

**NOTICE OF A SPECIAL MEETING OF THE  
ASHEBORO CITY COUNCIL**

**Thursday, January 19, 2012**

**5:30 p.m.**

Notice of a special meeting of the Asheboro City Council is hereby given. This meeting will begin at 5:30 p.m. on Thursday, the 19<sup>th</sup> day of January, 2012, in the Council Chamber at Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203.

This special meeting has been called for the purpose of providing an opportunity for Mayor Smith and members of the Asheboro City Council to consider and possibly act upon the following agenda items:

1. Presentation of the annual audit report by Mr. Steve Hackett, who is a certified public accountant with the firm of Maxton McDowell, CPA;
2. Update from Chief Smith on the status of grant funding for the Asheboro Fire Department;
3. Discussion of potential changes in animal control operations and regulations; and
4. Discussion of opportunities for increased citizen engagement:
  - a. Vacancies on city boards, authorities, commissions, and committees.
  - b. Redesigned city website.

This notice is issued on the 13<sup>th</sup> day of January, 2012, in accordance with the laws and ordinances of the State of North Carolina and the City of Asheboro.

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

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**SPECIAL MEETING  
ASHEBORO CITY COUNCIL  
COUNCIL CHAMBER, MUNICIPAL BUILDING  
THURSDAY, JANUARY 19, 2012  
5:30 p.m.**

This being the time and place for a special meeting of the 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 |
| Michael W. Hunter | )                           |
| Walker B. Moffitt | )                           |
| Charles A. Swiers | )                           |

- John N. Ogburn, III, City Manager
- Dumont Bunker, P.E., City Engineer
- Holly H. Doerr, City Clerk/Paralegal
- John L. Evans, Senior Planner
- Casandra M. Fletcher, Marketing Specialist
- Justin T. Luck, Zoning Administrator, Planner
- Bradley W. Morton, Planning Technician/Deputy City Clerk
- Deborah P. Reaves, Finance Director
- James O. Smith, Police Captain
- James W. Smith, II, Fire Chief
- Jeffrey C. Sugg, City Attorney
- Jodie L. Wilson, Animal Control Officer

**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. Presentation of annual audit report by Mr. Steve Hackett, CPA with the firm Maxton McDowell CPA.**

The City Council received from Mr. Steve Hackett, CPA the audit report for the fiscal year that ended June 30, 2011. During his presentation, Mr. Hackett reported that the city received a "clean audit." A copy of the written report submitted by Mr. Hackett is on file in the City Clerk's office.

**3. Update from Chief Smith on the status of grant funding for the Asheboro Fire Department.**

Chief Smith reported to the Council that he is awaiting approval of grant requests submitted in 2011 for a thermal imaging camera and breathing equipment for firefighters. If approved, this grant would be used to purchase said equipment in June of 2012. In the meantime, Chief Smith asked for Council's approval to apply for additional grant funding for hiring personnel and purchasing equipment in preparation for the eventual activation of a third fire station along with addressing other needs of the Asheboro Fire Department.

Upon motion by Mr. Bell and seconded by Ms. Carter, Council unanimously granted approval for Chief Smith to submit applications for grant funding that would assist the Asheboro Fire Department in fulfilling its mission.

**4. Discussion of potential changes in animal control operations and regulations.**

As a follow up to previous discussions about the possibility of the City of Asheboro contracting with Randolph County for the provision of animal control field services through the Randolph County Health Department, Mr. Sugg presented a preliminary draft of a rewrite of Chapter 91 of the Code of Asheboro. Such a rewrite of Chapter 91 would be necessary in order to successfully contract with Randolph County for the provision of animal control field services. The preliminary draft of the rewrite of Chapter 91 provides as follows:

**§ 91.01 Definitions**

Unless otherwise specifically provided or unless otherwise clearly required by the context, the following words and phrases shall have the meaning indicated when used in this Chapter:

- (1) *Code Enforcement Officer.* Any person or persons designated by the city manager of the City of Asheboro to perform the responsibilities assigned by this chapter to the "Code Enforcement Officer."
- (2) *Animal Control Ordinance.* The ordinance entitled "An Ordinance Governing the General Control of Animals in Randolph County," as adopted by the Randolph County Board of Commissioners on January 10, 2000, and as amended on June 5, 2000, September 5, 2000, March 11, 2002, July 7, 2003, August 4, 2003, October 4, 2004, January 7, 2008, July 7, 2008, and including any future amendments thereto by the Randolph County Board of Commissioners.

**§ 91.02 Adoption of Animal Control Ordinance**

Pursuant to Section 153A-122 of the North Carolina General Statutes and Asheboro City Council Resolution Number \_\_\_ RES \_\_\_, the Animal Control Ordinance, as defined in Section 91.01 of this Code, is applicable within the corporate limits of the City of Asheboro. A copy of the Animal Control Ordinance shall be kept on file in the office of the city clerk.

**§ 91.03 Administration of Animal Control Regulations**

- (A) *Delegation to County.* The Asheboro City Council hereby expressly authorizes the Randolph County Health Director and animal control officers appointed by the Randolph County Health Director to enforce the provisions of the Animal Control Ordinance within the corporate limits of the city. The city manager is hereby authorized and directed to enter on behalf of the city into an agreement with Randolph County for enforcement of the Animal Control Ordinance within the corporate limits of the City of Asheboro.
- (B) *Enforcement by City Employees.* The supplemental animal control laws prescribed by this Chapter that are more specific to the City of Asheboro than the provisions of

the Animal Control Ordinance defined in Section 91.01 of this Code may be enforced by any employee of the City of Asheboro that has been designated as a Code Enforcement Officer by the city manager.

- (C) *Asheboro Police Department.* The Asheboro Police Department shall provide support to county animal control officers and to Code Enforcement Officer(s) when enforcement actions are needed.

#### **§ 91.04 Integration with Animal Control Ordinance**

All definitions and provisions of the Animal Control Ordinance shall apply in the city except where provisions of this Chapter are inconsistent with the provisions of the Animal Control Ordinance and the provisions of this Chapter are more specific.

#### **§ 91.05 Maximum Number of Dogs on Premises**

- (A) It shall be unlawful for any person to keep or maintain more than two (2) dogs per household on any lot or parcel of land having less than thirty thousand (30,000) square feet, and an additional seven thousand (7,000) square feet shall be required for each additional dog. A total of no more than five (5) dogs per household shall be allowed on any lot or parcel of land within the city limits regardless of square footage.
- (B) The limitation prescribed by this Section on the number of dogs per household on a single lot or parcel of land shall not apply to dogs that are less than six (6) months of age.
- (C) Dog owners will have ninety (90) days from the effective date of this Section to come into compliance with this ordinance.

#### **§ 91.06 Keeping Swine**

- (A) Except as provided in Subsection (B) of this Section, it shall be unlawful for any person to keep any hogs, pigs, or swine within the city limits.
- (B) A person may have or keep no more than one (1) miniature or potbellied pig per household within the corporate limits of the city if the following conditions are satisfied:
- (1) The miniature or potbellied pig must be provided with adequate shelter to protect it from the elements.
  - (2) The owner of the miniature or potbellied pig shall provide the pig with access to food and clean water. Active measures shall be taken to limit the availability of this food and water to rodents, wild birds, and predators.
  - (3) If an outdoor pen or enclosure is utilized, the dimensions of such a pen or enclosure must be no less than ten feet by twelve feet (10' X 12').
  - (4) No outdoor pen or enclosure, including without limitation fencing, used for sheltering or confining a miniature or potbellied pig is permitted within thirty feet (30') of any property line or public street right-of-way line, and no such outdoor pen or enclosure may be located within one hundred feet (100') of a hospital, school, eating establishment, or dwelling other than the dwelling of the owner of the miniature or potbellied pig. These separation requirements are in addition to and not in lieu of the land use regulations prescribed by the Asheboro Zoning Ordinance. No provision in this Chapter shall be construed or interpreted in any manner that preempts or impacts the application of the land use regulations found in the Asheboro Zoning Ordinance.
  - (5) A pen or enclosure used for sheltering or confining a miniature or potbellied pig shall be kept clean, sanitary, and free from accumulations of animal excrement that cause an objectionable odor. Such a pen or enclosure shall be cleaned at least twice each week. All waste material removed from a pen or enclosure used to shelter the miniature or potbellied pig shall be disposed of in a manner that is lawful, does not attract flies, and prevents any detectable odor at the property or street right-of-way line.
  - (6) All food kept for feeding the miniature or potbellied pig shall be kept and stored in rat-free and rat proof containers, compartments, or rooms unless kept in a rat proof building.

#### **§ 91.07 Keeping of Fowl**

- (A) Up to two (2) chicken hens or other fowl may be kept by a household within the corporate limits of the City of Asheboro so long as the fowl do not, by reason of noise, odor, or attraction of flies, become a nuisance or health hazard.
- (B) Between three (3) and five (5) chicken hens or other fowl may be kept on any single lot or parcel in the city if the following conditions are satisfied:
- (1) The fowl shall not be permitted to run at large and must be maintained in a coop or enclosure of suitable construction and size for the number of fowl

- maintained in the enclosure.
- (2) The fowl must be provided with adequate shelter for protection from the elements.
  - (3) The owner of the fowl shall provide the animal with access to food and clean water. Active measures shall be taken to limit the availability of this food and water to rodents, wild birds, and predators.
  - (4) No outdoor coop or enclosure used for keeping fowl is permitted within thirty feet (30') of any property line or public street right-of-way line, and no such outdoor coop or enclosure may be located within one hundred feet (100') of a hospital, school, eating establishment, or dwelling other than the dwelling of the owner of the fowl. These separation requirements are in addition to and not in lieu of the land use regulations prescribed by the Asheboro Zoning Ordinance. No provision in this Chapter shall be construed or interpreted in any manner that preempts or impacts the application of the land use regulations found in the Asheboro Zoning Ordinance.
  - (5) A coop or enclosure used for keeping fowl shall be kept clean, sanitary, and free from accumulations of animal excrement that cause an objectionable odor. Such a pen or enclosure shall be cleaned at least twice each week. All waste material removed from a pen or enclosure used for keeping fowl shall be disposed of in a manner that is lawful, does not attract flies, and prevents any detectable odor at the property or street right-of-way line.
  - (6) All food kept for feeding the fowl shall be kept and stored in rat-free and rat-proof containers, compartments, or rooms unless kept in a rat-proof building.
- (C) Due to the excessive noise created by the following animals, the keeping of roosters and geese is prohibited within the corporate limits of the City of Asheboro.

**§ 91.08 Keeping of Horses, Mules, Cows, and Goats Regulated**

It shall be unlawful for any person who owns, operates, or maintains a stable or enclosure in the city, in which horses, mules, cows, or goats are kept, to keep such stable in an unclean or unsanitary condition. There shall be provided a bin or pit which shall be watertight and so arranged that it is fly-proof, or a watertight barrel with a close-fitting lid. Manure accumulating in such stable shall be placed in the bin, pit, or barrel each day and shall be removed from the premises of the owner at least every five days. Effective fly control methods such as the use of approved insecticide shall be practiced during the fly-breeding period from April 15 to November 1 of each year.

**§91.09 Location of Stables; Tethering of Horses**

No person shall locate or maintain upon any lot within the city any cow, horse, or mule stable nearer than one hundred fifty feet (150') to any hospital, school, eating establishment, or dwelling; nor shall any person tether or permit to graze or stand any cow, horse, or mule within fifty feet (50') of any such place.

**§ 91.10 Disposal of Carcasses**

The bodies of dead sheep, goats, hogs, horses, mules, and other animals, or any part of any animal, and all dead fish and dead fowl shall be removed from the city immediately or no later than 24 hours of known death and shall be disposed of by incineration, burial, or transportation to a rendering plant. If a carcass is buried, it shall be buried at a depth of not less than three feet (3') below the surface of the ground and shall not be buried within three hundred feet (300') feet of a stream or body of water.

**§ 91.11 Responsibility for Dogs on Public Rights-of-Way and Property**

It shall be unlawful for the owner or custodian of a dog to fail to remove feces deposited by the dog on any public street, sidewalk, gutter, park, or other publicly owned property.

**§ 91.12 Bird Sanctuary Created**

The area embraced within the corporate limits of the city and all lands owned or leased by the city outside the corporate limits is hereby designated as a bird sanctuary.

**§ 91.13 Prohibited Activities; Exceptions**

- (A) Within the bird sanctuary established by Section 91.12 of the Code of Asheboro, it shall be unlawful for any person to hunt, kill, trap, or otherwise take any native wild

birds.

- (B) Notwithstanding subsection (A), the protection afforded to native wild birds within the established sanctuary does not extend to the following situations:
- (1) No bird classed as a pest under Article 22A of Chapter 113 of the General Statutes and the Structural Pest Control Act of North Carolina of 1955 or the North Carolina Pesticide Law of 1971 is protected.
  - (2) A person may hunt, kill, trap, or otherwise take any bird pursuant to a permit issued by the North Carolina Wildlife Resources Commission under G.S. 113-274(c)(1a) or under any other license or permit of the Wildlife Resources Commission specifically made valid for use in taking birds within the city limits.
  - (3) The use of a firearm for hunting ducks and dark geese (includes Canada geese and white-fronted geese) is permitted at Lake Reese when such hunting is undertaken in compliance with Section 91.14 and Section 91.15 of the Code of Asheboro.

**§ 91.14 Use of Firearms at Lake Reese**

- (A) In its discretion, the City Council may approve the date(s) and time(s) each year when the hunting of ducks and dark geese (including Canada geese and white-fronted geese) is allowed upon the waters of Lake Reese.
- (B) During the date(s) and time(s) of the hunting season authorized by the City Council in accordance with subsection (A), the use of a gun for the limited purpose of hunting ducks and dark geese (including Canada geese and white-fronted geese) upon the waters of Lake Reese is permitted. Any guns and ammunition used for such hunting shall comply with all applicable state and federal regulations.

**§ 91.15 Hunting Prohibited on Property beyond City Limits**

- (A) No person shall hunt, trap or snare, with or without firearms, any wild animals or birds, on any property owned by the city which is located outside the city limits.
- (B) Exceptions. Duck and dark geese (including Canada geese and white-fronted geese) hunting will be permitted upon the waters of Lake Reese only during the date(s) and time(s) established by the City Council prior to the season opening each year. Additionally, city employees and/or contractors may hunt, trap, or snare wild animals or birds in compliance with the adopted rules and regulations of the North Carolina Wildlife Resources Commission when such action is deemed necessary by the City Manager in order to ensure the safe and efficient operation of city-owned infrastructure.

**§ 91.16 Signs Erected by Bird Clubs**

Bird clubs in the city are hereby granted permission to erect artistic signs, giving notice of the regulations provided in this Chapter, at such places and of such design as may be approved by the Public Works Director.

**§ 91.17 Animals Prohibited at Randolph Arts Guild's Annual Fall Festival**

- (A) Except as provided by this Section, it shall be unlawful for any person to possess any animal(s) within the public areas of the city that are actively utilized for the Randolph Arts Guild's Annual Fall Festival. Furthermore, except as provided by this Section, it shall be unlawful for any person to actively encourage or facilitate the entry or continued presence of any animal(s) within the public areas of the city that are actively utilized for the Randolph Arts Guild's Annual Fall Festival.
- (B) The provisions of this Section are not applicable to "assistance animals," "law enforcement agency animals," and animals allowed to participate in the Annual Fall Festival Parade.
- (C) For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:
- (1) *Animal*. As distinguished from human beings, one of the lower vertebrate animals. By way of illustration and not exclusion, the term includes dogs, cats, birds, reptiles, and fishes.
  - (2) *Assistance Animals*. An animal that is trained and may be used to assist a "handicapped person" as defined in G.S. § 168-1. The term "assistance animal" is not limited to a dog and includes any animal trained to assist a handicapped person as provided in G.S. Ch. 168, Art. 1.
  - (3) *Law Enforcement Agency Animals*. An animal that is trained and may be used to assist a law enforcement officer in the performance of the officer's official duties.
  - (4) *Public Areas of the City that Are Actively Utilized for the Randolph Arts Guild's Annual Fall Festival*. The streets, sidewalks, and public vehicular areas that

fall within the perimeter demarcated by the closure, upon order of the city council, of Fayetteville Street from Salisbury Street to Kivett Street; North Street at Salisbury Street; Sunset Avenue at Church Street; Worth Street, Scarboro Street, East Academy Street, and Cranford Street at Cox Street; and West Academy Street at the entrance to the city parking lot.

- (D) The prohibition of animals from public areas of the city that are actively utilized for the Randolph Arts Guild's Annual Fall Festival is only in effect during those times when the Annual Fall Festival is scheduled to be in actual operation.
- (E) The City Manager shall cause notices of the prohibition of animals from public areas of the city that are actively utilized for the Randolph Arts Guild's Annual Fall Festival to be prominently posted at the location of the street closures listed in division (C)(4) above.

**§ 91.18 Exceptions to Supplemental Animal Control Regulations**

Veterinary clinics and retail pet stores are not subject to the supplemental animal control regulations prescribed in Sections 91.05 through 91.09 of this Chapter. The inapplicability of the supplemental regulations found in this Chapter to these businesses does not impair or impact to any degree the applicability to these businesses of any other federal, state, or local law, ordinance, or regulation, including by way of illustration and not limitation the Animal Control Ordinance and the Asheboro Zoning Ordinance.

During the discussion of this issue, Mayor Smith allowed citizens with concerns about this topic to address the governing board. Ms. Tonya Harmon asked the Council to consider revising the ordinance to include regulations that would allow potbellied pigs within the city limits. Due to her son's severe allergies, her family has two (2) potbellied pigs as pets. The potbellied pigs are kept in sanitary conditions in an enclosed fence with a locking gate and do not pose a problem for her child's allergies.

After an in-depth discussion of the topic, Mayor Smith and the council members expressed general approval of the direction in which the ordinance rewrite is proceeding. However, further refinements of the proposed regulations are needed before the Council is prepared to consider final adoption of a rewrite of Chapter 91 of the Code of Asheboro. A revised draft of the proposed ordinance rewrite that reflects concerns raised during this meeting will be presented for consideration during the regular meeting of the Council in February.

A copy of a letter submitted by Ms. Harmon is on file in the City Clerk's office.

**5. Discussion of opportunities for increased citizen engagement.**

**(a) Vacancies on city boards, authorities, commissions, and committees.**

Ms. Fletcher presented a power point presentation and initiated a discussion regarding proposed guidelines for filling vacancies on city authorities, boards, commissions, and committees. At an earlier point in time, the Council had been informed of a draft procedure for filling vacancies on the Planning Board.

This draft policy, which was initially drafted by the Community Development Division and previously discussed with the Council, served as a starting point for the formulation of the potential procedure outlined to the Council by Ms. Fletcher during the current meeting on January 19, 2012. This earlier draft policy was never formally adopted by the Council.

The earlier draft policy for Planning Board vacancies provided as follows:

Proposed Guidelines for Filling City of Asheboro  
Planning Board Vacancies

The City of Asheboro Code of Ordinances, Title III, Chapter 34, pursuant to Article 19 of Chapter 160A of the North Carolina General Statutes, creates a Planning Board to exercise powers granted by the City Code of Ordinances, other City Ordinances, and G.S. Chapter 160A, Article 19. The Planning Board consists of ten members, five residents of the City appointed by the Asheboro City Council and five residents of the extraterritorial area appointed by the Randolph County Board of Commissioners, all having equal rights, privileges and duties with other members in all matters, wherever they might arise.

In order to give all residents of the City of Asheboro and its extraterritorial area a fair and equal opportunity to serve in the capacity of a Planning Board member, the following guidelines for taking applications and filling vacancies are proposed.

Provision of information concerning the Asheboro Planning Board:

- The City's Marketing Specialist will provide information on the work of the Planning Board and on the Planning Board members on the City's website and the City's cable access channel. This information will also advertise any vacancies occurring on the Planning Board.

Applications:

- Applications may be submitted at any time by completion of an application form and submission to the City of Asheboro Community Development Division office at City Hall, 146 N. Church Street, Asheboro. Applications will be kept on file for a minimum of two years after submission.
- An application form will be provided on the City of Asheboro website. Applications may also be picked up at City Hall in the Community Development Division office.
- In the event there are no applications, or no suitable applications, at the time a vacancy occurs, the Marketing Specialist may use other means of advertisement, such as newspaper ads, to solicit applications.

Applicant Review Process:

- When a vacancy occurs on the Planning Board, the Chairman will appoint an Applicant Review Committee consisting of three active Planning Board members at the regular Planning Board meeting. For a City vacancy, the Committee will consist of two City members and one extraterritorial area member. For extraterritorial area vacancies, the Committee will consist of two extraterritorial area members and one City member.
- The Committee will have at least one called and advertised meeting to consider the applications submitted. This meeting may occur at the end of a regular Planning Board meeting or at some other time decided upon by the Committee and properly advertised. No closed meetings or secret ballots will be allowed.
- Applications received by the Community Development Division during the previous two years will be provided to the Applicant Review Committee after verification that the applicant is still interested and eligible to be Planning Board member. The applications considered will be based on whether the vacancy is for the City of extraterritorial area.
- The Applicant Review Committee will present its choice (or choices) for a Planning Board member(s) to the Planning Board during its regular meeting. The Board may then vote to recommend the Committee's choice (or choices) to the Asheboro City Council (or to the Randolph County Board of Commissioners for extraterritorial area member vacancies) for appointment to the Board or direct the Committee to further consider their selection(s), possibly re-advertising for additional applicants.
- Recommendations for appointments to fill a City vacancy may be presented to the Asheboro City Council by the Community Development Division Director at their regular Council meeting. Recommendations for appointments to fill an extraterritorial area vacancy will be made by submission of a letter from the Planning Board Chairman to the Randolph County Board of Commissioners for consideration at their regular meeting.

After an in-depth discussion of the topic, Mayor Smith and the council members expressed general approval of the direction in which the proposed policy is headed. However, further refinements of the process are needed before the Council is prepared to consider final adoption of a policy that is applicable to vacancies in city authorities, boards, commissions, and committees in general. A revised draft of the process that reflects concerns raised during this meeting will be presented for consideration during the regular meeting of the Council in February.

A copy of the power point presentation utilized by Ms. Fletcher is on file in the City Clerk's office.

**(b) Redesigned city website.**

Ms. Fletcher presented to the Council the city's new website design. The new address for the website is [www.asheboronc.gov](http://www.asheboronc.gov). During her presentation, Ms. Fletcher noted that the recreation website, previously a separate website, was now included within the city's website and that the redesigned website utilized the city's new logo and graphic style.

During discussion, the council members offered positive feedback on the new design, but suggested that the "RECREATION" tab be labeled to include cultural activities such as events taking place in the Sunset Theatre.

There being no further business, the meeting was adjourned at 7:33 p.m.

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

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