

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY OF ASHEBORO PUBLIC WORKS FACILITY
1312 NORTH FAYETTEVILLE STREET, ASHEBORO, NORTH CAROLINA
THURSDAY, FEBRUARY 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 in the City of Asheboro Public Works Facility Conference Room located at 1312 North Fayetteville Street, Asheboro, North Carolina 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
Michael W. Hunter)
Walker B. Moffitt)
Charles W. Swiers)

John N. Ogburn, III, City Manager
Edsel L. Brown, Code Enforcement Officer
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Stacy R. Griffin, Human Resources Director
David J. Hutchins, Public Works Director
Leigh Anna Johnson, Public Information Officer
Michael L. Leonard, P.E., City Engineer
Ralph W. Norton, Chief of Police
Trevor L. Nuttall, Community Development Director
Randy C. Purvis, Chief Building Inspector
Deborah P. Reaves, Finance Director
Michael D. Rhoney, Water Resources Director
James O. Smith, Police Major
E. Todd Swaney, Police Captain
Jeffrey C. Sugg, City Attorney
Jody P. Williams, Assistant 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. Moment of 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. Appearance and recognition of guests and citizens.

Mayor Smith welcomed everyone in attendance.

4. Presentation of the *Spirit of North Carolina Award*.

Ms. Elizabeth Mitchell, Chief Professional Officer for United Way of Randolph County, announced that the City of Asheboro will receive the *Spirit of North Carolina Award* at an annual meeting in Pinehurst on Friday, February 13, 2015. This award provides statewide recognition for outstanding commitment and support to the community through local United Way involvement by recognizing companies and their employees that demonstrate campaign excellence and community commitment.

5. Recognition of Maxine Wright, Police Master Lieutenant, for her years of dedicated service to the City of Asheboro.

On behalf of the Asheboro Police Department, Chief Norton presented Master Lieutenant Wright with a plaque that included her badge as a token of gratitude for her loyal service to the City of Asheboro as a police officer from September 5, 1986 until February 1, 2015. In addition to her badge, Assistant Chief Williams presented Master Lieutenant Wright with her service side arm that she carried at the time of her retirement, and on behalf of the City Council and the City Manager's

office, Mr. Ogburn presented Master Lieutenant Wright with a retirement plaque from the municipal corporation.

6. Recognition of Kermit Williamson, Environmental Services Superintendent, for his years of dedicated service to the City of Asheboro.

On behalf of the City of Asheboro, Mr. David Hutchins, Public Works Director, presented Mr. Williamson with a plaque to commemorate and honor his dedicated and loyal service to the City of Asheboro. Additionally, Mr. Ogburn presented Mr. Williamson with the Order of the Long Leaf Pine from the office of Governor Pat McCrory.

7. The annual report from Ms. Bonnie Renfro, President of the Randolph County Economic Development Corporation.

Ms. Bonnie Renfro, who is the President of the Randolph County Economic Development Corporation ("RCEDC"), led the presentation of the annual report from the RCEDC. Ms. Renfro was joined in this presentation by RCEDC Board of Directors Chair Rick Powell of PEMMCO Manufacturing and Kevin Franklin, who is the Existing Business and Industry Coordinator for the RCEDC.

Ms. Renfro thanked the City Council for its support and then discussed highlights from the annual report. Some of the highlights addressed by Ms. Renfro included diverse industry growth in target sectors such as plastics, automotive, precision tools, food processing, specialized industrial textiles and filters, and furnishings. In terms of investment, the RCEDC reported more than \$80 million in new investment and the announcement during the course of the year of 853 new jobs by 14 companies, representing a 59% increase in job creation and 42% increase in capital investment over last year.

At the conclusion of the annual report, Ms. Renfro introduced a new marketing video. This video is designed to showcase the high quality of life found in Randolph County.

No formal action was taken by the City Council in response to this presentation. The mayor and the members of the City Council did express their appreciation for the economic development work performed by the RCEDC.

Copies of the materials distributed by Ms. Renfro are on file in the city clerk's office.

8. Presentation by Eastside Local Development Corporation concerning the Federal "YouthBuild" Program.

Jeffrey Goldston, President of Eastside Local Development Corporation, described the federal YouthBuild program and requested a letter of support from the city for the Eastside Local Development Corporation's application. In the United States, these programs create an opportunity for low-income young people in the age range of 16 to 24 to work full-time for a period of 6 to 24 months toward their GEDs or high school diplomas while learning job skills by building affordable housing in their communities and preparing for postsecondary success.

Emphasis is placed on leadership development, community service, and the creation of a positive mini-community of adults and youth committed to each other's success. Students may earn AmeriCorps education awards through their homebuilding and other community service. Some train for jobs in the healthcare and technology fields. At exit, they are placed in college, jobs, or both.

Each local YouthBuild program secures its own funding – a mix of public and private support. Primary funding for local YouthBuild programs in the United States comes from the United States Department of Labor ("DOL") under the federal YouthBuild program through a national competition open to all local nonprofit and public entities.

DOL has selected YouthBuild USA Inc. as its sole provider of YouthBuild training and technical assistance. In addition, YouthBuild USA independently manages a voluntary national affiliation and accreditation system, leadership opportunities for youth and staff, research to understand best practices, and innovative competitive grants from public and private sources to affiliates.

The request presented by Jeffrey Goldston is for a letter from the city expressing support of the application submitted by Eastside Local Development Corporation to YouthBuild USA. Upon motion by Mr. Bell, and a second by Ms. Carter, the members of the City Council voted unanimously to authorize Mayor Smith and the city manager to draft and transmit the requested letter of support.

9. Consent Agenda:

Upon motion by Mr. Baker, and a second by Mr. Burks, the members of the City Council voted unanimously to approve/adopt the following consent agenda items.

- (a) **The minutes of the City Council's regular meeting on January 8, 2015.**
- (b) **The findings, conclusions, and order authorizing the issuance of a Special Use Permit under Planning Department File No. SUP-15-01.**

Case No. SUP-15-01
City Council
City of Asheboro

IN THE MATTER OF THE APPLICATION FOR A SPECIAL USE PERMIT AUTHORIZING A LAND USE
CLASSIFIED BY THE ASHEBORO ZONING ORDINANCE AS A
CHILD DAY CARE CENTER – SMALL

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING THE REQUESTED SPECIAL
USE PERMIT

THIS MATTER was brought before the Asheboro City Council (hereinafter referred to as the "Council") for a quasi-judicial hearing that was conducted during a regular meeting of the Council held on January 8, 2015. After receiving sworn testimony and considering all of the evidence, including a proposed site plan, the Council, on the basis of competent, material, and substantial evidence, hereby resolves the question of the issuance of the requested Special Use Permit by entering the following:

FINDINGS OF FACT

1. Sheila Robbins and Heather Grant (hereinafter referred to as the "Applicants") have properly submitted an application for a Special Use Permit that would authorize the operation of a land use classified by the Asheboro Zoning Ordinance (hereinafter referred to as the "AZO") as a Child Day Care Center – Small (this proposed land use will be hereinafter referred to as the "Day Care Center") at 1016 South Cox Street.
2. The Applicants propose operating the Day Care Center out of an existing structure at 1016 South Cox Street that is currently an unoccupied single-family residential dwelling.
3. The unoccupied single-family dwelling at 1016 South Cox Street is located on an approximately 25,551-square foot parcel of land owned by Charles S. Johnson and Sherry Johnson. This parcel of land (hereinafter referred to as the "Zoning Lot") is identified as Lots 1, 2, and 3 on a plat recorded in Plat Book 138, Page 84, Randolph County Public Registry. The Zoning Lot is also identified by Randolph County Parcel Identification Number 7750875799.
4. As part of the Special Use Permit application process, the city's community development division staff does obtain written verification that the property owner consents to the request for authorization of a specific land use on the real property.
5. The Zoning Lot has two (2) existing structures on the parcel. The Applicants want to use the unoccupied structure at 1016 South Cox Street for the Day Care Center, and a separate structure at 1022 South Cox Street is currently used for a hair salon, which is classified by the AZO as a permitted personal services land use on the Zoning Lot.
6. In terms of the land uses surrounding the Zoning Lot, a single-family residence is located to the north, two-family residential use is to the south, multi-use office/single-family residential use is to the east, and office/single-family residential use is to the west.
7. The Growth Strategy Map identifies the area in which the Zoning Lot is located as a "Primary Growth" area, and the Proposed Land Development Plan Map designates this location as a "City Activity Center." The Zoning Lot is located within the Center City Planning Area, Tier 3.
8. The Zoning Lot is located within an OA6 (Office-Apartment) zoning district.
9. The proposed land use, a Child Day Care Center – Small, is authorized to serve thirteen (13) to twenty-nine (29) children.
10. Under the AZO, a Child Day Care Center – Small can be operated in an OA6 zoning district so long as this land use is conducted in accordance with an approved Special Use Permit.
11. The personal services land use (the hair salon) at 1022 South Cox Street is permitted by right in the OA6 zoning district.
12. The Zoning Lot has frontage on South Cox Street, which is a state-maintained minor thoroughfare, and on Oakdale Street, which is a city-maintained street. The site plan submitted by the Applicants indicates a one-way entrance from South Cox Street and a one-way exit onto Oakdale Street.

13. There is adequate parking area on the Zoning Lot to serve the land uses at 1016 South Cox Street and at 1022 South Cox Street. The Applicants have agreed to improve the parking area needed to serve the Day Care Center in order to be in full compliance with the AZO.

14. With the conditions suggested by the city's community development division staff, the site plan submitted by the Applicant is in compliance with the prescribed regulations and specifications of the Asheboro Zoning Ordinance. The conditions offered for attachment to a potential SUP are as follows:

- (A) The site plan reviewed by the city council complies with the provisions of the Asheboro Zoning Ordinance, which determines parking requirements based in part on the number of facility staff and vehicles. Future adjustments in the parking facilities that are triggered by fluctuations in the number of staff positions and/or facility vehicles utilized for the approved use are permitted, may be approved by the planning department staff by means of an administrative review process, and will not be deemed to be a modification of the Special Use Permit so long as any and all such adjustments in the parking facilities are fully compliant with the entirety of the Asheboro Zoning Ordinance's regulations.
- (B) The proposed site plan indicates that land uses other than the proposed Day Care Center currently exist on the Zoning Lot. The land use activities that do not require a Special Use Permit and are noted on the approved site plan may continue to the full extent permitted by the AZO. Such continued engagement in these existing land use activities shall not be deemed to be a modification requiring the issuance of a new Special Use Permit.
- (C) Prior to the issuance of a Zoning Compliance Permit for the proposed Day Care Center, the owner(s) of the Zoning Lot shall properly execute for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the city attorney for the purpose of placing notice of the conditions attached to this Special Use Permit in the chain of title for the Zoning Lot.

15. During the hearing of this matter, the Applicants accepted the suggested conditions without modification and agreed to comply with the said conditions.

16. Uncontroverted testimony was offered to show that the building inspector and fire inspector have examined the structure to be used for the Day Care Center, and no code compliance concerns have been noted.

17. One of the Applicants, Heather Grant, has experience properly operating a day care because she currently owns and operates a state-licensed in-home day care.

18. The driveway permit needed from the North Carolina Department of Transportation has been obtained.

19. During the hearing of this matter, uncontroverted testimony was introduced to show that no impediments to compliance with state licensing requirements for child day care centers exist.

20. In order to limit the unsupervised access of children to the adjoining streets, the proposed Day Care Center will provide direct access for children from the building to a fenced playground area.

21. No testimony was offered in opposition to the Applicants' request.

22. Pursuant to Section 602.1 of the AZO, the Council must find that the Applicants have met four (4) general standards before an application for a SUP may be approved. The four standards are as follows:

- (A) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
- (B) That the use meets all required conditions and specifications.
- (C) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.
- (D) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.

23. City employees in the community development division have reviewed the specific regulations prescribed by Section 616 of the AZO for child day care facilities that require authorization by means of the issuance of a Special Use Permit, and the Applicants' proposal is compliant with these requirements.

Based on the foregoing findings of fact, the Council hereby enters the following:

CONCLUSIONS OF LAW

1. When an applicant has produced competent, material, and substantial evidence tending to establish the existence of the facts and conditions that the Ordinance requires for the issuance of a SUP, prima facie the applicant is entitled to the permit. A denial of the permit has to be based upon findings contra that are supported by competent, substantial, and material evidence appearing in the record.
2. In this case, the Applicants have properly submitted an application for a Special Use Permit authorizing the operation of a Child Day Care Center – Small on the Zoning Lot that is located in an OA6 zoning district.
3. In light of the available evidence and the express agreement of the Applicants to accept and comply with the conditions recommended by the city's community development division staff, the Applicants' site plan for the proposed land use is compliant with the applicable requirements of the Asheboro Zoning Ordinance.
4. On the basis of the evidence presented during the hearing of this matter, the Council has concluded that the proposed use meets the four (4) general standards for the granting of a Special Use Permit. More specifically, the proposed use will not materially endanger the public health or safety, meets all required conditions and specifications of the zoning ordinance, will not substantially injure the value of adjoining or abutting property, and will be in harmony with the area in which it is to be located and is in general conformity with Asheboro's plan of development.

Based on the above-recited findings of fact and conclusions of law, the Council hereby enters the following:

ORDER

The Applicants, Sheila Robbins and Heather Grant, are hereby issued a Special Use Permit authorizing the development and operation of a Child Day Care Center – Small, as defined by the Asheboro Zoning Ordinance, on the Zoning Lot. This Special Use Permit shall be valid so long as, and only so long as the Applicants, and their heirs, successors, and assigns, develop and conduct the approved land use in compliance with the provisions of the Asheboro Zoning Ordinance, the site plan reviewed and approved during the hearing on January 8, 2015, and remain in strict compliance with the following conditions:

- (A) The site plan reviewed by the city council complies with the provisions of the Asheboro Zoning Ordinance, which determines parking requirements based in part on the number of facility staff and vehicles. Future adjustments in the parking facilities that are triggered by fluctuations in the number of staff positions and/or facility vehicles utilized for the approved use are permitted, may be approved by the planning department staff by means of an administrative review process, and will not be deemed to be a modification of the Special Use Permit so long as any and all such adjustments in the parking facilities are fully compliant with the entirety of the Asheboro Zoning Ordinance's regulations.
- (B) The proposed site plan indicates that land uses other than the proposed Day Care Center currently exist on the Zoning Lot. The land use activities that do not require a Special Use Permit and are noted on the approved site plan may continue to the full extent permitted by the AZO. Such continued engagement in these existing land use activities shall not be deemed to be a modification requiring the issuance of a new Special Use Permit.
- (C) Prior to the issuance of a Zoning Compliance Permit for the proposed Day Care Center, the owner(s) of the Zoning Lot shall properly execute for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the city attorney for the purpose of placing notice of the conditions attached to this Special Use Permit in the chain of title for the Zoning Lot.

The foregoing findings, conclusions, and order were adopted by the Asheboro City Council in open session during a regular meeting held on the 5th day of February, 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

- (c) **A resolution awarding a service side arm to a retiring officer of the Asheboro Police Department.**

RESOLUTION NUMBER 03 RES 2-15

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AWARD OF A 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 since the date of his initial employment with the Asheboro Police Department on August 1, 1988, effective March 1, 2015, Chief of Police Ralph Wade Norton will begin his retirement from employment with the City of Asheboro; 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 Chief Norton for his dedicated service to the city by awarding to him, at a minimal monetary cost, the service side arm issued to the officer at the time of his retirement;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that, effective March 1, 2015, 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), Ralph Wade Norton, upon a determination by the Interim Chief of Police that Mr. Norton 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. SFS912 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 February, 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

- (d) **Acknowledgment of the receipt from the Asheboro ABC Board of the board's meeting minutes for January 5, 2015.**

The minutes of the meeting held by the Asheboro ABC Board on January 5, 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.

10. Community Development Division Items:

- (a) **Zoning Case RZ-15-01: A legislative zoning hearing on the application filed by Terry Adkins to rezone property located at 160 Henley Country Road from B2 (General Commercial) to I2 (General Industrial).**

Mayor Smith opened the public hearing on the following request.

The requested rezoning pertains to approximately 1.35 acres of land. The property of McMc Properties, LLC is located at 160 Henley Country Road. The land for which rezoning has been requested is identified by Randolph County Parcel Identification Number 7771267446.

Mr. Nuttall presented the Community Development Division staff's analysis of the request submitted by Terry Adkins to rezone the above-described property from B2 (General Commercial) to I2 (General Industrial).

The staff report noted the following:

1. The property has street frontage of three state-maintained major thoroughfares, U.S. Highway 64 East, Henley Country Road, and East Presnell Street. The property is close to the interchange of the U.S. Highway 64 Bypass.
2. The property is outside of the city limits. City water service is currently available to the property, however sewer service is not available.
3. The Land Development Plan Growth Strategy Map designates this property as an "economic development area," described by the LDP as "areas with prime access to a major thoroughfare and/or highway interchange, with high potential for economic development expansion. Suitable economic development sites within EDAs should be given a high level of encouragement and incentives as provided by policy 1.2.3."
4. The proposed land use map designates the property as an employment center. The land development plan describes the intent of an employment center as follows: "to integrate a mixture of commercial, office, and institutional, industrial, and open space uses into the fabric of the community, with ample sidewalks, street trees, on-street parking, public amenities, and open space."
5. In order to develop property consistent with the Employment Center designation in the LDP, all city services should be provided.
6. A mix of commercial, residential, and industrial uses are in the vicinity.
7. No site-specific uses or development plans are considered with the requested I2 district.

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

"The property is designated by the Land Development Plan proposed land use map and East Small Area Plan as part of an employment center. The Land Development Plan toolkit incorporates a mix of office and institutional, commercial, and industrial uses into an employment center, and zoning the property for industrial use is consistent with this designation and may allow for additional economic development opportunities to be fully realized when the necessary infrastructure (i.e. public water and sewerage) becomes available. Additionally, recent rezoning activity in the area (including property that is contiguous to the North and property further west that have been rezoned to I2) demonstrate the increasingly industrial nature of the area. Considering these factors, staff believes that the rezoning request is generally within the public interest in supporting a reasonable use of property."

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 Ms. Carter, Council voted unanimously to adopt the recommendation/analysis of the Community Development Division staff and the Planning Board and approved the requested rezoning as well as adopting 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 I2 designation is in the public interest by allowing a reasonable use of the property and ensuring consistency with the Land Development Plan.

- (b) **Zoning Case RZ-15-02: A legislative zoning hearing on the application filed on behalf of Trollinger Investment Company to rezone property located on the east side of Gold Hill Road, the west side of Old Cedar Falls Road and the western terminus of Lansdowne Road from R40 (Low-Density Residential) and R10 (Medium-Density Residential) to I2 (General Industrial).**

Mayor Smith opened the public hearing on the above-stated request.

The requested rezoning pertains to approximately 5.06 acres of land. The property of Trollinger Investment Company is located on the east side of Gold Hill Road, east of 385 Gold Hill Road, the west side of Old Cedar Falls Road, and the western terminus of Lansdowne Road. The land for which rezoning has been requested is identified in Plat Book 142, Page 54, Randolph County Public Registry and by the following Randolph County Parcel Identification Numbers: 7761569794, 7761670394, 7761670233, 7761579174, 7761671455, 7761660448, and 7761569378.

Mr. Nuttall presented the Community Development Division staff's analysis of the request submitted by Trollinger Investment Company to rezone the above-described property from R40 Low-Density Residential and R10 Medium-Density Residential to I2 General Industrial.

The staff report noted the following:

1. Gold Hill Road and Old Cedar Falls Road are both state-maintained minor thoroughfares. Lansdowne Road is a state maintained road serving single-family residential uses.
2. The property is located outside of the city limits. Properties along Old Cedar Falls Road and Lansdowne Road currently have access to water but not sewer service. Properties along Gold Hill Road do not have access to water or sewer service.
3. The Land Development Plan (LDP) designates the subject properties for neighborhood residential land use. An industrial designation and use is to the west of the subject property across Gold Hill road. Properties to the east of and contiguous to the subject property is designated as neighborhood residential and are characterized as an established single-family residential neighborhood. Properties further east of the subject property are designated as an economic development area (EDA), and include a mixture of industrial (I2) and commercial (B2) zoning.
4. The LDP growth strategy map designates the property as an economic development area, described as "areas with prime access to a major thoroughfare and/or highway interchange with high potential for economic development expansion, but in need of public infrastructure investment."
5. As stated by the zoning ordinance *the intent of the I2 Industrial Development District is to produce areas for intensive manufacturing, warehousing, processing and assembly uses, controlled by performance standards to limit the effect of such uses on adjacent districts.*

The Community Development Division staff recommended denial of the above-described rezoning based on the following analysis:

"Several Land Development Plan (LDP) goals and policies support the request. The property is contiguous to industrial zoning and uses to the west and is designated as part of the economic development growth strategy area. Areas to the east have also seen rezoning activity in recent years, reflecting the increased potential for commercial and industrial development activity.

However, several LDP goals and policies are negative towards the request. The property is designated for neighborhood residential use, reflecting that the property is contiguous to an established residential neighborhood. The industrial land category description in the LDP emphasizes transitional uses to soften the impact industrial uses may have on adjacent residential uses. Compatibility with contiguous residential uses is uncertain if this general district I2 request is approved."

Mr. Mark Trollinger was available to answer questions and presented comments in support of the request.

Along with inquiring about locational aspects of the requested rezoning, Mr. Reginald Womble and Mr. Melvin B. Marley expressed concerns about traffic volume and safety hazards that could develop if industrial development is authorized in the requested area. Mr. Trollinger responded with his basis for believing that the requested rezoning would not facilitate the hazardous conditions that concerned the citizens.

Mr. Trollinger also noted that the city staff's analysis acknowledged the existence of five (5) Land Development Plan goals and policies to support his request and an equal number of LDP goals and policies that would be viewed as negative toward his application for rezoning. Mr. Trollinger highlighted the level of support present in the LDP for his application.

The Planning Board recommended approval of the requested rezoning for the following reasons:

1. The area has become more industrial and less residential over time; and
2. It is unlikely that the property will be used for residential purposes in the future.

Upon motion by Mr. Moffitt and seconded by Mr. Swiers, Council unanimously concurred with the Planning Board and approved the requested rezoning. As part of this motion, the Council agreed with the analysis of the comprehensive plans that found significant support for the application and, consequently, adopted a consistency statement finding the request to be reasonable and in the public interest due to the area becoming increasingly industrial in character and due to the unlikelihood that the properties will be developed for residential uses in the future.

(c) Report summarizing the results of the January 27th public workshop to kickoff the process of updating the Land Development Plan proposed land use map.

Mr. Nuttall presented an overview of a timeline for updating the Land Development Plan (LDP) proposed land use map. The Community Development Division staff will review comments and concerns received from the public workshop held on January 27th, 2015 and will identify areas and neighborhoods of focus over the next few months. A first draft of an updated LDP is proposed to be available during the summer of 2015.

11. Public comment period.

Mayor Smith opened the floor for comments from the public.

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

12. Consideration of a resolution expressing the city council's concurrence with a newly revised employee policy and procedures manual.

Ms. Griffin utilized a visual presentation in order to highlight for the Council Members the proposed revisions to the employee policies and procedures manual. Additionally, Ms. Griffin presented and recommended adoption, by reference, of a resolution expressing the City Council's concurrence with a newly revised City of Asheboro Employee Policies and Procedures Manual.

A copy of the visual presentation utilized by Ms. Griffin is on file in the City Clerk's office.

Upon motion by Mr. Bell and seconded by Mr. Baker, Council Members voted unanimously to adopt the following resolution by reference.

RESOLUTION NUMBER 04 RES 2-15

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION EXPRESSING THE CITY COUNCIL'S CONCURRENCE WITH A NEWLY REVISED CITY OF ASHEBORO EMPLOYEE POLICIES AND PROCEDURES MANUAL

WHEREAS, the City of Asheboro Personnel Policies and Procedures Manual (hereinafter referred to as the "Manual") was originally promulgated by the city manager and approved by resolution of the Asheboro City Council on March 4, 2004; and

WHEREAS, the city manager periodically receives recommendations from the human resources director and/or the personnel committee to update the Manual by eliminating recently identified areas of ambiguity and to reflect current best practices; and

WHEREAS, subsequent to October 1, 2014, which was the effective date of the most recent revision of the Manual, the human resources director and the personnel committee forwarded to the city manager recommendations to change the name of the Manual and to revise certain provisions within the following articles of the Manual: Article I (Unified Personnel System), Article III (Recruitment and Employment), Article IV (Payroll Administration), and Article V (Leaves of Absence); and

WHEREAS, the city manager agreed with these recommendations and, with the assistance of the human resources director, promulgated corresponding revisions of the Manual; and

WHEREAS, in addition to the name change for the Manual specified herein, the revisions promulgated by the city manager to the above-listed articles have been attached to this Resolution as

EXHIBITS 1, 2, 3, and 4, and the said exhibits are hereby incorporated into this Resolution by reference as if copied fully herein; and

WHEREAS, the members of the Asheboro City Council have concluded that the city manager's decision to revise and update the policies that guide the city's human resources system is consistent with the governing board's adopted mission statement "to provide the citizens of Asheboro with excellence in leadership, fiscal management, and municipal services and to create meaningful and appropriate opportunities for citizen participation to improve the quality of life for all;"

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that it hereby concurs with the city manager's decision to revise the name of the Manual from the City of Asheboro Personnel Policies and Procedures Manual to the City of Asheboro Employee Policies and Procedures Manual; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro, North Carolina that it hereby concurs with the decision by the city manager to promulgate, with an effective date of March 1, 2015, the revisions to the City of Asheboro Employee Policies and Procedures Manual that are attached to this Resolution as EXHIBITS 1, 2, 3, and 4; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro, North Carolina that all articles, sections, and provisions of the City of Asheboro Employee Policies and Procedures Manual (formerly known as the City of Asheboro Personnel Policies and Procedures Manual) that are not expressly addressed by this Resolution will continue in full force and effect without alteration.

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

EXHIBIT 1

ARTICLE I. **UNIFIED PERSONNEL HUMAN RESOURCES SYSTEM**

Section 1. Administration

The city manager shall have the final responsibility for the administration of **personnel employee** policies and procedures. In addition, each supervisor and manager of the city has an affirmative duty to enforce the **personnel employee** policies and procedures.

Section 4. Supplementary Policies

Any and all municipal/**departmental** policies that are not contained herein and that impact the uniform **personnel human resources** system administered by the City of Asheboro shall be subordinate to the policies found in this manual. In the event of a conflict, the policies found in the City of Asheboro **Personnel Employee** Policies and Procedures Manual shall control. Divisions/departments may develop **additional supplemental** policies and procedures to meet their unique personnel requirements. **Such supplemental policies must be approved by the human resources director and the city manager. Additional policies must be approved by the Human Resources Director and/or City Manager and in the event such policies conflict with the policies established herein, such additional policies and procedures shall be void.**

Section 8. **Americans with Disabilities Act**

The City of Asheboro prohibits any form of discrimination against persons with physical or mental disabilities. The city is committed to full compliance with the Americans with Disabilities Act.

Section 8-9. Employment of Relatives

The city prohibits the hiring of relatives within the same department; however, related persons may work for the city in different departments. When an issue pertaining to the employment of relatives within the same department arises subsequent to the hiring process, the permissibility of related persons working within the same department will be evaluated on a case-by-case basis. While not expressly prohibited, such a situation is discouraged. An employee may not serve as a direct supervisor for a related employee under any circumstances.

For the purpose of this section, relatives shall be deemed to include spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren, plus the various combinations of half, step, in-law, and adopted relationships that can be derived from those named.

Section 9-10. Implementation of Policies

All ~~personnel~~ **employees**, supervisory and line ~~personnel~~ **employees** alike, are hereby charged with the responsibility of continually reviewing the ~~personnel policies~~ **employee policies and procedures** found in this manual and ensuring that conduct and practices in the workplace conform to the ~~city's policies~~ **guidelines found in this manual**. Workplace practices or customs are to be constantly reviewed in order to make sure that a divergence does not develop between the workplace practices and the city's written policies. Without limiting the importance of other policies, specific attention is to be given to ensuring that safety policies and guidelines are properly observed, workplace violence is prevented, and equal employment opportunity based on reasonable job-related requirements is actively advocated and practiced to the end that no employee or applicant for employment shall suffer discrimination because of age, sex, race, color, religion, non-job related disability, genetic information, national origin, political affiliation, or military service.

EXHIBIT 2

ARTICLE III. RECRUITMENT AND EMPLOYMENT

Section 1. Recruitment and Employment Application Procedures

At the time of an employment vacancy, members of the human resources department, in consultation with the ~~division~~ department head, will determine to what extent, if any, the vacancy should be advertised. All vacancy announcements distributed throughout the community will specify qualifying requirements and the pay range of the positions to be filled. Employment advertisements shall contain assurances of **equal employment opportunities and shall comply with federal and state statutes regarding the prohibition of discrimination in employment matters** ~~Equal Employment Opportunity and shall comply with Federal and State Statutes regarding discrimination in employment matters.~~

Upon inquiry, each individual interested in employment with the city shall be informed of all current job ~~openings~~ **vacancies open to external candidates**. In order to be considered for employment with the city, an individual must submit a written application on the form prescribed by the human resources department ~~for current job vacancies only. Any such form shall provide notice that North Carolina law, subject to certain exceptions for individuals who are seeking or hold any certifications issued by the North Carolina Criminal Justice Education and Training Standards Commission, allows applicants to not refer to any arrest, charge, or conviction that has been expunged. An applicant need not, in answer to any question concerning any arrest or criminal charge that has not resulted in a conviction, include a reference to or information concerning charges or convictions that have been expunged. An application shall not be denied solely because of the applicant's failure or refusal to disclose information concerning any arrest, criminal charge, or criminal conviction of the applicant that has been expunged.~~

In order to ensure that an accurate background check can be completed in the event a conditional offer of employment is extended to an individual, applicants for employment with the city shall, upon request, provide information that can be used to confirm the identity of the applicant with written consent to conduct the background check, including without limitation a check of the applicant's criminal history record information. The requested information may include, but is not limited to, the applicant's full name, documents such as a birth certificate or driver's license, and/or a completed applicant fingerprint card.

~~The request for written consent to conduct a background check shall include, at a minimum, notice that North Carolina law, subject to certain exceptions for individuals who are seeking or hold any certifications issued by the North Carolina Criminal Justice Education and Training Standards Commission, allows applicants to not refer to any arrest, charge, or conviction that has been expunged. An applicant need not, in answer to a question concerning any arrest or criminal charge that has not resulted in a conviction, include a reference to or information concerning charges or convictions that have been expunged. An applicant shall not be denied employment solely because of the applicant's failure or refusal to disclose information concerning any arrest, criminal charge, or criminal conviction of the applicant that has been expunged.~~

~~Properly submitted applications shall be kept in an active file for six (6) months.~~

~~Applications will be kept active for each position opening identified on the application during the recruitment process. Once the positions identified on the application are filled, the application will be inactive. In order for an individual to be considered for any future job vacancies, a new application will have to be properly submitted to the city.~~

Qualified persons currently employed by the city shall receive first consideration for filling those vacancies that represent promotional opportunities via the internal posting process outlined below. Thus, not all position vacancies will be advertised and open to external candidates.

Persons dismissed by the city for unsatisfactory performance of duties or improper personal conduct may not be rehired.

Section 2. Initial Selection of a Candidate to Fill a Vacancy

- (A) Upon learning of a future vacancy, the division/department head should **immediately** notify the human resources department, via telephone or in person, of the pertinent information concerning the vacancy.
- (B) The human resources department, with guidance from the department head or division director, will complete a Request to Fill Vacancy Form and conduct a file search to review applications on file for potential candidates.
- (C) The human resources department, with guidance from the department head or division director, will determine whether or not the vacancy should be advertised externally and posted accordingly. If external advertisement is deemed necessary, timelines for the closing of the announcement will then be established.
- ~~(D) The human resources department will receive and screen applications.~~
- ~~(D) The following guidelines are applicable to the posting of job vacancies:~~
- ~~(1) Internal Postings. Positions are to be posted internally for a minimum of 5 working days for promotional considerations. The human resources department will generate the internal posting for distribution upon notification of the vacancy. When a vacancy for a position occurs within a department, employees who meet the minimum qualifications may apply for that position. Internal postings may be department specific or city-wide.~~
- ~~(2) External Postings. Positions which are advertised externally shall be advertised (open to recruitment) for a minimum of 5 working days. When circumstances warrant, the 5-working day internal and external vacancy announcements may be posted concurrently. All positions advertised externally will be posted on the city's website and with the local office of the division of employment security and, as determined to be appropriate, advertised through media and other professional sources.~~
- ~~(E) The human resources department will receive and screen applications. All applications must be channeled through the human resources department in order for the application to be given consideration for employment. Applications will only be accepted for advertised openings. All persons expressing interest in employment with the city shall be given the opportunity to file an application for employment if a current vacancy exists. A person may apply for up to 3 current vacancies using the same application form.~~
- ~~(E) (F) All qualified candidates will be interviewed by the human resources department. The human resources department will conduct a screening interview for the best qualified candidates.~~
- ~~(F) (G) The names of these candidates will then be referred to the department head and/or designee for screening and possible interview. A final list of pre-screened candidates will then be referred to the division/department head and/or designee.~~
- ~~(G) (H) The division/department head and/or designee will interview and select a candidate from the individuals suggested or request that the search process for a candidate be continued.~~
- ~~(H) Notwithstanding any other provision in this Section, divisions or departments of the city, in consultation with the human resources director and with the approval of the city manager, may utilize a modified screening and selection procedure when such a modification is necessary to comply with occupational licensing board requirements applicable to the position that the division director or department head is attempting to fill.~~
- ~~(I) Notwithstanding any other provision, the following exceptions to the procedures specified herein are hereby recognized and accepted as valid exceptions to the posting and selection procedures specified within this manual:~~
- ~~(a) The city manager may, at any time, fill a vacancy without an internal or external posting process when such an action is deemed by the city manager, in his sole discretion, to be in the best interest of the city; and~~
- ~~(b) Divisions or departments of the city, in consultation with the human resources director and with the approval of the city manager, may utilize a modified screening~~

and selection procedure when such a modification is necessary to comply with occupational licensing board requirements applicable to the position that the division director or department head is attempting to fill.

EXHIBIT 3

ARTICLE IV. PAYROLL ADMINISTRATION

Section 6. Pay Rates in Promotion, Demotion, or Transfer

When employees are promoted, demoted, or transferred, the rate of pay in the new position shall be established in accordance with the following provisions:

- a) (A) **Promotions.** An employee promoted to a higher grade shall be placed at the minimum rate of the new grade (step 1) or the nearest step, without going over, to a 2 step increase on the employee's current grade, whichever is higher.
- b) (B) **Demotions.** The pay of an employee employees transferred or demoted to a position of lower classification shall be adjusted to a step within the level to which the employee is they are assigned. This action may result in a decrease in pay.
- e) (C) **Transfers.** When employees are transferred from the position of one class to the position of another class of the same level, they should continue to be paid at the same rate.
 - (1) When an employee is transferred from the position of one class to the position of another class of the same level, the employee will continue to be paid at the same rate.
 - (2) Subject to the following requirements, the pay of an employee transferred to a position of lower classification shall be adjusted to a step within the level to which the employee is assigned:
 - (a) When the transfer is the result of a mutual decision by the employee and the city that such a transfer is in the best interest of both parties, the employee shall remain at the same rate of pay in the lower grade.
 - (b) When the transfer is at the sole request of the employee, the employee's pay will be adjusted to the appropriate level of pay within the lower grade. Such an adjustment may result in a decrease in pay.

EXHIBIT 4

ARTICLE V. LEAVES OF ABSENCE

Section 1. Holidays

The city manager is authorized to grant the following holidays with pay to all full-time employees, based on one (1) regular work day per holiday.

New Year's Day
Martin Luther King, Jr. Day
Good Friday
Memorial Day
Independence Day
Labor Day
Thanksgiving - 2 days
Christmas - 3 days

Regular holidays or unscheduled workdays which occur during a vacation, sick or other leave period of any officer or employee of the city shall not be considered as vacation, sick or other leave.

If any of the above-listed holidays occur during a previously approved leave period (e.g. vacation leave, sick leave, the use of accrued compensatory time-off, or otherwise), the available holiday leave will be used to the maximum extent permitted by this section in lieu of any other leave time authorized by this manual. By way of illustration, when calculating the use of accrued leave time, if holiday leave time is available for use by an employee, such holiday leave time shall be used in compliance with this section, as soon as the holiday leave time becomes available for use, in lieu of any other accrued leave time such as compensatory time-off, vacation leave, or sick leave.

Due to the obligation of the city to provide municipal services on a 24-hour basis, some employees will be required to adhere to a city work schedule that prevents the use of holiday leave on the actual date of a city-recognized holiday. When the city work schedule prevents an employee from availing himself or herself of holiday leave on the actual date of a city-recognized holiday, such an employee may utilize, and the division/department head is to facilitate the employee's use of, the holiday leave time authorized by this section during a 60-calendar day window of opportunity that shall begin to run on the date of the holiday that is the basis of the accrual of the holiday leave time. If an employee fails, for any reason, to avail himself or herself of the holiday leave time privilege during the 60-calendar day window of opportunity, the holiday leave time accrued more than 60 days prior to the date of review shall be forfeited by the employee. Employees required to work on regular scheduled holidays may be granted compensatory time-off.

When any of the aforementioned holidays fall on a Saturday or a Sunday, the day(s) observed will be at the discretion of the city manager.

Notwithstanding any other provision in this section, the city manager may suspend any previously approved holiday leave when, in the discretion of the city manager, the city is confronting events or circumstances that require the utilization of extraordinary measures and operations by city forces in order to provide the level of service expected of the city. This authority to suspend holiday leave shall not be construed as placing any employee "on-call." Unless an employee is subject to an on-call policy implemented in the regular course of business by a division or department of the city, the city manager's authority to suspend holiday leave does not require employees to remain on the city's premises or in close proximity to city facilities. Under this provision, an employee's obligation is to have accurate contact information on file with the human resources department so that he or she can be reached when not working and advised to return to work as soon as is practicable. This authority to suspend holiday leave is inapplicable to employees who are using holiday leave as part of an approved FMLA leave or during the 7-day waiting period prescribed by the North Carolina Workers' Compensation Act.

Section 18. Americans with Disabilities Act [This section has been moved to Article I.]

The City of Asheboro prohibits any form of discrimination against persons with physical or mental disabilities, and is committed to full compliance with the Americans with Disabilities Act.

Section 18. Bereavement Leave

When a death occurs in an employee's immediate family, an employee shall be granted up to 24 consecutive work hours of bereavement leave. Bereavement leave shall be capped at no more than 48 hours per calendar year.

When a death occurs, the employee is to contact his or her supervisor as soon as possible, but no later than the next business day following the death, to arrange the necessary time-off. Bereavement leave will not be considered as time actually worked for purposes of calculating overtime pay or the accrual of compensatory time-off.

The city may request supporting documentation (obituary, death certificate, etc.) to support the request for bereavement leave.

For the purpose of interpreting this section, the term "immediate family" shall be deemed to include spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren, plus the various combinations of half, step, in-law, and adopted relationships that can be derived from those named.

Section 21. Unauthorized Leave [This section has been moved to the end of this Article.]

If an employee is absent from work without department head approval or if he/she has exhausted all accrued time taken and are not on any approved leave, this may be deemed unauthorized leave and disciplinary action may be taken.

Section 21. Leave for Parental/Guardian Involvement in Schools

North Carolina law requires employers to grant up to 4 hours per calendar year (not school year) of unpaid leave to any person who is a parent or guardian of a school-aged child so that they can become involved in school activities. The term "school" shall mean any public or private day school, preschool, or child care facility. Leave under this section is subject to the following conditions:

1. The leave must be scheduled for a time that is mutually agreeable to the division/department head and the employee;
2. The employee must make a written request at least 48 hours before the leave begins; and
3. The employee may be required to provide written verification from the child's school that the employee attended or was involved in school activities during the time of the leave.

Section 22. Inclement Weather

Because of their essential and direct impact on public safety and health, many city services must continue regardless of the weather. Employees who are required to work when city offices are closed because of inclement weather will be given compensatory time off at the rate of 1 hour for each hour worked. A maximum of 8 hours in a 24 hour period may be given. Notwithstanding any other provision found in this paragraph, this section shall not be interpreted in a manner that creates a conflict with the applicable federal and state wage and hour laws.

Employees are encouraged to use their own judgment about reporting to work during inclement weather. Those who are not able to report when city offices are not officially closed will be charged with accrued compensatory time, holiday time, or vacation leave.

Section 22. Adverse Weather and Emergency Closings

(A) The purpose of this section is to establish guidelines for accounting for time and releasing employees from work:

- (1) When adverse weather or some other condition of a serious nature prohibits some employees from reporting to work but does not necessitate the closing of city offices/facilities; and
- (2) When emergency conditions necessitate the closing of city offices/facilities.

(B) For the purpose of implementing this section, the phrases listed below shall be defined as follows:

- (1) The term "*adverse weather or other conditions of a serious nature*" means physically severe weather or other conditions of a serious nature that prohibit some employees from reporting to work but do not necessitate the closing of city offices/facilities;
- (2) The term "*emergency closing conditions*" means conditions that are hazardous to life and safety and that warrant the closing of one or more city offices/facilities. Conditions that may be hazardous to life or safety and that warrant closing city offices/facilities include the following: life threatening weather (e.g. snow, ice, hurricane conditions, tornado, flood, or other natural disaster), fire, equipment failure, disruption of power and/or water service, contamination by hazardous agents, criminal or terrorist acts, or forced evacuations from the work site. When hazardous conditions are present and city offices/facilities are closed, each notice of such a closure shall state the duration of the office/facility closure triggered by the emergency closing conditions described in the notice; and
- (3) The term "*emergency employee*" means an employee who is required to work during an emergency because his or her position has been designated by the city as mandatory/essential to city operations during an emergency.

(C) City offices/facilities shall be open during normally scheduled operating hours unless and until a specific decision has been made by the city manager or his designee to close one or more city offices/facilities because of the existence of emergency closing conditions.

(D) Regardless of the existence of adverse weather, other conditions of a serious nature, or emergency closing conditions, some city operations must continue to provide services. Therefore, division/department heads, in consultation with the human resources director, shall predetermine and designate the mandatory/essential operations that will remain open when one or any combination of the hazardous conditions referenced above is present and shall also designate the emergency employees that will staff these operations. The city manager shall make the final decision as to which operations are designated as mandatory/essential and as to which job positions are designated as those of emergency employees.

(E) Division/department heads, in consultation with the human resources director, shall develop written procedures for the implementation of this section. These procedures shall be consistent with this section and shall include, at a minimum, the following topics:

- (1) The methodology to be used to advise employees of office/facility closures;
- (2) The designation and notification of employees deemed to be emergency employees;
- (3) The methodology for notifying emergency employees of their schedules during emergency closing conditions;
- (4) A clear and unequivocal explanation that general closing announcements for city offices/facilities do not apply to emergency employees unless specific instructions to the contrary are transmitted to the emergency employees in accordance with the communication procedures adopted by the division/department; and

- (5) For each division/department, employees will be informed whether, and under what conditions, the operational needs of the division/department allow management the opportunity to arrange schedules so as to give employees who are not emergency employees the opportunity to make up time not worked rather than charging the time not worked to accrued leave or entering leave without pay status.
- (F) An emergency employee's failure to report to work can result in disciplinary action and/or requiring the hours missed to be charged to leave with or without pay, as appropriate.
- (G) This division addresses the issue of accounting for time during adverse weather or other conditions of a serious nature.
- (1) It is the responsibility of employees to make a good faith effort to come to work during times that adverse weather or other conditions of a serious nature exist.
- (2) Employees who have not been designated as emergency employees and who anticipate problems in transportation should be permitted and encouraged to avail themselves of leave privileges when encountering difficulty in reporting for work or when leaving early.
- (3) To cover absences from assigned work sites during adverse weather or other conditions of a serious nature, employees who have not been designated as emergency employees are permitted to elect to use, to the extent that a particular employee may have accrued one or more of the types of leave listed below, one of the following options:
- (a) To use accrued holiday leave time;
- (b) To use accrued compensatory time-off leave;
- (c) To use vacation leave;
- (d) Take leave without pay; or
- (e) If the option is available within the employee's division/department, make up the time in accordance with the written guidelines adopted by the employee's division/department. If a division/department has not adopted such guidelines, the option of making up time is not available to the employee.
- (4) Employees who are on prearranged holiday leave, vacation leave, or sick leave will charge leave to the preapproved category of leave regardless of the event involving adverse weather or any other condition of a serious nature.
- (H) When emergency closing conditions are not a city-wide event and the operational needs of the division/department permit this action, the city manager, in his or her sole discretion, may authorize division/department heads to temporarily reassign employees within their divisions/departments to alternate work sites for the duration of the emergency closing conditions.
- (I) When the emergency closing conditions are a city-wide event and the operational needs of the division/department will allow the opportunity for work to be productively conducted at home, the city manager, in his or her sole discretion, may authorize division/department heads to approve the conduct of compensable city work from home by designated employees for a limited duration of time that is not permitted to exceed the duration of the emergency closing conditions.
- (J) This division addresses the issue of accounting for time during emergency closing conditions when employees are not assigned to alternate work sites or allowed to work from home.
- (1) In the absence of either a designation as an emergency employee or an assignment to work from an alternate site/home, the employee will not be required to charge the time away from work to any of the employee's accrued leave balances.
- (2) An emergency employee required to work during the time period specified in the notice of the closure of city offices/facilities shall be granted compensatory time-off for the employee's work during the emergency closing conditions (for the purpose of payroll administration, this work shall be deemed to be a special duty assignment); provided, however, the accrual of compensatory time-off pursuant to this section shall be calculated on an hour-for-hour basis, not 1.5 hours for every hour worked, for all hours actually worked during the time period specified in the closure notice authorized by the city manager. Consistent with the city's desire to effectively manage and limit the accrual of unused compensatory time-off, this accrued time is to be used before any vacation or sick leave is used.
- (3) If additional employees who were not initially designated as emergency employees are needed for situations such as clean-up and recovery operations during the effective date(s) and time(s) of an emergency closure notice, the city manager may elect to compensate

such employees in the same manner as employees who were designated emergency employees in advance of the emergency closing conditions.

(4) Employees who are on prearranged holiday leave, vacation leave, or sick leave will charge leave to the preapproved category of leave regardless of the existence of emergency closing conditions.

(K) Notwithstanding any other provision found herein, this section shall not be interpreted and/or implemented in a manner that creates any violation of or nonconformity with the applicable federal and state wage and hour laws, specifically including without limitation the Fair Labor Standards Act (FLSA). By way of illustration and not limitation, nothing in this section shall be construed in a manner that prevents a non-exempt employee from receiving compensatory time-off at the rate of 1.5 hours for every hour worked over 40 hours in a 7-day workweek. Similarly, no deductions shall be made from an exempt employee's pay that would call into question the employee's status as an exempt employee.

Section 25. Unauthorized Leave

If an employee is absent from work without division/department head approval, or if the employee has exhausted all of his or her accrued leave and has not been approved for any type of leave specified in this section, such an employee may be subject to the termination of his or her employment.

13. Inspections Department Annual Report

Mr. Randy Purvis, Chief Building Inspector, presented an overview of the Building Inspection Department's activities during 2014. The department's report reflected a total of 898 permits issued with a total of \$59,980.75 in revenue received. A copy of the written report submitted to the Council Members is on file in the City Clerk's office.

14. Code Enforcement Annual Report.

Mr. Ed Brown, Code Enforcement Officer, utilized a visual presentation in order to give the Council Members an overview of the Code Enforcement activities for 2014. Mr. Brown's report reflected a total of 329 recorded code violations for 2014. These violations included but were not limited to, nuisance violations, non-permitted signs, minimum housing code violations, and zoning violations. A copy of the visual presentation utilized by Mr. Brown is on file in the City Clerk's office.

15. Report on the progress of refurbishing and remodeling the City Hall Council Chambers and the proposed conference room.

Mr. Leonard utilized a visual presentation in order to report on the progress of refurbishing and remodeling the City Hall Council Chamber and the proposed second floor conference room. During his presentation, Mr. Leonard presented an overview of the rooms' new layout. Once completed, the City Hall Council Chamber will have new carpet, new paint, and new furniture. Additionally, monitors have been purchased for the Council Members and the public to view visual presentations.

The proposed conference room will be located in the engineering department located on the second floor of city hall.

A copy of the visual presentation utilized by Mr. Leonard is on file in the City Clerk's office.

16. Division of Water Resources Items:

(a) A resolution authorizing the entry of the city into a professional design services contract with Sturgill Engineering, PA for the Arc Flash Study for Lift Stations Nos. 1-5 Project.

Mr. Rhoney presented and recommended adoption, by reference, of the aforementioned resolution.

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

RESOLUTION NUMBER 05 RES 2-15

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**EXEMPTION OF THE ARC FLASH STUDY FOR LIFT STATIONS NOS.
1 – 5 PROJECT FROM THE STATUTORILY PRESCRIBED QUALIFICATION-BASED SELECTION
PROCESS FOR DESIGN PROFESSIONALS**

WHEREAS, Section 143-64.31 of the North Carolina General Statutes requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services (collectively “design services”) to be based on qualifications and without regard to fee; and

WHEREAS, the City of Asheboro is preparing to undertake a project (The Arc Flash Study for Lift Stations Nos. 1 – 5 Project) that will necessitate the procurement of professional electrical engineering services; and

WHEREAS, Section 143-64.32 of the North Carolina General Statutes authorizes units of local government to exempt contracts for design services from the statutorily prescribed qualification-based selection requirements if the estimated fee is less than \$50,000; and

WHEREAS, Sturgill Engineering, PA has previously provided high quality electrical engineering services for the city’s water resources division, which is the division of the municipal government with administrative responsibility for The Arc Flash Study for Lift Stations Nos. 1 – 5 Project (the said project will be hereinafter referred to as the “Arc Flash Study Project”); and

WHEREAS, the estimated fee for design services for the Arc Flash Study Project is less than \$50,000;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that, effective upon the adoption of this Resolution, the Arc Flash Study Project is exempted from the qualification-based selection process prescribed in Chapter 143, Article 3D of the North Carolina General Statutes; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro, North Carolina that the city manager is hereby authorized to execute, in accordance with the city’s standard contracting procedures, all documents necessary to procure from Sturgill Engineering, PA the electrical engineering services needed to successfully complete the Arc Flash Study Project.

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

- (b) A resolution authorizing the entry of the city into a professional design services contract with The Wooten Company for the Penwood Branch Partial Sewer Evaluation and Professional Engineering Report Project.

Mr. Rhoney presented and recommended adoption, by reference, of the aforementioned resolution.

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

RESOLUTION NUMBER 06 RES 2-15

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**EXEMPTION OF THE PENWOOD BRANCH PARTIAL SEWER
EVALUATION AND PROFESSIONAL ENGINEER'S REPORT
PROJECT FROM THE STATUTORILY PRESCRIBED QUALIFICATION-BASED
SELECTION PROCESS FOR DESIGN PROFESSIONALS**

WHEREAS, Section 143-64.31 of the North Carolina General Statutes requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services (collectively "design services") to be based on qualifications and without regard to fee; and

WHEREAS, the City of Asheboro is preparing to undertake a project (The Penwood Branch Partial Sewer Evaluation and Professional Engineer's Report Project) that will necessitate the procurement of professional engineering services; and

WHEREAS, Section 143-64.32 of the North Carolina General Statutes authorizes units of local government to exempt contracts for design services from the statutorily prescribed qualification-based selection requirements if the estimated fee is less than \$50,000; and

WHEREAS, L.E. Wooten and Company d/b/a The Wooten Company has previously provided high quality engineering services for the city's water resources division, which is the division of the municipal government with administrative responsibility for The Penwood Branch Partial Sewer Evaluation and Professional Engineer's Report Project (the said project will be hereinafter referred to as the "Penwood Branch Project"); and

WHEREAS, the estimated fee for design services for the Penwood Branch Project is less than \$50,000;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that, effective upon the adoption of this Resolution, the Penwood Branch Project is exempted from the qualification-based selection process prescribed in Chapter 143, Article 3D of the North Carolina General Statutes; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro, North Carolina that the city manager is hereby authorized to execute, in accordance with the city's standard contracting procedures, all documents necessary to procure from The Wooten Company the engineering services needed to successfully complete the Penwood Branch Project.

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

17. An overview of recent lease agreement discussions with the East Side Improvement Association, Inc.

Mr. Ogburn utilized a visual presentation and presented an overview of certain space that may be leased for use as a police resource center in the east side area of Asheboro. The police resource center will be utilized by certain divisions of the Asheboro Police Department, including, but not limited to the following:

- The Community Resource Team led by Lt. Jason Cheek
- The Park Rangers led by Sgt. Tim Marlowe
- The Police Explorers led by Sgt. Byron Hill; and
- The Police Athletic League Headquarters

Additionally, Mr. Ogburn reported that once financial obligations are completed by the East Side Improvement Association, Inc. a proposed lease agreement with the City of Asheboro and the East Side Improvement Association, Inc. will be reviewed by the Council. City staff will keep the mayor and members of the city council updated.

18. Upcoming events that were announced by Mayor Smith:

- **Police Chief Ralph Norton's retirement celebration on Friday, February 6, 2015 from 12:00 p.m. until 2:00 p.m. in the Public Works Conference Room.**
- **Police Master Sergeant David Kennedy's retirement celebration on Friday, February 13, 2015 from 12:00 p.m. until 2:00 p.m. in the Public Works Conference Room.**
- **A planning retreat will be held by the Randolph County Economic Development Corporation on Tuesday, February 17, 2015 from 9:00 a.m. until 1:00 p.m. at the Randolph County Community College Foundation Center.**
- **George Washington Carver Community Enrichment Center banquet on Saturday, February 21, 2015 at 6:00 p.m. at the AVS Catering Center.**
- **Town Hall Day on Wednesday, March 18, 2015.**

There being no further business, the meeting was adjourned at 9:29 p.m.

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

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