

**REGULAR MEETING  
ASHEBORO CITY COUNCIL  
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING  
THURSDAY, OCTOBER 4, 2018  
7:00 p.m.**

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This being the time and place for a regular meeting of the Asheboro City Council, a meeting was held with the following elected officials and city 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  
Robert L. Brown, Jr., Police Major  
Timothy E. Cockman, Deputy Fire Chief  
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal  
Danny A. Floyd, Jr., Assistant Fire Chief (Safety)  
William Preston King, Assistant Fire Chief (Training)  
P. Douglas Kemp, Human Resources Director  
Michael L. Leonard, PE, City Engineer  
Trevor L. Nuttall, Community Development Director  
Deborah P. Reaves, Finance Director  
Jeffrey C. Sugg, City Attorney  
Willie Summers, Fire Chief

**1. Call to order.**

A quorum thus being present, Mayor Smith called the meeting to order for the transaction of business, and business was transacted as follows.

**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. Oath of office for Asheboro Fire Chief Willie Summers.**

Mayor Smith administered the following oath of office to Asheboro Fire Chief Willie Summers.

**OATH OF FIRE CHIEF**

STATE OF NORTH CAROLINA  
COUNTY OF RANDOLPH  
CITY OF ASHEBORO

I, Willie Summers, do solemnly and sincerely swear that I will support and maintain the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain, and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge, skill, and ability; and that I will faithfully, well, and truly discharge and execute the duties of the office of Chief of the Asheboro Fire Department according to the best of my skill and ability and according to the law; so help me God.

\_\_\_\_\_  
/s/Willie Summers  
Willie Summers

Sworn to and subscribed before Mayor David H. Smith on this the 4<sup>th</sup> day of October, 2018.

\_\_\_\_\_  
/s/David H. Smith  
David H. Smith, Mayor  
City of Asheboro

ATTEST:

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

After the administration of the oath of office, Mr. Ogburn joined Mayor Smith in welcoming Chief Summers to Asheboro. In turn, Chief Summers expressed his appreciation for the opportunity to serve as the city's fire chief, and he also expressed his eagerness to begin performing his duties.

**4. Presentation of a key to the city to Mary Joan Pugh.**

Mayor Smith presented to Ms. Mary Joan Pugh a key to the city in recognition and honor of her sustained leadership and faithful public service to the citizens of Asheboro.

**5. Consent agenda.**

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

**(a) The meeting minutes for the city council's regular meeting on September 6, 2018.**

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) Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for August 6, 2018.**

The minutes of the meeting held by the Asheboro ABC Board on August 6, 2018, have been received by the city clerk, distributed to the mayor and members of the city council for review, and are on file and available in the city clerk's office.

**(c) The dates, along with certain associated rules, for the 2018-2019 dark geese (Canada & white-fronted geese) and duck hunting season at Lake Reese.**

A copy of the recreation services director's written request to approve the dates and rules for the dark geese and duck hunting season at Lake Reese was provided to the council members in advance of the council meeting. A copy of this request is on file in the city clerk's office.

The adopted hunting season dates are as follows:

- November 17<sup>th</sup>, 19<sup>th</sup>, and 29<sup>th</sup>
- December 15<sup>th</sup>, 17<sup>th</sup>, and 27<sup>th</sup>
- January 3<sup>rd</sup>, 5<sup>th</sup>, and 7<sup>th</sup>

The adopted rules are available for review in the city's recreation services office.

**(d) The temporary closure on October 31, 2018, from 6:30 p.m. to 8:30 p.m., of the streets indicated on the parade permit application and map for the "Trick or Treat in the Park" event sponsored by the City of Asheboro Cultural and Recreation Services Departments.**

The parade permit application with the requested street closure, including a map, was included in the council's materials. Copies of these items are on file in the city clerk's office. The said temporary street closure was approved as requested in the application.

**(e) The temporary closure on November 4, 2018, from 3:00 p.m. to 4:00 p.m., of the streets indicated on the parade permit application and map for a horse parade.**

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

- (f) **The temporary closure on November 11, 2018, from 4:00 p.m. to 5:00 p.m., of the streets indicated on the parade permit application and map for the Veterans Day Parade.**

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

- (g) **Change Order #1 (Final) for the Industrial Rail Spur Tracks Technimark CDBG Project with HGnS, Inc. d/b/a Dirtworks of the Carolinas decreasing the construction contract amount by \$75,615.40 to \$538,374.60 for adjustment of quantities as built and extending the contract time by 83 calendar days to the completion date of September 11, 2018.**

Change Order #1 (Final) for the Industrial Rail Spur Tracks Technimark CDBG Project with HGnS, Inc. d/b/a Dirtworks of the Carolinas was included in the council's materials and approved as requested. A copy of the approved change order is on file in the city clerk's office.

- (h) **An ordinance to amend the Economic Development Fund.**

17 ORD 10-18

**ORDINANCE TO AMEND THE ECONOMIC & TOURISM DEVELOPMENT FUND FY 2018-2019**

WHEREAS, in July 2014, the City purchased the property, commonly known as, the Cranford Building in downtown Asheboro located at 133 S. Church Street and;

WHEREAS, In September 2016, the "Cranford" property was sold to VSR LLC and at that time, the City of Asheboro committed to the removal and disposal of seventeen 55 gallon drums and their contents at a time to be determined by VSR, LLC., and:

WHEREAS, VSR, LLC has communicated that the construction and renovation of property is at a place where removal is appropriate, and;

WHEREAS, the City desires to allocate funding and appropriate for the expense in the Economic and Tourism Development funds, 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>
72-381-0000	Contribution for Cranford Property Drums disposal	7,500

That the following expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
72-800-0001	Cranford Property Redevelopment	7,500

Adopted this the 4<sup>th</sup> day of October, 2018.

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

ATTEST:

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

- (i) **Approval to schedule for November 8, 2018, and to advertise, a public hearing pertaining to the following land use cases:**
- (i) **A request to rezone property located at 505 East Salisbury Street (Randolph County Parcel Identification Number 7761039088) from R7.5 (Medium-Density Residential) and B1 (General Commercial) to OA6 (Office-Apartment).**
  - (ii) **A request to rezone property located southwest of 1019 Old Liberty Road, on the south side of Hub Morris Road (southeast of 1008 Hub Morris Road), and east of the terminus of Lakeview Road (Randolph County Parcel Identification Number 7763505528) from R10 (Medium-Density Residential) and R15 (Low-Density Single-Family Residential) to CU-R40 and to issue a Conditional Use Permit authorizing a Solar Farm.**
  - (iii) **A request concerning text amendments to the zoning ordinance related to floor area ratio requirements, including but not limited to Table 200-1 (Table of Area, Height, Bulk, and Placement Regulations).**

The above-listed land use cases will be advertised and heard by the Council on November 8, 2018.

**6. Combined public hearing for Case Nos. RZ-18-13 and CUP-18-13: Property located at 618 and 622 Franks Street (Randolph County Parcel Identification Numbers 7761144135 and 7761144098).**

Mayor Smith opened the public hearing on these land use cases and asked for the witnesses to be placed under oath. Community Development Director Trevor Nuttall, who was the first witness to testify, provided the City of Asheboro Community Development Division staff's analysis of the 2-part application to place the applicant's property in a CU-O&I zoning district and to obtain a Conditional Use Permit authorizing a place of worship.

The Conditional Use Permit is needed in order to use a former dwelling as a place of worship. The land for which a permit is sought is owned by the applicant and is identified by Randolph County Parcel Identification Numbers 7761144135 and 7761144098 (collectively, the "Zoning Lot").

Hattie Johnson filed this application on behalf of New Jerusalem Pentecostal Holiness Church, Inc. (the "Applicant"). The city planning staff's analysis of the Applicant's request for a zoning map amendment that would rezone the church property from RA6 (High-Density Residential) to CU-O&I (Conditional Use Office and Institutional) noted, in part, as follows:

1. The Zoning Lot is located inside the Asheboro city limits.
2. Franks Street is a local, city-maintained street.
3. The Applicant has filed the rezoning request along with a Conditional Use Permit application seeking authorization to use an approximately 988-square foot existing structure on the Zoning Lot as a place of worship. The existing structure was last used as a dwelling.
4. Although a Special Use Permit can theoretically be used to obtain authorization for a place of worship within a residential zoning district, one of the Special Use Permit requirements is for the property to be an acre or more in size. The Zoning Lot is approximately 0.67 of an acre in size. Therefore, the Special Use Permit application is not a viable option for the Applicant.
5. The zoning ordinance describes the O&I Commercial District as "intended to produce moderate intensity office and institutional development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designated O&I shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged."
6. The current RA6 zoning allows single-family, two-family, and multi-family residential uses.
7. The area consists primarily of single-family residential uses, with multi-family and institutional uses across Franks Street extending west of the Zoning Lot to Watkins Street.
8. The city is investigating funding sources to make this general area (including Watkins Street and Martin Luther King Jr. Drive) more pedestrian friendly. The

City is currently soliciting public input concerning this issue through a separate process.

With regard to the application for a Conditional Use Permit, Mr. Nuttall provided the following additional analysis:

1. No new structure(s) or addition(s) to the existing structure are proposed for the Zoning Lot.
2. Many of the same design requirements that apply when a church is proposed in a residential zoning district also apply under general zoning requirements in the O&I district. These include requirements such as the prohibition of parking in the required front yard and the screening/buffering of parking areas adjacent to residential properties.
3. As noted above, the ordinance requires a buffer and/or screen for a place of worship when located adjacent to residentially zoned properties. The Applicant proposes using existing vegetation to meet part of the buffering requirements.
4. Required parking is based on the size of the main assembly (such as a sanctuary) within a place of worship. The Applicant's site plan indicates that 5 parking spaces are proposed. The number of proposed parking spaces accommodates up to 16 people in this area.

The Community Development Division staff and the Planning Board recommended approval of the requested legislative rezoning based on the following analysis:

While the Land Development Plan proposes neighborhood residential use for this property, the property is adjacent to other properties with a long-standing history of institutional use. Given the lack of non-residential history of the subject property, the requested conditional use district allows more careful review and an opportunity for public input concerning specific uses(s) and their compatibility (i.e. building design/scale, parking, landscaping/screening, etc.) with adjoining uses.

The Land Development Plan's Design Principles generally support having a compatible mix of institutional, civic, and residential uses appropriately located and designed. The requested CU-O&I district is supported by these principles given the mix of residential and institutional uses adjacent to the property and in the area.

Considering these factors, staff believes the requested CU-OI district is consistent with the Land Development Plan and therefore reasonable and generally in the public interest.

On behalf of the Applicant, Mr. Ben Morgan, Esq. was placed under oath and addressed the four standards for the issuance of a Conditional Use Permit. As part of his testimony, Mr. Morgan expressed agreement with the following conditions that were recommended by the planning staff for attachment to the requested Conditional Use Permit.

1. Notwithstanding information provided on the site plan, if only one of the driveways shown on the site plan is constructed, this shall not be considered a modification of the Conditional Use Permit as long as all required parking spaces and maneuvering areas are provided.
2. Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the Applicant shall provide detail on the following:
  - (a) Compliance of the handicapped ramp design and handicapped parking with the N.C. Building Code. Minor changes necessary to comply with these requirements shall not be considered a modification of the Conditional Use Permit requiring further review by the City Council.
  - (b) Required plantings to supplement existing vegetation shown on the site plan per Sections 304A and 308A.
  - (c) Solid waste facilities in accordance with Section 307A
3. Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this Conditional Use Permit in the chain of title for the Zoning Lot.

Mr. Allen Bostic posed general questions in regards to the application, but offered no testimony in opposition to the requested land use approvals. There being no further comments, Mayor Smith transitioned to the deliberative phase of the application process.

With regard to the requested zoning map amendment, the Council concurred with the staff and planning board analysis of the consistency of the request with the land development plan. Council Member Moffitt moved, and Council Member Swiers seconded the motion, to adopt a plan consistency statement and to approve the requested rezoning with the following multi-part motion:

1. While the Land Development Plan proposes neighborhood residential use for this property, the Zoning Lot is adjacent to other properties with a long-standing history of institutional use. The current conditional use zoning district request allows for an enhanced review of the land uses proposed for the Zoning Lot, an opportunity for public input concerning specific use(s), and an opportunity for the imposition of conditions to mitigate any potential negative impacts so as to ensure the compatibility of approved land uses on the Zoning Lot with adjoining uses.

The Land Development Plan's Design Principles generally support having a compatible mix of institutional, civic, and residential uses appropriately located and designed. The requested CU-O&I district is supported by these principles given the mix of residential and institutional uses adjacent to the Zoning Lot and in the area. Considering these factors, the city council has concluded that the requested CU-O&I district is consistent with the Land Development Plan. The mix of development opportunities and safeguards provided by the requested district is reasonable and in the public interest.

2. In light of the above-stated analysis, the requested zoning map amendment to place the Zoning Lot in a CU-O&I zoning district is approved as consistent with the adopted plan.

Council Members Bell, Burks, Carter, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes. Consequently, the above-stated motion was adopted unanimously.

After approving the zoning map amendment, the Council Members concluded that the standards for granting the requested Conditional Use Permit had been met. Upon motion by Council Member Moffitt, and seconded by Council Member Bell, the Council voted unanimously to approve the requested Conditional Use Permit, with the stated conditions, authorizing a place of worship on the Zoning Lot. Council Members Bell, Burks, Carter, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

The slide show utilized by Mr. Nuttall is on file in the city clerk's office.

The final decision document with the council's findings of fact, conclusions, and order will be brought forward for consideration during the next regular council meeting.

## **7. Public comment period.**

Mayor Smith opened the floor for public comments.

Mr. Bob Edmondson of 1412 Shamrock Road expressed his concerns regarding storm water drainage impacting his Shamrock Road property.

Mr. James Armstrong expressed his concerns regarding the speed limit and traffic safety on Presnell Street. Mr. Armstrong was concerned that too many trucks are speeding on this street causing potential safety hazards for residents, especially the children, within the area.

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

## **8. Engineering items:**

- (a) **Consideration of a petition received from the State Employees' Credit Union requesting the annexation of a parcel of land (Randolph County Parcel Identification Number 7761738476) containing approximately 14.521 acres.**

- (i) After receiving from City Engineer Michael Leonard, PE an overview of the annexation petition received from the State Employees' Credit Union, Council Member Bell moved to adopt the following resolution by reference, and Council

Member Carter seconded the motion. Council Members Bell, Burks, Carter, Moffitt, Redding, and Swiers voted in favor of the motion and thereby unanimously approved the following resolution.

**RESOLUTION NUMBER**                                          24 RES 10-18

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

**RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE THE SUFFICIENCY OF THE ANNEXATION PETITION SUBMITTED BY THE STATE EMPLOYEES' CREDIT UNION**

**WHEREAS**, the State Employees' Credit Union (the "Petitioner") has submitted, by and through its corporate officers, a petition requesting the annexation into Asheboro of an approximately 14.521-acre parcel of the Petitioner's land (the territory to be annexed is approximately 14.994 acres in size when the land within the public right-of-way is included); and

**WHEREAS**, the parcel of land for which annexation has been requested (hereafter referred to as the "Proposed Annexation Territory") is more specifically identified by Randolph County Parcel Identification Number 7761738476; and

**WHEREAS**, the Proposed Annexation Territory is contiguous, as defined by the North Carolina General Statutes, with Asheboro's primary city limits; and

**WHEREAS**, Section 160A-31 of the North Carolina General Statutes provides that the sufficiency of the petition shall be investigated by the city clerk before further annexation proceedings may take place; and

**WHEREAS**, the Asheboro City Council (the "Council") has decided to proceed with the statutorily prescribed voluntary annexation process.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro that the city clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify to the Council the results of her investigation.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 4<sup>th</sup> day of October, 2018.

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

ATTEST:

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

In anticipation of the council's above-stated action, the city clerk prepared the following certification in advance of the council meeting and submitted this certificate for the council's review.

**CERTIFICATE OF SUFFICIENCY**  
**(Annexation Petition Received from the State Employees' Credit Union)**

**TO:** The City Council of the City of Asheboro, North Carolina

I, Holly H. Doerr, am the City Clerk for the City of Asheboro. I hereby certify that, with the assistance of staff members in various city departments, I have investigated the annexation petition submitted by the State Employees' Credit Union. I further certify that the following paragraphs accurately state the information obtained during the course of my investigation of the annexation petition.

The petition submitted by the State Employees' Credit Union requests the annexation into Asheboro of an approximately 14.521-acre parcel of land owned by the non-profit corporation (the territory proposed for annexation is approximately 14.994 acres in size when the land within the public right-of-way is included). The parcel of land for which the petitioner has requested annexation (the "Proposed Annexation Territory") is more specifically identified by Randolph County Parcel Identification Number 7761738476.





The need to turn to new vendors with different operating guidelines has forced the city to reexamine its own operating procedures. More stringent limits have been placed on the tolerance level for contamination within the recyclables delivered by the city to third party processors. This focus on reducing contamination and enhancing recycling operations has also led city staff members to reexamine how the city's recycling drop-off sites are managed.

As the review process evolves and the need for final policy decisions approaches, the city staff will keep the governing board updated. No action was requested of the council at this time, and none was taken.

**10. Water resources items:**

**(a) Hurricane Florence update.**

Water Resources Director Michael Rhoney, PE used a slide show to provide a sense of how high the water levels and flows at certain city lakes reached during the storm event associated with Hurricane Florence. The elected officials were also informed of some of the actions that had to be taken by personnel in the water resources division in order to respond to the negative impacts generated by the storm event.

No action was requested of the governing board, and none was taken.

**(b) Resolution supporting and authorizing an application for an Asset Inventory and Assessment State Grant.**

Mr. Rhoney presented and recommended adoption, by reference, of a resolution supporting and authorizing an application for an asset inventory and assessment state grant.

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

**RESOLUTION NUMBER**                                          26 RES 10-18

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

**A RESOLUTION SUPPORTING AND AUTHORIZING AN APPLICATION FOR  
AN ASSET INVENTORY AND ASSESSMENT STATE GRANT**

**WHEREAS**, the Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (codified in Chapter 159G of the North Carolina General Statutes) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction for a wastewater collection system; and

**WHEREAS**, the City of Asheboro (hereafter referred to interchangeably as the "City" and the "Applicant") needs and intends to develop asset inventories, condition assessment of critical assets, and other components of asset management programs for the water and sanitary sewer systems (hereafter referred to as the "Project"); and

**WHEREAS**, the City intends to request state grant assistance for the Project.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro (hereafter the "Council") that John N. Ogburn, III, who is the city manager for the Applicant (the city manager will be hereafter referred to as the "Authorized Official"), and any successor so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a grant to aid in the performance of the Project described above; and

**BE IT FURTHER RESOLVED** by the Council that the Authorized Official, and any successor so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the Project, to make the assurances as contained above, and to execute such other documents as may be required in connection with the application; and

**BE IT FURTHER RESOLVED** by the Council that the City has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the Project and to Federal and State grants and loans pertaining thereto.

