

**NOTICE OF A SPECIAL MEETING OF THE
ASHEBORO CITY COUNCIL
Tuesday, May 27, 2008
7:00 O'clock P.M.**

Notice of a special meeting of the City Council of the City of Asheboro, North Carolina is hereby given. This special meeting will be held on Tuesday, the 27th day of May, 2008 at 7:00 o'clock p.m. in the Conference Room at the City of Asheboro Public Works Facility, which is located at 1312 North Fayetteville Street in Asheboro, North Carolina.

This special meeting has been called in order to allow the Asheboro City Council to consider whether to request the Randolph County Board of Elections to conduct a city alcoholic beverage election in accordance with Section 18B-601 of the North Carolina General Statutes. As part of this deliberation, the council will also consider, in accordance with Section 18B-602 of the North Carolina General Statutes, the propositions to be placed on the ballot for the requested city alcoholic beverage election.

All officers of the city and all other persons whomsoever are hereby given notice that this meeting will be held. This notice is issued on the 19th day of May, 2008, pursuant to the laws of the State of North Carolina and the City of Asheboro.

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

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SPECIAL MEETING

**TUESDAY, MAY 27, 2008
CITY OF ASHEBORO PUBLIC WORKS FACILITY CONFERENCE ROOM
7:00 p.m.**

This being the time and place for a special meeting of the Mayor and the City Council, a meeting was held in the City of Asheboro Public Works Facility Conference Room located at 1312 North Fayetteville Street in Asheboro with the following members and officials present:

David H. Jarrell) – Mayor Presiding

Talmadge S. Baker)
Edward J. Burks)
Linda H. Carter)
J. Keith Crisco) – Council Members Present
Walker B. Moffitt)
Archie B. Priest, Sr.)
David H. Smith)

John N. Ogburn, III, City Manager
Dumont Bunker, P.E., City Engineer
Max C. Cole, Engineering Assistant
Holly H. Doerr, City Clerk/Senior Legal Assistant
Deborah P. Juberg, Finance Director
Gary L. Mason, Chief of Police
O. Lynn Priest, Community Development Director
A. Todd Stout, Information Technologist
Jeffrey C. Sugg, City Attorney

1. Call to order.

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

2. Consideration of a resolution calling for city alcoholic beverage elections.

Prior to considering the resolution prepared by staff in response to a written request (a copy of this request is on file in the City Clerk's office) received from The Committee for the Future of Asheboro, Mayor Jarrell announced that he would allow ten (10) individuals to speak in support of the requested resolution and an equal number to speak in opposition. Having set these ground rules, Mayor Jarrell gave citizens an opportunity to present comments in support of a resolution calling for city alcoholic beverage elections.

On behalf of The Committee for the Future of Asheboro, Mr. Steve Schmidly, Esq. requested that the Council consider and vote on whether to authorize a referendum, to be held on Tuesday, July 29, 2008, on the following issues, consistent with the provisions of the North Carolina General Statutes § 18B-602:

- a. To permit the "on-premises" and "off-premises" sale of malt beverages.
- b. To permit the "on-premises" and "off-premises" sale of unfortified wine.
- c. To permit the operation of ABC stores, and
- d. To permit the sale of mixed beverages in hotels, restaurants, private clubs, community theaters, and convention centers.

Mr. Schmidly explained that the last alcohol referendum in the City of Asheboro took place in 1994. Since then, Asheboro has been competing in a global economy. Most of the heavy manufacturing jobs are leaving Asheboro and going to places where labor is the cheapest, significantly impacting Asheboro's economy.

Mr. Schmidly further explained that the demographics of the community have changed, and we need to take advantage of our community assets, which include hard working people, a great roadway system, a beautiful downtown area, and a series of area attractions such as the Petty Museum, Seagrove Pottery, and the North Carolina Zoological Park. Mr. Schmidly felt that Asheboro must be made a tourist attraction, a place where visitors come, stay, and spend money. Furthermore, Mr. Schmidly felt that Asheboro should provide its citizens with employment and business opportunities that will allow the community to prosper in this global economy.

Mr. Schmidly emphasized that Asheboro must embrace change, and that it must be able to welcome visitors and provide the desired amenities. Furthermore, Asheboro must have the necessary development for the community to compete with other communities for state and regional conventions and meetings that bring more folks into the community to spend money that would take pressure off local taxpayers. Without beer, wine and mixed drink sales, Mr. Schmidly felt that Asheboro would not have the kind of development needed and would not reach its full potential.

Mr. Schmidly stated that the alcohol referendum is the critical first step in recognizing the goals of the Asheboro 20/20 Strategic Plan. He further stated that the referendum is a core issue that must be addressed in order to reach the economic goals of said plan. Mr. Schmidly encouraged the Council to use the vision of the Strategic Plan in deciding Asheboro's economic future and asked the Council to pass a resolution allowing an alcohol referendum.

Additionally, on behalf of The Committee for the Future of Asheboro, Ms. Brooke Schmidly, Esq. presented comments in support of the alcohol referendum. Ms. Schmidly explained that many investors show interest in Asheboro until they learn that Asheboro does not provide enough amenities to make the capital expenditure in order to build their facilities in Asheboro. Each time an investor rejects Asheboro, jobs and revenue are lost.

Furthermore, Ms. Schmidly reiterated that it is critical that the citizens of Asheboro have the opportunity to discuss and vote on the legalization of alcohol sales in Asheboro. Recently, surrounding counties voted to allow the sale of wine and mixed drinks countywide. If development, in terms of new hotels, shops and restaurants, goes to these other locations, then Asheboro loses its chance for development, and those areas may become the bedroom tourist community for the North Carolina Zoo and Seagrove Potteries. Randolph County's tourist attractions could mean benefits in terms of jobs, property taxes and sales taxes in another county. If Asheboro continues to vote "no" for alcohol or not allow a referendum, then the business development will go elsewhere.

Ms. Schmidly felt that Asheboro must increase job opportunities and revenue sources. The citizens of Asheboro must be particularly concerned about jobs because Asheboro's economy is still largely dependent on manufacturing jobs, as Asheboro continues to lose those jobs. During her research, Ms. Schmidly found that since 1995, Asheboro has experienced large losses of manufacturing-based jobs due to import competition. From 1994 until today, there has been a total job loss of over 6,000 jobs in Randolph County.

According to Ms. Schmidly, Asheboro needs to convince corporations to choose Asheboro when considering opening a facility in the piedmont by showing them that Asheboro has the amenities

their employees want. Ms. Schmidly asserted that tourism is the real way to diversify Asheboro's economy, and Asheboro must attract more nice hotels to Asheboro and offer a variety of restaurants.

Ms. Schmidly presented resolutions that were adopted by the Asheboro Randolph Chamber of Commerce, the Randolph County Economic Development Corporation, and the Randolph County Tourism Development Authority supporting the call for a referendum regarding the legal sale of alcoholic beverages within the City of Asheboro.

Ms. Schmidly asked that the Council authorize the holding of the alcohol referendum and allow approximately 60 days for the citizens of Asheboro to discuss and debate the issue. Additionally, she requested that the alcoholic beverage election be held on July 29, 2008.

Due to the fact that no other citizens wished to speak in support of holding a city alcoholic beverage election, Mayor Jarrell gave citizens an opportunity to present comments in opposition to the requested resolution.

Mr. Wendel Lamason, a physical therapist in Asheboro, presented comments and concerns in opposition to the request for an election. Mr. Lamason felt that increasing the accessibility of alcohol is not in the best interest of Asheboro nor its citizens. Mr. Lamason further explained that he chose Asheboro in 2002 to raise his family and open a business because of Asheboro's family friendly community. Making alcohol available would not enhance the family atmosphere. He believes that alcohol is a burden to society, healthcare, and the government. Alcohol "takes" from a community, it does not "give" to a community. Increasing the availability of alcohol may be somewhat of a financial benefit, but he is not convinced that it is the answer for an economic stimulus.

Ms. Dawn Cole, a registered nurse, offered her comments and concerns in opposition to the request for an election. She has personally experienced the effects of alcohol. Ms. Cole shared that on November 17, 2007, her sister was killed in a car accident by a drunk driver. The increased revenue from alcohol sales in Randolph County will not be enough to offset the costs for medical expenses relating to such accidents and health issues pertaining to the abuse of alcohol. If alcohol sales are permitted within the City of Asheboro, then the citizens will be responsible for paying for the need for more law enforcement officials, emergency medical services, jail facilities, etc.

Mr. Ben Tesh, a law enforcement officer, was worried that if alcohol was made available in Asheboro, then there would more drunk drivers on the roadways.

Ms. Nicole Brooks and Ms. Candace Brooks expressed that they have personally seen the effects of alcohol within their family and among friends and asked that alcohol sales not be permitted in Asheboro.

Reverend Eugene Schenck, a retired Wesleyan Minister and school teacher, explained that he helped defeat the alcohol vote in 1994 and plans to help defeat it again. Rev. Schenck explained that alcohol would not make Asheboro a righteous city and believed that there are enough Christians in Asheboro that will vote against the referendum.

Dr. John Rogers, Pastor of First Baptist Church, was concerned about the future of Asheboro, but felt that alcohol was not the answer to enhance Asheboro's economy. Asheboro's number one issue is education, not the issue of whether or not alcohol should be accessible in Asheboro. Alcohol would only have a negative impact on Asheboro. Studies indicate that increasing alcohol outlets increases the number of problematic drinkers. Therefore, if alcohol sales were approved in Asheboro, then there would almost be a 10% increase in problematic drinkers, which would mean an additional cost to businesses and healthcare of approximately \$1 million. The city would have to increase its law enforcement as well as social services. The benefit of alcohol sales does not offset the negative costs to the communities.

The one thing that Asheboro has as a distinctive is that alcohol is not available. With the sale of alcoholic beverages, Asheboro loses its distinctiveness and has nothing to build on that is completely unique. It would only increase a number of existing problems. To speculate that alcohol will be an economic boost, there is no example. There is no evidence of an economic boost in Lexington or Albemarle due to the sale of alcoholic beverages. Dr. Rogers felt that there are many other issues for the city to address. If we are so concerned about the future, then we need to work together on matters that will make a difference.

Dr. Rogers suggested that the alcohol vote be extended to 90 days in order to give all the citizens an opportunity to engage in informed discussion and be present to vote. He asked that the Board of Elections select a later date. Dr. Rogers was concerned that some citizens may be out of town at the time of the election.

Reverend Jon Shook, Pastor of Bailey's Grove Baptist Church, felt that Asheboro, as a dry city, indicated the presence of Christian values. These Christian values and an alcohol free community has produced successful students. Reverend Shook felt that Asheboro should remain a dry city, and that the Christian values should not be abandoned in order to appeal to an outsider.

Reverend Gene Booker, Interim Associational Missionary for the Randolph Baptist Association, felt that if we voted to have alcoholic beverage sales in Asheboro, then we would be held accountable.

Mr. Floyd Daughtry felt people needed to be made aware of the negative effects of alcohol.

Mayor Jarrell thanked everyone for his or her comments and concerns.

Mr. Moffitt moved to adopt a resolution calling for city alcoholic beverage elections for the City of Asheboro and requested that the election be held on July 29, 2008. Mr. Crisco seconded the motion. After discussion, Mr. Burks moved to amend the motion by extending the election date for 28 days and setting it for August 26, 2008 to allow for more citizen participation. Ms. Carter seconded the amended motion. Council Members Burks, Carter, and Priest voted in favor of the amended motion, while Council Members Baker, Crisco, Moffitt, and Smith voted no.

After further discussion and in regards to Mr. Moffitt's original motion, Council, by a 4 to 3 vote, voted to adopt the following resolution calling for city alcoholic beverage elections for the City of Asheboro. Council Members Baker, Crisco, Moffitt, and Smith voted in favor of the motion. Council Members Burks, Carter, and Priest voted no.

22 RES 05-08

RESOLUTION CALLING FOR CITY ALCOHOLIC BEVERAGE ELECTIONS FOR THE CITY OF ASHEBORO

WHEREAS, pursuant to Section 18B-600 of the North Carolina General Statutes, the City of Asheboro may hold the following kinds of alcoholic beverage elections: (1) Malt beverage; (2) Unfortified wine; (3) ABC store; and (4) Mixed beverage; and

WHEREAS, the City Council of the City of Asheboro has concluded that alcoholic beverage elections should be held for the City of Asheboro; and

WHEREAS, pursuant to Section 18B-601(c) of the North Carolina General Statutes, a city alcoholic beverage election shall be conducted by the county board of elections upon receipt of a written request for such an election from the city's governing body; and

WHEREAS, Section 18B-601(d) of the North Carolina General Statutes provides that such a request from the city's governing body shall state which of the propositions prescribed by Section 18B-602 of the North Carolina General Statutes shall be voted upon and that more than one kind of alcoholic beverage election may be included in a single request.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that the Randolph County Board of Elections is hereby requested to conduct city alcoholic beverage elections for the City of Asheboro with the following propositions to be voted upon:

Malt Beverage Election

To permit the "on-premises" and "off-premises" sale of malt beverages.

- FOR
 AGAINST

Unfortified Wine Election

To permit the "on-premises" and "off-premises" sale of unfortified wine.

- FOR
 AGAINST

ABC Store Election

To permit the operation of ABC stores.

- FOR
 AGAINST

Mixed Beverage Election

To permit the sale of mixed beverages in hotels, restaurants, private clubs, community theatres, and convention centers.

- FOR
 AGAINST

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the Randolph County Board of Elections is respectfully requested to set the date of the above-requested alcoholic beverage elections for July 29, 2008.

Adopted by the Asheboro City Council in special session on the 27th day of May, 2008.

s/ David H. Jarrell
David H. Jarrell, Mayor

ATTEST:

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

3. Issuance of notice of a special meeting of the Asheboro City Council to be held on May 30, 2008.

Mayor Jarrell announced that there will be a special meeting (Planning Retreat) of the Asheboro City Council on Friday, May 30, 2008 at 7:30 a.m. in the City of Asheboro Public Works Facility Conference Room.

4. Upcoming Events.

- Wednesday, May 28, 2008 at 5:45 p.m. – North Asheboro Park dedication of Clarence Smith Field.
- Friday, May 30, 2008 at 7:30 a.m. - Special Meeting of Asheboro City Council – Planning Retreat – City of Asheboro Public Works Facility Conference Room
- Wednesday, June 4, 2008 – Town Hall Day
- Thursday, June 5, 2008 at 7:00 p.m. – Regular Meeting of Asheboro City Council – City of Asheboro Public Works Facility Conference Room
- Monday, June 9, 2008 at 4:30 p.m. – Special Joint Meeting of Asheboro City Council and the Randolph County Board of Commissioners – Commissioners Meeting Room
- Thursday, June 12, 2008 at 7:00 p.m. – Special Meeting of Asheboro City Council

There being no further business, the meeting was adjourned at 9:27 p.m.

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

s/ David H. Jarrell
David H. Jarrell, Mayor