

**REGULAR MEETING  
ASHEBORO CITY COUNCIL  
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING  
THURSDAY, FEBRUARY 4, 2016  
7:00 p.m.**

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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  
  
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  
Edsel L. Brown, Code Enforcement Officer  
Holly H. Doerr, CMC, NCCMC, City Clerk  
Stacy R. Griffin, Human Resources Director  
Michael L. Leonard, P.E., City Engineer  
Trevor L. Nuttall, Community Development Director  
Randy C. Purvis, Chief Building Inspector  
Deborah P. Reaves, Finance Director  
Jonathan M. Sermon, Recreation Services Superintendent  
James O. Smith, Assistant Chief of Police  
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. Appearance and recognition of guests and citizens.**

Mayor Smith welcomed everyone in attendance.

**4. Receipt by the city of the Cornerstone Award from the Asheboro/Randolph Home Builders Association.**

Mayor Smith announced that the City of Asheboro has received the Cornerstone Award from the Asheboro/Randolph Home Builders Association in appreciation for the city's collaborative efforts to build a positive partnership with the private sector. Additionally, Mr. Eric Ward, President of the Asheboro/Randolph Home Builders Association offered his congratulations to the city on the receipt of this award.

**5. Presentation of the city's fiscal year-end audit report.**

The City Council received from Mr. Steve Hackett, CPA the audit report for the fiscal year that ended June 30, 2015. During his presentation, Mr. Hackett reported that the city received what is commonly referred to as a "clean audit" (currently also referred to as an "unmodified opinion") that reflects an unqualified acceptance of the city's financial statements. A copy of the written report submitted by Mr. Hackett is on file in the city clerk's office.

**6. Randolph County Economic Development Corporation's annual report.**

Ms. Bonnie Renfro, who is the President of the Randolph County Economic Development Corporation ("RCEDC"), led the presentation of the annual report from the RCEDC. Ms. Renfro was joined in this presentation by Board of Directors Vice-Chair John Grey, P.E. and Kevin Franklin, who is the Existing Business and Industry Coordinator for the RCEDC.

Ms. Renfro thanked the City Council for its support and then discussed highlights from the annual report. Some of the highlights addressed by Ms. Renfro included that over the course 30 years, 12,000 new jobs have been created with a capital investment of approximately \$1.8 billion.

Additionally, Ms. Renfro highlighted that Randolph County made giant strides in 2015 to create a first-class mega site to be located in the center of the state. The Greensboro Randolph Mega Site has outstanding transportation access to the nation's second largest interstate highway system, Class One railroad, five southeast U.S. Ports, and three international airports. With this, Randolph County will have a unique and competitive industrial opportunity in the future.

No formal action was requested of the City Council during this presentation. The mayor and the members of the City Council did express their appreciation for the economic development work performed by the RCEDC.

Copies of the materials distributed by Ms. Renfro are on file in the city clerk's office.

**7. Discussion of Randolph County's strategic planning and mega site initiatives.**

Mr. Hal Johnson, Randolph County Manager, utilized a visual presentation in order to give the Council an overview of the county's strategic planning process and its participation in the regional effort to bring the mega site to fruition.

No formal action was taken by the City Council in response to this presentation.

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

**8. 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 January 7, 2016.**
- (b) The minutes of the city council's special meeting on January 28, 2016.**
- (c) An ordinance to amend the current fiscal year budget for the water & sewer fund.**

**02 ORD 2-16**

**ORDINANCE TO AMEND THE WATER & SEWER FUND FY 2015-2016**

WHEREAS, The City of Asheboro has received a Technical Assistance Grant (TAG) in the amount of \$49,999 from the North Carolina Department of Environmental Quality Division of Water Infrastructure to study a portion of the Sanitary Sewer Collection System along Penwood Branch to locate potential sources of inflow and infiltration (I & I) into the collection system, and;

WHEREAS, The City repeatedly experiences sanitary sewer overflows in this area during rain events as rainwater runs into the sewer pipes in the system, and;

WHEREAS, The Wooten Company is managing the grant by providing professional services to evaluate manholes, direct cleaning and videoing sections of the system, and provide flow meter analysis to help the City determine what improvements need to be made to repair the sewer system and prevent these overflows from occurring in the future, and;

WHEREAS, the 2015 - 2016 Water and Sewer Fund adopted budget needs to be amended to incorporate the grant proceeds in revenue and offsetting equal increase in professional services expenditures in the Systems Maintenance departmental budget, and;

WHEREAS, the City Council of the City of Asheboro wants 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 item be increased:

| <u>Account #</u> | <u>Revenue Description</u> | <u>Increase</u> |
|------------------|----------------------------|-----------------|
| 30-335-0200      | Grant Revenue              | 49,999          |

Section 2: That the following Expense line item be increased:

| <u>Account #</u> | <u>Expense Description</u> | <u>Increase</u> |
|------------------|----------------------------|-----------------|
| 30-870-0400      | Professional Services      | 49,999          |

Adopted this 4<sup>th</sup> day of February, 2016.

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

ATTEST:

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

**9. Community Development Division items:**

- (a) **Zoning Case RZ-16-01: A legislative zoning hearing on the application filed by the city for general text amendments to Article 200, 200A, 300A, 400, 600, 800, 1000, and 1100 in the City of Asheboro Zoning Ordinance.**

Mayor Smith opened the public hearing on the following request.

Mr. Nuttall utilized a visual presentation in order to give the Council Members an overview of certain proposed text amendments to Article 200, Table 200-2, Article 200A, Article 300A, Table 400-1, Article 600, Article 800, Article 1000, and Article 1100 of the Asheboro Zoning Ordinance. In essence, the Community Development Division staff proposed to update the Asheboro Zoning Ordinance in order to ensure that the zoning ordinance conforms with current state legislation and current land use trends.

The proposed amendments, which received a favorable recommendation from the Asheboro Planning Board, can be highlighted as follows:

- Article 200:**
  - Remove redundant, unnecessary requirement for the clerk to certify the Table of Uses.
- Table 200-2:**
  - Amend child care related references that involve number of children to be consistent with state statutes.
- Article 200A:**
  - Proposal concerning street fronting facades in Tier 1 of the Center City Planning area.
- Article 300A:**
  - Make clerical changes and remove redundant references.
- Table 400-1:**
  - Update terminology related to parking for places of worship.
- Article 600:**
  - Update references to Comprehensive Transportation Plan
  - Update language concerning receipt of applications
  - Allow small additions to legal non-conforming places of worship/schools
  - Clarify the provisions that apply to existing manufactured home parks that need a Special Use Permit.
- Article 800:**
  - Improve the general organization and clarity distinguishing between non-conforming situations and uses.

**8. Article 1000:**

- Various amendments concerning legal notices and advertising.
- Zoning permit contents and a revised cost threshold that triggers zoning permit requirements.
- Abolishment of protest petition.
- Improvement to enforcement process.

**9. Article 1100:**

- Update various definitions to improve clarity.
- Reflect changes in state legislation and more precisely define certain uses.

The Planning Board concurred with the following Community Development Division staff's analysis and recommended approval of the proposed text amendments to the Asheboro Zoning Ordinance.

"The proposed amendments are necessary to ensure consistency with current state legislation, better reflect current operational practices, better define ambiguous terminology, improve clarity of the zoning ordinance and its review process, and preserve the character of the historic core of Asheboro. The Land Development Plan supports each of these actions."

With no comments or opposition from the public, Mayor Smith transitioned to the deliberative phase of the public hearing.

During his presentation, Mr. Nuttall also highlighted that subsection (B) of Section 1011.4 of the Asheboro Zoning Ordinance was inadvertently omitted from the proposed text amendments and should be included for consideration. Section 1011.4 of the Asheboro Zoning Ordinance as proposed with this correction states as follows:

*A. A public hearing shall be held by the City Council before adoption of any proposed amendment to this Ordinance. In accordance with N.C. General Statute 160A-364(a), a notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in Asheboro. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.*

*B. In addition to the notice required by A. above, where the proposed amendment involves a change in the designation of any parcel of land, staff shall, by first class mail, give notice of the public hearing to the owner(s) of parcel(s) involved in the proposed amendment, if the owner(s) are different from the applicant(s), as well as the owners, as shown on the tax rolls of Randolph County, of all land abutting the parcel(s) involved in the proposed amendment. Certification shall be included in the report prepared by the Zoning Administrator that such notice has been made.*

During discussion, the Council Members expressed their concerns regarding the proposed amendment to Article 200A(C)(4)(c)(iii) pertaining to façade improvements and concluded that the exception for decorative murals should be deleted. With this deletion, the approved text states as follows:

*A zoning compliance permit shall be obtained prior to painting, staining, or covering any street front façade. Any street front façade of masonry buildings that has historically been left in a natural, uncovered state shall not be painted, stained or otherwise covered; this prohibition shall apply only to the masonry portion of the building and not to any non-masonry building trim or accents. This subsection shall not apply to single or two family dwellings. ~~and/or decorative murals.~~*

Upon motion by Mr. Bell and seconded by Ms. Carter, Council voted unanimously to approve, with the corrections noted immediately above, the staff's proposed text amendments to the Asheboro Zoning Ordinance as well as adopting the following consistency statement that was initially proposed in the staff report.

After considering the above factors (the excerpt of the analysis from the staff report that is quoted above), the proposed text amendments are supported by (consistent with) the Land Development Plan, correct references to other adopted comprehensive plans, such as the 2014 Asheboro Comprehensive Transportation Plan, and are therefore in the public interest in supporting a reasonable use of the property.

A copy of the visual presentation utilized by Mr. Nuttall is on file in the city clerk's office along with a copy of the adopted text amendments.

**(b) SUB-12-01: A preliminary plat review for Phase 2 of the Olde Towne Village Subdivision.**

Mr. Nuttall presented the preliminary plat for Phase 2 of Olde Towne Village. Olde Towne Village, LLC requested the approval of a preliminary plat for 16 lots plus common area. The 16 Planned Unit Development lots have an average lot size of 3,646 square feet and are located along the south side of Old Lexington Road.

The development includes detached single-family and attached single-family dwellings (two dwellings per structure). The city council approved a Conditional Use Permit for the development in June 2012, and a preliminary plat in July 2012. The previous preliminary plat included 18 attached dwellings (9 structures, with 2 dwellings each), while the current proposal includes 4 attached dwellings (2 structures with 2 dwellings each) and 12 detached dwellings.

A new preliminary plat is being reviewed due to this modification to the number and ratio of detached/attached dwellings. A subdivision variance was granted during the sketch design review, allowing reduced right-of-way widths for public streets within the subdivision. No reduction in street widths is proposed.

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

Homeowners' documents restricting RV parking as required by the ordinance shall be submitted and recorded with the final plat.

Upon motion by Mr. Bell and seconded by Ms. Carter, Council voted unanimously to approve the preliminary plat request with the comment/condition requiring the recordation of homeowners' documents restricting RV parking with the final subdivision plat for Section II of the Olde Towne Village subdivision.

**10. Public comment period.**

Mr. Eric Ward, President of the Asheboro/Randolph Home Builder's Association, announced to the Council that the Region 7 Meeting of the North Carolina Home Builders Association was held in Asheboro and commended the city on its efforts to revitalize the downtown area.

Ms. Donna Hughes and Ms. Bea Vangor presented comments in support of an anti-tethering ordinance in Asheboro.

Ms. Sue Vuncannon requested that a portion of her property be deannexed from the city because the property is no longer part of the manufacturing site that was the object of the original annexation. In response to her request, the council members gave general consent to city staff to proceed with a request for legislative assistance to deannex this property that is located along Old N.C. Highway 49. Once a map has been received, city staff will prepare a resolution for Council's consideration at a future meeting.

**11. Building Inspection Annual report.**

Mr. Randy Purvis, Chief Building Inspector, presented an overview of the Building Inspection Department's activities during 2015. The department's report reflected a total of 942 permits issued with a total of \$107,760.00 in revenue received. A copy of the written report submitted to the council members is on file in the city clerk's office.

**12. Code Enforcement Annual Report.**

Mr. Ed Brown, Code Enforcement Officer, utilized a visual presentation in order to give the council members an overview of the code enforcement activities for 2015. Mr. Brown's report reflected a total of 343 recorded violations for 2015. These violations included, but were not limited to, nuisance violations, non-permitted signs, minimum housing code violations, and zoning violations. A copy of the visual presentation utilized by Mr. Brown is on file in the city clerk's office.

**13. Discussion and request for approval of a resolution expressing the Council's concurrence with the newly revised City of Asheboro Employee Policies and Procedures Manual.**

Ms. Griffin presented and recommended adoption, by reference, of a resolution expressing the Council's concurrence with the newly revised City of Asheboro Employee Policies and Procedures Manual.

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

**RESOLUTION NUMBER** \_\_\_\_\_ 01 RES 2-16

**CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA**

**A RESOLUTION EXPRESSING THE CITY COUNCIL'S CONCURRENCE WITH THE NEWLY REVISED CITY OF ASHEBORO EMPLOYEE POLICIES AND PROCEDURES MANUAL**

**WHEREAS**, the City of Asheboro Employee Policies and Procedures Manual (formerly known as the City of Asheboro Personnel Policies and Procedures Manual and hereinafter referred to as the "Manual") was originally promulgated by the city manager and approved by resolution of the Asheboro City Council on March 4, 2004; and

**WHEREAS**, the city manager periodically receives recommendations from the human resources director to update the Manual by eliminating recently identified areas of ambiguity and to reflect current best practices; and

**WHEREAS**, subsequent to March 1, 2015, which was the effective date of the most recent revision of the Manual, the human resources director forwarded recommendations to the city manager to reorganize the Manual with enhanced or refined discussion of certain policy areas in order to effectively continue the city's implementation and communication of best practices for its workforce; and

**WHEREAS**, the recommendations forwarded to the city manager are contained in their entirety within a draft City of Asheboro Employee Policies and Procedures Manual that is attached to this Resolution as ATTACHMENT A and is hereby incorporated into this Resolution by reference as if copied fully herein; and

**WHEREAS**, the city manager agrees with these recommendations and has decided to promulgate the draft employee policies and procedures found in ATTACHMENT A as the new Manual with an effective date of March 1, 2016; and

**WHEREAS**, the Asheboro City Council has concluded that the city manager's decision to update and reorganize the policies and procedures that guide the city's human resources system is consistent with the governing board's adopted mission statement "to provide the citizens of Asheboro with excellence in leadership, fiscal management, and municipal services and to create meaningful and appropriate opportunities for citizen participation to improve the quality of life for all;"

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro, North Carolina that it hereby concurs with the decision by the city manager to promulgate, with an effective date of March 1, 2016, the revised and reorganized City of Asheboro Employee Policies and Procedures Manual attached to this Resolution as ATTACHMENT A.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 4<sup>th</sup> day of February, 2016.

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

ATTEST:

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

[Attachment A referred to in the above resolution is on file in the city clerk's office.]

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

**14. Presentation of a resolution requesting the assistance of the local legislative delegation in amending the city's charter to allow the donation of animals retired by the city to the officer or employee who had normal custody or control of the animal.**

Mr. Ogburn presented and recommended adoption, by reference, of a resolution requesting the amendment by local act of the North Carolina General Assembly of Article IX (Disposal of Property) of the Charter of the City of Asheboro.

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

**RESOLUTION NUMBER** \_\_\_\_\_ **02 RES 2-16**

**CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA**

**A RESOLUTION REQUESTING THE AMENDMENT BY LOCAL ACT OF THE NORTH CAROLINA GENERAL ASSEMBLY OF ARTICLE IX (DISPOSAL OF PROPERTY) OF THE CHARTER OF THE CITY OF ASHEBORO**

**WHEREAS**, the Asheboro City Council and city staff continually review city practices and processes in an effort to identify and implement actions that can improve the quality, efficiency, and legal sustainability of the municipal corporation's operations; and

**WHEREAS**, this on-going review process is inclusive of the provisions in the Charter of the City of Asheboro (the "Charter"); and

**WHEREAS**, Article IX of the Charter addresses the disposal of property by authorizing the City Council to sell or lease any real or personal property of the city in accordance with the enabling legislation found in Chapter 160A, Article 12 of the North Carolina General Statutes; and

**WHEREAS**, the City Council has concluded that the ability to find a proper home for city-owned animals when such animals are no longer able to perform their duties would be enhanced if the City Council had the authority to donate animals retired from city service to the handlers who have developed a bond with the animals; and

**WHEREAS**, in support of the public safety employees who have made extraordinary sacrifices on behalf of the city, the City Council would like to obtain specific authority to convey, by means of private sale and without strict connection to the fair market value of each item, certain personal uniform and equipment items used by such employees prior to the employees' separation from employment with the city; and

**WHEREAS**, for the reasons stated in the preceding recitals, the City Council has decided to request the assistance of the local legislative delegation to the North Carolina General Assembly with the introduction and passage of a local act to amend the Charter so as to enable the City Council to pursue, in a legally sustainable manner, the above-stated goals;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro, North Carolina that a request is hereby respectfully submitted to the local legislative delegation to the North Carolina General Assembly for the introduction and support of a local act to amend Article IX of the Charter of the City of Asheboro, being Chapter 481 of the 1967 Session Laws, as amended by Chapter 921 of the 1989 Session Laws, by rewriting Article IX of the Charter to provide as follows:

**ARTICLE IX. DISPOSAL OF PROPERTY**

~~**Sec. 9.3 Use and disposal of real or personal property.** The City Council shall have the power granted by Chapter 160A, Article 12, of the General Statutes to sell or lease any real or personal property.~~

**Sec. 9.1 Use and disposal of real or personal property.** The City Council shall have the power granted by Chapter 160A, Article 12 of the General Statutes to sell or lease any real or personal property.

**Sec. 9.2 Disposal of uniforms and equipment used by public safety employees.** In addition to transactions authorized by other Sections of this Article and by Section 20-187.2 of the General Statutes, personal uniform and equipment items, excluding weapons, used by city employees in the police, fire, and fire inspection departments may be sold to these municipal employees upon their separation from employment with the city. Such items may be sold by private sale at prices and under terms and conditions that the City Council may establish by resolution.

**Sec. 9.3 Donation of city-owned animals no longer fit for public service.**  
When any dog, horse, or other animal used by the city police department or any other city agency is deemed no longer fit for public service, the City Council may donate the animal to the officer or employee who had normal custody and control of the animal during its service to the city.

**BE IT FURTHER RESOLVED** by the City Council of the City of Asheboro, North Carolina that city staff members are hereby authorized to undertake all administrative actions deemed necessary to implement the provisions of this Resolution, specifically including without limitation engaging in discussions and correspondence on behalf of the municipal corporation with members of the local delegation and the legislative bill drafting office, to facilitate timely consideration of the proposed charter amendments by the North Carolina General Assembly

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 4<sup>th</sup> day of February, 2016.

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

ATTEST:

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

**15. Items not on the agenda.**

Mr. Ogburn announced that a special meeting of the City Council will be held on February 25, 2016 at 5:30 p.m. at the City of Asheboro Public Works Facility.

There being no further business, the meeting was adjourned at 9:34 p.m.

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

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