

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, JUNE 4, 2015
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 members present:

David H. Smith) – Mayor Presiding

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

John N. Ogburn, III, City Manager
D. Jason Cheek, Police Lieutenant
Caleb Cockman, Police Officer
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Jason A. Hanson, Police Lieutenant
Michael L. Leonard, P.E., City Engineer
Mark T. Lineberry, Police Captain
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jonathan M. Sermon, Recreation Services Superintendent
James O. Smith, Assistant Chief of Police
Jeffrey C. Sugg, City Attorney
E. Todd Swaney, Police Captain
Jody P. Williams, Chief of Police

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. Moment of 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 say the pledge of allegiance.

3. Presentation of Life Saving Pin to Police Officer Caleb Cockman.

On behalf of the City of Asheboro, Chief Williams presented a life-saving award to Officer Caleb Cockman for his life saving acts on May 7, 2015 when he responded to a welfare check and took quick, effective action to aid a woman, Ms. Betty Wilson, who was having an allergic reaction to a bee sting. In addition to the award, Chief Williams presented Officer Cockman with a pin to be worn on his uniform in recognition of his exemplary conduct. Ms. Wilson was present to express her appreciation.

OLD BUSINESS

4. Consent agenda.

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

(a) The minutes of the City Council's regular meeting on May 7, 2015.

(b) The minutes of the City Council's special meeting on May 21, 2015.

5. Consideration of a resolution in support of Governor McCrory's proposed Connect NC Bond Package.

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

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

RESOLUTION NUMBER _____ **15 RES 6-15**

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION SUPPORTING THE CONNECT NC BOND PACKAGE

WHEREAS, the travel and tourism industry is a vital component of the economic stability found in North Carolina and the City of Asheboro as evidenced by the fact that the benefits of tourism touch all 100 of the state's counties, including all nine of the municipalities in Randolph County; and

WHEREAS, citizens of Asheboro were instrumental in the creation of the North Carolina Zoological Park, the first state zoo in the country; and

WHEREAS, the Asheboro community-at-large has supported the North Carolina Zoo in becoming the world's largest natural habitat zoo; and

WHEREAS, the Zoo provides 750,000 visitors each year with a one-of-a-kind experience that generates an annual economic impact of \$150,000,000 which includes \$8,000,000 in state and local taxes that cannot be exported; and

WHEREAS, one in five of North Carolina's children experience hands-on, nature-based educational opportunities free of charge at the Zoo each year; and

WHEREAS, the Zoo is making strides in innovative technology to save wildlife with conservation programs that are local and global in scope; and

WHEREAS, tourism is North Carolina's second largest industry generating \$21,300,000,000 in visitor spending, directly supporting 204,832 jobs for North Carolina residents, contributing \$4,900,000,000 to the state's payroll, \$3,200,000,000 in tax receipts, and ranking North Carolina sixth in total person-trip volume by state in 2014; and

WHEREAS, tourism in the Piedmont Triad region generates \$1,400,000,000 in visitor spending, 14,084 jobs, and a payroll of \$310,100,000 in 2013; and

WHEREAS, the City of Asheboro, through its partnership with the Heart of North Carolina Visitors Bureau, promotes the Zoo as a premier visitor attraction; and

WHEREAS, Randolph County's travel and tourism industry has experienced significant growth generating \$124,530,000 in visitor spending, directly supporting 1,056 jobs with a payroll of \$18,500,000 and \$9,300,000 in local and state tax receipts in 2013; and

WHEREAS, the Zoo has developed a vision plan that meets the challenge of doubling the Zoo's attendance and economic impact, as well as increasing its educational impact, to become an innovative science-based leader in saving wildlife and wild places; and

WHEREAS, Governor McCrory has included \$45,000,000 in his Connect NC bond package for the launch phase of the Zoo's vision plan, which will replace the aging African Pavilion with an Australasia-themed complex to include tigers, orangutans, Komodo dragons, kangaroos, and tropical birds – a strategic investment in the Zoo's infrastructure that will cultivate a stronger economy for the City of Asheboro and State of North Carolina without the burden of a tax increase on citizens;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that the City of Asheboro, by and through its governing board, supports the Governor's bond proposal and urges the General Assembly to hold a bond referendum as soon as possible to take advantage of current low interest rates so that the State of North Carolina can make this significant investment in the North Carolina Zoo.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 4th day of June, 2015.

/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

6. Community Development Items:

(a) A quasi-judicial hearing (Case No. SUP-15-03) requesting a Special Use Permit for an existing manufactured Home Park (Oak Meadows) at the northwest terminus of Cedar Road.

Mayor Smith opened the public hearing on the following request.

Mr. Nuttall was placed under oath and presented the Community Development Division staff's analysis of the Applicant's request that included a properly submitted site plan. This request pertains to approximately 7,158 square feet of land owned by Mr. Allen L. Callicutt, Trustee of the Callicutt Revocable Living Trust, that is located at the northeastern terminus of Cedar Road and extending along the northwest side of Lakeview Road between 1971 and 1977 Lakeview Road. Randolph County Parcel Identification Number 7762495747 more specifically identifies the property for which a Special Use Permit has been requested.

The Applicant, Mr. Allen L. Callicutt, is seeking a Special Use Permit for a manufactured home park. A Special Use Permit, issued in 1990, currently exists for a Manufactured Home Park consisting of 49 spaces. Specifically, the Applicant wishes to replace the existing laundry facility site (approximately 7,158 square feet) with one leased lot for a manufactured home. Section 606C of the Asheboro Zoning Ordinance states that "an increase in number of dwelling or lodging units" is considered a modification of a Special Use Permit, which requires the City Council to issue a new Special Use Permit.

There are certain legal non-conforming situations that exist on the property. Section 637.5 of the Asheboro Zoning Ordinance allows non-conforming situations to continue under certain conditions.

A 100 year floodplain is located along the northern boundary of this property, away from any proposed development activity (Hasketts Creek). The entrance into the development is from Cedar Road, and a secondary entrance, which is gated, exists on Lakeview Road.

Mr. Allen Callicutt was placed under oath and addressed the four standard tests. Mr. Callicutt also testified as to his agreement with the conditions recommended by city staff members for attachment to the requested permit.

No witnesses came forward in opposition to the Applicant's request for the issuance of the Special Use Permit. There being no comments and no opposition from the public, Mayor Smith transitioned to the deliberative phase of the public hearing.

Upon motion by Mr. Moffitt and seconded by Mr. Swiers, Council found that the proposed use satisfied the four tests for a permit, in addition to meeting the standards for allowing the existing legal non-conformities to continue, and the Council Members voted unanimously to approve, with the staff recommended conditions, the requested Special Use Permit.

The formal findings of fact, conclusions of law, and order authorizing the Special Use Permit will be entered by the Council during regular session on July 16, 2015.

(b) Subdivision Case SUB-15-02: Preliminary Plat Review for New Century Industrial Center.

Mr. Nuttall presented the preliminary plat for New Century Industrial Center. Mr. Larry McKenzie requested the approval of an industrial center to be located along New Century Drive (south of McDowell Road, extending to Veterans Loop Road). The plat submitted for approval pertains to approximately 18.982 acres of land.

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

1. The proposal will extend New Century Drive approximately 1772 feet from its current terminus south of McDowell Road (adjacent to the Randolph County Office Building and the Randolph County Jail) to Veterans Loop Road.

2. The property is less than one mile north of the future interchange of I-73/I-74 (U.S. Highway 220 Bypass) and U.S Highway 64 Bypass.
3. This property lies within the U.S. Highway 220 Overlay District.
4. NCDOT review and approval will be required prior to construction.
5. A fire hydrant is shown east of New Century Drive on the north side of the property. Specific use(s) may require additional hydrant(s) and/or other requirements.

Upon motion by Mr. Bell and seconded by Mr. Baker, Council voted unanimously to approve, with the immediately preceding comments/conditions, the preliminary plat submitted for the New Century Industrial Center.

(c) Consideration of a proposed economic development project on West Central Avenue.

(i) Public hearing on the possible submission of a Community Development Block Grant application for an economic development project designed to construct a railroad spur to serve a new facility to be operated by Technimark, LLC on West Central Avenue.

Mayor Smith opened the public hearing on the following request.

The purpose of the public hearing pertained to the possible submission of a Community Development Block Grant (CDBG) application for an economic development project designed to construct a railroad spur to serve a new facility that, as proposed will be operated by Technimark, LLC on West Central Avenue. An initial public hearing was properly advertised and held on October 9, 2014.

Mr. Nuttall highlighted certain CDBG programs and turned the public hearing over to Ms. Bonnie Renfro, President of the Randolph County Economic Development Corporation. Ms. Renfro summarized the above-referenced project by highlighting the following:

- The project involves the construction of two (2) rail spur tracks totaling approximately 1,384 linear feet to provide vital rail access to the Company's proposed 155,000 square foot manufacturing facility.
- Technimark, LLC manufactures injection-molded packaging and components for consumer, healthcare, and industrial markets.
- The company will add at least 125 new full-time employees, 60% of which will benefit persons of low and moderate income.
- The proposed application requests \$490,000 in CDBG funds.
- It is estimated that it will take two (2) years to complete the project which has an overall investment value of \$25.9 million.
- The city and county already have entered into a performance based economic incentive grant totaling \$1 million in support of this project.

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

City staff will update the Council as this project progresses.

(ii) Consideration of a resolution approving the submission of a formal application to the North Carolina Department of Commerce for funding from the Community Development Block Grant Program.

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

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

(d) Review of bids on the East Dixie Drive Sidewalk Project (WBS Element 3608.3.08)

Mr. Nuttall presented the bid summary for the TIP ER-2971H Project (the construction of a concrete sidewalk on the north side of U.S. Highway 64 (East Dixie Drive) from SR 2197 (Dublin Road) to Executive Way. Four (4) bids were received on May 29, 2015. The four (4) bids are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
Armen Construction	\$58,845.00
Cooper Construction Co.	\$55,820.00
Country Boy Landscaping, Inc.	\$78,888.88
ASJ Wilson Construction, Inc.	\$49,658.00

Mr. Nuttall recommended that these bids be rejected due to all of the bids exceeding the estimated cost of the project. He also requested that city staff receive authorization to explore other options for the construction project. Upon motion by Mr. Baker and seconded by Mr. Burks, Council voted unanimously to reject all of the above-referenced bids and authorized city staff to explore other options for the construction project.

7. Request for the establishment of an anti-tethering ordinance.

Mr. Gary Hall, Executive Director of the Randolph County SPCA, asked the City Council Members to consider adopting an ordinance to prohibit the tethering of dogs within the city. Along with his request, Mr. Hall suggested certain provisions to be included in a revised ordinance.

After some discussion, Mr. Moffitt moved to authorize city staff, specifically including the police department's animal control unit, to research possible amendments to the existing animal control ordinance in order to effectively address the concerns with tethering that were raised by Mr. Hall.

8. Public hearing on the proposed budget for fiscal year 2015-2016.

Mayor Smith opened the public hearing on the proposed budget for fiscal year 2015-2016.

Mr. Ogburn utilized a visual presentation in order to highlight the fund allocations for the proposed fiscal year 2015-2016 annual budget. Copies of the proposed budget and the visual presentation utilized by Mr. Ogburn are on file in the City Clerk's office.

Mayor Smith invited comments from the public. The only comment was a request from Mr. Bob Derr for clarifying information about property tax revenue. Mr. Ogburn responded to the inquiry by addressing the difference that one cent on the property tax makes.

After no further inquiries or comments were addressed to the elected officials or the city's budget officer, 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 29, 2015 in the Council Chamber.

9. 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.

10. Presentation of a fee schedule amendment pertaining to kayak and boat rental spaces at Lake Lucas.

Mr. Sermon utilized a visual presentation in order to highlight the proposed fee schedule amendment pertaining to kayak and boat rental spaces at Lake Lucas. The amendment includes the following fees for renting kayak and boat spaces along with an annual launch permit at Lake Lucas.

	<u>Rec Card</u>	<u>Non-Resident</u>
	<u>Fees</u>	<u>Fees</u>
Kayak rental spaces (includes annual launch permit)	\$60.00	\$85.00
Boat rental spaces (includes annual launch permit)	\$150.00	\$200.00

Upon motion by Mr. Burks and seconded by Mr. Bell, Council voted unanimously to adopt the above-referenced amended fee schedule. A copy of the visual presentation utilized by Mr. Sermon and a copy of the proposed fee schedule are on file in the City Clerk's office.

11. Presentation of a resolution delegating the authority to the city manager to grant written exemptions for certain projects from the procurement process established by the state's Mini-Brooks Act.

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

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

RESOLUTION NUMBER _____ **18 RES 6-15**

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION DELEGATING AUTHORITY TO THE CITY MANAGER TO EXEMPT CERTAIN PROJECTS FROM THE PROCUREMENT PROCESS ESTABLISHED BY THE MINI-BROOKS ACT

WHEREAS, pursuant to Section 143-64.31 of the North Carolina General Statutes (this statutory provision is sometimes referred to as the "Mini-Brooks Act"), the procurement of certain professional services such as the services performed by architects, engineers, surveyors, and construction managers at risk must be undertaken, unless an exemption is granted, by means of utilizing the Qualifications-Based Selection (QBS) process; and

WHEREAS, Section 143-64.31 of the North Carolina General Statutes provides, in pertinent part, as follows:

It is the public policy of this State and all public subdivisions and Local Governmental Units thereof, except in cases of special emergency involving the health and safety of the people or their property, to announce all requirements for architectural, engineering, surveying, construction management at risk services, design-build services, and public-private partnership construction services to select firms qualified to provide such services on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee other than unit price information at this stage, and thereafter to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm; and

WHEREAS, Section 143-64.32 of the North Carolina General Statutes provides as follows:

Units of local government or the North Carolina Department of Transportation may in writing exempt particular projects from the provisions of this Article (Article 3D of Chapter of 143 of the North Carolina General Statutes, which includes the section quoted in the immediately preceding paragraph) in the case of proposed projects where an estimated professional fee is in an amount less than fifty thousand dollars (\$50,000); and

WHEREAS, the Asheboro City Council has concluded that the limitation imposed by restricting the exemption authority to projects with an estimated professional fee of less than \$50,000 is adequate to allow the City Council, without fear of violating good governance concerns, to delegate the authority to the city manager to exempt certain projects from the QBS process established by the Mini-Brooks Act in order to enhance the efficiency of the city's operations when dealing with time sensitive projects;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that the city manager is hereby delegated the authority to exempt, in writing, particular projects from the QBS process established by the Mini-Brooks Act when the estimated professional fee for the project to be granted an exemption is in an amount less than \$50,000.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 4th day of June, 2015, and is effective upon adoption.

/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

