

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, AUGUST 8, 2013
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 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
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
John L. Evans, Assistant Community Development Director
Kerrin E. Lowe, Community Development Division Intern
Bradley W. Morton, Planning Technician/Deputy City Clerk
Ralph W. Norton, Chief of Police
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Michael D. Rhoney, Water Resources Director
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. 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.

3. Consent agenda:

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

- (a) The minutes of the City Council’s regular meeting on July 11, 2013.**
- (b) The minutes of the City Council’s special meeting on July 30, 2013.**
- (c) The findings of fact, conclusions of law, and order entered under Community Development Division File Number SUP-13-04.**

Case No. SUP-13-04
City Council
City of Asheboro

IN THE MATTER OF THE APPLICATION BY ASH-RAND RESCUE SQUAD AND EMERGENCY
MEDICAL SERVICE, INC. FOR A SPECIAL USE PERMIT
AUTHORIZING A PUBLIC USE FACILITY

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING THE REQUESTED SPECIAL
USE PERMIT

THIS MATTER came before the Asheboro City Council (hereinafter referred to as the “Council”) for a quasi-judicial hearing conducted during the course of the Council’s regular meeting on July 11,

2013. Having considered all competent evidence and argument, the Council, on the basis of competent, material, and substantial evidence, does hereby enter the following:

FINDINGS OF FACT

1. Ash-Rand Rescue Squad and Emergency Medical Service, Inc., a North Carolina non-profit corporation, (hereinafter referred to as the "Applicant") has been providing rescue and emergency medical services from an existing station or base located at 805 South Cox Street for a significant period of time.

2. With the addition over time of the personnel and equipment currently utilized to provide these rescue and emergency medical services, the Applicant has begun the process of updating and expanding its facilities at 805 South Cox Street. Consequently, the Applicant has applied for a special use permit that would authorize the proposed expansion of the station.

3. The Applicant's existing facilities, as well as the proposed improvements, have been classified by the City of Asheboro Community Development Division staff members (hereinafter collectively referred to as "Division staff") as a single land use known under the specifications and regulations of the Asheboro Zoning Ordinance as a public use facility. No evidence has been offered to challenge the Division staff's classification of the proposed land use, and the Council hereby adopts the said classification as its own.

4. The Applicant has submitted a site plan describing the proposed improvements that can generally be described as a 6,672-square foot two-story addition to the north side of the existing building and includes additional parking.

5. As proposed, the expanded and improved public use facility at 805 South Cox Street will be located on two parcels of land that are approximately 0.598 of an acre in size and are more specifically identified by the following Randolph County Parcel Identification Numbers: 7750892736 and 7750891697. For the purpose of applying the city's land use regulations, the said parcels of land will be treated as a single zoning lot (hereinafter referred to as the "Zoning Lot").

6. The Zoning Lot is located within the Asheboro city limits with access to all city services.

7. The Zoning Lot abuts South Cox Street and South Main Street. South Cox Street is a major thoroughfare, while South Main Street is a city-maintained collector street.

8. The area in which the Zoning Lot is located is characterized by a mixture of uses with single and multi-family development, offices, and commercial development.

9. The Zoning Lot is located in an O & I (Office and Institutional) zoning district, and the lot is also located within Tier 3 of the Center City Planning Area (hereinafter referred to as the "CCPA").

10. So long as the proposed development activity is in compliance with the applicable specifications and regulations of the Asheboro Zoning Ordinance (hereinafter referred to as the "Ordinance"), a public use facility is permitted by right at this location.

11. The Applicant's proposed expansion project is not in compliance with all of the Ordinance's specifications and regulations. Consequently, the Applicant must obtain a special use permit authorizing a public use facility in order to proceed with developing the improvements as proposed.

12. By means of legislative enactment, the Asheboro City Council has previously taken account of the reality that public use facilities help provide needed public services. Accordingly, the Ordinance allows the development of a public use facility even when, viewed through the prism of the Ordinance's standard specifications and regulations, there are deficiencies in the plan for the proposed use. This alternative pathway for the approval of a public use facility requires the evaluation of the proposal by the Council under the standards prescribed for a quasi-judicial hearing on the question of whether a special use permit for a proposed public use facility is warranted by the evidence.

13. The Applicant needs a special use permit to proceed with the proposed project because the submitted site plan indicates a failure to satisfy three, and only three, aspects of the standard regulatory framework. The three deficiencies under the standard regulatory framework that have been detected in the proposal are as follows:

- (1) Within Tier 3 of the CCPA, the maximum lot coverage of impervious surfaces (i.e. buildings, pavement) is 55 percent (Section 200A.E.2(a)(vi) of the Ordinance). The applicant proposes 67.19 percent impervious coverage.
- (2) The maximum driveway width for a commercial driveway is 36 feet (Section 408.L.5 of the Ordinance). The applicant proposes a driveway approximately 63 feet in width along South Main Street.
- (3) The minimum distance between curb cuts is 36 feet (Section 408L.3 of the Ordinance). The site plan indicates that a proposed curb cut on South Main Street is located approximately 10 feet from an existing curb cut.

14. Section 602.2(b) of the Ordinance provides as follows:

In cases where there is a deficiency in the ability of a Public Use Facility to meet all regulatory requirements of the Zoning Ordinance, City Council shall review the application for a Public Use Facility and evaluate whether or not a Special Use Permit shall be issued for the proposed public use facility solely on the basis of the general standards prescribed by Section 602.1 of this Ordinance. For the limited purpose of evaluating public use facilities under General Standard No. 2 of Section 602.1, a public use facility shall be deemed to have satisfied this standard if a site plan has been submitted in accordance with Section 1005 of this Ordinance.

15. The general standards prescribed by Section 602.1 of the Ordinance are as follows:

- (1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
- (2) That the use meets all required conditions and specifications.
- (3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.
- (4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.

16. The submitted site plan for the proposed public use facility does comply with Section 1005 of the Ordinance and, with the exception of the deficiencies list above in finding no. 13, the proposal is fully compliant with the Ordinance.

17. The growth strategy map identifies the area in which the Zoning Lot is located as a primary growth area, and the proposed land development plan map designates the Zoning Lot's location as an activity center.

18. The Division staff offered for attachment to any permit issued by the Council the following conditions:

- a. The development approvals granted by this permit are issued on the basis of the review and evaluation process authorized by Section 602.2(b) of the Asheboro Zoning Ordinance. Consequently, this review and evaluation process has focused exclusively on the use of the Zoning Lot for a public use facility. If approval is sought in the future for any development activity that is not connected with a public use facility, the findings, conclusions, and order issued under file number SUP-13-04 shall be deemed, with one exception, to be inapplicable to the analysis of such a request. This one exception would be the potential implication of the applicability of Article 800 of the Asheboro Zoning Ordinance to improvements actually constructed on the Zoning Lot in reliance upon the permit issued under file number SUP-13-04. Otherwise, any such application for a development activity unrelated to the public use facility shall be analyzed by applying the city's land use regulations to the facts of the request as if the approvals granted under SUP-13-04 were never issued by the Council.
- b. The review and approval by the Council of the site plan submitted under file number SUP-13-04 shall not be deemed to restrict the authority previously granted to city staff members under Section 602.2(a) of the Asheboro Zoning Ordinance. Notwithstanding the fact that subsequent land development activities on the Zoning Lot may necessitate actions that are not reflected on the approved site plan, the Council hereby expressly reaffirms the on-going authority of city staff members to issue, without seeking further approval from the Council, the necessary permits for the public use facility land use located on the Zoning Lot when, and only if, the development activity for which the permit is requested is compliant with the entirety of the regulatory requirements prescribed by the Asheboro Zoning Ordinance.
- c. Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute 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 Special Use Permit in the chain of title for the Zoning Lot.

19. The Applicant's attorney, Mr. Scott Eggleston, Esq., testified that the Applicant is agreeable with the conditions proposed by the Division staff.

20. No testimony was offered in opposition to the granting of the requested Special Use Permit. To the contrary, the entirety of the evidence received by the Council during the hearing of this matter pointed to how the Applicant's plan of development, including the site plan and elevations, enhances the ability of an existing facility to function as a safe and effective base of operations for storing and being ready to use equipment that is essential for conducting rescue and emergency medical services in this city and beyond.

Based on the foregoing findings of fact, the Council hereby enters the following:

CONCLUSIONS OF LAW

1. The Council has concluded that the proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
2. The evidence received during the public hearing established that the proposed use meets the required conditions and specifications of the Asheboro Zoning Ordinance.
3. The evidence presented during the course of the hearing of this matter established that the proposed use would not substantially injure the value of the adjoining/abutting property.
4. The location and character of the Applicant's proposed use, if developed according to the approved plan, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.

Based on the above-recited findings of fact and conclusions of law, the Council hereby enters the following:

ORDER

The Applicant is hereby issued a Special Use Permit authorizing the construction and operation on the Zoning Lot of a public use facility to provide rescue and emergency medical services. This permit shall be valid so long as, and only so long as, the Applicant, and its successors and assigns, conducts the approved land use in compliance with the approved site plan, the provisions of the Ordinance, and the following conditions:

1. The development approvals granted by this permit are issued on the basis of the review and evaluation process authorized by Section 602.2(b) of the Ordinance. Consequently, this review and evaluation process has focused exclusively on the use of the Zoning Lot for a public use facility. If approval is sought in the future for any development activity that is not connected with a public use facility, the findings, conclusions, and order issued under file number SUP-13-04 shall be deemed, with one exception, to be inapplicable to the analysis of such a request. This one exception would be the potential implication of the applicability of Article 800 of the Ordinance to improvements actually constructed on the Zoning Lot in reliance upon the permit issued under file number SUP-13-04. Otherwise, any such application for a development activity unrelated to the public use facility shall be analyzed by applying the city's land use regulations to the facts of the request as if the approvals granted under SUP-13-04 were never issued by the Council.
2. The review and approval by the Council of the site plan submitted under file number SUP-13-04 shall not be deemed to restrict the authority previously granted to city staff members under Section 602.2(a) of the Ordinance. Notwithstanding the fact that subsequent land development activities on the Zoning Lot may necessitate actions that are not reflected on the approved site plan, the Council hereby expressly reaffirms the on-going authority of city staff members to issue, without seeking further approval from the Council, the necessary permits for the public use facility land use located on the Zoning Lot when, and only if, the development activity for which the permit is requested is compliant with the entirety of the regulatory requirements prescribed by the Asheboro Zoning Ordinance.
3. Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute 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 Special Use Permit in the chain of title for the Zoning Lot.

The above-stated findings, conclusions of law, and order were adopted by the Asheboro City Council in open session during a regular meeting held on the 8th day of August, 2013.

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

ATTEST:

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

(d) The temporary closing of streets for Fall Festival XLI.

The Randolph Arts Guild submitted the request to temporarily close the downtown area streets for Fall Festival XLI. The specific streets and sections of streets to be closed for the event runs from the evening of October 4, 2013 through October 6, 2013 on a street map submitted by the Arts Guild. With the approval of the consent agenda, this request

was approved without modification. A copy of the approved street closure map is on file in the City Clerk's office.

- (e) **Acknowledgement of the receipt from the City Manager of the report on surplus property disposed of in accordance with Section 30.07 of the Code of Asheboro between January 1, 2013 and June 30, 2013.**

A copy of the surplus property disposal report was received by the Mayor and Council Members, and a copy of this report is on file in the City Clerk's office.

- (f) **A resolution appointing Brooke Schmidly to a 3-year term as chair of the Asheboro ABC Board.**

35 RES 8-13

**RESOLUTION APPOINTING J. BROOKE SCHMIDLY TO A NEW
THREE-YEAR TERM ON THE ASHEBORO ABC BOARD**

WHEREAS, in accordance with Section 18B-700 of the North Carolina General Statutes, the Asheboro ABC Board consists of three (3) members that are appointed by the Asheboro City Council; and

WHEREAS, Section 18B-700(a) of the North Carolina General Statutes provides in pertinent part as follows:

One member of the initial board of a newly created ABC system shall be appointed for a three-year term, one member for a two-year term, and one member for a one-year term. As the terms of the initial board members expire, their successors shall each be appointed for three-year terms. The appointing authority shall designate one member of the local board as chairman; and

WHEREAS, J. Brooke Schmidly was first appointed to the Asheboro ABC Board for a two-year term on August 12, 2008, when the initial local board was appointed by the Asheboro City Council; and

WHEREAS, at the conclusion of her initial two-year term, Ms. Schmidly was appointed, effective August 12, 2010, to a three-year term of office on the Asheboro ABC Board; and

WHEREAS, when the initial Board Chair, the Honorable Russell G. Walker, Jr., announced that he did not wish to be reappointed to the Asheboro ABC Board for another term, this Council designated, effective August 13, 2012, J. Brooke Schmidly as Board Chair; and

WHEREAS, from the time of its initial creation to the present, the Asheboro ABC Board has performed its duties in a very efficient and professional manner; and

WHEREAS, the Asheboro City Council believes that it is in the best interest of the Asheboro ABC system and the municipal corporation to reappoint Ms. Schmidly to the Asheboro ABC Board for a full three-year term and to continue her designation as Board Chair; and

WHEREAS, Ms. Schmidly has expressed a willingness to continue her service on the Board;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that, effective August 12, 2013, J. Brooke Schmidly is appointed to a new three-year term on the Asheboro ABC Board; and

BE IT FURTHER RESOLVED that, effective August 12, 2013, the continuing validity of the designation of J. Brooke Schmidly as the member of the Asheboro ABC Board who is to serve as the Board Chair is confirmed.

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 8th day of August, 2013.

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

ATTEST:

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

(g) Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for meetings held on June 3, 2013 and July 1, 2013.

Copies of the minutes of the Asheboro ABC Board's meetings on June 3, 2013 and July 1, 2013 were received by the Mayor and Council Members, and copies of these minutes are on file in the City Clerk's office.

4. Community Development Division Items:

(a) Zoning Case RZ/CUP-13-11: A combined hearing on the application filed by Glenn King to rezone the property located at 1000 Park Drive from R15 (low-density residential) to conditional use O&I (office and institutional) zoning, and if the requested rezoning is approved, to obtain a conditional use permit authorizing an office development with multiple uses.

Mayor Smith opened the public hearing on the following request.

Mr. Nuttall was placed under oath and presented a request from the Applicant, Mr. Glenn King, to continue the above-referenced request. Mr. Nuttall noted that a protest petition has been filed in response to the application for a change in zoning districts.

Upon motion by Mr. Moffitt and seconded by Ms. Carter, Council voted unanimously to continue the above-referenced land use case, specifically including the combined hearing, to the Council's regular September meeting scheduled for September 12, 2013.

(b) Zoning Case RZ-13-12: Legislative hearing concerning the application filed by Gary Hall to amend the text of the Asheboro Zoning Ordinance pertaining to kennels.

Mayor Smith opened the public hearing on the following request.

Mr. Nuttall presented the Community Development Division staff's analysis of the request by Mr. Gary Hall, who is the president of the Randolph County Society for the Prevention of Cruelty to Animals, to amend certain text in the Asheboro Zoning Ordinance pertaining to kennels. The specific text impacted by this request is the text found in Note 21 of the Table of Uses (Table 200-2). Note 21 contains supplemental regulations for kennels, specifically including minimum setback requirements for animal exercise areas at kennels.

The specific analysis of the city staff is as follows:

1. A kennel is defined by Article 1100 of the Asheboro Zoning Ordinance as *an establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.*
2. The current regulation states that "exercise areas shall observe a setback of 200 feet from any lot lines," which currently applies to all zoning districts.
3. The applicant is proposing an amendment to require this 200' setback only when a kennel is adjacent to residentially zoned property lines.
4. Other provisions of the zoning ordinance (i.e. Performance Standards) address external effects that are likely to be present when outdoor animal exercise areas exist at kennels. Provisions in the zoning ordinance and other ordinances (City Code, County Animal Control Ordinance that applies in the City limits) address noise, containment (of animals), dangerous animals, and sanitary conditions and animal welfare at kennels.

The applicant's proposed text amendment, which is underlined, to Table 200-2, Note 21 – (Supplemental Regulation for Kennels) is as follows:

All activities, with the exception of animal exercise areas, shall be conducted within an enclosed, soundproofed building. Exercise areas shall observe a 200 foot setback from any residentially zoned lot lines. The disposal methods for wastes generated shall be reviewed and approved by the appropriate Department of Health. No noise levels above surrounding ambient levels shall be detectable at the zoning lot boundaries of the lot containing the kennel. No odors greater than ambient odors shall be detectable at the zoning lot boundaries of the lot containing the kennel.

The Planning Board concurred with the following Community Development Division staff's analysis:

"The setback provisions for kennels were in place prior to 1993, when Performance Standards to address noise and other negative external effects from kennels and other uses, was (sic) adopted in the zoning ordinance. Additionally, as stated in the analysis, other provisions, such as the Randolph County Animal Control Ordinance are better equipped to address issues related to the management of animals. Staff concurs with the applicant's proposal to leave the setback provision for animal exercise areas in place when kennels are adjacent to residentially zoned properties as an additional safeguard to protect residential property owners and occupants from negative external effects of kennels."

In order to address and clarify certain concerns that arose during Council's discussion, city staff proposed the following modifications to the proposed text amendments: (modifications are italicized)

All activities, with the exception of animal exercise areas, shall be conducted within an enclosed, soundproofed building. Exercise areas shall observe a 200 foot setback from any residentially zoned lot lines. The disposal methods for wastes generated shall be reviewed and approved by the appropriate Department of Health. No noise levels above surrounding ambient levels shall be detectable at the zoning lot boundaries of the lot containing the kennel. No odors greater than ambient odors shall be detectable at the zoning lot boundaries of the lot containing the kennel. *For the exclusive purpose of interpreting and applying this supplemental regulation, the term "residentially zoned lot" shall include the following zoning districts: R40, R15, R10, R7.5, RA6, and OA6.*

The Applicant, Mr. Gary Hall, presented comments in support of the request.

There being no further comments and no opposition from the public, Mayor Smith transitioned to the deliberative phase of the hearing.

Upon motion by Bell and seconded by Ms. Carter, Council voted unanimously to adopt, with the above-noted modification that is in italics, the recommendation/analysis of the Community Development Division staff and the Planning Board and approved the above-stated proposed text amendments to the Asheboro Zoning Ordinance along with adopting, as its own, the following consistency statement:

Council believes that the proposed text amendments are supported by the Land Development Plan and are therefore in the public interest in supporting a reasonable use of the property.

(c) Subdivision Case No. SUB-00-02: Final plat review of Vuncannon Properties, Phase II

Mr. Nuttall presented the final plat for the proposed McDowell Road Commercial Park. Mr. Mike Vuncannon requested the approval of a final plat of the subdivision located along Curry Drive. The plat submitted for approval pertains to approximately 24.87 acres of land (a total of three (3) lots with an average lots size of approximately 7.92 acres of land).

The Community Development Division and the Planning Board recommended granting the requested final plat approval.

Mr. Mike Vuncannon was available to answer questions.

Upon motion by Mr. Bell and seconded by Mr. Baker, Council voted unanimously to approve the final plat submitted for the McDowell Road Commercial Park. A copy of the approved plat is on the file in the Community Development Division.

(d) Consideration of ordinances pertaining to the demolition of unsafe structures at 832 Peachtree Street and 811 Brewer Street.

(i) Mr. Nuttall presented and recommended adoption, by reference, of an ordinance directing the chief building inspector to demolish a partially burned structure located at 832 Peachtree Street.

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

ORDINANCE DIRECTING THE CHIEF BUILDING INSPECTOR TO DEMOLISH A PARTIALLY BURNED STRUCTURE LOCATED AT 811 BREWER STREET

WHEREAS, pursuant to Section 160A-426(a) of the North Carolina General Statutes, the inspectors in the City of Asheboro Building Inspections Department have affixed a sign to the exterior of a partially burned residence at 811 Brewer Street in order to give notice of the dangerous character of the intact portion of the structure that is located on a parcel of land more specifically identified by Randolph County Parcel Identification Number 7761243861; and

WHEREAS, subsequent to the initiation of the condemnation process for this unsafe structure at 811 Brewer Street (hereinafter referred to as the "Condemned Structure"), notice was given and two hearings were held on April 19, 2013, and May 8, 2013, respectively, in accordance with Section 160A-428 of the North Carolina General Statutes in order to determine if corrective action was to be ordered as a consequence of the failure of any person with an interest in the property to take corrective action in response to the posting of the unsafe structure notice; and

WHEREAS, on May 17, 2013, after considering the evidence heard during the above-referenced hearings, which were not attended by any owners or representatives of parties with a purported interest in the Condemned Structure, the Chief Building Inspector for the City of Asheboro (hereinafter referred to as the "Inspector") issued, pursuant to Section 160A-429 of the North Carolina General Statutes, an order to remedy the hazardous conditions existing at 811 Brewer Street by demolishing, removing, and properly disposing of the Condemned Structure on or before July 19, 2013; and

WHEREAS, the demolition order, which included findings, entered by the Inspector was not appealed by any party claiming an interest in the Condemned Structure, and, consequently, the Council adopts as its own these uncontested findings; and

WHEREAS, no remedial actions to abate the hazardous conditions associated with the Condemned Structure have been taken as of the date of the Council's consideration of this matter on August 8, 2013;

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

Section 1. In accordance with Section 160A-432(b) of the North Carolina General Statutes, the Inspector is hereby ordered to cause the Condemned Structure located at 811 Brewer Street, Asheboro, North Carolina 27203 to be demolished and the debris to be properly removed from the premises so as to abate the hazardous conditions currently existing on the lot.

Section 2. In accordance with Section 160A-432(b) of the North Carolina General Statutes, the costs incurred by the City of Asheboro in connection with the demolition project described above in Section 1 of this Ordinance shall be a lien against the real property upon which the cost was incurred.

Section 3. In accordance with Section 160A-432(b1) of the North Carolina General Statutes, the costs incurred by the City of Asheboro in connection with the demolition project described above in Section 1 of this Ordinance shall, with the exception of the owner's primary residence, also be a lien against any other real property of the owner of the Condemned Structure that is located within the city limits or within one mile of the city limits.

Section 4. This Ordinance shall become effective upon its adoption.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 8th day of August, 2013.

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

ATTEST:

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

5. Report from Kerrin Lowe concerning the display of downtown visitor information in furtherance of the broader wayfinding efforts.

Ms. Lowe reported that QR codes would soon be added to the wayfinding maps that are displayed downtown. These codes will enhance visitor information by allowing individuals to scan

the QR codes with their smart phones in order to access maps and information about downtown Asheboro including, but not limited to, public parking, restaurants, nightlife, and art sculptures.

6. Public comment period.

Mayor Smith opened the floor for comments from the public.

Ms. Ashley Harris conveyed to the elected officials her allegations that she and her fiancée were wrongfully stopped by a police officer in the early morning hours of Sunday, August 4, 2013. Chief Norton was in attendance during the public comment period, and he stated that the incident was under review as part of an administrative investigation.

There being no further comments from the public, Mayor Smith closed the public comment period.

7. Acknowledgement of the receipt of \$65,000.00 in financial assistance from the North Carolina Department of Environment and Natural Resources for the Peninsula Park watershed protection project at Lake Lucas.

Mr. Nuttall reported that the city has been approved for \$65,000.00 in financial assistance by the State of North Carolina for the Peninsula Park watershed protection project at Lake Lucas. The Division of Water Resources of the Department of Environment and Natural Resources will be in contact with Mr. Ogburn concerning the administrative requirements for the use of state funds for this project.

8. Water Resources Division report from Michael Rhoney, P.E., on the proposed capital improvements for the wastewater treatment system.

(a) Outline of needed capital improvements.

Mr. Rhoney presented, for Council's review, a capital improvements plan for the wastewater treatment system.

(b) Consideration of a resolution adopting a capital improvement plan.

Mr. Rhoney presented and recommended adoption, by reference, of a resolution to adopt the discussed capital improvements plan for the sanitary sewer collection system permit.

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

36 RES 8-13

RESOLUTION TO ADOPT THE CAPITAL IMPROVEMENT PLAN FOR THE SANITARY SEWER COLLECTION SYSTEM PERMIT

WHEREAS, a capital improvement plan is a policy document created to assist in guiding decision concerning the short range and long range planning of future infrastructure capital expenditures; and

WHEREAS, a capital improvement plans is used as a comprehensive guide for policy decisions, and serves as a means to identify, prioritize, and plan for capital improvements; and

WHEREAS, the NCDENR Wastewater Collection System Permit requires adoption of a 3-5 year capital improvement plan; and

WHEREAS, City Staff have worked to develop a plan to address wastewater collection system needs over the next 5 years.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, that the attached Exhibit A is hereby adopted as the Wastewater Collection System Capital Improvement Plan by this Resolution.

This resolution was adopted by the Asheboro City Council in open session during regular meeting held on the 8th day of August, 2013.

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

ATTEST:

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

[Exhibit A that is referred to in this resolution is attached to the original resolution on file in the City Clerk's office.]

9. Consideration of going into closed session to discuss a potential economic development project with Ms. Bonnie Renfro, President of the Randolph Economic Development Corporation.

Mayor Smith entertained a motion to go into closed session pursuant to the statutory provisions found in Section 143-318.11(a)(4) of the North Carolina General Statutes in order to discuss matters relating to the location or expansion of industries or other businesses in the area served by the City of Asheboro, including agreement on a tentative list of economic development incentives that may be offered by the city in negotiations.

Upon motion by Mr. Swiers and seconded by Mr. Baker, Council voted unanimously to go into closed session for the above-stated reason and pursuant to the above-cited statutory authority.

(a) Closed session.

A separate general account of the closed session held pursuant to Section 143.318.11(a)(4) of the North Carolina General Statutes has been prepared and filed in the City Clerk's office. This general account has not been sealed by the Council and it is available for public inspection.

(b) Return to open session.

After returning to open session, Mr. Bell moved to authorize staff to publish legal notice of a joint public hearing with the Randolph County Board of Commissioners on Tuesday, August 20, 2013 in order to discuss a proposal to appropriate and expend County and City funds for an economic development project. Mr. Burks seconded the motion, and Council Members Baker, Bell, Burks, Carter, Hunter, Moffitt, and Swiers voted aye.

10. Upcoming events:

- (a) Unveiling of a plaque commemorating the civil rights sit-ins in Asheboro on January 27, 1964 – 10:00 a.m. on August 24, 2013.**
- (b) Annual employee appreciation luncheon on August, 28, 2013 – 11:00 a.m. until 1:00 p.m. at the Public Works Conference Room.**
- (c) NCLM Annual Conference – October 12- 15, 2013 in Hickory, NC.**

There being no further business, the meeting was adjourned at 8:20 p.m.

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

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