation of maintenance work orders for any needed repairs.

To assure continued compliance with minimum retroreflectivity requirements, the City of Asheboro has adopted the "measured sign retroreflectivity" assessment method. This method consists of regular inspections with each sign to be measured once during every twenty-four (24) month time period. These inspections shall be performed in daylight with the retroreflectivity measured using a hand-held, portable contact retroreflectometer as per ASTM E1709. City of Asheboro Public Works Division employees designated by the Public Works Director will be utilized to secure the necessary measurements in a timely manner.

While on an assigned inspection route, the designated inspector will give each road sign a pass/fail mark on either a printed or electronic inventory spread sheet for the particular route

inspected at that time. Any necessary repair work orders will be generated from this inventory, and all signs found to be substandard will be replaced in a timely manner.

An on-going log of these inspections will be maintained by the public works division for record keeping purposes within the operations department's traffic unit. At a minimum, these records are to be used by the traffic unit to schedule on a more frequent basis reinspections of those signs that are found to be approaching their minimum retroreflectivity limits.

Date: \_\_\_\_\_

\_\_\_\_\_  
David H. Smith, Mayor

Date: \_\_\_\_\_

\_\_\_\_\_  
David J. Hutchins, Public Works Director



**RZ-14-04: Request to rezone from R10/R7.5 (Medium-Density Residential) to  
OA6 (Office-Apartment)**

(Richard S. Stockner/Carol Burrow, Agent)

**Planning Board Recommendation and Staff Report**

## Planning Board Recommendation & Comments to City Council

**NOTE: Have applicant Certify to Council mailings to all adjoining property owners.**

**Case #** RZ-14  
-04

**Date** 4/7/14, 5/5/14, 6/2/14  
PB; 6/5/14 CC

**Applicant** Richard Stockner

### **Legal Description**

The property of Iris B. Stockner, located at 617 NC Hwy. 42 North, identified by Randolph County Parcel Identification Numbers 7761321382 and 7761322224, Richard S. Stockner and Robin S. Stockner, located at 609 NC Hwy. 42 N. identified by Parcel ID #7761322047 and Parcel ID #7761312710. These properties total approximately 1.79 acres (+/-).

**Requested Action** Rezone from R7.5 and R10 (Medium-Density Residential) to OA6 (Office-Apartment)

**Existing Zone** R7.5/R10

**Land Development Plan** See Staff Report

### **Planning Board Recommendation**

**4-7-14:** The Planning Board considered the request but voted to to continue it to allow the owner additional time to contemplate amending the application to a conditional use district request.

**5-5-14:** The Planning Board continued the case at the request of the applicant.

**6-2-14:** The Planning Board considered the request to rezone the property to OA6. The Planning Board recommended denial of the request (6-1 vote).

### **Reason for Recommendation**

**6-2-14:** The Planning Board concurred with staff reasoning.

**Staff Note: As of June 3, 2014, the request is still to rezone the property to OA6. The applicant may submit a written request to amend the application to a conditional use district request at any time prior to City Council rendering a decision on the request.**

### **Planning Board Comments**

# Rezoning Staff Report

**RZ Case #** RZ-14-04

**Date** 6/2/14 PB; 6/5/14 CC

## General Information

**Applicant** Richard S. Stockner  
**Address** 6601 Old NC Hwy 13  
**City** Asheboro NC 27203  
**Phone** 336-465-6525  
**Location** 609 and 617 NC Hwy. 42 North  
**Requested Action** Rezone from R7.5 and R10 (Medium-Density Residential) to OA6 (Office-Apartment)

**Existing Zone** R7.5 and R10

**Existing Land Use** Single-family residential (2 dwellings)

**Size** 1.79 acres

**Pin #** 7761322047, 7761321382, 7761312710, 7761322224

## Applicant's Reasons as stated on application

Due to extremely high traffic on Dixie Drive, Hwy. 42 is used as a cut thru from Dixie Drive to Salisbury Street. The surrounding properties are already zoned commercial and office(s). Due to high traffic use on Hwy. 42 between Salisbury Street and Dixie Drive, we request that the properties be rezoned OA6.

## **Surrounding Land Use**

**North** Undeveloped/Commercial/Single-family res. **East** Commercial/Office

**South** Single-family residential **West** Undeveloped residential/Church

**Zoning History** N/A

## **Legal Description**

The property of Iris B. Stockner, located at 617 NC Hwy. 42 North, identified by Randolph County Parcel Identification Numbers 7761321382 and 7761322224, Richard S. Stockner and Robin S. Stockner, located at 609 NC Hwy. 42 N. identified by Parcel ID #7761322047 and Parcel ID #7761312710. These properties total approximately 1.79 acres (+/-).

## **Analysis**

1. The property is inside the city limits. All city services are available.
2. NC Hwy. 42 North is a state-maintained major throughfare.
3. According to the Zoning Ordinance (Art. 200, Sec. 210): The OA6 District is intended to produce moderate intensity office and residential development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designed [sic] OA6 shall normally be located with access to a major or minor thoroughfare with access to local residential streets discouraged.
4. The west side of NC Hwy. 42 consists primarily of residential uses in this area except for two churches. On the east side of NC Hwy. 42 is Triangle Park, a 4 acre office and commercial complex.
5. The existing R7.5 and R10 residential districts permit single or two-family dwellings.
6. The OA6 district permits single-family and multi-family residential uses with a floor area ratio (FAR) of up to 17 percent and non-residential structures with a FAR of up to 30 percent. If this rezoning is approved, all uses permitted by right would be allowed, including residential development of up to approximately 13,255 square feet or non-residential development of up to approximately 23,391 square feet. In addition to single- and multi-family residential uses, other uses allowed by right include offices, churches, schools, and some services uses (such as laundry facilities, beauty/barber shops, and banks). Heavier commercial uses, such as retail, restaurants, sales of motor vehicles, etc. are not permitted in the OA6 district.

# Rezoning Staff Report

RZ Case # RZ-14-04

Page 2

## Consistency with the 2020 LDP Growth Strategy designations

*In reviewing this request, careful consideration is given to each Goal and Policy as outlined in the Land Development Plan. Some Goals and Policies will either support or will not support the request, while others will be neutral or will not apply. Only those Goals and Policies that support or do not support the request will be shown.*

<b>Growth Strategy Map Designation</b>	Primary Growth
<b>Proposed Land Use Map Designation</b>	Neighborhood Residential
<b>Small Area Plan</b>	Central

## LDP Goals/Policies Which Support Request

**Checklist Item 3:** The property on which the rezoning district is proposed fits the description of the Zoning Ordinance. (Article 200, Section 210, Schedule of Statements of Intent)

**Checklist Item 5:** The proposed rezoning is compliant with the objectives of the Growth Strategy Map.

**Checklist Items #12, #13, #14, and #15:** 12.) Property is located outside of watershed 13.) The property is located outside of Special Hazard Flood Area. 14.) Rezoning is not located on steep slopes of greater than 20%. 15.) Rezoning is not located on poor soils

# Rezoning Staff Report

RZ Case # RZ-14-04

Page 3

## LDP Goals/Policies Which Do Not Support Request

**Checklist Item #1:** Rezoning is not compliant with the Proposed Land Use Map.

**Checklist Item #7:** Rezoning is not compatible with the Central Small Area Plan

**Checklist Item #10:** Rezoning is not consistent with Land Category Descriptions

### Recommendation

Deny

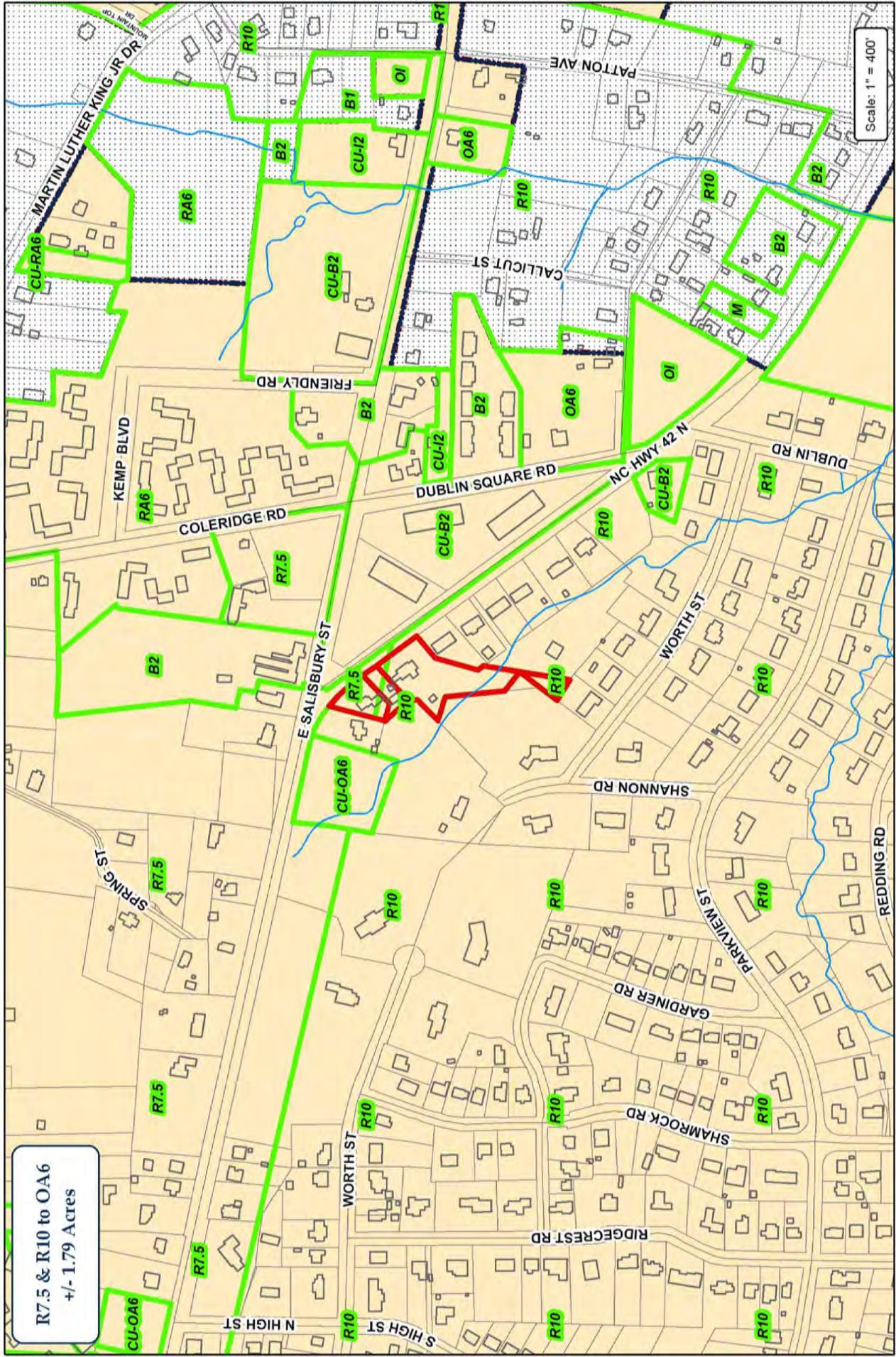
### Reason for Recommendation

There are a number of goals and policies supporting the request. The property is located on a major thoroughfare (NC Hwy. 42 N.) near its intersection with another major thoroughfare (E. Salisbury St.) and is adjacent to or near commercial, office, and institutional uses. The OA6 district can be an appropriate transition between commercial and residential uses.

However, several LDP goals and policies do not support the request. The proposed land use map designates the property for neighborhood residential use, which encourages residential development of density similar to existing neighborhoods while limiting multi-family development. The neighborhood residential designation doesn't encourage non-residential development outside of designated neighborhood commercial centers and the Central Small Area plan emphasizes preservation of existing residential neighborhoods. Additionally, the city's draft Comprehensive Transportation Plan identifies NC Hwy. 42 N. as needing improvement. The ability to effectively address adverse impacts, such as mitigating worsening traffic congestion through access management, becomes impractical without the ability to review a site-specific development plan.

### Evaluation of Consistency with Adopted Comprehensive Plans/Reasonableness and Public Interest

After considering the above factors, staff believes the existing zoning designation will allow a reasonable use of the property and ensure consistency with the Land Development Plan.

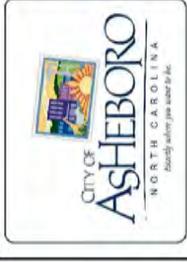


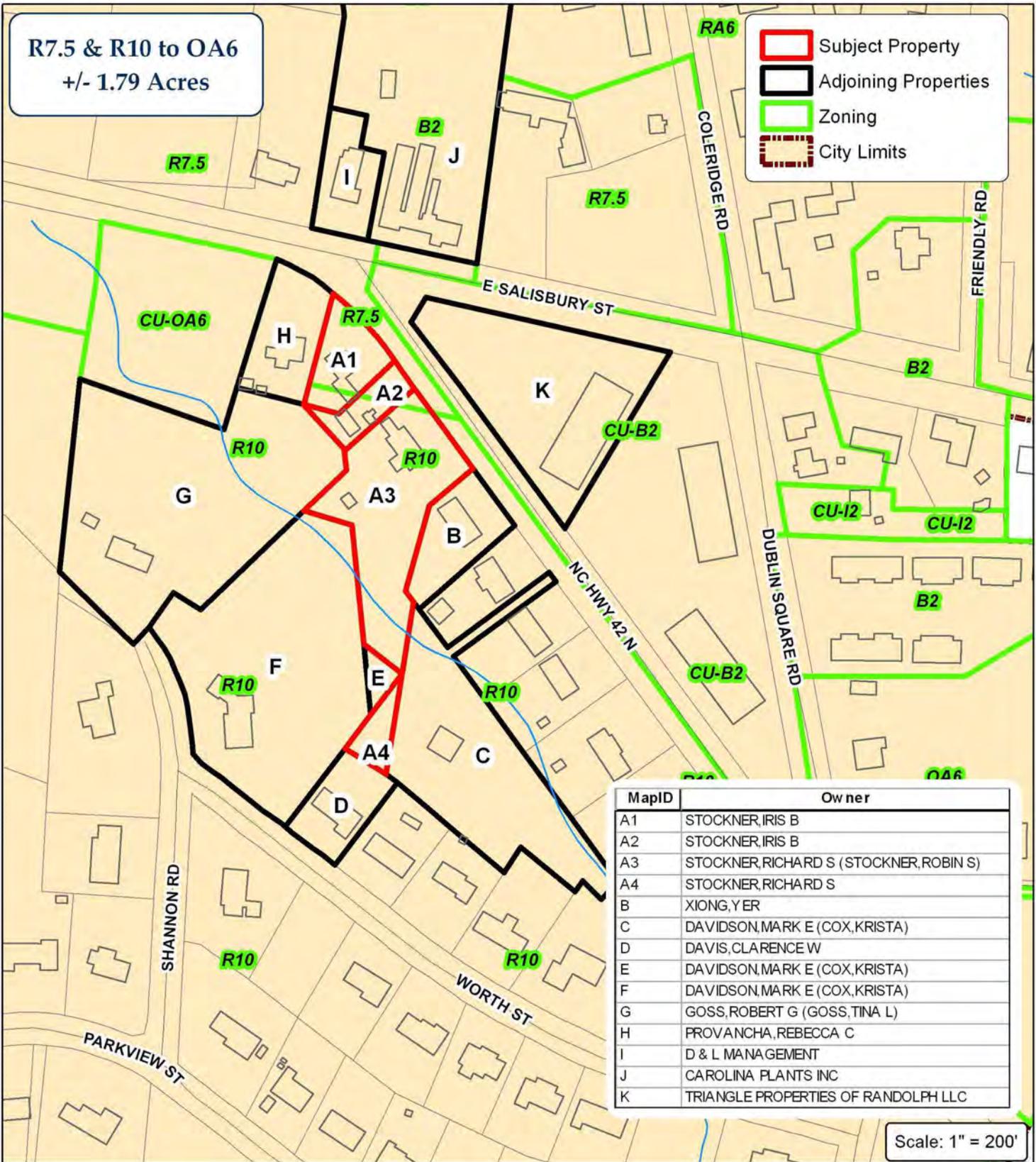
R7.5 & R10 to OA6  
 +/- 1.79 Acres



Subject Property  
 Zoning  
 City Limits  
 ETJ

City of Asheboro  
 Planning & Zoning Department  
 Rezoning Case: RZ-14-04  
 Parcels: 7761321382, 7761322047, 7761312710 & 7761322224



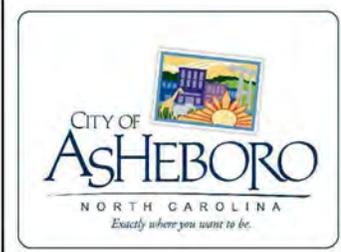


R7.5 & R10 to OA6  
+/- 1.79 Acres

Subject Property  
 Adjoining Properties  
 Zoning  
 City Limits

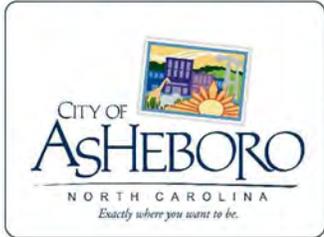
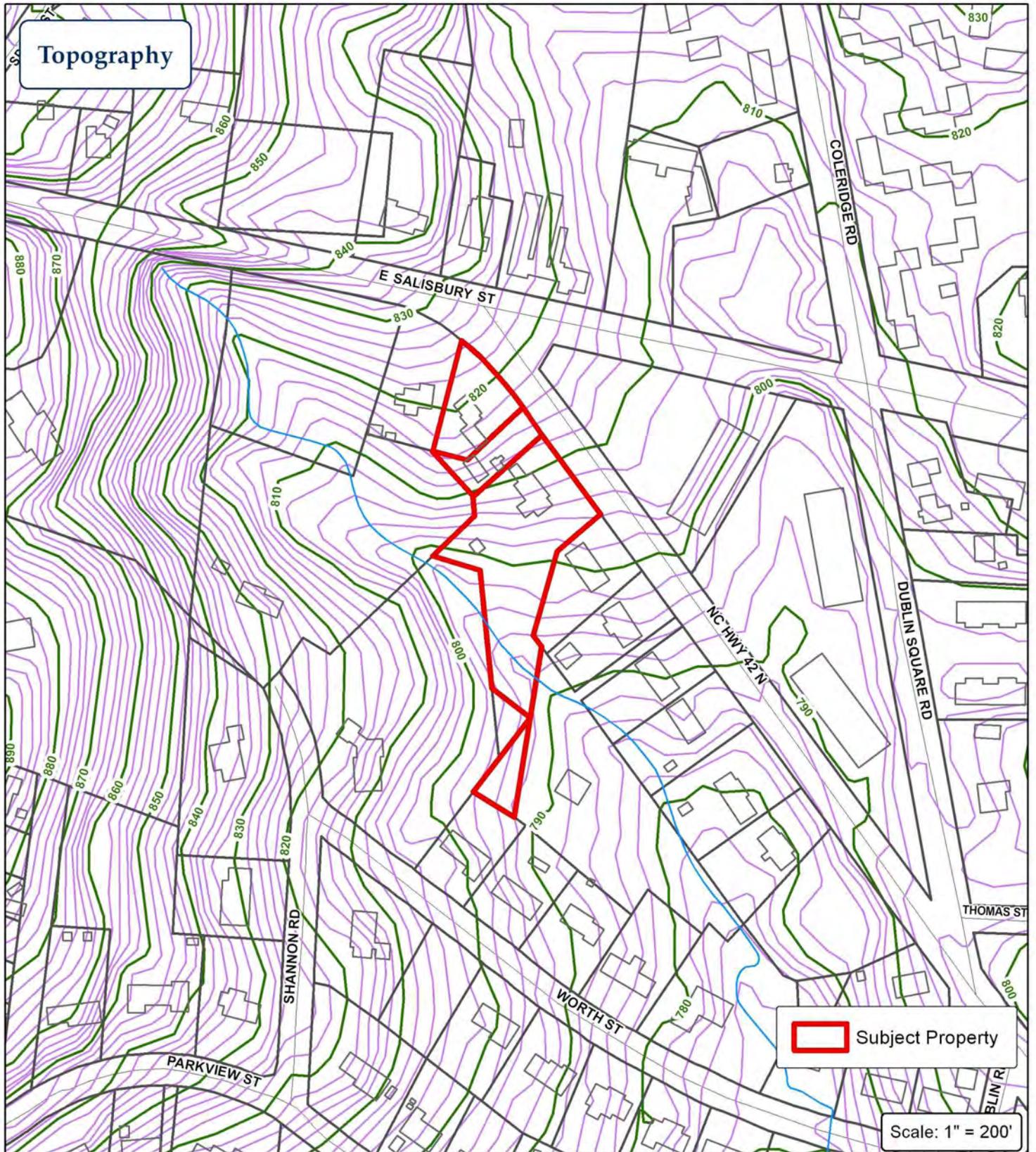
MapID	Owner
A1	STOCKNER, IRIS B
A2	STOCKNER, IRIS B
A3	STOCKNER, RICHARD S (STOCKNER, ROBIN S)
A4	STOCKNER, RICHARD S
B	XIONG, YER
C	DAVIDSON, MARK E (COX, KRISTA)
D	DAVIS, CLARENCE W
E	DAVIDSON, MARK E (COX, KRISTA)
F	DAVIDSON, MARK E (COX, KRISTA)
G	GOSS, ROBERT G (GOSS, TINA L)
H	PROVANCHA, REBECCA C
I	D & L MANAGEMENT
J	CAROLINA PLANTS INC
K	TRIANGLE PROPERTIES OF RANDOLPH LLC

Scale: 1" = 200'



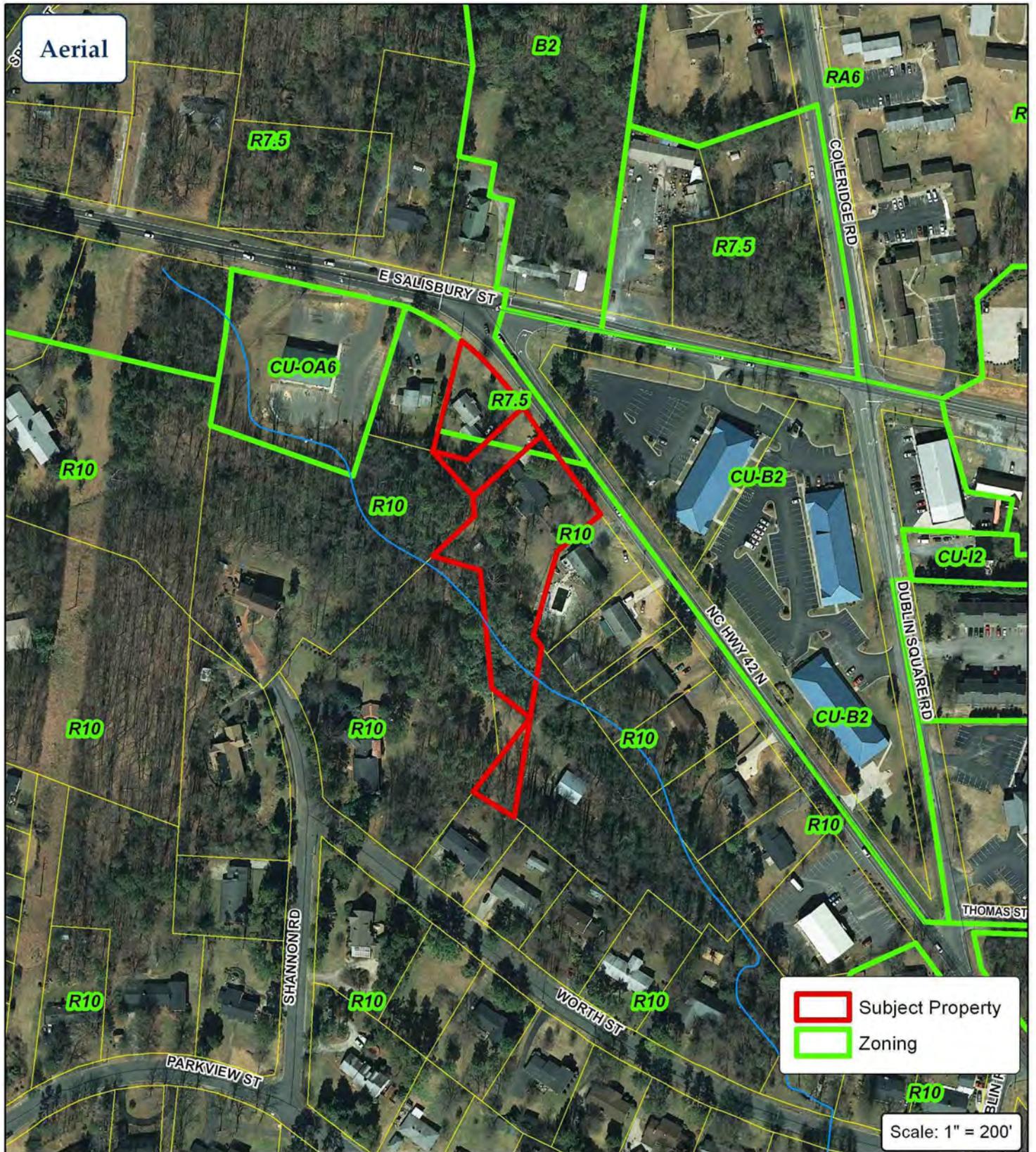
**City of Asheboro**  
**Planning & Zoning Department**  
**Rezoning Case: RZ-14-04**  
**Parcels: 7761321382, 7761322047,**  
**7761312710 & 7761322224**





**City of Asheboro**  
**Planning & Zoning Department**  
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Aerial



**City of Asheboro  
Planning & Zoning Department**

**Rezoning Case: RZ-14-04**

**Parcels: 7761321382, 7761322047,  
7761312710 & 7761322224**





TO: John Ogburn, City Manager  
FROM: Trevor L. Nuttall, Community Development Director   
DATE: 5-30-14  
RE: Proposed Amendments to Code of Asheboro Section 91.05 (Maximum Number of Dogs on Premises) and 91.06 (Maximum Number of Cats on Premises)

At the June 5, 2014 regular meeting of the City Council, staff will be proposing to amend the Code of Asheboro to allow a household located within the city limits to keep a maximum of three dogs and three cats on a parcel or zoning lot having less than 30,000 s.f. Currently, regulations allow a household located within the city limits to keep a maximum of two dogs and two cats on a parcel or zoning lot having less than 30,000 s.f.

These proposed amendments are made following a review of data that indicated 81% of residential lots or parcels within the city limits currently are limited to 2 dogs and two cats. The amendments would permit all households located within the city limits to keep at least 3 dogs and 3 cats.