

**AMENDED AGENDA
REGULAR MEETING
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, NOVEMBER 6, 2014, 7:00 PM**

1. Call to order.
2. Silent prayer and pledge of allegiance.
3. Mayor Smith will recognize municipal employees for their military service in honor of Veterans Day.
4. Presentation by Mr. Evans Taylor of Duke Energy on the Neighborhood Energy Saver Program.
5. Presentation by Mr. Trevor Nuttall of the North Carolina Housing Finance Agency Award to the City of Asheboro.
6. Presentation by Ms. Robin Whatley, Randolph County EMS Training Coordinator, concerning Chief Roy Wright and the Asheboro Fire Department's lifesaving efforts in the EMS "Team Focused CPR Initiative."
7. Presentation by Mr. Michael Rhoney, PE and Mr. Mike Wiseman, Wastewater Treatment Plant Manager, concerning the selection of the City of Asheboro as a Top Performer by Treatment Plant Operator Magazine.
8. Consent agenda:
 - (a) Acknowledgement of the receipt of the Asheboro ABC Board's minutes of its meeting on September 2, 2014.
 - (b) Approval of the minutes of the city council's special meeting that was held on October 6, 2014.
 - (c) Approval of the minutes of the city council's regular meeting that was held on October 9, 2014.
 - (d) Approval of a request from the Asheboro /Randolph Chamber of Commerce to temporarily close the following sections of public streets for the annual Christmas parade that officially begins at 7:00 pm on Friday, December 5, 2014: West Kivett Street between South Fayetteville Street and South Church Street, Church Street from West Walker Avenue to Hoover Street, Sunset Avenue from Church Street east to Fayetteville Street, and South Fayetteville Street from Salisbury Street to Kivett Street.

- (e) Approval of a request from the Asheboro/Randolph Chamber of Commerce Downtown Development Committee to temporarily close the following sections of public streets for the annual “Christmas on Sunset” street festival that runs from 6:00 pm to 9:00 pm on Friday, December 12, 2014: Sunset Avenue from Park Street to Fayetteville Street, and Church Street from West Academy Street to Hoover Street.
 - (f) Adoption of a resolution approving a Memorandum of Understanding between the Asheboro Police Department and the Randolph County Sheriff’s Office that will clarify operational responsibilities when the two agencies are acting on the basis of the involuntary commitment process established in Chapter 122C of the North Carolina General Statutes.
9. Trevor Nuttall will present the following Community Development Division items:
- (a) Zoning Case RZ-14-08: The applicant, Richard H. Lyda, is requesting a continuance of this case, which was initially heard by the Council on October 9, 2014, to the Council’s meeting on January 8, 2015.
 - (b) Zoning Case RZ-14-10: A legislative zoning hearing on the application filed by Steven David Wright to rezone property located at 509 E. Salisbury Street from CUOA6 (Conditional Use Office-Apartment) and R7.5 (Medium-Density Residential) to M (Mercantile).
 - (c) Zoning Case RZ-14-11: A legislative zoning hearing on the application filed by H. R. Gallimore to rezone property located at 379 Patton Avenue from R10 (Medium-Density Residential) to OA6 (Office-Apartment). **Subsequent to the initial issuance of this agenda, the applicant requested a continuance of the hearing of this matter to the next meeting on December 4, 2014.**
 - (d) Zoning Case RZ-14-12: A legislative zoning hearing on the application filed by the City of Asheboro Community Development Division for general text amendments to the Zoning Ordinance. The text amendments concern watershed protection, accessory apartments, and correctional and professional residential facilities.
 - (e) Consideration of a request to extend the time allowed between the Preliminary and Final Plat subdivision reviews for Waterford Villas .

- (f) Consideration of a resolution setting and authorizing the publication of notice of a public hearing to be held on December 4, 2014, on the question of the adoption of a nonresidential building or structure maintenance code.
10. Public Comment Period.
 11. Asheboro Airport Authority Chair Steve Knight and Airport Authority Member Bob Crumley will present a recommendation to use VISION 100 Funds to consult with W.K. Dickson for the conceptual/preliminary design of a new FBO/Terminal Building.
 12. Michael Leonard will present a resolution of intent to permanently close a portion of the public right-of-way formerly known as "Old Hammer Road" on the western side of Shamrock Road, approximately 130 feet south of the intersection of Shamrock Road and Stowe Avenue.
 13. Michael Rhoney will present Change Order No. 1 for the Wastewater Treatment Plant Digester Gas-Holder Cover and Mixing System Project.
 14. Upcoming events:
 - Annual Veterans Parade, Tuesday, November 11, 2014, 4:00 PM.
 - City offices closed Thursday, November 27, and Friday, November 28, 2014, in observance of Thanksgiving Holidays.
 - Asheboro Housing Authority Annual Christmas Dinner, Tuesday, December 2, 2014, at 6:00 PM.
 - Regular City Council Meeting, Thursday, December 4, 2014, 7:00 PM
 - Annual Christmas Parade begins at 7:00 PM on December 5, 2014.
 - "Christmas on Sunset" street festival begins at 6:00 PM on December 12, 2014.
 - Asheboro Fire Department Annual Christmas Party, December 17, 2014, 6:00 PM.
 - Chamber of Commerce Annual Christmas Party, December 18, 2014, 5:30PM.

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- Asheboro Police Department Annual Christmas Party, December 22, 2014,
11:00 AM – 1:00 PM.

15. Discussion of items not on the agenda and adjournment.

Minutes of the meeting of the Asheboro Alcoholic Beverage Control Board held on September 2, 2014

The Asheboro ABC Board met on September 2, 2014, at 5:00 PM, in the Board office, 700 South Fayetteville Street, Asheboro, NC.

Present were Chair Brooke Schmidly, Board Member Steve Knight, Board Member Bob Morrison and General Manager Rodney Johnson (GM). A quorum being present, the Chair called the meeting to order for the transaction of business and business transacted as follows:

The Chair inquired as to any known conflict of interest, appearance of a conflict of interest, or objections concerning agenda items before the Board; after the Chair and both Board members voiced having no conflict, and there being no objection, the agenda was adopted.

The Board reviewed and there being no objection, approved and signed the Minutes from the August 4, 2014, regular meeting.

Steve Knight and the GM reviewed Board finances and reported net income for the fiscal year ending July 2014 was up \$10,944 over the prior fiscal year. All other finances remain consistent.

The Board heard reports from the General Manager concerning the following issues:

1. The Chamber of Commerce is sponsoring a Pints and Politics education session discussing the impact upcoming elections may have on the state's future business climate. The planned date falls on the Board's next meeting. The Board directed the GM move the Board Meeting to an earlier time, provide public notice of the meeting change, and make reservations for the Board and GM to attend the Chamber function.
2. The Change-Fund Report ending August 31, 2014, was reviewed with nothing remarkable noted.
3. Asheboro ABC sales statistics comparing:
 - August 2014 sales with the previous month indicate:
 - An overall +4.7% change (all sales and tax collections)
 - August 2014 sales with sales from the same month last year indicate:
 - Retail Sales +2.2%
 - Mixed Beverage Sales: -13.2%
 - Sales Tax Collections: +2.1%
 - Overall Collections: +0.4%

- August 2014 bottle sales with bottle sales from the same month last year indicate:
 - Retail Bottle Sales: -0.6%
 - Mixed Beverage Bottle Sales: -13.2%
 - Overall Bottle Sales: -1.5%

Charts reflecting sales histories were handed out to Board members for review and discussion.

The next regular Asheboro ABC Board meeting will be held Monday, October 6, 2014, at 5:30 p.m.

There being no further business, the meeting was adjourned.

Prepared by Rodney Johnson, GM, and Approved by the Board 10-6-14 
GM

J. Brooke Schmitt
Stephen R Knight
Robt Mann

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

Monday, October 6, 2014

6:00 P.M.

Notice is hereby given of a special meeting of the City Council of the City of Asheboro that is to be held on Monday, the 6th day of October, 2014, at 6:00 p.m. This meeting will be held as a joint meeting with the Randolph County Board of Commissioners in the 1909 Randolph County Historic Courthouse Meeting Room, 145-C Worth Street, Asheboro, North Carolina 27203.

This special joint meeting has been called for the purpose of conducting a joint public hearing on the proposed appropriation and expenditure of county and city funds, in accordance with Section 158-7.1 of the North Carolina General Statutes, for economic development projects with Technimark LLC. After the public hearing, the respective governing boards will consider resolutions authorizing the county and city to enter into an economic development incentives contract with the company.

This notice is issued on the 2nd day of October, 2014, in accordance with the laws and ordinances of the State of North Carolina and the City of Asheboro.

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

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**SPECIAL MEETING
ASHEBORO CITY COUNCIL
RANDOLPH COUNTY BOARD OF COMMISSIONERS
1909 RANDOLPH COUNTY HISTORIC COURTHOUSE MEETING ROOM
145-C WORTH STREET, ASHEBORO, NORTH CAROLINA
MONDAY, OCTOBER 6, 2014
6:00 p.m.**

This being the time and place for a joint meeting of the Asheboro City Council and the Randolph County Board of Commissioners, a meeting was held with the following elected officials and staff members from the City of Asheboro present:

- David H. Smith) – Mayor Presiding
- Talmadge S. Baker)
- Clark R. Bell)
- Edward J. Burks)
- Linda H. Carter) – Council Members Present
- Michael W. Hunter)
- Walker B. Moffitt)
- Charles A. Swiers)

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney

In addition to the above-referenced city officials and staff members, the following members of the Randolph County Board of Commissioners were present: Darrell Frye, Stan Haywood, Chairman Harold Holmes, Phil Kemp, and Arnold Lanier. The following county staff members were also present: Richard Wells, County Manager; Amanda Varner, Clerk to the Board; Dana Crisco, Deputy Clerk to the Board; Will Massie, Finance Officer; Ben Morgan, County Attorney; and Aimee Scotton, Associate County Attorney.

Subsequent to Randolph County Board of Commissioners' Chairman Harold Holmes calling the special joint meeting to order for the county, Mayor Smith called the meeting to order for the City Council and opened the public hearing on behalf of the Asheboro City Council in order to consider the economic

incentives package proposed for Technimark LLC. Similarly, Chairman Holmes joined in opening the public hearing on behalf of the county.

Ms. Bonnie Renfro, President of the Randolph County Economic Development Corporation (RCEDC), reported that Technimark, headquartered in north Asheboro, is considering a major expansion and new job creation in Asheboro and Randolph County. Technimark is a private company with twelve (12) global manufacturing sites in Asheboro, Mexico, Germany, and China. The company is one of the largest plastic injection molders in the U.S. and sells into three (3) major market segments, consumer packaging technical specialties and proprietary products.

One of Technimark's unique proprietary products is the recycling and compounding of plastic materials for re-use in injection molding facilities or for sale in the market. The company set up this facility initially to prevent customers of their proprietary products from throwing some single-use packages into landfills. The company has received numerous awards for sustainability and quality product and service from their customers and industry, including recognition by Wal-Mart as the supplier with the most significant contribution to sustainability and by Proctor and Gamble as a Supplier of Excellence for six (6) years in a row.

Additionally, Technimark has secured additional business from existing customers and gained significant new contracts, requiring additional production capacity. Over the past several months, the company has considered various locations for new U.S. production capacity including Asheboro and locations in five (5) states in the Midwest and Mid-Atlantic U.S.

During her presentation, Ms. Renfro reported that Technimark has requested consideration of economic assistance and incentives from the city, county, and State of North Carolina to offset costs during the initial phases of establishing a new operation. The company is considering construction of a new rail served manufacturing facility located at 537 West Central Avenue in Asheboro that would provide expanded molding capacity to meet client demand. The project would expand the 600,000 square feet of current owned and leased space in Randolph County. Over the next five (5) years, the company and its related parties would invest \$46 million in both real and personal property to create new manufacturing and related distribution.

Currently, Technimark employs 981 employees at its five (5) manufacturing facilities and corporate offices located in Asheboro. The company also employs approximately 170 contract workers at entry level production jobs. This expansion project would result in the creation of 224 new jobs over a five (5) year period, which would make Technimark the largest manufacturing employer in Asheboro and Randolph County. Average wages for the new jobs will exceed Randolph County's average weekly wage standard. The company also offers a full benefit package valued at 25% of wages.

Ms. Renfro recommended that the City of Asheboro and the County of Randolph each provide \$500,000.00 for combined total of \$1,000,000.00 in no less than six (6) annual installments to assist Technimark with the expansion. This economic development assistance package is to be disbursed in accordance with performance requirements prescribed by a proposed economic development incentives contract. In order to implement this project, Ms. Renfro recommended that the City of Asheboro and the County of Randolph adopt resolutions authorizing the City and County to enter into an economic incentives contract with Technimark.

Mr. Fred Ritchie, Corporate Vice President for Technimark, presented comments in support of the economic incentives package. Ms. Janet Pate expressed comments and concerns that questioned the value of expending public funds on the proposed project.

When it became apparent that no other speakers wanted to be heard during the public hearing, Chairman Holmes inquired of the Board of Commissioners as to what action the Board Members would like to take. After discussing the value of the investment in job creation, the Board of Commissioners adopted a resolution that followed Ms. Renfro's recommendation.

Subsequently, upon motion by Mr. Bell and seconded by Ms. Carter, Council voted unanimously to adopt the following resolution.

RESOLUTION NUMBER 35 RES 10-14

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION AUTHORIZING AN ECONOMIC DEVELOPMENT INCENTIVES CONTRACT WITH THE COUNTY OF RANDOLPH AND TECHNIMARK, LLC

WHEREAS, Section 158-7.1 of the North Carolina General Statutes authorizes a city to undertake an economic development project by extending assistance to a company in order to cause the company to locate or expand its operations within the city; and

WHEREAS, the Asheboro City Council held a public hearing on October 6, 2014, to consider whether to participate in an economic development project that will result in the County of Randolph (the

“County”), the City of Asheboro (the “City”), and Technimark, LLC (the “Company”) approving an economic development incentives package whereby the County and the City each contribute up to five hundred thousand and no hundredths dollars (\$500,000.00) for a total payment of up to one million and no hundredths dollars (\$1,000,000.00) to the Company to offset the costs of the Company’s expansion in the City of Asheboro, Randolph County, North Carolina, said incentives to be granted pursuant to an economic development incentives contract entered into pursuant to Section 2 of this Resolution; and

WHEREAS, upon the completion by the Company of this expansion project, the Company will have generated new value/investment in real and personal property and equipment associated with the project in an amount equal to or in excess of forty-six million and no hundredths dollars (\$46,000,000.00), a minimum of six million and no hundredths dollars (\$6,000,000.00) of said investment to be made in new value in real property, and created a minimum of two hundred twenty-four (224) new full-time jobs in the County and City; and

WHEREAS, this economic development project will stimulate and stabilize the local economy, promote business in the County and City, and result in the creation of a significant number of jobs in the County and City; and

WHEREAS, the City has in its General Fund available revenues sufficient to fund this economic development project;

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

Section 1. The City is hereby authorized to expend up to five hundred thousand and no hundredths dollars (\$500,000.00) of City funds for the Technimark economic development project.

Section 2. In addition to the standard terms found in contracts that the City routinely executes in the ordinary course of business, the economic development incentives contract entered into by and between the County, the City, and the Company must contain the following essential terms and conditions:

- a. The total payment made to the “Company” under this contract shall not exceed one million and no hundredths dollars (\$1,000,000.00).
- b. Fifty-percent (50%) of the contract amount will be paid by the County, and the other fifty-percent (50%) of the contract amount will be paid by the City.
- c. The contract amount will be paid in six (6) installments in amounts as detailed below at a frequency not to exceed one installment per fiscal year (July 1-June 30). The initial installment payment shall be made no sooner than January 1, 2015, and the final installment payment shall not be made later than December 31, 2022. The obligation of the City to make any installment payments specified herein shall be conditioned upon the satisfactory completion by the Company of certain performance requirements. Along with investments by the Company itself, these performance requirements may be satisfied with investments in real and personal property for which legal title is held by the Company’s related business entities and customers so long as such property is part of the expansion of operations contemplated by the economic development project that gave rise to the proposed contract and so long as any and all such real and personal property is domiciled within the City of Asheboro, Randolph County, North Carolina. The said performance requirements include, but are not limited to, the following:
 - (i) The Company must deliver to the County and the City written certification that the actual value of new investment by the Company in real and personal property in connection with this project equals or exceeds eleven million and no hundredths dollars (\$11,000,000.00). The written certification of the actual value of the new investment shall further certify that said new investment is located within the corporate limits of the City of Asheboro. Additionally, the Company must provide Employment Security Reports to the County and the City evidencing the creation of eighty-eight (88) new full-time jobs. Upon receipt of said certifications, the County and the City shall remit a total payment of one hundred sixty thousand and no hundredths dollars (\$160,000.00), fifty-percent (50%) to be paid by the County and fifty-percent (50%) to be paid by the City; and
 - (ii) The Company must deliver to the County and the City written certification that the actual cumulative value of the new investment by the Company in real and personal property in connection with this project equals or exceeds eighteen million and no hundredths dollars (\$18,000,000.00). This written certification of the actual cumulative value of the new investment shall further certify that said new investment is located within the corporate limits of the City of Asheboro. Additionally, the Company must provide Employment Security Reports to the County and the City evidencing the creation of an additional thirty-six (36) new

full-time jobs. Additionally, the Company must deliver to the County and the City written certification that the Company has not reduced its level of operations in the County and the City since the date of payment by the County and the City of the immediately preceding installment payment. By way of illustration and without limitation, the Company shall be deemed to have reduced its level of operations in the County and the City if the Company fails to maintain the entirety of newly created jobs referenced in Paragraph (i) above. Upon receipt of the required certifications, the County and the City shall remit a total payment of one hundred sixty thousand and no hundredths dollars (\$160,000.00), fifty-percent (50%) to be paid by the County and fifty-percent (50%) to be paid by the City; and

- (iii) The Company must deliver to the County and the City written certification that the actual cumulative value of the new investment by the Company in real and personal property in connection with this project equals or exceeds twenty-five million and no hundredths dollars (\$25,000,000.00). This written certification of the actual cumulative value of the new investment shall further certify that said new investment is located within the corporate limits of the City of Asheboro. Additionally, the Company must provide Employment Security Reports to the County and the City evidencing the creation of an additional thirty-seven (37) new full-time jobs. Additionally, the Company must deliver to the County and the City written certification that the Company has not reduced its level of operations in the County and the City since the date of payment by the County and the City of the installment payment referenced in Paragraph (ii) above. Upon receipt of the required certification, the County and the City shall remit a total payment of one hundred sixty thousand and no hundredths dollars (\$160,000.00), fifty-percent (50%) to be paid by the County and fifty-percent (50%) to be paid by the City.
- (iv) The Company must deliver to the County and the City written certification that the actual cumulative value of the new investment by the Company in real and personal property in connection with this project equals or exceeds thirty-two million and no hundredths dollars (\$32,000,000.00). This written certification of the actual cumulative value of the new investment shall further certify that said new investment is located within the corporate limits of the City of Asheboro. Additionally, the Company must provide Employment Security Reports to the County and the City evidencing the creation of an additional thirty-two (32) new full-time jobs. Additionally, the Company must deliver to the County and the City written certification that the Company has not reduced its level of operations in the County and the City since the date of payment by the County and the City of the installment payment referenced in Paragraph (iii) above. Upon receipt of the required certification, the County and the City shall remit a total payment of one hundred sixty thousand and no hundredths dollars (\$160,000.00), fifty-percent (50%) to be paid by the County and fifty-percent (50%) to be paid by the City.
- (v) The Company must deliver to the County and the City written certification that the actual cumulative value of the new investment by the Company in real and personal property in connection with this project equals or exceeds thirty-nine million and no hundredths dollars (\$39,000,000.00). This written certification of the actual cumulative value of the new investment shall further certify that said new investment is located within the corporate limits of the City of Asheboro. Additionally, the Company must provide Employment Security Reports to the County and the City evidencing the creation of an additional thirty-one (31) new full-time jobs. Additionally, the Company must deliver to the County and the City written certification that the Company has not reduced its level of operations in the County and the City since the date of payment by the County and the City of the installment payment referenced in Paragraph (iv) above. Upon receipt of the required certification, the County and the City shall remit a total payment of one hundred sixty thousand and no hundredths dollars (\$160,000.00), fifty-percent (50%) to be paid by the County and fifty-percent (50%) to be paid by the City.
- (vi) The Company must deliver to the County and the City written certification that the actual cumulative value of the new investment by the Company in real and personal property in connection with this project equals or exceeds forty-six million and no hundredths dollars (\$46,000,000.00). This written certification of the actual cumulative value of the new investment shall further certify that said new investment is located within the corporate limits of the City of Asheboro. The Company must also deliver to the County and the City written certification that the Company has not reduced its level of operations in the County and the City since the date of payment by the County and the City of the installment payment referenced in Paragraph (v) above. Upon receipt of the required certification, the County and the City shall remit a total payment of two hundred thousand and no

hundredths dollars (\$200,000.00), fifty-percent (50%) to be paid by the County and fifty-percent (50%) to be paid by the City.

- d. The contract must provide the County and the City with a means of recouping a portion of the contract amount if the Company's facilities, as expanded, do not remain in full operation, maintaining the newly created jobs referenced above, for a period of six (6) years immediately following the date on which the final installment of the contract amount is paid to the Company.
- e. If the Company does not remain in full operation during this six (6) year period, a portion of the incentive money must be returned. The amount to be returned shall decrease on a pro-rated amount for each year that the company remains in the City and County. Any amounts returned by the company in this manner shall be divided equally between the County and the City.

Section 3. The Mayor of the City of Asheboro is hereby authorized to execute on behalf of the City of Asheboro, a North Carolina municipal corporation, a contract drafted in accordance with Section 2 of this Resolution and any other documents necessary for the implementation of this economic development project.

This Resolution was adopted by the Asheboro City Council during a duly called and advertised special meeting held on the 6th day of October, 2014.

/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

There being no further business, the meeting of the Asheboro City Council was adjourned at 6:20 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, OCTOBER 9, 2014
7:00 p.m.**

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

David H. Smith) – Mayor Presiding

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

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Stacy Griffin, Human Resources Director
Leigh Anna Johnson, Public Information Officer
Michael L. Leonard, P.E., City Engineer
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
E. Todd Swaney, Police Captain
Jeffrey C. Sugg, City Attorney

1. Call to order.

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

2. Silent prayer and pledge of allegiance.

After a moment of silence was observed in order to allow for private prayer or meditation, Mayor Smith asked everyone to stand and repeat the pledge of allegiance.

3. Announcement of the applicant’s withdrawal of a previously posted request for a special use permit that would have impacted Autumn Place Townhouses on Sunset Avenue.

Mayor Smith initially announced for the benefit of interested parties in attendance that the hearing on a potential public health nuisance listed under agenda item number 7 would not be heard because the conditions that triggered the need for a hearing had been voluntarily abated.

Subsequent to the adoption of the consent agenda, Mayor Smith announced that the applicant has withdrawn his request for a special use permit that would have impacted the Autumn Place Townhouses on Sunset Avenue, and that the public hearing for the request would not be heard by the Council.

4. Consent Agenda:

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

- (a) The minutes of the City Council’s special meeting on September 8, 2014.**
- (b) The minutes of the City Council’s regular meeting, including the general account of a closed session, on September 11, 2014.**
- (c) The dates of the 2014-2015 dark geese (Canada & White-Fronted geese) & duck hunting season at Lake Reese.**
- (d) The temporary closing of the following streets for a horse parade on Sunday, November 2, 2014 from 3:00 p.m. until 4:00 p.m.: South Park Street from Sunset Avenue to West Taft Avenue, West Taft Avenue from South Park Street to South Church Street, South Church Street from West Taft Avenue to Sunset Avenue, and Sunset Avenue from Church Street to Park Street.**

- (e) A request received from the Randolph County Veterans Council to temporarily close Church Street from Hoover Street to West Kivett Street, Sunset Avenue from Church Street to Fayetteville Street, Fayetteville Street from Academy Street to Salisbury Street, and Worth Street from Fayetteville Street to Cox Street for a Veterans Day Parade from 4:00 p.m. until 5:00 p.m. on Tuesday, November 11, 2014.
- (f) An ordinance to modify the parking plan for Worth Street between North Fayetteville Street and North Cox Street in order to align parking spaces for the disabled with the depressed curb.

ORDINANCE NUMBER 20 ORD 10-14

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AMENDED PARKING REGULATIONS FOR A SECTION OF WORTH STREET

WHEREAS, Section 160A-296 of the North Carolina General Statutes provides that a city shall have general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits; and

WHEREAS, Section 160A-301(a) of the North Carolina General Statutes provides that the “city may by ordinance regulate, restrict, and prohibit the parking of vehicles on the public streets, alleys, and bridges within the city;” and

WHEREAS, during its regular meeting on October 9, 2014, the Asheboro City Council concluded that the parking plan for the section of Worth Street between South Fayetteville Street and Cox Street should be updated to accurately reflect recent street improvements that included, without limitation, the alignment of parking spaces reserved for persons with mobility impairments with segments of depressed curb that can help mitigate limitations on mobility; and

WHEREAS, the city’s engineering department has prepared a detailed diagram, which is titled “Parking Plan for Section of Worth Street” and is dated October 2014, to accurately depict the parking space alignment in existence after the completion of the street improvements and to further serve as the new official parking plan for this improved section of Worth Street between South Fayetteville Street and Cox Street; and

WHEREAS, the diagram described in the immediately preceding paragraph is attached to this Ordinance as EXHIBIT 1 and is hereby incorporated into this Ordinance by reference as if copied fully herein (the parking plan proposed for adoption by the Asheboro City Council and shown on the attached diagram shall be hereinafter referred to as the “October 2014 Worth Street Parking Plan”);

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

Section 1. The October 2014 Worth Street Parking Plan submitted by city staff and attached hereto as EXHIBIT 1 is hereby approved and adopted, without modification, as the city’s official on-street parking plan for the section of Worth Street between South Fayetteville Street and Cox Street.

Section 2. The city manager is hereby directed to cause the parking spaces shown on the adopted October 2014 Worth Street Parking Plan to be posted with signage and otherwise marked in accordance with the applicable laws and generally accepted industry standards so as to fully implement the parking plan shown on the diagram attached to this Ordinance as EXHIBIT 1, specifically including without limitation designating the handicapped parking spaces indicated on the adopted plan in full compliance with Section 20-37.6(d) of the North Carolina General Statutes.

Section 3. The city clerk shall enter descriptions of the 2-hour time limits shown by the October 2014 Worth Street Parking Plan in the appropriate schedule (Schedule 3) of Section 72.02 of the Code of Asheboro.

Section 4. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 5. This Ordinance shall take effect and be in force from and after the date of its adoption.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 9th day of October, 2014.

5. Transportation Items:

(a) Update from the N.C. Department of Transportation regarding pending highway projects.

Mr. Jeff Loflin, P.E., District Engineer, of the N.C. Department of Transportation utilized a visual presentation and brought the Council Members up to date on certain pending highway projects. These projects can be summarized as follows:

(i) Asheboro Bypass (Project R-2536)

This project, Project R-2536, will provide a four-lane divided facility on a new location from existing U.S. Highway 64 west of Asheboro near Stutts Road to existing U.S. Highway 64 east of Asheboro near Blue Mist, a distance of approximately 14.6 miles. Additionally, it will provide a two-lane facility primarily on a new location from east of Staley's Farm Road to existing N.C. Highway 159/Zoo Entrance, a distance of approximately 1.8 miles.

The purpose of this project is to improve traffic flow and levels of service on existing U.S. Highway 64, to reduce traffic congestion on existing U.S. Highway 64, and to enhance high-speed regional travel on the U.S. Highway 64 Intrastate Corridor, while improving access to the North Carolina Zoological Park. This project is estimated to be completed in 2019.

(ii) Vision Drive

This project will provide access to Fayetteville Street from all driveways on Vision Drive using superstreet design. Bid letting is scheduled for March 2015.

(iii) Mack Road

N.C. Highway 49 Intersection with Mack Road and Connector Road realignment with U.S. Highway 64. Bid letting is scheduled for February 2015.

(iv) Resurfacing Dixie Drive –U.S. Highway 64

The resurfacing of U.S. Highway 64 from near the western Asheboro City limits to near Salisbury Street is set to begin in the early spring of 2015. All work will be performed between the hours of 8:00 p.m. and 6:00 a.m.

Additionally, Mr. Loflin reported that the NCDOT plans to resurface Lewallen Road before June 24, 2015, and that the rehabilitation of bridge decks on U.S. Highway 64 over I-73/74, McDowell Road over I-73/74, Salisbury Street over SBL I-73/74 is scheduled for March 16, 2015.

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

(b) A resolution authorizing the City of Asheboro to enter into a sidewalk agreement with the N.C. Department of Transportation to use federal funding in the construction of a portion of sidewalk along the north side of U.S. Highway 64 East (East Dixie Drive) between Dublin Road and Executive Way.

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

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

RESOLUTION NUMBER 37 RES 10-14

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

SIDEWALK AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

WHEREAS, the City of Asheboro has requested enhancement funding administered by the North Carolina Department of Transportation (hereinafter referred to as the "NCDOT") for the construction of a section of sidewalk along the north side of East Dixie Drive (United States Highway 64 East) between Dublin Road and Executive Way; and

WHEREAS, the NCDOT has agreed, subject to the terms and conditions found in the attached SIDEWALK AGREEMENT (hereinafter referred to as the "Agreement") prepared by the NCDOT, to participate in the cost of the proposed sidewalk construction; and

WHEREAS, city staff members have recommended, and the City Council has agreed, that it is advisable for the city to enter into the proposed Agreement with the NCDOT and secure federal funding to construct additional sidewalk area along East Dixie Drive; and

WHEREAS, the said Agreement that must be executed in order to procure the requested funding for sidewalk construction is attached hereto as EXHIBIT 1 and is hereby incorporated into this Resolution by reference as if copied fully herein;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that the attached Agreement is hereby approved; and

BE IT FURTHER RESOLVED that the Mayor, City Clerk, and all other necessary city officials are hereby authorized to execute duplicate originals of the said Agreement.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 9th day of October, 2014.

/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

[The above-referenced EXHIBIT 1 is on file in the City Clerk's office.]

6. Community Development Items:

- (a) **Zoning Case RZ-14-08: A legislative zoning hearing on the application filed by Richard H. Lyda to rezone property located at 217 N.C. Highway 49 South from B2 (General Commercial) to I1 (Light Industrial).**

Mayor Smith opened the public hearing on the following request.

The requested rezoning pertains to approximately 0.75 of an acre of land while the applicant who requested I1 rezoning is Richard Lyda, the property owner is listed as Ivey Goins. The Goins property is located at 217 N.C. Highway 49 South and is more specifically identified by Randolph County Parcel Identification Number 7750048965. The property owner has not objected to the requested rezoning.

Mr. Nuttall presented the Community Development Division staff's analysis of Mr. Richard H. Lyda's request to rezone the above-described property from B2 (General Commercial) to I1 (Light Industrial).

The staff report noted the following:

1. The property is located inside the city's corporate limits, and all city services are available. N.C. Highway 49 South is a state-maintained major thoroughfare.
2. Mack Road is a state-maintained minor thoroughfare.
3. The Zoning Ordinance states that the I1 District is intended to produce areas for manufacturing, processing and assembly uses, commercial uses, distribution and servicing enterprises, controlled by performance standards to limit the effect of such uses on uses within the district and on adjacent districts.
4. The area includes a mix of uses including commercial, residential (single and multi-family), with some industrial uses and zoning scattered along N.C. Highway 49 South and U.S. Highway 64 West/West Dixie Drive.
5. Improvements are planned to be made to Mack Road that will impact the property. These improvements include realignment and installation of traffic signals at Mack Road's intersection with N.C. Highway 49 South.
6. The available history of the property indicates that it has been used for a gas station, motor vehicle sales, and a vehicle towing and storage yard. Text amendments to the Zoning Ordinance adopted in 2008 specified that storage yards for vehicle towing facilities must be located in an I1 or I2 zoning district. Prior to this text amendment, vehicle storage yards were allowed in the B2 zoning district.

7. If approved, the I1 district request would allow all uses permitted by right in the district.

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

"Although the Land Development Plan designates the property for commercial use, the surrounding area includes a mix of industrial (warehousing and manufacturing) and commercial land uses. While land uses along N.C. Highway 49 South are not primarily industrial, zoning has been assigned to properties to accommodate those with an industrial history located along and near the corridor. The I1 Light Industrial district, which accommodates both commercial and light industrial uses, is consistent with the property's history and fits the context of the area in which it is located."

The Applicant, Mr. Richard Lyda, along with Mr. Don Lanier presented comments in support of the request.

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

Throughout discussion, the Council Members expressed concerns regarding buffering and screening requirements for vehicle storage areas and the appropriateness of an I1 zoning district at this entrance point for the city. In light of those concerns, Mr. Bell moved to deny the request. Council Members then concluded that this request requires further evaluation. The applicant was given additional time to determine if any supplemental information/contentions should be submitted before final action is taken on the request.

Mr. Bell then withdrew his motion and moved to continue the matter until the Council's next regular meeting. Ms. Carter seconded the motion, and Council Members Baker, Bell, Burks, Carter, Hunter, Moffitt, and Swiers voted in favor of the motion.

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

(b) Subdivision Case SUB-12-01: Final plat approval for Olde Towne Village (including public right-of-way on Olde Towne Parkway) to allow recordation of Lot 52 of the development.

Mr. Nuttall presented the final plat for Section II, Phase II of the Olde Town Village. Carolina Bank requested the approval of this phase of the subdivision located along the south side of Old Lexington Road. The plat submitted for approval pertains to 0.21 of an acre of the 21.61 total acres of land.

During his presentation, Mr. Nuttall noted that the Community Development Division and the Planning Board recommended granting the request with the following comments:

1. The current request for this phase of development includes extension of Olde Towne Parkway approximately 110 feet (street, sidewalks, water/sewer) and platting of Lot 52 of the subdivision.
2. The request includes a temporary turnaround at the end of Olde Towne Parkway, which is required in order to plat Lot 52. A temporary easement is required for this turnaround for emergency and sanitation vehicles until the completion of Olde Towne Parkway.
3. Infrastructure for this phase of the development (final layer of asphalt, sidewalks, street seeding) must be completed or guaranteed as allowed by the Subdivision Ordinance prior to City Council review of the final plat on October 9, 2014. (Mr. Nuttall confirmed that the financial guarantee has been received.) Temporary turnaround must be installed with required temporary easement to meet city requirements.

Upon motion by Mr. Swiers and seconded by Ms. Carter, Council voted unanimously to approve, with the immediately preceding comments/conditions, the final plat submitted for this phase of Olde Towne Village Subdivision.

The aforementioned plat along with a copy of the visual presentation utilized by Mr. Nuttall are on file in the City Clerk's office.

(c) Consideration of possible applications for funding under the Fiscal Year 2014/2015 State Community Development Block Grant (CDBG) Program.

Staff Presentation and Public hearing:

Mayor Smith opened the public hearing regarding the possible applications for funding under the Fiscal Year 2014/2015 State Community Development Block Grant (CDBG) Program.

Mr. Nuttall utilized a visual presentation and reported that the purpose of the hearing was to obtain citizens' input into the identification of economic needs and desired economic development activities. Input received would be incorporated into the consideration and submission of a CDBG application to be filed with the North Carolina Department of Commerce.

During his presentation, Mr. Nuttall gave a brief overview of the CDBG Program. The program permits a wide range of development activities directed towards:

- Promoting the creation or retention of jobs;
- Enhancing income levels; and
- Providing local employment opportunities principally for persons of low and moderate income.

Additionally, the program consists of the following:

- Economic Development
- Public Infrastructure: Applications for CDBG assistance must show that at least 60% of the CDBG funds proposed for each activity will benefit low and moderate income persons.

In the future, if the city decides to pursue specific projects, then a project specific public hearing will be scheduled and advertised.

No members of the public offered any comments. There being no further comments, Mayor Smith closed the public hearing.

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

(d) Report on proposed process to update 2020 Land Development Plan maps.

Mr. Nuttall reported that the city's Land Development Plan, initially adopted in 2000 with text updates in 2009, is the city's official document stating expectations and the vision for land development and growth. It is used to review rezoning and subdivision proposals and includes specified actions to take to encourage economic development, protect the environment, provide recreational opportunities, and expand infrastructure.

Additionally, Mr. Nuttall reported that city staff is planning to update the map elements of the Plan. Staff anticipates the update to be completed within 8-12 months. During the process, public workshops and small neighborhood meetings will be held in order to receive citizen input.

City staff will inform the Council Members as this process moves forward.

7. Quasi-judicial hearing on the question of whether the pool at the former Value Inn at 901 Albemarle Road is a public health nuisance that should be abated by the city:

- (a) Open public hearing and call on the City Manager to introduce the witnesses.**
- (b) At the conclusion of the testimony, consideration will be given to the entry of an order of abatement.**

[As previous noted, Mayor Smith announced at the beginning of the meeting that the conditions generating the question about the existence of a public health nuisance has been voluntarily abated prior to the meeting, and that this quasi-judicial hearing would not take place.]

8. 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.

9. Update on bids received for grandstand renovation at McCrary Ballpark.

Mr. Leonard presented the Certified Tabulation of Bids that was received on September 16, 2014 for the grandstand renovation at McCrary Ballpark as follows:

<u>Company</u>	<u>Bid</u>
Lomax Construction, Inc.	\$429,900.00
Progressive Contracting	\$432,500.00
H.M. Kern Corporation	\$457,000.00
S.E. Trogdon & Sons, Inc.	Non-Responsive

Mr. Leonard reported that all of the bids had been rejected because they were significantly over the budgeted amount for the project. Other alternatives will be explored, for example, possibly purchasing a new grandstand in the future. In the meantime, city staff plans to do essential renovations in order to keep the grandstand safe for use in the upcoming baseball season.

10. Upcoming events:

- **NCLM Annual Conference – October 11-14, 2014 in Greensboro, NC.**
- **Cultural and Recreation Services Departments’ “Trick or Treat in the Park” event from 6:00 p.m. until 9:00 p.m. on Friday, October 31, 2014.**

11. Discussion of items not on the agenda.

Mayor Smith recognized and introduced Ms. Stacy Griffin who is the city’s new Human Resources Director.

There being no further business, the meeting was adjourned at 8:20 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor



317 East Dixie Drive • Asheboro, North Carolina 27203 • Phone: (336) 626-2626

Executive Committee

Art Martínez, Chairman
Nationwide Insurance

Jerry Moore, VP - Internal Affairs
Carolina Pharmacy, Seagrove

Michael Moore, VP - Community Development
Sentry Fire Protection Co.

John Revell, VP - Business and Industry
Oliver Rubber Company

Shelley Greene, VP - Governmental Affairs
Randolph Community College

Russ Williams, Treasurer
North Carolina Zoological Society

Reynolds Lisk, Past Chairman
Insurance Associates of the Triad

George Gusler, President

Board of Directors

Randy Batten
Thermaco, Inc.

Leslie Caviness
Klaussner Home Furnishings

Denise Clapp-Campbell
Clapp's Convalescent Nursing Home

Jessica Coltrane
First Bank

Dale Ducommun
MOM Brands

Baxter Hammer
The Timken Company

Bruce Hodge
Carolina Bank

Al LaPrade
Community Web

Skip Marsh
Randolph Hospital

Danny Mull
Energizer

Sharon Powell
Premier Massage Therapy

Fred Richey
Technimark LLC

McCall Sink-Tanner
Chiropractor

David Smith
City of Asheboro

Mark Strider
Game On Athletic Center LLC

Jill Vanness
Randolph Electric Membership Corp.

Area Chamber Representative

Jeff Freeman
Randleman Chamber of Commerce

September 3, 2014

John Ogburn
City of Asheboro
146 North Church Street
P.O. Box 1106
Asheboro, NC 27204-1106

Dear John:

It's time again to start planning for the Asheboro Christmas Parade and Christmas On Sunset. This year the parade will take place on Friday, December 5 and Christmas on Sunset will take place on Friday, December 12. The parade will begin at 7:00 p.m. and last approximately eighty minutes and Christmas on Sunset will be held 6-9 p.m.

For the parade, we request that the City of Asheboro block off South Church Street, Walker Avenue, Kivett Street, South Fayetteville Street and Sunset Avenue. **We will need the streets blocked off by 6:00 p.m. that evening. (If possible, we would like to request that Church Street be closed off by 5:30 p.m. for the parade entrants to line up.)** It is very hazardous for vehicles to be traveling on Church Street unless they are in the parade because of congestion and many young kids trying to find their organization's float or line up numbers. We have also had issues with people trying to drive onto Church Street from Kivett Street and Academy Street so if we could have Asheboro Police Department representation at these intersections starting at 6:00 p.m., that would help with crowd control.

For Christmas On Sunset, we request that the City of Asheboro block off Church Street and Sunset Avenue.

Thank you for your support and assistance. If you have any questions, please contact me at your convenience.

Sincerely,

Linda Brown
President

CITY OF ASHEBORO
ASHEBORO, NORTH CAROLINA

Christmas Parade

APPLICATION FOR PARADE PERMIT

IN ACCORDANCE WITH THE ASHEBORO CITY CODE, SECTION 97.04,
APPLICATION IS HEREBY MADE FOR A PARADE PERMIT. THIS PERMIT
MUST BE RECEIVED FOURTEEN (14) DAYS PRIOR TO DAY OF PARADE.

1. Name: Linda Brown Chamber of Commerce
Address: 317 East Dixie Drive, Asheboro, NC 27203
Phone: Area Code 336 Number 626-2626
2. Organization: Asheboro / Randolph Chamber of Commerce
Address: 317 East Dixie Drive, Asheboro, NC 27203
Phone: Area Code 336 Number 626-2626
3. Date of Parade: 12/05/14
Time of Parade: Begins: 7:00pm Terminates: 8:30pm
4. Number of Persons: ? Number of Vehicles: 100+
5. Streets Involved: South Fayetteville Street, Sunset Avenue, Church Street and Kivett Street
6. Special Officials and/or Guests: TV Personality + Elected Officials
7. Insurance Company & Policy Number: Traveler's Insurance 1-680-0685 W63
IND-02
8. Any Additional Information: _____

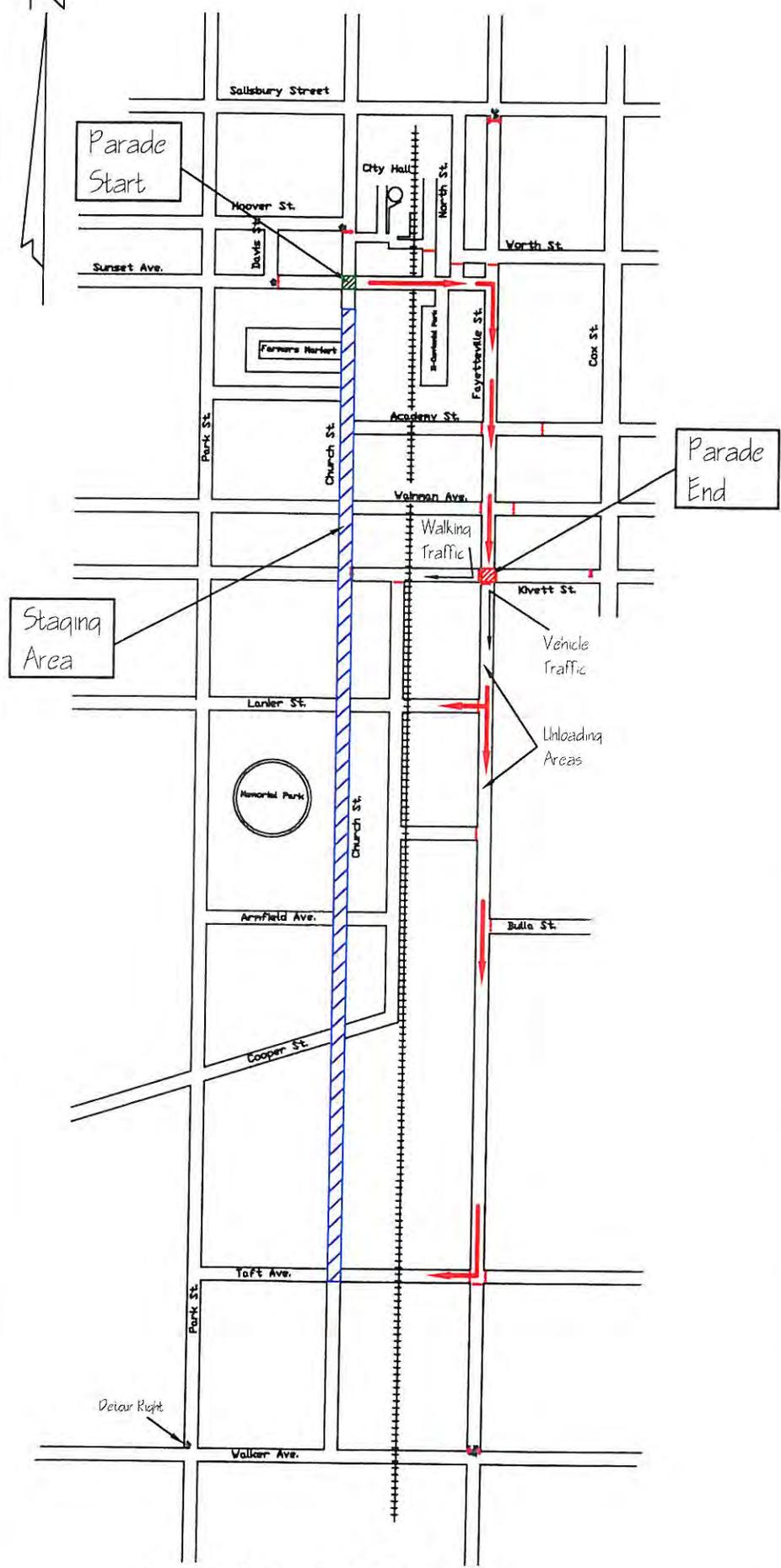
The undersigned agrees to hold the CITY OF ASHEBORO and its officers, employees and agents free and harmless from and against any and all claims, losses, damages, and settlements arising out of or relating to this parade. The undersigned agrees to investigate and provide defense for and defend any such claims at his sole expense and agrees to bear all other costs and expenses related thereto, even if the claims are groundless or false.

Signature of Authorized Representative: Linda Brown

Police Department Recommendation: _____

City of Asheboro Approval By: [Signature]

Date: 9/10/14



Parade Start

Parade End

Staging Area

Vehicle Traffic

Unloading Areas

Walking Traffic

Detour Right

CHRISTMAS PARADE ROUTE

CITY OF ASHEBORO
ASHEBORO, NORTH CAROLINA

Christmas on
Sunset

APPLICATION FOR PARADE PERMIT

IN ACCORDANCE WITH THE ASHEBORO CITY CODE, SECTION 97.04,
APPLICATION IS HEREBY MADE FOR A PARADE PERMIT. THIS PERMIT
MUST BE RECEIVED FOURTEEN (14) DAYS PRIOR TO DAY OF PARADE.

1. Name: Linda Brown Chamber of Commerce
Address: 317 East Dixie Drive Asheville, NC 27203
Phone: Area Code 336 Number 626-2626
2. Organization: Asheboro/Randolph Chamber of Commerce
Address: 317 East Dixie Drive
Phone: Area Code 336 Number 626-2626
3. Date of Parade: 12/12/14
Time of Parade: Begins: 6:00pm Terminates: 9:00pm
4. Number of Persons: 500+ Number of Vehicles: N/A
5. Streets Involved: Sunset Avenue, Church Street
6. Special Officials and/or Guests: Santa, Elves + Friends
7. Insurance Company & Policy Number: Travelers Insurance 1-680-0685 W63
8. Any Additional Information: Christmas on Sunset - IND-02
An Old Fashioned Christmas

The undersigned agrees to hold the CITY OF ASHEBORO and its officers, employees and agents free and harmless from and against any and all claims, losses, damages, and settlements arising out of or relating to this parade. The undersigned agrees to investigate and provide defense for and defend any such claims at his sole expense and agrees to bear all other costs and expenses related thereto, even if the claims are groundless or false.

Signature of Authorized Representative: Linda Brown

Police Department Recommendation: _____

City of Asheville Approval By: [Signature]

Date: 9/10/14

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN
THE ASHEBORO POLICE DEPARTMENT AND THE
RANDOLPH COUNTY SHERIFF'S OFFICE**

WHEREAS, Section 122C-251(a) of the North Carolina General Statutes authorizes cities and counties to contract with each other to provide transportation in connection with the involuntary commitment process found in Chapter 122C of the North Carolina General Statutes; and

WHEREAS, Section 122C-251(g) of the North Carolina General Statutes authorizes the governing body of a city or county to adopt a plan for the transportation of individuals who are subject to involuntary commitment proceedings; and

WHEREAS, the city's Chief of Police and the Randolph County Sheriff have jointly developed procedures that will generate operational efficiencies for their respective agencies and have thereby enhanced the ability of their officers to meet a wide spectrum of demands for services, including the prevention of crime and performing duties pertaining to noncriminal law issues such as support for the involuntary commitment process established in Chapter 122C of the North Carolina General Statutes; and

WHEREAS, the agreed upon procedures are primarily designed to reduce to writing and to clarify the interactive functions that have evolved over time for the city's police officers and the sheriff's deputies when the two agencies are called upon to work together to provide transportation for an individual subject to an involuntary commitment order that directs a law enforcement officer to transport the individual to a 24-hour facility located outside of the county; and

WHEREAS, the said procedures for interagency cooperation are described in detail in the accompanying Memorandum of Understanding (hereinafter referred to as the "MOU") that is attached to this Resolution as EXHIBIT 1 and is hereby incorporated into this instrument by reference as if copied fully herein; and

WHEREAS, the Chief of Police, with the concurrence of the City Manager, has submitted the proposed MOU to the city council for approval; and

WHEREAS, the Chief of Police and the City Manager have recommended approval of the proposed MOU because this instrument provides value to the city in the form of definitive and workable operational guidelines that will enable the city, along with the county, to enhance the services provided to the citizens served by the two agencies; and

WHEREAS, the Asheboro City Council concurs with this recommendation from the Chief of Police and the City Manager;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that the MOU attached to this Resolution as EXHIBIT 1 is hereby approved, and this approval is a continuing approval that shall not lapse unless and until another Resolution providing otherwise is adopted by the Asheboro City Council; and

BE IT FURTHER RESOLVED that the Chief of Police is authorized and directed to execute, without unnecessary delay, the said MOU on behalf of the City of Asheboro.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 6th day of November, 2014.

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

ATTEST:

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

EXHIBIT 1

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (hereinafter referred to as the "MOU") is an agreement between the **CITY OF ASHEBORO**, a North Carolina municipal corporation acting for the limited purpose of this MOU by and through the Asheboro Police Department (hereinafter referred to as "APD"), and the **RANDOLPH COUNTY SHERIFF'S OFFICE** (hereinafter referred to as "RCSO"). The intent of the parties to this MOU is to clarify the functions performed by APD officers in conjunction with RCSO deputies so as to achieve operational efficiencies that enhance the service provided by both agencies in support of the involuntary commitment process established in Chapter 122C of the North Carolina General Statutes.

I. PURPOSE

The purpose of this MOU is to resolve in a definitive and mutually agreed upon manner certain problematic issues that arise when APD officers receive involuntary commitment orders instructing the officers to transport a respondent directly to a facility that qualifies as a 24-hour facility under G.S. 122C-252. There is no such facility within Randolph County. Thus, when an APD officer receives for service an order to transport a respondent directly to a 24-hour facility, the officer has been asked to serve an order to transport a respondent to another county. This MOU's purpose is to clarify the APD officer's authority and responsibilities in this situation.

The purpose of this MOU is not to change in any manner the long-standing practice of APD officers and RCSO deputies in situations where a petitioner personally appears before a magistrate who issues a custody order directing a law enforcement officer to take a respondent into custody and transport the respondent to his or her first examination (the form currently utilized for this type of case is Form AOC-SP-302A, New 11/12). Similarly, no ambiguities have arisen with regard to the service of transport orders issued in conjunction with outpatient treatment for respondents, and this MOU does not address these types of transport orders.

Notwithstanding any term or condition of this MOU, nothing herein shall be construed or otherwise interpreted to limit the jurisdiction, powers, or rights possessed by APD officers and RCSO deputies, specifically including by way of illustration and not limitation the ability of the agencies to provide mutual aid to each other in accordance with the applicable laws and the directives of the chief executives for the respective agencies.

II. STATUTORY AUTHORITY FOR THIS MOU

- A. Transportation within a County [G.S. 122C-251(a)]:** In general, the transportation of a respondent within a county as part of the involuntary commitment proceedings, including admission and discharge, is provided by the county or the cities located within the county. A city is responsible for transporting a respondent who is either a resident of that city or has been taken into custody within that city's corporate limits. The county is responsible for transporting respondents who either reside within the county, but outside the city limits of a municipality, or have been taken into custody within the county and outside of the city limits of a municipality.

- B. Transportation between Counties for Admission to a 24-Hour Facility [G.S. 122C-251(b)]:** When a custody order directs a law enforcement officer to transport a respondent to a 24-hour facility located in another county, such transportation shall be provided by the county where the respondent has been taken into custody.
- C. Cost and Expense of Transporting a Respondent to and from a 24-Hour Facility [G.S. 122C-251(h)]:** The cost and expense of transporting a respondent to and from a 24-hour facility is the responsibility of the respondent's county of residence. A city or a county, as well as the State when providing transportation under G.S. 122C-408(b), may recover from the respondent's county of residence the reasonable cost of transporting a respondent to and from a 24-hour facility.
- D. Authorization for Agreement as to Transportation Responsibilities [G.S. 122C-251(a) and (g)]:** G.S. 122C-251(a) authorizes cities and counties to contract with each other to provide transportation. Additionally, G.S. 122C-251(g) explicitly authorizes the governing body of a city or county to adopt a plan for the transportation of respondents who are subject to involuntary commitment proceedings.
- E. Law Enforcement Officer's Duty upon Receipt of Custody Order:**
- 1. G.S. 122C-261(e):** When a petitioner appears before a magistrate and a custody order (Form AOC-SP-302A, New 11/12) is issued, the law enforcement officer to whom the order is directed shall take the respondent into custody within twenty-four (24) hours after the order is signed and proceed according to G.S. 122C-263.
 - 2. G.S. 122C-263(a):** After assuming custody of the respondent and without unnecessary delay, the law enforcement officer is to transport the respondent to the area facility for the initial examination by a physician or eligible psychologist. In the event that a physician or eligible psychologist is not available in the area facility, the officer is to transport the respondent to a locally available physician or eligible psychologist. When a physician or eligible psychologist is not immediately available to conduct the initial examination, the respondent may be detained under appropriate supervision in an area facility or, among other places, a general hospital such as Randolph Hospital. A jail or other penal facility is the only type of facility that is explicitly prohibited as a location for such a temporary detention.
 - 3. G.S. 122C-263(d)(2):** After a physician or eligible psychologist completes the initial examination referenced in the immediately preceding paragraph, and the clinician recommends inpatient commitment, a law enforcement officer is to transport the respondent to a 24-hour facility pending a district court hearing. When a 24-hour facility is not immediately available or transport to a designated 24-hour facility is not medically appropriate, the respondent may be temporarily detained under appropriate supervision at a local facility such as the transitional unit at Randolph Hospital until the respondent is transported to a 24-hour facility or released in accordance with the provisions of G.S. 122C-263(d)(2).

4. **G.S. 122C-263(b):** In contrast to the above-stated scenario, when the affiant seeking an order from the magistrate is the physician or eligible psychologist recommending inpatient commitment for the respondent, the affiant is not required to make a personal appearance before the magistrate, and, due to the fact that the clinician has already examined the respondent, the initial examination referenced in paragraph (2) above is not required. Consistent with the text of the statutory provision cited at the beginning of this paragraph, the order in such a case (Form AOC-SP-302B, New 11/12) instructs the officer to take the respondent into custody and transport the respondent directly to a 24-hour facility.
5. **G.S. 122C-261(d):** The North Carolina General Statutes do not explicitly reconcile the directive found in G.S. 122C-263(b) and mirrored in AOC-SP-302B to transport the respondent directly to a 24-hour facility with the fact that such direct transport of the respondent may not be possible due to the unavailability of a 24-hour facility or the medical condition of the respondent. However, by referencing the authority to temporarily detain and release such a respondent in accordance with G.S. 122C-263(d)(2), G.S. 122C-261(d) does provide support for the proposition that a respondent in custody pursuant to an AOC-SP-302B Order may be temporarily detained under appropriate supervision at a local facility such as the transitional unit at Randolph Hospital until the respondent can be transported to a 24-hour facility or is released in accordance with the provisions of G.S. 122C-263(d)(2).

F. Limited Transport Options with Special Emergency Procedure [G.S. 122C-262]: In contrast to the statutory support discussed in the immediately preceding paragraph for the temporary detention of respondents when a 24-hour facility is unavailable or when the completion of transport to such a facility is not medically appropriate, there is no support within the statutorily prescribed involuntary commitment process for interrupting the transport of a respondent to a 24-hour facility when the respondent has been taken into custody under the special emergency procedures prescribed in G.S. 122C-262 for individuals in need of immediate hospitalization. When this special emergency procedure is utilized, a physician or eligible psychologist completes a form known as the Supplement to Examination and Recommendation for Involuntary Commitment / Certificate to Support Immediate Hospitalization (Form DMH 5-72-01-A, Revised September 2001) that serves as the order authorizing continued custody of the respondent for direct transport to a 24-hour facility.

III. DESIGNATION OF TRANSPORT RESPONSIBILITIES UNDER THIS MOU

A. Petitioner Appears before Magistrate or Clerk [Form AOC-SP-302A]

This MOU does not alter in any manner the long-standing procedure that has been followed by the APD and the RCSO when serving custody orders issued in response to a petitioner (usually a layperson) appearing before a magistrate or clerk. The flow chart for service by the APD of Form AOC-SP-302A is as follows:

APD Service of Form AOC-SP-302A

Petitioner (usually a lay person) appears before a magistrate.



Magistrate reviews petition and issues custody Order that is directed to APD if the respondent is a resident of the City of Asheboro or can be found in the Asheboro city limits.



APD officer transports respondent to Daymark during business hours or to Randolph Hospital during non-business hours for the first exam.



If respondent is to be transported to a 24-hour facility for a second exam, APD will be responsible for the temporary detention, under appropriate supervision, of the respondent at Daymark or the Randolph Hospital Transitional Unit until either (a) RCSO can transport the respondent to a 24-hour facility or (b) respondent is released and returned by APD officer to residence/home of consenting individual in Randolph County.

**B. Petitioner Is a Clinician Who Has Examined the Respondent
[Form AOC-SP-302B]**

Due to the fact that a first examination has already been completed when a clinician seeks an order from a magistrate for the transportation of a respondent to his or her second examination, the instruction in AOC-SP-302B for the law enforcement officer to transport the respondent directly to a 24-hour facility is logical and straight forward. The practical difficulties addressed by this MOU arise when, at the time the order is received by the law enforcement officer, a 24-hour facility is not available or the direct transport of the respondent to a 24-hour facility is not medically appropriate.

The issue(s) to be clarified by this MOU are most clearly understood by boiling the two (2) types of orders down to their essence. When a magistrate directs an order to a law enforcement officer with Form AOC-SP-302A, the officer is to take the respondent into custody for examination by a physician or eligible psychologist that is located in Randolph County. In contrast, when a magistrate directs an order to a law enforcement officer with Form AOC-SP-302B, the officer is to transport the respondent to a 24-hour facility. There is no such facility in Randolph County.

The absence of a 24-hour facility in Randolph County raises concerns about the appropriateness of an APD officer receiving and then serving a Form AOC-SP-302B Order that instructs the officer to take an action, transporting a respondent to a facility in another county, that, in the absence of an agreement approved by the Asheboro City Council, is not contemplated for a municipal officer under the statutorily prescribed involuntary commitment process. This MOU is designed to address the above-stated issue and to authorize APD officers, under narrowly drawn circumstances, to receive and serve, in part, certain Form AOC-SP-302B Orders.

As noted above, the service of Form AOC-SP-302B requires the law enforcement officer serving the order to take custody of the respondent and transport the respondent to a 24-hour facility. Pursuant to G.S. 122C-251(b), transportation between counties for admission to a 24-hour facility is to be provided by the county where the respondent is taken into custody. However, there is authority within G.S. 122C-251 to allow the city and county to agree on a plan for transportation of respondents. Such a plan could, and under this MOU does, allocate to APD officers some of the responsibility for serving AOC-SP-302B Orders.

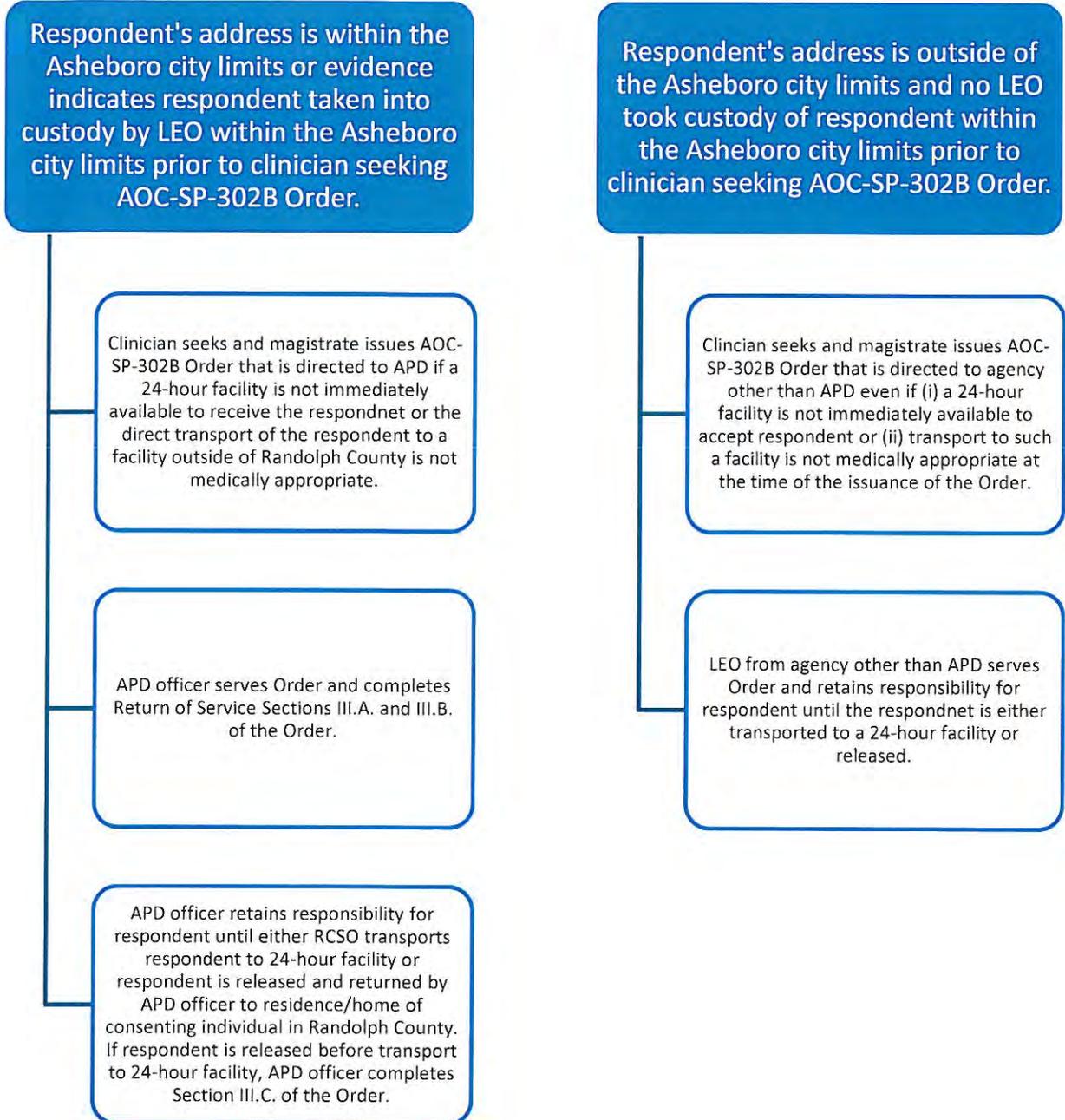
The City of Asheboro recognizes the tremendous logistical burden placed on the RCSO to transport all of the respondents taken into custody in Randolph County to 24-hour facilities located across the state. The willingness of the RCSO to partner with the city to facilitate APD officers seamlessly assuming responsibility for respondents who are residents of Asheboro or who, at the onset of an involuntary commitment process that began in advance of a clinician transmitting a petition to a magistrate for an AOC-SP-302B Order, were taken into custody by law enforcement officers within the Asheboro city limits is deemed by the Asheboro City Council to be sufficient consideration to support the city undertaking the following support functions designed to improve the level of service offered to individuals who reside, work, or are visiting within the City of Asheboro.

The flow chart for the provision by the APD of these support functions is as follows:

APD Service of Form AOC-SP-302B

Order Directed to APD in the Following Situations:

Order Not Directed to APD in the Following Situation:



C. Special Emergency Procedure for Individuals Needing Immediate Hospitalization [Form DMH 5-72-01-A]

Unlike the procedures under consideration with the preceding subsections (A) and (B), the special emergency procedure authorized by G.S. 122C-262 does not involve submitting a petition to a magistrate and obtaining a magistrate's order. When an individual is brought to a physician or eligible psychologist because of the perceived need for immediate hospitalization, the clinician completes the required examination form and an emergency certificate that are forwarded to the clerk of superior court for review by the district court.

While a district court hearing is pending, the emergency certificate, as a supplement to the standard form for the examination and recommendation for involuntary commitment, serves as a custody order that directs a law enforcement officer to transport the respondent to a 24-hour facility. This emergency certificate is not a form generated by the Administrative Office of the Courts. Instead, the form, which is identified as Form DMH 5-72-01-A, is produced by the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services. This division is a component of the North Carolina Department of Health and Human Services.

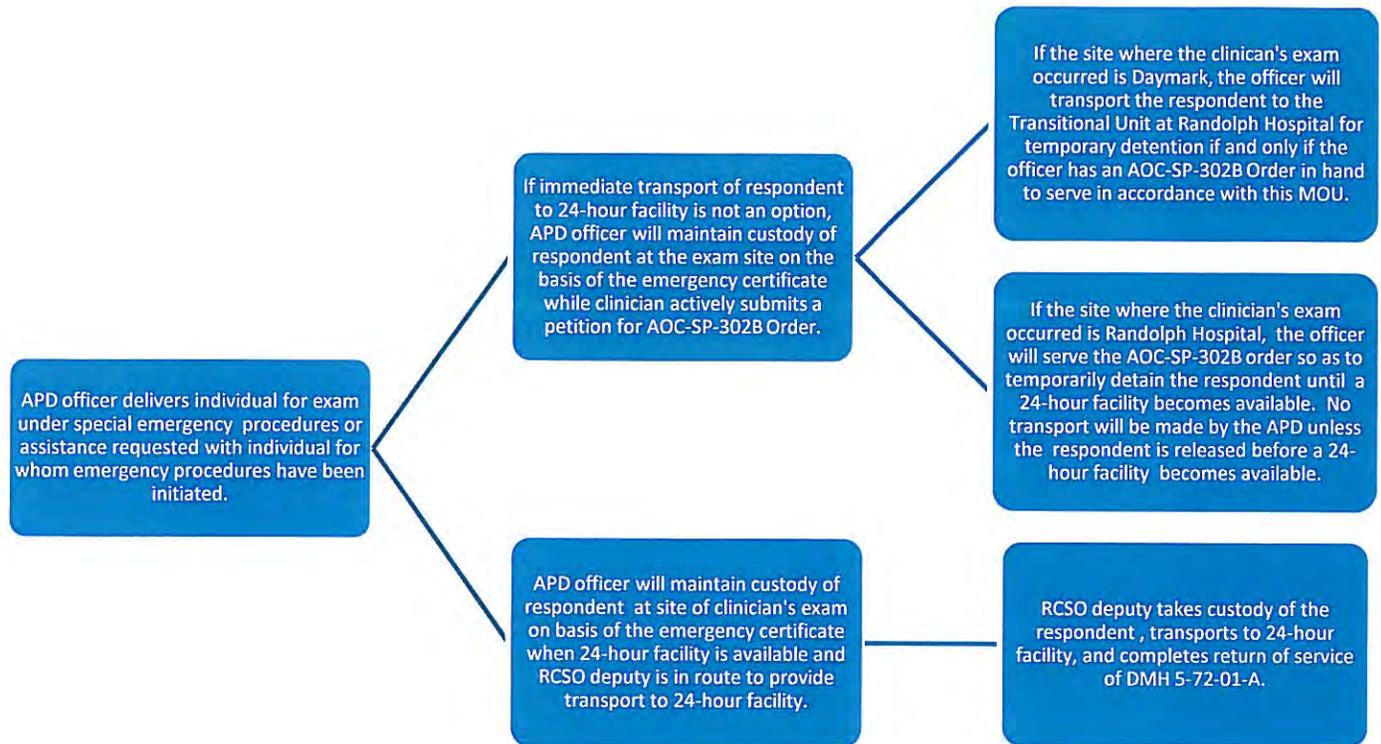
In stark contrast to the AOC-SP-302A and AOC-SP-302B forms, the DMH 5-72-01-A form does not contain a return of service section that accommodates the temporary detention of a respondent at a facility other than a 24-hour facility, even if a 24-hour facility is not immediately available or the transport of the respondent to such a facility is not medically appropriate. The absence of a return of service section to address this type of temporary detention is consistent with the absence of a statutory provision contemplating any action other than the uninterrupted transport of the respondent to a 24-hour facility for immediate hospitalization.

Due to the absence of a 24-hour facility within Randolph County, the APD does not perform the transport duties contemplated by the emergency certificate. The statutorily authorized emergency procedure provides authority for an APD officer to transport a respondent found within the Asheboro city limits to a clinician for an examination and, with the completion of the examination and the emergency certificate, to assist the staffs at Daymark and Randolph Hospital with the temporary detention of a respondent at the site of the clinician's exam until a RCSO deputy arrives to transport the respondent to a 24-hour facility. The RCSO deputy would complete the return of service for the DMH 5-72-01-A once the transport has been completed.

If a 24-hour facility is not immediately available, or transport to such a facility is not medically appropriate for a respondent who has been examined under the emergency procedure and found to be in need of immediate hospitalization, the emergency procedure should be terminated and a clinician's petition should be submitted to a magistrate for the purpose of seeking the issuance of an order in the form of AOC-SP-302B. An AOC-SP-302B Order issued as a consequence of the termination of a special emergency procedure with an Asheboro resident as the respondent or that originated in the Asheboro city limits shall be directed to the APD for service.

The following flow chart summarizes the role of APD officers when they initiate or are summoned to a clinician's facility to assist with a respondent subject to the special emergency procedures for individuals needing immediate hospitalization:

APD Officers and Special Emergency Procedures



Notes:

1. APD officers do not transport respondents pursuant to Form DMH 5-72-01-A, and they do not complete, under any circumstances, the return of service for a Form DMH 5-72-01-A.
2. Regardless of whether an APD officer is involved in initiating the special emergency procedures or otherwise assisting with a respondent during the clinician's examination of the individual pursuant to the special emergency procedures, the APD will assume responsibility for receiving and serving an AOC-SP-302B Order that is obtained for any respondent with an address located within the Asheboro city limits.

IV. MODIFICATION OF THIS MOU

Any modifications to this MOU must be proposed in writing and approved by the signatories. In order to be valid, the approval on behalf of the City of Asheboro must include the concurrence of the Asheboro City Council with the actions of the Chief of Police. However, the modification or amendment of any statute, regulation, AOC form, or any other legal authority cited herein shall be deemed to be automatically incorporated into this Agreement by reference so as to update this MOU to include any such modification or amendment.

V. DURATION AND TERMINATION OF THIS MOU

This MOU will be in effect from the date of signing by both parties until terminated by any party hereto. Any party to this MOU, upon thirty (30) days prior written notice to the other party, may terminate the Agreement at any time. Such notice shall be delivered personally or by certified or registered mail.

VI. NO THIRD PARTY RIGHTS AND AUTHORITY TO SIGN MOU

This MOU does not, is not intended to, shall not be construed to, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any person in any matter, civil or criminal.

By signing this MOU, each party represents it is fully authorized to enter into this Agreement and accepts the terms, responsibilities, and limitations of the Agreement. With specific regard to the entry of the Asheboro Police Department into this MOU, the execution of the Agreement by the Chief of Police was authorized pursuant to the adoption of a resolution (Resolution No. _____) by the City Council of the City of Asheboro, North Carolina in open session during a regular meeting held on the ____ day of _____, 2014.

Ralph W. Norton, Chief of Police
City of Asheboro, North Carolina

Maynard B. Reid, Sheriff
Randolph County, North Carolina

Date: _____

Date: _____



RZ-14-08: Rezone from B2 (General Commercial) and I1 (Light Industrial)

(217 NC Hwy. 49 South: Richard H. Lyda)

Planning Board Recommendation and Staff Report

The applicant is requesting a continuance until the January 8, 2015 City Council meeting.

Planning Board Recommendation & Comments to City Council

NOTE: Have applicant Certify to Council mailings to all adjoining property owners.

Case # RZ-14
-08

Date 9-8-2014 PB

Applicant Richard H. Lyda

Legal Description

The property of Ivey Goins, located at 217 NC Hwy. 49 South, totaling approximately 0.75 (+/-) acres and more specifically identified by Randolph County Parcel Identification Number 7750048965.

Requested Action Rezone from B2 (General Commercial) to I1 (Light Industrial)

Existing Zone B2 General

Land Development Plan See rezoning staff report

Planning Board Recommendation

Approve

Reason for Recommendation

The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # **RZ-14-08**

Date 9/8/14 PB
10/9/14 & 11/6/14 CC

General Information

Applicant Richard H. Lyda
Address 217 NC Hwy. 49 South
City Asheboro NC 27205
Phone 336-381-0751
Location 217 NC Hwy. 49 South
Requested Action Rezone from B2 (General Commercial) to I1 (Light Industrial)

Existing Zone B2
Existing Land Use Vehicle Towing Operation and Storage Yard
Size 0.75 acres (+/-)
Pin # 7750048965

Applicant's Reasons as stated on application

The request is consistent with other commercial and industrial uses in the area.

Surrounding Land Use

North Commercial/Warehousing
South Commercial
East Commercial
West Single-family

Zoning History N/A

Legal Description

The property of Ivey Goins, located at 217 NC Hwy. 49 South, totaling approximately 0.75 (+/-) acres and more specifically identified by Randolph County Parcel Identification Number 7750048965.

Analysis

1. The property is inside the city limits. All city services are available.
2. NC Hwy. 49 South is a state-maintained major thoroughfare. Mack Road is a state-maintained minor thoroughfare.
3. The Zoning Ordinance states that the I1 District is intended to *produce areas for manufacturing, processing and assembly uses, commercial uses, distribution and servicing enterprises, controlled by performance standards to limit the effect of such uses on uses within the district and on adjacent districts.*
4. The area includes a mix of uses including commercial, residential (single and multi family), with some industrial uses and zoning scattered along NC Hwy. 49 South and US Hwy. 64 West/West Dixie Drive.
5. Improvements are planned to Mack Road that will impact the property. These improvements include realignment and installation of traffic signals at Mack Road's intersection with NC Hwy. 49 South.
6. The available history of the property indicates that it has been used for a gas station, motor vehicle sales, and a vehicle towing and storage yard. Text amendments to the Zoning Ordinance adopted in 2008 (Case No. RZ -08-24) specified that storage yards for vehicle towing facilities must be located in an I1 or I2 zoning district. Prior to the text amendments in 2008, vehicle storage yards were allowed in the B2 zoning district.
7. If approved, the I1 district request would allow all uses permitted by right in the district.

Rezoning Staff Report

RZ Case # RZ-14-08

Page 2

Consistency with the 2020 LDP Growth Strategy designations

In reviewing this request, careful consideration is given to each Goal and Policy as outlined in the Land Development Plan. Some Goals and Policies will either support or will not support the request, while others will be neutral or will not apply. Only those Goals and Policies that support or do not support the request will be shown.

Growth Strategy Map Designation	Primary Growth
Proposed Land Use Map Designation	Commercial
Small Area Plan	Southwest

LDP Goals/Policies Which Support Request

Checklist Item 4: The proposed rezoning is compatible with surrounding land uses.

Checklist Item 5: The proposed rezoning is compliant with the objectives of the Growth Strategy Map.

Checklist Items #12, #13, and #14: 12.) Property is located outside of watershed 13.) The property is located outside of Special Hazard Flood Area. 14.) Rezoning is not located on steep slopes of greater than 20%.

Rezoning Staff Report

RZ Case # RZ-14-08

Page 3

LDP Goals/Policies Which Do Not Support Request

Checklist Item 1: Rezoning is not compliant with the Proposed Land Use Map.

Recommendation

Approve

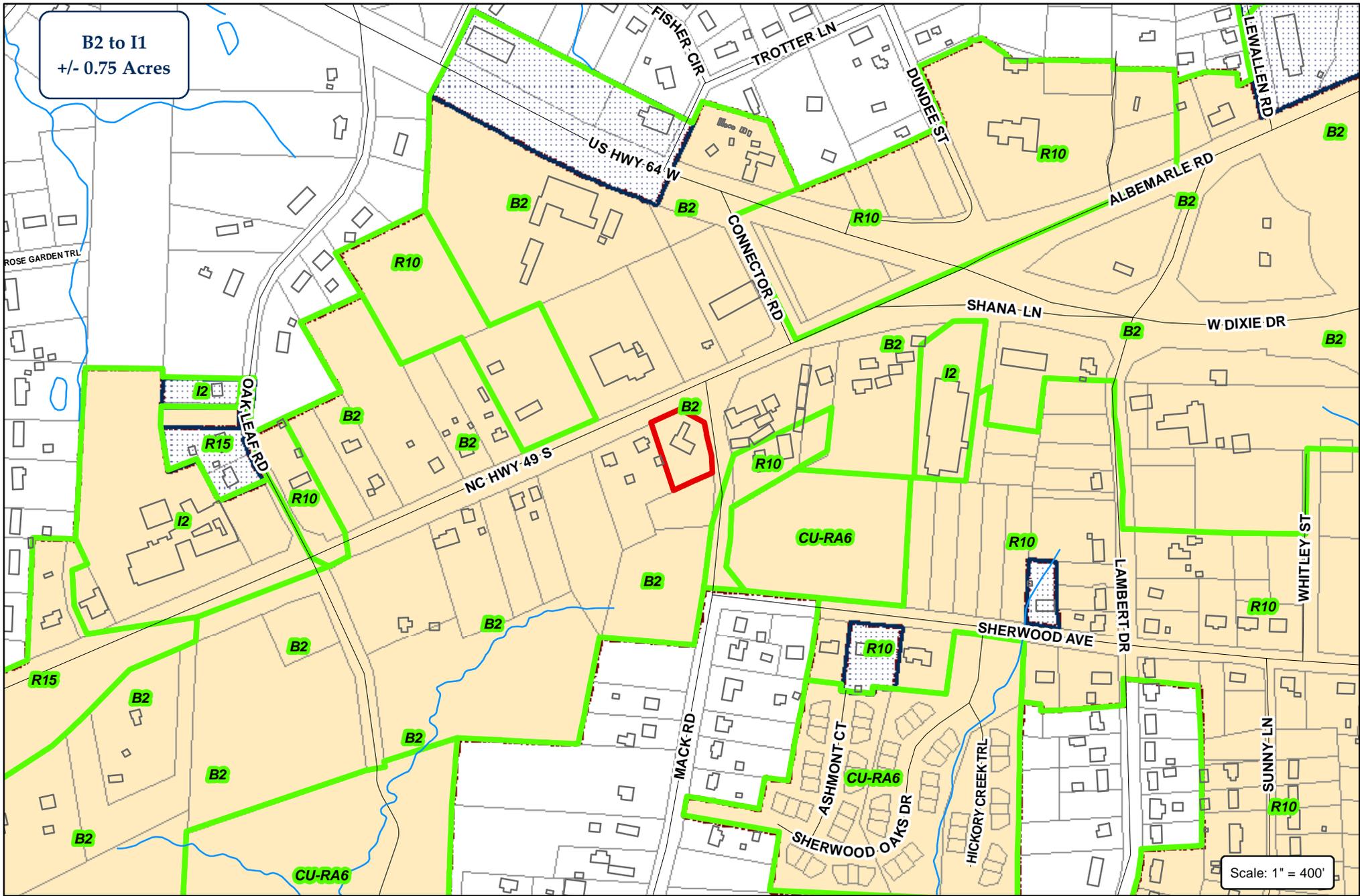
Reason for Recommendation

Although the Land Development Plan designates the property for commercial use, the surrounding area includes a mix of industrial (warehousing and manufacturing) and commercial land uses. While land uses along NC Hwy. 49 South are not primarily industrial, zoning has been assigned to properties to accommodate those with an industrial history located along and near the corridor. The I1 Light Industrial district, which accommodates both commercial and light industrial uses, is consistent with the property's history and fits the context of the area in which it is located.

Evaluation of Consistency with Adopted Comprehensive Plans/Reasonableness and Public Interest

Considering the above factors detailing the property's locational context, staff believes the I1 designation is in the public interest by allowing a reasonable use of the property and ensuring consistency with the Land Development Plan.

B2 to I1
+/- 0.75 Acres



City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-14-08
Parcels: 7750048965

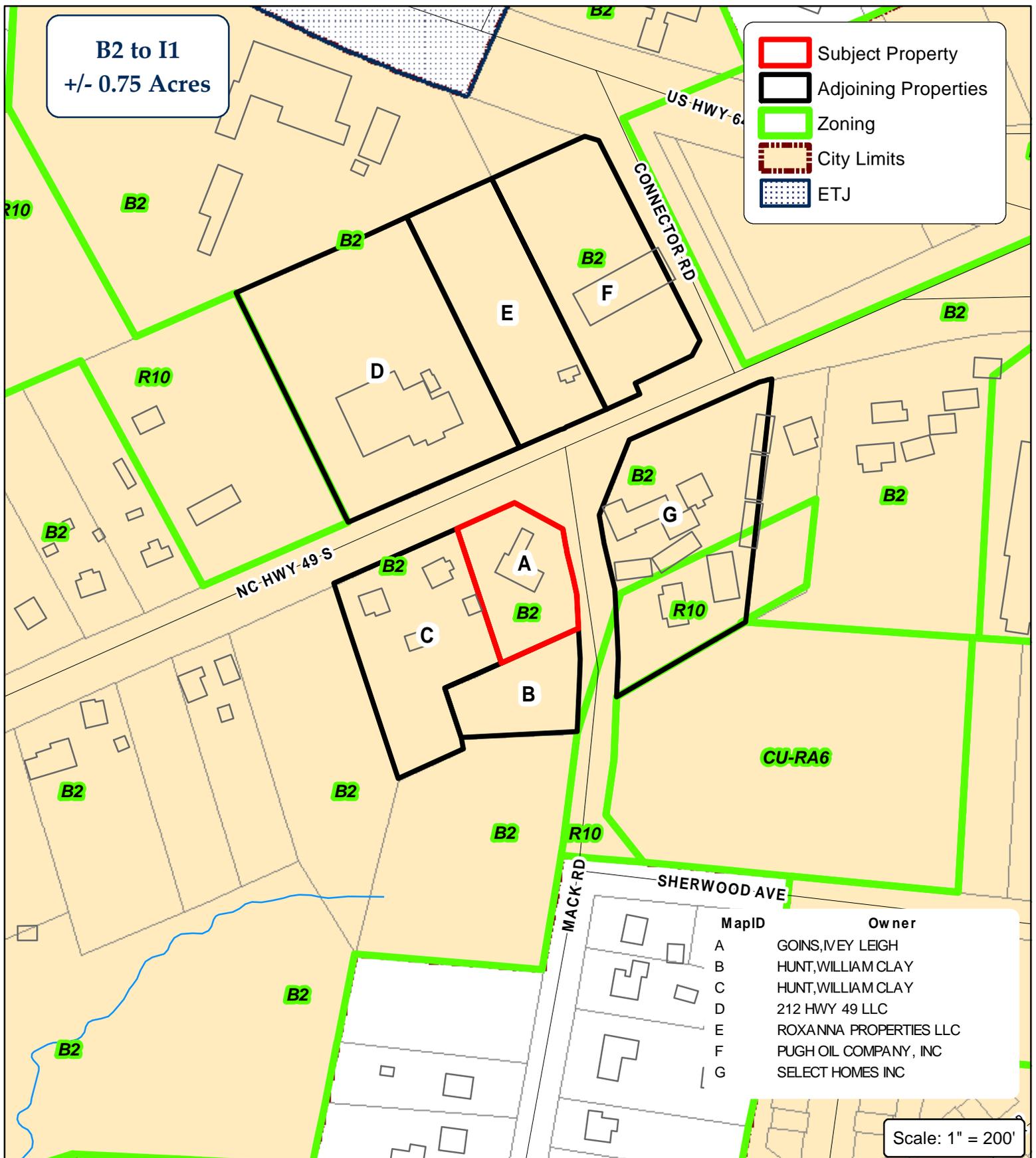
- Subject Property
- Zoning
- City Limits
- ETJ



**B2 to I1
+/- 0.75 Acres**

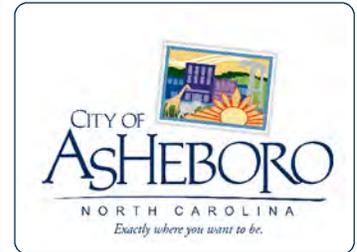
Legend

-  Subject Property
-  Adjoining Properties
-  Zoning
-  City Limits
-  ETJ



MapID	Owner
A	GOINS, IVEY LEIGH
B	HUNT, WILLIAM CLAY
C	HUNT, WILLIAM CLAY
D	212 HWY 49 LLC
E	ROXANNA PROPERTIES LLC
F	PUGH OIL COMPANY, INC
G	SELECT HOMES INC

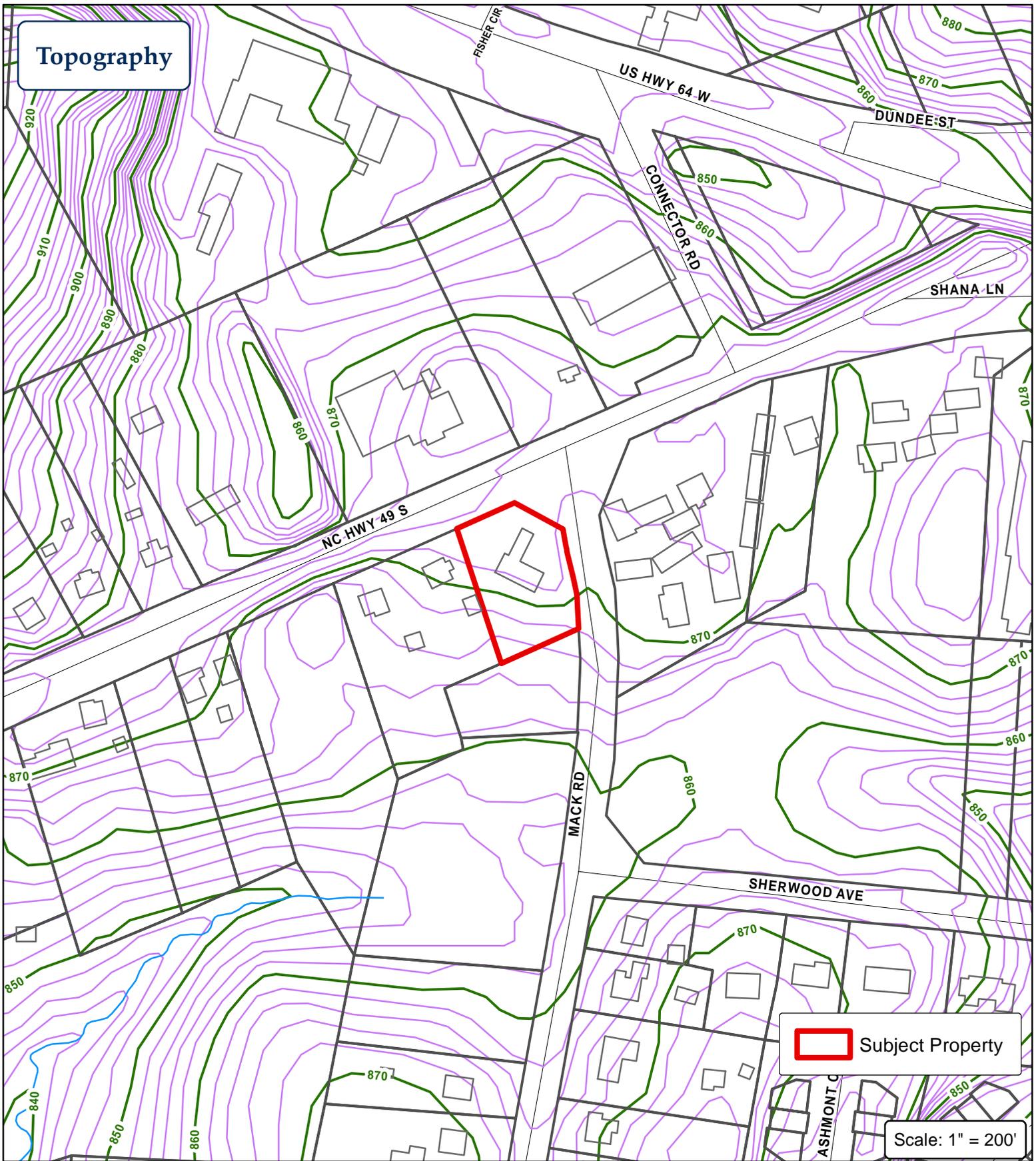
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City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-14-08
Parcels: 7750048965



Topography



 Subject Property

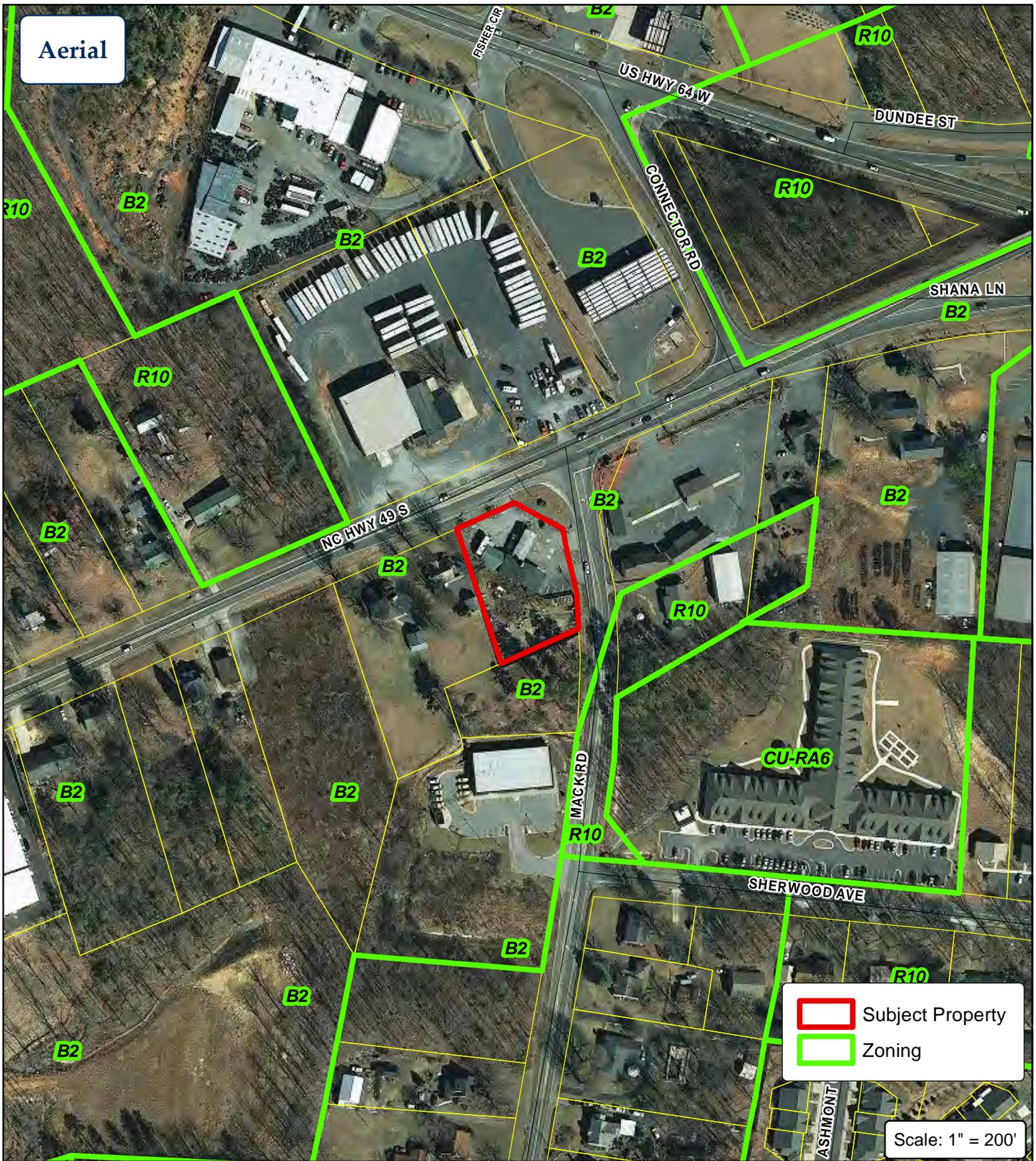
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City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-14-08
Parcels: 7750048965



Aerial



City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-14-08
Parcels: 7750048965





RZ-14-10 Rezone from CUOA6 (Conditional Use Office-Apartment) and R7.5 (Medium-Density Residential) to M (Mercantile)

(Stephen David Wright: 509 East Salisbury Street)

Planning Board Recommendation and Staff Report

Planning Board Recommendation & Comments to City Council

NOTE: Have applicant Certify to Council mailings to all adjoining property owners.

Case # RZ-14
-10

Date 10/6/2014 PB

Applicant Stephen David

Legal Description

The property of Stephen David and Rebecka Wright, located at 509 East Salisbury Street, totaling approximately 24,000 square feet (+/-), more specifically identified by Lots 5 and 6 in Plat Book 3, Page 21, which includes a portion of Randolph County Parcel Identification Number 77761132130.

Requested Action Rezone from CUOA6 (Conditional Use Office-Apartment) and R7.5 (Medium-Density Residential) to M (Mercantile)

Existing Zone CUOA6/R7.5

Land Development Plan See Rezoning Staff
Report

Planning Board Recommendation
Approve

Reason for Recommendation

The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # RZ-14-10

Date 10/6/2014 Planning Bd.
11/6/2014 City Council

General Information

Applicant Stephen David Wright
Address 3706 Buffalo Ford Road
City Asheboro NC 27203
Phone 336-963-3528
Location 509 East Salisbury Street
Requested Action Rezone from CU-OA6 (Conditional Use Office-Apartment) and R7.5 (Medium-Density Residential) to M (Mercantile)

Existing Zone R7.5/CUOA6
Existing Land Use Contractor's Office
Size 24,000 square feet (+/-)
Pin # 7761132130 (portion)

Applicant's Reasons as stated on application

See application

Surrounding Land Use

North Multi family residential
South Single-family residential
East Single-family residential
West Single-family residential

Zoning History RZ/CUP-01-05: Conditional Use Permit for Professional Office and/or residential use
RZ-01-11: Modification of Conditional Use Permit granted by RZ/CUP-01-05

Legal Description

The property of Stephen David and Rebecka Wright, located at 509 East Salisbury Street, totaling approximately 24,000 square feet (+/-), more specifically identified by Lots 5 and 6 in Plat Book 3, Page 21, which includes a portion of Randolph County Parcel Identification Number 77761132130.

Analysis

1. East Salisbury Street is a major thoroughfare. All city services are available.
2. The property is currently zoned CUOA6 with a conditional use permit allowing a "professional office and/or residential use." The property is currently being used for a professional contractor's office. The applicant also owns the adjoining undeveloped property to the east, which is zoned CUOA6 and will require a Conditional Use Permit prior to development activity. No changes are proposed to the zoning of this portion of the applicant's property.
3. The request is to rezone the property to Mercantile (M). The zoning ordinance Statement of Intent defines the Mercantile (M) district as follows: *The Mercantile (M) District is intended to provide for a greater number of potential business activities than the B1 Zoning District. The Mercantile District is distinguished from the B2 General Commercial District by excluding certain uses permitted in the B2 District that are likely to create the greatest external impact (traffic, noise, lighting, etc.) and by its additional standards that address compatibility with adjoining residential neighborhoods. These districts should be located in nodes along major or minor thoroughfares.*
4. Examples of standards in the Mercantile District include limits on building sizes (i.e. 6,000 sq. ft. total, 1,500 for eating establishments), and prohibition of drive through service and open storage.
5. The area includes a mix of uses, with single and multi-family uses immediately surrounding the property but commercial uses scattered along East Salisbury Street in the vicinity of the property.

Rezoning Staff Report

RZ Case # RZ-14-10

Page 2

Consistency with the 2020 LDP Growth Strategy designations

In reviewing this request, careful consideration is given to each Goal and Policy as outlined in the Land Development Plan. Some Goals and Policies will either support or will not support the request, while others will be neutral or will not apply. Only those Goals and Policies that support or do not support the request will be shown.

Growth Strategy Map Designation	Primary Growth
Proposed Land Use Map Designation	Commercial
Small Area Plan	Central

LDP Goals/Policies Which Support Request

Checklist Item 1. Rezoning is compliant with the Proposed Land Use Map.

Checklist Item 3. The property on which the rezoning district is proposed fits the description of the Zoning Ordinance. (*Article 200, Section 210, Schedule of Statements of Intent*)

Checklist Item 5. The proposed rezoning is compliant with the objectives of the Growth Strategy Map.

Checklist Items #12, #13, and #15: 12.) Property is located outside of watershed 13.) The property is located outside of Special Hazard Flood Area. 15.) Rezoning is not located on poor soils

Rezoning Staff Report

RZ Case # RZ-14-10

Page 3

LDP Goals/Policies Which Do Not Support Request

Recommendation

Approve

Reason for Recommendation

The Mercantile District designation was designed to be applied to properties where commercial development is suitable but the potential uses and larger scale of development allowed by the B2 is less appropriate for the area. The Central Small Area Plan discusses the accommodation of some future development along corridors such as East Salisbury Street but seeks to keep commercial development strategically located and at a smaller scale. Similar to the Land Development Plan's intent to accommodate limited local-scale office uses, the Mercantile request is consistent with the property's commercial designation but requires development at an appropriate scale with the heaviest commercial uses excluded.

Evaluation of Consistency with Adopted Comprehensive Plans/Reasonableness and Public Interest

Considering the above factors detailed in the recommendation above, staff believes the M designation is in the public interest by allowing a reasonable use of the property and ensuring consistency with the LDP.

Application for Zoning Ordinance Amendment

APPLICANT INFORMATION

Applicant Stephen David Wright
Applicant's Phone # 336-963-3528 736-8621 office
Applicant's Address 3706 Buffalo Ford Rd
Ashboro NC 27205

PROPERTY INFORMATION FOR MAP AMENDMENTS

Property Owner's Name Stephen E. Rebecca Wright
Location of Property 509 East Salisbury St. Ashboro
Property Size (ac. or s.f.) 24,000
Randolph County Property Identification Number (PIN#) 776113 2130 part
Current Zoning District CU-OA6 Rn.5
Requested Zoning District M
Date Property Title Acquired 8-2013
Deed Book Page
Subdivision Section Lot # 5 1/6
Plat Book 3 Page 21

ORDINANCE AMENDMENT INFORMATION

Section 1011.2 of the Asheboro Zoning Ordinance requires the applicant to answer the following questions. The application may not be accepted unless all questions are completed.

1. Are there alleged errors in this Ordinance that would be corrected by the proposed amendment? If so, give a detailed explanation of such error and detailed reasons how the proposed amendment will correct the errors.

NA

2. What are the changed or changing conditions, if any, in the jurisdiction of the City of Asheboro generally, which would make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare?

We have just purchased the building this year. Our design studio is in the building at the time & we are not allowed any outside displays (banners, temporary signs, etc) at this time now. We would like to be able to build small displays & display different products at different times of year. i.e. spas in fall, pool wall samples in spring

3. In what manner will the proposed amendment carry out the intent of the Land Development Plan?

At this time no more development will be done on property. If in the future we vacate property need to find tenant we would have more prospects if zoning were different.

4. Are there any other circumstances, factors, or reasons that the applicant offers in support of the proposed amendment?

The zoning department of Asheboro made suggestions that the City of Asheboro was in favor of this zoning for the future economic development of Asheboro

APPLICANT AND AGENT SIGNATURES

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant.

The applicant for rezoning to any district other than a conditional use district shall be prohibited from offering any testimony or evidence concerning the specific manner in which he or she intends to use or develop the property.

Name of Agent (if any)

Agent's Address

Telephone Number

Agent Signature

Name of Applicant or Owner

Stephen David Wright

Applicant or Owner's Address

3706 Buffalo Ford Rd
Ash. NC 27205

Telephone Number

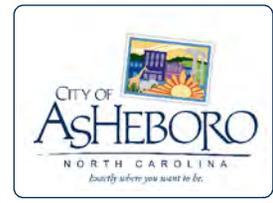
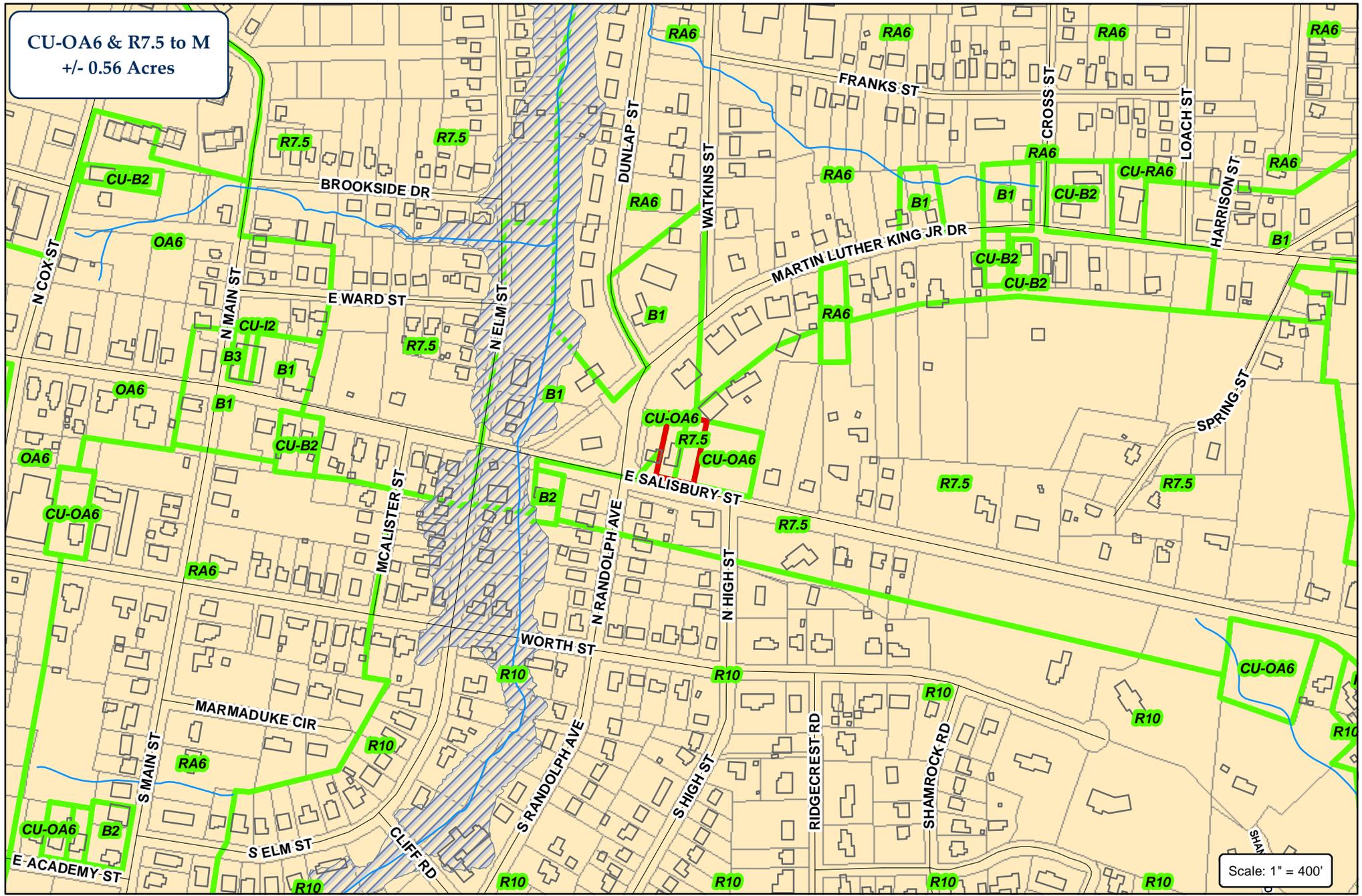
336-963-3528

Applicant or Owner Signature

[Handwritten Signature]

8-26-14 PAID JE
Received by: _____ Date: _____ Case Number: R21410
STAFF USE

CU-OA6 & R7.5 to M
+/- 0.56 Acres



City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-14-10
Parcels: 7761132130 (pt.)

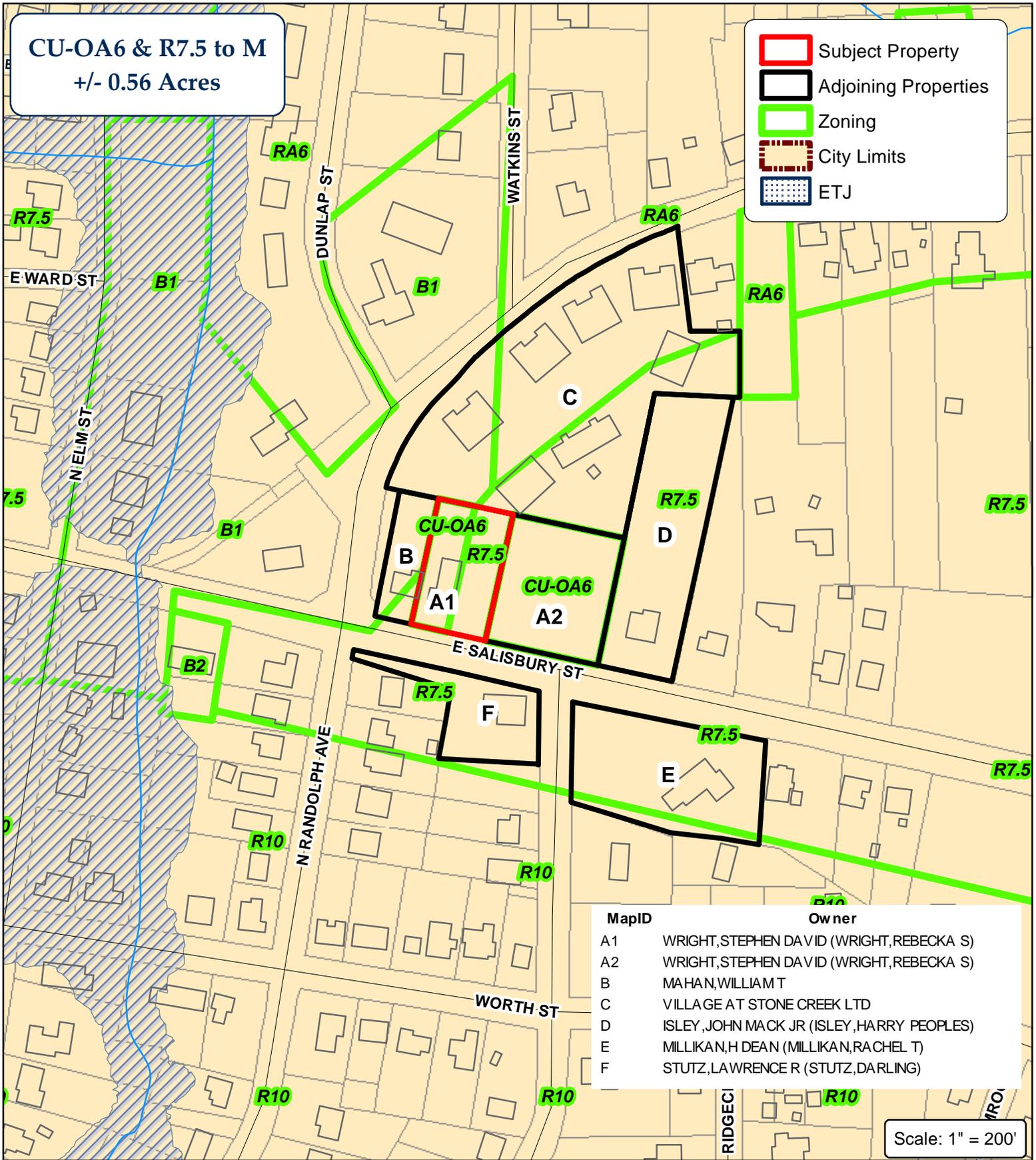
- Subject Property
- Zoning
- City Limits
- ETJ



CU-OA6 & R7.5 to M
 +/- 0.56 Acres

Legend

-  Subject Property
-  Adjoining Properties
-  Zoning
-  City Limits
-  ETJ



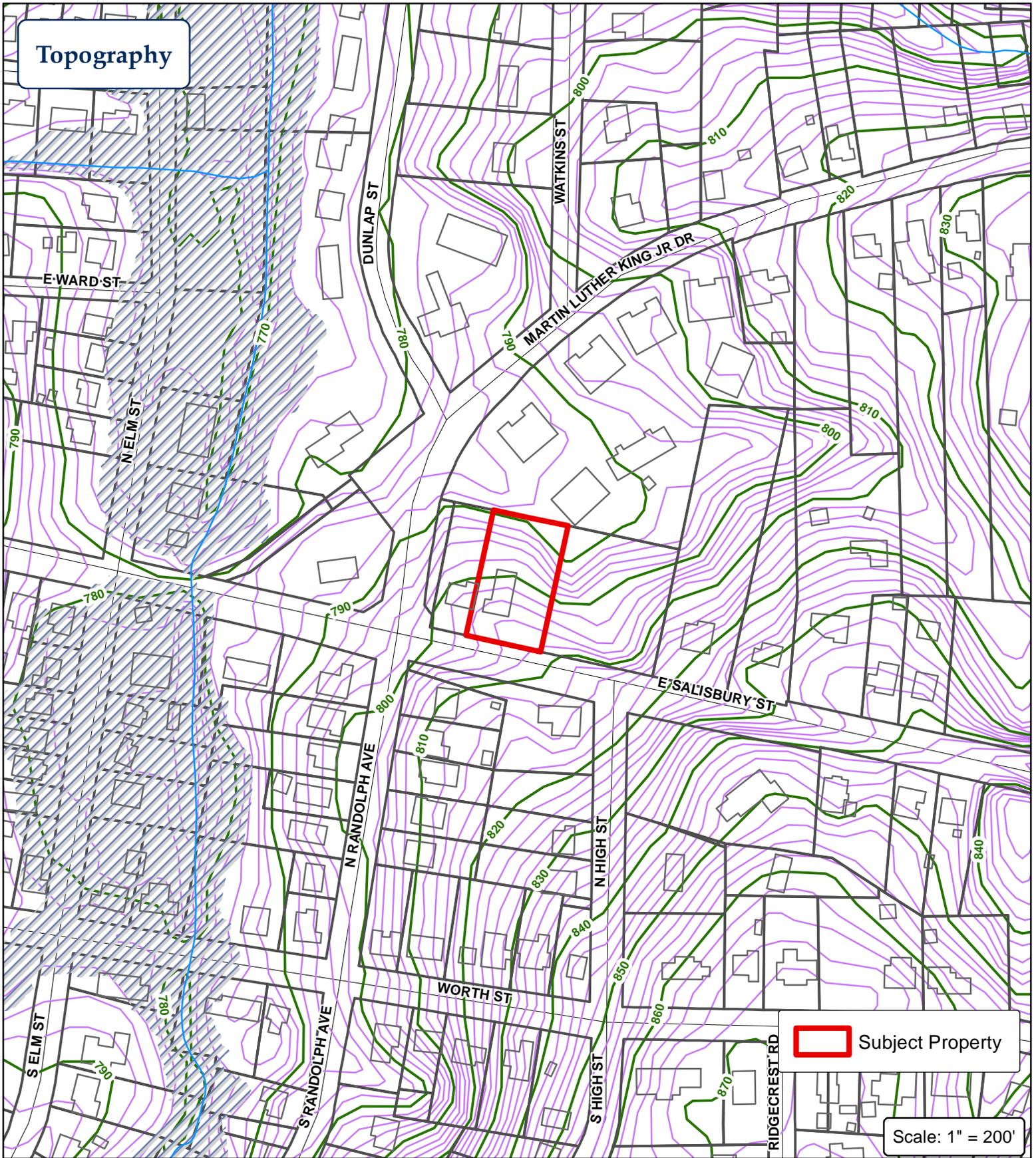
MapID	Owner
A1	WRIGHT, STEPHEN DAVID (WRIGHT, REBECCA S)
A2	WRIGHT, STEPHEN DAVID (WRIGHT, REBECCA S)
B	MAHAN, WILLIAM T
C	VILLAGE AT STONE CREEK LTD
D	ISLEY, JOHN MACK JR (ISLEY, HARRY PEOPLES)
E	MILLIKAN, H DEAN (MILLIKAN, RACHEL T)
F	STUTZ, LAWRENCE R (STUTZ, DARLING)



City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-14-10
Parcels: 7761132130 (pt.)

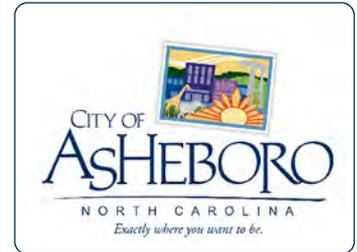


Topography



 Subject Property

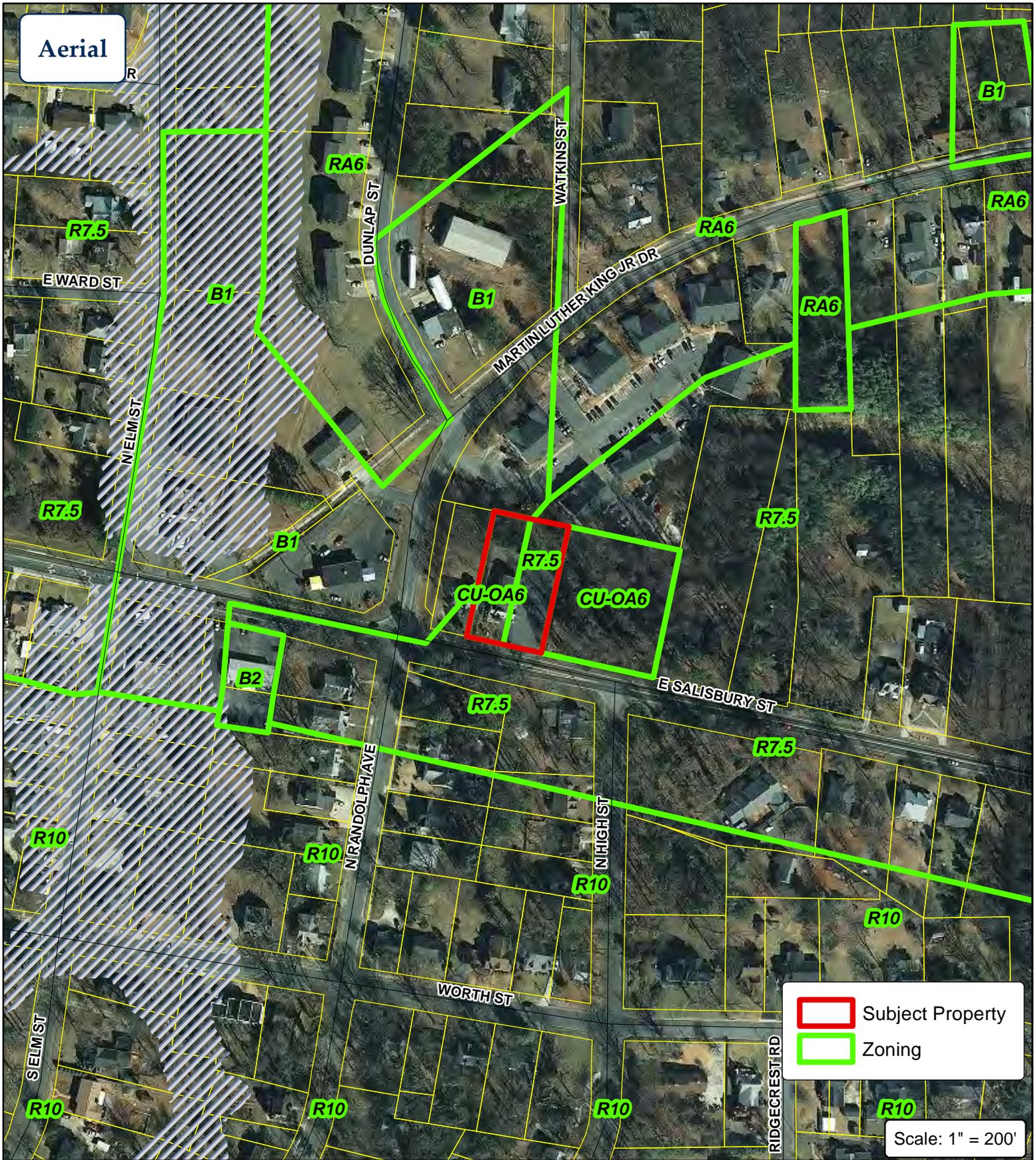
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City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-14-10
Parcels: 7761132130 (pt.)



Aerial



City of Asheboro
Planning & Zoning Department

Rezoning Case: RZ-14-10

Parcels: 7761132130 (pt.)





RZ-14-11 Rezone from R10 (Medium-Density Residential) to OA6 (Office-Apartment)

(H.R. Gallimore: 379 Patton Avenue)

Planning Board Recommendation and Staff Report

The applicant is requesting a continuance until the December 4, 2014 City Council meeting.

Planning Board Recommendation & Comments to City Council

NOTE: Have applicant Certify to Council mailings to all adjoining property owners.

Case # RZ-14
-11

Date 10/6/2014 PB

Applicant H.R. Gallimore

Legal Description

The property of Neale A. Kearns and John W. Kearns, located at 379 Patton Avenue, totaling approximately 3.68 acres (+/-) and more specifically identified by Randolph County Parcel Identification Number 7761510840.

Requested Action Rezone from R10 (Medium-Density Residential) to OA6 (Office-Apartment)

Existing Zone R10

Land Development Plan See Rezoning Staff
Report

Planning Board Recommendation
Approve

Reason for Recommendation

The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # RZ-14-11

Date 10/6/2014 Planning Bd.
11/6/2014 City Council

General Information

Applicant HR Gallimore
Address 231 South Fayetteville Street
City Asheboro NC 27203
Phone 336-626-5560
Location 379 Patton Avenue
Requested Action Rezone from R10 (Medium-Density Residential) to OA6 (Office-Apartment)

Existing Zone R10
Existing Land Use Single-family residence
Size 3.68 acres
Pin # 7761510840

Applicant's Reasons as stated on application

Neighborhood in transition. Near mall. Will allow urban residential and office-institutional. Area has changed dramatically over the last few years making residential only unlikely.

Surrounding Land Use

North Office/Institutional
South Single-family residential
East Single-family residential
West Office/Single-family residential

Zoning History N/A

Legal Description

The property of Neale A. Kearns and John W. Kearns, located at 379 Patton Avenue, totaling approximately 3.68 acres (+/-) and more specifically identified by Randolph County Parcel Identification Number 7761510840.

Analysis

1. East Salisbury Street is a state-maintained minor thoroughfare at this location. Patton Avenue is a state-maintained road.
2. The area includes a mix of residential, office/institutional, commercial and industrial uses.
3. A portion of the property is outside of the city limits. New development proposed to connect to city services will require the entire tax parcel to be annexed.
4. The proposed land use map designates the northern portion of the property inside the city limits for office and institutional use. The southern portion of the property outside of the city limits is designated for urban residential use.
5. According to the Zoning Ordinance (Art. 200, Sec. 210): "The OA6 District is intended to produce moderate intensity office and residential development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designed [sic] OA6 shall normally be located with access to a major or minor thoroughfare with access to local residential streets discouraged."
6. The pavement width of Patton Avenue is approximately 15 to 16 feet in front of the property. Depending on the specific development proposal and subject to North Carolina Department of Transportation (NCDOT) approval, the addition of a driveway(s) on Patton Avenue may require the developer to widen Patton Avenue from the proposed driveway(s) to East Salisbury Street.

Rezoning Staff Report

RZ Case # RZ-14-11

Page 2

Consistency with the 2020 LDP Growth Strategy designations

In reviewing this request, careful consideration is given to each Goal and Policy as outlined in the Land Development Plan. Some Goals and Policies will either support or will not support the request, while others will be neutral or will not apply. Only those Goals and Policies that support or do not support the request will be shown.

Growth Strategy Map Designation	Adjacent Developed
Proposed Land Use Map Designation	Office & Institutional/Urban Residential
Small Area Plan	Central

LDP Goals/Policies Which Support Request

Checklist Item #1: Rezoning is compliant with the Proposed Land Use Map.

Checklist Item #7: The proposed rezoning is compatible with the applicable Small Area Plan.

Checklist Items #12, #13, #14, and #15: 12.) Property is located outside of watershed 13.) The property is located outside of Special Hazard Flood Area. 14.) Rezoning is not located on steep slopes of greater than 20%. 15.) Rezoning is not located on poor soils

Rezoning Staff Report

RZ Case # RZ-14-11

Page 3

LDP Goals/Policies Which Do Not Support Request

Checklist Item 6: Existing infrastructure is not adequate to support the desired zone. (*water, sewer, roads, schools, etc.*). Staff Note: Depending on the type/size of the development proposed, improvements to Patton Avenue may be required to ensure access deficiencies are addressed.

Recommendation

Approve

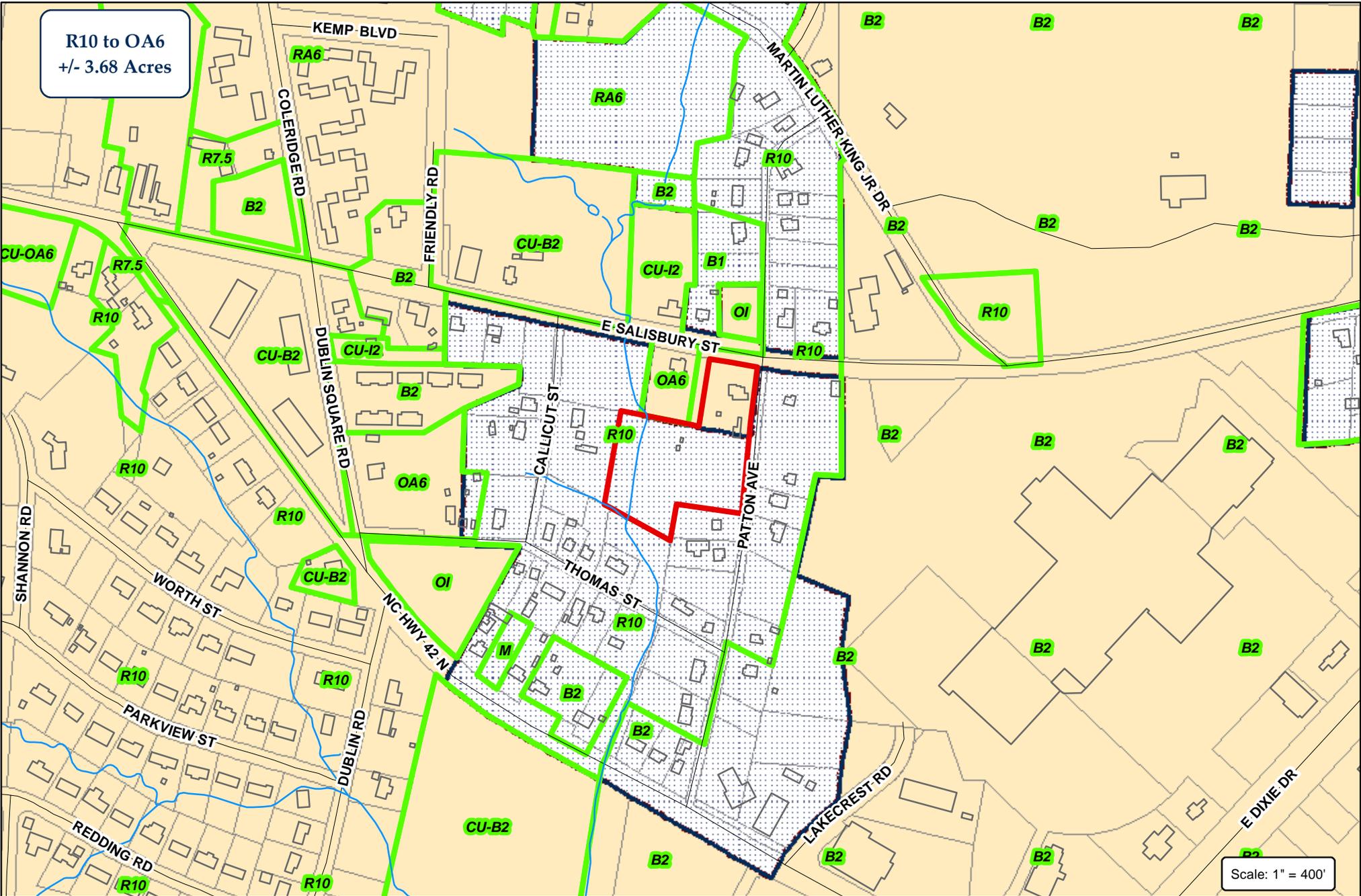
Reason for Recommendation

The request complies with the Land Development Plan proposed land use map which designates the property for office/institutional and urban residential uses, which are consistent with the uses allowed in the OA6 district. The Central Small Area Plan encourages office uses and urban residential uses in strategically designated locations. In this context, the property's proximity to other office, institutional, and commercial uses make the OA6 district appropriate for the property. Additionally, while there is concern over existing conditions on Patton Avenue, driveway permitting requirements and potential improvements required by N.C. Department of Transportation should help ensure safe traffic movements into and out of any future development.

Evaluation of Consistency with Adopted Comprehensive Plans/Reasonableness and Public Interest

Considering the above factors detailed in the recommendation above, staff believes the OA6 designation is in the public interest by allowing a reasonable use of the property and ensuring consistency with the LDP.

R10 to OA6
+/- 3.68 Acres



Scale: 1" = 400'



City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-14-11
Parcels: 7761510840

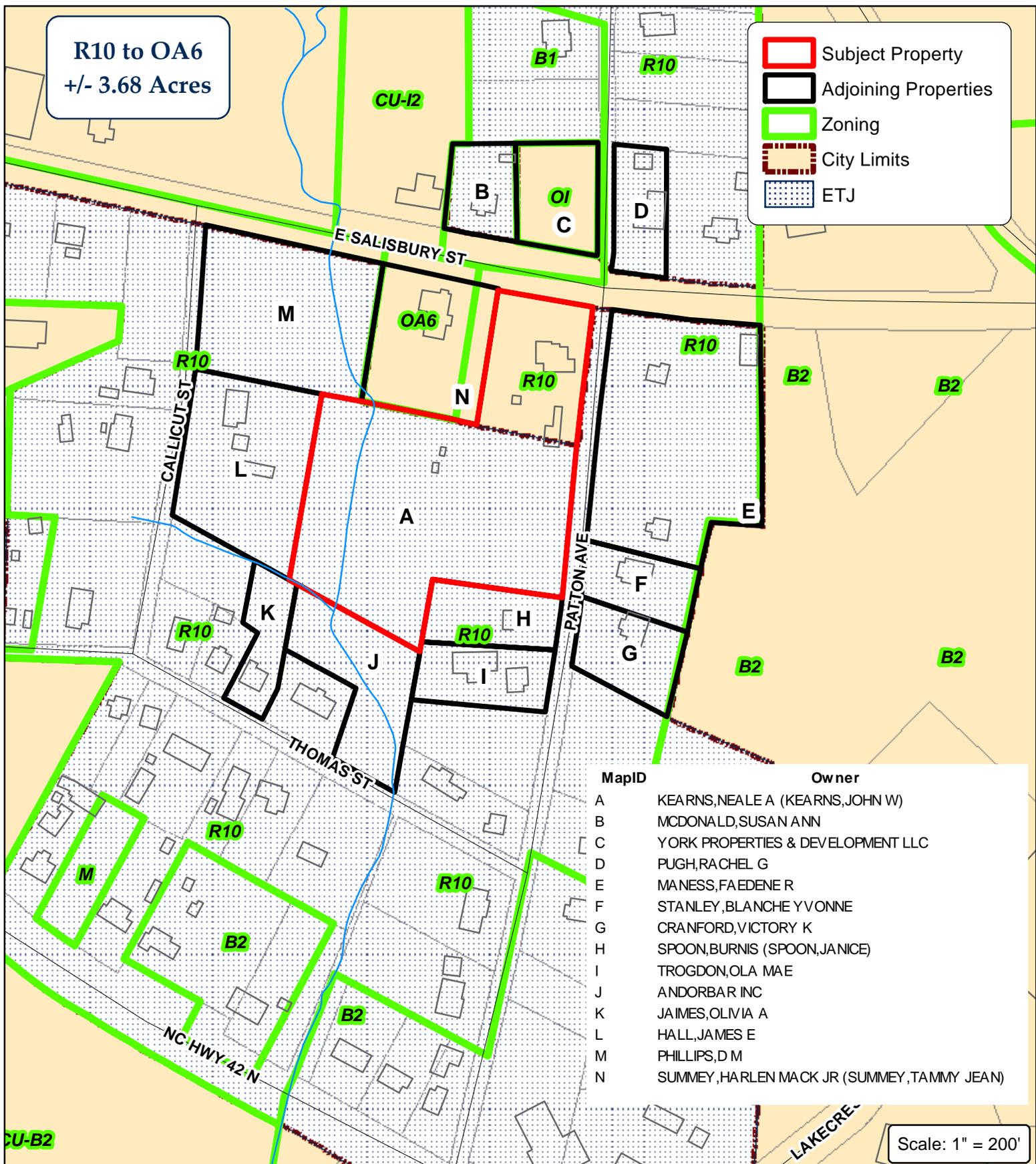
- Subject Property
- Zoning
- City Limits
- ETJ



R10 to OA6
+/- 3.68 Acres

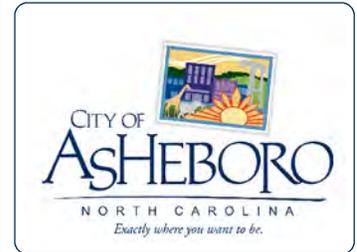
Legend

- Subject Property
- Adjoining Properties
- Zoning
- City Limits
- ETJ



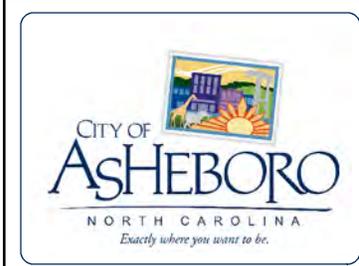
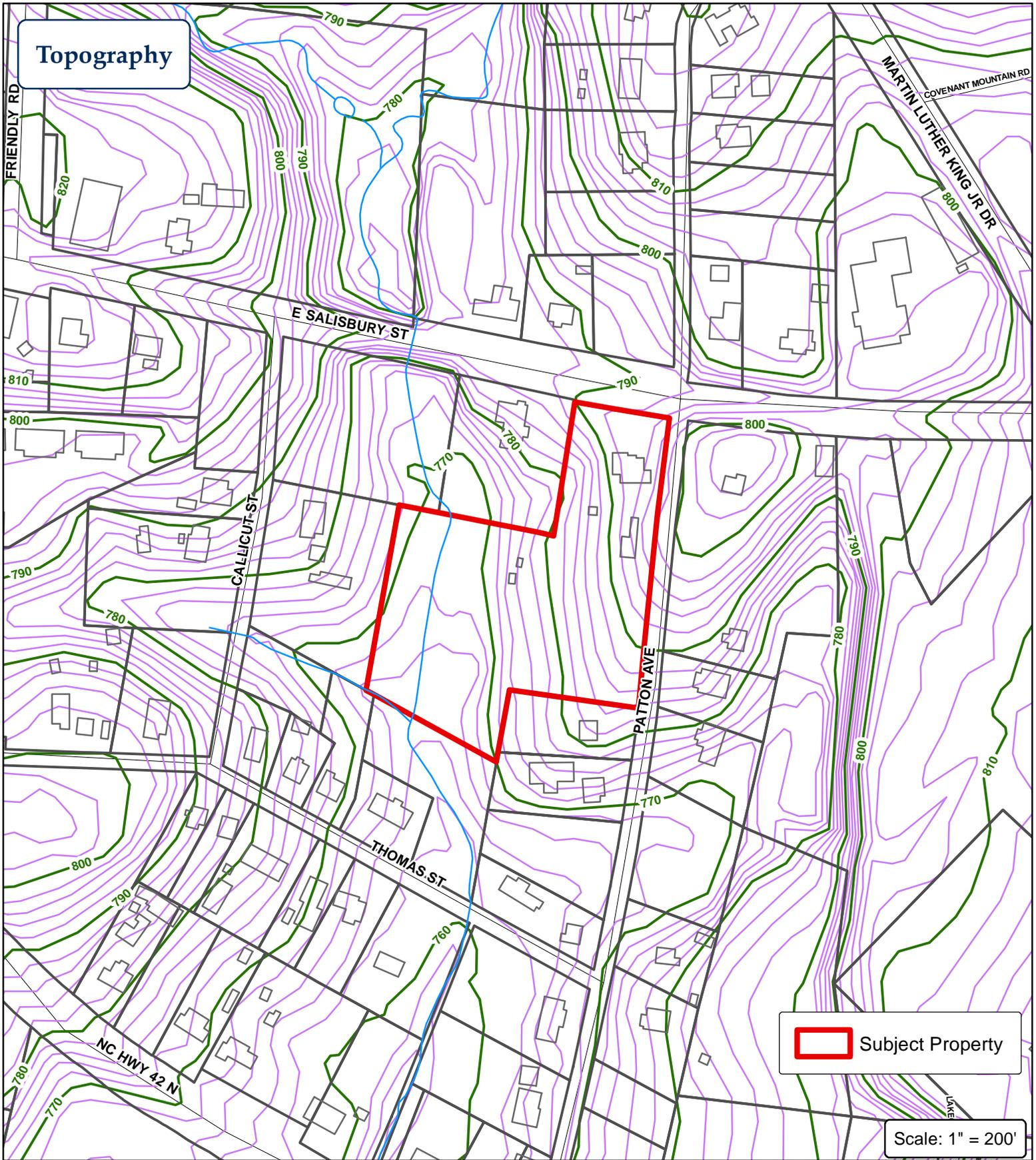
MapID	Owner
A	KEARNS, NEALE A (KEARNS, JOHN W)
B	MCDONALD, SUSAN ANN
C	YORK PROPERTIES & DEVELOPMENT LLC
D	PUGH, RACHEL G
E	MA NESS, FAEDENE R
F	STANLEY, BLANCHE YVONNE
G	CRANFORD, VICTORY K
H	SPOON, BURNIS (SPOON, JANICE)
I	TROGDON, OLA MAE
J	ANDORBAR INC
K	JAIMES, OLIVIA A
L	HALL, JAMES E
M	PHILLIPS, D M
N	SUMMEY, HARLEN MACK JR (SUMMEY, TAMMY JEAN)

Scale: 1" = 200'



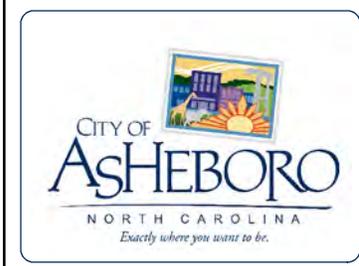
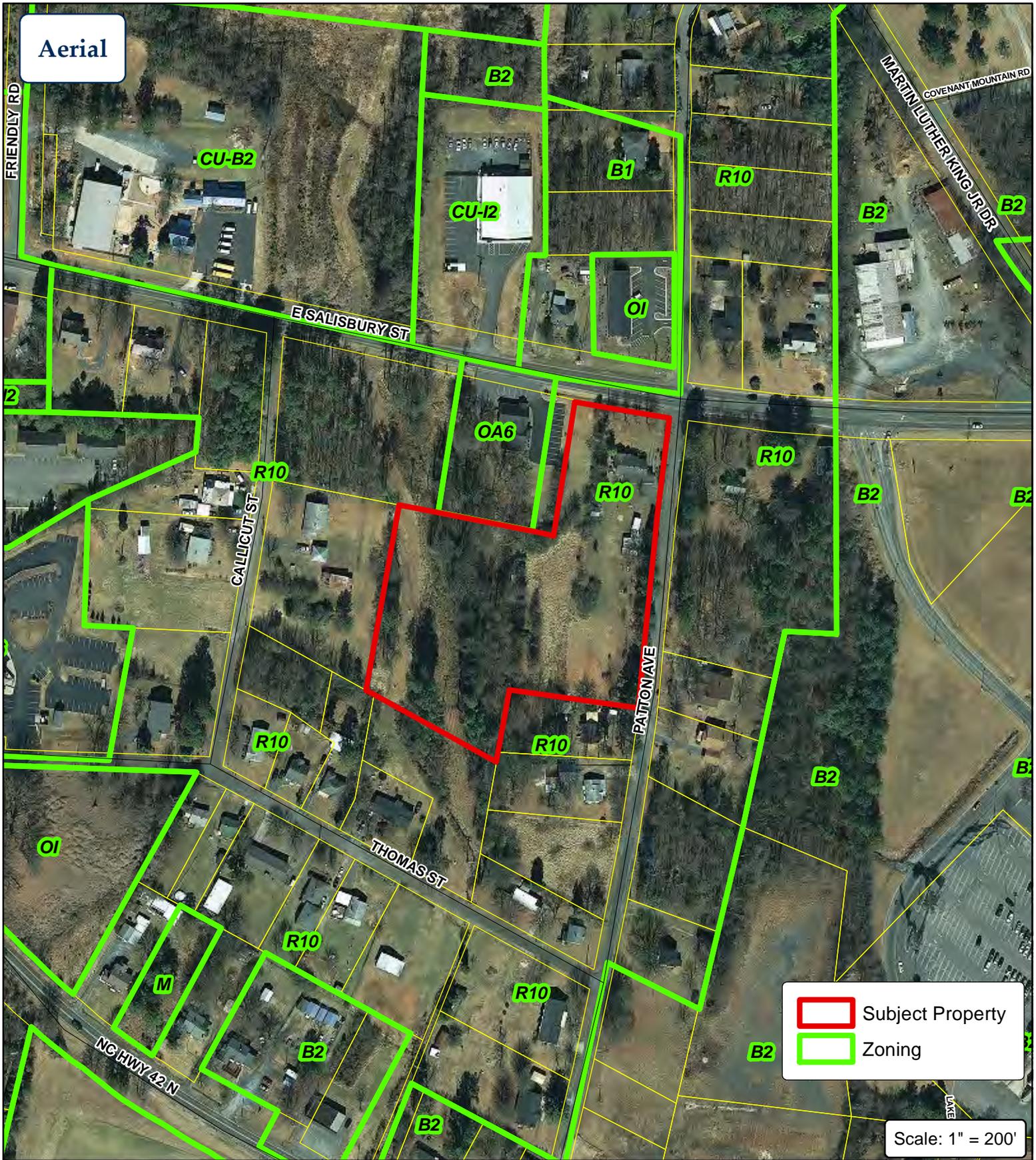
City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-14-11
Parcels: 7761510840





City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-14-11
Parcels: 7761510840





City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-14-11
Parcels: 7761510840





RZ-14-12 Text Amendments to the Zoning Ordinance

- 1.) Watershed Protection Ordinance**
- 2.) Accessory Apartments**
- 3.) Correctional and Recovery Facilities**

Planning Board Recommendation and Staff Report

Planning Board Recommendation & Comments to City Council

NOTE: Have applicant Certify to Council mailings to all adjoining property owners.

Case # **RZ-14**
-12

Date 10/6/2014 PB

Applicant City of Asheboro

Legal Description

General text amendments to the Zoning Ordinance concerning watershed protection requirements, accessory apartments, correctional facilities and professional residential facilities/structured environments (i.e. halfway houses). These amendments affect Table of Uses 200-2, Art.300 (Modification of yard/height requirements), Art. 300A (Supplemental Regulations), Art. 300B (Watershed Protection Ordinance), Art. 400 (Off-Street Parking and Loading) Article 600 (Special Uses), and Art. 1100 (Definitions).

Requested Action General text amendments to the Zoning Ordinance concerning watershed protection requirements, accessory apartments, correctional facilities and professional residential facilities/structured environments (i.e. halfway houses).

Existing Zone N/A

Land Development Plan See Rezoning Staff
Report

Planning Board Recommendation
Approve

Reason for Recommendation

The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # RZ-14-12

Date 10/6/2014 Planning Bd.
11/6/2014 City Council

General Information

Applicant City of Asheboro

Address 146 North Church Street

City Asheboro NC 27203

Phone 336-626-1201

Location

Requested Action General text amendments to the Zoning Ordinance concerning watershed protection requirements, accessory apartments, correctional facilities and professional residential facilities/structured environments (i.e. halfway houses).

Existing Zone N/A

Existing Land Use N/A

Size N/A

Pin # N/A

Applicant's Reasons as stated on application

The amendments are proposed to update outdated language and improve the administration concerning various items in the Zoning Ordinance. The amendments will ensure that the Zoning Ordinance is up-to-date and represents current statewide legislation and current land use trends.

Surrounding Land Use

North N/A

East N/A

South N/A

West N/A

Zoning History The Watershed Protection Ordinance was adopted in 1993 and last amended in 2000. Since 1991, various amendments have addressed correctional facilities, professional residential facilities, structured environments. No recent changes appear to have been made to the zoning ordinance related to accessory apartments.

Legal Description

General text amendments to the Zoning Ordinance concerning watershed protection requirements, accessory apartments, correctional facilities and professional residential facilities/structured environments (i.e. halfway houses). These amendments affect Table of Uses 200-2, Art.300 (Modification of yard/height requirements), Art. 300A (Supplemental Regulations), Art. 300B (Watershed Protection Ordinance), Art. 400 (Off-Street Parking and Loading) Article 600 (Special Uses), and Art. 1100 (Definitions).

Analysis

Updates to the Ordinance are proposed to address the following items:

- 1.) Watershed Protection Regulations: Amendments will improve and streamline the review process when hazardous materials are stored in the non-critical watershed areas. The proposed amendments are not in conflict with the state's (NC Department of Environment and Natural Resources) model watershed ordinance.
- 2.) Accessory Apartments: Update the language concerning accessory dwelling apartments to ensure consistency with state law.
- 3.) Correctional facilities./structured environments (halfway houses), professional residential facilities: Amendments ensure these facilities are allowed in districts that are best suited for their external impacts and update Ordinance language to better reflect the present location of these facilities in the City. Amendments also change the way these facilities are identified and regulated.

Rezoning Staff Report

RZ Case # RZ-14-12

Page 2

Consistency with the 2020 LDP Growth Strategy designations

In reviewing this request, careful consideration is given to each Goal and Policy as outlined in the Land Development Plan. Some Goals and Policies will either support or will not support the request, while others will be neutral or will not apply. Only those Goals and Policies that support or do not support the request will be shown.

Growth Strategy Map Designation N/A

Proposed Land Use Map Designation N/A

Small Area Plan N/A

LDP Goals/Policies Which Support Request

2.1.1 The Zoning Ordinance will periodically be reviewed to ensure that the specific regulations for each Zoning District are aligned with the desired character and focus of each district.

Goal 2.2: Development that is located in appropriate locations

Rezoning Staff Report

RZ Case # RZ-14-12

Page 3

LDP Goals/Policies Which Do Not Support Request

Recommendation

Approve

Reason for Recommendation

The Land Development Plan emphasizes periodic review of provisions within the zoning ordinance to ensure that they are up-to-date with current legislation and land use trends, which is the intent of the proposed amendments. Staff recommends approving the proposed text amendments to improve clarity, reflect current state legislation, streamline review processes, and better mirror model language provided by the State of North Carolina. The proposed amendments are also intended to ensure that certain land uses requiring special care due to their potential negative external impacts are managed effectively through appropriate siting and development standards.

Evaluation of Consistency with Adopted Comprehensive Plans/Reasonableness and Public Interest

As described in the above staff recommendation, staff believes that the proposed text amendments are consistent with the adopted comprehensive plan, reasonable, and in the public interest in protecting public health, safety, and general welfare.



RZ-14-12 Text Amendments to the Zoning Ordinance

- 1.) Watershed Protection Ordinance**
- 2.) Accessory Apartments**
- 3.) Correctional and Recovery Facilities**

Proposed Text

Zoning Ordinance Proposal Concerning Watershed Protection

310B.3 Back Creek Lake Watershed -- Balance of Watershed UT to Cedar Creek -- Balance of Watershed WS-II-BW

A. Intent.

In order to maintain a predominantly undeveloped land use intensity pattern, single family residential uses shall be allowed at a maximum of one dwelling unit per acre. All other residential and nonresidential development shall be allowed a maximum of 12% built-upon area. In addition, non residential uses may occupy ten percent (10%) of the balance of the watershed which is outside the critical area, with a seventy percent (70%) built upon area when approved as a special non residential intensity allocation (SNIA).

The City Council is authorized to consider a Special Use Permit for SNIAs consistent with the provisions of Article 600 and Section 647.

1. Allowed Uses:

- a. All uses allowed in the underlying zoning districts where the watershed is located, subject to the modifications noted below unless specifically excluded in (2) Prohibited Uses.
- b. Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.
- c. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).
- d. Non-discharging landfills and sludge application sites are allowed.

2. Prohibited Uses:

- a. discharging landfills.
- b. new underground fuel or chemical storage tanks.
- c. storage of hazardous materials ~~except by Special Use Permit as set forth in Article 600 as provided in 3, Hazardous Material Storage Requirements.~~

3. Hazardous Material Storage Requirements:

- a. The applicant shall submit a spill prevention, containment, and control plan (SPCC) prepared by a professional competent in SPCC development.
- b. The SPCC shall demonstrate that the proposed hazardous materials which are to be stored cannot pose a threat of contamination to the watersupply

c. All spill containment structures shall be designed by a North Carolina registered professional engineer or architect.

d. The applicant shall enter into a binding Operation and Maintenance Agreement between the City of Asheboro and all interests in the development. Said agreement shall require the owning entity to maintain, repair, and if necessary, reconstruct any spill containment structure in accordance with the operation and management plan or manual provided. The Operation and Maintenance Agreement shall be filed with the Randolph County Register of Deeds by the Watershed Review Board.

e. The spill containment structure shall be inspected by the Watershed Administrator, or his designated representative, after the owning entity notifies the Watershed Administrator that all work has been completed. At this inspection, the owning entity shall provide a certification sealed by an engineer or architect stating that any spill containment structure is complete and consistent with the approved plans and specifications.

f. A Watershed Protection Occupancy permit shall not be issued for any building within the permitted development until the SPCC is approved and any spill containment structure's construction has been properly certified approved.

g. The property owner shall have all spill containment structures inspected at least on an annual basis to determine whether the controls are performing as designed and intended.

h. In the event the Watershed Administrator discovers the need for corrective action or improvements, the Watershed Administrator shall notify the owning entity of the needed improvements and the date by which the corrective action is to be completed. All corrective action or improvements shall be made consistent with the plans and specifications and the operation and maintenance plan or manual. After notification by the owning entity, the Watershed Administrator shall inspect and approve the completed corrective action or improvements.

B. Density and Built-upon Limits:

1. Single family Residential -- development shall not exceed one dwelling unit per acre on a project by project basis. No residential lot shall be less than one acre, except within an approved cluster development.
2. All other residential and nonresidential development shall not exceed twelve (12%) percent built-upon area on a project by project basis except that up to ten percent (10%) of the balance of the watershed may be developed for nonresidential uses to seventy percent (70%) built upon area on a project by project basis. For the purpose calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

642 Storage of Hazardous Material within Balance of Watershed (Reserved for future amendments)

~~No activity, situation, structure or land use shall be allowed within the watershed which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from the absence or improper implementation of a spill containment plan for hazardous materials or any other situation found to pose a threat to water quality.~~

~~642.1 Application of this SUP shall demonstrate that the proposed hazardous materials which are to be stored cannot pose a threat of contamination to the watersupply~~

~~642.2 All spill containment structures and plans shall be designed by a North Carolina registered professional engineer or architect.~~

~~642.3 All spill containment structures shall be conditioned on the posting of adequate financial assurance for the purpose of maintenance, repairs or reconstruction necessary for adequate performance. Financial assurance shall be in the form of a Security Performance Bond. The bond shall be in an amount equal to 1.25 times the total cost of the spill containment structure. *(The total cost shall include the value of all materials; design and engineering; and grading, excavation, fill, etc. The costs shall not be prorated as part of a larger project, but rather under the assumption of an independent mobilization.)*~~

~~642.4 The applicant shall enter into a binding Operation and Maintenance Agreement between the Watershed Review Board and all interests in the development. Said agreement shall require the owning entity to maintain, repair, and if necessary, reconstruct the spill containment structure in accordance with the operation and management plan or manual provided by the developer. The Operation and Maintenance Agreement shall be filed with the Randolph County Register of Deeds by the Watershed Review Board.~~

~~642.5 The spill containment structure shall be inspected by the Watershed Administrator, or his designated representative, after the owning entity notifies the Watershed Administrator that all work has been completed. At this inspection, the owning entity shall provide:~~

~~1. A certification sealed by an engineer or architect stating that the spill containment structure is complete and consistent with the approved plans and specifications.~~

~~2. The Watershed Administrator shall approve the materials submitted by the developer and the inspection report.~~

~~a. A Watershed Protection Occupancy permit shall not be issued for any building within the permitted development until the spill containment structure and/or plan is approved.~~

~~b. All spill containment structures shall be inspected **at least on an annual basis** to determine whether the controls are performing as designed and intended.~~

~~In the event the Watershed Administrator discovers the need for corrective action or improvements, the Watershed Administrator shall notify the owning entity of the needed improvements and the date by which the corrective action is to be completed. All improvements shall be made consistent with the plans and specifications and the operation and maintenance plan or manual. After notification by the owning entity, the Watershed Administrator shall inspect and approve the completed improvements.~~

Zoning Ordinance Proposal Concerning Accessory Apartments

ARTICLE 1100

Accessory Apartments

A ~~second~~ dwelling unit, either in or added to an existing ~~single-family detached principal~~ dwelling or in a separate accessory structure on a lot containing a the same lot as the main principal dwelling, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation, and sleeping ~~for use by an a extended family member on a noncommercial basis. Such use shall not include manufactured homes as the accessory structure.~~

ARTICLE 300

303 Accessory detached Structures

Accessory structures shall be permitted in all districts subject to the Floor Area Ratio restrictions in those Districts where FAR applies. In no instance shall the FAR of all permitted structures exceed the maximum permitted for that lot. Accessory structures lawfully in existence prior to the application of these requirements which otherwise conformed to this Article shall be considered conforming uses.

303.1 Accessory detached structures including, but not limited to storage shed, storage tank, greenhouse, horse stall, gazebo or garage shall be permitted in residential districts provided that all of the following are met:

- (a) There shall be a dwelling located on the lot.
- (b) In the R-40, R-15 and R-10 districts, accessory structures shall be located no closer than 10 feet to any rear or side lot line.
- (c) In the R-7.5, RA-6, OA-6, O&I, M and TH districts, accessory structures shall be located no closer than 5 feet to any rear lot line or no closer than 5 feet to side lot line.

~~(d) If the accessory structure is to be used for an accessory apartment, the same setback requirements in (c) above shall be met. However, there can be no dwelling unit closer than 10 feet to the accessory apartment as per the N. C. Building Code.~~

(ed) Recreational equipment including but not limited to basketball hoops, slides, swings, jungle gyms, and volleyball nets may encroach into front yard setbacks for a distance of up to ten feet in residential districts. Recreational vehicles shall comply with setbacks as established in Section 303A.

303.2 Accessory Apartments

(a) No more than one (1) accessory apartment is permitted on the same lot with a principal dwelling, except that one (1) Temporary Family Health Care Structure as defined by G.S. 160A-383.5 shall be permitted notwithstanding the presence of an accessory apartment.

(b) The accessory structure setback requirements listed in 303.1 shall be met.

(c) Accessory apartments shall be constructed and located in accordance with the standards set forth in the North Carolina State Building Code. A manufactured/mobile home is not a permitted accessory apartment.

(d) Except for accessory apartments that qualify as a Temporary Family Health Care Structure as defined by G.S. 160A-383.5, accessory apartments shall be permitted as an accessory to single-family dwelling only.

(e) Accessory apartments shall be occupied by individuals that, in combination with the owner(s) or occupant(s), of the principal dwelling, use the zoning lot in a manner functionally equivalent to the land use activities of a group of people substantively structured as an integrated extended family unit with a relatively stable and permanent group composition that is comparable to a single-family occupancy rather than fellow residents in a boarding house.

~~303.2~~ 303.3 Accessory detached structures in commercial and industrial districts shall be permitted provided that all of the following is met:

(a) In commercial districts, accessory structures, with the exception of accessory recreational equipment, must meet all setback requirements. Recreational equipment including but not limited to basketball hoops, slides, swings, jungle gyms, and volleyball nets may encroach into front yard setbacks for a distance of up to ten feet in commercial districts. Equipment, structures, and/or rides associated with Circuses, Carnivals, Fairs, and Limited Duration Events shall not be considered accessory recreational equipment. No accessory structure may be located within any required buffer yard.

(b) In industrial districts, accessory structures must meet all setback requirements, and no accessory structure may be located within any required buffer yard.

~~303.3~~ 303.4 Accessory structures shall be limited to 25 feet in height except television and radio receiving and transmitting antenna and their supporting structures which shall be permitted to exceed this limit. No such antenna shall be permitted to exceed seventy five (75) feet in height in any residential district or one hundred (100) feet in any other district except as permitted in Section 302.4.

TABLE 200-2

Table 200-2
Table of Permitted Uses by District

Use	Buffer Group	R40	R15	R10	R7.5	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	See Note
		Accessory Apartment - Non Commercial - Manufactured homes not permitted Refer to Section 303	SF	A	A	A	A	A	A								

Delete Note 1 (shown below) from Table and Notes section
~~For related family members only of the owner who shall reside at the residence.~~

TABLE 400-1 (Off-Street Parking and Loading)

Table 400-1

Use	# of Spaces
Accessory Apartment - Non Commercial - Manufactured homes not permitted	2.0 per dwelling unit

Zoning Ordinance Proposal Concerning Correctional Facilities

Current Ordinance:

Article 1100 defines a correctional facility as "a public facility for the housing of persons convicted of a crime".

Table 200-2

Correctional Facilities are permitted by right in B2 (General Commercial), B3 (Central Commercial), I1 (Light Industrial), and I2 (General Industrial) districts.

Correctional facilities are in a Buffer Group 3. *Staff Note: The buffer group relates to the width and amount of landscaping or screening required along the perimeter of property adjacent to other adjacent uses. The buffer or screen number ranges from one (1) to three (3). Buffer Group 1 requires the least amount of planting or screening materials and width; Buffer Group 3 requires the most.*

Proposal:

Leave the definition as-is.

Leave the use as a Buffer Group 3.

Remove "correctional facilities" as a permitted use in the B3 (Central Business) zoning district.

Table 200-2
Table of Permitted Uses by District

<u>Use</u>	<u>Buffer Group</u>	<u>R40</u>	<u>R15</u>	<u>R10</u>	<u>R7.5</u>	<u>RA6</u>	<u>OA6</u>	<u>O&I</u>	<u>B1</u>	<u>M</u>	<u>B2</u>	<u>TH</u>	<u>B3</u>	<u>I1</u>	<u>I2</u>	<u>I3</u>	<u>See Note</u>
Correctional Facilities	3	■	■	■	■	■	■	■	■	■	P	■	P	P	P	■	

Zoning Ordinance Proposal Concerning Professional Residential Facilities/Structured Environment

Current Ordinance:

"Professional Residential Facility" and "Structured Environment- halfway houses" are grouped into the same use in the Table of Uses 200-2. They are permitted with a Special Use Permit in the B2 (General Commercial) and B3 (Central Commercial Districts). They are defined separately (in Article 1100).

Table 200-2:

The use (listed in Table 200-2 as "Professional Residential Facility/Structured Environment(halfway houses):"

Permitted in the B2 (General Commercial) and B3 (Central Commercial) Districts with a Special Use Permit.

Professional Residential Facility/Structured Environment are in a Buffer Group 2.

Proposal:

Delete "professional residential facility" and "structured environment" definitions from Article 1100 (Definitions).

~~Professional Residential Facility: Any residential establishment, other than a hospital or nursing home, providing to persons in need of a structured environment board, lodging, supervision, medication, counseling, or other diagnostic or therapeutic services and licensed by the N.C. Department of Social Services.~~

~~Structured Environment: A residential setting within which persons, progressing from relatively intensive treatment for crime, delinquency, mental or emotional illness, alcoholism, drug addiction or similar conditions to full participation in community life, are provided professional staff services, as well as board, lodging, supervision, medication and other treatment.~~

Add new use, "Professional Recovery Facility." Add a definition to Article 1100 (Definitions) as follows:

Any establishment, other than a family care home, hospital or nursing home, licensed by the N.C. Department of Social Services, or other unit of state government, to provide persons a structured environment. A structured environment shall be defined as a setting within which persons, progressing from relatively intensive treatment for crime, delinquency, mental or emotional illness, alcoholism, drug addiction or similar conditions to full participation in community life, are provided professional staff services, as well as board, lodging, supervision, medication and other treatment.

Amend definition of "Congregate Living Facility" as follows:

Any building, buildings, section of a building, or distinct part of a dwelling unit, home for the aged or other place, whether operated for profit or not, which undertakes through its ownership or management to provide to individuals, for a period exceeding twenty-four hours, housing, food services, and one or more personal care services. For purposes of this definition "Personal Care Services," means services, in addition to housing and food service which include, but are not limited to, personal assistance with bathing, dressing, ambulation, supervision of self-administered medication, transportation, emotional security, and other related service. Furthermore, personal care services are deemed to include on-site ancillary services to mentor and provide personal support and improve life skills of residents, including but not limited to, job training, homemaking skills, personal budgeting, parenting, personal counseling and GED programs. Personal care services do not include nursing or medical treatment. Such facilities shall contain congregate kitchen, dining and living areas only, with separate sleeping rooms. Further, such facilities shall not be used for those persons in need of a structured environment, as it is defined herein. For purposes of this Ordinance, Congregate Living Facilities shall not be deemed to include boarding/rooming houses; fraternities/sororities; monasteries; convents; hotels/motels; professional residential recovery facilities; or nursing, convalescent and extended care facilities. A congregate living facility is synonymous with a family care home as defined by NCGS § 168, Article 3.

Table of Uses 200-2

Delete notation in "Congregate Living Facility" use stating "DOES NOT INCLUDE STRUCTURED ENVIRONMENT."

Proposed permitted districts for Professional Recovery Facility:

B2 (General Commercial) with Special Use Permit (SUP) (which is currently required for professional residential facility/structured environment).

I1 (Light Industrial) by right (new)

I2 (General Industrial) by right (new)

Staff Note: Proposed does not designate B3 as a district permitting the use.

**Table 200-2
Table of Permitted Uses by District**

Use	Buffer Group	R40	R15	R10	R7.5	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	See Note
Professional Recovery Residential Facility STRUCTURED ENVIRONMENT (halfway houses)	2	Shaded	S	Shaded	S	R	R	Shaded									

Designate the use as a Buffer Group 2 (as currently required for "professional residential facility structured environment").

Table 400-1 Required Off-Street Parking Spaces

Rename "Professional Residential Facility" to "Professional Recovery Facility"

Table 400-1

Use	# of Spaces
Professional Residential Recovery Facility	1.0 per employee of largest shift plus 1.0 per facility vehicle, plus 0.2 per resident

When a Special Use Permit is required (B2 District), rename the current Special Use Permit requirements of Section 639 from "Professional Residential Facility (Structured Environment)" to "Professional Recovery Facility" and amend as follows:

639 Professional ~~Residential Facility (Structured Environment)~~ Recovery Facility

~~639.1 All professional residential facilities shall have direct frontage onto a collector street as or arterial street, as shown on the Thoroughfare Plan.~~

639.12 No such use shall be established within one-half mile of another such use, congregate living facility, or family care home.

639.23 No sign identifying the facility shall be permitted beyond the name of the facility on the mailbox.

639.34 At the time of the Special Use request, ~~the operator of such a the facility shall provide evidence information on, and if approved, shall be provided indicating utilize~~adequate measures to prevent the unauthorized exit of clients. the patients. The more dangerous the patients are to the public, the more elaborate and certain the security measures shall be.

639.45 The applicant shall prove the ability to meet and, if approved, maintain, all required governmental licensure requirements of any applicable state governmental body responsible for licensing operations of the facility.

~~639.5 Buffering and screening shall be as required by Article 300A.~~

~~639.6 Parking shall be provided as required by Article 400.~~

~~639.7 The facility shall comply with all applicable Federal, State and local requirements~~

Waterford RE, LLC
Kevin Jessup, Manager
5607 Tradd Drive
Greensboro, NC 27455

October 22, 2014

City of Asheboro
Attn: John L. Evans
Assistant Director
Community Development Division
146 N. Church Street
Asheboro, NC 27203

Dear Mr. Evans:

On January 4, 2007, the City of Asheboro approved a preliminary plat for Waterford Villas (SUB-06-03).

We would respectfully request a twelve month extension of time to submit a final plat. As you may know, this project stalled due to the overall soft building market in North Asheboro and certain issues surrounding the financing of this project.

We would expect to continue the project as originally intended as market conditions seem to be improving and the financing issue has been solved.

Feel free to contact me at 336-202-0684 with any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'KEJ', written over a faint circular stamp.

Waterford RE, LLC
By: Kevin Jessup, its Manager

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**SCHEDULING OF A PUBLIC HEARING ON THE QUESTION OF
THE ADOPTION OF A MAINTENANCE CODE
FOR NONRESIDENTIAL BUILDINGS**

WHEREAS, Section 160A-439 of the North Carolina General Statutes enables the City Council to adopt ordinances that establish minimum standards of maintenance, safety, and sanitation for nonresidential buildings or structures; and

WHEREAS, the above-referenced minimum standards are to be limited to addressing conditions that are dangerous and injurious to public health, safety, and welfare, and these standards are to identify circumstances under which a public necessity exists for the repair, closing, or demolition of dilapidated nonresidential buildings; and

WHEREAS, staff members in the city's community development division have recommended consideration, and the City Council concurs with the recommendation to consider, the adoption of ordinances to implement a maintenance code for nonresidential buildings or structures located within the corporate limits of the City of Asheboro; and

WHEREAS, pursuant to Section 160A-364 of the North Carolina General Statutes, a public hearing on the question of adopting such ordinances must be held before the City Council makes a decision as to the adoption of ordinances to implement a nonresidential building maintenance code;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that a public hearing is hereby called on the question of the adoption of ordinances to implement a nonresidential building maintenance code pursuant to the statutory authorization found in Section 160A-439 of the North Carolina General Statutes; and

BE IT FURTHER RESOLVED that the said public hearing shall be held during the regular meeting of the Asheboro City Council that is to begin at 7:00 p.m. on Thursday, December 4, 2014, in the Asheboro City Hall Council Chamber located at 146 North Church Street, Asheboro, North Carolina 27203; and

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to publish notice of the said public hearing in *The Courier-Tribune*, a newspaper of general circulation within the City of Asheboro, in accordance with the notice requirements listed in Section 160A-364(a) of the North Carolina General Statutes.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 6th day of November, 2014.

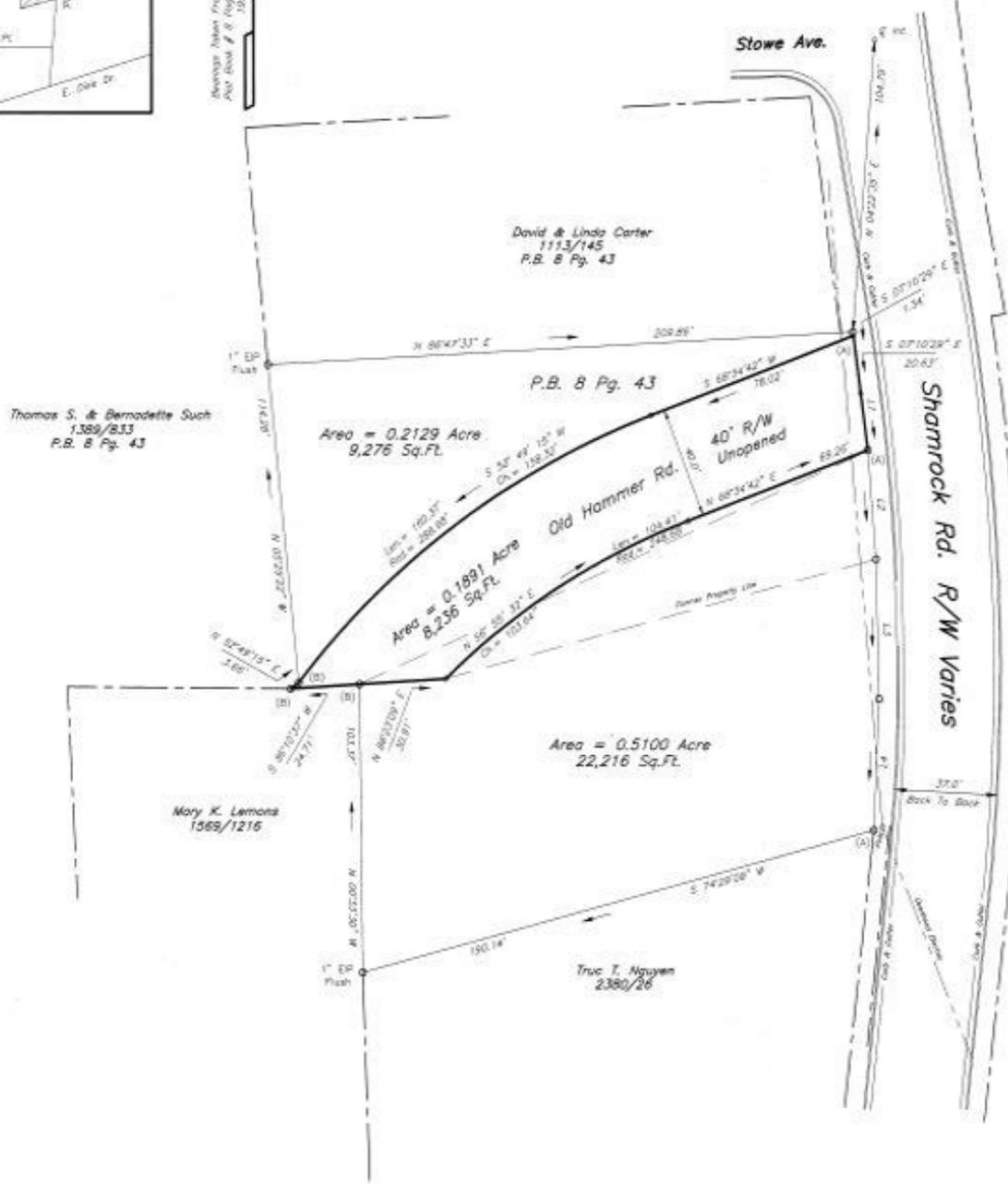
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

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



- LEGEND**
- EP --- Existing Iron Pipe
 - IR --- Existing Iron Road
 - NR --- New Iron Road
 - R/W --- Right Of Way
 - C.P. --- Computed Point
 - CA --- Centerline
 - EX --- Existing
 - (A) --- 1/2" MR Flush
 - (B) --- 1/2" MR 6" Above



Line #	Bearing	Distance
L1	S 07°10'29" E	20.63'
L2	S 04°17'27" E	39.12'
L3	S 07°11'04" E	30.20'
L4	S 02°16'47" W	47.33'



Item 12

NORTH CAROLINA

I, GLENN LEE BROWN, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED BY BROKEN LINES, DEED DESCRIPTIONS AND OTHER INFORMATION ON RECORD ARE, (AS SHOWN ON THIS PLAT), THAT THE RATIO OF PRECISION AS CALCULATED IS 1 : 15,000 (COMPASS RULE), PREPARED IN ACCORDANCE WITH G.S. 47-30, AS AMENDED, WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL, THIS 18th DAY OF SEPTEMBER, 2014.

Glenn L. Brown
PROFESSIONAL LAND SURVEYOR
REGISTRATION NO. L-3663

STATE OF NORTH CAROLINA

REVIEW OFFICER OF _____ COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE _____ REVIEW OFFICER _____

THIS PLAT MUST BE RECORDED WITHIN (60) SIXTY DAYS OF APPROVAL.

P.B. _____ PG. _____

- I, GLENN L. BROWN, PROFESSIONAL LAND SURVEYOR NO. L-3663, CERTIFY TO ONE OF THE FOLLOWING AS INDICATED (CHECK):
- a. THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND;
 - b. THAT THE SURVEY IS LOCATED IN A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNINCORPORATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND;
 - c. ANY ONE OF THE FOLLOWING:
 1. THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET;
 2. THAT THE SURVEY IS OF AN EXISTING BUILDING OR OTHER STRUCTURES, OR NATURAL FEATURES, SUCH AS A WATERSHOLE, OR;
 3. THAT THE SURVEY IS A CONTROL SURVEY;
 - d. THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECONSTRUCTION OF EXISTING PARCELS, A CORNER-REVISED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION;
 - e. THAT THE INFORMATION AVAILABLE TO THE SURVEYOR IS SUCH THAT THE SURVEYOR IS UNABLE TO MAKE A DETERMINATION TO THE BEST OF THE SURVEYOR'S PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (a) THROUGH (d) ABOVE.
- Glenn L. Brown*
GLENN L. BROWN, P.L.S. NO. 3663

**ROAD CLOSURE PLAT PREPARED FOR
CITY OF ASHEBORO
OLD HAMMER ROAD**

ASHEBORO TOWNSHIP
RANDOLPH COUNTY, NORTH CAROLINA

JOB NO: OLD HAMMER ROAD	SCALE: 1" = 30'
AREA #: 09120 ADRES (TOTAL)	DATE: 9/18/14
DEED REFERENCE: 549/228, 573/20	JOB NO.: 014260P
085/224, 8 P.B. 8 PG. 43	CK BY: GLB

SCALE IN FEET

SURVEYED BY
Glenn Brown Surveying, Inc. C-1979
912 SEBLOM AVE., ASHEBORO, N. C. 27205
PH (336) 625-6882 FAX (336) 625-6883

Owner(s) Information
JERRY M. WARD
606 Colony Road
Asheboro, N.C. 27205
Phone: (336) 625-5644

CHANGE ORDER

ORDER NUMBER: 1
 NAME OF PROJECT: WASTEWATER TREATMENT PLANT
 DIGESTER GAS-HOLDER COVER AND MIXING SYSTEM
 OWNER: CITY OF ASHEBORO
 CONTRACTOR: HAREN CONSTUCTION COMPANY, INC.
 DATE: OCTOBER 28, 2014
 AGREEMENT DATE: AUGUST 5, 2014

The following changes are hereby made to the CONTRACT DOCUMENTS:

1. Replace two (2) proposed 30" access manholes and covers with one (1) 48" manhole and cover. The 48" manhole cover will be equipped with a lever lifting mechanism for easy removal and replacement.
2. Add OSHA approved stainless steel safety handrail with kick plate along circumference of cover.

Justification: These changes are Owner requested and intended to enhance the safety of operator personnel during maintenance of the digester cover.

<u>Change to CONTRACT PRICE:</u>	48" Manhole and Cover:	\$6,407.64 (net increase)
	Stainless Steel Safety Rail:	<u>\$38,973.38</u>
	Total Price Increase:	\$45,381.02

Original CONTRACT PRICE: \$778,000.00

Current CONTRACT PRICE adjusted by previous CHANGE ORDER: \$778,000.00

The CONTRACT PRICE due to this CHANGE ORDER will be increased by \$45,381.02

The new CONTRACT PRICE including this CHANGE ORDER will be **\$823,381.02**

Requested by: _____
 City of Asheboro Date

Recommended by: _____
 MBD Consulting Engineers, P.A. Date

Accepted by: _____
 Haren Construction Co., Inc. Date