

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, JANUARY 12, 2017
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
Timothy Edward Cockman, Assistant Fire Chief
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
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.

Mayor Smith welcomed everyone in attendance and recognized Ms. Zoe Little, an Asheboro High School student interested in politics and government. Ms. Little was in attendance as a part of a job shadowing program at the high school.

2. Moment of silent prayer and pledge of allegiance.

After a moment of silence was observed in order to allow for private prayer and meditation, Mayor Smith asked everyone to stand and say the pledge of allegiance.

3. Recognition of police officer and fire fighter awards for 2016.

Utilizing a visual presentation, Mayor Smith recognized individuals from the Police Department and Fire Department who received awards for 2016. Firefighter of the Year, Mr. Brad Wilson and Officer of the Year, Lieutenant Steve Bigham were in attendance on behalf of the Fire Department.

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

4. Presentation of a request to install trees at the Asheboro Public Library fountain.

Mayor Smith announced that Mr. Alan V. Pugh, who was to present a request to install trees at the Asheboro Public Library fountain, was unable to attend the meeting. Mr. Pugh will be consulted about his preferences for rescheduling this item for discussion.

5. Consent agenda:

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

(a) The meeting minutes of the city council's special meeting on December 3, 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 meeting minutes of the city council's regular meeting on December 8, 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 November 7, 2016, and December 5, 2016.

Copies of the Asheboro ABC Board's meeting minutes are on file in the city clerk's office.

(d) Acknowledgement and announcement of the 15-day notice of a construction project to install clean-outs on sewer service lines along the following street locations:

- (i) North Tremont Drive;**
- (ii) Barber Street;**
- (iii) Shady Drive;**
- (iv) Kennelwood Drive;**
- (v) James Street; and**
- (vi) McLaurin Drive.**

(e) The appointment of Lynette Garner to a new 5-year term of office (January 1, 2017 to January 1, 2022) on the Asheboro Planning Board.

(f) An ordinance to amend the General Fund, Fiscal Year 2016-2017.

01 ORD 1-17

ORDINANCE TO AMEND THE GENERAL FUND FY 2016-2017

WHEREAS, the City Council approved Resolution 36 RES 11-16 on November 10, 2016 utilizing the negotiated offer, advertisement and upset bid process for the sale of standing timber on City owned land near the Asheboro Regional Airport, and;

WHEREAS, the City of Asheboro received a favorable bid of \$384,936 from Uwharrie Lumber Company for the timber, and;

WHEREAS, the professional services and closing fees associated with this sale total \$38,668.60 (\$38,493.60 to Tugwell Consulting Forestry P.A. and \$175.00 to Hollers & Atkinson for document preparation) providing net proceeds of \$346,268 and;

WHEREAS, the City Council of the City of Asheboro desires to use some of these proceeds be utilized for improvements at the current Asheboro Regional Airport terminal and the remainder to be transferred to the Airport project fund, and;

WHEREAS, the City Council of the City of Asheboro desires to amend the budget as required by law to adjust for changes in revenues and 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:

That the following revenue line items be increased:

<u>Account #</u>	<u>Expense Description</u>	<u>Amount</u>
10-383-0001	Net Sale Proceeds	346,268

That the following expenditure line items be increased:

<u>Account #</u>	<u>Expense Description</u>	<u>Amount</u>
10-650-1500	Maintenance & Repair Buildings	5,000
10-650-1501	Building Renovation Furniture	9,500
10-650-1600	Maintenance & Repair- Equipment	13,000
10-650-6600	Transfer to Airport Project	318,768
	Total	346,268

Adopted this 12th day of January, 2017.

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

ATTEST:

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

(g) An ordinance to amend the Airport Improvement Fund (#66).

02 ORD 1-17

ORDINANCE TO AMEND THE AIRPORT IMPROVEMENTS FUND (#66) FY 2016-2017

WHEREAS, the City Council approved Resolution 36 RES 11-16 on November 10, 2016 utilizing the negotiated offer, advertisement and upset bid process for the sale of standing timber on City owned land near the Asheboro Regional Airport, and;

WHEREAS, the City of Asheboro received a favorable bid of \$384,936 from Uwharrie Lumber Company for the timber, and;

WHEREAS, the City Council desires that \$318,748 of the net proceeds from this sale are utilized for a) clean up of old projects where expenses changed from budget, b) timber reforestation estimated at \$14,000, c) parking lot repaving around the old airport terminal estimated at \$35,000 and d) other improvements under consideration at the Asheboro Regional Airport that will be accounted for in the Airport Improvements fund, and;

WHEREAS, the City Council of the City of Asheboro desires amend the budget as required by law to adjust for changes in revenues and expenditures in comparison to the current adopted budget, and;

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>
66-367-1025	GF Contribution (16-17) (Net Timber proceeds)	318,768
	Total Increase	318,768

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

<u>Account</u>	<u>Description</u>	<u>Increase / (Decrease)</u>
66-660-6100	State Sales Tax	8,589
66-660-6200	Randolph County Tax	4,782
66-660-6300	Guilford Sales Tax	125
66-660-6400	Cumberland County Sales Tax	454
66-890-4503	Pmt to Contractor- T. Tucker	255
66-950-4500	Grant 6.1 payment to contractor	5,521
66-981-4500	NEW-Improvements- reforestation	14,000
66-981-4501	NEW-Paving- Parking at old terminal building	35,000
66-981-4502	NEW-Contracted Services- other improvements TBD	250,042
	Total Increase	318,768

Adopted this the 12th day of January 2017.

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

ATTEST:

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

- (h) **A resolution authorizing the cancellation of a demolition costs lien filed against the parcel of land located at 811 Brewer Street.**

RESOLUTION NUMBER 01 RES 1-17

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION AUTHORIZING THE CANCELLATION OF A DEMOLITION COSTS LIEN FILED AGAINST THE PARCEL OF LAND LOCATED AT 811 BREWER STREET

WHEREAS, on September 19, 2013, the City of Asheboro (the "City") filed a claim of lien in the amount of \$7,255.16 against the parcel of land located at 811 Brewer Street and more specifically identified by Randolph County Parcel Identification Number 7761243861; and

WHEREAS, the said lien was filed against the parcel of land identified in the immediately preceding paragraph (the "Demolition Site") in order to recover costs incurred by the City in order to properly demolish and remove an unsafe structure formerly located on the tract or parcel of land; and

WHEREAS, subsequent to the demolition work and the filing of the lien for demolition costs, the Randolph County Tax Department conducted a tax sale because of unpaid property taxes; and

WHEREAS, the tax sale was conducted on September 18, 2014, and the Demolition Site was sold for \$250.00; and

WHEREAS, pursuant to the statutory provisions applicable to the foreclosure of tax liens, property sold at foreclosure is deeded to the purchaser free and clear of all liens that could have been included in the judgment, and the only tax lien that can remain on real property after a tax foreclosure sale is the lien for taxes that cannot be determined at the time of the judgment because the tax rate has not yet been set; and

WHEREAS, in light of the above-stated recitals, the Asheboro City Council has decided to clarify the land records to reflect that the Demolition Site is no longer subject to any lien for the City's demolition costs;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the lien claimed by the City of Asheboro for demolition costs associated with the unsafe structure formerly located on the Demolition Site is hereby formally released by the City, and, furthermore, the City hereby explicitly and unconditionally remises and releases any interest the municipal corporation may have previously claimed in the Demolition Site; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that any and all city officials needed for the successful implementation of the release of the said lien are hereby authorized and directed to immediately take the actions needed to update the public land records to reflect the release of the said lien for demolition costs.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 12th day of January, 2017.

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

ATTEST:

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

6. Community Development items:

- (a) **Application (Case No. CUP-17-01) for a conditional use permit allowing manufacturing, processing, and assembly-light on property located along the north side of East Dorsett Avenue (Randolph County Parcel Identification Number 7750973085) that is in a Conditional Use General Commercial (CU-B2) zoning district.**

Mayor Smith opened the quasi-judicial hearing on the request to issue a Conditional Use Permit that would include modifications to a previously approved land use involving the legal processing of hemp plants and seeds.

Mr. Nuttall was placed under oath and presented the planning staff's analysis of the Applicant's request that included a properly submitted site plan and building elevations for the Conditional Use Permit. The request pertains to approximately 23,674 square feet of land owned by CF Properties, LLC that is more specifically identified by Randolph County Parcel Identification Number 7750973085.

The Applicant, Mr. Bob Crumley on behalf of CF Properties, LLC, is seeking a Conditional Use Permit for light manufacturing in a CU-B2 (Conditional Use General Commercial) zoning district in order to legally process hemp plants and seeds (a land use classified under the Asheboro Zoning Ordinance as manufacturing, processing, and assembly-light).

During his presentation, Mr. Nuttall noted the staff's analysis of the Conditional Use Permit application as follows:

1. The request is for a Conditional Use Permit authorizing "Manufacturing, Processing, and Assembly-Light" within a CU-B2 (Conditional Use General Commercial District) zoning district.
2. A Conditional Use Permit was previously approved for this use (CUP-16-12: Findings of Fact, Conclusions of Law and Order issuing permit approved 11-10-16).
3. A small portion of property along the parcel's eastern boundary is identified on GIS as R7.5 (Medium-Density Residential) zoning. However, staff cannot find supporting documentation in the public record to confirm this area of residential zoning. This issue is not a concern for the CUP as the zoning ordinance (Section 103.3) states that when a zoning boundary divides a parcel, the least restrictive zoning (in this case CU-B2) applies to the entire parcel since the R7.5 zoning extends less than fifty (50) feet beyond the zoning boundary.
4. The applicant wishes to increase the square footage from 5,200 square feet to 6,287 square feet, which is considered a modification of the (existing) permit due to exceeding 1,000 square feet and 10 percent of the originally approved floor area.
5. The proposal also includes changes to the parking and driveway locations (moving the parking further from the adjoining property to the north and east and bringing the building closer to these residential properties) and increasing the building height from 16 feet to 22 feet on the building front.

Mr. Bob Crumley of CF Properties, LLC was placed under oath and offered testimony in support of the request. This testimony was focused on addressing the four standards for issuance of a Conditional Use Permit. As part of his testimony, Mr. Crumley expressed his agreement with the following conditions that were recommended by the planning staff for attachment to the requested Conditional Use Permit.

1. Consistent with Section 628.5, the specific "manufacturing, processing, and assembly-light" use approved shall include lawful processes involving agricultural and food products of a similar intensity to the specific products the applicant identifies as occurring with this use.
2. The site plan notes a 10' Type C screen on the northern and eastern boundaries of the property adjacent to residentially zone property. This "Type C" Screen indicates one (1) evergreen shrub at five (5) feet on centers and one (1) evergreen tree at twenty (20) feet on centers or an equivalent combination of vegetation and other screening that meets or exceeds the requirements of a "Type C" Screen. Existing vegetation may also count towards meeting screening/buffering requirements. However, should any deficiency in meeting the landscaping requirements occur, additional buffering or screening measures consistent with Section 304A of the Asheboro Zoning Ordinance shall be required.
3. The site plan indicates that no outdoor lighting is proposed as this time. If the applicant proposes outdoor lighting at a later date, it shall not be considered a modification requiring a new Conditional Use Permit. Information shall be submitted to city staff demonstrating compliance with Section 317A.1 of the Zoning Ordinance (Performance Standards for all Commercial Zoning Districts-Light) for inclusion into the file without further review by City Council.
4. The site plan shows a "Screen C" located on the east side of the property adjacent to the Darren R. Thornburg and Shannon R. Thornburg property identified by Deed Book 2404, Page 1492. This screening may be changed to screening (if any) required by the Asheboro Zoning Ordinance, Section 304A to reflect future land use and zoning classifications of that adjoining property. Consequently, if the screening on this portion of the subject property changes, this change shall not be considered a modification of the Conditional Use Permit (CUP) requiring a new CUP. In this case, a revised site plan shall be submitted to city staff for review and inclusion into the file without further review by city council.

5. Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this Conditional Use Permit in the chain of title for the Zoning Lot.

No one offered testimony in opposition to the Application. There being no further comments, Mayor Smith transitioned to the deliberative phase of the application process.

Upon motion by Mr. Bell and seconded by Mr. Moffitt, Council voted unanimously to find that the proposed use satisfied the standards for a permit and to approve, with the staff recommended conditions, the requested Conditional Use Permit.

The formal findings of fact, conclusions of law, and order authorizing the Conditional Use Permit and specifying conditions attached to the permit, will be entered by the Council during regular session on February 9, 2017.

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

(b) Overview of the Community Development Division's application for inclusion in the North Carolina Housing Finance Agency's 2017 Urgent Repair Program.

Mr. Nuttall gave an overview of the city's application for funds from the North Carolina Housing Finance Agency's 2017 Urgent Repair Program. The city plans to pursue funding, in the amount of \$100,000, in order to assist eligible citizens residing within the city's corporate limits with certain home repairs. The program would only be available to assist in the repairs to owner-occupied homes with low to moderate income that are confronting dangerous situations within the homes.

Mr. Nuttall will update the Council Members as more information becomes available regarding the city's application. No formal action was taken by the council on this agenda item because this update of staff activities was on the agenda for informational purposes only.

7. 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.

8. The City Manager provided updates on the following items:

(a) Current City Capital Improvement Projects.

Mr. Ogburn utilized a visual presentation in order to update the Council Members on current city capital improvement projects that have been completed or are taking place within the city including, but not limited to, the following:

- The Proposed New Terminal Building at Asheboro Regional Airport;
- The Proposed New Century Drive Industrial Development;
- The Proposed Zoo City Park;
- The Digester Roof Replacement Project at the Wastewater Treatment Plant;
- The Filter Replacement Project at the Water Treatment Plant;
- The Existing Airport Terminal Building Remodel Project;
- The Airport Parking Lot Repaving Project;
- The Hospital Crosswalk and Emergency Vehicle Parking Lot Project;
- The Frazier Park Sidewalks;
- The Water Tank Markings for All-America City;
- The South Church Street and Water Tank 3 Tier Parking Lot Paving;
- The Recycling Lot Refurbishment on Wainman Avenue;
- The Peninsula Park Construction;
- The Family Crisis Center Porch Floor/Front Steps;
- The Water Treatment Plant Roof; and
- The Radio Read Meter Change Over.

No formal action was taken by the Council on this agenda item because this overview/update was presented for informational purposes. No Council action was requested.

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

(b) Randolph County Strategic Plan.

Mr. Ogburn utilized a visual presentation and highlighted, for the Council Members, the Randolph County Strategic Plan. During his presentation, Mr. Ogburn noted certain goals of the plan that the City of Asheboro is in a position to support.

No formal action was taken by the Council on this agenda item because this overview/update was presented for informational purposes. No Council action was requested.

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

9. Upcoming events:

Mayor Smith announced the following upcoming events:

- Dr. Martin Luther King Celebration and Breakfast on Monday, January 16, 2017 at 8:00 a.m. at Eastside Community Gymnasium.
- Dr. Martin Luther King Celebration sponsored by Randolph County Ministers of Reconciliation on Monday, January 16, 2017 at 6:00 p.m. The service will be held at First Pentecostal Church located at 4380 U.S. Highway 64.
- Chamber of Commerce Annual Meeting on Friday, January 20, 2017 at 6:30 p.m. at Pinewood Country Club.
- Celebrate Our Community & All-America City Celebration sponsored by *The Courier-Tribune* on Tuesday, February 7, 2017 at 5:30 p.m. at 105 Worth Street Event Centre.

10. Closed session.

Mayor Smith entertained a motion to go into closed session pursuant to the statutory provisions found in Section 143-318.11(a)(4) of the North Carolina General Statutes in order to discuss matters relating to the location or expansion of industries or other businesses in the area served by the City of Asheboro, including agreement on a tentative list of economic development incentives that may be offered by the city in negotiations.

Upon motion by Mr. Bell and seconded by Mr. Burks, Council voted unanimously to go into closed session for the above-stated reason and pursuant to the above-cited statutory authority.

A separate general account of the closed session held pursuant to Section 143-318.11(a)(4) of the North Carolina General Statutes has been prepared and filed in the city clerk's office.

11. Return to open session.

After returning to open session, there were no further items to be discussed.

There being no further business, the meeting was adjourned at 9:05 p.m.

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

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