

**REGULAR MEETING`
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, MAY 8, 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)
Edward J. Burks)
Linda H. Carter)
Michael W. Hunter) – Council Members Present
Walker B. Moffitt)
Charles A. Swiers)

Clark R. Bell) – Council Member Absent

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

1. Call to order.

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

2. Silent prayer and pledge of allegiance.

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

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

3. Presentation of Asheboro Pride Award.

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

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

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

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

RESOLUTION NUMBER 10 RES 5-14

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ATTEST:

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

5. Consent Agenda:

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

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

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

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

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

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

6. Community Development Division Items:

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

Mayor Smith opened the public hearing on the following request.

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

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

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

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

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

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

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

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

(c) Report on planned resurfacing projects by NCDOT.

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

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

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

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

(d) Annual report summarizing 2013 Planning Board activities.

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

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

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

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

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

(a) Staff report.

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

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

Additionally, Mr. Nuttall highlighted the following:

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

- iv. Most, but not all, investigations begin due to noise or nuisance complaints. This ordinance provides one non-subjective tool that can help to resolve complaints.

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

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

(b) Presentation by Ms. Meridith Moon

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

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

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

8. Public comment period.

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

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

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

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

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

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

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

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

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

12. Upcoming events that were announced by Mayor Smith:

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

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

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

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