

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, SEPTEMBER 14, 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
Robert L. Brown, Jr., Police Captain
Holly H. Doerr, CMC, NCCMC, NCCP, City Clerk/Paralegal
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. 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. Consent agenda.

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

(A) The meeting minutes of the city council's regular meeting on July 13, 2017.

The approved minutes are on file in the city clerk's office, and an electronic copy of the approved minutes is posted on the city's website.

(B) The general account of a closed session held during the city council's regular July 13, 2017 meeting.

The approved general account is on file in the city clerk's office, and an electronic copy of the approved general account is posted on the city's website.

(C) The meeting minutes of the city council's regular meeting on August 10, 2017.

The approved minutes are on file in the city clerk's office, and an electronic copy of the approved minutes is posted on the city's website.

(D) The general account of a closed session held during the city council's regular August 10, 2017 meeting.

The approved general account is on file in the city clerk's office, and an electronic copy of the approved general account is posted on the city's website.

(E) The meeting minutes of the city council's special meeting on August 14, 2017.

The approved minutes are on file in the city clerk's office, and an electronic copy of the approved minutes is posted on the city's website.

(F) The final decision document for Land Use Case No. SUP-17-01.

Case No. SUP-17-01
Final Decision Document
Asheboro City Council

IN THE MATTER OF THE APPLICATION BY THE ASHEBORO HOUSING AUTHORITY FOR A
SPECIAL USE PERMIT AUTHORIZING
A PUBLIC USE FACILITY

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING, WITH CONDITIONS, THE
REQUESTED SPECIAL USE PERMIT

THIS MATTER was brought before the Asheboro City Council (the "Council") for a quasi-judicial hearing conducted during a regular meeting of the Council on August 10, 2017. After receiving sworn testimony and considering all of the evidence, the Council, on the basis of competent, material, and substantial evidence, hereby enters the following:

FINDINGS OF FACT

1. The Asheboro Housing Authority (the "Applicant") has properly submitted, by and through its authorized officials, an application for a special use permit ("SUP") that would authorize a land use classified by the Asheboro Zoning Ordinance (the "AZO") as a public use facility at 338 West Wainman Avenue.

2. The Applicant is seeking a SUP authorizing a public use facility in order to allow, as part of renovating and modernizing the housing authority's administrative building, an addition to the existing structure that would increase office and storage space.

3. The existing administrative offices that the Applicant proposes to expand are located on an approximately 5.38-acre parcel of land owned by the housing authority. This parcel of land is more specifically identified by Randolph County Parcel Identification Number 7751617880 (the "Zoning Lot").

4. Multi-family housing is also located on the Zoning Lot. The administrative offices that are the subject of this SUP application have a street address of 338 West Wainman Avenue and are at the intersection with Independence Drive.

5. A public use facility is defined as follows:

The use of land, buildings, or structures by a public utility, railroad, or a unit of government to provide public services, governmental or proprietary, directly to the general public. This definition includes, but is not limited to, water treatment plants or pumping stations, sewage treatment plants or pumping stations, substations, telephone exchanges, and other similar public service structures. This definition also includes police and fire stations, municipal buildings, bus terminals or similar facilities for public transportation, community centers, emergency response facilities and any other public facility providing the above services but not including land, buildings, or structures devoted solely to the storage and maintenance of equipment and materials.

6. The Zoning Lot is located in a RA6 (High Density Residential) zoning district.

7. A public use facility is permitted in all zoning districts with the issuance by the Council of a SUP.

8. Section 602.2(b) of the AZO provides as follows:

In cases where there is a deficiency in the ability of a Public Use Facility to meet all regulatory requirements of the Zoning Ordinance, City Council shall review the application for a Public Use Facility and evaluate whether or not a Special Use Permit shall be issued for the proposed public use facility solely on the basis of the general standards prescribed by Section 602.1 of this Ordinance. For the limited purpose of evaluating public use facilities under General Standard No. 2 of Section 602.1, a public use facility shall be deemed to have satisfied this standard if a site plan has been submitted in accordance with Section 1005 of this Ordinance.

9. The Applicant has properly submitted a site plan, including building elevations, in compliance with Section 1005 of the AZO.

10. West Wainman Avenue is a city-maintained street.

11. The Zoning Lot is located in Tier 1 (Central Business Planning Area) of the Center City Planning Area. The AZO describes this designation as encouraging the revitalization and new development in the Central Business Planning Area. Additionally, the zoning ordinance describes this designation as encouraging a pedestrian oriented mix of multi-story buildings located close to the street and containing an attractive mix of first-story storefronts, ample sidewalks, and street trees.

12. As detailed by Section 602.2 of the AZO, there are two options for approving a public use facility. If all zoning requirements are met, members of the city planning department may approve a public use facility. If there is a deficiency in meeting zoning ordinance requirements, an applicant may apply for a SUP that will authorize the proposed public use facility with the identified deficiency.

13. After reviewing the Applicant's proposed site plan, members of the city's planning department have identified two (2) deficiencies that are described as follows:

- (A) A sidewalk currently exists along West Wainman Avenue, east of Independence Drive. As part of the proposed addition, Section 322A of the AZO requires a sidewalk to be extended along the entire frontage of the property due to the fact that an existing sidewalk extends along part of the property's frontage; and
- (B) Setbacks in this district are calculated from averaging the front setbacks in the same block. The front yard setback along West Wainman Avenue is a minimum of 15.75 feet and maximum of 25.75 feet. The proposed addition is 10.5 feet from the front property line, an encroachment into the front yard setback of 5.25 feet.

14. During the hearing on August the 10th, Mr. Robert Lawler, Executive Director of the Asheboro Housing Authority, provided sworn testimony in support of the application for the requested SUP. During his testimony, Mr. Lawler agreed, in his official capacity and on behalf of the Applicant, to the following conditions that were recommended by the city planning staff for attachment to any SUP that may be issued to the Applicant:

- (A) The site plan erroneously labels the front setback along West Wainman Avenue as a 10' side setback with an incorrect OA6 zoning designation. A revised site plan, reflecting the approved setback and correct zoning designation, shall be submitted to staff members in the City of Asheboro Community Development Division for staff review and inclusion in the file without further review by the Council.
- (B) Land use activities that do not require a SUP are permitted to the full extent permitted by the AZO and shall not be deemed to be a modification requiring the issuance of a new SUP.
- (C) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner 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 SUP in the chain of title for the Zoning Lot.

15. Based on uncontroverted testimony, if the sidewalk construction prescribed by the AZO in the absence of the requested SUP were to be undertaken, the cost of the construction, which would necessitate a 350-foot retaining wall and the relocation of utilities, would be cost prohibitive at approximately \$100,000.00.

16. The Applicant's administrative building was constructed in 1971 and has served low income families with affordable housing since that time, currently managing 1,104 affordable housing units. At present, the building is approximately 40 feet from the curb with interior space totaling 5,691 square feet. The Applicant is proposing a building expansion of 19 feet toward West Wainman Avenue. This expansion would provide the housing authority with 8,530 square feet of interior space.

17. The administrative building at issue is approximately 300 feet from the closest adjacent property and is further separated by multiple affordable housing units and an 8-foot brick wall.

18. The proposed expansion will not change the long standing mission and day-to-day operations of the housing authority, which is serving the public with affordable housing.

19. No testimony was offered in opposition to the Applicant's request.

20. Pursuant to Section 602.1 of the AZO, the Council must find that the Applicant has met four general standards before the application for a SUP can be approved. The four standards are as follows:

- (A) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
- (B) That the use meets all required conditions and specifications.
- (C) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.
- (D) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.

Based on the foregoing findings of fact, the Council hereby enters the following:

CONCLUSIONS OF LAW

1. When an applicant has produced competent, material, and substantial evidence tending to establish the existence of the facts and conditions that the AZO requires for the issuance of a SUP, prima facie the applicant is entitled to the permit. A denial of the permit has to be based upon findings contra that are supported by competent, substantial, and material evidence appearing in the record.
2. In this case, the Applicant has properly submitted an application for a SUP authorizing a public use facility.
3. In light of the available evidence and the express agreement of the Applicant to accept and comply with the conditions recommended by the city's community development division staff, the Applicant's site plan for the proposed land use is compliant with the applicable requirements of the AZO.
4. On the basis of the evidence presented during the hearing of this matter, the Council has concluded that the proposed use meets the four general standards for issuing the requested SUP. More specifically, the proposed use will not materially endanger the public health or safety, meets all required conditions and specifications of the zoning ordinance, will not substantially injure the value of adjoining or abutting property and, additionally, is a public necessity, and will be in harmony with the area in which it is to be located and is in general conformity with Asheboro's plan of development.

Based on the above-recited findings of fact and conclusions of law, the Council hereby enters the following:

ORDER

The Asheboro Housing Authority is hereby issued a special use permit authorizing the proposed public use facility on the Zoning Lot. This special use permit shall be valid so long as, and only so long as, the Applicant and its heirs, successors, and assigns develop and conduct the approved land use in compliance with the provisions of the Asheboro Zoning Ordinance, the site plan reviewed and approved during the quasi-judicial hearing on August 10, 2017, and remain in compliance with the following conditions:

- (A) The site plan erroneously labels the front setback along West Wainman Avenue as a 10' side setback with an incorrect OA6 zoning designation. A revised site plan, reflecting the approved setback and correct zoning designation, shall be submitted to staff members in the City of Asheboro Community Development Division for staff review and inclusion in the file without further review by the Council.
- (B) Land use activities that do not require a special use permit are permitted to the full extent permitted by the Asheboro Zoning Ordinance and shall not be deemed to be a modification requiring the issuance of a new special use permit.
- (C) Prior to the issuance of a zoning compliance permit for the proposed land use, the owner 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 special use permit in the chain of title for the Zoning Lot.

The foregoing findings, conclusions, and order were adopted by the Asheboro City Council in open session during a regular meeting held on the 14th day of September, 2017.

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

ATTEST:

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

(G) Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for meetings on July 10, 2017 and August 7, 2017.

Copies of the Asheboro ABC Board's meeting minutes for July 10, 2017 and August 7, 2017 are on file in the city clerk's office.

(H) The scheduling for October 5, 2017, along with the legally prescribed advertising, of public hearings on the following rezoning applications:

- (1) An Application to Rezone the Property at 1119 South Cox Street and the Adjoining Parcel of Land Identified by Randolph County Parcel Identification Number 7750970713 from a R7.5 (Medium-Density Residential) Zoning District to an OA6 (Office-Apartment) Zoning District.
- (2) An Application to Rezone the Property at 920 South Cox Street from a CU-B2 (Conditional Use General Commercial) Zoning District to a R7.5 (Medium-Density Residential) Zoning District.
- (3) An Application to Rezone the Property on the East Side of North Church Street and the South Side of West Salisbury Street (a Portion of the Parcel of Land Identified by Randolph County Parcel Identification Number 7751738346) from an I2 (General Industrial) Zoning District to a RA6 (High-Density Residential) Zoning District.
- (4) An Application to Rezone the Property at 419 East Dorsett Avenue from a R7.5 (Medium-Density Residential) Zoning District to an OA6 (Office-Apartment) Zoning District.

(I) The execution of legal instruments (contracting documents) with the North Carolina Department of Commerce in order to obtain previously discussed state funding for downtown revitalization as authorized under North Carolina Session Law 2017-57.

(J) The temporary closure from 10:00 a.m. until 11:30 a.m. on Saturday, October 14, 2017, of the streets shown on the map titled "Route Map for Mid-State Heritage Tractor Parade."

The parade permit application for the requested street closure, including a street closure map, was included in the Council's materials. Copies of these items are on file in the city clerk's office.

(K) An ordinance to amend the General Fund for Fiscal Year 2017-2018.

19 ORD 9-17

ORDINANCE TO AMEND THE GENERAL FUND FY 2017-2018

WHEREAS, The Asheboro ABC Board has approved a special distribution of \$25,000 to the City of Asheboro, and;

WHEREAS, there is a need to update the security surveillance system at the Asheboro Regional Airport at an estimated cost of \$14,000 and fencing improvements estimated at \$11,000, and;

WHEREAS, the Asheboro Police Department has requested an additional allocation of \$33,418 for mobile radios for the new vehicles approved in the 2017-2018 budget, \$4100 for a DCU Camper Shell, and an additional \$4008 due to state contract price changes on the two 2017 Ford F150 vehicles approved in the budget, and;

WHEREAS, the Asheboro Police Department has requested to relocate its Vice Unit office which will require an additional allocation of \$15,200 for rent costs in 2017-2018, and;

WHEREAS, the Asheboro Fire Department was approved to purchase turnout gear in the 2016-2017 fiscal year but the gear was not received to be expensed in that fiscal year and as a result needs to be added to the 2017-2018 fiscal year budget, and;

WHEREAS, the City of Asheboro would like to continue utilizing the professional services of The Franklin Partnership to assist us in finding funding for the Asheboro Regional Airport New Terminal at their negotiated contract rate of \$4250 per month, \$51,000 for 2017-2018, and;

WHEREAS, the City of Asheboro would like to acquire a 900 linear ft long by 50 ft wide right of way located at New Century drive for an acquisition cost of \$30,000, and;

WHEREAS, the revenues and anticipated expenses have changed, and;

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

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

That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
10-320-0000	ABC Board Contribution	\$25,000
10-385-0100	Proceeds from Lease Purchase	1,759
10-399-0000	Fund Balance Allocation	163,967
	Increase	<u>\$190,726</u>

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
10-650-4500	Contracted Services	\$25,000
10-650-0400	Professional Services –Airport	\$51,000
10-510-7400	Capital Outlay	8,108
10-510-3500	Small Equipment	33,418
10-510-2100	Office Rental- Vice	15,200
10-530-3600	Uniforms and Accessories- Fire	28,000
10-565-7100	Capital Outlay- Land	\$30,000
	Increase	<u>\$190,726</u>

Adopted this the 14th day of September 2017.

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

ATTEST:

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

(L) An ordinance to amend the Water and Sewer Fund for Fiscal Year 2017-2018.

20 ORD 9-17

ORDINANCE TO AMEND THE WATER AND SEWER FUND FY 2017-2018

WHEREAS, the City of Asheboro has an opportunity to purchase a 3.752 acre parcel of land, PIN 7741769361, which is located adjacent to, and east of, the assemblage of parcels surrounding City Reservoirs 1, 2, & 3, also known as Lake Ross, McCrary and Bunch, and;

WHEREAS, the negotiated price of this parcel is its current tax value of \$19,500, and;

WHEREAS, the estimated closing costs associated with this transaction are estimated at \$800 and;

WHEREAS, the budget as adopted requires amendment to appropriate funding for this purchase and 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 item be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase Amount</u>
30-299-0000	Retained Earnings Allocation	20,300

That the following expense line item be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase Amount</u>
30-820-7200	Purchase of Land	20,300

Adopted this the 14th day of September 2017.

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

ATTEST:

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

- (M) A resolution declaring the city's official intent to purchase municipal vehicles and equipment and to reimburse the general fund with proceeds from an installment financing agreement.**

RESOLUTION NUMBER _____ **25 RES 9-17**

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF ASHEBORO TO PURCHASE MUNICIPAL VEHICLES AND EQUIPMENT AND TO REIMBURSE THE GENERAL FUND WITH PROCEEDS FROM AN INSTALLMENT FINANCING AGREEMENT

WHEREAS, in order to maintain a satisfactory level of municipal services, the Asheboro City Council has adopted a budget ordinance for fiscal year 2017-2018 that allocates funding for the acquisition of vehicles and equipment deemed essential for maintaining uninterrupted, high quality municipal services; and

WHEREAS, the following vehicles and equipment that fall within the scope of this Resolution are to be acquired by city departments that receive their funding from the municipal corporation's general fund:

1. Two vehicles budgeted at \$70,000.00 in the facilities maintenance department;
2. Two vehicles budgeted at \$56,800.00 in the fleet maintenance department;
3. One vehicle budgeted at \$27,407.00 in the planning department;
4. Ten vehicles budgeted at \$260,714.00 in the police department;
5. One vehicle budgeted at \$28,000.00 in the recreation services department; and
6. One street sweeper budgeted at \$234,050.00 in the street department.

The total budgeted amount for the purchase of the above-listed vehicles and equipment that are needed to deliver essential municipal services provided by the listed city departments is \$676,971.00; and

WHEREAS, Section 160A-20 of the General Statutes of North Carolina authorizes the city to finance the purchase of personal property by means of installment financing that creates a security interest in the purchased property; and

WHEREAS, in order to continue to provide high quality municipal services at their present level, the above-listed vehicles and equipment will be purchased and placed into service as soon as possible with available funds in the city's general fund; and

WHEREAS, the Asheboro City Council has decided that the above-stated expenditures are to be reimbursed to the general fund during the current fiscal year with proceeds from an installment financing agreement that will create security interests in the above-listed municipal vehicles and equipment to be acquired by the city during its 2017-2018 fiscal year; and

WHEREAS, more favorable financing terms can be obtained if the city takes the steps necessary to allow the lending institution from which financing is ultimately obtained to exclude the interest paid or payable under an installment financing agreement with the city from the gross income of the lending institution; and

WHEREAS, in accordance with the applicable treasury regulations, one of the steps necessary to avoid jeopardizing the ability of a lender to exclude from its gross income the interest paid or payable under an agreed upon installment financing agreement is for the city to declare its intent to reimburse the general fund for the expenditures used to purchase the needed vehicles;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, prior to the execution of any installment financing agreement and consistent with the city's budget ordinance for fiscal year 2017-2018, a maximum of \$676,971.00 may be expended from the general fund, with the intent of seeking reimbursement for the expenditures from installment financing proceeds, for the above-listed vehicles and equipment; and

BE IT FURTHER RESOLVED that the City Council of the City of Asheboro does hereby formally and explicitly declare the official intent of the City of Asheboro to fully reimburse, with loan proceeds from an installment financing agreement that is to be executed prior to the end of the 2017-2018 fiscal year, any and all expenditures from the general fund for the future purchase during this fiscal year of the vehicles and equipment referenced hereinabove and that are necessary to the provision of essential municipal services.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 14th day of September, 2017.

/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

(N) A resolution awarding service side arms to retiring officers of the Asheboro Police Department.

RESOLUTION NUMBER _____ 26 RES 9-17 _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION AWARDING SERVICE SIDE ARMS TO RETIRING OFFICERS OF THE ASHEBORO POLICE DEPARTMENT

WHEREAS, after rendering honorable and valuable service to the City of Asheboro and its citizens since the date of her initial employment with the Asheboro Police Department on September 1, 1997, Master Police Officer Linda A. Garner will begin her retirement from employment with the city effective October 1, 2017; and

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 June 21, 2000, Master Police Officer W. Gentry Smith will begin his retirement from employment with the city effective December 1, 2017; and

WHEREAS, pursuant to and in accordance with Section 20-187.2 of the General Statutes of North Carolina, the Asheboro City Council wishes to recognize and honor Officers Garner and Smith for their dedicated service to the city by awarding to them, at a minimal monetary cost, the service side arms issued to them at the time of their retirements;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, effective October 1, 2017, in consideration of the combination of her dedicated service to the City of Asheboro and the payment to the city of \$1.00, Linda A. Garner is to be awarded ownership of her city-issued service side arm (a Glock 23 Generation 4 with serial no. SFS 978 and three magazines) upon a determination by the Chief of Police that Ms. Garner is not ineligible to own, possess, or receive a firearm under the provisions of federal or North Carolina law; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that, effective December 1, 2017, in consideration of the combination of his dedicated service to the City of Asheboro and the payment to the city of \$1.00, W. Gentry Smith is to be awarded ownership of his city-issued service side arm (a Glock 23 Generation 4 with serial no. SFS 983 and three magazines) upon a determination by the Chief of Police that Mr. Smith 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 14th day of September, 2017.

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

ATTEST:

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

4. Preliminary subdivision plat review for the proposed Robins Nest, Phase 2 (Case No. SUB-17-02).

Community Development Director Trevor Nuttall presented the city staff's analysis of the preliminary plat for Phase 2 of the proposed subdivision known as Robins Nest. The proposed subdivision is located along the west side of Gold Hill Road, north of East Allred Street.

The applicant, McDowell Timber Company, has requested approval of a preliminary plat that shows 43 lots with an average lot size of approximately 25,053 square feet. The property to be subdivided is located in a R10 zoning district within the city limits. City services are available to the property.

The applicant proposes a conventional residential subdivision. Single-family and two-family dwellings are permitted in the R10 zoning district so long as lot size requirements are met.

A portion of the property is located in a Special Hazard Flood Area. Two existing entrances serve the development from the existing Phase 1 of the subdivision.

During his presentation, Mr. Nuttall noted that the Community Development Division staff and the Planning Board recommended granting the request.

Upon motion by Mr. Moffitt and seconded by Mr. Burks, Council voted unanimously to approve the preliminary plat submitted for the Robins Nest, Phase 2 subdivision.

A copy of the preliminary plat is on file in the Community Development Division and in the city clerk's office.

5. Public comment period.

Mayor Smith opened the floor for public comments.

During the public comment period, Mr. James Armstrong of South Cox Street expressed his concerns regarding the opioid crisis in Asheboro along with safety concerns regarding Bicentennial Park during certain hours.

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

6. Economic Development Activities:

(A) Technimark Industrial Rail Spur Construction Project

Mr. Ogburn reported that, due to the absence of a bid deposit with one of the three bids received for the above-referenced construction project, which must be bid under the formal bidding procedures, the requirement for a minimum of three bids was not satisfied during the initial bid

opening on September 7, 2017. In order to comply with the statutorily prescribed purchasing standards, Mr. Ogburn recommended that the Council reject the bids received on September 7, 2017, and authorize rebidding the industrial rail spur construction project.

Upon motion by Mr. Bell and seconded by Ms. Carter, Council voted unanimously to reject all of the bids received during the initial bid opening on September 7, 2017, and authorized rebidding the Technimark Industrial Rail Spur Construction Project by advertising for bids a second time.

(B) Fibertex Project:

(1) Public hearing on a proposal to appropriate and expend city funds for industrial site preparation involving stream mitigation.

Mayor Smith opened the public hearing on a proposal to appropriate and expend city funds for industrial site preparation involving stream mitigation.

Mr. Kevin Franklin, Vice President of the Randolph County Economic Development Corporation, presented and recommended adoption by reference of a resolution authorizing the entry of the City of Asheboro into a site development cost-sharing agreement described by Mr. Franklin during his presentation. No one else asked to speak during the public hearing.

There being no further comments to be received, Mayor Smith moved to the deliberative phase of the hearing. Upon motion by Mr. Moffitt and seconded by Mr. Bell, Council voted unanimously to adopt the following resolution by reference.

RESOLUTION NUMBER _____ 27 RES 9-17

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION AUTHORIZING THE ENTRY OF THE CITY OF ASHEBORO INTO A SITE DEVELOPMENT COST-SHARING AGREEMENT

WHEREAS, Section 158-7.1(b)(7) of the General Statutes of North Carolina authorizes the city to engage in site preparation for industrial properties or facilities whether the industrial property is publicly or privately owned; and

WHEREAS, a parcel of property, currently owned by Cetwick Real Estate Holdings, L.L.C. and related entities (hereinafter "Cetwick"), approximately 25 acres in size and more specifically identified by parcel identification number 7753684191 (hereinafter the "Property") has been identified as desirable for industrial development; and

WHEREAS, in order for industrial development to occur on said Property, wetland delineation and wetland/stream permitting, inclusive of the payment of mitigation fees, if any, must first occur; and

WHEREAS, the Randolph County Economic Development Corporation (hereinafter the "EDC") has engaged the services of a professional engineering firm to provide wetland/stream delineation services, to verify jurisdictional waters/wetland boundaries and to classify streams on the Property, and to assist with wetland/stream permitting; and

WHEREAS, the city intends to enter into a three-party agreement with the County of Randolph and Cetwick to pay for mitigation fees, if any, which are estimated to not exceed \$300,000.00; and

WHEREAS, pursuant to this three-party agreement, the city will not spend more than \$100,000.00; and

WHEREAS, Fibertex Personal Care Corporation has committed to investing \$114,125,000.00 in real and personal property on the Property and creating 145 new jobs, and this investment will not be possible without the successful completion of the stream mitigation project described herein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro as follows:

Section 1. The city is authorized to expend up to \$100,000.00 of city funds for stream mitigation on the Property.

Section 2. The Mayor of the City of Asheboro is hereby authorized to execute on behalf of the City of Asheboro a three-party agreement drafted in accordance with the provisions of this Resolution and any other documents necessary for the implementation of this stream mitigation project.

Section 3. Participation by the city in this stream mitigation project is expressly contingent upon equal participation by Cetwick.

(b) Resolution expressing the city's commitment to work with the North Carolina Department of Transportation in support of rail industrial access track to serve the Fibertex facility.

Mr. Nuttall presented and recommended adoption, by reference, of a resolution in support of transportation improvements to assist Fibertex Personal Care Corporation in locating a manufacturing facility in Asheboro, North Carolina.

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

RESOLUTION NUMBER _____ **29 RES 9-17** _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION IN SUPPORT OF TRANSPORTATION IMPROVEMENTS TO ASSIST FIBERTEX PERSONAL CARE CORPORATION IN LOCATING A MANUFACTURING FACILITY IN ASHEBORO, NORTH CAROLINA

WHEREAS, Fibertex Personal Care Corporation ("Fibertex") is considering locating a manufacturing facility in Asheboro, North Carolina; and

WHEREAS, Fibertex proposes investing \$114,125,000.00 in real and personal property in Asheboro and Randolph County over the course of seven years and creating 145 new jobs when the company is fully operational; and

WHEREAS, the proposals and plans submitted by Fibertex to the City of Asheboro (the "City") are consistent with local land use and state and local transportation plans; and

WHEREAS, the proposals and plans submitted by Fibertex to the City conform with all applicable state and local laws, ordinances, and policies; and

WHEREAS, the Asheboro City Council (the "Council") is committed to working with the North Carolina Department of Transportation (the "NCDOT") in a leadership role to make transportation improvements that address the safety needs of the public as well as the employees and contractors of Fibertex;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro as follows:

Section 1. The Council supports the location of Fibertex in the City of Asheboro and confirms that the plans and proposals submitted to the City by Fibertex are consistent with and conform to state and local laws, ordinances, plans, and policies.

Section 2. The Council endorses the City's application to request financial support from the NCDOT to assist in the funding of rail industrial access track to serve Fibertex.

Section 3. The Council commits itself and the City to work with the NCDOT to make needed transportation improvements necessary to protect the safety of the public as well as the employees and contractors of Fibertex.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 14th day of September, 2017.

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

ATTEST:

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

(c) Resolution expressing the city's commitment to work with the North Carolina Railroad Company to further the industrial rail spur construction component of the Fibertex Project by means of the "NCRR INVESTS" Program.

Mr. Nuttall presented and recommended adoption, by reference, of a resolution authorizing the City of Asheboro to partner with the North Carolina Railroad Company in support of the Fibertex Industrial Rail Access Track Project.

Upon motion by Mr. Bell and seconded by Mr. Swiers, Council voted unanimously to adopt the following resolution by reference.
RESOLUTION NUMBER _____ **30 RES 9-17**

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**RESOLUTION AUTHORIZING THE CITY OF ASHEBORO TO PARTNER WITH THE
NORTH CAROLINA RAILROAD COMPANY IN SUPPORT OF THE
FIBERTEX INDUSTRIAL RAIL ACCESS TRACK PROJECT**

WHEREAS, the Asheboro City Council (the "Council") has previously indicated its desire to assist in economic development efforts within the City of Asheboro (the "City"); and

WHEREAS, Fibertex Personal Care Corporation ("Fibertex") has proposed constructing and operating a manufacturing facility within the City; and

WHEREAS, upon the completion by Fibertex of the proposed project, the company will have generated new value/investment in real and personal property associated with the project in an amount equal to or in excess of \$114,125,000.00 and created a minimum of 145 new full-time jobs in the City; and

WHEREAS, this proposed economic development project will stimulate and stabilize the local economy, promote business in the City, and result in the creation of a significant number of jobs in the City; and

WHEREAS, the North Carolina Railroad Company ("NCRR") has expressed a willingness to function as a partner in the proposed Fibertex Industrial Rail Access Track Project by investing through the company's economic development initiative, *NCRR Invests*, to assist with the construction of a new spur track to connect Fibertex to an adjacent Norfolk Southern line that joins the North Carolina Railroad in High Point; and

WHEREAS, the Council appreciates and wishes to actively engage in this contemplated economic development partnership;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the City, inclusive of its elected and appointed officials, is authorized to submit an application and submit any legal instruments required to fully participate in *NCRR Invests* so long as such instruments are compatible with and conform to the entirety of the resolutions and ordinances adopted by the Council in connection with the Fibertex Industrial Rail Access Track Project.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 14th day of September, 2017.

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

ATTEST:

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

(3) Grant Administration Services from the Piedmont Triad Regional Council.

Pointing to the numerous and complex activities that are to be undertaken in connection with the above-described economic development project, Mr. Nuttall requested authorization for the procurement of grant administration services from the Piedmont Triad Regional Council for the Fibertex Project. The cost for the requested services is quoted as a not to exceed cost of \$29,000.00 for the first year and \$21,000.00 for subsequent years. The charges incurred by the city within the quoted ranges will be based on the actual usage of services.

Upon motion by Mr. Moffitt and seconded by Mr. Bell, Council unanimously authorized the procurement of grant administration services from the Piedmont Triad Regional Council. Copies of the contract documents associated with the procurement of these grant administration services are on file in the city clerk's office.

- 7. Request for authorization to proceed with the acquisition of two parcels of land from Ms. Betty F. Foust in order to facilitate the city's assumption of maintenance responsibilities for the Odd Fellows Cemetery.**

In order to move forward with the city's assumption of responsibility for the Odd Fellows Cemetery, which is a cultural heritage site, Mr. Sugg presented and recommended adoption, by reference, of a resolution authorizing the purchase of two parcels of land from Betty F. Foust.

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

RESOLUTION NUMBER 31 RES 9-17

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION AUTHORIZING THE PURCHASE OF TWO
PARCELS OF LAND FROM BETTY F. FOUST**

WHEREAS, Betty F. Foust (the "Grantor") owns a parcel of land identified by Randolph County Parcel Identification Number 7761431661 (the "MLK Drive Parcel"), the southern boundary of the MLK Drive Parcel adjoins the northern margin of the public right-of-way for Martin Luther King Jr. Drive (North Carolina Secondary Road 2189); and

WHEREAS, the MLK Drive Parcel adjoins the historic cemetery known as the Odd Fellows Cemetery, the said cemetery is located to the north of the MLK Drive Parcel; and

WHEREAS, the parcel of land upon which the Odd Fellows Cemetery is located (the "Cemetery Parcel") is more specifically identified by Randolph County Parcel Identification Number 7761431737; and

WHEREAS, aerial images from Randolph County's on-line geographic information system showing the MLK Drive Parcel and the Cemetery Parcel are attached to this Resolution as EXHIBIT 1 and EXHIBIT 2, respectively, the said exhibits are hereby incorporated into this Resolution by reference as if copied fully herein; and

WHEREAS, in order to clarify the boundaries of the Odd Fellows Cemetery and in an effort to address confusion created by unrecorded deeds to the land upon which the cemetery is located, an attorney in private practice has prepared, on behalf of the Grantor, two legal instruments to convey the MLK Drive Parcel and the Cemetery Parcel to the city; and

WHEREAS, the Grantor has indicated that she is willing to execute both legal instruments in consideration of the payment by the city of the sum of \$1,000.00; and

WHEREAS, a North Carolina General Warranty Deed drafted to convey the MLK Drive Parcel to the city and a North Carolina Quit-Claim Deed drafted to convey the Cemetery Parcel to the city are attached to this Resolution as EXHIBIT 3 and EXHIBIT 4, respectively, the said exhibits are hereby incorporated into this Resolution by reference as if copied fully herein; and

WHEREAS, the Asheboro City Council has concluded that the acceptance of this offer from the Grantor would further the public purpose of preserving the Odd Fellows Cemetery as a recognized cultural heritage site by facilitating the assumption of public maintenance of the cemetery and providing street frontage for the site;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, effective upon the date of adoption of this Resolution, the Grantor's offer to execute the instruments of conveyance found in EXHIBIT 3 and EXHIBIT 4 in consideration of the payment by the city of \$1,000.00 is hereby accepted; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the city manager and all other necessary city officials are hereby authorized, upon delivery to the city of the properly signed and acknowledged instruments of conveyance described herein, to make the payment of \$1,000.00 to the Grantor and to promptly record the said instruments in the office of the Randolph County Register of Deeds.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 14th day of September, 2017.

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

ATTEST:

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

[EXHIBITS 1, 2, 3, and 4, which were referenced by and attached to the preceding resolution, are on file with the signed resolution in the city clerk's office.]

8. Upcoming events.

Mayor Smith led a discussion of upcoming events occurring with the city government and the community in general.

There being no further business, the meeting was adjourned at 8:05 p.m.

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

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