

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, OCTOBER 9, 2014
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
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Stacy Griffin, Human Resources Director
Leigh Anna Johnson, Public Information Officer
Michael L. Leonard, P.E., City Engineer
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
E. Todd Swaney, Police Captain
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 private prayer or meditation, Mayor Smith asked everyone to stand and repeat the pledge of allegiance.

3. Announcement of the applicant's withdrawal of a previously posted request for a special use permit that would have impacted Autumn Place Townhouses on Sunset Avenue.

Mayor Smith initially announced for the benefit of interested parties in attendance that the hearing on a potential public health nuisance listed under agenda item number 7 would not be heard because the conditions that triggered the need for a hearing had been voluntarily abated.

Subsequent to the adoption of the consent agenda, Mayor Smith announced that the applicant has withdrawn his request for a special use permit that would have impacted the Autumn Place Townhouses on Sunset Avenue, and that the public hearing for the request would not be heard by the Council.

4. Consent Agenda:

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

- (a) The minutes of the City Council's special meeting on September 8, 2014.**
- (b) The minutes of the City Council's regular meeting, including the general account of a closed session, on September 11, 2014.**
- (c) The dates of the 2014-2015 dark geese (Canada & White-Fronted geese) & duck hunting season at Lake Reese.**
- (d) The temporary closing of the following streets for a horse parade on Sunday, November 2, 2014 from 3:00 p.m. until 4:00 p.m.: South Park Street from Sunset Avenue to West Taft Avenue, West Taft Avenue from South Park Street to South Church Street, South Church Street from West Taft Avenue to Sunset Avenue, and Sunset Avenue from Church Street to Park Street.**

- (e) A request received from the Randolph County Veterans Council to temporarily close Church Street from Hoover Street to West Kivett Street, Sunset Avenue from Church Street to Fayetteville Street, Fayetteville Street from Academy Street to Salisbury Street, and Worth Street from Fayetteville Street to Cox Street for a Veterans Day Parade from 4:00 p.m. until 5:00 p.m. on Tuesday, November 11, 2014.
- (f) An ordinance to modify the parking plan for Worth Street between North Fayetteville Street and North Cox Street in order to align parking spaces for the disabled with the depressed curb.

ORDINANCE NUMBER 20 ORD 10-14

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AMENDED PARKING REGULATIONS FOR A SECTION OF WORTH STREET

WHEREAS, Section 160A-296 of the North Carolina General Statutes provides that a city shall have general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits; and

WHEREAS, Section 160A-301(a) of the North Carolina General Statutes provides that the “city may by ordinance regulate, restrict, and prohibit the parking of vehicles on the public streets, alleys, and bridges within the city;” and

WHEREAS, during its regular meeting on October 9, 2014, the Asheboro City Council concluded that the parking plan for the section of Worth Street between South Fayetteville Street and Cox Street should be updated to accurately reflect recent street improvements that included, without limitation, the alignment of parking spaces reserved for persons with mobility impairments with segments of depressed curb that can help mitigate limitations on mobility; and

WHEREAS, the city’s engineering department has prepared a detailed diagram, which is titled “Parking Plan for Section of Worth Street” and is dated October 2014, to accurately depict the parking space alignment in existence after the completion of the street improvements and to further serve as the new official parking plan for this improved section of Worth Street between South Fayetteville Street and Cox Street; and

WHEREAS, the diagram described in the immediately preceding paragraph is attached to this Ordinance as EXHIBIT 1 and is hereby incorporated into this Ordinance by reference as if copied fully herein (the parking plan proposed for adoption by the Asheboro City Council and shown on the attached diagram shall be hereinafter referred to as the “October 2014 Worth Street Parking Plan”);

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

Section 1. The October 2014 Worth Street Parking Plan submitted by city staff and attached hereto as EXHIBIT 1 is hereby approved and adopted, without modification, as the city’s official on-street parking plan for the section of Worth Street between South Fayetteville Street and Cox Street.

Section 2. The city manager is hereby directed to cause the parking spaces shown on the adopted October 2014 Worth Street Parking Plan to be posted with signage and otherwise marked in accordance with the applicable laws and generally accepted industry standards so as to fully implement the parking plan shown on the diagram attached to this Ordinance as EXHIBIT 1, specifically including without limitation designating the handicapped parking spaces indicated on the adopted plan in full compliance with Section 20-37.6(d) of the North Carolina General Statutes.

Section 3. The city clerk shall enter descriptions of the 2-hour time limits shown by the October 2014 Worth Street Parking Plan in the appropriate schedule (Schedule 3) of Section 72.02 of the Code of Asheboro.

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 the date of its adoption.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 9th day of October, 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

- (g) **Adoption of a resolution authorizing a lease agreement between the City of Asheboro and ALLTEL Communications of North Carolina Limited Partnership d/b/a Verizon Wireless.**

RESOLUTION NUMBER _____ 36 RES 10-14

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

APPROVAL OF A LEASE AGREEMENT WITH ALLTEL COMMUNICATIONS OF NORTH CAROLINA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS

WHEREAS, the City of Asheboro (hereinafter referred to as the "City") owns two (2) parcels of land on South Church Street that are identified by Randolph County Parcel Identification Numbers 7751619869 and 7751710819, the said real property is more particularly described in Deed Book 208, Page 376 and Deed Book 210, Page 133, Randolph County Registry; and

WHEREAS, an elevated water tank that is owned and operated by the City is located upon the premises described in the immediately preceding paragraph (said premises shall be hereinafter referred to as the "Water Tank Premises"); and

WHEREAS, ALLTEL Communications of North Carolina Limited Partnership d/b/a/ Verizon Wireless (hereinafter referred to as "Verizon Wireless") has expressed its desire to the City to continue to lease a portion of the Water Tank Premises for the purpose of maintaining and operating electronic communications equipment on the premises; and

WHEREAS, Section 160A-272 of the North Carolina General Statutes provides that property owned by the City may be leased to a tenant if the desired property will not be needed by the City for the term of the lease; and

WHEREAS, on September 25, 2014, notice was published in *The Courier-Tribune* of the Asheboro City Council's intent to consider, during its regular meeting on October 9, 2014, a resolution authorizing the lease of the requested space to Verizon Wireless; and

WHEREAS, the City Council of the City of Asheboro has determined that the portion of the Water Tank Premises that Verizon Wireless wishes to lease will not be needed by the City during the term of the lease; and

WHEREAS, the proposed lease agreement between the City and Verizon Wireless is attached to this Resolution as ATTACHMENT A and is hereby incorporated into this Resolution by reference as if copied fully herein;

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

Section 1. The proposed lease agreement with Verizon Wireless, which is attached to this resolution as ATTACHMENT A, is hereby approved.

Section 2. The Mayor is hereby authorized to execute on behalf of the City any and all documents and instruments necessary to carry into full force and effect the lease agreement attached hereto as ATTACHMENT A.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 9th day of October, 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. Transportation Items:

(a) Update from the N.C. Department of Transportation regarding pending highway projects.

Mr. Jeff Loflin, P.E., District Engineer, of the N.C. Department of Transportation utilized a visual presentation and brought the Council Members up to date on certain pending highway projects. These projects can be summarized as follows:

(i) Asheboro Bypass (Project R-2536)

This project, Project R-2536, will provide a four-lane divided facility on a new location from existing U.S. Highway 64 west of Asheboro near Stutts Road to existing U.S. Highway 64 east of Asheboro near Blue Mist, a distance of approximately 14.6 miles. Additionally, it will provide a two-lane facility primarily on a new location from east of Staley's Farm Road to existing N.C. Highway 159/Zoo Entrance, a distance of approximately 1.8 miles.

The purpose of this project is to improve traffic flow and levels of service on existing U.S. Highway 64, to reduce traffic congestion on existing U.S. Highway 64, and to enhance high-speed regional travel on the U.S. Highway 64 Intrastate Corridor, while improving access to the North Carolina Zoological Park. This project is estimated to be completed in 2019.

(ii) Vision Drive

This project will provide access to Fayetteville Street from all driveways on Vision Drive using superstreet design. Bid letting is scheduled for March 2015.

(iii) Mack Road

N.C. Highway 49 Intersection with Mack Road and Connector Road realignment with U.S. Highway 64. Bid letting is scheduled for February 2015.

(iv) Resurfacing Dixie Drive –U.S. Highway 64

The resurfacing of U.S. Highway 64 from near the western Asheboro City limits to near Salisbury Street is set to begin in the early spring of 2015. All work will be performed between the hours of 8:00 p.m. and 6:00 a.m.

Additionally, Mr. Loflin reported that the NCDOT plans to resurface Lewallen Road before June 24, 2015, and that the rehabilitation of bridge decks on U.S. Highway 64 over I-73/74, McDowell Road over I-73/74, Salisbury Street over SBL I-73/74 is scheduled for March 16, 2015.

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

(b) A resolution authorizing the City of Asheboro to enter into a sidewalk agreement with the N.C. Department of Transportation to use federal funding in the construction of a portion of sidewalk along the north side of U.S. Highway 64 East (East Dixie Drive) between Dublin Road and Executive Way.

Mr. Leonard presented and recommended adoption by reference of the aforementioned resolution.

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

RESOLUTION NUMBER 37 RES 10-14

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

SIDEWALK AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

WHEREAS, the City of Asheboro has requested enhancement funding administered by the North Carolina Department of Transportation (hereinafter referred to as the "NCDOT") for the construction of a section of sidewalk along the north side of East Dixie Drive (United States Highway 64 East) between Dublin Road and Executive Way; and

WHEREAS, the NCDOT has agreed, subject to the terms and conditions found in the attached SIDEWALK AGREEMENT (hereinafter referred to as the "Agreement") prepared by the NCDOT, to participate in the cost of the proposed sidewalk construction; and

WHEREAS, city staff members have recommended, and the City Council has agreed, that it is advisable for the city to enter into the proposed Agreement with the NCDOT and secure federal funding to construct additional sidewalk area along East Dixie Drive; and

WHEREAS, the said Agreement that must be executed in order to procure the requested funding for sidewalk construction is attached hereto as EXHIBIT 1 and is hereby incorporated into this Resolution by reference as if copied fully herein;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that the attached Agreement is hereby approved; and

BE IT FURTHER RESOLVED that the Mayor, City Clerk, and all other necessary city officials are hereby authorized to execute duplicate originals of the said Agreement.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 9th day of October, 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

[The above-referenced EXHIBIT 1 is on file in the City Clerk's office.]

6. Community Development Items:

- (a) **Zoning Case RZ-14-08: A legislative zoning hearing on the application filed by Richard H. Lyda to rezone property located at 217 N.C. Highway 49 South from B2 (General Commercial) to I1 (Light Industrial).**

Mayor Smith opened the public hearing on the following request.

The requested rezoning pertains to approximately 0.75 of an acre of land while the applicant who requested I1 rezoning is Richard Lyda, the property owner is listed as Ivey Goins. The Goins property is located at 217 N.C. Highway 49 South and is more specifically identified by Randolph County Parcel Identification Number 7750048965. The property owner has not objected to the requested rezoning.

Mr. Nuttall presented the Community Development Division staff's analysis of Mr. Richard H. Lyda's request to rezone the above-described property from B2 (General Commercial) to I1 (Light Industrial).

The staff report noted the following:

1. The property is located inside the city's corporate limits, and all city services are available. N.C. Highway 49 South is a state-maintained major thoroughfare.
2. Mack Road is a state-maintained minor thoroughfare.
3. The Zoning Ordinance states that the I1 District is intended to produce areas for manufacturing, processing and assembly uses, commercial uses, distribution and servicing enterprises, controlled by performance standards to limit the effect of such uses on uses within the district and on adjacent districts.
4. The area includes a mix of uses including commercial, residential (single and multi-family), with some industrial uses and zoning scattered along N.C. Highway 49 South and U.S. Highway 64 West/West Dixie Drive.
5. Improvements are planned to be made to Mack Road that will impact the property. These improvements include realignment and installation of traffic signals at Mack Road's intersection with N.C. Highway 49 South.
6. The available history of the property indicates that it has been used for a gas station, motor vehicle sales, and a vehicle towing and storage yard. Text amendments to the Zoning Ordinance adopted in 2008 specified that storage yards for vehicle towing facilities must be located in an I1 or I2 zoning district. Prior to this text amendment, vehicle storage yards were allowed in the B2 zoning district.

7. If approved, the I1 district request would allow all uses permitted by right in the district.

The Planning Board concurred with the following Community Development Division staff's analysis and recommended approval of the requested rezoning:

"Although the Land Development Plan designates the property for commercial use, the surrounding area includes a mix of industrial (warehousing and manufacturing) and commercial land uses. While land uses along N.C. Highway 49 South are not primarily industrial, zoning has been assigned to properties to accommodate those with an industrial history located along and near the corridor. The I1 Light Industrial district, which accommodates both commercial and light industrial uses, is consistent with the property's history and fits the context of the area in which it is located."

The Applicant, Mr. Richard Lyda, along with Mr. Don Lanier presented comments in support of the request.

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

Throughout discussion, the Council Members expressed concerns regarding buffering and screening requirements for vehicle storage areas and the appropriateness of an I1 zoning district at this entrance point for the city. In light of those concerns, Mr. Bell moved to deny the request. Council Members then concluded that this request requires further evaluation. The applicant was given additional time to determine if any supplemental information/contentions should be submitted before final action is taken on the request.

Mr. Bell then withdrew his motion and moved to continue the matter until the Council's next regular meeting. Ms. Carter seconded the motion, and Council Members Baker, Bell, Burks, Carter, Hunter, Moffitt, and Swiers voted in favor of the motion.

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

(b) Subdivision Case SUB-12-01: Final plat approval for Olde Towne Village (including public right-of-way on Olde Towne Parkway) to allow recordation of Lot 52 of the development.

Mr. Nuttall presented the final plat for Section II, Phase II of the Olde Town Village. Carolina Bank requested the approval of this phase of the subdivision located along the south side of Old Lexington Road. The plat submitted for approval pertains to 0.21 of an acre of the 21.61 total acres of land.

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

1. The current request for this phase of development includes extension of Olde Towne Parkway approximately 110 feet (street, sidewalks, water/sewer) and platting of Lot 52 of the subdivision.
2. The request includes a temporary turnaround at the end of Olde Towne Parkway, which is required in order to plat Lot 52. A temporary easement is required for this turnaround for emergency and sanitation vehicles until the completion of Olde Towne Parkway.
3. Infrastructure for this phase of the development (final layer of asphalt, sidewalks, street seeding) must be competed or guaranteed as allowed by the Subdivision Ordinance prior to City Council review of the final plat on October 9, 2014. (Mr. Nuttall confirmed that the financial guarantee has been received.) Temporary turnaround must be installed with required temporary easement to meet city requirements.

Upon motion by Mr. Swiers and seconded by Ms. Carter, Council voted unanimously to approve, with the immediately preceding comments/conditions, the final plat submitted for this phase of Olde Towne Village Subdivision.

The aforementioned plat along with a copy of the visual presentation utilized by Mr. Nuttall are on file in the City Clerk's office.

(c) Consideration of possible applications for funding under the Fiscal Year 2014/2015 State Community Development Block Grant (CDBG) Program.

Staff Presentation and Public hearing:

Mayor Smith opened the public hearing regarding the possible applications for funding under the Fiscal Year 2014/2015 State Community Development Block Grant (CDBG) Program.

Mr. Nuttall utilized a visual presentation and reported that the purpose of the hearing was to obtain citizens' input into the identification of economic needs and desired economic development activities. Input received would be incorporated into the consideration and submission of a CDBG application to be filed with the North Carolina Department of Commerce.

During his presentation, Mr. Nuttall gave a brief overview of the CDBG Program. The program permits a wide range of development activities directed towards:

- Promoting the creation or retention of jobs;
- Enhancing income levels; and
- Providing local employment opportunities principally for persons of low and moderate income.

Additionally, the program consists of the following:

- Economic Development
- Public Infrastructure: Applications for CDBG assistance must show that at least 60% of the CDBG funds proposed for each activity will benefit low and moderate income persons.

In the future, if the city decides to pursue specific projects, then a project specific public hearing will be scheduled and advertised.

No members of the public offered any comments. There being no further comments, Mayor Smith closed the public hearing.

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

(d) Report on proposed process to update 2020 Land Development Plan maps.

Mr. Nuttall reported that the city's Land Development Plan, initially adopted in 2000 with text updates in 2009, is the city's official document stating expectations and the vision for land development and growth. It is used to review rezoning and subdivision proposals and includes specified actions to take to encourage economic development, protect the environment, provide recreational opportunities, and expand infrastructure.

Additionally, Mr. Nuttall reported that city staff is planning to update the map elements of the Plan. Staff anticipates the update to be completed within 8-12 months. During the process, public workshops and small neighborhood meetings will be held in order to receive citizen input.

City staff will inform the Council Members as this process moves forward.

7. Quasi-judicial hearing on the question of whether the pool at the former Value Inn at 901 Albemarle Road is a public health nuisance that should be abated by the city:

- (a) Open public hearing and call on the City Manager to introduce the witnesses.**
- (b) At the conclusion of the testimony, consideration will be given to the entry of an order of abatement.**

[As previous noted, Mayor Smith announced at the beginning of the meeting that the conditions generating the question about the existence of a public health nuisance has been voluntarily abated prior to the meeting, and that this quasi-judicial hearing would not take place.]

8. Public comment period.

Mayor Smith opened the floor for comments from the public.

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

9. Update on bids received for grandstand renovation at McCrary Ballpark.

Mr. Leonard presented the Certified Tabulation of Bids that was received on September 16, 2014 for the grandstand renovation at McCrary Ballpark as follows:

<u>Company</u>	<u>Bid</u>
Lomax Construction, Inc.	\$429,900.00
Progressive Contracting	\$432,500.00
H.M. Kern Corporation	\$457,000.00
S.E. Trogdon & Sons, Inc.	Non-Responsive

Mr. Leonard reported that all of the bids had been rejected because they were significantly over the budgeted amount for the project. Other alternatives will be explored, for example, possibly purchasing a new grandstand in the future. In the meantime, city staff plans to do essential renovations in order to keep the grandstand safe for use in the upcoming baseball season.

10. Upcoming events:

- **NCLM Annual Conference – October 11-14, 2014 in Greensboro, NC.**
- **Cultural and Recreation Services Departments’ “Trick or Treat in the Park” event from 6:00 p.m. until 9:00 p.m. on Friday, October 31, 2014.**

11. Discussion of items not on the agenda.

Mayor Smith recognized and introduced Ms. Stacy Griffin who is the city’s new Human Resources Director.

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