

**REGULAR MEETING
ASHEBORO CITY COUNCIL
COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, JUNE 7, 2012
7:00 p.m.**

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)
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
Dumont Bunker, P.E., City Engineer
Holly H. Doerr, CMC, City Clerk/Paralegal
John L. Evans, Assistant Community Development Director
Casandra M. Fletcher, Marketing Specialist
Justin T. Luck, Zoning Administrator/Planner
Bradley W. Morton, Planning Technician/Deputy City Clerk
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jonathan M. Sermon, Recreation Services Superintendant
James W. Smith, II, Fire Chief
Jeffrey C. Sugg, City Attorney
Jody P. Williams, 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 silent prayer or meditation, Mayor Smith asked everyone to stand and repeat the pledge of allegiance.

In addition to welcoming everyone in attendance, Mayor Smith recognized a boy scout from Troop 527 who was in attendance as a requirement for his communications merit badge.

3. Consent agenda.

Upon motion by Mr. Bell and seconded by Ms. Carter, Council voted unanimously to adopt/approve the following consent agenda items:

- (a) The minutes of the City Council's regular meeting on May 10, 2012.**
- (b) The minutes of the City Council's special meeting on May 24, 2012.**
- (c) An ordinance authorizing stop sign, yield signs and roundabout circulation plaques to be installed to regulate traffic on recently completed streets in the Olde Towne Village Section II – Phase 1 Subdivision.**

AN ORDINANCE AUTHORIZING A STOP SIGN, YIELD SIGNS AND ROUNDABOUT CIRCULATION PLAQUES TO BE INSTALLED TO REGULATE TRAFFIC ON RECENTLY COMPLETED STREETS IN THE OLDE TOWNE VILLAGE SECTION II – PHASE 1 SUBDIVISION BY THE CITY COUNCIL CITY OF ASHEBORO, NORTH CAROLINA

BE IT ORDAINED by the City Council of the City of Asheboro:

Pursuant to Section 160A-300 of the North Carolina General Statutes and in accordance with Chapter 70 of the Code of Asheboro, the City Manager is hereby ordered to cause the installation of regulatory signs as described below on streets that lie within the corporate boundaries of the City of Asheboro:

- Stop sign for traffic on the east end of Middleton Circle entering Olde Towne Parkway.
- Yield signs and roundabout circulation plaques for traffic on Olde Towne Parkway, Milbrook Drive and the west end of Middleton Circle entering the roundabout circulation.

Adopted in Regular Meeting held on June 7, 2012.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, City Clerk

- (d) Acknowledgement of the receipt of the budget message and proposed fiscal year 2012-2013 budget for the Asheboro ABC Board.**

[A copy of the above-referenced budget message and proposed budget for fiscal year 2012-2013 is on file in the City Clerk's office.]

- (e) Acknowledgement of the receipt of the minutes of the Asheboro ABC Board meeting held on April 2, 2012.**

[A copy of the above-referenced minutes is on file in the City Clerk's office.]

4. Community Development Division items:

- (a) Presentation from Jesse Day, Piedmont Triad Regional Council, concerning updates to the Asheboro Comprehensive Transportation Plan.**

Mr. Jesse Day of the Piedmont Triad Regional Council utilized a visual presentation in order to provide an overview of a comprehensive transportation plan for Asheboro. During his presentation, Mr. Day highlighted that a transportation plan would help in identifying existing and future deficiencies in the transportation system while providing information and data to help guide future transportation decisions over a period of approximately 25 to 30 years.

Additionally, Mr. Day highlighted the following benefits of having a comprehensive transportation plan for the City of Asheboro:

- Integration with land use planning and the development process
- Minimum disruption for citizens
- Cost savings
- Reduce traffic congestions
- Improve safety

A steering committee composed of representatives from a diverse group of agencies and organizations, including by way of illustration and not limitation the city's Community Development Division, the County of Randolph, Randolph County Economic Development Corporation, Asheboro/Randolph Chamber of Commerce, and the North Carolina Zoological Park, will meet on June 25, 2012 in order to provide a more comprehensive look at transportation issues within the City of Asheboro. The sole issue to be decided by the City Council during the regular June meeting was the appointment of the City Council's representative on this steering committee for the Asheboro Comprehensive Transportation Plan.

Upon motion by Mr. Bell and seconded by Mr. Burks, Council voted unanimously to appoint Mr. Baker as the Council's representative and to designate Mr. Moffitt as an alternate. (A copy of the slides used as part of Mr. Day's presentation is on file in the City Clerk's office.)

(b) Combined Public Hearing: Conditional use permit application and subdivision sketch design plat review, including a request for subdivision ordinance variances, for Section II of the Olde Towne Village Subdivision (Community Development Division File Nos. CUP-12-05 and SUB-12-01).

Mayor Smith opened a combined public hearing on the following applications for a Conditional Use Permit and a Sketch Design Plat approval, including variances from the subdivision ordinance, that were filed under Community Development Division file numbers CUP-12-05 and SUB-12-01.

The applications submitted by developer Three Eagles, LLC, with the consent of Carolina Bank as the owner of the real property, requested the following land use approvals: (a) variances from the subdivision ordinance regulations that prescribe the required width for a public street right-of-way, (b) approval of a subdivision sketch design plat, and (c) the issuance of a Conditional Use Permit authorizing a 52-unit Residential Planned Unit Development. In order for this proposed development to proceed as currently designed, the applicant needed the Council's approval of all three of the requests.

The zoning lot for which these land use requests have been made is located on the south side of Old Lexington Road, approximately 2,300 feet east of Chamberlin Drive. This property is approximately 21.61 acres in size, and the proposed planned unit development is located on a portion of the parcel of land identified by Randolph County Parcel Identification Number 7741889270.

The City Council previously approved a planned unit development for this property, which is located within a CU-R10 zoning district, with the issuance of Conditional Use Permits under Community Development Division file numbers RZ/CUP-07-06 and CUP-09-02. On the basis of these existing permits, a planned unit development has been partially constructed.

However, the ownership of the property has changed, and the current applicant is now proposing a different layout for the planned unit development. The proposed modifications can be summarized as follows:

- (A) No change is proposed to the number of lots or residential units, but the applicant is proposing to modify the buildings' architectural style.
- (B) The proposal is to change the ratio of detached and attached residential units from the previous ratio of 26 detached and 26 attached dwellings to a new ratio of 30 detached dwellings and 22 attached dwellings.
- (C) The circulation of vehicles within the development is also proposed for change in that previously proposed alley ways are to be eliminated throughout a portion of the development.
- (D) A commercial aspect (real estate sales office) of the previously approved planned unit development has been deleted by the current applicant.

These modifications of the previously approved development plans necessitated the current applicant receiving a new sketch design approval under the subdivision ordinance and a new Conditional Use Permit under the zoning ordinance.

In order to consider these land use requests, the City Council conducted a quasi judicial hearing and received documentary evidence along with sworn testimony from the following individuals:

John Evans (Assistant Director of the City of Asheboro Community Development Division)
Dumont Bunker, P.E. (Asheboro City Engineer)
Jonathan Megerian, Esq. (Attorney for the Applicant)
Mack Summey, P.E. (Engineer for the Applicant)
Duane Cathell (Member of Three Eagles, LLC)

In order to render a decision on the sketch design proposed for the subdivision by the new applicant, the Council first considered the written subdivision ordinance variance requests that were supported with engineering data submitted by the applicant's engineer. After considering the evidence, the Council, upon motion by Mr. Bell and seconded by Mr. Hunter, voted unanimously to grant the requested variances and to approve, on one condition, the subdivision sketch design that called for 52 lots plus common area with an average lot size of 3,489 square feet for both detached single-family dwellings and attached single-family dwellings (two dwellings per structure).

The condition attached to the approval of the subdivision sketch design was that certain clerical/labeling errors on the submitted plat be corrected. The approved variances from the City of Asheboro Subdivision Ordinance are more specifically described as follows:

- (a) Without a variance, public streets that have street trees located in the public right-of-way must be constructed within a public right-of-way that has a minimum width of 60'. In response to the applicant's written request, and on the basis of the evidence presented, the minimum width of the public right-of-way permitted for a portion of Olde Towne Parkway, as shown on the plans submitted for this hearing, is 50', and the minimum width of the public right-of-way permitted for Middleton Circle is 56'. The approved variances do not include a reduction in the width of the streets themselves.
- (b) Without a variance, public streets that do not have street trees located in the public right-of-way must be constructed within a public right-of-way that has a minimum width of 50'. In response to the applicant's written request, and on the basis of the evidence presented, the minimum width of the public rights-of-way required for Milbrook Drive and Frankton Court is 40'. The approved variances do not include a reduction in the width of the streets themselves.

After granting the requested variances and approving the subdivision sketch design, the City Council, upon motion by Mr. Swiers and seconded by Ms. Carter, voted unanimously to approve, with conditions, the issuance of a Conditional Use Permit authorizing a Residential Planned Unit Development with a total of 30 detached single-family homes and 22 attached (two units per structure) single-family homes. The conditions attached by the Council to the approved Conditional Use Permit are as follows:

1. Additions located to the rear of individual dwellings or the enclosure of patios and porches shall not be considered a modification of the Conditional Use Permit,
2. Homeowner association documents prohibiting recreational vehicle (including boat) parking as required by the subdivision ordinance shall be submitted and recorded with the final plat.
3. All storm sewers located outside of the public rights-of-way shall be maintained by the homeowners' association.
4. A 20-foot wide City of Asheboro sanitary sewer easement shall be provided along all 8-inch sanitary sewer lines located outside of the public rights-of-way.
5. A 20-foot wide City of Asheboro water line easement shall be provided along all water lines connecting the City of Asheboro Water System to fire hydrants and water meters located outside of the public rights-of-way.
6. Clerical errors and omissions were identified on the combined subdivision sketch design plat/Conditional Use permit site plan initially dated April 2012 and marked as revised on May 21, 2012. These errors and omissions pertain to the following issues:
 - a. The labeling of open/recreation space (detailing the recreation area that is proposed adjacent to Lots 16-23);
 - b. Flood zone boundaries;
 - c. A required City of Asheboro storm sewer easement;
 - d. City limit boundaries;
 - e. Street names and street right-of-way widths (including corrections to right-of-way boundaries);
 - f. Street maintenance responsibilities; and
 - g. Delineation of phase lines.

The applicant shall submit a revised plat/site plan reflecting the correction of the deficiencies identified above. This revised plat/site plan shall be submitted to staff members in the City of Asheboro Community Development Division for staff review and inclusion in the file without further review by the City Council. These corrections shall not be deemed to be modifications of the land use proposed on the subdivision sketch design plat/Conditional Use Permit site plan that was submitted in a timely manner as part of the Conditional Use Permit application process.

7. In addition to demonstrating compliance with the City of Asheboro Subdivision Ordinance, any subdivision plat submitted for review and approval shall provide adequate turnaround and maneuvering space on existing and future public streets for municipal vehicles, specifically including garbage trucks and fire trucks, in accordance with design standards in effect as of the date of approval of this Conditional Use Permit.
8. Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the zoning lot shall properly execute and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney

for the purpose of placing notice of the conditions attached to this Conditional Use Permit in the chain of title for the zoning lot.

The combined findings, conclusions, and orders approving the above-described subdivision ordinance variances, subdivision sketch design, and Conditional Use Permit will be adopted during the Council's next regular meeting on July 12, 2012.

[An audio recording of the sworn testimony received during the above-described combined public hearing is available on the city website and in the City Clerk's office.]

5. Review of vacancies on boards that require City Council action:

(a) Consideration of the appointment of an individual to fill a current vacancy on the Asheboro Planning Board.

Mr. Moffitt moved to appoint Ms. Lynette S. Garner to the Asheboro Planning Board. Mr. Bell seconded the motion, and the Council voted unanimously to appoint Ms. Garner to the Asheboro Planning Board. Ms. Garner's term of office will expire in January 2017.

The Community Development Division will notify Ms. Garner of her appointment.

(b) Update on the status of the application process for an upcoming vacancy on the Asheboro ABC Board.

Ms. Fletcher updated the Council on the status of the application process for an upcoming vacancy on the Asheboro ABC Board. Ms. Fletcher reported that notification has been posted to the city's website and government access channel informing citizens of the upcoming vacancy on the Asheboro ABC Board. The deadline for submitting applications is June 21, 2012 after which the submitted applications will be forwarded to the Asheboro ABC Board for review. The Council will select an appointee based on the recommendation from the ABC Board.

6. Public hearing on the proposed budget for fiscal year 2012-2013.

Mayor Smith opened the public hearing on the proposed fiscal year 2012-2013 annual budget.

Mr. Ogburn utilized a visual presentation to highlight the fund allocations for the proposed fiscal year 2012-2013 annual budget. The fund allocations are as follows:

General Fund	\$24,566,959.00
Water and Sewer Fund	<u>\$14,690,025.00</u>
Total	\$39,256,984.00

The recommended budget reflects an unchanged property tax rate of \$0.55 per \$100 valuation and a fee increase for certain city services, including water and sewer rates. The minimum monthly charge for water is proposed to change from \$12.27 to \$13.77, while the minimum monthly charge for sewer will change from \$15.34 to \$16.84 for customers located inside the city's corporate limits. For customers located outside of the city's corporate limits, the minimum monthly charge for water is proposed to increase from \$30.68 to \$34.43 and the minimum monthly charge for sewer is proposed to increase from \$38.35 to \$42.10. For customers that use more than 150 cubic feet of water per month, the inside the city limits rate for water consumption and sewer is proposed to increase from \$2.51 per 100 cubic feet of water to \$2.63 per 100 cubic feet of water, while the consumption rate for outside the city limits is proposed to increase from \$6.28 to \$6.58 per 100 cubic feet.

Additionally, Mr. Ogburn highlighted certain major expenses including, but not limited to, police vehicles, a fire truck, a side loader garbage truck, water and sewer infrastructure, equipment for the Facilities Maintenance Department, recreation equipment, and communications equipment.

Mr. Lynn Lancaster presented comments and concerns in regards to the proposed budget. Mr. Lancaster was concerned that citizens are paying more taxes for fewer services and questioned the appropriation of funds to certain non-profit corporations.

Ms. Pat McGrath was concerned that the upcoming revaluation would cause an increase in property taxes. Additionally, Ms. McGrath presented her concerns with the increase in water and sewer rates and a potential water agreement between the City of Asheboro and the Asheboro Randolph YMCA. Ms. McGrath asked that the Council consider cutting back on some of the city's expenses during the budget process for fiscal year 2013-2014.

There being no further comments from the public, Mayor Smith closed the public hearing. Final consideration of the budget will take place during a special meeting of the Council at 12:30 p.m. on June 28, 2012.

Copies of the slides utilized by Mr. Ogburn are on file in the City Clerk's office.

7. Public comment period.

Mayor Smith opened the floor for comments from the public.

Mr. Vincent Lassiter, who is a manager of a convenience store, asked the Council to consider adopting a potential dress code ordinance for the City of Asheboro. Mr. Lassiter was concerned with recent incidents involving patrons entering his store without being properly clothed.

In response to his inquiry, Mr. Sugg stated that such a city ordinance has not been adopted and would be very problematic if the Council decided to pursue the issue. The council did not explore the issue any further, and no other citizens came forward during the public comment period.

8. Consideration of a petition received from James P. Hill, Jr. and Pamela L. Hill requesting satellite annexation of 2.640 acres of land located at 1591 Old Lexington Road.

Mayor Smith opened the public hearing on the request for satellite annexation of 2.640 acres of land located at 1591 Old Lexington Road.

There being no comments and no opposition from the public, Mayor Smith closed the public hearing.

Mr. Bunker presented and recommended adoption, by reference, of an ordinance to extend the corporate limits of the City of Asheboro.

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

Ordinance Number 14 ORD 6-12
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF ASHEBORO, NORTH CAROLINA
(2.640 Acres of Land Located at 1591 Old Lexington Road)

WHEREAS, pursuant to Section 160A-58.1 of the North Carolina General Statutes, a petition executed by James P. Hill, Jr. and wife, Pamela L. Hill, who are the owners of all of the real property located within the area hereinafter described, was presented to the City Council of the City of Asheboro for consideration on May 10, 2012; and

WHEREAS, this duly executed petition was presented to the Asheboro City Council in order to request annexation of the area described by metes and bounds in Section 1 of this ordinance into the satellite corporate limits of the City of Asheboro; and

WHEREAS, the City Council has, by resolution, directed the City Clerk to investigate the sufficiency of the said petition, and the City Clerk certified the sufficiency of the petition to the City Council on May 10, 2012; and

WHEREAS, after due notice by publication was given in *The Courier-Tribune*, a newspaper having general circulation in the City of Asheboro, Randolph County, North Carolina, on May 18, 2012, a public hearing on the question of this annexation was in fact held during a regular meeting of the Asheboro City Council that began at 7:00 p.m. on June 7, 2012, in the Council Chamber of Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina; and

WHEREAS, the City Council finds that the area described within the petition meets the standards of Section 160A-58.1(b) of the North Carolina General Statutes, to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the primary corporate limits of the City of Asheboro; and
- b. No point on the proposed satellite corporate limits line is closer to the primary corporate limits of another municipality than to the primary corporate limits of the City of Asheboro; and
- c. The area for which annexation is requested is situated so that the City of Asheboro will be able to provide the same services within the proposed satellite corporate limits that are provided within the primary corporate limits; and

- d. No subdivision, as defined in Section 160A-376 of the North Carolina General Statutes, will be fragmented by the requested annexation; and
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed twenty percent (20%) of the area within the primary corporate limits of the City of Asheboro; and

WHEREAS, the City Council further finds that the petition has been signed by all of the owners of real property in the area who are required by law to sign; and

WHEREAS, the City Council further finds that the petition is otherwise valid and that the public health, safety, and welfare of the City of Asheboro and the area proposed for annexation will be best served by annexing the area described in Section 1 of this ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina as follows:

Section 1. By virtue of the authority granted in Section 160A-58.2 of the North Carolina General Statutes, the following described non-contiguous territory is annexed, attached to, and hereby becomes a part of the City of Asheboro, and is described by metes and bounds as follows:

Asheboro Township, Randolph County, North Carolina:

BEGINNING in the southwestern margin of the 60-foot right-of-way for Old Lexington Road (North Carolina Secondary Road 1004) at a $\frac{5}{8}$ -inch existing rebar that is 6" above the ground and is located by means of the North Carolina Coordinate System at the coordinates of North 718,500.729 feet and East 1,750,092.976 feet (NAD 27); thence from the said beginning point following the proposed satellite corporate limits line for the City of Asheboro the following courses and distances along the southeastern boundary line of the property to be annexed into the City of Asheboro (the area to be annexed is the property of James P. Hill, Jr. and wife, Pamela L. Hill that is described in Deed Book 2269, Page 1082, Randolph County Public Registry and in Deed Book 2283, Page 495, Randolph County Public Registry): South 46 degrees 07 minutes 50 seconds West 410.35 feet to a $\frac{3}{4}$ -inch existing iron pipe that is 18" above the ground; thence South 46 degrees 07 minutes 50 seconds West 50.28 feet to a $\frac{5}{8}$ -inch existing rebar that is 6" above the ground; thence following the annexation area's southernmost boundary line along the Carolina Bank property described in Deed Book 2271, Page 264, Randolph County Public Registry the following courses and distances: North 39 degrees 12 minutes 59 seconds West 48.96 feet to a control corner with a $\frac{5}{8}$ -inch existing rebar that is 6" above the ground; thence North 87 degrees 05 minutes 04 seconds West 180.25 feet to a control corner with a 2" existing iron pipe that is 18" above the ground; thence following the existing satellite corporate limits line that is contiguous with the area proposed for annexation the following courses and distances: North 42 degrees 58 minutes 38 seconds East 186.93 feet to a $\frac{1}{2}$ -inch existing rebar that is flush with the ground; thence North 12 degrees 41 minutes 35 seconds East 30.50 feet to a $\frac{1}{2}$ -inch existing rebar that is flush with the ground; thence North 27 degrees 29 minutes 24 seconds East 43.82 feet to a $\frac{1}{2}$ -inch existing rebar that is flush with the ground; thence North 37 degrees 57 minutes 18 seconds East 177.65 feet to a $\frac{5}{8}$ -inch existing rebar that is flush with the ground; thence North 42 degrees 15 minutes 45 seconds East 47.61 feet to a $\frac{5}{8}$ -inch existing rebar that is flush with the ground; thence North 48 degrees 23 minutes 57 seconds East 51.04 feet to a $\frac{5}{8}$ -inch existing rebar that is flush with the ground; thence North 56 degrees 30 minutes 41 seconds East 71.90 feet to a $\frac{5}{8}$ -inch existing rebar that is flush with the ground and is located in the southwestern margin of the right-of-way for Old Lexington Road; thence departing from the existing satellite corporate limits line and proceeding along the southwestern margin of the right-of-way for Old Lexington Road the following courses and distances: South 39 degrees 20 minutes 14 seconds East 32.05 feet to a $\frac{5}{8}$ -inch existing rebar that is flush with the ground; thence South 39 degrees 20 minutes 14 seconds East 188.44 feet to a 2-inch existing iron pipe that is 18" above the ground; thence South 39 degrees 20 minutes 14 seconds East 15.00 feet to the point and place of BEGINNING, and containing 2.640 acres of land, more or less, to be annexed.

The above-listed description is in accordance with a plat of survey entitled "Annexation Plat Prepared For James P. Hill, Jr. & Pamela L. Hill." This plat was drawn under the supervision of Steven D. Brown, Professional Land Surveyor with Registration Number L-1435, from an actual survey made under his supervision. The job number listed on the plat is 2011002AX. The said plat of survey is dated December 8, 2011, with a revision date of May 1, 2012.

Section 2. Upon and after June 30, 2012, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro

and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. Said territory shall be subject to municipal taxes according to Section 160A-58.10 of the North Carolina General Statutes.

Section 3. The Mayor of the City of Asheboro shall cause to be recorded in the Office of the Register of Deeds of Randolph County, North Carolina, and in the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Randolph County Board of Elections, as required by Section 163-288.1 of the North Carolina General Statutes.

Section 4. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall take effect and be in force from and after June 30, 2012.

This ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 7th day of June, 2012.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, City Clerk

Approved as to form:

/s/Jeffrey C. Sugg
Jeffrey C. Sugg, City Attorney

9. Consideration of a resolution supporting and authorizing an application on behalf of the Randolph County Senior Adults Association for funding from the Rural Economic Development Center to reuse a downtown building for the new senior center.

Ms. Fletcher presented and recommended adoption, by reference, of the aforementioned resolution.

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

25 RES 6-12

RESOLUTION SUPPORTING THE RENOVATION OF A BUILDING IN DOWNTOWN ASHEBORO FOR THE PROPOSED SENIOR ADULTS ACTIVITIES CENTER AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE RURAL ECONOMIC DEVELOPMENT CENTER FOR FUNDING

WHEREAS, the City of Asheboro, like Randolph County and the rest of the nation, anticipates that the fastest growing segment of the community's population will be adults age 60 and over; and

WHEREAS, the Randolph County Senior Adults Association (hereinafter referred to as "RCSAA") provides services, including without limitation preventative health measures, that are designed to impact in a positive and meaningful manner the goal of improving the quality of life of the community's seniors and their families; and

WHEREAS, RCSAA is currently confronting the challenge of finding a facility that can accommodate the need for an enhanced and expanded physical plant from which RCSAA can offer preventative health services to the growing population of senior adults; and

WHEREAS, a building located at 173 North Church Street in downtown Asheboro has been identified as an excellent candidate for renovation and conversion from its former purpose as part of a local manufacturer's facilities to a state of the art multi-purpose Senior Adults Activities Center to be owned and operated by RCSAA for the purpose of providing the services that improve the wellness of the community's seniors and thereby increase the quality of life of senior adults and their families; and

WHEREAS, the expanded services that will be facilitated by the proposed renovation of the existing building will enable RCSAA to create five (5) jobs; and

WHEREAS, RCSAA has committed itself to renovating and repurposing the former industrial building by undertaking a three million dollar (\$3,000,000) capital campaign known as "The Expanding Opportunities for Active Living Campaign;" and

WHEREAS, the provision of wellness services for senior adults and the resulting job creation is such an important public purpose that the Asheboro City Council has pledged to RCSAA's capital campaign a total appropriation of five hundred thousand dollars (\$500,000) that is to be paid in annual payments of one hundred thousand dollars (\$100,000) over the course of five (5) years; and

WHEREAS, due to the Asheboro City Council's high level of commitment to this project to expand and enhance the services offered to senior adults, the city is also willing to assist RCSAA in obtaining grant funding that can bring the proposed Senior Adults Activities Center to reality; and

WHEREAS, one of the potential sources of grant funding that has been identified for this project is the Rural Hope initiative undertaken by the North Carolina Rural Economic Development Center, Inc. with the design to spur economic activity and job creation in the health care sector while improving the availability and quality of health care services in rural communities; and

WHEREAS, the City of Asheboro as an eligible applicant (an eligible applicant is defined as a unit of government in partnership with private or nonprofit health care provider) may apply for grant funding under the Rural Hope initiative in an amount that does not exceed eight thousand dollars (\$8,000) per job created; and

WHEREAS, based on the formula stated in the immediately preceding recital, the City Council wishes to proceed with an application for grant funding through the Rural Hope initiative in the total amount of forty thousand dollars (\$40,000);

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the City Council unequivocally supports the Randolph County Senior Adults Association's project to renovate the existing building at 173 North Church Street and convert this industrial building into a multi-purpose Senior Adults Activities Center that will enable RCSAA to enhance and expand the wellness and preventative health care services that it provides to the senior adults in Asheboro and Randolph County; and

BE IT FURTHER RESOLVED, as evidenced by the commitment of a total of five hundred thousand dollars (\$500,000) to RCSAA's capital campaign known as "The Expanding Opportunities for Active Living Campaign," the City of Asheboro's financial commitment to the project will more than satisfy the grant program requirement that the applicant provide a cash match of five percent (5%) of the grant request toward the building renovation project; and

BE IT FURTHER RESOLVED that the Mayor and the city's appointed officials are hereby authorized to execute the legal instruments required by the North Carolina Rural Economic Development Center, Inc. to successfully complete the grant application process prescribed for the Rural Hope initiative.

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 7th day of June, 2012.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, City Clerk

10. Consideration of an ordinance to amend the Code of Asheboro in order to enhance the rental procedure for recreation facilities.

Mr. Sermon presented and recommended adoption, by reference, of the aforementioned ordinance.

Upon motion by Mr. Bell and seconded by Ms. Carter, Council voted unanimously to adopt the following ordinance by reference.

15 ORD 6-12

AN ORDINANCE AMENDING CHAPTER 98 OF THE CODE OF ASHEBORO

WHEREAS, Chapter 98 of the Code of Asheboro addresses regulatory matters that specifically pertain to the City of Asheboro Cultural and Recreation Services Division; and

WHEREAS, the City of Asheboro Cultural and Recreation Services Division (hereinafter referred to as the "Division") is responsible for the operation and good order of the city's parks and other recreation facilities; and

WHEREAS, the Division's operation of the parks and recreation facilities includes renting facilities such as shelters in the parks that, due to the need to allocate limited human resources to a wide variety of events and facilities, cannot be actively supervised by a Division employee during the entirety of the time period for which a shelter or some other facility has been rented; and

WHEREAS, the Division recently encountered a situation in which individuals who had not rented a park shelter failed to properly yield the occupancy of the shelter to individuals who had adhered to all of the requirements for renting the desired park shelter; and

WHEREAS, the City Council concurs with the conclusion made by city staff that a municipal ordinance is needed in order to clearly and unequivocally place sworn law enforcement officers in a position to take timely and effective enforcement action when individuals who have paid the required fees and complied with the applicable administrative regulations are unable to use a shelter/facility that they have rented due to the refusal of third parties to leave the reserved shelter/facility;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro as follows:

Section 1. A new Section 98.03 of the Code of Asheboro is hereby enacted to provide as follows:

§ 98.03 **FAILURE TO VACATE RENTED RECREATION FACILITIES**

(a) It is unlawful for any person to occupy or otherwise utilize in any manner a recreation facility managed by the City of Asheboro Cultural and Recreation Services Division, specifically including by way of illustration and not limitation shelters in city parks and the Rotary Pavilion at Bicentennial Park, when signage displayed at such a facility indicates that the facility is rented and documentation from the Cultural and Recreation Services Division authorizing the use of the facility by another individual, group, or entity is displayed to the person(s) attempting to unlawfully occupy or utilize the facility.

(b) In accordance with Section 14-4 of the North Carolina General Statutes, any person who violates this ordinance is guilty of a Class 3 misdemeanor and is subject to a fine of not more than five hundred dollars (\$500).

Section 2. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall be in full force and effect upon and after June 15, 2012.

This ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 7th day of June, 2012.

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

ATTEST:

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

11. Upcoming events:

- Randolph County Economic Development Annual Meeting – June 21, 2012 at 8:00 a.m. at AVS.
- Certified Retirement Community presentation at the entrance to Bicentennial Park – June 21, 2012 at 10:00 a.m.
- Special meeting of the City Council on June 28, 2012 at 12:30 p.m. to consider the budget ordinance for fiscal year 2012-2013.

There being no further business, the meeting was adjourned at 8:55 p.m.

 /s/Holly H. Doerr
Holly H. Doerr, CMC, City Clerk

 /s/David H. Smith
David H. Smith, Mayor