

**REGULAR MEETING  
ASHEBORO CITY COUNCIL  
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING  
MARCH 8, 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         )  
Walker B. Moffitt      ) – Council Members Present  
Jane H. Redding        )  
Katie L. Snuggs         )  
Charles A. Swiers      )

John N. Ogburn, III, City Manager  
Timothy E. Cockman, Deputy Fire Chief  
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal  
P. Douglas Kemp, Human Resources Director  
Michael L. Leonard, PE, City Engineer  
Deborah P. Reaves, Finance Director  
Jonathan M. Sermon, Recreation Services Director  
Jeffrey C. Sugg, City Attorney  
D. Richard Thompson, Jr., Police Captain  
Roy C. Wright, Fire Chief

**1. Call to order.**

With a quorum 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. Appearance and recognition of guests and citizens.**

Mayor Smith welcomed everyone in attendance.

**4. Presentation by the Randolph Youth Theatre Company.**

On behalf of the Randolph Youth Theatre Company (RYTC), Ms. Carey Way, who is the president of the RYTC, thanked Mayor Smith and the Council Members for supporting the organization and allowing the young actors/students to perform at the Sunset Theatre. Performing at the Sunset Theatre has added an additional layer of enrichment to the whole theatrical experience for the organization's students.

After Ms. Way's expression of gratitude, Mayor Smith allowed some members of the RYTC to perform an excerpt from *Shrek the Musical, Jr.* The RYTC will be performing the musical from March 22, 2018 through March 25, 2018 at the Sunset Theatre.

A copy of the letter of appreciation that was received by the Council Members is on file in the city clerk's office.

**5. Consent agenda.**

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

**(a) The meeting minutes for the city council's regular meeting on February 8, 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 January 2, 2018.**

The minutes of the meeting held by the Asheboro ABC Board on January 2, 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 for inspection in the city clerk's office.

**(c) Acknowledgement and announcement of a 15-day construction project notice.**

In order to enhance the city's sewer maintenance program, city forces will install sewer service line clean-outs along the following streets: Meadowbrook Road Extension, Rainbow Drive, Valley Road, Northshore Drive, Winnetka Court, Itasca Court, Snowdon Court, Yorkmont Court, Cheddington Drive, Gold Hill Road, Brookwood Drive, Woodland Circle, Bayleaf Court, Willow Creek Court, Meadowbrook Road, and East Pritchard Street.

**(d) The following budget ordinances:**

**(i) General Fund Amendment [FY 2017-2018].**

**05 ORD 3-18**

**ORDINANCE TO AMEND THE GENERAL FUND FY 2017-2018**

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

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

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

Section 1: That the following Revenue line item be increased:

<u>Account #</u>	<u>Revenue Description</u>	<u>Increase</u>
10-399-0000	Fund Balance Allocation	332,000
10-397-6600	Contribution – Airport Improvements Fund	178,000
		<hr/> 510,000

Section 2: That the following Expense line item be increased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
10-550-3402	Traffic Division Supplies	32,000
10-550-1800	Inventory	300,000
10-620-1509	Maint. & Repair McCrary Gym	178,000
		<hr/> 510,000

Adopted this 8<sup>th</sup> day of March, 2018.

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

ATTEST:

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

**(ii) Airport Improvements Fund Amendment [#66].**

**06 ORD 3-18**

**ORDINANCE TO AMEND THE AIRPORT IMPROVEMENTS FUND (#66)  
FY 2017-2018**

WHEREAS, in January 2107, the City Council passed an ordinance to amend the Airport fund setting aside approximately \$250,000 of the Airport Timber cutting proceeds for future use, and;

WHEREAS, \$60,000 of this was needed for needed work by Terry's Plumbing that is outside the scope of the grant reimbursable project and an additional \$12,000 is needed for the parking lot paving, and;

WHEREAS, as part of the ALP update, land will need to be purchased at an estimated cost of \$215,875 of which 90% (\$194,287) is expected to be grant reimbursable, and;

WHEREAS, an estimated cost of approximately \$24,000 should be set aside to cover the City of Asheboro share of the land purchase and possible closing and attorney fees, and;

WHEREAS, after accounting for the above mentioned expenses, approximately \$178,000 of the timber proceeds remain and will be transferred to the General Fund, and;

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

THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina

Section 1: That the following revenue line items are increased / decreased:

<u>Account</u>	<u>Description</u>	<u>Increase</u> / <u>(Decrease)</u>
66-367-1027	Grant proceeds- land acquisition	194,287
	Total change	0

Section 2: That the following expense line items are increased / decreased:

<u>Account</u>	<u>Description</u>	<u>Increase</u> / <u>(Decrease)</u>
66-981-4501	Paving- Parking at old terminal building	12,000
66-981-4502	Contracted Services- other improvements TBD	(213,588)
66-981-4503	Land Purchase	22,825
66-981-4504	Land Purchase	126,250
66-981-4505	Land Purchase	66,800
66-981-4506	Land Purchase Closing Costs / misc	2,000
66-981-4507	Transfer to General Fund	<u>178,000</u>
	Total change	194,287

Adopted this the 8th day of March 2018.

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

ATTEST:

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

**6. Discussion and action upon an ordinance to allow the sale of alcoholic beverages on Sunday to begin at 10:00 a.m.**

Mayor Smith invited a discussion among the council members regarding an ordinance that, if adopted, would allow the sale of alcoholic beverages on Sunday to begin at 10:00 a.m. As a prelude to that discussion, Mayor Smith set aside a limited amount of time for public comment on this issue.

Dr. John Rogers, retired Pastor of First Baptist Church in Asheboro, encouraged the Council Members to not adopt an ordinance allowing the sale of alcoholic beverages on Sunday to begin at 10:00 a.m. Mr. Manley Councilman, who identified himself as a member of Oakhurst Baptist Church, also offered comments and concerns in opposition to the proposed ordinance.

Mr. Owen George expressed comments in support of the adoption of the ordinance.

Subsequent to the receipt of public comments and discussion among the Council Members, Ms. Carter moved to reject the ordinance drafted by city staff to allow the sale of alcoholic beverages on Sunday to begin at 10:00 a.m. Ms. Snuggs seconded the motion. Council Members Burks, Carter, and Snuggs voted in favor of the motion. Council Members Bell, Moffitt, Redding, and Swiers voted no.

Mr. Bell then moved to adopt the following ordinance to allow the sale of alcoholic beverages on Sunday to begin at 10:00 a.m. Ms. Redding seconded the motion, and Council Members Bell, Moffitt, Redding, and Swiers voted in favor of the motion. Council Members Burks, Carter, and Snuggs voted no.

**ORDINANCE NUMBER \_\_\_\_\_**

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

**AN ORDINANCE TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES  
ON SUNDAYS TO BEGIN AT 10:00 A.M.**

**WHEREAS**, pursuant to G.S. 160A-205.3, North Carolina cities are authorized to adopt ordinances allowing the sale on Sunday of malt beverages, unfortified wine, fortified wine, and mixed beverages to begin at 10:00 A.M.; and

**WHEREAS**, during the council's regular meeting in January 2018, the Asheboro/Randolph Chamber of Commerce, by and through its president, made a request for the council to allow in Asheboro the sale of alcoholic beverages on Sundays to begin at 10:00 A.M.; and

**WHEREAS**, the council waited before acting upon this request in order to give interested parties time to express their opinions on the issue; and

**WHEREAS**, after deliberating upon the issue, the council has decided to exercise its authority under G.S. 160A-205.3 to allow the requested expansion of the hours on Sundays during which the sale of alcoholic beverages is permitted;

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

**Section 1.** The title of Chapter 118 of the Code of Asheboro is hereby rewritten to state as follows:

CHAPTER 118: LOCAL ABC LICENSES AND BUSINESS REGULATIONS

**Section 2.** A new section 118.04 of the Code of Asheboro is hereby enacted to provide as follows:

**§ 118.04** Sunday Morning Sales

The sale of malt beverages, unfortified wine, fortified wine, and mixed beverages is permitted to begin at 10 A.M. on Sunday pursuant to the licensed premises' permit issued under G.S. 18B-1001.

**Section 3.** All previously adopted ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

**Section 4.** This Ordinance shall be in full force and effect upon and after the 15<sup>th</sup> day of April, 2018.

This Ordinance was approved by the Asheboro City Council in open session when the Ordinance was first introduced during a regular meeting held on the 8<sup>th</sup> day of March, 2018.

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

ATTEST:

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

Due to the absence of the statutorily prescribed super majority required to adopt an ordinance on the first day of its introduction, the ordinance will be presented for a second reading and Council action during the governing board's next regular meeting on April 5, 2018.

**7. Quasi-Judicial Hearing on Community Development Case No. SUP-18-01.**

Mayor Smith opened the quasi-judicial hearing on the application for a Special Use Permit authorizing combustible liquid storage, above ground, in quantities greater than 2,000 but less than 100,000 gallons aggregate.

Mr. Nuttall was placed under oath and presented the planning staff's analysis of the application that included a properly submitted site plan. The request pertains to approximately 1.23 acres of land, which is a portion of an approximately 52.24-acre parcel of land located along Old Cedar

Falls Road. Randolph County Parcel Identification Number 7761876606 more specifically identifies the 52.24-acre parcel of land.

Clayton Terry Tucker, who is the land owner, authorized the submittal of the Special Use Permit application. The property for which a Special Use Permit has been requested is in an I2 General Industrial zoning district.

Mr. Nuttall utilized a visual presentation to explain the planning staff's analysis of the application. This analysis included the following information:

1. The property is inside the city limits.
2. Old Cedar Falls Road is a state-maintained minor thoroughfare at this location.
3. The area consists primarily of a mix of single-family residential uses and industrially zoned undeveloped properties and uses.
4. The applicant proposes to subdivide the identified parcel of land in order to develop an approximately 1.23-acre area for combustible liquid storage. The proposed subdivision is subject to review by city staff for compliance with the Asheboro Subdivision Ordinance.
5. The zoning ordinance allows for combustible liquids storage of less than 2,000 gallons as an accessory use by right. Combustible liquids storage of more than 2,000 gallons requires a Special Use Permit in the I2 zoning district. The application is proposing a facility with 30,000 gallons and ancillary activities.
6. The site plan also shows a 600 square ft. office. The office is not a requirement for the Special Use Permit.

On behalf of the Applicant, Mr. Darrin Shaffer with Energy United Propane and Mr. H.R. Gallimore, a realtor, were placed under oath and offered testimony in support of the request. This testimony was focused on addressing the prescribed standards for issuance of the requested Special Use Permit.

As part of their testimony, Mr. Shaffer and Mr. Gallimore expressed agreement with the following conditions that were recommended by the planning staff for attachment to the requested Special Use Permit:

1. As indicated on the site plan, the proposed 600 sq. ft. office is proposed as a "future" facility. If this office is constructed or if employees are on-site as part of the regular operations of the proposed land use, paving of parking areas shall be required in accordance with Table 400-1 and Section 408.
2. The site plan notes a 30' Type D Buffer on the northern boundary of the property adjacent to residentially zoned property. The Buffer D indicates a minimum 30' wide strip with 2 canopy trees and 6 understory trees per 100 L.F. and a row of evergreen shrubs placed along the property boundary not more than five feet apart on center to form a continuous opaque hedge of six (6) feet in height at the time of planting. The applicant may also substitute evergreen trees in lieu of evergreen shrubs that provide an equal or greater amount of screening consistent with the requirements in Section 304A.6. Existing vegetation may also count towards meeting screening/buffering requirements. However, should any deficiency in meeting the landscaping requirements occur, additional buffering or screening measures consistent with Section 304A of the Asheboro Zoning Ordinance shall be required.
3. Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the applicant shall provide documentation concerning the following:
  - (i) Driveway permit approval from NCDOT.
  - (ii) One or more instrument(s) of subdivision drafted to establish in fact the revised/new boundary lines shown as proposals on the submitted site plan shall be properly executed and recorded in the Office of the Randolph County Register of Deeds. Notice of such recordation shall be provided in a timely manner to the City of Asheboro Zoning Administrator.
4. Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the Final Decision Document approving the requested Special Use Permit shall be approved.

The following additional witnesses were placed under oath: Mr. Reginald Womble, Ms. Evon Cromedy, Mr. Eugene Hoskins, Ms. Queen Green, and Ms. Wanda Hardy. These witnesses asked questions about the proposed land use in addition to presenting comments and concerns in opposition to the Special Use Permit application.

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

Upon motion by Mr. Moffitt, and seconded by Mr. Burks, the Council Members voted unanimously to approve, with the staff recommended conditions, the requested Special Use Permit. A final decision document with the formal findings of fact, conclusions of law, and order authorizing the requested Special Use Permit will be entered by the Council during regular session on April 5, 2018. This order will reflect the conditions imposed upon this permit as a consequence of the testimony during the quasi-judicial hearing.

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

**8. Public comment period.**

Mayor Smith opened the floor for public comments.

Mr. Reginald Womble asked the council some general zoning questions. With regard to issues unique to his property and his options as a property owner, Mr. Womble was advised to seek the assistance of an attorney with expertise in the real property practice area.

As a follow-up to the previous discussions pertaining to the sale of alcoholic beverages, Dr. John Rogers challenged the city to study the downsides of the sale and consumption of alcoholic beverages. Additionally, Dr. Rogers proposed that the city and the faith-based communities work together to implement resources that would help improve the community.

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

**9. Request for the council to award a contract for the furnishing and installation of an elevator at the city-owned McCrary Gym.**

City Engineer Michael Leonard, PE reported that three (3) bids to furnish and install an elevator at the city-owned McCrary Gym were received at the designated time on March 1, 2018. The three bids were as follows:

<u>S.E. Trogdon &amp; Sons</u>	<u>S&amp;S Building &amp; Dev. LLC</u>	<u>Muter Construction</u>
\$235,900.00	\$326,000.00	\$352,682.00

In accordance with the written recommendation received from the project engineer, Hiram J. Marziano, PE, Mr. Leonard recommended the award of the general contract for the elevator installation project to the apparent lowest responsive, responsible bidder, S.E. Trogdon & Sons, Inc., which properly submitted a bid of \$235,900.00.

Based on this recommendation, Mr. Moffitt moved, and Ms. Carter seconded the motion, to award the said contract to S.E. Trogdon & Sons, Inc. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion.

A copy of the written discussion of bids submitted to the city council is on file in the city clerk's office.

**10. Upcoming events.**

Mayor Smith led a brief discussion of upcoming events occurring with the city government and the community in general. No action was taken by the city council during this portion of the meeting.

There being no further business, the meeting was adjourned at 8:52 p.m.

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

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