

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, SEPTEMBER 17, 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 elected officials and city staff 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 Captain
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Michael L. Leonard, P.E., City Engineer
Leigh Anna Marbert, Public Information Officer
Trevor L. Nuttall, Community Development Division Director
Deborah P. Reaves, Finance Director
Michael D. Rhoney, P.E., 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 private prayer or meditation, Mayor Smith asked everyone to stand and say the pledge of allegiance.

3. In recognition of the Mayor Pro Tem's dedicated years of public service that include a leading role with transportation issues, Ms. Linda Brown, President of the Asheboro/Randolph Chamber of Commerce, will present a request for the City of Asheboro to begin the application process for naming a section of N.C. Highway 49 in Asheboro in honor of Talmadge Baker.

Ms. Linda Brown, President of Asheboro/Randolph Chamber of Commerce presented a request that the City of Asheboro pursue the naming of N.C. Highway 49 from the southwest Asheboro city limits to the highway's intersection with U.S. Highway 64 in honor of Council Member Baker. Mr. Baker has selflessly donated his time and passion for the community to numerous business and civic organizations including, but not limited to the Chamber of Commerce and the Asheboro City Council.

On behalf of the Chamber of Commerce, Ms. Brown expressed that the naming of a section of N.C. Highway 49 in recognition of Mr. Baker is appropriate in light of his many years of devotion to the improvement of the local and regional transportation network through his service on multiple transportation committees/organizations.

A copy of the letter, which is dated August 31, 2015, that Ms. Brown submitted to the Council Members is on file in the City Clerk's office.

In accordance with the general consensus of the Council Members, city staff will begin the application process with NCDOT for naming the identified section of N.C. Highway 49 in honor of Mr. Baker. A resolution will be presented for Council's consideration at a later date.

4. Consent agenda.

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

- (a) **The minutes of the City Council's regular meeting on August 6, 2015.**
- (b) **The minutes of the City Council's special meeting on August 20, 2015.**
- (c) **Acknowledgement of the receipt from the Asheboro ABC Board of the minutes for the local board's meetings on June 1, 2015 and July 6, 2015.**

The minutes of the meetings held by the Asheboro ABC Board on June 1, 2015 and July 6, 2015 have been received by the city clerk, distributed to the mayor and members of the city council for review, are on file and available for inspection in the City Clerk's office.

- (d) **A resolution awarding the service side arm to a retiring officer of the Asheboro Police Department.**

RESOLUTION NUMBER _____ **31 RES 9-15**

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**AWARD OF THE SERVICE SIDE ARM TO A RETIRING OFFICER OF
THE ASHEBORO POLICE DEPARTMENT**

WHEREAS, after rendering honorable and valuable service to the City of Asheboro and its citizens since the date of his initial employment with the Asheboro Police Department on April 15, 1987, effective October 1, 2015, Police Captain Eric Todd Swaney will begin his retirement from employment with the City of Asheboro; and

WHEREAS, pursuant to and in accordance with Section 20-187.2 of the North Carolina General Statutes, the Asheboro City Council wishes to recognize and honor Captain Swaney for his dedicated service to the city by awarding to him, at a minimal monetary cost, the service side arm issued to the police captain at the time of his retirement;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that, effective October 1, 2015, in consideration of the combination of his dedicated service to the City of Asheboro and the payment to the City of Asheboro of one dollar (\$1.00), Eric Todd Swaney, upon a determination by the Chief of Police that Mr. Swaney is not ineligible to own, possess, or receive a firearm under the provisions of federal or North Carolina law, is to be awarded ownership of his city-issued service side arm (a Glock 23 Generation 4 with serial no. SFS954 and three magazines).

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting that was held on the 17th day of September, 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

- (e) **A resolution declaring the official intent of the City of Asheboro to purchase certain municipal vehicles and equipment and then reimburse the general fund with installment financing proceeds.**

RESOLUTION NUMBER _____ **32 RES 9-15**

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**DECLARATION OF THE OFFICIAL INTENT OF THE CITY OF ASHEBORO TO PURCHASE CERTAIN
MUNICIPAL VEHICLES AND EQUIPMENT AND THEN REIMBURSE THE GENERAL FUND WITH
PROCEEDS FROM AN INSTALLMENT FINANCING AGREEMENT**

WHEREAS, in order to maintain a satisfactory level of municipal services for the citizens of the City of Asheboro, the Asheboro City Council has adopted a budget ordinance for fiscal year 2015-2016 that allocates funding for the acquisition of vehicles and equipment deemed essential for maintaining uninterrupted, high quality municipal services; and

WHEREAS, the vehicles and equipment that are to be acquired during the 2015-2016 fiscal year in order to maintain essential municipal services provided by city departments that receive their funding from the municipal corporation's general fund are as follows:

WHEREAS, the City of Asheboro entered into an economic incentive agreement with Kennametal Incorporated and the County of Randolph on September 8, 2014, and;

WHEREAS, in accordance with each of the economic incentive agreement, the City of Asheboro will distribute incentive funds upon each business achieving certain performance requirements, and;

WHEREAS, incentive funds, totaling \$75,000 will be paid to Kayser-Roth in three (3) installments at a frequency not to exceed one installment per fiscal year with the first installment to be made no earlier than July 1, 2014 and the final installment being made no later than December 31, 2017, and;

WHEREAS, incentive funds, totaling \$15,000 will be paid to Asheboro Elastics Corporation in three (3) installments at a frequency not to exceed one installment per fiscal year with the first installment to be made no earlier than January 1, 2015 and the final installment being made no later than December 31, 2018, and;

WHEREAS, incentive funds, totaling \$90,000 will be paid to Kennametal Incorporated in five (5) installments at a frequency not to exceed one installment per fiscal year with the first installment to be made no earlier than January 1, 2015 and the final installment being made no later than December 31, 2020, and;

WHEREAS, revenue and expenditures in the Economic Development Fund need to be adjusted to account for these incentive payment commitments as well as account for other changes in revenues and expenditures that have arisen as projects have been completed allowing budgetary allocations to be moved around within the fund, and;

WHEREAS, the annual expenditure appropriation for ongoing annual community support payments to various agencies that support and promote Economic Development and Quality of Life in Asheboro need to be amended, and;

WHEREAS, the City of Asheboro desires to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

Section 1: That the following revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
72-369-0001	Contribution for Kayser-Roth #1	25,000
72-369-0002	Contribution for Kayser-Roth #2	25,000
72-369-0003	Contribution for Kayser-Roth #3	25,000
72-371-0001	Contribution for AEC #1	5,000
72-371-0002	Contribution for AEC #2	5,000
72-371-0003	Contribution for AEC #3	5,000
72-372-0001	Contribution for Kennametal #1	18,000
72-372-0002	Contribution for Kennametal #2	18,000
72-372-0003	Contribution for Kennametal #3	18,000
72-372-0004	Contribution for Kennametal #4	18,000
72-372-0005	Contribution for Kennametal #5	18,000
72-350-0000	Contribution for Chamber of Commerce	48,800
72-351-0000	Contribution for EDC	200,000
72-352-0000	Contribution for Piedmont Triad Partnership	500
72-300-0000	Rural Ec. Dev. Ctr (Allen Industrial- completed)	(67,900)
72-300-0002	Industrial Dev Ctr (Allen Industrial - completed)	(60,900)
		<u>\$300,500</u>

Section 2: That the following expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
72-810-0001	Contribution for Kayser-Roth #1	25,000
72-810-0002	Contribution for Kayser-Roth #2	25,000
72-810-0003	Contribution for Kayser-Roth #3	25,000
72-811-0001	Contribution for AEC #1	5,000
72-811-0002	Contribution for AEC #2	5,000
72-811-0003	Contribution for AEC #3	5,000
72-812-0001	Contribution for Kennametal #1	18,000
72-812-0002	Contribution for Kennametal #2	18,000
72-812-0003	Contribution for Kennametal #3	18,000
72-812-0004	Contribution for Kennametal #4	18,000

5. Community Development Division Items:

- (a) **Zoning Case RZ-15-07: A legislative zoning hearing on the application filed by Rodger W. Chriscoe to rezone property located at 1202 South Cox Street from R7.5 (Medium Density Residential) to M (Mercantile).**

Mayor Smith opened the public hearing on the following request.

The requested rezoning pertains to approximately 0.31 of an acre of land owned by Chriscoe Properties, LLC and is located at 1202 South Cox Street. Randolph County Parcel Identification Number 7750879078 more specifically identifies the property.

Mr. Nuttall utilized a visual presentation and highlighted a request by Mr. Rodger Chriscoe to rezone the above-described property from R7.5 (Medium Density Residential) to M (Mercantile). The Community Development Division staff's report noted the following:

1. The property is located inside the city limits, and all city services are available.
2. South Cox Street is a state-maintained minor thoroughfare at this location.
3. The property is within the Center City Planning Area (Tier 3), which is identified as part of the city center by the Land Development Plan. Certain overlay requirements (parking location, impervious coverage, etc.) apply in the Center City Planning Area.
4. The surrounding area is characterized by a mix of uses including single family and multi-family residential (Planned Unit Development), commercial uses, and offices.
5. The property is undeveloped. A single-family dwelling was previously located on the property.
6. Approval of the request would permit all uses permitted by right in the Mercantile (M) District. The Mercantile District permits a broader range of commercial uses than found in the B1 (Neighborhood Commercial) Zoning District, but excludes uses that are permitted in the B2 (General Commercial) District that would likely have the greatest negative impact on adjacent residential properties. Residential uses are not a permitted use in the Mercantile (M) District. The maximum floor area for a property in the Mercantile (M) District is 6,000 square feet (1,500 square feet for an eating establishment).
7. An application has been filed for a variance from sidewalk requirements (See Section 322A of the Asheboro Zoning Ordinance for the said sidewalk requirements). The pending variance request that was continued on September 14, 2015 and will be heard on November 2, 2015, is independent of the zoning map amendment request and not considered as part of this analysis.

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

"The property is located within the City Activity Center, which encourages a pedestrian-friendly mix of uses, and considers the land use patterns around the subject property, to determine appropriate zoning designations.

The Mercantile zoning district, which is also adjacent to the south of the property, provides a transition from the broader range of commercial activities to the south along East Dixie Drive and more limited office and residential activities to the north and west.

The Mercantile zoning district limits the size of buildings (and specific uses) and excludes the most intensive commercial uses to ensure harmony with adjacent residential property. Considering all of these factors, staff believes the rezoning request is within the public interest in supporting a reasonable use of property."

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

Upon motion by Mr. Bell and seconded by Mr. Baker, Council voted unanimously to adopt, with a combined motion, the recommendation/analysis of the Community Development Division staff and the Planning Board and approved the requested rezoning as well as adopting the following consistency statement that was initially proposed in the staff report:

After considering the above factors (the excerpt from the staff report that is quoted above), the Mercantile (M) designation is in the public interest by allowing a reasonable use of the property and ensuring consistency with the LDP.

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

(b) A report of the on-going code enforcement activities related to 436 W. Salisbury Street and 607 Tucker Street.

Mr. Nuttall utilized a visual presentation in order to discuss on the on-going code enforcement activities related to 436 West Salisbury Street in Asheboro and 607 Tucker Street in Asheboro. After hearings were advertised and then held on September 15, 2015, it was determined by the hearing officer that the structures located on the properties need repairs costing in excess of 50% of their value and the structures to be repaired or demolished. Property owners will be notified of these orders to repair or demolish. Failure to comply with such orders will result in the city taking action to accomplish the demolition of the structures located on the properties referenced above.

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

6. Presentation of a petition from Randolph Electric Membership Corporation requesting the voluntary annexation of approximately 17.53 acres of land contiguous with the existing primary city limits:

(a) Public hearing on the annexation request.

Mayor Smith opened the public hearing on the request for voluntary annexation of approximately 17.53 acres of land contiguous with the existing primary city limits.

Mr. Michael Leonard, P.E. summarized the need for a hearing on the petition for annexation and yielded the floor for any other speakers.

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

(b) Consideration of an ordinance to annex the described territory into the city.

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

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

ORDINANCE NO. _____ 23 ORD 9-15 _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AN ORDINANCE TO EXTEND THE CITY OF ASHEBORO'S CORPORATE LIMITS BY ANNEXING APPROXIMATELY 17.53 ACRES OF LAND OWNED BY RANDOLPH ELECTRIC MEMBERSHIP CORPORATION THAT ARE CONTIGUOUS WITH THE EXISTING PRIMARY CITY LIMITS

WHEREAS, pursuant to Section 160A-31 of the North Carolina General Statutes, a petition requesting annexation by the City of Asheboro of the territory described in Section 1 of this Ordinance was presented to the Asheboro City Council on August 6, 2015; and

WHEREAS, this petition for annexation was signed on behalf of Randolph Electric Membership Corporation, which is the owner of the parcel of land described in Section 1 of this Ordinance, by the corporation's chief executive officer; and

WHEREAS, by means of a duly adopted resolution (Resolution Number 29 RES 8-15), the Asheboro City Council directed the city clerk to investigate the sufficiency of the petition, and the clerk has certified the sufficiency of the said petition; and

WHEREAS, pursuant to Asheboro City Council Resolution Number 30 RES 8-15, notice was published to the public on the 15th day of August, 2015, in *The Courier-Tribune*, a newspaper having general circulation in the City of Asheboro, setting forth that a public hearing would be held during the Asheboro City Council's regular September meeting, which would begin at 7:00 o'clock p.m., on the 17th day of September, 2015, in the Council Chamber at Asheboro City Hall, to consider the adoption of an ordinance annexing the described area into the City of Asheboro; and

WHEREAS, the said public hearing has, in fact, been held on the 17th day of September, 2015; and

WHEREAS, the Asheboro City Council has determined that the annexation petition meets the requirements of Section 160A-31 of the North Carolina General Statutes;

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

Section 1. By virtue of the authority granted in Section 160A-31 of the North Carolina General Statutes, the following described area is hereby annexed and made part of the City of Asheboro, North Carolina:

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the existing primary city limits line for the City of Asheboro and in the western margin of the public right-of-way for Interstate 73/74 (US 220 Bypass) at an existing iron pipe marking the northeast corner of the Randolph Electric Membership Corporation property described in Deed Book 1666, Page 1445, Randolph County Public Registry (this parcel of land is proposed for annexation and shall be hereinafter referred to as the "REMC Annexation Parcel"), the said beginning point is located by means of the North Carolina Coordinate System at the coordinates of North 698,708.9156 feet and East 1,752,060.4002 feet (NAD 27); thence from the said beginning point and departing from the existing primary city limits line by proceeding South 23 degrees 11 minutes 02 seconds West 540.29 feet along the western margin of the public right-of-way for Interstate 73/74 and the eastern boundary line for the REMC Annexation Parcel to a right-of-way monument; thence departing from the western margin of the public right-of-way for Interstate 73/74 and continuing to follow the eastern boundary line of the REMC Annexation Parcel the following course and distance: South 28 degrees 20 minutes 18 seconds West 209.82 feet to an existing iron pipe at the southeast corner of the REMC Annexation Parcel; thence North 58 degrees 22 minutes 56 seconds West 1,062.59 feet along the southern boundary line of the REMC Annexation Parcel to an existing iron pipe at the southwest corner of the said parcel to be annexed; thence along the boundary line between the REMC Annexation Parcel and The Phillips Family of Asheboro Limited Partnership property described in Deed Book 1596, Page 1479, Randolph County Public Registry the following course and distance: North 30 degrees 55 minutes 25 seconds East 751.34 feet to an existing iron pipe at the northwest corner of the REMC Annexation Parcel and on the existing primary city limits line of the City of Asheboro; thence along the existing primary city limits line and the northern boundary line of the REMC Annexation Parcel the following course and distance: South 57 degrees 57 minutes 08 seconds East 980.47 feet to the point and place of BEGINNING, and containing a total of 17.53 acres of land, more or less, to be annexed.

The above-listed description is in accordance with a plat of survey entitled "ANNEXATION MAP FOR RANDOLPH ELECTRIC MEMBERSHIP CORPORATION" that was drawn under the supervision of Charles E. Morgan, Jr., Professional Land Surveyor with Registration Number L-3945. The job number listed on the plat is 7118 R 10, and the said plat of survey is dated July 20, 2015.

Section 2. Upon and after September 17, 2015, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. Said territory shall be subject to municipal taxes according to Section 160A-58.10 of the North Carolina General Statutes.

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

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

Section 5. This Ordinance shall be in full force and effect upon and after the 17th day of September, 2015.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 17th day of September, 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

Approved as to form:

/s/Jeffrey C. Sugg
Jeffrey C. Sugg, City Attorney
City of Asheboro, North Carolina

7. Public comment period.

Mayor Smith opened the floor for comments from the public.

On behalf of the Downtown Business Association, Mr. Al LaPrade, who is the Chairperson of the association, presented a letter to the Council Members regarding public safety concerns that have arisen within the downtown business area. During his presentation, Mr. LaPrade noted that Downtown Asheboro has become a place where citizens and visitors have repeatedly been solicited for donations or services to benefit the individuals making the solicitation not for the benefit of a business or charitable organization. This activity appears to be especially notable in the Bicentennial Park area. These activities have been occurring during daylight hours and after dark.

Mr. LaPrade, along with Ms. Barbara Gallimore and Mr. Joel McClosky (also members of the Downtown Business Association) requested an increased and consistent police presence including, but not limited to foot patrol, within the area. With this request, the downtown merchants feel that the downtown area will be a safer place for everyone to visit and enjoy.

The Council Members, along with Mr. Ogburn, agreed that the noted concerns merit an increased police presence within the downtown area. Mr. Ogburn and Captain Cheek, who was in attendance, agreed that the situation would be monitored and asked that the downtown merchants work with city staff to report any unusual activities within the area. A copy of the letter submitted by Mr. LaPrade and the Downtown Business Association is on file in the City Clerk's office.

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

8. A report on the negotiations with the City of Randleman to continue bulk water sales arrangement between the two cities.

Mr. Rhoney utilized a visual presentation and reported that the city's contract for bulk water sales to the City of Randleman expired on August 10, 2015. The term of this contract was for twenty (20) years. During 2014, the water sales to the City of Randleman totaled approximately \$202,550.00.

After discussions with representatives of the City of Randleman, the city manager reached an informal agreement with Randleman officials as to a potential framework for a new contract with Randleman. This framework would remove any reservation of capacity for Randleman at the Asheboro Water Treatment Plant and would set bulk water sales rate at \$2.50/1000 gallons of water. The new projected minimum annual water sales to Randleman is approximately \$112,225. A formal contract will be presented to the Council for review and consideration at a later date.

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

9. A report on the upgrade by Duke Energy Progress of the existing streetlights to LED lights.

Mr. Ogburn informed the Council Members that Duke Energy Progress is in the process of upgrading the existing 3,170 city streetlights to LED lights. This upgrade will reduce energy costs from \$347,192 to approximately \$292,797, with an overall annual savings of approximately \$54,395.

A copy of the visual presentation utilized by Mr. Ogburn during his report is on file in the City Clerk's office.

10. Mayor Smith announced the following upcoming events:

- The annual cereal sale and United Way campaign kick-off hosted by MOM Brands on Saturday, September 26, 2015 at 9:00 a.m. in Bicentennial Park.
- The 2015 Elected Officials Picnic hosted by the Town of Liberty on Wednesday, September 23, 2015 at 6:00 p.m.
- The Fall Festival on October 3-4, 2015.
- The North Carolina League of Municipalities Annual Conference on October 11-13 in Winston-Salem, North Carolina.
- The Asheboro/Randolph Chamber of Commerce Annual Planning Retreat on October 28-30, 2015 at Harrah's Cherokee Resort.

