

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, JUNE 9, 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
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance 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. Consent agenda:

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

(a) The minutes of the city council's regular meeting on May 5, 2016.

Copies of the approved minutes are on file in the City Clerk's office and are posted on the city's website.

(b) The minutes of the city council's special meeting on May 24, 2016.

Copies of the approved minutes are on file in the City Clerk's office and are posted on the city's website.

(c) Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for April 4, 2016.

A copy of the Asheboro ABC Board's meeting minutes is on file in the city clerk's office.

(d) Acknowledgement of the receipt on May 25, 2016, of the budget message and proposed budget for the Asheboro ABC Board for fiscal year 2016-2017.

Copies of the of the budget message and proposed budget for the Asheboro ABC Board are on file in the city clerk's office.

(e) Acknowledgement of closeout notification from the North Carolina Department of Commerce related to the Building Reuse and Restoration grant received for the Harry and Jeanette Weinberg Adult Resource & Education Center.

A copy of the notification letter is on file in the city clerk's office.

(f) An ordinance to amend the Airport Runway Fund #66.

11 ORD 6-16

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

WHEREAS, the Asheboro Regional Airport has been awarded another Federal Block Grant for Apron Rehabilitation- Design Bid in the amount of \$98,100 to be accounted for in State Project No #36237.23.13.1, and;

WHEREAS, the City of Asheboro local match for this grant is \$10,900, and;

WHEREAS, the Asheboro Regional Airport has been awarded another Federal Block Grant for Terminal Building – Concept/ Preliminary design phase services in the amount of \$44,698 to be accounted for in State Project No #36237.23.14.1, and;

WHEREAS, the City of Asheboro local match for this grant is \$4,967, and;

WHEREAS, the revenues and expenditure budget in the Airports Improvement Fund have changed as a result of these grants, 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 revenue line items are increased:

| <u>Account</u> | <u>Description</u> | <u>Increase / (Decrease)</u> |
|----------------|---------------------------------------|----------------------------------|
| 66-349-1900 | Federal Grant #(15-16) #36237.23.13.1 | 98,100 |
| 66-349-2000 | Federal Grant (15-16) #36237.23.14.1 | 44,698 |
| 66-367-1024 | GF Contribution (15-16) | 15,867 |
| | Total Increase | 158,665 |

Section 1: That the following expense line items are increased:

| <u>Account</u> | <u>Description</u> | <u>Increase / (Decrease)</u> |
|----------------|---|----------------------------------|
| 66-982-0501 | Design / Bid – apron Rehab | 109,000 |
| 66-983-0500 | Terminal - Concept / Preliminary design phase | 49,665 |
| | Total Increase | 158,665 |

Adopted this the 9th day of June 2016.

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

ATTEST:

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

(g) An ordinance to amend the General Fund for Fiscal Year 2015-2016.

12 ORD 6-16

ORDINANCE TO AMEND THE GENERAL FUND FY 2015-2016

WHEREAS, The City Council of the City of Asheboro desires to amend the budget as required by law to adjust for changes in expenditures in comparison to the current fiscal year adopted 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 Expense line item be increased / (decreased):

| <u>Account #</u> | <u>Expense Description</u> | <u>increase / (decrease)</u> |
|------------------|-----------------------------|----------------------------------|
| 10-495-0702 | Fringe: FICA /Medicare | (961) |
| 10-495-0705 | Retirement | (2,815) |
| 10-495-0704 | Insurance | (7,124) |
| 10-650-6600 | Transfer to Airport Project | 10,900 |
| | Increase / (Decrease) | 0 |

Adopted this 9th day of June, 2016.

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

ATTEST:

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

(h) Audit contract for the fiscal year ending June 30, 2016.

A copy of the above-referenced audit contract is on file in the city clerk's office.

(i) A resolution awarding the service side arm to a retiring police officer.

RESOLUTION NUMBER 12 RES 6-16

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**AWARD OF A 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 August 1, 2002, effective August 1, 2016, Police Sergeant Isaac Timothy Marlowe 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 Sergeant Marlowe for his dedicated service to the city by awarding to him, at a minimal monetary cost, the service side arm issued to Sergeant Marlowe at the time of his retirement;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that, effective August 1, 2016, 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), Isaac Timothy Marlowe is to be awarded ownership of his city-issued service side arm (a Glock 23 Generation 4 with serial no. SFS931 and three magazines) upon a determination by the Chief of Police that Mr. Marlowe is not ineligible to own, possess, or receive a firearm under the provisions of federal or North Carolina law.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting that was held on the 9th day of June, 2016.

/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

4. **Community Development Items (Legislative Zoning Hearings):**

- (a) **Zoning Case RZ-16-04: An application to rezone property located at 322, 324, and 328 Greensboro Street from R7.5 (Medium-Density Residential) to OA6 (Office-Apartment).**

Mayor Smith opened the public hearing on the following request.

The requested rezoning pertains to approximately 0.61 of an acre of land located at 322, 324, and 328 Greensboro Street and is owned by Mt. Zion Holy (Holiness) Church. Randolph County Parcel Identification Numbers 7751945555 and 7751946436 more specifically identify the property.

Mr. Nuttall utilized a visual presentation to summarize the planning staff's analysis of the request by Mt. Zion Holy (Holiness) Church to rezone the above-described parcel of land to OA6 (Office-Apartment) zoning.

The staff report noted the following:

1. The property is within the city limits and all city services are available.
2. Greensboro Street is a city-maintained collector street at this location. Immediately north of the property, where North Cox Street intersects with Greensboro Street, Greensboro Street becomes a minor thoroughfare.
3. There is currently a place of worship (church) on one of the parcels. Tax records indicate the place of worship was constructed in 1940. The property that the church is located on totals approximately 0.44 acres of land.
4. The property located at 324 Greensboro Street is currently undeveloped. The single-family residence previously located on this property (Parcel Identification Number 7751945555) has been removed.
5. The area includes a mix of residential, office, and commercial uses. Greensboro Street increasingly has become a transitional area between commercial uses on North Fayetteville Street and residential uses to the east.
6. The property is just outside of the Center City Planning area.
7. The requested OA6 district permits single-family and multi-family residential uses, plus office, medical, institutional (such as places of worship, schools), and certain light commercial activities (such as banks and funeral homes).

The Planning Board recommended approval of the requested rezoning after concurring with the following analysis from the Community Development staff that evaluated the consistency of the requested rezoning with the adopted comprehensive plans, the reasonableness of the request, and whether the requested rezoning was in the public interest:

"The requested amendment (rezoning the property from R7.5 (Medium Density Residential) to OA6 (Office Apartment)) is consistent with the Land Development Plan because the proposed land use map designates the property as 'urban residential' and the OA6 district allows residential uses (single, two-family, and multi-family) that are consistent with the urban residential designation.

The requested rezoning to the OA6 district is also reasonable and in the public interest because the OA6 district is appropriate for the institutional use that has occurred since approximately 1940 (a place of worship). In this context, the non-residential component of the OA6 district is in harmony with the intent of the Land Development Plan by recognizing the historic development pattern of an established neighborhood. Second, the parcel is located in a transitional area between commercial areas to the west along North Fayetteville Street and residential areas to the east. Third, the property's location in the primary growth strategy area (with access to city services) and away from major environmental limitations, such as flood hazard areas or watershed areas, are conducive to both residential and non-residential uses characterized by the OA6 district. Finally, the review process required for future development or changes of use will ensure that buffering/screening and other requirements help mitigate potential impacts onto adjoining residentially zoned 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 Ms. Carter, Council voted unanimously to approve the requested rezoning by adopting a multi-part motion that included the following actions:

1. Approval and adoption as its own by the Council of the above-stated consistency, reasonableness, and public interest analysis in support and explanation of the council's conclusion, and
2. In light of the above-stated consistency, with the adopted comprehensive plans, reasonableness, and public interest determinations/analysis, the requested zoning amendment was approved without any modifications.

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

(b) Zoning Case RZ-16-05: An application to rezone property located at 331 Watkins Street from B1 (Neighborhood Commercial) and RA6 (High Density Residential) to a single RA6 zoning district.

Mayor Smith opened the public hearing on the following request.

The requested rezoning pertains to approximately 0.64 of an acre of land located at 331 Watkins Street and is owned by Gwendolyn Williams. Randolph County Parcel Identification Number 7761130704 more specifically identifies the property.

Mr. Nuttall utilized a visual presentation to summarize the planning staff's analysis of the request by Ms. Williams to rezone the above-referenced parcel of land from a combination of B1 Neighborhood Commercial and RA6 High-Density Residential zoning to RA6 zoning

The staff report noted the following:

1. The property is located inside the city limits, and all city services are available.
2. The property faces Watkins Street and also has frontage on Dunlap Street. Watkins and Dunlap Streets are city-maintained local streets.
3. A single-family dwelling is located on the portion of the parcel of land that is zoned B1, making it a legal non-conforming use. As a legal non-conforming use and subject to the Asheboro Zoning Ordinance, the single-family residential use may continue. However, expansion, such as additions to the dwelling(s) or new accessory structures is restricted.
4. The area includes a mix of single-family, multi-family and commercial uses.

The Planning Board recommended approval of the requested rezoning after concurring with the following analysis from the Community Development staff that evaluated the consistency of the requested rezoning with the adopted comprehensive plans, the reasonableness of the request, and whether the requested rezoning was in the public interest:

"The requested amendment (rezoning a portion of the property that is zoned B1 (Neighborhood Commercial) to RA6 (High-Density Residential)) is consistent with the Land Development Plan because the proposed land use map designates the property as "neighborhood residential," which encourages development to complement surrounding neighborhoods. Given the RA6 zoning that is consistently applied through much of this area, the RA6 district fits the intent of the property's "neighborhood residential" designation.

The requested rezoning to the RA6 district is also reasonable and in the public interest in this context because it recognizes the existing residential use that has been in place since approximately 1957. As emphasized by the Central Small Area Plan, preservation of existing residential neighborhoods is encouraged. The RA6 district reiterates the residential nature of the property and surrounding properties. Recognizing a legal non-conforming use that is compatible with surrounding land uses also allows continued investment and viability of a long standing residential property. The existing infrastructure, specifically the street network accessible to the property (two local, primarily residential streets) is also generally better suited to serve a residential than a commercial use. Finally, the property's location away from major environmental limitations, such as flood hazard areas or watershed areas, are conducive to continued residential uses characterized by the RA6 district."

Mr. Vernon Wilson presented comments in support of the requested rezoning.

There being no further 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. Burks, Council voted unanimously to approve the requested rezoning by adopting a multi-part motion that included the following actions:

1. Approved and adopted as its own the above-stated analysis in support and explanation of the council's conclusion that the requested action is consistent with the applicable plans, and is reasonable and in the public interest.
2. In light of the above-stated consistency with the comprehensive plans as well as the reasonableness and public interest determinations/analysis, the requested zoning amendment was approved without any modifications.

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

(c) Zoning Case RZ-16-06: An application to rezone property located at 112 and 116 Sunrise Avenue and 2029 Vincent Drive from R10 (Medium-Density Residential) to O&I (Office & Institutional).

Mayor Smith opened the public hearing on the following request.

The requested rezoning pertains to approximately 2.34 acres of land located at 112 Sunrise Avenue, 116 Sunrise Avenue, and 2029 Vincent Drive. Randolph County Parcel Identification Numbers 7763106759, 7763106913, and 7763104846 more specifically identify the property.

Mr. Nuttall utilized a visual presentation to summarize the planning staff's analysis of the request by Freedom Life Church of God to rezone the above-described property from R10 (Medium-Density Residential) to O&I (Office and Institutional) zoning.

The staff report noted the following:

1. The property is located inside the city limits, and all city services are available.
2. Sunrise Avenue can be viewed as a city-maintained collector street, a higher classification street than a local street. Vincent Drive (on the east side of the property) is a city-maintained local street. The pavement surface of Sunrise Avenue is approximately 18' to 19' wide in this location. The pavement surface of Vincent Avenue is approximately 13' wide.
3. With the exception of another place of worship located southeast of the property at 2025 Holland Street (which is also zoned R10), the property is surrounded by single-family residences.
4. The request is for a general district O&I (Office and Institutional District rezoning) which permits office (including medical) and institutional (such as places of worship, schools) uses, and certain light commercial activities (such as banks and funeral homes) by right.
5. Tax records indicated the place of worship (i.e. church) was constructed in 1960. When located in a residential district, a place of worship also has the option to obtain a Special Use Permit if significant expansion or modifications are proposed.
6. The request is filed due to the church's acquisition of 112 Sunrise Avenue in December 2015 and its desire to use the property in conjunction with the rest of the church's property. Staff discussed with the applicant the options available to utilize 112 Sunrise Avenue, including the option to pursue a Special Use Permit. The applicant decided that a rezoning request was in its best interest.
7. There is a single-family residence on one of the parcels. As a stand-alone use, the single-family residence becomes a legal non-conforming use if rezoned to O&I, and may continue, but expansion and additions are restricted.
8. The closest commercial (which is B2 General Commercial) zoning is on the west side of North Fayetteville Street across the intersection of North Fayetteville Street and Sunrise Avenue. This is approximately 325' from the subject property, and separated by three residences on the south side of Sunrise Avenue and two residences on the north side of Sunrise Avenue.

The Community Development staff recommended denial of the requested rezoning after evaluating the consistency of the requested rezoning with the adopted comprehensive plans, the reasonableness of the request, and whether the requested rezoning was in the public interest. In explaining the recommended denial, the staff stated:

"Staff recognizes that there is validity in certain aspects of the request. The use of the property has been for a place of worship since approximately 1960 and has become a recognized component of the neighborhood's character. The Office and Institutional (O&I) district generally allows only non-residential uses that impose lesser potential negative impacts on adjoining residential uses than most non-residential zoning districts. The property's lack of substantial, known environmental impediments are also a positive factor in evaluation this request.

Staff's concerns in granting this request are based on the wider range of permitted uses in the district that may not be compatible with the property's location, which is completely surrounded by single-family residential uses and removed from commercial uses to the west along North Fayetteville Street. The property itself, along with adjoining properties, are designated for 'neighborhood

residential use' by the LDP, with no other property in the vicinity having O&I zoning. The lack of access to a minor thoroughfare or higher classification street raises concerns over the ability for the existing street network to accommodate possibly more intensive use of the property than what presently exists. There is also a concern over spot zoning, due to the absence of other nearby properties with O&I zoning, the 'neighborhood residential' LDP designation, and the inability to review a site specific development plan that would be possible with a Special Use Permit or Conditional Use District and Permit. For these reasons, staff believes the existing R10 zoning is consistent with the adopted comprehensive plan, and therefore reasonable and in the public interest."

The Planning Board disagreed with the staff's analysis and recommendation. Consequently, the Planning Board recommended approval of the requested rezoning based on the following:

1. Compliance with the growth strategy map;
2. The property's proximity to industrial areas;
3. The historic use of the property; and
4. Lack of public comments indicating citizen opposition.

Pastor Ben Chavis of Freedom Life Church of God presented comments in support of the requested rezoning.

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

Upon motion by Mr. Moffitt and seconded by Mr. Burks, Council voted unanimously to approve the requested rezoning. As part of the adopted motion, the Council agreed with the Planning Board's analysis of the request and adopted this analysis as the city council's own statement of the consistency of the application with the adopted comprehensive plans as well as the reasonableness of the application.

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

(d) Zoning Case RZ-16-07: An application to rezone three lots:

Mayor Smith opened the public hearing on the request to rezone the following lots:

(i) 437 Sunset Avenue from RA6 (High Density Residential and B2 (General Commercial) to B2:

The requested rezoning pertains to the property of McJed (a N.C. General Partnership) represented by Ben C. Morgan, Esq. This property is located at 437 Sunset Avenue and is identified by Randolph County Parcel Identification Number 7751626653.

Request: Rezone from RA6 (High Density Residential) and B2 (General Commercial) to B2 zoning for the entire parcel.

Analysis: A funeral parlor, including a crematorium, is located on the parcel that is approximately 2.16 acres in size. The requested rezoning is for the portion of the parcel that is not currently zoned B2, approximately 0.43 of an acre. The proposed land use map indicates the area is a "city activity center" and the growth strategy map designates this area as "primary growth." Eight LDP goals and policies support the request. None are negative toward the request.

Speakers: Mr. Nuttall and Mr. Ben Morgan C. Morgan, Esq. A copy of the visual presentation utilized by Mr. Nuttall is on file in the city clerk's office.

Recommendation: Planning Staff and the Planning Board recommended approval of the request.

City Council Action: Upon motion by Mr. Bell and seconded by Ms. Carter, the Council Members unanimously adopted a combined motion that (1) approved the requested rezoning for this parcel of land, and (2) Adopted the following analysis in support of finding the request to be reasonable, consistent with the adopted comprehensive development plans, in the public interest:

- The property's long-term commercial history
- The property's location on a commercial corridor.
- Eight LDP goals and policies support the requested rezoning.

(ii) 159 South Park Street from RA6 to OA6 (Office-Apartment): The requested rezoning pertains once again to the property of McJed. This specific property is located at 159 S. Park Street and is identified by Randolph County Parcel Identification Number 7751624365.

Request: Rezone from RA6 (High Density Residential) to OA6 (Office-Apartment)

Analysis: A single-family dwelling is currently located on the lot that is approximately 0.19 of an acre in size. The proposed land use map indicates the area is a "city activity center" and the growth strategy map designates the area as "primary growth." Nine LDP goals and policies support the requested rezoning while one is negative toward the request.

Speakers: Mr. Nuttall and Mr. Ben Morgan C. Morgan, Esq. A copy of the visual presentation utilized by Mr. Nuttall is on file in the city clerk's office.

Recommendation: Planning Staff and the Planning Board recommended approval of the request.

City Council Action: Upon motion by Mr. Moffitt and seconded by Mr. Swiers, the Council Members unanimously adopted a combined motion that (1) approved the requested rezoning for this parcel of land, and (2) Adopted the following analysis in support of finding the request to be reasonable, consistent with the adopted comprehensive development plans, in the public interest:

- The transitional, mixed use character of S. Park Street and the general area.
- The OA6 district still supports residential use.
- Nine LDP goals and policies support the requested rezoning.

(iii) 420 Hill Street from RA6 to OA6: This requested rezoning also pertains to the property of McJed. This specific property is located at 420 Hill Street and is identified by Randolph County Parcel Identification Number 7751626400.

Request: Rezone from RA6 (High Density Residential) to OA6 (Office-Apartment)

Analysis: A single-family dwelling is currently located on the lot that is approximately 0.30 of an acre in size. The proposed land use map indicates the area is a "city activity center" and the growth strategy map designates the area as "primary growth." Four LDP goals and policies support the requested rezoning while five are negative toward the requested rezoning.

Speakers: Mr. Nuttall, Mr. Ben Morgan C. Morgan, Esq. and Quetia Miller with concerns about her future rental of the property. A copy of the visual presentation utilized by Mr. Nuttall is on file in the city clerk's office.

Recommendations: The Planning Staff and the Planning Board recommended denial of the requested rezoning.

City Council Action: Upon motion by Mr. Moffitt and seconded by Ms. Carter, the Council Members unanimously adopted a combined motion that (1) approved the requested rezoning for this parcel of land, and (2) Adopted the following analysis in support of finding the request to be reasonable and in the public interest:

- The area around 420 Hill Street is evolving, and the requested zoning district is consistent with this evolution as well as the Council's view of Tier 1 of the Center City Planning Area in which the property is located.
- In terms of consistency with the comprehensive development plans, the Council Members placed more weight on the limited number of policies and goals that support the request.

5. Public hearing on the proposed budget for fiscal year 2016-2017.

Mayor Smith opened the public hearing on the proposed budget for fiscal year 2016-2017.

Ms. Deborah Reaves, who is the city's Finance Director, utilized a visual presentation in order to highlight the fund allocations for the proposed fiscal year 2016-2017 annual budget. Copies of the proposed budget and the visual presentation utilized by Ms. Reaves are on file in the city clerk's office.

Mayor Smith invited comments from the public, but none were offered. Mayor Smith closed the public hearing and announced that written comments will be accepted from the public until final consideration of the budget. Final consideration of the budget will take place during a special meeting of the Council at 12:30 p.m. on June 29, 2016 in the Council Chamber.

6. Public hearing on proposed appropriations during fiscal year 2016-2017 for economic development purposes other than real property and business location incentives.

Mayor Smith opened the public hearing on the proposed appropriations during fiscal year 2016-2017 for economic development purposes.

Ms. Reaves utilized a visual presentation in order to highlight that the City of Asheboro partners and financially supports two local agencies for economic development activities, the Randolph County Economic Development Corporation (RCECD) and the Asheboro/Randolph Chamber of Commerce. The city contributes approximately \$40,000.00 annually to the RCECD and approximately \$20,000 to the Asheboro/Randolph Chamber of Commerce.

Ms. Bonnie Renfro, who is the President of the Randolph Economic Development Corporation, was available to answer questions.

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

Final consideration of the proposed budget, which includes these economic development expenditures, will take place during a special meeting of the Council at 12:30 p.m. on June 29, 2016 in the Council Chamber.

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

7. Public comment period.

Mayor Smith opened the floor for comments from the public.

Ms. Lois Bonsack, a candidate for N.C. House District 70, congratulated the city on being a finalist for the All-America City designation.

Mr. Glenn McGrady, who lives at 1852 Saddlewood Court, expressed concerns about the efficacy of the city's animal control ordinance. Additionally, Mr. McGrady asked the Council to consider increasing the penalties for stray cats and dogs. He is very concerned about cats and dogs coming onto private property and causing damage.

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

8. Discussion of the Odd Fellows Cemetery.

Mr. Leonard utilized a visual presentation and highlighted the historical significance of the Odd Fellows Cemetery that is located in the vicinity of Martin Luther King, Jr., Drive and Booker T. Washington Drive. An open question exists about the ownership and maintenance responsibilities for this cemetery.

After some discussion, a general consensus of the council was for city staff to further research the outstanding land title issues and to take the necessary steps for the city to assume maintenance responsibilities for this significant part of the city's cultural heritage. An update on these efforts will be provided as staff work proceeds.

9. A request to change the traffic flow on the entirety of Cranford Street from one-way to two-way.

Mr. Leonard presented a request to change the traffic flow on the entirety of Cranford Street from one-way to two-way.

After some discussion, a general consensus of the council members was for city staff to prepare an ordinance for council's review.

10. An update and request for action on the following aspects of the CDBG funding application process for the economic development project with Technimark:

(a) The Mini-Brooks Act exemption of the Technimark Industrial Track Construction Project;

Mr. Nuttall noted that Mr. Ogburn has exempted the Technimark Railroad Spur Track project from the qualification based selection process. The city plans to enter into an agreement with Summey Engineering, PLLC for professional services for this project. This project will be funded with CDBG funds. None of the Council Members expressed any objection to this plan.

(b) Consideration of a resolution authorizing a Public Facilities Agreement with Technimark.

Mr. Nuttall presented and recommended adoption, by reference, of a resolution authorizing a Public Facilities Agreement with Technimark.

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

RESOLUTION NUMBER _____ **13 RES 6-16**

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION AUTHORIZING THE ENTRY OF THE CITY OF ASHEBORO INTO A PUBLIC FACILITIES AGREEMENT WITH TECHNIMARK LLC

WHEREAS, the City of Asheboro (the "City") anticipates receiving a Community Development Block Grant ("CDBG") administered by the North Carolina Department of Commerce in the amount of \$490,000 to be used primarily to benefit low to moderate-income persons by financing the economic development project with Technimark LLC that is described in the attached exhibit; and

WHEREAS, in order to participate the CDBG program, the city must execute a legally binding commitment in the form of a Public Facilities Agreement with Technimark LLC; and

WHEREAS, a copy of the proposed Public Facilities Agreement (the "Agreement") has been attached to this Resolution as EXHIBIT 1 and is hereby incorporated into this Resolution by reference as if copied fully herein; and

WHEREAS, the Asheboro City Council has concluded that the terms and conditions of the proposed Agreement are acceptable;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that the entry of the City of Asheboro into the Agreement is hereby approved; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro, North Carolina that the Mayor and all other necessary City officials are hereby authorized and directed to execute on behalf of the City of Asheboro the Agreement attached hereto as EXHIBIT 1.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 9th day of June, 2016.

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

ATTEST:

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

[A copy of the agreement attached as EXHIBIT 1 to the Resolution identified above is on file in the city clerk's office.]

(c) Consideration of a resolution authorizing an Industrial Track Agreement with Technimark.

Mr. Nuttall presented and recommended adoption, by reference, of a resolution authorizing an Industrial Track Agreement with Technimark.

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

RESOLUTION NUMBER _____ 14 RES 6-16 _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION AUTHORIZING THE ENTRY OF THE CITY OF ASHEBORO INTO AN INDUSTRIAL TRACK AGREEMENT WITH TECHNIMARK LLC

WHEREAS, the City of Asheboro (the "City") anticipates receiving a Community Development Block Grant ("CDBG") administered by the North Carolina Department of Commerce in the amount of \$490,000 to be used primarily to benefit low to moderate-income persons by financing an economic development project with Technimark LLC (the "Company") to construct industrial rail track to serve the Company's new manufacturing facility in Asheboro; and

WHEREAS, the City, as the applicant for the CDBG funding, must undertake the construction of the industrial tracks as public facilities located within a City-controlled easement area granted by the Company to the City; and

WHEREAS, a copy of the proposed Industrial Track Agreement (the "Agreement") between the City and the Company specifying the obligations that each party will have to the other with regard to the procurement of an easement for the construction of the proposed public facilities has been attached to this Resolution as EXHIBIT A and is hereby incorporated into this Resolution by reference as if copied fully herein; and

WHEREAS, the Asheboro City Council has concluded that the terms and conditions of the proposed Agreement are acceptable;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that the entry of the City into the proposed Agreement is hereby approved; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro, North Carolina that the Mayor and any other necessary City officials are hereby authorized and directed to execute on behalf of the City the Agreement attached hereto as EXHIBIT A.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 9th day of June, 2016.

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

ATTEST:

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

[A copy of the agreement attached as EXHIBIT A to the Resolution identified above is on file in the city clerk's office.]

11. Discussion and request for final approval of the sale of the surplus real property at the intersection of East Salisbury Street and Martin Luther King, Jr. Drive.

Mr. Leonard presented and recommended adoption, by reference, of a resolution accepting the offer for a surplus parcel of city-owned land at the intersection of East Salisbury Street and Martin Luther King, Jr. Drive.

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

RESOLUTION NUMBER _____ 15 RES 6-16 _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION ACCEPTING THE OFFER FOR A SURPLUS PARCEL OF CITY-OWNED LAND AT THE INTERSECTION OF EAST SALISBURY STREET AND MARTIN LUTHER KING, JR. DRIVE

WHEREAS, the City of Asheboro (the "City") owns a parcel of land located at the intersection of East Salisbury Street (North Carolina Secondary Road 2237) and Martin Luther King, Jr. Drive (North Carolina Secondary Road 2189) that is identified by Randolph County Parcel Identification Number

