

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, MAY 4, 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) – Council Members Present
Walker B. Moffitt)
Jane H. Redding)
Charles A. Swiers)

Katie L. Snuggs) – Council Member Absent

John N. Ogburn, III, City Manager
D. Jason Cheek, Police Captain
Michael L. Leonard, PE, City Engineer
Trevor L. Nuttall, Community Development Director
Steven O. Paye, Safety Coordinator
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney
Tammy M. Williams, Deputy City Clerk
Roy C. Wright, Fire Chief

1. Call to order.

A quorum thus being present, Mayor Smith called the meeting to order at 7:05 p.m. 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 repeat the pledge of allegiance.

3. Consent agenda.

Prior to asking for council action on the consent agenda, Mayor Smith welcomed everyone to the meeting and recognized a group of third grade students and their teacher, Mr. Martin, from Farmer Elementary School. The students attended the meeting to aid in their studies of the local community.

Mayor Smith then inquired of the council members as to how they would like to proceed with the consent agenda. Mr. Burks moved, with a second from Ms. Carter, to approve the consent agenda as submitted. Council members Bell, Burks, Carter, Moffitt, Redding, and Swiers voted unanimously to approve/adopt the following consent agenda items.

(a) The meeting minutes of the city council's regular meeting on April 6, 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 the closed session held during the city council's regular meeting on April 6, 2017.

The approved general account of the closed session is on file in the city clerk's office.

(c) Approval of a resolution to seal the general account of the closed session held on April 6, 2017.

Due to the fact that, at the present time, public inspection of the above-referenced general account would frustrate the purpose of the closed session, the council temporarily sealed the document with the adoption of the following resolution:

(The adopted resolution is printed on the next page.)

RESOLUTION NUMBER 15 RES 5-17

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**Resolution Sealing the General Account of a Closed Session
Held on April 6, 2017**

WHEREAS, Section 143-318.10(e) of the North Carolina General Statutes provides, in pertinent part, that the "minutes or an account of a closed session conducted in compliance with G.S. 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session;" and

WHEREAS, pursuant to Section 143-318.11(a)(4) of the North Carolina General Statutes, the city council, upon unanimous adoption of a properly made and seconded motion, went into closed session during a regular meeting on April 6, 2017, in order to discuss matters relating to the location or expansion of industries or other businesses in the City of Asheboro; and

WHEREAS, the purpose for going into closed session on April 6, 2017, would be frustrated if the general account of the closed session were to be made available for public inspection at this time;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the general account of the said closed session held on April 6, 2017, is to be sealed so long as public inspection of the records would frustrate the purpose of the closed session; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the city manager is hereby authorized to act as the council's agent with the authority to unseal these records when the purpose of the closed session would no longer be frustrated by making the records available for public inspection or when the unsealing of the said general account is otherwise required by law.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on May 4, 2017.

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

ATTEST:

/s/ Tammy M. Williams
Tammy M. Williams, Deputy City Clerk

(d) Approval of the meeting minutes for city council's special meeting held on April 27, 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.

(e) Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for March 6, 2017.

A copy of the Asheboro ABC Board's meeting minutes for March 6, 2017, is on file in the city clerk's office.

(f) Acknowledgement of the receipt and acceptance, without amendment, of the operational hours proposed by the recreation services superintendent for the pools during the 2017 season.

The documentation transmitted by the recreation services superintendent with the operational hours for the pools during 2017 is on file in the city clerk's office and may also be obtained by directly contacting the city's cultural and recreation services department.

4. Land use cases and community development items.

(a) Rezoning Case No. RZ-17-02: A request to rezone property located at 471 E. Dorsett Avenue from a R7.5 (Medium-Density Residential) zoning district to a CU-B2 (Conditional Use General Commercial) zoning district.

Mayor Smith opened a public hearing on the rezoning application submitted by Bob Crumley. Mr. Crumley submitted this application in his capacity as manager of CF Properties, LLC in order to rezone the limited liability company's parcel of land (Randolph County Parcel Identification Number 7750975005) at 471 E. Dorsett Avenue from a R7.5 (Medium-Density Residential) zoning district to a CU-B2 (Conditional Use General Commercial) zoning district.

Community Development Director Trevor Nuttall presented the city planning staff's analysis of the application. This analysis, which included a visual presentation, highlighted the following points:

1. The applicant's property (hereafter referred to as the "Zoning Lot") is located inside the city limits, and all city services are available.
2. East Dorsett Avenue is a city-maintained street, which is approximately 17' wide in front of the Zoning Lot, providing access between South Cox Street (a state-maintained major thoroughfare) and Cliff Road (a state-maintained collector street).
3. There is currently a single-family residential dwelling on the Zoning Lot.
4. The area includes a mix of uses. Commercial zoning and uses are found along the south side of the block of East Dorsett Avenue within which the Zoning Lot is located. For the most part, residential land uses are found on the north side of East Dorsett Avenue, to the east of the Zoning Lot, and to the north of the Zoning Lot. South Cox Street, which is to the west, has a mix of commercial, office/institutional, and residential uses. A conditional use permit authorizing a light manufacturing, processing, and assembly land use was recently issued for the adjacent property, which is zoned CU-B2 and is located to the west of the Zoning Lot.
5. If the requested rezoning is approved, the existing single-family dwelling on the Zoning Lot will become a legal non-conforming land use. This legal non-conforming status will subject the Zoning Lot to Article 800 of the Asheboro Zoning Ordinance and will result in restrictions on the expansion or modification of the non-conforming land use.
6. The rezoning application was not accompanied by an application for a conditional use permit to authorize a specific land use on the Zoning Lot. Prior to the modification of the existing single-family residential dwelling, an application for a conditional use permit, including a site plan, will have to be reviewed and approved by the city council.

The planning board considered the requested rezoning during its meeting on April 3, 2017. Based on the board's concurrence with the planning staff's analysis of the requested rezoning, the planning board recommended approval of the application.

No one spoke in opposition to the application. After the planning staff's analysis was presented, Mayor Smith transitioned to the deliberative phase of the proceedings.

Mr. Bell moved, and Mr. Swiers seconded, a combined motion to place the Zoning Lot in a CU-B2 (Conditional Use General Commercial) zoning district and to adopt the rationale proposed by the planning staff and planning board concerning the reasonableness of the requested rezoning and the consistency of the request with the adopted comprehensive plans and the public interest. Council members Bell, Burks, Carter, Moffitt, Redding, and Swiers voted unanimously in favor of the motion, and the requested rezoning was approved. The consistency statement adopted with the unanimous approval of this motion was as follows:

Although the Land Development Plan's proposed land use map designates the property for neighborhood residential use, the Zoning Lot abuts commercial property to the west and along the entire south side of the block within which the Zoning Lot is located, extending to East Dixie Drive. The abutting property to the west of the Zoning Lot is zoned CU-B2, with a conditional use permit authorizing a light manufacturing use. These facts increase the reasonableness of placing the Zoning Lot in a CU-B2 zoning district. Additionally, no significant environmental issues (e.g. the presence of a flood area, watershed, or steep slopes) that would negatively impact commercial development are known to exist in this area.

Due to the design and width of East Dorsett Avenue and the proximity of residential uses, the wide range of uses permitted by a general commercial use commercial district would not be appropriate at this location. However, the CU-B2 zoning district provides the ability to review a site-specific development proposal and thereby ensure that only appropriate development occurs.

**(The remainder of this page was intentionally left blank.
The discussion of the next land use case begins on the next page.)**

- 4(b) Part 1 (Rezoning Case No. RZ-17-03): A request to rezone property located north of Hub Morris Road at the northern terminus of Waterside Drive, approximately 700' east of North Fayetteville Street and on the west side of Forest Park Drive, from a R10 (Medium-Density Residential) zoning district to a CU-RA6 (Conditional Use High-Density Residential) zoning district.**

[Note: This rezoning application was considered during a combined hearing with land use cases CUP-17-03 and SUB-17-01 that pertain to the same property. Due to the fact that the legislative rezoning request was approved while the other two cases were continued for further deliberation during the council's regular June 2017 meeting, the rezoning case (Case No. RZ-17-03) is addressed in detail in Part 1 of Item 4(b) in these meeting minutes while the continuance of land use cases CUP-17-03 and SUB-17-01 will be discussed in Part 2 of section 4(b) of the meeting minutes.]

Mayor Smith opened a combined hearing on the question of the application submitted by Mr. Tom Wright, Esq. on behalf of his client, Waterford RE, LLC. The land that is the subject of the submitted application is described in the planning staff's written report as follows:

Property identified in part as "Future Development" in Plat Book 115, Page 80 (Randolph County Registry), located at the northern terminus of the publicly maintained portion of Waterside Dr., north of Hub Morris Rd., on the west side of Forest Park Dr., more specifically identified by Randolph County Parcel Identification Nos. 7763265981, 7763275095, 7763270025, 7763265467, and 7763265562 and totaling approximately 38 acres.

For the purpose of section 4(b) of these meeting minutes, the property described in the immediately preceding quotation will be hereinafter referred to as the "Zoning Lot."

Due to the fact that this rezoning application was heard in combination with an application for a conditional use permit authorizing a residential planned unit development and a subdivision sketch design review application for Waterford Villas, Phase 2, the combined public hearing was conducted as a quasi-judicial proceeding. As a result, before receiving any evidence, the following individuals affirmed that the information they were going to provide to the council in this matter was truthful:

1. Trevor Nuttall
2. Daniel Stickler
3. John Evans
4. Benjamin Albright
5. Tom Wright
6. Tonya Brady
7. Jim Wright
8. James Markle
9. Shaun Plount

Community Development Director Trevor Nuttall then presented the city planning staff's analysis of the applicant's request to place the Zoning Lot in a CU-RA6 (Conditional Use High-Density Residential) zoning district. The planning staff's analysis, which included a visual presentation, indicated as follows:

1. The Zoning Lot is inside the city limits, and all city services are available to the property.
2. Hub Morris Road is a state-maintained minor thoroughfare. Forest Park Drive is a state-maintained road.
3. The Zoning Lot is currently identified as Phase II of Waterford Villas. An existing special use permit authorizes 80 dwelling units on 80 lots (the permit authorizes a total of 40 structures with each structure containing two dwelling units). The existing special use permit also establishes architectural and building design standards for the dwellings.
4. In addition to requesting the placement of the Zoning Lot in a CU-RA6 (Conditional Use High-Density Residential) zoning district, the applicant has submitted associated conditional use permit and subdivision sketch design review applications with the required site plan. The current proposal (as of 3-30-17) shows 117 dwelling units on 117 lots. There are a total of 45 residential structures, each containing either two or three dwelling units. Under the Asheboro Zoning Ordinance, RA6 zoning is required when more than two dwelling units are proposed to be attached in a single structure. The proposal includes a lot with storage units for residents.
5. The initial construction of a planned unit development began after preliminary plat approval in 2007. Since then, 28 lots in Phase I have been recorded with the associated public infrastructure. Much of the infrastructure within Phase II has also been constructed but not publicly dedicated.

6. The Zoning Lot is currently in a R10 zoning district. Under R10 zoning, if the current special use permit were to be abandoned without obtaining RA6 zoning, there is enough acreage to support more than 100 single-family lots and dwelling units and 65 two-family lots and 130 dwelling units. No minimum dwelling size or architectural design standards are prescribed by the R10 zoning district or would be enforceable if the special use permit were to be abandoned.

The planning board considered the requested rezoning application during the board's meeting on April 3, 2017. Based on the board's concurrence with the planning staff's analysis of the requested rezoning, the planning board, in a split vote of 5-2, recommended approval of the application to place the Zoning Lot in a CU-RA6 zoning district.

After receiving extensive and conflicting testimony from the above-listed witnesses, Mayor Smith transitioned to the deliberative phase of the proceedings. The council members reached a final decision on the rezoning application, but further deliberations will be needed before a final decision is made with regard to the requested conditional use permit and subdivision sketch design review.

Mr. Moffitt moved, and Mr. Burks seconded, a combined motion to place the Zoning Lot in a CU-RA6 (Conditional Use High-Density Residential) zoning district and to adopt the rationale proposed by the planning staff and planning board concerning the reasonableness of the requested rezoning and the consistency of the request with the adopted comprehensive plans and the public interest. Council members Bell, Burks, Carter, Moffitt, Redding, and Swiers voted unanimously in favor of the motion, and the requested rezoning was approved. The consistency statement adopted with the unanimous approval of this motion was as follows:

The applicant's request/proposal has the undoubted potential for project density and dwelling designs that are significantly different from Phase 1. However, the requested district with the corresponding conditional use permit, if approved, would permit density not atypical of the R10 zoning district. The Land Development Plan supports neighborhood residential development and density in this area, and the application is consistent with those recommendations. In addition, the plan advocates for heightened design elements, neighborhood sidewalks, and building placements closer to the street. These stated goals also support the application.

A request for placement in a general RA6 zoning district would not be appropriate or supported by the Land Development Plan. The advantage of the conditional use district and permit process is its ability to ensure appropriate context-sensitive density and building design that takes into account recommendations and suggestions offered during the public hearing process.

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The discussion of Part 2 of this section of the meeting minutes begins on the next page.)**

(4)(b) Part 2 (Conditional Use Permit Case No. CUP-17-03 and Subdivision Sketch Design Review Case No. SUB-17-01): A request for a conditional use permit authorizing a residential planned unit development as well as subdivision sketch design approval for property located north of Hub Morris Road at the northern terminus of Waterside Drive, approximately 700' east of North Fayetteville Street, and on the west side of Forest Park Drive.

As noted in the immediately preceding Part 1 of this section of the meeting minutes, the council approved the request submitted by Waterford RE, LLC to rezone the Zoning Lot from R10 zoning to CU-RA6 zoning. Due to the extent of the differences in the contentions expressed during the combined hearing on the applicant's request, the city council did not make a final decision with regard to either Case No. CUP-17-03 or SUB-17-01.

The entirety of the evidence previously noted in Part 1 of Section 4(b) of the meeting minutes is hereby incorporated by reference into Part 2, which pertains to the conditional use permit and subdivision sketch design approval applications. Additional analysis from city planning staff that was presented as part of the combined hearing and that focused on the condition use permit and subdivision sketch design aspects of the application consisted of the following:

1. The proposed residential planned unit development for which the conditional use permit is requested consists of a total of 117 dwelling units. The dwelling units are proposed with either two or three units in each of the 45 residential structures. The proposed development also includes common and recreational areas along with an optional storage building proposed for the owners' use. Both public streets and private alleys, which are to be maintained by a homeowners' association, are incorporated into the development design.
2. Prior to the submission of the application currently under review, a preliminary subdivision plat was approved for this property that consisted of a total of 108 lots (28 in the existing Phase 1 and 80 in this phase, which is Phase 2).
3. The applicant now proposes an increase from 80 units to 117 units with two and three dwelling units per structure.
4. With the original issuance of a special use permit, the city council first granted approval for a planned unit development at this location in 2006. The increase in the number of units (80 to 117), the addition of a resident storage facility, and the inclusion of three dwelling units in many of the structures are changes in the planned unit development that are deemed, under the provisions of the Asheboro Zoning Ordinance, to be modifications triggering the need for a new special use permit, which is satisfied in a conditional use district by the issuance of a conditional use permit.
5. The CU-RA6 zoning district only allows land uses approved in conjunction with a site-specific development plan approved by the city council.
6. The proposed units are a single-story design, ranging from approximately 1,352 square feet to 1,522 square feet of gross floor area, with a 2-vehicle garage for each unit.

The testimony provided by Community Development Director Nuttall included a listed of potential conditions compiled by the city planning staff, as of May 2, 2017, for attachment to any conditional use permit the city council might issue after considering all of the evidence. This list of suggested conditional use permit conditions consists of the following:

- A. The exact location of the sidewalks designed to provide ordinance-mandated connections with other sidewalks in public rights-of-way, recreation areas, and the proposed 100' x 100' residents' storage units may be modified to the extent such relocations are designed to, and do in fact, comply with the Asheboro Subdivision Ordinance's requirement (see Article X, Subsection IV.C.5) for ADA compliant sidewalks that extend from sidewalks along the public right-of-way to all amenities.
- B. The site plan labels a Type A screen or buffer along portions of the Zoning Lot's perimeter and along Forest Park drive. Existing vegetation may also count towards meeting screening/buffering requirements. However, if any deficiency in meeting the landscaping requirements occurs, additional buffering or screening measures consistent with Section 304A (Buffers and Screening) and Section 308A (Front Yard Landscaping) of the Asheboro Zoning Ordinance shall be required.
- C. The 100' x 100' storage building identified on the site plan is not required by the zoning ordinance, subdivision ordinance, or conditional use permit. If constructed, use of the proposed storage building shall be limited to residents of the proposed Phase 2 of Waterford Villas and residents of Phase 1 of Waterford Villas (Plat Book 115, Page 80, Randolph County Registry).

- D. Building facades of the 100' x 100' residents' storage building shall consist of materials permitted by Section 318A.D (Design Standards for All Residential Districts) of the Asheboro Zoning Ordinance.
- E. If any recreational vehicles are located in the parking area surrounding the 100' x 100' residents' storage building, such recreational vehicles shall be screened in accordance with the requirements of Section 305A of the Asheboro Zoning Ordinance.
- F. The site plan erroneously omits labeling of proposed driveways for Units 100-117. The applicant shall provide a revised site plan to staff that labels these driveways and corrects any calculations concerning open space. The revised site plan shall not be considered a modification requiring city council review.
- G. Enclosure of concrete pads to the rear of dwellings or other additions to the rear of residential dwellings outside the common area shall not be considered a modification of the permit requiring city council review.
- H. The primary architectural elements for the two-family dwellings shall be substantially similar to those depicted by the submitted building elevation plans showing the three-family dwellings.
- I. Prior to the issuance of a zoning compliance permit for the proposed land use, the Zoning Lot owner 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.

During the course of the hearing, Tom Wright, who is the attorney representing the applicant, and Ben Albright, who is an attorney representing certain property owners with concerns about potential negative impacts of the proposed land use, submitted a list of conditions that were the product of an attempt to resolve in a mutually agreeable manner that differences between the two sides. The list of negotiated conditions submitted by Mr. Wright and Mr. Albright is as follows:

- 1. **RESTRICTIVE COVENANTS:** The second and subsequent phases will comply with all covenant guidelines currently enforced in Phase I as set out and recorded in Book 2064, Page 340 and in Article VIII Sections 1 – 10 except as to the heated square footage of the units which will be as set out in these Conditional Use Requirements.
- 2. **BRICK RESTRICTIONS AND HEATED SQUARE FOOT SIZE RESTRICTIONS**
 - a. The first two triplex units beyond 2458 Waterside Drive, units 1 – 12 on the preliminary map, will be restricted to triplexes with 1500-1350-1500 sq. ft. minimum heated space and three 2-car garages with all exterior brick/stone.
 - b. The four triplex units facing the pond on Waterford Court, units 55-60 and 88-93, will be restricted to triplexes with 1500-1350-1500 sq. ft. minimum heated space and three 2-car garages and all exterior brick/stone.
 - c. All duplex units will be restricted to duplexes with 1500-1500 sq. ft. minimum heated space and two 2-car garages with fronts of all exterior brick/stone.
 - d. All units will have brick/stone fronts.
 - e. The two triplex units across Richardson Lake will be triplex units 1500-1350-1500 sq. ft. minimum heated space and all brick/stone exterior (identified as 2 triplex units 88-90 & 91-93) and three 2-car garages per unit.
 - f. All other triplex units to be built in the new second and subsequent phases will have a minimum of 1350 square feet of heated space for the interior (middle) unit and the two outside units will have no less than 1500 heated square feet.
 - g. All duplex units to be built in the new and subsequent phases will have a minimum of 1500 square feet of heated space in each unit.
- 3. **GARAGES:** All residences in the second phase will have 2-car garages. All driveways will be entirely of concrete.
- 4. **SINGLE STORY CONSTRUCTION:** All new units will be one story except bonus rooms may be constructed in the truss area of the homes.
- 5. **COMMON AREAS:** If common areas are developed in the second phase, they will be developed under declarant control, but nothing will be built without a majority of existing homeowners' approval.
- 6. **BLASTING:** Builders will assure that any rock blasting will comply with the city requirements.
- 7. **SETBACKS:** Setbacks on the second phase will conform to the city setbacks for RA6 (10 foot side, 25 foot front, and 20 foot back).

8. The drive at the end of Waterside Drive will be constructed entirely of concrete.
9. The rear entrance from Forest Park is to be landscaped consistent with the standards utilized at the entrance at Hub Morris Road except it will not contain a water feature.
10. Developers will leave at least 25 feet between unit 96 and 97 for access to the dam in the event repairs are needed and further developers will turn over a non-exclusive easement to Dooley Drive and to the 40 foot easement set out in Plat Book 135, Page 3 to access the dam to the homeowners association in Phase 1.

With the submission by the attorneys for the parties of these negotiated conditions, the primary area of disagreement pertained to the proposed construction of a large storage building within the development. On this point, the parties had very divergent contentions.

After receiving a substantial amount of testimony and engaging in lengthy deliberations, the council members reached the general consensus that the final resolution of this question would be aided by receiving a revised site plan that reflected the points of agreement between the parties. With this information in hand, the governing board would then conclude its deliberations.

Mr. Bell moved, and Ms. Carter seconded the motion, to continue the hearing of Case No. CUP-17-03 and Case No. SUB-17-01 to the city council's regular meeting in June 2017. Council members Bell, Burks, Carter, Moffitt, Redding, and Swiers voted unanimously in favor of the motion.

(c) Consideration of an application for a pawnbroker license.

Mayor Smith opened a quasi-judicial hearing to consider the application filed by Ronald R. Autry for a pawnbroker license. Mr. Autry intends for the corporation in which he owns stock and serves as corporate president to open a pawnshop business, Asheboro Pawn, at 532 S. Fayetteville Street, Asheboro, North Carolina 27203. In order to open this pawnshop, the corporation represented by Mr. Autry is required, under the North Carolina General Statutes and the Code of Asheboro, to obtain a pawnbroker license from the city.

In addition to reviewing the pawnbroker license application that was properly completed by Mr. Autry, the council received sworn testimony from Community Resources Division Director Trevor Nuttall and Asheboro Police Captain D. Jason Cheek. Mr. Nuttall testified that city inspectors in his division have completed the required inspections of the premises at 532 S. Fayetteville Street. The site of the proposed pawnshop is compliant with all applicable zoning, building code, and fire prevention code regulations.

Captain Cheek testified that police personnel have reviewed the application submitted by Mr. Autry and found no misstatements in the application itself. A review of the available records confirmed that Mr. Autry does not have any felony convictions in his background. The police department has no objection to the issuance of the requested pawnbroker license.

After considering the evidence received during this hearing, Mr. Bell moved to enter into the record the council's conclusion that the applicant met the prescribed standards for the issuance of a pawnbroker license and that, upon providing the bond required by Section 66-399 of the North Carolina General Statutes, the city clerk is to issue a pawnbroker license to Mr. Autry's corporation for a pawnshop business, Asheboro Pawn, at 532 S. Fayetteville Street. Mr. Swiers seconded the motion, and the motion was adopted unanimously. Council members Bell, Burks, Carter, Moffitt, Redding, and Swiers voted in favor of the motion.

(d) City of Asheboro Planning Board Annual Report.

On behalf of Planning Board Chair Van Rich, Mr. Nuttall presented the written annual report from the planning board. No action was requested of the city council, and none was taken.

A copy of the planning board's annual report is on file in the city clerk's office and in the community development division.

(e) 2017 NC housing Finance Agency Urgent Repair Program Application.

Mr. Nuttall reported that the city had applied to participate in the North Carolina Housing Finance Agency Urgent Repair Program for a third consecutive year. Unfortunately, the application was not approved.

No action was requested of the city council, and none was taken.

(f) NCDOT Bicycle Helmet Initiative Award.

Mr. Nuttall reported that, in the month of April 2017, the bicycle helmet initiative awarded 67 NCDOT bicycle helmets to Asheboro children for use at home. The City of Asheboro, in partnership with

Randolph County Cooperative Extension, the Pilot Club of Asheboro, the Asheboro City Schools, and the Asheboro/Randolph YMCA, performed bicycle rodeos at the elementary schools in the Asheboro City School district. The students were provided instruction on examining their bicycle for safety, proper hand signals, and correct helmet sizing. The City of Asheboro intends to continue partnering in the bicycle rodeos and in the NCDOT bicycle helmet initiative.

No action was requested of the city council, and none was taken.

5. A petition submitted by Christopher Clifford Henderson for the annexation of a lot at 985 Sherwood Avenue, Asheboro.

Mayor Smith opened a public hearing on the question of the annexation petition submitted by Christopher Clifford Henderson. This petition requested the annexation of Mr. Henderson's parcel of land at 985 Sherwood Avenue.

As part of the public hearing, City Engineer Michael Leonard, PE presented the staff's analysis of the annexation petition. No citizens wished to be heard during the public hearing.

Once the city council entered the deliberative phase of the hearing, Mr. Bell moved, and Ms. Carter seconded the motion, to approve the following annexation ordinance by reference. Council members Bell, Burks, Carter, Moffitt, Redding, and Swiers voted in favor of the motion.

ORDINANCE NO. 10 ORD 5-17

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AN ORDINANCE TO EXTEND THE ASHEBORO CITY LIMITS BY ANNEXING INTO THE CITY APPROXIMATELY 34,140 SQUARE FEET OF LAND THAT IS CONTIGUOUS WITH THE EXISTING PRIMARY CITY LIMITS AND IS LOCATED AT 985 SHERWOOD AVENUE

WHEREAS, Christopher Clifford Henderson has submitted a petition asking the city to annex his parcel of land at 985 Sherwood Avenue, this land is contiguous with the existing primary city limits and is identified by Randolph County Parcel Identification Number 7750144350; and

WHEREAS, the territory for which annexation has been requested is described by metes and bounds in Section 1 of this Ordinance; and

WHEREAS, the annexation petition submitted by Mr. Henderson was presented to the Asheboro City Council on April 6, 2017; and

WHEREAS, by means of a duly adopted resolution (Resolution Number 12 RES 4-17), the Asheboro City Council directed the city clerk to investigate the sufficiency of the petition, and the clerk has certified the sufficiency of the said petition; and

WHEREAS, pursuant to Asheboro City Council Resolution Number 13 RES 4-17, a legal notice was published on April 13, 2017, in *The Courier-Tribune*, a newspaper with general circulation in the City of Asheboro, announcing that a public hearing to consider the adoption of an ordinance annexing the described area into the City of Asheboro would be held during the Asheboro City Council's regular May 2017 meeting, which would begin at 7:00 o'clock p.m. on the 4th day of May, 2017, in the Council Chamber at Asheboro City Hall; and

WHEREAS, the said public hearing was held, as advertised, on the 4th day of May, 2017; and

WHEREAS, the Asheboro City Council has determined that the annexation petition meets the requirements of Section 160A-31 of the North Carolina General Statutes;

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

Section 1. By virtue of the authority granted in Section 160A-31 of the North Carolina General Statutes, the following described area is hereby annexed and made part of the City of Asheboro, North Carolina:

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the existing primary city limits line for the City of Asheboro at an existing iron pipe in the southern margin of the 60-foot public right-of-way for Sherwood Avenue (North Carolina Secondary Road 1204) at a shared corner for the Eric M. Hicks and wife, Emma Bell Hicks property described in Deed Book 1081, Page 145, Randolph County Registry and the Christopher Clifford Henderson property described in Estate File 15E/0622 in the Office of the Clerk of Superior Court for Randolph County, North Carolina (the said Christopher Clifford Henderson property will be hereinafter referred to as the "Annexation Parcel"), the said beginning point is located by means of the North Carolina Coordinate System at the coordinates of North 704,479.654 feet and East 1,751,451.435 feet (NAD 83); thence from the said beginning point

following the existing primary city limits line, which completely surrounds the Annexation Parcel, South 84 degrees 16 minutes 12 seconds East 159.87 feet along the southern margin of the public right-of-way for Sherwood Avenue and the northern boundary line of the Annexation Parcel to an existing iron pipe at the northeast corner of the Annexation Parcel; thence departing from the southern margin of the public right-of-way for Sherwood Avenue and the northern boundary line of the Annexation Parcel by proceeding along the eastern boundary line of the Annexation Parcel that is contiguous with the Steven C. Moore and Cheryl A. Chatt property described in Deed Book 2391, Page 1289, Randolph County Registry the following course and distance: South 05 degrees 41 minutes 58 seconds West 199.84 feet to an existing iron pipe at the southeastern corner of the Annexation Parcel; thence departing from the eastern boundary line of the Annexation Parcel and continuing to follow the existing primary city limits line for the City of Asheboro by proceeding along the southern boundary line of the Annexation Parcel the following courses and distances: North 84 degrees 12 minutes 13 seconds West 60.01 feet to an existing iron pipe; thence South 05 degrees 47 minutes 14 seconds West 21.47 feet to an existing iron pipe; thence North 84 degrees 38 minutes 35 seconds West 100.05 feet to an existing iron pipe at the southwest corner of the Annexation Parcel; thence departing from the southern boundary line of the Annexation Parcel and continuing to follow the existing primary city limits line by proceeding along the western boundary line of the Annexation Parcel the following courses and distances: North 05 degrees 45 minutes 26 seconds East 21.09 feet to an existing iron pipe that is located by means of the North Carolina Coordinate System at the coordinates of North 704,279.867 feet and East 1,751,431.292 feet (NAD 83); thence North 05 degrees 45 minutes 26 seconds East 200.80 feet to the point and place of BEGINNING, and containing 0.784 of an acre (34,140 square feet) of land, more or less, to be annexed.

The above-listed description is in accordance with a plat of survey identified as job number 17-007 and titled "Annexation Plat for Property of Christopher Clifford Henderson 985 SHERWOOD AVENUE." The said plat was drawn under the supervision of Thomas Scaramastra, Professional Land Surveyor with Registration Number L-4421.

Section 2. Upon and after May 4, 2017, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. Said territory shall be subject to municipal taxes according to Section 160A-58.10 of the North Carolina General Statutes.

Section 3. The Mayor of the City of Asheboro shall cause to be recorded in the office of the Register of Deeds of Randolph County, North Carolina, and in the office of the Secretary of State of North Carolina at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this Ordinance. Such a map shall also be delivered to the Randolph County Board of Elections, as required by Section 163-288.1 of the North Carolina General Statutes.

Section 4. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 5. This Ordinance shall be in full force and effect upon and after the 4th day of May, 2017.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 4th day of May, 2017.

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

ATTEST:
/s/ Tammy M. Williams
Tammy M. Williams, Deputy City Clerk

Approved as to form:
/s/ Jeffrey C. Sugg
Jeffrey C. Sugg, City Attorney

6. Asheboro Airport Authority Annual Report.

City Engineer Michael Leonard, PE presented a written annual report on behalf of the Asheboro Airport Authority. A copy of the report is on file in the city clerk's office and in the city engineering department.

No action was requested of the city council, and none was taken.

7. Public Comment.

Mayor Smith opened the floor for any public comment, but none were offered.

8. Safety Awards.

Safety Coordinator Steve Paye identified for the city council the 10 city departments that received safety awards during an awards ceremony held in conjunction with the North Carolina Department of Labor at AVS Banquet Center on April 27, 2017. The following departments received safety awards:

1. Administrative
2. Facilities Maintenance
3. Fire
4. Fleet Maintenance
5. Public Works – Operations
6. Recreation and Golf
7. Street
8. Water and Sewer Maintenance
9. Water Treatment Plant
10. Wastewater Treatment Plant

9. New Fire Insurance Rating.

Fire Chief Wright discussed with the city council a letter, dated April 6, 2017, that he received from the supervisor of inspections in the Office of State Fire Marshall, which is a component of the North Carolina Department of Insurance. The letter informed the chief that, after completing an evaluation of the fire insurance classification for the Asheboro Fire District, the protection class for the district is now a 3. Formerly, class 4 applied.

The mayor and the council members uniformly extended their congratulations and appreciation to Chief Wright and all of the members of the Asheboro Fire Department whose work made this notable improvement possible.

10. Finance Department Items.

(a) Ordinances to Amend the Economic Development Fund and the General Fund.

After Finance Director Deborah Reaves explained and recommended adoption by reference of the following ordinances, Mr. Bell moved to approve, with a single motion, the following two ordinances by reference. Ms. Carter seconded the motion, and the ordinances were unanimously approved. Council members Bell, Burks, Carter, Moffitt, Redding, and Swiers voted in favor of the combined motion.

ORDINANCE NUMBER 11 ORD 5-17

ORDINANCE TO AMEND THE ECONOMIC AND TOURISM DEVELOPMENT FUND
FY 2016-2017

WHEREAS, allocation for the New Century Drive economic development project was set up in April 2016 in anticipation of the project starting in fiscal operating year 2015-2016 and concluding in 2016-2017, and;

WHEREAS, no expenses for the project were incurred in the 2015-2016 fiscal operating year, and;

WHEREAS, the construction work for new century drive was performed by City of Asheboro forces and thus the expenses for the construction were coded to the General Fund expense accounts, and;

WHEREAS, the project will be completed prior to June 30, 2017, and;

WHEREAS, the City of Asheboro wishes to contribute \$25,000 to the creation of a Randolph County Child Advocacy Center which was presented by the City Manger (sic) to the City Council on April 27th as a need identified during the Randolph County strategic planning process, and;

WHEREAS, the City of Asheboro wishes to contribute \$25,000 to a Randolph County local transportation study focusing on providing public transportation for Citizens and tourists which was presented by the City Manger (sic) to the City Council on April 27th as a need identified during the Randolph County strategic planning process, 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:

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The next section of the adopted ordinance is on the immediately following page.)**

That the following Revenue line items be increased / decreased:

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
72-373-0001	City of Asheboro Contribution for New Century Drive Extension	(50,000)
72-373-0002	County of Randolph Contribution for New Century Drive Extension	(197,500)
72-373-0003	Contribution Family Crisis Child Advocacy Center	25,000
72-373-0003	Contribution for local transportation study	25,000
	Increase	<u>(\$197,500)</u>

That the following expense line items be increased / decreased:

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
72-813-0001	Construction of New Century Drive (Phase 1 FY15-16)	(345,500)
72-813-0002	Professional Engineering Services for New Century Drive	(49,500)
72-813-0003	Contribution to General Fund for New Century Drive	147,500
72-865-0000	Family Crisis Child Advocacy Center	25,000
72-866-0000	Local Transportation Study	25,000
	Increase	<u>(\$197,500)</u>

Adopted this the 4th day of May 2017.

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

ATTEST:

/s/ Tammy M. Williams
Tammy M. Williams, Deputy City Clerk

ORDINANCE NUMBER 12 ORD 5-17

ORDINANCE TO AMEND THE GENERAL FUND
FY 2016-2017

WHEREAS, allocation for the New Century Drive economic development project was set up in April 2016 in the Economic and Tourism Development Fund in anticipation of the project starting in fiscal operating year 2015-2016 and concluding in 2016-2017, and;

WHEREAS, the construction work for new century drive was performed by City of Asheboro forces and thus the expenses for the construction were coded to the General Fund expense accounts, and;

WHEREAS, the allocation toward this project that was set up in the Economic and Tourism Development fund in FY 2015-2016 needs to be moved to the General Operating fund to allow for the match of revenues with expenses 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 / decreased:

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
10-397-7200	Transfer from Economic and Tourism Development Fund	147,500

**(The remainder of this page was intentionally left blank.
The next section of the adopted ordinance is on the immediately following page.)**

That the following expense line items be increased / decreased:

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
10-575-0400	Professional Services	49,500
10-565-3400	Supplies and Materials	98,000
		<hr/>
		Increase 147,500

Adopted this the 4th day of May 2017.

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

ATTEST:

/s/ Tammy M. Williams
Tammy M. Williams, Deputy City Clerk

(b) Installment Financing Agreement with Branch Banking and Trust Company.

After Finance Director Deborah Reaves explained and recommended adoption by reference of the following resolution, Ms. Carter moved, and Mr. Burks seconded the motion, to approve the installment financing resolution. Council members Bell, Burks, Carter, Moffitt, Redding, and Swiers voted in favor of the motion.

RESOLUTION NUMBER 16 RES 5-17

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION APPROVING FINANCING TERMS

WHEREAS, the City of Asheboro (the "City") previously decided to undertake a project for the financing of vehicles and equipment (the "Project"); and

WHEREAS, Section 160A-20 of the North Carolina General Statutes authorizes the City to finance the purchase of personal property by means of an installment contract that creates a security interest in the purchased property to secure payment of the purchase price to the entity supplying financing for the purchase transaction; and

WHEREAS, by means of adopting Resolution Number 29 RES 10-16 on October 6, 2016, the Asheboro City Council has previously stated its intent that, prior to the execution of any installment financing agreement and consistent with the city's budget ordinance for fiscal year 2016-2017, a maximum of \$331,331.00 may be expended from the General Fund during the current fiscal year for certain vehicles and equipment referenced in the adopted Resolution of Intent; and

WHEREAS, also by means of adopting Resolution Number 29 RES 10-16 on October 6, 2016, the Asheboro City Council has previously formally and explicitly declared 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 2016-2017 fiscal year, any and all expenditures from the General Fund for the purchase during the current fiscal year of the vehicles and equipment identified in the Resolution of Intent that are necessary to the provision of essential municipal services; and

WHEREAS, after searching for favorable financing rates and terms, the city manager and the finance director have presented a proposal for the financing of the above-referenced Project;

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

Section 1. The determination is hereby made that the City will finance the Project through Branch Banking and Trust Company ("BB&T") in accordance with the proposal dated April 3, 2017. The amount financed shall not exceed \$331,331.00, the annual interest rate (in the absence of a default or a change in tax status) shall not exceed 2.19%, and the financing term shall not exceed 60 months from closing.

Section 2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents and to take

all such further action as they may consider necessary or desirable to carry out the financing of the Project as contemplated by the proposal and this Resolution.

Section 3. The finance officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. To the extent authorized by law and any applicable rules of professional conduct, the finance officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the finance officer shall approve, with the finance officer's release of any Financing Documents for delivery constituting conclusive evidence of such officer's final approval of the documents' final form.

Section 4. The City shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

Section 5. In addition to the above-referenced and previously adopted Resolution of Intent (Resolution Number 29 RES 10-16), the City intends that the adoption of this Resolution will be a continuing declaration of the City's official intent to reimburse expenditures for the Project that is to be financed from the proceeds of the BB&T financing described above. The City intends that funds that have been advanced, or that may be advanced, from the City's General Fund, or any other fund related to the Project, for Project costs may be reimbursed from the financing proceeds.

Section 6. All prior actions of City officers in furtherance of the purposes of this Resolution are hereby ratified, approved, and confirmed. All other resolutions (or parts thereof) in conflict with this Resolution are hereby repealed to the extent of any such conflict. This Resolution shall take effect immediately.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting of the governing board that was held on the 4th day of May, 2017.

ATTEST:

/s/Tammy M. Williams
Tammy M. Williams, Deputy City Clerk

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

11. Upcoming events and items not on the agenda.

During this discussion, no items were discussed that required action on the part of the city council, and no action was taken.

There being no further business to conduct, the meeting was adjourned at 10:04 p.m.

Tammy M. Williams, Deputy City Clerk

David H. Smith, Mayor