

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, JANUARY 7, 2016
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 management team members present:

David H. Smith) – Mayor Presiding

Clark R. Bell)
Edward J. Burks)
Linda H. Carter)
Walker B. Moffitt) – Council Members Present
Jane H. Redding)
Katie L. Snuggs)
Charles A. 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
Mark T. Lineberry, Police Major
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
James O. Smith, Assistant Chief of Police
Jeffrey C. Sugg, City Attorney
Jody P. Williams, Chief of Police
Roy C. Wright, Fire Chief

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. Recognition of Detective Todd DeHaven as the Asheboro Police Department's Officer of the Year for 2015.

Police Chief Jody Williams recognized Detective Todd DeHaven as the Asheboro Police Department's Officer of the Year for 2015 and presented him with a plaque.

4. Recognition of Firefighter II Brandon Hurley and Firefighter I Pete Sulzer as the Asheboro Fire Department's Firefighters of the Year for 2015.

Fire Chief Roy Wright recognized Firefighter II Brandon Hurley and Firefighter I Pete Sulzer as the Asheboro Fire Department's Firefighters of the Year for 2015 and presented both of them with a plaque.

5. Recognition of Service Rendered by Retiring Employees:

(a) Chief Fire Inspector Mike Jones

On behalf of the city council and the city manager's office, City Manager John Ogburn presented Chief Fire Inspector Mike Jones with a retirement plaque from the municipal corporation in honor of his loyal service to the City of Asheboro.

(b) Master Police Officer Arthur L. Milligan, Jr.

On behalf of the Asheboro Police Department, Chief Williams presented Master Police Officer Milligan with a plaque that included his badge as a token of gratitude for his loyal service to the City of Asheboro. Along with his badge, Chief Williams presented Master Police Officer Milligan with his service side arm that he carried at the time of his retirement.

Additionally, on behalf of the city council and the city manager's office, Mr. Ogburn presented Master Police Officer Milligan with a retirement plaque from the municipal corporation.

6. Consent agenda:

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

- (a) **The minutes of the city council's meeting on December 10, 2015.**
- (b) **Acknowledgement of the receipt from the Asheboro ABC Board of the board's meeting minutes for meetings held on November 2, 2015 and December 7, 2015.**
- (c) **The reappointment of City Council Member Eddie Burks to a 2-year term of office (January 1, 2016 to January 1, 2018) on the Asheboro Board of the North Carolina Firefighters Relief Fund.**
- (d) **The reappointment of Van Rich to a 5-year term of office (January 1, 2016 to January 1, 2021) on the Asheboro Planning Board.**

7. Community Development Division Items:

- (a) **Zoning Case RZ-15-10: A legislative zoning hearing on an application to rezone property located at 609 and 617 N.C. Highway 42 North from O & I (Office and Institutional) to R10 (Medium – Density Residential).**

Mayor Smith opened the public hearing on the following request.

The requested rezoning pertains to a total of approximately 1.66 acres of land. The property located at 617 N.C. Highway 42 North is owned by Richard Scott Stockner and Todd York Stockner and is more specifically identified by Randolph County Parcel Identification Numbers 7761321382 and 7761322224. The property located at 609 N.C. Highway 42 North is owned by Richard S. Stockner and Robin S. Stockner and is more specifically identified by Randolph County Parcel Identification Number 7761322047.

Mr. Nuttall utilized a visual presentation to summarize the request by Richard S. Stockner to rezone the above-described property from O & I (Office and Institutional) zoning to R10 (Medium-Density Residential) zoning.

The staff report noted the following:

1. The property is inside the city limits and all city services are available.
2. N.C. Highway 42 North is a state-maintained major thoroughfare.
3. Prior to the property being rezoned to O & I (Office and Institutional) in 2014, the property was zoned R10 (Medium-Density Residential), with a small portion zoned R7.5
4. The proposed R10 district allows single-family and two-family dwellings by right.
5. There are two single-family dwellings on the property (on separate parcels).
6. Once the property was rezoned to O & I (Office and Institutional), the current single-family use of the property became a legal non-conforming use. As a legal non-conforming use, the single-family residential use may continue. However, expansion, such as additions to the dwelling(s) or new accessory structure(s), is restricted.
7. When the property was rezoned from R7.5/R10 to O&I (8-7-14), the Land Development Plan (LDP) Proposed Land Use designation was "neighborhood residential." On October 8, 2015, the proposed land use map was amended to designate this property and adjoining properties on this segment of N.C. Highway 42 North as "Office and Institutional." This amendment was part of a comprehensive update to the city's LDP to reflect changes in land uses occurring since its last update in 2000.

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

"Although the proposed land use map designates the property for Office and Institutional Use, this classification reflects the property's current O & I zoning. This designation is also based upon the property's location in an area mixed with residential and non-residential uses (with commercial uses primarily to the north and east and residential uses to the south and west). Accordingly, the proposed land use map proposes Office and Institutional use as an appropriate transitional designation for the property.

Prior to the recent update of the city's Land Development Plan, the property was designated for "neighborhood residential" use to reflect the single-family and two-family uses along this segment of N.C. Highway 42 North. The LDP Central Small Area Plan also supports preservation of existing residential neighborhoods. Rezoning the property back to residential zoning (R10 Medium-Density) will continue to allow viable residential use of the property while remaining compatible with adjoining residential properties."

The Applicant's agent, Mr. H.R. Gallimore, was available to answer questions.

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. Swiers, Council voted unanimously to approve the requested rezoning by adopting a multi-part motion that included the following actions:

1. Adopted and implemented the analysis of the Community Development Division staff and the Planning Board that recommended granting the requested rezoning; and
2. Adopted the following consistency statement that acknowledges the request is not consistent with the proposed land use map designation of Office and Institutional zoning for the property, but the requested R10 zoning is reasonable and in the public interest because, in view of the factors stated in the above-quoted passage taken from the staff report, the proposed R10 district will allow a reasonable use of the property, reflecting its residential use and history, and providing a partial level of conformance with the land development plans.

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

(b) Discussion of enhanced partnership between the Fire Department and Community Development Division in connection with the city's fire code inspection program and pre-incident planning duties.

Mr. Ogburn discussed the enhanced partnership between the Fire Department and the Community Development Division in connection with the city's fire code inspection program and pre-incident planning operations. In essence, qualified Fire Department personnel will begin performing Level 1 fire inspections of certain building occupancy classifications along with pre-incident planning. The Chief Fire Inspector and Deputy Chief Fire Inspector, who are in the Community Development Division, will perform fire inspections of occupancies requiring level II or level III inspections. The Chief Fire Inspector and the Deputy Chief Fire Inspector will also be responsible for investigating suspicious fires and cases of unlawful burning.

The enhancement of this partnership will allow fire department personnel to become more familiar with buildings when responding to an incident, while providing cross-training opportunities and improving the ability for the staffs to collaborate.

No objections were raised by the council members, and no action was taken by the Council on this agenda item which functioned as a briefing. A copy of the visual presentation utilized by Mr. Ogburn during his presentation is on file in the city clerk's office.

(c) Update of code enforcement activities at 436 West Salisbury Street, Asheboro, NC.

Mr. Nuttall updated the council members on the on-going code enforcement activities related to 436 West Salisbury Street in Asheboro. The property was recently conveyed to a new owner, and preliminary plans for the property have been submitted to the Community Development Division staff. Further actions will be taken as necessary, but the Community Development Division has reason to believe that the owner will address the status of the building in a compliant manner. No action was taken by the Council on this agenda item.

8. Public comment period.

Mayor Smith opened the floor for public comments and none were offered.

In the absence of any comments, Mayor Smith closed the public comment period.

9. Presentation of an ordinance to amend the Airport Improvements Fund (#66) fiscal year 2015-2016 in order to clearly account for engineering expenditures.

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

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

01 ORD 1-16

ORDINANCE TO AMEND THE AIRPORT IMPROVEMENTS FUND (#66) FY 2015-2016

WHEREAS, the project referred to as State Project No #36237.23.13.1 now has a combined / dual purpose of accounting for expenditures for the Apron Rehab as well as the New Airport Terminal Building, and;

WHEREAS, City Staff would like to clearly account for the engineering expenditures for both projects separately, and;

WHEREAS, both projects expenditures have changed since initially allocated and funds initially earmarked for construction need to be reallocated toward engineering services for the Apron design and rehabilitation, and;

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

THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina

Section 1: That the following expense line items are increased / (decreased):

<u>Account</u>	<u>Description</u>	<u>Increase / (Decrease)</u>
66-982-0500	Engineering- Apron	109,000
66-982-4500	Construction	(109,000)
	Total change	0

Adopted this the 7th day of January 2016.

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

ATTEST:

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

10. Mayoral appointments:

Mr. Ogburn announced the following appointments that have been made by Mayor Smith:

- (a) Council Member Eddie Burks is to serve as the governing board's designated voting delegate to the N.C. League of Municipalities.
- (b) Council Member Linda Carter is to serve as the governing board's designated liason for city wellness initiatives.
- (c) The City Manager is designated as an Ex Officio member of Randolph Public Library Board.

The council members expressed no objections to these appointments, and the appointments were deemed to have been made with the general consent of the council.

