

**REGULAR MEETING
ASHEBORO CITY COUNCIL
COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, OCTOBER 6, 2011
7:00 p.m.**

This being the time and place for a regular meeting of the City Council, a meeting was held with the following officials and members present:

David H. Smith) – Mayor Presiding

Talmadge S. Baker)
Clark R. Bell)
Edward J. Burks)
Linda H. Carter) – Council Members Present
Stuart B. Fountain)
Michael W. Hunter)
Walker B. Moffitt)

John N. Ogburn, III, City Manager
Dumont Bunker, P.E., City Engineer
Edsel L Brown, Code Enforcement Officer
John L. Evans, Senior Planner
Tamela D. Garner, Permits Technician/Deputy City Clerk
Justin T. Luck, Zoning Administrator/Planner
Bradley W. Morton, Planning Technician-Deputy City Clerk
R. Reynolds Neely, Jr., Community Development Director
Deborah P. Reaves, Finance Director
Michael D. Rhoney, Water Resources Director
Jonathan M. Sermon, Recreation Services Superintendant
James O. Smith, Police Lieutenant
James W. Smith, Fire Chief
Jeffrey C. Sugg, City Attorney

1. Call to order.

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

2. Silent prayer and pledge of allegiance.

After a moment of silence was observed in order to allow silent prayer and/or 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. Recognition of Mr. Robert H. Kivett for his 30 years of service to the City of Asheboro.

Mr. Ogburn thanked Mr. Kivett for his years of dedicated service and read aloud the certificate signed by Governor Beverly Perdue bestowing the honor of the Order of the Long Leaf Pine on Mr. Kivett. Along with this certificate, a retirement plaque from the City of Asheboro was also awarded to Mr. Kivett, who thanked the Mayor, the members of the City Council, and the City Manager for the long-term support that he received .

5. Consent agenda:

Upon motion by Dr. Fountain and seconded by Ms. Carter, the City Council voted unanimously to approve the following consent agenda items:

- (a) The minutes of the City Council’s regular meeting on September 8, 2011.**
- (b) An ordinance prohibiting certain trucks on Northwood Drive.**

AN ORDINANCE PROHIBITING CERTAIN TRUCKS ON NORTHWOOD DRIVE

WHEREAS, complaints have been received about truck traffic on Northwood Drive; and

WHEREAS, research conducted by city staff revealed that, as far back in time as a City Council meeting in May 1997, safety concerns and a desire to keep industrial truck traffic off of Northwood Drive have been expressed to the Asheboro City Council by residents in the neighborhood in which Northwood Drive is located; and

WHEREAS, Northwood Drive is a city-maintained street that proceeds westward from North Fayetteville Street (United States Highway 220 Business) and terminates at an industrial facility without directly connecting to any other public street; and

WHEREAS, motor vehicles, including industrial trucks, can use Carl Drive to access the facility located at the terminus of Northwood Drive; and

WHEREAS, Section 70.29(j) of the Code of Asheboro provides as follows:

The City Council shall determine from time to time those streets and parts of streets which shall be prohibited to tractors and other vehicles having cleated wheels, trailers, trucks having a load capacity in excess of one ton and other vehicles which may damage streets, endanger persons or property or unreasonably impede the flow of traffic, and when any such determination shall have been made by action entered in the council minutes, the City Manager shall cause such streets and parts thereof to be marked or posted to conform to the prohibitions and limitations prescribed by such action of the City Council. Whenever the City Manager takes action under this section to post any street or part thereof, or to amend or remove any sign posted hereunder, he shall notify the City Clerk. It shall be the duty of the City Clerk to maintain, in current status, a record of all streets and parts of streets affected by this division; and

WHEREAS, existing signage on Northwood Drive indicates that no trucks are allowed on the street; and

WHEREAS, this type of signage does not conform with the city's more recent practice of providing specific notice to motorists and law enforcement officers as to the exact type of vehicle that is prohibited from operating on a designated city street, or section thereof; and

WHEREAS, the City Council has concluded that the existing prohibition of trucks on Northwood Drive should be more narrowly drawn to address industrial truck traffic;

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

Section 1. It is unlawful to operate tractor-trailers and trucks with three (3) or more axles on Northwood Drive.

Section 2. The City Manager is hereby ordered to properly mark or post Northwood Drive, including its intersection with North Fayetteville Street (United States Highway 220 Business), so as to give proper notice of the prohibition specified in Section 1 of this ordinance.

This ordinance was adopted in open session by the Asheboro City Council during a regular meeting held on the 6th day of October, 2011.

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

ATTEST:

s/ Tamela D. Garner
Tamela D. Garner, Deputy City Clerk

(c) **A resolution authorizing the Public Auction of Surplus Personal Property at 10:00 AM on Saturday, November 19, 2011.**

**RESOLUTION AUTHORIZING THE PUBLIC AUCTION OF
SURPLUS PERSONAL PROPERTY**

WHEREAS, the city staff members have identified items of city-owned personal property, specifically including vehicles and other types of personal property, that are no longer suitable for use by city forces; and

WHEREAS, the above-referenced items of personal property have been identified on the attached Schedule A, which is hereby incorporated into this resolution by reference as if copied fully herein, and the City Manager has recommended that the items listed on Schedule A be declared surplus property and sold at a public auction in accordance with Section 160A-270(b) of the North Carolina General Statutes; and

WHEREAS, the City Council concurs with the City Manager's recommendation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that the City Manager is hereby authorized to dispose of the aforesaid surplus property at a public auction to be advertised in accordance with Section 160A-270(b) of the North Carolina General Statutes and conducted on the following date at the time and place listed below and subject to the following terms of sale:

Date: Saturday, November 19, 2011
Time: 10:00 A.M.
Place: Round Building behind Municipal Building, 146 North Church Street
Asheboro, North Carolina

Terms of Sale: 1) All property will be sold as is and without any type of warranty to the highest bidder at the sale upon receipt of cash or good funds.
2) Any property not removed within ten (10) calendar days of date of sale will be deemed to be abandoned and left on city property for collection as refuse. Such abandoned property is subject to immediate disposal without notice and without compensation. The City of Asheboro will not be responsible for any item left on the premises after the sale.
3) The minimum bid that will be accepted for the Liebherr track loader is \$2,200.00.
4) All sales are final. No refunds will be given; and

BE IT FURTHER RESOLVED that the City Manager is authorized to discard any personal property that remains unsold or unclaimed at the conclusion of the public auction authorized by this resolution.

Adopted by the Asheboro City Council in regular session on the 6th day of October, 2011

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

ATTEST:

s/ Tamela D. Garner
Tamela D. Garner, Deputy City Clerk

[A copy of Schedule A, which is referenced in the immediately preceding resolution, is on file and available for inspection in the City Clerk's office.]

(d) The 2011-2012 dark Geese (Canada & white-fronted geese) & duck hunting season dates at Lake Reese.

As noted in a memorandum from Jonathan Sermon, Recreation Services Superintendent, the Recreation Services Department has offered geese/duck hunting at Lake Reese for the past three years after a short hiatus due to a lack of interest. The past three years of offering this type of activity have been successful, and the Recreation Services Department would like to offer this activity in 2011-2012.

The approved hunting dates for Dark Geese (Canada & White-Fronted Geese) and Duck at Lake Reese are as follows:

November 17th and 26th
December 17th and 27th
January 5th, 10th, and 21st

The approved hunting hours are ½ hour before sunrise to sunset. The lake will be closed to other activities while hunting takes place. Hunters are required to call staff members at Lake Reese at least 24 hours in advance to reserve a space. If hunting reservations are not made, the lake will operate on its regular winter schedule.

- (e) **A request by the Randolph County Veterans' Council to temporarily close Church Street from Hoover Street to West Kivett Street, Sunset Avenue from Church Street to Fayetteville Street, Fayetteville Street from Academy Street to Salisbury Street, and Worth Street from Fayetteville Street to Cox Street for a Veteran's Day Parade from 4:00 PM to 5:00 PM on November 11th, 2011.**
- (f) **An ordinance amending Chapter 35 (Rotation Wrecker Service List) of the Code of Asheboro in order to establish the exemption of certain items from the regulatory framework of this chapter.**

32 ORD 10-11

AN ORDINANCE AMENDING SECTION 35.09 OF THE CODE OF ASHEBORO

WHEREAS, the regulatory framework for the rotation wrecker service list utilized by the Asheboro Police Department is codified as Chapter 35 of the Code of Asheboro; and

WHEREAS, Section 35.09 of the Code of Asheboro lists entities that are not subject to the regulatory framework established in Chapter 35 of the Code of Asheboro; and

WHEREAS, city staff has recommended that, for the purposes of clarity and efficiency, Section 35.09 of the Code of Asheboro should be amended to explicitly list activities and operations that are not impacted by the regulations found in Chapter 35 of the Code of Asheboro; and

WHEREAS, the City Council concurs with this recommendation;

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

Section 1. Section 35.09 of the Code of Asheboro is hereby rewritten to provide as follows:

~~§ 35.09 EXCLUSIONS~~

~~This chapter is inapplicable to wrecker services that are not listed on the police rotation list.~~

§ 35.09 EXCEPTIONS

Notwithstanding any other provision found in this Chapter, the enactment and enforcement of the ordinance provisions found in Chapter 35 (Rotation Wrecker Service List) of the Code of Asheboro shall not be deemed or construed to limit, impair, or impact in any manner the following activities and operations:

(A) The operations and activities of wrecker services not applying for or in possession of a Rotation Wrecker Service List Permit.

(B) The utilization by the City of Asheboro of city forces and equipment to recover and/or transport vehicles and equipment, regardless of whether such vehicles and equipment are owned by the municipality.

(C) The provision of information and/or informational materials, specifically including without limitation roadside assistance brochures and business directories, to motorists requesting assistance.

Section 2. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall be effective upon and after the date of adoption.

This ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 6th day of October, 2011.

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

ATTEST:

s/ Tamela D. Garner
Tamela D. Garner, Deputy City Clerk

Old Business:

6. Request by Ron Robbins of 2220 Hopewell Street to rescind the ordinance approved on July 12, 1990 making Hopewell Street a one-way street.

This item was withdrawn by the applicant after receipt of information from the North Carolina Department of Transportation on the Hopewell St. /Old Liberty Rd. sight distance.

New Business:

7. Community Development Items:

(a) SUB-11-02 and SUP-11-02: Land use cases pertaining to a proposed Planned Unit Development consisting of single-family residential development.

These land use cases (SUB-11-02 and SUP-11-02) pertain to the Carrington Hills, Phase II subdivision that encompasses approximately 57.47 acres of land. The land included in the combined subdivision plat and Special Use Permit site plan is more specifically identified by Randolph County Parcel Identification Numbers 7741432762, 7741338154, and 7741434336. The land identified by these parcel identification numbers, which is situated west of the intersection of Abby Lane with Westminster Court, is owned by Gerald D. Hedrick and Ann Hedrick and Carrington Hills II, Inc.

Mayor Smith opened the combined public hearing on the land use cases involving the developer's subdivision ordinance variances/sketch design review and Special Use Permit applications. Under both the City of Asheboro Zoning Ordinance and the City of Asheboro Subdivision Ordinance, a subdivision sketch design plat and the site plan required for a Special Use Permit allowing a Residential Planned Unit Development may be combined into one plat so long as the requirements for each ordinance are met.

Mr. Neely was placed under oath and presented the staff analysis of this request. Various phases of Carrington Hills have been approved since 1988. The developer originally proposed this phase of the development as a conventional subdivision, but this plan of development has now been abandoned by the developer.

The property is located outside of the city limits. Municipal water and sewer service is not available to the site.

The property is zoned R15, which permits single-family residential use only. A small portion of the property is located within Randolph County's zoning jurisdiction.

The property is also located within a watershed critical area, which specifies a maximum residential density of one dwelling unit per two acres.

The developer proposes a total of six residential lots, and a passive recreation area (i.e. walking trails, park benches, barbeque area).

A sketch design for a conventional development was approved in 1988. Due to the fact that the developer is now proposing a planned unit development (PUD) with a privately maintained street, all current requirements of the Zoning Ordinance and Subdivision Ordinance must be met.

Unless the City Council approves the subdivision ordinance variances requested by the developer, the combined sketch design plat/Special Use Permit site plan will not be compliant with the applicable regulations. The applicant is requesting variances from the following provisions found in Article X (Planned Unit Developments), Section IV (Other Requirements), Subsection C (Improvements) of the Subdivision Ordinance:

- Sidewalks that meet ADA standards shall be provided along streets to connect all units, parking areas, recreation vehicle storage, recreation facilities, central trash facilities, postal centers, etc. and shall extend to intersections with existing streets.
- In residential PUD's parking spaces for visitor and/or overflow parking shall be installed which equals 10% of the total number of units in the project.
- In residential PUD's recreation vehicle parking/storage areas shall be installed, unless these vehicles are prohibited by covenants and restrictions. Spaces provided shall be 12 feet by 30 feet and shall equal 10% of the total number of units in the project.
- In residential PUD's open space and recreation space shall be provided as specified in Table 200-1 under RA6 and Section 321A of the Asheboro Zoning Ordinance.

Subject to one condition attached to the sidewalk variance request, the Planning Board recommended approval of the requested subdivision ordinance variances and sketch design plat. The condition attached by the Planning Board to the sidewalk requirement variance was that a pedestrian connection extend between Westminster Court Extension and the recreation area shown on the site plan.

A copy of Mr. Neely's power point presentation is on file in the City Clerk's office.

Mr. Alan Pugh, Esq. and Mr. Gerald Hedrick were placed under oath. Mr. Pugh represented the developer and presented testimony in support of the developer's applications.

Mr. David Townsend was sworn in and spoke in opposition to the request. He is an adjacent property owner and requested a continuance of the variance to the next regular council meeting in order to be better prepared.

Mr. Greg Surpass was sworn in and stated that the date on the present plans was 9/21 and this was a different set of plans from what the people with concerns about Carrington Hills Phase II had seen. On this basis, he also requested a continuance of this hearing.

Mr. Pugh opposed the request for a continuance due to his stated doubt that any new evidence will be available at a later date.

Upon motion by Mr. Moffitt and seconded by Mr. Baker, council unanimously voted to grant a continuance of this combined public hearing hearing to the next council meeting on November 10, 2011.

A recording of the testimony presented during this public hearing is available in the City Clerk's office.

(b) RZ/CUP-11-15: Rezone from CU-B2 (Conditional Use General Commercial) to CU-RA6 (Conditional Use High Density Residential) and issue a Conditional Use Permit for three residential units in existing structures.

Mayor Smith opened the public hearing on this land use case. Mr. Neely was placed under oath and provided the staff analysis of the applicant's request.

This application for a legislative rezoning and the issuance of Conditional Use Permit pertains to approximately 0.562 of an acre of land that is owned by Anthony Harrell and Mary Harrell and is located at 306 Northwood Drive. This property is more specifically identified by Randolph County Parcel Identification Numbers 7753859326 and 7753859464.

Northwood Drive is a city-maintained local street. The property is located within the city limits, and all city services are available.

The area in which the property is located is characterized by a mix of single-family and two-family dwellings with industrial uses to the north and west and a manufactured home park south of Northwood Drive. Immediately to the east of the property, there are four two-family residential dwellings on one zoning lot (eight units total) and a couple of two-family units on another zoning lot (four units total).

The property is currently zoned CU-B2 and is subject to an existing conditional use permit authorizing motor vehicle repair in addition to land uses that are permitted in the R10 zoning district (single-family and two-family residential).

In addition to the accessory structure that was permitted for motor vehicle repair, there is also a residential structure on the property that is currently used for a two-family residence.

The applicants' two-fold request is to rezone the property to CU-RA6 and to obtain a Conditional Use Permit authorizing the conversion of the accessory structure to a residential unit. With this conversion, three residential units would be located on the zoning lot, and this fact necessitates the request for the property to be placed in a CU-RA6 zoning district.

The planning board is only to consider the question of rezoning to the underlying RA6 district, and not the site-specific development request.

The Community Development Division staff recommended approval of the request to place the property in a CU-RA6 zoning district. Although the neighborhood residential zoning district is intended to limit multi-family residential development, the proposed RA6 district more closely complies with the intent of the "neighborhood residential" designation than the commercial use of the property that the current CU-B2 zoning allows. Additionally, the land development plan emphasizes incorporation of transitional zoning between industrial uses and single-family residential uses. The RA6 district can serve as a more appropriate transitional zone at this location than a commercial zoning district, due to the primarily residential nature of properties along Northwood Drive. Furthermore, the conditional use permitting process can ensure that the proposed development will be in harmony with the neighborhood. Considering all of these factors staff believes that the proposed rezoning provides for the public health, safety, and general welfare and allows a reasonable use of property.

The Planning Board concurred with the staff's analysis of the request to place the property in CU-RA6 zoning district.

With more specific regard to the applicants' request for a Conditional Use Permit authorizing a multi-family development consisting of three residential dwelling units within existing structures, the site plan submitted by the applicants complies with the requirements of the zoning ordinance.

A copy of Mr. Neely's power point presentation is on file in the city clerk's office.

Mrs. Mary Harrell was sworn in and testified in support of the request. Additionally, without objection, she presented a letter from realtor Vickie Lorimer in support of the applicants' request.

A copy of the letter from Ms. Lorimer is on file in the city clerk's office

There was no testimony or evidence offered in opposition to the applicants' request.

Mr. Bell moved, on the basis of the recommendation from the Community Development Division staff and the Planning Board, to place the property in the requested CU-RA6 zoning district. Mr. Hunter seconded the motion, and the Council members voted unanimously to approve the requested rezoning.

Dr. Fountain then moved to approve the request for a Conditional Use Permit authorizing a multi-family development consisting of three residential dwelling units within existing structures. Mr. Baker seconded this motion, and the Council members voted unanimously to issue, with certain conditions, the requested Conditional Use Permit.

Written findings of fact, conclusions, and an order issuing the requested Conditional Use Permit, with certain conditions that were accepted by Mrs. Harrell as part of her testimony, will be entered by the Council during its next regular meeting on November 10, 2011.

A recording of the testimony presented during this public hearing is available in the City Clerk's office.

(c) RZ-11-16: Text amendments to the Zoning Ordinance pertaining to the regulation of political signs.

Mayor Smith opened the public hearing on this city-initiated application to amend the text of the Asheboro Zoning Ordinance. Mr. Neely then used a PowerPoint presentation to discuss the amended text that the Community Development Division staff is recommending for approval. A hard copy of Mr. Neely's presentation is on file in the City Clerk's office.

Mr. Neely explained that these text amendments are proposed to ensure that the Zoning Ordinance conforms with recent legislative enactments related to permitted locations and durational aspects of political signs.

With the enactment of Session Law 2011-408, which became effective on October 1, 2011, the North Carolina General Assembly amended Section 136-32 of the North Carolina General Statutes to permit political advertising, under certain statutorily prescribed conditions, to be placed within the rights-of-way of the state highway system during certain time periods. The staff proposes amending the text of Article 500 (Signs) of the Zoning Ordinance to prevent the creation of two different sets of rules for political signs on city-maintained streets versus streets that are part of the state highway system. The general prohibition of the placement of signs within street rights-of-way is maintained, but this general prohibition is to be made expressly subject to the provisions of Section 136-32 of the North Carolina General Statutes on both city-maintained streets and streets that are part of the state highway system.

The proposed text amendment also removes a note (Note 14) to Article 500 that prohibits the posting of political signs on utility poles. This note is proposed for deletion because it is duplicative of Section 505 of the Asheboro Zoning Ordinance, which is to remain in full force and effect. Section 505 prohibits the placement of signs on utility poles.

The other aspect of the proposed text amendments is the deletion in Table 500-1 of limits placed on the length of time that a political sign may be displayed.

A copy of the actual text of the proposed amendments is on file in the Community Development Division and in the City Clerk's office.

The Planning Board concurred with the staff's analysis and recommended approval of the proposed text amendments.

No opposition to the proposed text amendments was expressed during the public hearing of this matter.

Upon motion by Mr. Burks, and seconded by Mr. Bell, the Council members voted unanimously to adopt the recommendation of the Planning Board and approved the recommended text amendments to the Zoning Ordinance

(d) Discussion of a resolution adopted by the Asheboro Redevelopment Commission requesting the city council investigate the feasibility of establishing a historic district and downtown association to preserve and improve the architectural context and integrity of downtown Asheboro

Mr. Neely presented the Redevelopment Commission's resolution to the council to investigate the viability of establishing (1) a Local and/or National Historic District and (2) a Downtown Association that could facilitate a downtown manager, facade improvement programs, and various grant opportunities.

Mr. Bell moved to accept the Redevelopment Commission's requests and to direct city staff to investigate the feasibility of the proposals put forward in the Redevelopment Commission's resolution. This motion was seconded by Mr. Burks, and the City Council members voted unanimously to adopt the motion.

A copy of the resolution by the Asheboro Redevelopment Commission is on file in the City Clerk's office.

8. Public Comment Period

Mrs. Mary Harrell commented on the positive changes that she had observed in Asheboro, especially the efforts to rejuvenate the downtown area, and thanked the council for the expenditures and work dedicated to this effort.

Mr. Al LaPrade, who is the Chair of the Downtown Business Association, reported that the association, which is comprised of the owners of downtown businesses, had a good turn out for its first meeting. Mr. Gorham also introduced the association's Vice Chair, who is Jack Gorham, and the Secretary/Treasurer, who is Ms. Jen Parrish.

Mr. Richard Brooks, who was accompanied at the meeting by fellow event organizers Al Morton and Mark Vuncannon, presented some of the initial plans for Relay For Life 2012. The event will be held in Bicentennial Park on Saturday, May 19, 2011. A copy of the initial layout of Relay For Life 2012 is on file in the City Clerk's office.

Ms. Pat Law asked if a meeting would be possible with the developer, Landmark, concerning the affordable housing project at the building formerly utilized by B&H Panel. Mayor Smith indicated that city staff would continue to use their best efforts to encourage Landmark to conduct such a meeting.

9. Airport Items :

(a) Resolution authorizing the City Manager to enter into a Grant Agreement between the NC Department of Transportation and the City of Asheboro for the City to receive a portion of a Federal VISION 100 Grant in the amount of \$68,265.00 for Obstruction Removal/Certification at the Asheboro Regional Airport.

Mr. Bunker presented the Vision 100 Grant resolution and explained that the city received an allocation of the federal fiscal year 2009-2010 VISION 100 funds on June 22, 2010 in the amount of \$150,000.00 (State Grant Project # 36237.23.11.1). The city delayed the designation of these funds for a specific project to make sure that adequate funds were available to complete the Airport/Tot Hill Farm water and sewer project that is currently under construction.

The grant agreement under consideration designates \$68,265.00 of the VISION 100 grant for the Obstruction Removal/Certification Project. City staff anticipates that the balance of the grant will be designated for phases of taxi lane, access road, and hanger site preparation under separate grant agreements.

On the basis of the above-stated facts, Mr. Bunker's recommendation, and in compliance with instructions received from the funding agencies, the following action was taken by the City Council:

37 RES 10-11

RESOLUTION

A motion was made by Council Member Talmadge S. Baker and seconded by Council Member Linda H. Carter for the adoption of the following resolution, and upon being put to a vote was duly accepted by means of a unanimous vote of the City Council Members:

Whereas, a Grant in the amount of \$68,265 has been approved by the Department based on total estimated cost of \$75,850; and

Whereas, an amount equal to or greater than ten percent (10%) of the total estimated project cost has been appropriated by the Sponsor for this Project.

NOW THEREFORE, BE AND IT IS RESOLVED THAT THE City Manager of the Sponsor be and he hereby is authorized and empowered to enter into a Grant Agreement with the Department, thereby binding the Sponsor to the fulfillment of its obligation incurred under this Grant Agreement or any mutually agreed upon modification thereof.

(b) Approval of Task Order No. 3 between The City of Asheboro and WK Dickson & Co., Inc. of Charlotte, NC for an airport obstruction survey company to certify that the Runway 21 Precision Approach Path Indicator (PAPI) Obstacle Clearance Surface (OCS) is clear of obstacles, for the contract amount of \$1,700.00. This survey was requested by the Federal Aviation Administration, and the survey will be 90% funded with VISION 100 funds.

Mr. Bunker informed the Council that Task Order No. 3 between the city and W.K. Dickson & Co., Inc. is for an airport obstruction survey to certify that the Runway 21 Precision Approach Path Indicator (PAPI) Obstacle Clearance Surface is clear of obstacles, for the contract amount of \$1,700.00. This survey was requested by the Federal Aviation Administration and will be 90% funded with VISION 100 funds.

This work is an addition to the Obstruction Removal/Certification project in Task Order No. 1 dated July 14, 2011, as it is necessary to certify that the approach path as established by the PAPI lights is safe and clear.

This Task Order No. 3 is an addition to the Contract for Professional Services between the City of Asheboro and W.K. Dickson & Co., Inc. that was approved by the City Council on July 14, 2011, following an advertisement/qualification based selection procedure and recommendation by the Asheboro Airport Authority. On behalf of the city's professional staff, Mr. Bunker recommended that the City Council approve Task Order No. 3.

Upon motion by Dr. Fountain, and seconded by Mr. Hunter, the City Council voted unanimously to approve Task Order No. 3.

10. Water Resources Division Items:

(a) Approval of a resolution per G.S. 143-64.32 exempting the City of Asheboro from the advertisement/qualification based selection procedure to contract with Sturgill Engineering, PA of Lexington, North Carolina to provide engineering services for a protective relay coordination review and an arc flash study for the Lake Lucas Standby Generator Study Project for a lump sum fee of \$3.600.00.

Mr. Rhoney presented and recommended adoption by reference of this resolution in order to begin the process of conducting the studies that are necessary to determine why the standby generator at Lake Lucas is not working properly.

Upon motion by Mrs. Carter, and seconded by Mr. Burks, the City Council members voted unanimously to adopt the following resolution:

38 RES 10-11

RESOLUTION EXEMPTING THE LAKE LUCAS STANDBY GENERATOR STUDY PROJECT FROM THE PROVISIONS OF ARTICLE 3D OF CHAPTER 143 OF THE NORTH CAROLINA GENERAL STATUTES

WHEREAS, Section 143-64.31 of Chapter 143, Article 3D of the North Carolina General Statutes provides in pertinent part as follows:

It is the public policy of this State and all public subdivisions and Local Governmental Units thereof . . . to announce all requirements for architectural, engineering, surveying, and construction management at risk services, to select firms qualified to provide such services on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee other than unit price information at this stage, and thereafter to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm; and

WHEREAS, Section 143-64.32 of the North Carolina General Statutes provides in pertinent part as follows:

Units of local government . . . may in writing exempt particular projects from the provisions of this Article (Article 3D) in the case of:

- (a) Proposed projects where an estimated professional fee is in an amount less than thirty thousand dollars (\$30,000), or
- (b) Other particular projects exempted in the sole discretion of . . . the unit of local government, stating the reasons therefore and the circumstances attendant thereto; and

WHEREAS, the City of Asheboro is proceeding with a Lake Lucas Standby Generator Study Project that requires engineering services for a protective relay coordination review and an arc flash study for the standby generator at the Lake Lucas pumping station; and

WHEREAS, Sturgill Engineering, PA has consistently demonstrated on previous city projects the capability to provide the high quality, cost effective engineering services needed by the city; and

WHEREAS, Sturgill Engineering, PA has offered to provide the engineering services needed for a protective relay coordination review and an arc flash study for the standby generator at Lake Lucas for a lump sum fee of three thousand six hundred and no/100 dollars (\$3,600.00) due and payable upon the completion of the work; and

WHEREAS, on the basis of the firm's demonstrated competence and estimated professional fee for this project, the city's water resources division and engineering department have recommended, with the concurrence of the city manager, the utilization of Sturgill Engineering, PA to provide the engineering services needed to complete the above-described study of the standby generator at Lake Lucas;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the Lake Lucas Standby Generator Study Project is hereby exempted from the provisions of Article 3D of Chapter 143 of the North Carolina General Statutes on the basis of the demonstrated competence of Sturgill Engineering, PA and the fact that the estimated professional fee for the needed engineering services is less than thirty thousand and no/100 dollars (\$30,000.00); and

BE IT FURTHER RESOLVED that the city manager is hereby authorized to execute, in accordance with the applicable laws and the city's standard contracting policies, a contract with Sturgill Engineering, PA for the provision of the engineering services needed for a protective relay coordination review and an arc flash study for the standby generator at the Lake Lucas pumping station.

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 6th day of October, 2011.

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

ATTEST:

s/ Tamela D. Garner
Tamela D. Garner, Deputy City Clerk

(b) Consideration of authorizing City staff members to explore the potential acquisition of real property for the future expansion of the water treatment plant

Mr. Rhoney stated that, as part of an estate administration, the lot located at 1450 Winslow Avenue, which is in close proximity to the city's water treatment plant, may be available for acquisition in the near future. As part of his on-going efforts to look for opportunities to provide the water treatment plant with adequate space to expand if and when such an expansion becomes necessary, Mr. Rhoney requested authorization to explore with the executor of the estate the potential acquisition by the city of the property at 1450 Winslow Avenue.

Upon motion by Mr. Bell, and seconded by Mr. Baker, the City Council members voted unanimously to authorize city staff to contact the appropriate parties in order to gather the information necessary to determine if the property at 1450 Winslow Avenue is a good candidate for acquisition by the city.

11. Discussion of potential sites for the construction of a third fire station to serve eastern Asheboro.

For the purpose of concluding negotiations for the purchase of land for a third fire station, Mr. Ogburn sought guidance from the City Council as to whether he was to focus on the site of the former Randolph Farm Equipment dealership on Salisbury Street or the out parcel located across the street at Randolph Mall. Due to the larger size of the former farm equipment dealership

parcel, there appears to be a greater potential for this lot to be used for more varied purposes than would be available to the fire department on a smaller lot.

Upon motion by Dr. Fountain, and seconded by Mr. Bell, the City Council members voted unanimously to authorize the City Manager to negotiate a purchase price for the parcel of land upon which the former Randolph Farm Equipment dealership was located. No offer to purchase and contract will be executed until the City Council reviews and authorizes such a contractual relationship.

12. Upcoming Events:

City of Asheboro Health Fair, October 12, 8:30 AM – 2:00 PM Public Works Facility.

Walk to Cure Diabetes, Saturday, October 15, 8:00 AM Bicentennial Park Downtown Asheboro.

NCLM annual conference will be held in Raleigh on October 23, 24, and 25.

13. Discussion of items not on the agenda:

- The Chamber showcase will be Thursday, October the 13th at the YMCA.
- Mayor Smith acknowledged the receipt of the minutes of the Asheboro ABC Board's meeting on September 6, 2011.
- As part of the annual evaluation process, Mayor Smith asked the council members to complete and return to him the form used to evaluate the City Manager.
- The Cultural and Recreation Services Division will host its Downtown Trick or Treat event at Bicentennial Park on Friday, October the 28th.

There being no further business, the meeting was adjourned at 9:28 pm

s/ Tamela D. Garner
Tamela D. Garner, Deputy City Clerk

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