

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, NOVEMBER 5, 2015
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 staff members present:

David H. Smith) – Mayor Presiding

Talmadge S. Baker)
Clark R. Bell)
Edward J. Burks)
Linda H. Carter) – Council Members Present
Walker B. Moffitt)
Katie L. Snuggs)
Charles W. Swiers)

John N. Ogburn, III, City Manager
D. Jason Cheek, Police Captain
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Max S. Hooker, Deputy Fire Chief
David J. Hutchins, Public Works Director
Michael L. Leonard, P.E., City Engineer
Mark T. Lineberry, Police Major
Trevor L. Nuttall, Community Development Division Director
Deborah P. Reaves, Finance Director
Michael D. Rhoney, P.E., Water Resources Director
James O. Smith, Assistant Chief of Police
Jeffrey C. Sugg, City Attorney
Jody P. Williams, Chief of Police

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 for private prayer or meditation, Mayor Smith asked everyone to stand and say the pledge of allegiance.

3. Presentation of a resolution adopted by the Randolph County Board of Commissioners in support of the naming of a section of N.C. Highway 49 in honor of Mayor Pro Tempore Talmadge Baker.

Mr. Hal Johnson, County Manager, and Mr. Phil Kemp, a member of the Randolph County Board of Commissioners, presented a resolution that was adopted by the Board on October 5, 2015 in support of the naming of a section of N.C. Highway 49 in honor of Mr. Talmadge Baker. Mr. Harold Holmes, a former board member, was also in attendance and offered positive comments in support of Mr. Baker.

The resolution presented by Mr. Kemp is on file in the city clerk's office. The city will formally honor and recognize Mr. Baker when the requisite approvals are obtained from the state to complete the process of naming the identified section of N.C. Highway 49 in honor of Council Member Baker.

4. Annual report on Asheboro tourism activities.

Ms. Tammy O'Kelley, Director, Heart of North Carolina Visitors Bureau, presented an overview of the tourism activities, previewed a video promoting the area, and discussed the economic impact of tourism related activities on Asheboro and Randolph County. Ms. O'Kelley emphasized the importance of the partnership between the City of Asheboro and the Visitors Bureau in order to bring tourism and development to Asheboro and Randolph County. Overall, this partnership produced a successful year for the tourism industry in Asheboro and Randolph County.

A written report provided by Ms. O'Kelley is on file in the city clerk's office.

5. Recognition of Police Captain Todd Swaney for his service to the City of Asheboro.

On behalf of the Asheboro Police Department, Chief Williams presented Captain Swaney with a plaque that included his badge as a token of gratitude for his loyal service to the City of Asheboro from April 15, 1987 until October 1, 2015. Along with his badge, Chief Williams presented Captain Swaney with his service side arm that he carried at the time of his retirement.

Additionally, on behalf of the city council and the city manager’s office, Mr. Ogburn presented Captain Swaney with a retirement plaque from the municipal corporation.

6. Consent agenda.

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

- (a) The minutes of the city council’s regular meeting on October 8, 2015.**
- (b) The minutes of the city council’s special meeting on October 22, 2015.**
- (c) Acknowledgement of the receipt from the Asheboro ABC Board of the meeting minutes for the local alcoholic beverage control board’s meeting on September 14, 2015.**

The minutes of the meeting held by the Asheboro ABC Board on September 14, 2015 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.

- (d) An ordinance title “ORDINANCE TO AMEND THE GENERAL FUND FY 2015-2016.”**

24 ORD 11-15

ORDINANCE TO AMEND THE GENERAL FUND FY 2015-2016

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 Expense line item be increased / (decreased):

<u>Account #</u>	<u>Expense Description</u>	<u>increase / (decrease)</u>
10-615-0200	Salaries & Wages	(21,000)
10-615-0702	FICA/ Medicare	(1,606)
10-615-0704	Medical Insurance	(7,154)
10-615-0705	Retirement	(1,485)
10-620-0200	Salaries & Wages	(16,550)
10-620-0702	FICA /Medicare	(1,224)
10-620-0705	Retirement	(1,131)
10-620-0400	Professional Services	13,600
10-620-3400	Supplies & Materials	37,000
10-575-0400	Professional Services	13,500
10-545-0200	Salaries & Wages	(33,156)
10-550-0200	Salaries & Wages	12,592
10-550-0702	FICA/ Medicare	964
10-550-0704	Medical Insurance	4,750
10-550-0705	Retirement	900
Increase / (Decrease)		0

Adopted this 5th day of November, 2015.

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

ATTEST:

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

- (e) **The temporary closure from 7:00 p.m. to 8:30 p.m. on Friday, December 4, 2015, of the streets indicated on the enclosed parade permit application and map for the Asheboro/Randolph Chamber of Commerce Christmas Parade.**

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

- (f) **The temporary closure from 6:00 p.m. to 9:00 p.m. on Friday, December 11, 2015, of the streets indicated on the enclosed parade permit application and map for the annual "Christmas on Sunset" event sponsored by the Asheboro/Randolph Chamber of Commerce Downtown Development Committee.**

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

- (g) **A technical corrections ordinance to amend out-of-date provisions in Sections 37.01, 37.02, 51.04, and 113.06 of the Code of Asheboro.**

ORDINANCE NUMBER 25 ORD 11-15

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

Ordinance to Modernize Outdated Provisions in Chapters 37, 51, and 113 of the Code of Asheboro

WHEREAS, Chapter 37 (City Policy) of the Code of Asheboro has two sections (Sections 37.01 and 37.02) pertaining to city policies focused on accessibility and opportunities for individuals with disabilities; and

WHEREAS, these sections use the term "handicapped" to refer to citizens with disabilities, and, while the quoted term was generally accepted at the time of the original adoption of these policies, the City Council wishes to remove this term from Chapter 37 because the term "handicapped" does not accurately reflect the continually evolving nature of the city's policies that are intended to fully embrace change and adaptation in order to find better solutions for the citizens who confront disabilities; and

WHEREAS, unlike at the time of the adoption of Section 37.02 of the Code of Asheboro, the city now has an employee policies and procedures manual that addresses in a comprehensive manner the city's commitment and procedures to comply with all applicable federal and state laws, rules, and regulations pertaining to the employment of individuals with disabilities; and

WHEREAS, the Asheboro City Council has concluded that good management practices dictate that, to the extent possible, all employment related policies should be located in one policy document; and

WHEREAS, Chapter 51 (Garbage) of the Code of Asheboro contains a section (Section 51.04) that reflects the enforcement practices used by the city to address public health concerns on vacant lots before the development of the current joint enforcement practices that emphasize the code enforcement role of the community development division; and

WHEREAS, the City Council has concluded that Section 51.04 of the Code of Asheboro should be updated to reflect the city's current framework for code enforcement activities; and

WHEREAS, Chapter 113 (Dealers in Sexually Explicit Material) of the Code of Asheboro contains a section (Section 113.06) that requires compliance with the now repealed privilege license tax chapter of the Code of Asheboro; and

WHEREAS, the Asheboro City Council has concluded that the said reference to a repealed tax should be deleted from Chapter 113;

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

Section 1. Section 37.01 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 37.01 ACCESSIBILITY OF CITY PROGRAMS, SERVICES AND FACILITIES FOR HANDICAPPED CITIZENS WITH DISABILITIES.

The city will endeavor to make its programs, services, and facilities accessible to all citizens, specifically including citizens with disabilities ~~those who are handicapped~~. The city will actively seek to eliminate physical, policy and procedural barriers that prevent ~~handicapped~~ citizens with disabilities from availing themselves of city programs.

(A) *All divisions/departments.*

- (1) Each division/department head shall assure that any program or service rendered by his or her division/department is fully accessible to ~~handicapped~~ citizens with disabilities.
- (2) Each division/department head shall assure that programs and services rendered to ~~handicapped~~ citizens with disabilities are integrated with and equally effective as those rendered to ~~non-handicapped~~ citizens without disabilities. Separate services shall be provided only when essential to assure equal effectiveness.
- (3) When entering into third party contractual agreements for rendering services to citizens, each division/department head shall ensure that such contracts shall include a binding clause of nondiscrimination against ~~the handicapped~~ individuals with disabilities.
- (4) When issuing information concerning division/departmental programs and services, each division/department head shall assure that:
 - (a) Notification is rendered in a manner designed to reach ~~handicapped~~ persons with disabilities, specifically including without limitation those who are visually or auditorially impaired;
 - (b) Such notices shall include the hours of operation and the location of accessible facilities to assure that ~~handicapped~~ persons with disabilities may avail themselves of the programs;
 - (c) Such notices shall incorporate a statement of nondiscrimination which reads: "City of Asheboro renders impartial treatment to all employees and citizens without regard to race, sex, national origin, color, creed, or ~~handicapped~~ condition disability."
- (5) In situations where facilities do not permit ready access of ~~handicapped~~ citizens with disabilities to programs and services, the division/department head will make such programs and services available at alternate accessible sites or through other means.
- (6) Division/department ~~Department~~ heads are required to provide upon request auxiliary aids essential to enable ~~the handicapped~~ individuals with disabilities to avail themselves of city programs and services (e.g. reader services for the visually impaired, interpreter services for the hearing impaired).

(B) *Buildings.*

- (1) The city will design and, where feasible, implement alterations in existing buildings which permit easy access for ~~the handicapped~~ individuals with disabilities.
- (2) The city will assure that all new construction to house city programs and services meets established standards of accessibility.
- (3) The city will install appropriate signs and markers to designate ramps, entrances, and other facilities that are accessible to individuals with disabilities, and the city will reserve parking for individuals with disabilities ~~reserved parking for the handicapped, ramps, and entrances and other facilities which are accessible to the handicapped~~.

(C) *Grievance procedures.*

- (4) The city establishes a grievance process for citizens who feel they have been denied access to city programs, services, and facilities. Citizens seeking redress of alleged discrimination should present their concerns to the division/department head, or designated representative, of the division/department in which the concern arose. If the matter cannot be resolved at the

division/department head level, citizens may appeal to the City Manager, who may appoint a hearing officer to review the complaint. Notwithstanding any other provision in this section, this grievance procedure does not apply to city employees or applicants for employment with the city. (This grievance procedure does not apply to employees or applicants for employment in the city.)

Section 2. Section 37.02 of the Code of Asheboro is hereby repealed and rewritten to provide as follows:

§ 37.02 ~~EMPLOYMENT OF HANDICAPPED CITIZENS; ACCOMMODATION; OPPORTUNITIES; GRIEVANCES.~~

~~(A) *All departments.*~~

~~(1) Each department head shall ensure that reasonable accommodations are made in order to allow qualified handicapped citizens full consideration in the screening, selection, and appointment process at the departmental level.~~

~~(2) Each department head shall assure that reasonable accommodation is made in all terms of employment of handicapped persons, unless the department head can demonstrate that the required accommodation would impose an undue hardship upon the city.~~

~~(B) *Personnel department.*~~

~~(1) The city will publish notices of employment opportunities with the city in a manner which is equally available to handicapped persons. Employment information must include a statement concerning nondiscrimination against handicapped people.~~

~~(2) The city will engage in efforts to recruit which accommodate the handicapped in the process of applying, screening, and being interviewed for employment.~~

~~(C) *Section 504 grievance procedures.*~~

~~(1) Any individual or representative applying for services from the city who feels he or she has been discriminated against on the basis of handicap should notify in writing the head of the department in which he or she requested services within 30 days of the occurrence of the alleged discrimination.~~

~~(2) The department head must reply within five working days and contact the grievant about the date, time, and place for a conference. The conference must be held within three weeks of the time the grievance is made. Reasonable accommodations, such as interceptor services needed for the conference, will be provided by the city at no cost to the grievant. Upon receipt of the grievance, the department head shall immediately notify the city Section 504 coordinator of the grievance. The section 504 coordinator will provide consultation as needed.~~

~~(3) The department head must render a decision on the merits of the grievance in writing within five working days and notify the grievant by mail. A copy of the decision must be directed to the section 504 coordinator.~~

~~(4) If the effect of discrimination is found to exist, the department head must develop a written plan within five days to provide reasonable accommodations, if feasible, and thereby remove the barrier to service.~~

~~(5) If the grievant is not satisfied with the decision rendered by the department head, he or she may appeal within five days to City Manager for reconsideration.~~

~~(6) Applicants for employment with the city who feel they have been discriminated against on the basis of handicap should contact the city personnel department for an appointment with the director. Employees of the city are directed to the grievance procedure specified in § 37.022 of this code.~~

§ 37.02 RESERVED

Section 3. Section 51.04 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 51.04 REMOVAL OF REFUSE FROM VACANT LOTS; NOTICE TO OWNERS.

(A) Owners and persons in charge of vacant lots in the city shall maintain such lots free and clear of debris, trash, decaying matter, refuse, stagnant water and the like, in which vermin, mosquitoes, flies and other insects or rats or mice live or breed; and any violation of this section is declared to be prejudicial to the public health.

(B) Any violation of this section is declared to be prejudicial to the public health and unlawful.

- (B) (C) If the owner or person in charge of any vacant lot within the city shall fail to maintain such lot free of debris, trash, decaying matter, refuse, stagnant water and the like, in which vermin, mosquitoes or other insects or rats or mice live or breed, within three days after being given written notice to do so, signed by the ~~Chief of Police or Assistant Chief of Police~~ city's code enforcement officer or his/her designee, the city shall proceed to ~~do so~~ bring the non-compliant lot into conformance with this section; provided, however, no such action shall be taken by city forces until a second notice and an opportunity for the person(s) in default to be heard has been provided in a manner consistent with the applicable due process considerations. The expense of such an action by city forces shall be paid by the person in default, ~~and the expense of such action shall be paid by the person in default.~~ The Police Department is hereby designated as the agency of the city to enforce this section.
- (D) The environmental services department and the code enforcement officer within the community development division shall have joint responsibility for enforcing this section. The police department shall render assistance on an as-needed basis to the municipal departments charged with the primary enforcement responsibilities for this section.

Section 4. Section 113.06 of the Code of Asheboro is hereby repealed and rewritten to provide as follows:

~~§ 113.06 ANNUAL PRIVILEGE LICENSE TAX.~~

~~The licensee under this chapter shall be required to pay the prescribed annual privilege license tax or taxes in accordance with Chapter 140 of the Code of Asheboro.~~

§ 113.06 RESERVED.

Section 5. No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this Ordinance shall be abated or otherwise affected by the adoption of this Ordinance.

Section 6. All previously adopted ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 7. This Ordinance shall be in full force and effect upon and after the 5th day of November, 2015.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting of the governing board that was held on the 5th day of November, 2015.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

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

(h) **A resolution awarding to a retiring officer of the Asheboro Police Department his service weapon.**

RESOLUTION NUMBER 33 RES 11-15

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AWARD OF THE SERVICE SIDE ARM TO A RETIRING OFFICER OF THE ASHEBORO POLICE DEPARTMENT

WHEREAS, after rendering honorable and valuable service to the City of Asheboro and its citizens throughout his career with the Asheboro Police Department, which initially began as a full-time officer on July 1, 1990, Master Police Officer Arthur L. Milligan, Jr. will begin his retirement from employment with the City of Asheboro effective January 1, 2016; and

WHEREAS, pursuant to and in accordance with Section 20-187.2 of the North Carolina General Statutes, the Asheboro City Council wishes to recognize and honor Officer Milligan for his dedicated service to the city by awarding to him, at a minimal monetary cost, the service side arm that he carried at the time of his retirement;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that, effective January 1, 2016, in consideration of the combination of his dedicated service to the City of Asheboro and the payment to the City of Asheboro of one dollar (\$1.00), Arthur L. Milligan, Jr., upon a determination by the Chief of Police that Mr. Milligan is not ineligible to own, possess, or receive a firearm under the provisions of federal or North Carolina law, is to be awarded ownership of his city-issued service side arm (a Glock 23 Generation 4 with serial no. SFS975 and three magazines).

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting that was held on the 5th day of November, 2015.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

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

7. Community Development Items:

- (a) Discussion of the parking issues on Amelia Court that were first brought to the City Council's attention during the regular meeting on October 8, 2015, and that were scheduled for further discussion during the regular November 2015.**

Mr. Nuttall utilized a visual presentation in order to highlight and summarize, for the council, the ongoing discussion regarding certain on-street parking issues that have been occurring on Amelia Court. These parking issues culminated in the preparation of a staff report on the issue along with notification to property owners that the report would be presented to the city council during its regular October meeting. In response, a petition was received from certain property owners regarding the parking situation.

Copies of the petition and the other correspondence compiled by city staff in connection with the issue are on file and available for review in the city clerk's office.

In addition to Mr. Nuttall's comments, Chief Williams assured the interested parties that the police department could take enforcement action on the basis of existing state law if a resident's driveway was blocked by an on-street vehicle. Accordingly, Chief Williams encouraged the citizens living within the area to report parking issues to the police department. Furthermore, Chief Williams encouraged the formation of a neighborhood watch program in the area in order to facilitate better communication.

During this segment of the agenda, the following individuals expressed their views and concerns to the Council: Ms. Helen Settle and Mr. Tito A. Warner.

With the suggestion of the formation of a neighborhood watch program within the neighborhood and city staff's agreement to remove the painted markings on the pavement on Amelia Court, all parties involved agreed to see how events unfold before further action is taken.

A copy of the visual presentation utilized by Mr. Nuttall is on file in the city clerk's office. No formal action was taken by the Council.

- (b) Zoning Case RZ-15-08: A legislative zoning hearing on the application filed by the City of Asheboro to apply city zoning (I2-General Industrial) to the parcel of land recently annexed by the city and located south of 879 McDowell Road.**

Mayor Smith opened the public hearing on the following request.

The requested rezoning pertains to approximately 17.53 acres of land owned by Randolph Electric Membership Corporation. Randolph County Parcel Identification Number 7659184659 more specifically identifies the property.

Mr. Nuttall utilized a visual presentation and highlighted a request by the City of Asheboro to rezone the above-described property from Randolph County (LI-Light Industrial) zoning to I2 (General Industrial). This rezoning was filed as a consequence of the property being voluntarily annexed into the City of Asheboro. The proposed zoning reflects the most appropriate district supported by the Land Development Plan.

The staff report noted the following:

1. A portion of the subject property has frontage on McDowell Road, a state-maintained minor thoroughfare. The property also has frontage on I-73/I-74 (U.S. 220 Bypass), an interstate highway.
2. City water is being installed to provide service to a new structure on the property. The property also has access to city sewer via a private pump station, which pumps to a city maintained pump station on the east side of I-73/I-74.
3. The area includes a mix of commercial, residential, and institutional/governmental uses.
4. The property was previously within the City of Asheboro's extraterritorial zoning jurisdiction and zoned B2 (General Commercial). The city relinquished this property from its ETJ on January 1, 2013. Once the property was placed within Randolph County's zoning jurisdiction, the county applied LI (Light Industrial) zoning.
5. The property was recently annexed into the city, effective on September 17, 2015. State statutes require that the city apply zoning to the property within sixty (60) days of its annexation.
6. The property is located in the I-73/I-74 overlay zone (formerly called U.S. 220 Bypass Overlay zone), which has supplemental landscaping requirements along the frontage of I-73/I-74. Recent amendments to the zoning ordinance allow staff review of developments for compliance with Overlay Zone requirements.

The Planning Board concurred with the following Community Development Division staff's analysis and recommended approval of the requested rezoning.

"The proposed I2 zoning district reflects the Land Development Plan's designation of the property for industrial use, making the proposed I2 General Industrial district the most appropriate designation of the property. The I2 district allows both industrial and commercial activities, which are generally compatible with surrounding properties and the growth strategy map's designation of the property for economic development. The Southwest small area plan also supports industrial uses and economic development activities at appropriate locations on the Interstate corridor consistent with the I2 designation."

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

Upon motion by Mr. Bell and seconded by Mr. Baker, council voted unanimously to approve the requested city zoning by adopting, with a combined motion, the recommendation/analysis of the Community Development Division staff and the Planning Board along with adopting, as its own, the following consistency statement that was initially proposed in the staff report:

After considering the above factors (the excerpt from the staff report that is quoted above), the General Industrial (I2) designation is in the public interest by allowing a reasonable use of the property and ensuring consistency with the Land Development Plan.

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

- (c) **Zoning Case RZ-15-09: A legislative zoning hearing on the application filed by Michael Foley and Margie M. Trogdon to rezone property located at 1801, 1827, and 1831 South Fayetteville Street from Medium-Density Residential (R10) and Conditional Use Commercial (CU-B2) to General Commercial (B2).**

Mayor Smith opened the public hearing on the following request.

Mr. Nuttall presented a written request from the Applicants, Margie Trogdon and Michael Foley, to continue the hearing on the above-referenced zoning case until the council's regular December meeting. No opposition to this request was expressed by any party or individual.

Upon motion by Mr. Baker and seconded by Mr. Burks, council voted unanimously to continue the hearing on the above-referenced zoning case until the council's regular December meeting.

Holly H. Doerr, City Clerk

(e) Consideration of a request to extend the time allowed between the preliminary and final plat subdivision reviews for Waterford Villas.

Mr. Nuttall presented a written request from Mr. Kevin Jessup, Manager of Waterford RE, LLC for a twelve month extension of the deadline to submit a final plat for review. This delay is requested because of the overall building market conditions and financing of the project. The developers expect to continue the project as market conditions improve.

A copy of the written request submitted by Mr. Jessup is on file in the city's Community Development Division.

Upon motion by Mr. Burks and seconded by Ms. Snuggs, council voted unanimously to approve the requested extension.

(f) Status report on the 2015 Urgent Repair Program, including an extension of the application period until Friday, November 20, 2015.

Mr. Nuttall reported that the 2015 Urgent Repair Program is in progress. Applications have been received and initial home inspections have already taken place for qualifying applicants. In order to allow for more applications to be received, the application period has been extended until Friday, November 20, 2015.

No formal action was taken by the Council on this item.

8. Public comment period.

Mayor Smith opened the floor for public comments.

Mr. Alan Maldonado invited everyone to attend a meeting, which will focus on issues of concern to members of the Latino Community, will be held at 3800 Zoo Parkway at 6:00 p.m. on November 18, 2015. Additionally, Mr. Maldonado is interested in organizing a community watch program for the Latino community.

Mr. Ogburn expressed that certain city staff members will be present at the meeting. The point was also made that limited attendance should be expected of the council because this meeting is not an advertised council meeting. Accordingly, the council members must make sure that a quorum of the council does not attend.

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

9. A request for authorization to purchase a used aerial platform fire truck from the Franconia Volunteer Fire Department in Virginia in compliance with the sole source provisions authorized under North Carolina's purchasing laws.

Deputy Fire Chief Max Hooker presented and recommended adoption, by reference, of a resolution authorizing an exception to the competitive bidding procedures for the purchase of a previously owned aerial platform fire truck.

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

RESOLUTION NUMBER _____ **35 RES 11-15**

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION AUTHORIZING AN EXCEPTION TO THE COMPETITIVE BIDDING PROCEDURES FOR THE PURCHASE OF A PREVIOUSLY OWNED AERIAL PLATFORM FIRE TRUCK

WHEREAS, in an effort to reconcile operational needs with fiscal constraints, the Asheboro Fire Department's management team has developed a plan to purchase a previously owned 1998 or newer aerial platform fire truck that can be refurbished to meet the city's operational needs in a safe and effective manner while simultaneously allowing the department to purchase additional new equipment; and

WHEREAS, the Asheboro Fire Department has located a used fire truck that is in good condition and satisfies the requirements of the above-described plan; and

WHEREAS, the said used fire truck is a 1999 Pierce Dash 100-foot aerial platform truck that is currently owned by the Franconia Volunteer Fire Department in Alexandria, Virginia; and

WHEREAS, the Franconia Volunteer Fire Department has offered to sell this fire suppression apparatus to the City of Asheboro for a purchase price of \$80,000; and

WHEREAS, the Asheboro Fire Chief has recommended purchasing this fire suppression apparatus, subject to testing requirements and other contractual provisions used by the City of Asheboro when purchasing vehicles; and

WHEREAS, the City Manager concurs with this recommendation; and

WHEREAS, price competition for a truly comparable used, out-of-production 1999 model year fire truck that meets the Asheboro Fire Department's standards for safety and operational readiness is not available; and

WHEREAS, Section 143-129(e)(6) of the North Carolina General Statutes provides for an exception (the sole source exception), with the approval of the governing board, to the prescribed competitive bidding procedures if performance and price competition for a product are unavailable or if a needed product is available from only one source of supply; and

WHEREAS, based on the recommendations from city staff and the availability of the above-referenced state law exception for sole source purchases, the Asheboro City Council has concluded that the purchase of the above-described fire truck is in the best interest of the city;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that, subject to the city's standard purchase contract provisions and any equipment testing requirements deemed advisable by the fire department's command staff, the purchase of the 1999 Pierce Dash 100-foot aerial platform fire truck from the Franconia Volunteer Fire Department, in accordance with the sole source provisions outlined in Section 143-129(e)(6) of the North Carolina General Statutes, is hereby approved.

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 5th day of November, 2015.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

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

10. Initial Discussion of a 10-year water purchase agreement with the City of Randleman [The meeting agenda indicated a 20-year agreement was under discussion, but the proposed term was for ten (10) years at the time of the meeting.]

Mr. Rhoney reported to the council that negotiations are reaching the final stages with the City of Randleman for a potential 10-year water purchase agreement. A final draft of the agreement will be presented to the council for review at the regular December meeting.

A copy of a preliminary agreement was distributed to the council members and is on file in the city clerk's office. The council members indicated their general approval of the approach taken by city staff to the negotiations. No formal action was taken by the council on this item.

11. Airport Items:

- (a) Consideration of authorizing the city to enter into a Ramp Rehabilitation Design/Bid Phase Services Agreement, totaling \$109,000.00 with W.K. Dickson & Co., Inc. and to use Federal Non-Primary Entitlement Funds at a ratio of 90% federal and 10% local match. The work will be in accordance with the Contract for Professional Services dated July 14, 2011.**

Mr. Leonard requested that the city enter into a Ramp Rehabilitation Design/Bid Phase Services Agreement with W.K. Dickson & Co., Inc. and to use Federal Non-Primary Entitlement Funds at a ratio of 90% federal and 10% local match. This work will be in accordance with the Contract for Professional Services with W.K. Dickson & Co., Inc. dated July 14, 2011.

Upon motion by Mr. Bell and seconded by Ms. Carter, council voted unanimously to approve the Asheboro Regional Airport Work Authorization #5 for Ramp Rehabilitation Design/Bid Phase Services under the Contract for Professional Services with W.K. Dickson & Co., Inc. dated July 14, 2011. A copy of the agreement is on file in the city clerk's office.

- (b) Presentation of the proposed fixed base operator lease agreement with Cardinal Air, LLC. The only action requested for this agenda item is to authorize, by resolution, city staff to facilitate the publication of the required legal notice that the governing board will take final action on the proposed lease agreement during the City Council's regular meeting in December 2015.**

Mr. Leonard presented and recommended adoption, by reference, of a resolution for the approval to publish notice of the intent to authorize a new lease agreement with the fixed base operator at the Asheboro Regional Airport.

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

RESOLUTION NUMBER _____ **36 RES 11-15**

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

APPROVAL TO PUBLISH NOTICE OF THE INTENT TO AUTHORIZE A NEW LEASE AGREEMENT WITH THE FIXED BASE OPERATOR AT THE ASHEBORO REGIONAL AIRPORT

WHEREAS, Section 160A-272 of the North Carolina General Statutes enables the city to lease city-owned property at the Asheboro Regional Airport for a term that does not exceed 10 years so long as the entry of the city into the proposed lease agreement is authorized by the city council by means of the adoption of a resolution during a regular meeting; provided, however, 30 days' public notice must be given of the council's intent to take such an action; and

WHEREAS, the current lease agreement with the fixed base operator at the Asheboro Regional Airport, Cardinal Air, LLC, will expire on December 31, 2105; and

WHEREAS, during its meeting on October 20, 2015, the Asheboro Airport Authority recommended the continuation of the leasing arrangement with Cardinal Air, LLC for an initial 3-year term that will commence on January 1, 2016, with the ability of the parties to the agreement to mutually allow the lease to automatically extend into an additional 3-year renewal term; and

WHEREAS, the proposed lease agreement that is recommended by the city's professional staff and that conforms with the Asheboro Airport Authority's recommendation is attached to this Resolution as ATTACHMENT A and is incorporated into this Resolution by reference as if copied fully herein; and

WHEREAS, the Asheboro City Council finds the recommendations from the Asheboro Airport Authority and the city's professional staff to be in the best interest of the City of Asheboro;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that the city clerk shall prepare and have published in *The Courier-Tribune*, in accordance with Section 160A-272 of the North Carolina General Statutes, notice of the city council's intent to authorize, during its next regular meeting on December 10, 2015, the execution of the attached lease agreement with the fixed base operator at the Asheboro Regional Airport, Cardinal Air, LLC.

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 5th day of November, 2015.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

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

12. Update on the city's recycling program.

Mr. David Hutchins, Public Works Director, utilized a visual presentation and reported that the city's recycling program is gaining momentum as more citizens participate in the program. During the first quarter of the 2015-2016 fiscal year, the city's environmental services department has hauled approximately 490.35 tons of recyclable material. City staff will continue to implement the program by continuing to inform citizens about the importance of the program.

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

13. Update on the Asheboro Housing Authority (AHA) Rapid Rehousing grant program which provides assistance to homeless families and individuals. Portions of this grant allow AHA to assist the participating families and individuals with utility deposits as well as utility payments.

Ms. Reaves reported that the Asheboro Housing Authority will be initiating the Rapid Rehousing grant program. Portions of this grant will allow the housing authority to assist participating families and individuals with utility deposits and utility payments.

No formal action was requested or taken on this agenda item.

14. Mayor Smith announced the following upcoming events:

- The annual Veterans Day parade on Wednesday, November 11, 2015 at 4:00 p.m.
- City offices will be closed in observance of the Thanksgiving holiday on Thursday, November 26, 2015 and Friday November 27, 2015.

There being no further business, the meeting was adjourned at 9:14 p.m.

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

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