

AGENDA REGULAR
MEETING
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, NOVEMBER 8, 2018, 7:00 PM

1. Call to order.
2. Silent prayer and pledge of allegiance.
3. Mark Hensley, Executive Director of the Randolph County Senior Adults Association, will provide an update on activities for senior adults.
4. John Evans and Kristen Terry, co-chairs of the employee United Way committee, will report on the 2018 campaign.
5. Consent agenda:
 - (a) Approval of the meeting minutes for the regular city council meeting on October 4, 2018.
 - (b) Approval of the meeting minutes for the special city council meeting on October 22, 2018.
 - (c) Approval of the final decision document for land use case no. CUP-18-13.
 - (d) Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for September 4, 2018.
 - (e) Approval of the temporary closure from 7:00 p.m. to 8:30 p.m. on Friday, December 7, 2018, of the streets indicated on the accompanying parade permit application and map for the Asheboro/Randolph Chamber of Commerce Christmas Parade.
 - (f) Approval of the temporary closure from 6:00 p.m. to 9:00 p.m. on Friday, December 14, 2018, of the streets indicated on the accompanying parade permit application and map for the annual "Christmas on Sunset" event sponsored by the Asheboro/Randolph Chamber of Commerce Downtown Development Committee.
 - (g) Approval of an extension to December 31, 2018, of the due date for the 2018 audit.
 - (h) Approval to schedule for December 6, 2018, and to advertise, a public hearing on the text amendments proposed by the city staff for the subdivision ordinance.
 - (i) Approval of a Storm Water Fund amendment.

- (j) Approval of a General Fund (FY 2018-2019) amendment pertaining to programming at the Sunset Theatre.
 - (k) Approval of the closure of the Sunset Theatre Project Fund (Fund#67).
 - (l) Adoption of a resolution to approve the city's water shortage response plan.
 - (m) Adoption of an ordinance that will increase the number of spaces designated for handicapped parking on Holly Street.
6. Community Development Director Trevor Nuttall will present the staff analysis of the following land use cases:
- (a) Case No. RZ-18-15: Legislative hearing on the application to rezone the property at 505 East Salisbury Street (Randolph County Parcel Identification Number 7761039088) from R7.5 (Medium-Density Residential) and B1 (Neighborhood Commercial) to OA6 (Office-Apartment).
 - (b) Case Nos. RZ/CUP-18-16: A quasi-judicial hearing on the combined applications to rezone from R10 (Medium-Density Residential) and R15 (Low-Density Single-Family Residential) to CU-R40 (Conditional Use Low-Density Residential) and to receive a conditional use permit authorizing a solar farm on property with road frontage along Hub Morris Road, Lakeview Road, and Old Liberty Road (Randolph County Parcel Identification Number 7763505528).
 - (c) Case No. RZ-18-17: Legislative hearing on proposed zoning ordinance text amendments concerning allowable floor area ratios and related clerical corrections to Table 200-1 (Area, Height, Bulk & Placement Regulations).
7. Public comment period.
8. City Engineer Michael Leonard, PE will provide a Zoo City Sportsplex update.
9. Public Works Director David Hutchins will provide a recycling update concerning contractual changes and proposed drop site changes.
10. Annexation Hearing and Ordinance Consideration: City Engineer Michael Leonard, PE will introduce the request from the State Employees' Credit Union for the annexation of its approximately 14.521-acre parcel of land that is identified by Randolph County Parcel Identification No. 7761738476.

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11. Mayor Smith will lead a discussion of potential changes in the council's meeting schedule for 2019.
12. Mayor Smith will lead a discussion of upcoming events and items not on the agenda.
13. Adjournment.

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, OCTOBER 4, 2018
7:00 p.m.**

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

David H. Smith) – Mayor Presiding

Clark R. Bell)
Edward J. Burks)
Linda H. Carter) – Council Members Present
Walker B. Moffitt)
Jane H. Redding)
Charles A. Swiers)

Katie L. Snuggs) – Council Member Absent

John N. Ogburn, III, City Manager
Robert L. Brown, Jr., Police Major
Timothy E. Cockman, Deputy Fire Chief
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Danny A. Floyd, Jr., Assistant Fire Chief (Safety)
William Preston King, Assistant Fire Chief (Training)
P. Douglas Kemp, Human Resources Director
Michael L. Leonard, PE, City Engineer
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney
Willie Summers, Fire Chief

1. Call to order.

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

2. Moment of silent prayer and pledge of allegiance.

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

3. Oath of office for Asheboro Fire Chief Willie Summers.

Mayor Smith administered the following oath of office to Asheboro Fire Chief Willie Summers.

OATH OF FIRE CHIEF

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH
CITY OF ASHEBORO

I, Willie Summers, do solemnly and sincerely swear that I will support and maintain the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain, and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge, skill, and ability; and that I will faithfully, well, and truly discharge and execute the duties of the office of Chief of the Asheboro Fire Department according to the best of my skill and ability and according to the law; so help me God.

/s/Willie Summers
Willie Summers

Sworn to and subscribed before Mayor David H. Smith on this the 4th day of October, 2018.

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

ATTEST:

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

After the administration of the oath of office, Mr. Ogburn joined Mayor Smith in welcoming Chief Summers to Asheboro. In turn, Chief Summers expressed his appreciation for the opportunity to serve as the city's fire chief, and he also expressed his eagerness to begin performing his duties.

4. Presentation of a key to the city to Mary Joan Pugh.

Mayor Smith presented to Ms. Mary Joan Pugh a key to the city in recognition and honor of her sustained leadership and faithful public service to the citizens of Asheboro.

5. Consent agenda.

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

(a) The meeting minutes for the city council's regular meeting on September 6, 2018.

The approved minutes are on file in the city clerk's office, and an electronic copy of the approved minutes is posted on the city's website.

(b) Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for August 6, 2018.

The minutes of the meeting held by the Asheboro ABC Board on August 6, 2018, have been received by the city clerk, distributed to the mayor and members of the city council for review, and are on file and available in the city clerk's office.

(c) The dates, along with certain associated rules, for the 2018-2019 dark geese (Canada & white-fronted geese) and duck hunting season at Lake Reese.

A copy of the recreation services director's written request to approve the dates and rules for the dark geese and duck hunting season at Lake Reese was provided to the council members in advance of the council meeting. A copy of this request is on file in the city clerk's office.

The adopted hunting season dates are as follows:

- November 17th, 19th, and 29th
- December 15th, 17th, and 27th
- January 3rd, 5th, and 7th

The adopted rules are available for review in the city's recreation services office.

(d) The temporary closure on October 31, 2018, from 6:30 p.m. to 8:30 p.m., of the streets indicated on the parade permit application and map for the "Trick or Treat in the Park" event sponsored by the City of Asheboro Cultural and Recreation Services Departments.

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

(e) The temporary closure on November 4, 2018, from 3:00 p.m. to 4:00 p.m., of the streets indicated on the parade permit application and map for a horse parade.

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

- (f) **The temporary closure on November 11, 2018, from 4:00 p.m. to 5:00 p.m., of the streets indicated on the parade permit application and map for the Veterans Day Parade.**

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

- (g) **Change Order #1 (Final) for the Industrial Rail Spur Tracks Technimark CDBG Project with HGnS, Inc. d/b/a Dirtworks of the Carolinas decreasing the construction contract amount by \$75,615.40 to \$538,374.60 for adjustment of quantities as built and extending the contract time by 83 calendar days to the completion date of September 11, 2018.**

Change Order #1 (Final) for the Industrial Rail Spur Tracks Technimark CDBG Project with HGnS, Inc. d/b/a Dirtworks of the Carolinas was included in the council's materials and approved as requested. A copy of the approved change order is on file in the city clerk's office.

- (h) **An ordinance to amend the Economic Development Fund.**

17 ORD 10-18

ORDINANCE TO AMEND THE ECONOMIC & TOURISM DEVELOPMENT FUND FY 2018-2019

WHEREAS, in July 2014, the City purchased the property, commonly known as, the Cranford Building in downtown Asheboro located at 133 S. Church Street and;

WHEREAS, In September 2016, the "Cranford" property was sold to VSR LLC and at that time, the City of Asheboro committed to the removal and disposal of seventeen 55 gallon drums and their contents at a time to be determined by VSR, LLC., and;

WHEREAS, VSR, LLC has communicated that the construction and renovation of property is at a place where removal is appropriate, and;

WHEREAS, the City desires to allocate funding and appropriate for the expense in the Economic and Tourism Development funds, and;

WHEREAS, the City of Asheboro desires to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
72-381-0000	Contribution for Cranford Property Drums disposal	7,500

That the following expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
72-800-0001	Cranford Property Redevelopment	7,500

Adopted this the 4th day of October, 2018.

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

ATTEST:

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

- (i) **Approval to schedule for November 8, 2018, and to advertise, a public hearing pertaining to the following land use cases:**
 - (i) **A request to rezone property located at 505 East Salisbury Street (Randolph County Parcel Identification Number 7761039088) from R7.5 (Medium-Density Residential) and B1 (General Commercial) to OA6 (Office-Apartment).**
 - (ii) **A request to rezone property located southwest of 1019 Old Liberty Road, on the south side of Hub Morris Road (southeast of 1008 Hub Morris Road), and east of the terminus of Lakeview Road (Randolph County Parcel Identification Number 7763505528) from R10 (Medium-Density Residential) and R15 (Low-Density Single-Family Residential) to CU-R40 and to issue a Conditional Use Permit authorizing a Solar Farm.**
 - (iii) **A request concerning text amendments to the zoning ordinance related to floor area ratio requirements, including but not limited to Table 200-1 (Table of Area, Height, Bulk, and Placement Regulations).**

The above-listed land use cases will be advertised and heard by the Council on November 8, 2018.

6. Combined public hearing for Case Nos. RZ-18-13 and CUP-18-13: Property located at 618 and 622 Franks Street (Randolph County Parcel Identification Numbers 7761144135 and 7761144098).

Mayor Smith opened the public hearing on these land use cases and asked for the witnesses to be placed under oath. Community Development Director Trevor Nuttall, who was the first witness to testify, provided the City of Asheboro Community Development Division staff's analysis of the 2-part application to place the applicant's property in a CU-O&I zoning district and to obtain a Conditional Use Permit authorizing a place of worship.

The Conditional Use Permit is needed in order to use a former dwelling as a place of worship. The land for which a permit is sought is owned by the applicant and is identified by Randolph County Parcel Identification Numbers 7761144135 and 7761144098 (collectively, the "Zoning Lot").

Hattie Johnson filed this application on behalf of New Jerusalem Pentecostal Holiness Church, Inc. (the "Applicant"). The city planning staff's analysis of the Applicant's request for a zoning map amendment that would rezone the church property from RA6 (High-Density Residential) to CU-O&I (Conditional Use Office and Institutional) noted, in part, as follows:

1. The Zoning Lot is located inside the Asheboro city limits.
2. Franks Street is a local, city-maintained street.
3. The Applicant has filed the rezoning request along with a Conditional Use Permit application seeking authorization to use an approximately 988-square foot existing structure on the Zoning Lot as a place of worship. The existing structure was last used as a dwelling.
4. Although a Special Use Permit can theoretically be used to obtain authorization for a place of worship within a residential zoning district, one of the Special Use Permit requirements is for the property to be an acre or more in size. The Zoning Lot is approximately 0.67 of an acre in size. Therefore, the Special Use Permit application is not a viable option for the Applicant.
5. The zoning ordinance describes the O&I Commercial District as "intended to produce moderate intensity office and institutional development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designated O&I shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged."
6. The current RA6 zoning allows single-family, two-family, and multi-family residential uses.
7. The area consists primarily of single-family residential uses, with multi-family and institutional uses across Franks Street extending west of the Zoning Lot to Watkins Street.
8. The city is investigating funding sources to make this general area (including Watkins Street and Martin Luther King Jr. Drive) more pedestrian friendly. The

City is currently soliciting public input concerning this issue through a separate process.

With regard to the application for a Conditional Use Permit, Mr. Nuttall provided the following additional analysis:

1. No new structure(s) or addition(s) to the existing structure are proposed for the Zoning Lot.
2. Many of the same design requirements that apply when a church is proposed in a residential zoning district also apply under general zoning requirements in the O&I district. These include requirements such as the prohibition of parking in the required front yard and the screening/buffering of parking areas adjacent to residential properties.
3. As noted above, the ordinance requires a buffer and/or screen for a place of worship when located adjacent to residentially zoned properties. The Applicant proposes using existing vegetation to meet part of the buffering requirements.
4. Required parking is based on the size of the main assembly (such as a sanctuary) within a place of worship. The Applicant's site plan indicates that 5 parking spaces are proposed. The number of proposed parking spaces accommodates up to 16 people in this area.

The Community Development Division staff and the Planning Board recommended approval of the requested legislative rezoning based on the following analysis:

While the Land Development Plan proposes neighborhood residential use for this property, the property is adjacent to other properties with a long-standing history of institutional use. Given the lack of non-residential history of the subject property, the requested conditional use district allows more careful review and an opportunity for public input concerning specific uses(s) and their compatibility (i.e. building design/scale, parking, landscaping/screening, etc.) with adjoining uses.

The Land Development Plan's Design Principles generally support having a compatible mix of institutional, civic, and residential uses appropriately located and designed. The requested CU-O&I district is supported by these principles given the mix of residential and institutional uses adjacent to the property and in the area.

Considering these factors, staff believes the requested CU-OI district is consistent with the Land Development Plan and therefore reasonable and generally in the public interest.

On behalf of the Applicant, Mr. Ben Morgan, Esq. was placed under oath and addressed the four standards for the issuance of a Conditional Use Permit. As part of his testimony, Mr. Morgan expressed agreement with the following conditions that were recommended by the planning staff for attachment to the requested Conditional Use Permit.

1. Notwithstanding information provided on the site plan, if only one of the driveways shown on the site plan is constructed, this shall not be considered a modification of the Conditional Use Permit as long as all required parking spaces and maneuvering areas are provided.
2. Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the Applicant shall provide detail on the following:
 - (a) Compliance of the handicapped ramp design and handicapped parking with the N.C. Building Code. Minor changes necessary to comply with these requirements shall not be considered a modification of the Conditional Use Permit requiring further review by the City Council.
 - (b) Required plantings to supplement existing vegetation shown on the site plan per Sections 304A and 308A.
 - (c) Solid waste facilities in accordance with Section 307A
3. Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this Conditional Use Permit in the chain of title for the Zoning Lot.

Mr. Allen Bostic posed general questions in regards to the application, but offered no testimony in opposition to the requested land use approvals. There being no further comments, Mayor Smith transitioned to the deliberative phase of the application process.

With regard to the requested zoning map amendment, the Council concurred with the staff and planning board analysis of the consistency of the request with the land development plan. Council Member Moffitt moved, and Council Member Swiers seconded the motion, to adopt a plan consistency statement and to approve the requested rezoning with the following multi-part motion:

1. While the Land Development Plan proposes neighborhood residential use for this property, the Zoning Lot is adjacent to other properties with a long-standing history of institutional use. The current conditional use zoning district request allows for an enhanced review of the land uses proposed for the Zoning Lot, an opportunity for public input concerning specific use(s), and an opportunity for the imposition of conditions to mitigate any potential negative impacts so as to ensure the compatibility of approved land uses on the Zoning Lot with adjoining uses.

The Land Development Plan's Design Principles generally support having a compatible mix of institutional, civic, and residential uses appropriately located and designed. The requested CU-O&I district is supported by these principles given the mix of residential and institutional uses adjacent to the Zoning Lot and in the area. Considering these factors, the city council has concluded that the requested CU-O&I district is consistent with the Land Development Plan. The mix of development opportunities and safeguards provided by the requested district is reasonable and in the public interest.

2. In light of the above-stated analysis, the requested zoning map amendment to place the Zoning Lot in a CU-O&I zoning district is approved as consistent with the adopted plan.

Council Members Bell, Burks, Carter, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes. Consequently, the above-stated motion was adopted unanimously.

After approving the zoning map amendment, the Council Members concluded that the standards for granting the requested Conditional Use Permit had been met. Upon motion by Council Member Moffitt, and seconded by Council Member Bell, the Council voted unanimously to approve the requested Conditional Use Permit, with the stated conditions, authorizing a place of worship on the Zoning Lot. Council Members Bell, Burks, Carter, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

The slide show utilized by Mr. Nuttall is on file in the city clerk's office.

The final decision document with the council's findings of fact, conclusions, and order will be brought forward for consideration during the next regular council meeting.

7. Public comment period.

Mayor Smith opened the floor for public comments.

Mr. Bob Edmondson of 1412 Shamrock Road expressed his concerns regarding storm water drainage impacting his Shamrock Road property.

Mr. James Armstrong expressed his concerns regarding the speed limit and traffic safety on Presnell Street. Mr. Armstrong was concerned that too many trucks are speeding on this street causing potential safety hazards for residents, especially the children, within the area.

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

8. Engineering items:

- (a) **Consideration of a petition received from the State Employees' Credit Union requesting the annexation of a parcel of land (Randolph County Parcel Identification Number 7761738476) containing approximately 14.521 acres.**

- (i) After receiving from City Engineer Michael Leonard, PE an overview of the annexation petition received from the State Employees' Credit Union, Council Member Bell moved to adopt the following resolution by reference, and Council

Member Carter seconded the motion. Council Members Bell, Burks, Carter, Moffitt, Redding, and Swiers voted in favor of the motion and thereby unanimously approved the following resolution.

RESOLUTION NUMBER 24 RES 10-18

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE THE SUFFICIENCY OF THE ANNEXATION PETITION SUBMITTED BY THE STATE EMPLOYEES' CREDIT UNION

WHEREAS, the State Employees' Credit Union (the "Petitioner") has submitted, by and through its corporate officers, a petition requesting the annexation into Asheboro of an approximately 14.521-acre parcel of the Petitioner's land (the territory to be annexed is approximately 14.994 acres in size when the land within the public right-of-way is included); and

WHEREAS, the parcel of land for which annexation has been requested (hereafter referred to as the "Proposed Annexation Territory") is more specifically identified by Randolph County Parcel Identification Number 7761738476; and

WHEREAS, the Proposed Annexation Territory is contiguous, as defined by the North Carolina General Statutes, with Asheboro's primary city limits; and

WHEREAS, Section 160A-31 of the North Carolina General Statutes provides that the sufficiency of the petition shall be investigated by the city clerk before further annexation proceedings may take place; and

WHEREAS, the Asheboro City Council (the "Council") has decided to proceed with the statutorily prescribed voluntary annexation process.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the city clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify to the Council the results of her investigation.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 4th day of October, 2018.

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

ATTEST:

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

In anticipation of the council's above-stated action, the city clerk prepared the following certification in advance of the council meeting and submitted this certificate for the council's review.

CERTIFICATE OF SUFFICIENCY
(Annexation Petition Received from the State Employees' Credit Union)

TO: The City Council of the City of Asheboro, North Carolina

I, Holly H. Doerr, am the City Clerk for the City of Asheboro. I hereby certify that, with the assistance of staff members in various city departments, I have investigated the annexation petition submitted by the State Employees' Credit Union. I further certify that the following paragraphs accurately state the information obtained during the course of my investigation of the annexation petition.

The petition submitted by the State Employees' Credit Union requests the annexation into Asheboro of an approximately 14.521-acre parcel of land owned by the non-profit corporation (the territory proposed for annexation is approximately 14.994 acres in size when the land within the public right-of-way is included). The parcel of land for which the petitioner has requested annexation (the "Proposed Annexation Territory") is more specifically identified by Randolph County Parcel Identification Number 7761738476.

On the basis of my investigation, I have concluded that all of the owners of the real property lying in the Proposed Annexation Territory have signed the prescribed petition. The petition appears to be sufficient to satisfy the provisions of Section 160A-31 of the North Carolina General Statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro in order to make this certification effective as of the 4th day of October, 2018.

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

- (ii) In light of the preceding council action and the submittal of the city clerk's certification document, Mr. Leonard the presented, for the council's consideration, a resolution setting the date for an advertised hearing on the question of the requested annexation. Council Member Carter moved to adopt the following resolution by reference, and Council Member Burks seconded the motion. Council Members Bell, Burks, Carter, Moffitt, Redding, and Swiers voted in favor of the motion and thereby unanimously approved the following resolution.

RESOLUTION NUMBER 25 RES 10-18

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION SETTING THE DATE FOR A PUBLIC HEARING ON THE QUESTION OF THE REQUESTED ANNEXATION OF LAND OWNED BY THE STATE EMPLOYEES' CREDIT UNION

WHEREAS, by and through its corporate officers, the State Employees' Credit Union, a North Carolina non-profit corporation, (the "Petitioner") properly submitted a petition requesting the annexation into Asheboro of an approximately 14.521-acre parcel of land owned by the Petitioner (the territory proposed for annexation is approximately 14.994 acres in size when the land within the public right-of-way is included); and

WHEREAS, the parcel of land for which annexation has been requested (the "Proposed Annexation Territory") is more specifically identified by Randolph County Parcel Identification Number 7761738476; and

WHEREAS, pursuant to a previously adopted resolution, the city clerk investigated the sufficiency of the annexation petition; and

WHEREAS, the city clerk certified the sufficiency of the petition for proceeding with setting the date for a public hearing on the question of the requested annexation pursuant to Section 160A-31 of the North Carolina General Statutes.

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

Section 1. A public hearing on the question of annexing the territory described in Section 2 of this Resolution will be held in the Council Chamber at Asheboro City Hall, which is located at 146 North Church Street, Asheboro, North Carolina 27203, during a regular meeting of the Asheboro City Council that will begin at 7:00 p.m. on November 8, 2018.

Section 2. The territory proposed for annexation is described by metes and bounds as follows:

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the existing City of Asheboro primary city limits line at a mathematical point in the southern margin of the public right-of-way for East Salisbury Street (North Carolina Secondary Road 2237), the beginning point is North 78 degrees 01 minute 56 seconds East 181.08 feet from a control point located by means of the North Carolina Coordinate System at the coordinates of North 712,331 feet and East 1,767,543 feet (NAD 83 /11); thence from the beginning point proceeding along the proposed Asheboro primary city limits line across the public right-of-way for East Salisbury Street North 03 degrees 40 minutes 38 seconds East 64.97 feet to an iron rod or pipe set in the northern margin of the public right-of-way for East Salisbury Street at the southwestern corner of the State Employees' Credit Union property described in Deed Book 2611, Page 556, Randolph County Registry (this State Employees' Credit Union property is the parcel of land for which an annexation petition, which includes Book 2611, Page 559, Randolph County Registry as the deed reference for the property, has been received; this property is currently identified by Randolph County Parcel Identification Number 7761738476; and the parcel of land will be hereinafter referred to as the "Annexation Parcel"); thence departing from the northern margin of the public right-of-way for East Salisbury Street and proceeding along the proposed Asheboro primary city limits line by

following the western boundary line of the Annexation Parcel the following two courses and distances: North 03 degrees 40 minutes 38 seconds East 1,277.95 feet to an existing iron rod or pipe; thence North 02 degrees 28 minutes 46 seconds East 705.70 feet to an existing iron rod or pipe at the northwestern corner of the Annexation Parcel; thence departing from the Annexation Parcel's western boundary line and continuing along the proposed Asheboro primary city limits line by following the Annexation Parcel's northern boundary line South 84 degrees 34 minutes 19 seconds East 353.96 feet along the Faedene R. Maness property described in Deed Book 1942, Page 912, Randolph County Registry to a mathematical point at the northeastern corner of the Annexation Parcel; thence departing from the northern boundary line of the Annexation Parcel and following the proposed Asheboro primary city limits line along the eastern boundary line of the Annexation Parcel the following course and distance: South 04 degrees 32 minutes 31 seconds West 1,883.09 feet to a mathematical point in the northern margin of the public right-of-way for East Salisbury Street at the southeastern corner of the Annexation Parcel; thence continuing along the proposed Asheboro primary city limits line by proceeding South 04 degrees 32 minutes 31 seconds West 68.09 feet across East Salisbury Street to a mathematical point in the southern margin of the public right-of-way for East Salisbury Street; thence departing from the proposed Asheboro primary city limits line and following the existing Asheboro primary city limits line South 78 degrees 01 minute 56 seconds West 321.51 feet along the southern margin of the public right-of-way for East Salisbury Street to the point and place of BEGINNING, and containing a total of 14.994 acres of land (14.521 acres in the Annexation Parcel and 0.473 of an acre within the public right-of-way for East Salisbury Street), more or less, to be annexed.

The above-stated legal description is in accordance with a plat of survey identified as Drawing 18-0048-ANNEX for Project No. 18-0048 that was completed under the direct and responsible charge of Thomas A. Tellup, Professional Land Surveyor with Registration Number L-4298. The plat of survey is titled "ANNEXATION MAP FOR: STATE EMPLOYEES' CREDIT UNION."

Section 3. Notice of the public hearing shall be published in *The Courier-Tribune*, a newspaper having general circulation in the City of Asheboro, at least ten (10) days prior to the date of the public hearing.

This Resolution was adopted in open session during a regular meeting of the Asheboro City Council that was held on the 4th day of October, 2018.

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

ATTEST:

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

(b) Consideration of a paving contract for street resurfacing.

City Engineer Michael Leonard presented and recommended approval of a contract with Waugh Asphalt, Inc. for the resurfacing of various city-maintained streets. The total contract amount is not to exceed \$43,500.00.

Upon motion by Council Member Moffitt, and seconded by Council Member Bell, the council members voted unanimously to approve the above-referenced contract with Waugh Asphalt, Inc. Council Members Bell, Burks, Carter, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

A copy of the approved contract is on file in the city clerk's office.

9. Public services department items:

(a) Hurricane Florence recovery update.

Public Works Director David Hutchins used a slide show to highlight some of the damage that occurred within the city during Hurricane Florence. Mr. Hutchins reported that a total of 15 trees blocked city streets. Greenvale Road was flooded, and the Little Lakes Bridge is undergoing repair work to correct damage caused by the storm event. Additionally, a 12-inch water main had to be repaired on Fayetteville Street.

(b) Recycling update and upcoming changes to the recycling program.

Mr. Hutchins reported that city staff is in the process of reviewing and updating the city's recycling operations. The loss of the vendor who previously processed the city's recyclables because of a fire at the vendor's facility has forced the city to explore other options.

The need to turn to new vendors with different operating guidelines has forced the city to reexamine its own operating procedures. More stringent limits have been placed on the tolerance level for contamination within the recyclables delivered by the city to third party processors. This focus on reducing contamination and enhancing recycling operations has also led city staff members to reexamine how the city's recycling drop-off sites are managed.

As the review process evolves and the need for final policy decisions approaches, the city staff will keep the governing board updated. No action was requested of the council at this time, and none was taken.

10. Water resources items:

(a) Hurricane Florence update.

Water Resources Director Michael Rhoney, PE used a slide show to provide a sense of how high the water levels and flows at certain city lakes reached during the storm event associated with Hurricane Florence. The elected officials were also informed of some of the actions that had to be taken by personnel in the water resources division in order to respond to the negative impacts generated by the storm event.

No action was requested of the governing board, and none was taken.

(b) Resolution supporting and authorizing an application for an Asset Inventory and Assessment State Grant.

Mr. Rhoney presented and recommended adoption, by reference, of a resolution supporting and authorizing an application for an asset inventory and assessment state grant.

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

RESOLUTION NUMBER 26 RES 10-18

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION SUPPORTING AND AUTHORIZING AN APPLICATION FOR
AN ASSET INVENTORY AND ASSESSMENT STATE GRANT**

WHEREAS, the Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (codified in Chapter 159G of the North Carolina General Statutes) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction for a wastewater collection system; and

WHEREAS, the City of Asheboro (hereafter referred to interchangeably as the "City" and the "Applicant") needs and intends to develop asset inventories, condition assessment of critical assets, and other components of asset management programs for the water and sanitary sewer systems (hereafter referred to as the "Project"); and

WHEREAS, the City intends to request state grant assistance for the Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro (hereafter the "Council") that John N. Ogburn, III, who is the city manager for the Applicant (the city manager will be hereafter referred to as the "Authorized Official"), and any successor so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a grant to aid in the performance of the Project described above; and

BE IT FURTHER RESOLVED by the Council that the Authorized Official, and any successor so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the Project, to make the assurances as contained above, and to execute such other documents as may be required in connection with the application; and

BE IT FURTHER RESOLVED by the Council that the City has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the Project and to Federal and State grants and loans pertaining thereto.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting that was held on the 4th day of October, 2018.

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

ATTEST:

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

(c) Change Order #1 for the current Asheboro Wastewater Treatment Plant Digester Cover Project.

Mr. Rhoney presented Change Order No. 1 for the City of Asheboro Wastewater Treatment Plant Digester No. 1 Gas Holder Cover and Gas Mixing System Project. This change order will decrease the current contract price by \$13,550.00. With this decrease, the new contract price will be \$1,095,450.00. There will be no change in the contract time. The date for completion of all work will be June 14, 2019.

Upon motion by Council Member Bell, and seconded by Council Member Swiers, the Council voted unanimously to approve, without modification, Change Order No. 1 for the City of Asheboro Wastewater Treatment Plant Digester No. 1 Gas Holder Cover and Gas Mixing System Project.

A copy of the approved change order is on file in the city clerk's office.

11. Upcoming events.

Mayor Smith led a brief discussion of upcoming events occurring within the city government and the community in general. No action was taken by the city council during this portion of the meeting.

There being no further business, the meeting was adjourned at 9:08 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor

SPECIAL MEETING NOTICE
CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA
MONDAY, OCTOBER 22, 2018
7:00 P.M.

Notice is hereby given that the Asheboro City Council will hold a special meeting on Monday, the 22nd day of October, 2018. **The meeting will begin at 7:00 p.m. in the council chamber on the second floor of Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203.**

During the meeting, the mayor and council members will participate in a training program organized by the human resources department for stakeholders in the city's unified human resources system. The sole purpose of the special meeting is to provide the elected officials with an opportunity to participate in the training program that is titled "Maintaining a Respectful Workplace; Our Shared Responsibility."

Once the training session concludes, the governing board will adjourn. No items requiring governing board action are on the meeting agenda.

All interested persons are invited to attend this open meeting.

This notice is issued on the 12th day of October, 2018.

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

#

SPECIAL MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
MONDAY, OCTOBER 22, 2018
7:00 p.m.

This being the time and place for a special meeting of the Asheboro City Council, a meeting was held with the following elected officials and city management team members present:

- David H. Smith

) – Mayor Presiding
- Clark R. Bell

)
- Edward J. Burks

)
- Walker B. Moffitt

) – Council Members Present
- Jane H. Redding

)
- Katie L. Snuggs

)
- Charles A. Swiers

)
- Linda H. Carter

) – Council Member Absent

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
P. Douglas Kemp, Human Resources Director
Jeffrey C. Sugg, City Attorney

Mayor Smith called the meeting to order for the purpose of facilitating the council's participation in a training program organized by the human resources department for stakeholders in the city's unified human resources system. The training program in which the elected officials participated was titled "Maintaining a Respectful Workplace; Our Share Responsibility."

The training program was led by Ms. Kim Korando, Esq. with the Smith Anderson law firm. A copy of the slide show used by Ms. Korando to conduct the training session is on file in the city clerk's office.

This training program was the only topic discussed during this special meeting. No action was requested of the governing board, and none was taken.

At the conclusion of the training session, Mayor Smith adjourned the meeting. The time of adjournment was 8:55 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor

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Minutes of the meeting of the Asheboro Alcoholic Beverage Control Board held on September 4, 2018

The Asheboro ABC Board met on September 4, 2018, at 5:30 PM, in the Board office, 700 South Fayetteville Street, Asheboro, NC.

Present were Chair Brooke Schmidly, Board Member Steve Knight 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 Board member(s) voiced having no conflict, and there being no objection, the agenda was adopted.

The Board reviewed and there being no objection, approved the minutes of the August 6, 2018, Board meeting.

Steve Knight and the GM reviewed Board finances and reported all finances remain consistent (sales and expenses).

The Board reviewed additional information submitted by Randolph Community College, Asheboro Shelter of Hope and Randolph Fellowship Home requesting grant funds. Upon motion by Steve Knight, the Board awarded Randolph Community College \$2800.00 from 3rd Quarter 2018 funds. Upon motion by the Chair, the Board awarded \$1000.0 to Asheboro Shelter of Hope from 3rd Quarter 2018 funds and any remaining funds from 3rd and 4th Quarter funds to Randolph Fellowship Home.

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

1. Asheboro ABC sales statistics comparing:

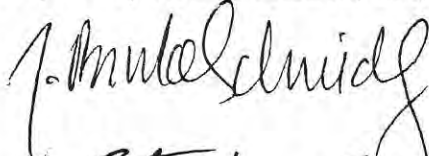
- August sales with the previous month indicate:
 - An overall +10.2% change (all sales and tax collections)
- August 2018 sales with sales from the same month last year indicate:
 - Retail Sales +9.2 (\$249,449.65)
 - Mixed Beverage Sales: +76.2% (\$39,317.27)
 - Sales Tax Collections: +9.2% (\$17,482.07)
 - Overall Collections: +14.76% (\$306,248.99)
- August 2018 bottle sales with bottle sales from the same month last year indicate:
 - Retail Bottle Sales: +7.1%
 - Mixed Beverage Bottle Sales: +53.6%
 - Overall Bottle Sales: +9.3%

The next regular Asheboro ABC Board meeting will be held Monday, October 1, 2018, at 5:30 p.m.

There being no further business, the meeting was adjourned.

Prepared by Rodney Johnson, GM, and Approved by the Board 10-1-18


GM




Asheboro
Christmas
Parade

gave to PD & PW's
July 23



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 the day of the parade.

Contact Name: Linda Brown

Address: 137 S. Fayetteville Street, Asheboro 27203

Phone: 336-626-2626 E-mail: lbrown@asheboro.com

Organization: Asheboro/Randolph Chamber of Commerce

Address: 137 S. Fayetteville Street, Asheboro NC 27203

Phone: 336-626-2626

Date of Parade: 12/7/18 Start Time: 7:00 pm End Time: 8:30 pm

Number of Persons: ? Number of Vehicles: approx. 100

Streets Involved: South Fayetteville, Sunset Avenue, Church St., Walker Ave., & Kivett St.

Special officials and/or guests: Elected officials + TV personalities

Insurance Company & Policy Number: Cincinnati Insurance ECP/EBT 0281631

Any additional Information: _____

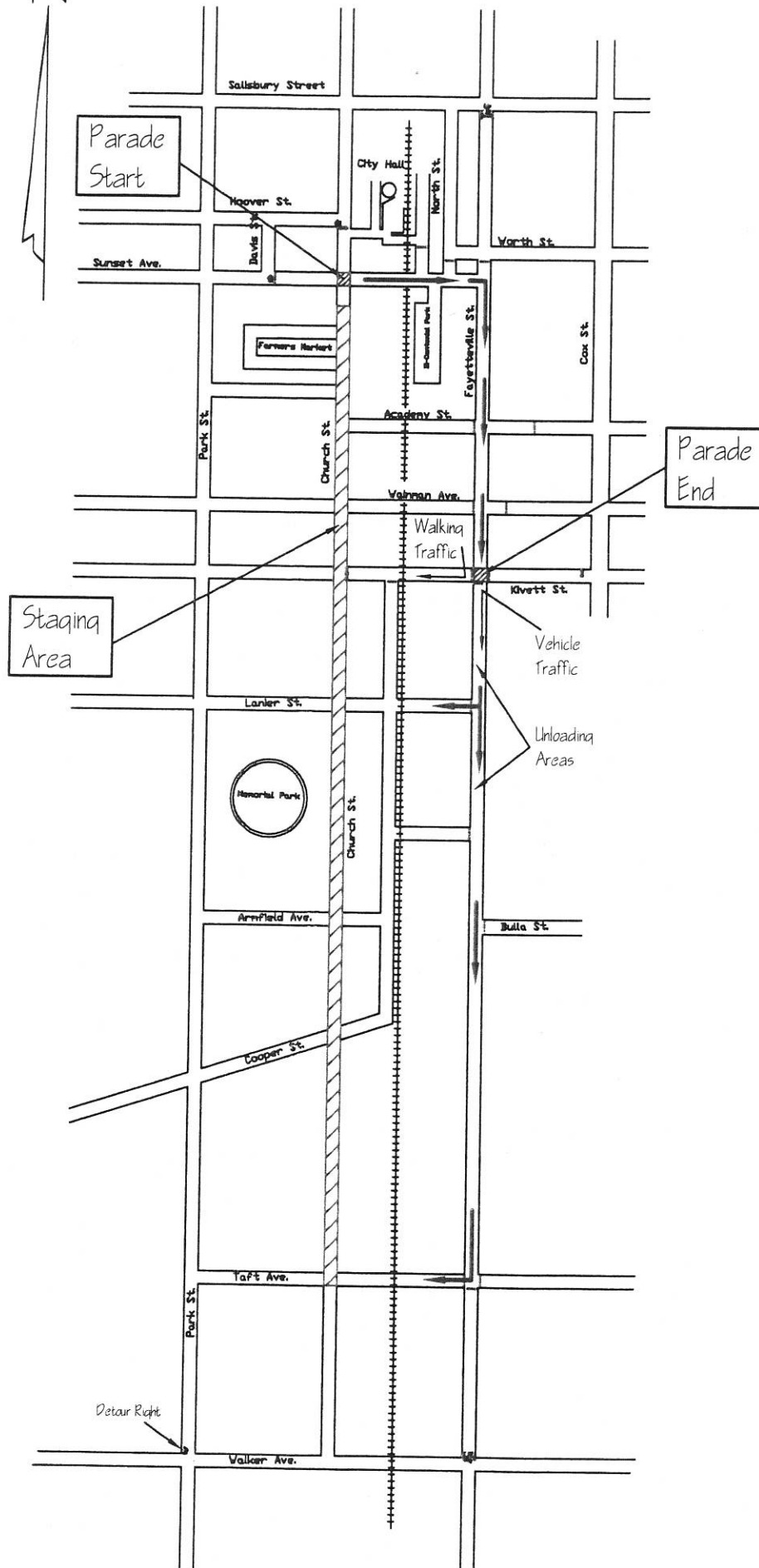
The undersigned agrees to hold the City of Asheboro and its officers, employees and agents free and harmless from and against any and all claims, losses, damages and settlements arising out of or relating to this parade. The undersigned agrees to investigate and provide defense for and defend any such claims at his/her (?) 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

Internal Use Only

Police Department Recommendation: _____

City of Asheboro Approval By: [Signature] Date: July 23, 2018



CHRISTMAS PARADE ROUTE

Christmas
On
Sunset

gone to P & P W's
July 23 -

CITY OF
ASHEBORO
NORTH CAROLINA

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 the day of the parade.

Contact Name: Linda Brown

Address: 137 S. Fayetteville St., Asheboro NC 27203

Phone: 336-626-2626 E-mail: lbrown@asheboro.com

Organization: Asheboro/Randolph Chamber of Commerce

Address: 137 S. Fayetteville St., Asheboro NC 27203

Phone: 336-626-2626

Date of Parade: 12/14/18 Start Time: 6:00 pm End Time: 9:00 pm

Number of Persons: 2000+ Number of Vehicles: N/A

Streets Involved: Church Street & Sunset Avenue

Special officials and/or guests: Santa & other costumed guests

Insurance Company & Policy Number: Cincinnati Insurance ECP/EBA 0281631

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/her (?) 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

Internal Use Only

Police Department Recommendation: _____

City of Asheboro Approval By: [Signature] Date: July 23, 2018

Whereas	Primary Government Unit City of Asheboro
and	Discretely Presented Component Unit (DPCU) (if applicable) N/A
and	Auditor William R. Huneycutt, CPA, PLLC

entered into a contract in which the Auditor agreed to audit the accounts of the Primary Government Unit and DPCU (if applicable)

for	Fiscal Year Ending 06/30/18	and originally due on	Audit Report Due Date 10/31/18
-----	--------------------------------	-----------------------	-----------------------------------

hereby agree that it is now necessary that the contract be modified as follows.

☒ Modification to due date:

☐ Modification to fee:

Original due date 10/31/18	Modified due date 12/31/18
Original fee	Modified fee

EXPLANATION OF MODIFIED CONTRACT TERMS

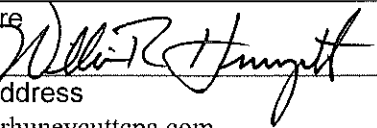
Please provide an explanation for the modification of terms. If the amendment is submitted to extend the due date, please indicate the steps the unit and auditor will take to prevent late filing of audits in subsequent years.

Delay due to additional audits for the 17-18 fiscal year having to be completed by the auditor. The allocation of the work load in the auditor's office will be addressed for future audits to be completed on time.

By their signatures on the following pages, the Auditor, the Primary Government Unit, and the DPCU (if applicable), agree to these modified terms.

SIGNATURE PAGE

AUDIT FIRM

Audit Firm William R. Huneycutt, CPA, PLLC	
Authorized Firm Representative (typed or printed) William R. Huneycutt	Signature 
Date 10/30/18	Email Address steve@wrhuneycuttcpa.com

GOVERNMENTAL UNIT

Governmental Unit City of Asheboro	
Date Primary Government Unit Governing Board Approved Audit Contract (Ref: G.S. 159-34(a) or G.S. 115C-447(a)) 06/07/18	
Mayor/Chairperson (typed or printed) David Smith, Mayor	Signature
Date	Email Address dreaves@ci.asheboro.nc.us

Chair of Audit Committee (typed or printed, or "NA") N/A	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

ONLY REQUIRED IF FEES ARE MODIFIED IN THE AMENDED CONTRACT

(Pre-audit certificate not required for charter schools or hospitals)

Required by G.S. 159-28(a1) or G.S. 115C-441(a1)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Primary Governmental Unit Finance Officer Deborah Reaves	Signature
Date of Pre-Audit Certificate	Email Address dreaves@ci.asheboro.nc.us

**ORDINANCE TO AMEND
STORMWATER FUND
FY 2018-2019**

WHEREAS, at the December 7, 2017 meeting, the City Council approved the Stormwater Project fund to track expenses relating to Summey Engineering Associates, PLLC storm water study in the Dixie Land Acres area, as well as to track other possible future related projects, and;

WHEREAS, Public Works Director David Hutchins has confirmed with Mack Summey of Summey Engineering that the storm water study is complete and all expenses have been paid, and;

WHEREAS, the City Manager and staff have not identified any other areas that will need storm water mitigation at this time or in the near future, and;

WHEREAS, the City of Asheboro has received a grant from NCDOT (DOT Project EB-5862) for sidewalk improvements, and:

WHEREAS, the City would like to change the title of the Stormwater Fund to the Sidewalk Improvement fund to track the expenses for the NCDOT grant and reallocate the existing fund balance in the Stormwater fund for the purposes of Sidewalk Improvements, and;

WHEREAS, the expenses anticipated with the NCDOT grant improvements are expected to be in the area of professional services, including environmental documentation, design, specifications and engineer's estimate, related to the construction of a portion of sidewalk along the south side of Industrial Park Avenue between the entrance to Randolph Community College (RCC) and the RCC Continuing Education and Industrial Center, and

WHEREAS, City of Asheboro desires amend the 2018-2019 project fund budget to incorporate the anticipated revenue and expenses for the Sidewalk improvements to be in compliance with all generally accepted accounting principles.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

Section 1:

That the Fund title be changed from Stormwater Fund to Sidewalk Improvements Fund and the expense description for account 73-400-0000 be changed from Professional Services – Dixie Land Acres Phase 3 to Design and Environmental Documentation and the budget allocation remain at \$25,000

Section 2: That the following revenues are increased:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
73-300-2000	Contribution from Randolph Community College	\$35,000
73-300-3000	Grant Proceeds – NCDOT - TAP	\$174,000
		\$209,000

ORDINANCE TO AMEND
STORMWATER FUND
FY 2018-2019

Section 4. That the following expense lines are increased / decreased:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
73-400-0002	Construction	\$148,100
73-400-0003	Construction Administration	\$22,200
73-400-0004	NCDOT Oversight	21,700
73-400-0005	Miscellaneous	18,643
73-400-0001	Land Acquisition & Easements (stormwater)	(1,643)
		\$209,000

Adopted this the 8th day of November 2018.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2018-2019

WHEREAS, RhinoLeap Productions has presented a proposal to the City of Asheboro for use of the City of Asheboro Sunset Theatre for three theatrical productions to be held at the Sunset Theater and has requested sponsorship from the City of Asheboro in the amount of \$20,000 for each of these performances, and;

WHEREAS, these productions are 8 performances of "To Kill a Mockingbird" from November 8th-18th, 8 performances of "It's a Wonderful Life- A live Radio Play" from December 22-30 and 11 performances of "The 39 Steps" from May 17-June 9th, and;

WHEREAS, the total requested sponsorship of these performances is \$60,000, and;

WHEREAS, The City Council of the City of Asheboro desires to amend the budget as required by law to adjust for changes in expenditures in comparison to the current fiscal year adopted budget, and;

WHEREAS, the City Council of the City of Asheboro wants to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

Section 1: That the following revenue line item be increased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase/ Decrease</u>
10-399-0000	Fund Balance Appropriation	60,000

Section 2: That the following expense line item be increased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase/ Decrease</u>
10-615-1201	Programs- Sunset Theatre	60,000

Adopted this 7th day of November, 2018

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

ORDINANCE TO CLOSE
SUNSET THEATRE PROJECT (FUND #67)
FY 2018-2019

WHEREAS, the last ordinance to amend the Sunset Theatre Project Fund was approved June 29, 2016, and

WHEREAS, this amendment allocated the remaining Sunset Theatre Project Fund Balance back to the General Fund to pay debt service, and

WHEREAS, the purpose of the Sunset Theatre Project Fund has been completed and no additional pledge revenues have been received since June 2018, and

WHEREAS, during the 2017-2018 audit, the auditor requested that I submit a final budget ordinance to close the Sunset Theatre Project Fund.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA that the Sunset Theatre Project Fund is officially closed.

Adopted this the 7th day of November, 2018

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION APPROVING THE CITY OF ASHEBORO
WATER SHORTAGE RESPONSE PLAN**

WHEREAS, Section 143-355(l) of the North Carolina General Statutes requires each unit of local government that provides public water service and each large community water system to develop and implement water conservation measures to respond to drought or other water shortage conditions as set out in a Water Shortage Response Plan that is submitted to the Department of Environmental Quality (the “Department”) for review and approval; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for the City of Asheboro (the “Plan”) has been developed and submitted to the Asheboro City Council (the “Council”) for approval; and

WHEREAS, the Plan is attached to this Resolution as EXHIBIT 1 and is hereby incorporated into this Resolution by reference as if copied fully herein; and

WHEREAS, the Council finds that the Plan is in accordance with the provisions of Section 143-355(l) of the North Carolina General Statutes and that the Plan will provide appropriate guidance for the future management of water supplies for the City of Asheboro as well as providing useful information to the Department for the development of a state water supply plan as required by statute.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the Plan titled *City of Asheboro Water Shortage Response Plan*, dated November 8, 2018, is hereby approved and shall be submitted to the Department’s Water Planning Section; and

BE IT FURTHER RESOLVED that the Council intends that this Plan shall be revised to reflect changes in relevant data and projections at least once every five years, or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

**[The remainder of this page was intentionally left blank.
The signature page for this Resolution is the immediately following page.]**

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 8th day of November, 2018.

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

ATTEST:

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

EXHIBIT 1

City of Asheboro Water Shortage Response Plan

The procedures herein are written to reduce potable water demand and protect existing drinking water supplies whenever they are in danger of being inadequate to meet customer needs. This plan is adopted to give the City of Asheboro guidelines to deal with water emergency issues related to drought. Elements of this plan may also be used to deal with reservoir contamination or if there is equipment or facility failure.

Conditions justifying declaration of water emergency.

- (a) *Insufficient reserve supply.* A water emergency may be declared to exist when the combined reserve supplies available from Lake Reese and Lake Lucas shall have reached the point where the reserve supply has been so reduced that the citizens cannot be supplied with water to protect their health and safety without curtailing substantially the water demand.
- (b) *Reservoir contamination.* A water emergency may be declared to exist when the reserve supplies available at Lake Reese and Lake Lucas have been contaminated in such a manner as to permit contamination to pass through the water treatment plant, damage equipment or endanger employees, or cannot be treated to the standards *established* by the Safe Drinking Water Act or the standards established by the state, or endangers the health and safety of the citizens.
- (c) *Equipment or facility failure.* A water emergency may be declared in the event of failure of raw water transmission lines, chlorination systems, flocculation systems, settling systems, filtration systems, chemical feed systems, storage systems, including finished water reservoirs and elevated tanks, high-service pumps or elements of the distribution system. Equipment or facility failure shall include any occurrence, which reduces the ability to produce and distribute water at the designed capacity of the water plant or to the minimum level necessary to protect the health and safety of the citizens.

I. Authorization

Subject to review by the City Council at any regular or special meeting of the City Council, a water emergency may be declared by the City Manager or his or her designee to exist when any condition or situation exists that may threaten the availability and/or safety of either treated or potable water from the water supply, treatment, and distribution system operated and maintained by the city. A water emergency shall be declared by the City Manager or his or her designee to exist when users of the city water system cannot be supplied with treated or potable water without substantially curtailing the water demand placed on the city's water system. Furthermore, a water emergency shall be declared to exist when production, treatment, transmission, and storage facilities are incapable of meeting all daily water demands or when projections of available water show that the available supply of water will not meet the daily water demands.

II. Notification

A declaration of the existence of a water emergency by the City Manager or his or her designee shall specify the level of severity of the emergency and be in the form of a signed executive order that, upon its issuance, shall be distributed to the Mayor and members of the City Council in a manner designed to provide the most expeditious notification possible. Once the distribution of the declaration of the existence of a water emergency to the Mayor and members of the City Council has been undertaken, the City Manager or his or her designee shall give notice to the general public by means of a public press announcement of the existence of a water emergency and the severity thereof. The regulatory provisions authorized by this plan will become effective 24 hours after the issuance of the public press announcement specified in the preceding sentence.

III. Levels of Response

Four levels of water emergency response are outlined in the table below. The four levels of water emergency response are: voluntary restrictions and mandatory restrictions I, II, and III. A detailed description of each response level and corresponding water reduction measures follow below.

Level	Response	Description
1	Voluntary Restrictions	Water users are encouraged to reduce their water use and improve water use efficiency; however, no penalties apply for noncompliance. Water supply conditions indicate a potential for emergency.
2	Mandatory Restrictions I	Water users must abide by required water use reduction and efficiency measures; penalties apply for noncompliance. Water supply conditions are significantly lower than the seasonal norm and water emergency conditions are expected to persist. Allows maintaining jobs and landscaping investments related to water use.
3	Mandatory Restrictions II	Bans additional water usages not included in Level 2 Mandatory Restrictions I
4	Mandatory Restrictions III	Water supply conditions are substantially diminished and pose an imminent threat to human health or environmental integrity.

- (1) *Level I (Voluntary)*. During a declared Level I water emergency, consumers of water from the city water system shall be encouraged to implement the following voluntary water conservation practices:
- (a) Watering of lawns, ornamental plants, and gardens should be limited to the hours between 7:00 p.m. and 7:00 a.m.;
 - (b) Use of water for wash down of outside areas such as driveways, parking lots, and sidewalks should be curtailed;
 - (c) Faucets should not be left running while shaving, brushing teeth, or washing dishes;
 - (d) The use of clothes and dishwashers should be limited where possible, and these units should be operated with full loads;

- (e) Washing cars and other vehicles should be curtailed to Saturday and Sundays, and hoses should not be left running while washing;
 - (f) The use of flow restriction and other water saving devices is encouraged;
 - (g) Showers should be used for bathing, and showers should be limited to four minutes or less; and
 - (h) Filling of pools should be deferred or limited to hours between 7:00 p.m. and 7:00 a.m.
- (2) *Level II (Mandatory)*. During a declared Level II water emergency, the following mandatory water use restrictions shall be in effect for consumers of water from the city water system:
- (a) The watering of lawns, ornamental plants, and gardens shall be limited to the hours between 7:00 p.m. and 7:00 a.m.;
 - (b) The watering of lawns, ornamental plants, and gardens shall not be done except by handheld containers (buckets, jugs, etc.), and no applications for irrigation meters will be accepted or approved;
 - (c) With the exception of situations where a wash down of outside areas is necessary due to public health and safety concerns, the residential use of water for wash down of outside areas is prohibited. Commercial pressure washers shall be permitted to continue normal operations. However, the commercial pressure washer owners and/or operators shall ensure that water wastage does not occur;
 - (d) Residential washing of cars and other vehicles is prohibited. Automobile retail establishments and commercial automobile washing facilities including those providing hand held washing nozzles shall be permitted to continue normal operations. However, the facility owner/operator shall ensure that water wastage does not occur;
 - (e) Restaurants and other food serving establishments shall serve water to patrons only at the request of the patron(s);
 - (f) Commercial, industrial and construction operations shall eliminate all possible waste of water. Large scale commercial and industrial operations and construction activities that utilize 20,000 cubic feet or more of water per month shall submit a water reduction compliance plan to achieve 25%, 50%, or 75% water reduction as specified under the Level II water emergency declaration within 14 days of the effective date of the regulations and restrictions specified in the Level II water emergency declaration; and
 - (g) Above-ground pools, Jacuzzis, and hot tubs having a capacity of 500 gallons or more and all newly constructed or drained in-ground pools shall be filled by permit only. The Water Resources Director or his or her designee shall review applications for such fill permits. The issuance of such a permit may be denied on the basis of the assessment by the Water Resources Director of the severity of the situation.
- (3) *Level III (Mandatory)*. During a declared Level III water emergency, the following mandatory use restrictions shall be in effect for consumers of water from the city water system:
- (a) Any form of watering or irrigating lawns, gardens, and/or other plants is prohibited;

- (b) With the exception of situations where the wash down of certain outside areas is necessary due to public health and safety concerns, the use of water for wash down of outside areas is prohibited;
 - (c) With the exception of situations where the washing of certain items is necessary due to public health and safety concerns, the washing of cars, vehicles, and/or other equipment is prohibited;
 - (d) Restaurants and other food serving establishments shall utilize single serving utensils and plates in addition to serving water to patrons only at the request of the patron(s);
 - (e) Recreational use of potable water, including filling of pools, is prohibited;
 - (f) Large scale commercial and industrial water customers and construction activities utilizing 20,000 cubic feet or more of water per month shall achieve mandatory restrictions in daily water usage of 25%, 50%, or 75% through whatever means are available. The target reduction percentage shall be determined by the severity of the water emergency and shall be publicly announced as part of the emergency declaration. The Water Resources Director shall determine compliance with the daily usage reduction targets. Variances to this restriction may be granted by the Water Resources Director to public health facilities including, but not limited to, hospitals and nursing homes;
 - (g) Drinking water taps or hydrant permits shall be issued or revoked at the discretion of the Water Resources Director; and
 - (h) Unless a bulk water sale is made pursuant to an existing contract, bulk water sales shall be prohibited.
- (4) *Level IV (Mandatory)*. During a declared Level IV water emergency, the following mandatory water use restrictions shall be in effect for consumers of water from the city water system:
- (a) All use of water for purposes other than the maintenance of public health and safety is prohibited;
 - (b) Unless a bulk water sale is made pursuant to an existing contract, bulk water sales shall be prohibited;
 - (c) Where the city water system is functional, monthly residential water use shall not exceed 1,200 cubic feet of water at each metered location;
 - (d) Where the city water system is not functional, National Guard and emergency services vehicles shall be utilized to distribute water for household use at prearranged locations within the affected area. Usage by individuals shall be limited to those amounts necessary to sustain life through drinking, food preparation, and personal hygiene; and
 - (e) The compliance plan for industries during Level IV remains the same as Level III or as directed by the State Public Health Officials.

In the event of the declaration of a "water emergency" it shall be unlawful for any person to use or permit the use of water from the water system of the city in violation of any of the provisions set forth in this plan until such time as the City Manager or his or her designee has declared the restrictive provision(s) in question to be no longer in effect.

IV. Triggers

Triggers for the City of Asheboro levels of response are provided in Table 1 below. The City's main sources of water are Lake Lucas and Lake Reese. The following measurements of usable storage and/or days of available supply trigger entry into corresponding water restriction stages based on lake level data maintained by the Water Resources Division.

Restriction Level	Usable Storage	Days of Available Supply
1	<60%	<190 Days
2	<50%	<150 Days
3	<40%	<125 Days
4	<35%	<100 Days

Table 1

Once a water emergency has been declared and the appropriate staged restrictions imposed, the Water Resources Director or his or her designee shall review the operational status of the city's water system and the supply of water available to the city's water system and keep the City Manager or his or her designee apprised of the operational status of the city's water system and the available water supply. On the basis of the information gathered, the Water Resources Director or his or her designee shall recommend to the City Manager or his or her designee when a different stage of restriction should be implemented. The City Manager or his or her designee shall make the final determination to change the restriction stage. If such a change in the stage of restriction is warranted, the notification procedures prescribed by Division II above shall be followed in the same manner as for the initial declaration of a water emergency.

V. Enforcement

The provisions of the water shortage response plan will be enforced by the City of Asheboro'. Violators may be reported to the Water Resources Division at (336)-626-1201 Ext. 258 or the Water Treatment Plant at (336) 626-1215.

Compliance with this plan shall be enforced by personnel of the Water Resources Division, the Police Department, and any other personnel designated by the City Manager. Failure to comply with any of the regulations or restrictions of this plan shall be unlawful and a violation of this plan. All remedies authorized by law for noncompliance with this plan, including the issuance of a civil penalty citation or an action for injunctive relief, may be exercised to enforce the provisions of this plan. It shall be unlawful to fail to act in accordance with the provisions of this plan or to use water in any manner that constitutes an attempted and/or actual evasion or avoidance of the water restrictions prescribed by this plan.

Any consumer of water from the city water system who violates any provision of this plan shall be subject to civil penalties as defined in Section 50.027 (EMERGENCY WATER MANAGEMENT PROCEDURES) of the Code of Asheboro.

VI. Variance Protocols

Water use variance requests may be made to the office of the City Manager at 146 N. Church Street (336) 626-1201. The City Manager or his designee may authorize relief from specific provisions of these restrictions in order to maintain an economic or public investment or to continue employment by business or industrial customers

VII. Revision

The Water Shortage Response Plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and at a minimum of every five years, as required by the provisions of G.S. 143-355(l). Further, the Water Resources Director will review procedures following each emergency to recommend any necessary revisions to the plan to the City Council.

Approved by the Asheboro City Council on November 8, 2018.

ORDINANCE NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AN ORDINANCE TO AMEND THE PARKING REGULATIONS
APPLICABLE TO A SECTION OF HOLLY 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 November 8, 2018, the Asheboro City Council concluded that the parking plan for the section of Holly Street between South Park Street (North Carolina Secondary Road 1451) and South Church Street (North Carolina Secondary Road 1707) should be updated to provide three additional reserved parking spaces on the south side of Holly Street for persons with mobility impairments; and

WHEREAS, the city’s engineering department has prepared a detailed diagram dated October 2018, which is titled “Parking Plan for Holly Street (East of South Park Street),” to accurately depict the location of the additional handicapped parking spaces on the south side of Holly Street, east of South Park Street; and

WHEREAS, the diagram described in the immediately preceding recital is attached to this Ordinance as EXHIBIT 1 and is hereby incorporated into this Ordinance by reference as if copied fully herein (the revised parking plan proposed for adoption by the Asheboro City Council and shown on the attached diagram will be referred to as the “October 2018 Revised Holly Street Parking Plan”).

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

Section 1. The October 2018 Revised Holly 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 Holly Street shown in the attached exhibit.

Section 2. The city manager is hereby directed to cause all of the handicapped parking spaces shown on the adopted October 2018 Revised Holly Street Parking Plan to be posted with signage and otherwise marked in strict compliance with Section 20-37.6(d) of the North Carolina General Statutes.

Section 3. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 4. 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 8th day of November, 2018.

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

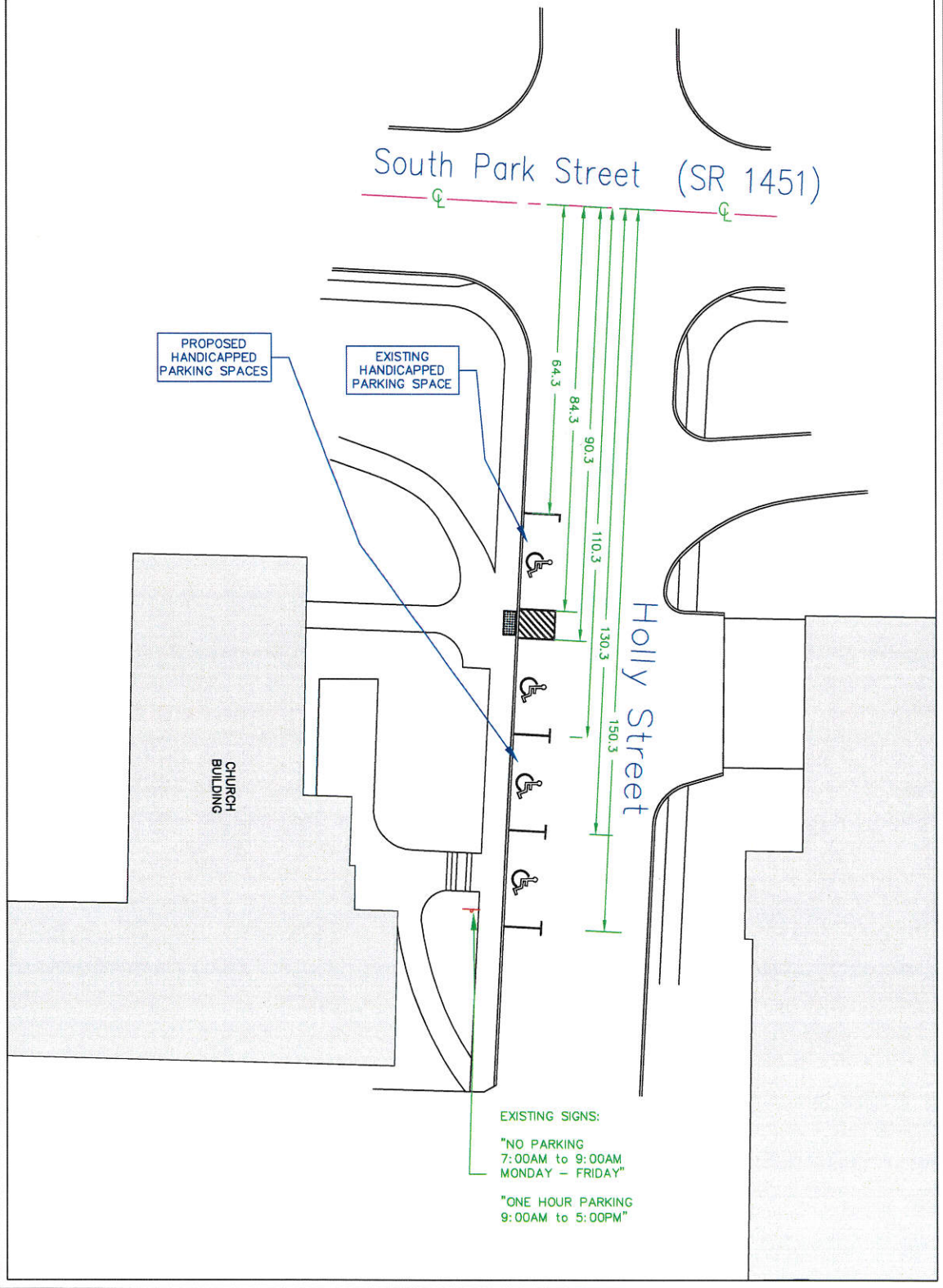
ATTEST:

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

EXHIBIT 1

Parking Plan For Holly Street (East of South Park Street)

City of Asheboro, North Carolina
October, 2018 Scale 1" = 20'





**RZ-18-15: Request to rezone from R7.5 (Medium-Density Residential) and B1
(Neighborhood Commercial) to OA6 (Office-Apartment)**

(505 E. 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-18**
 -15

Date 10-1-18 Planning Board

Applicant Stephen David Wright

Legal Description

The property of Stephen Davis Wright and Rebecka S. Wright, located at 505 E. Salisbury St., totaling approximately 0.28 acres and more specifically identified by Randolph County Parcel Identification Number 7761039088

Requested Action Rezone from R7.5 (Medium-Density Residential) and B1 (Neighborhood Commercial) to OA6 (Office-Apartment)

Existing Zone R7.5/B1

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-18-15

Date 10/1/2018 Planning Board
11/8/2018 City Council

General Information

Applicant Stephen David Wright

Address 3706 Buffalo Ford Road

City Asheboro NC 27205

Phone 336-963-3528

Location 505 East Salisbury Street

Requested Action Rezone from R7.5 (Medium-Density Residential) and B1 (Neighborhood Commercial) to OA6 (Office-Apartment)

Existing Zone R7.5/B1

Existing Land Use Single-family dwelling

Size 0.28 acres +/-

Pin # 7761039088

Applicant's Reasons as stated on application

Commercial limited office use is compatible with the area. Deemed for commercial use but has been used for residential use. This will allow the property to be updated for office or residential use in the future.

Surrounding Land Use

North Multi-family residential

East Commercial

South Single-family residential

West Commercial

Zoning History N/A

Legal Description

The property of Stephen Davis Wright and Rebecka S. Wright, located at 505 E. Salisbury St., totaling approximately 0.28 acres and more specifically identified by Randolph County Parcel Identification Number 7761039088. **NOTICES TO ADJOINING PROPERTY OWNERS WERE MAILED: Friday, October 19, 2018**

Analysis

1. The property is located within the City limits.
2. East Salisbury Street is a state-maintained major thoroughfare.
3. The majority of the property is currently zoned B1, described by the zoning ordinance as "intended to provide for limited retail and personal service uses on free-standing parcels or for small centers to serve adjacent residential neighborhoods. These districts shall normally be located in nodes along minor thoroughfares or higher classification streets." A small portion of the property is zoned R7.5 (Medium-Density Residential).
4. The requested zoning district allows residential, office & institutional uses, and limited commercial uses. The OA6 zoning district is described by the zoning ordinance as "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 designated OA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged." Heavier commercial uses (such as retail, eating establishments, motor vehicle sales and major/minor repair, etc.) are prohibited in the OA6 district.
5. There is currently a single-family dwelling on the property that tax records indicate was built in 1940. This is a legal non-conforming use in the B1 zoning district, which places restrictions on future expansion or additions. If the property is rezoned to OA6, the current use becomes a use permitted by-right in the OA6 zoning district.
6. The adjoining property to the east was rezoned from CU-OA6 (Conditional Use Office-Apartment) to M (Mercantile) in 2014.

Rezoning Staff Report

RZ Case # **RZ-18-15**

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.

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

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

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-18-15

Page 3

LDP Goals/Policies Which Do Not Support Request

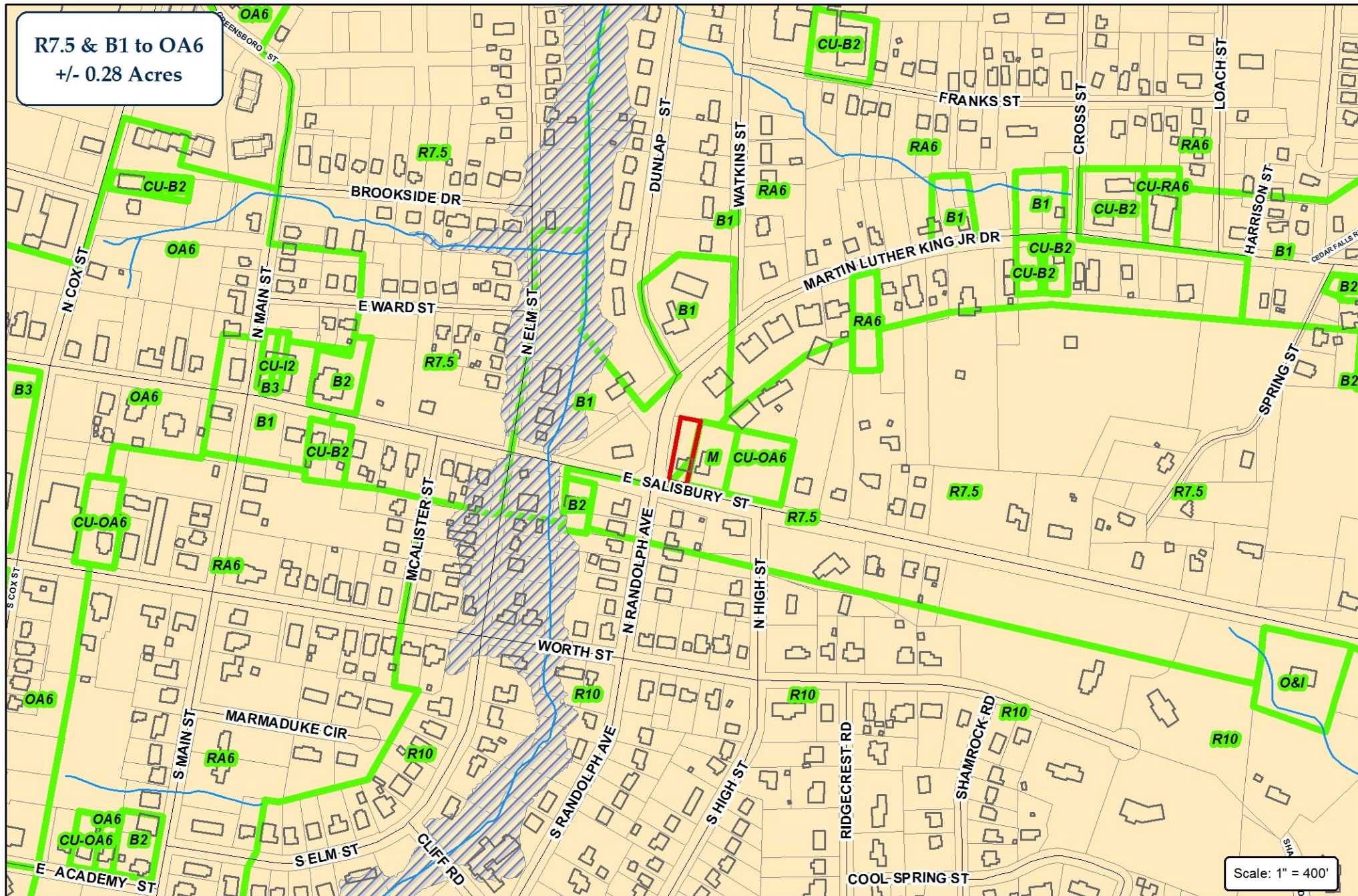
Staff's Final Analysis Concerning Consistency with Adopted Comprehensive Plans, Reasonableness and Public Interest

The Land Development Plan proposes commercial zoning for the property. The Central Small Area Plan further states that commercial uses are designated in scattered locations along thoroughfares to accommodate some future commercial development. Also recommended in the Central Small Area Plan are "limited, local-scale, office and institutional uses" along East Salisbury Street. The requested OA6 district fits this recommendation by providing for office & institutional and limited commercial activities but also excluding heavier commercial uses that may be less appropriate to apply to the property. The designation is also consistent with surrounding land uses, which include single-family and multi-family residential uses, along with some commercial activities. The OA6 classification can also can help encourage continued investment into the property by removing its non-conforming status.

Considering these factors, staff believes the requested OA6 district is consistent with the Land Development Plan and therefore reasonable and generally in the public interest.

Recommendation In light of the above analysis, staff's recommendation is to approve the OA6 district request.

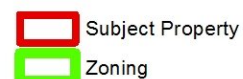
R7.5 & B1 to OA6
+/- 0.28 Acres



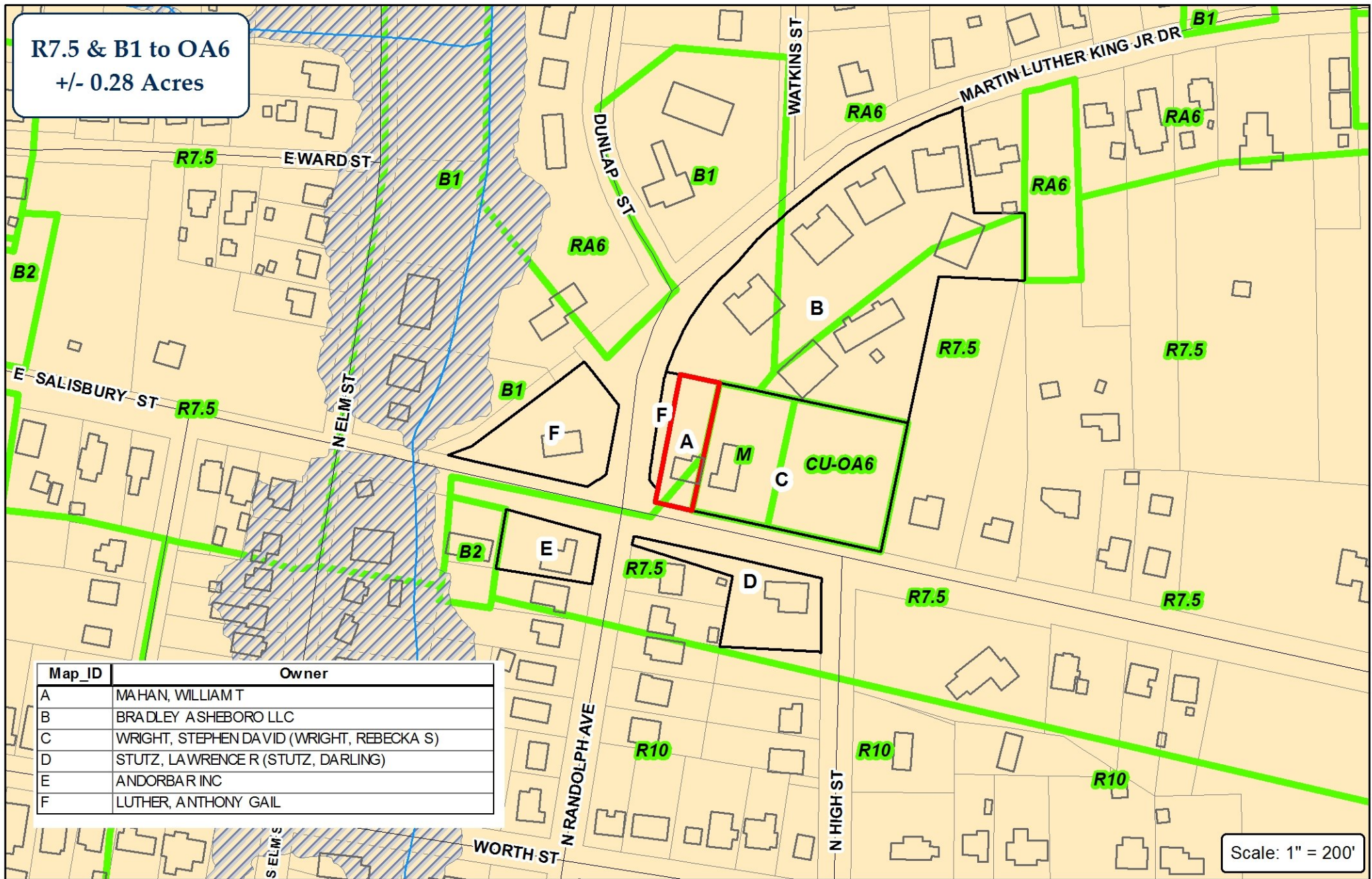
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-18-15

Parcel: 7761039088



R7.5 & B1 to OA6
+/- 0.28 Acres

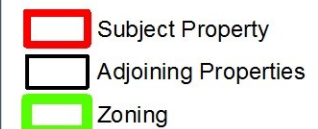


Map_ID	Owner
A	MAHAN, WILLIAM T
B	BRADLEY ASHEBORO LLC
C	WRIGHT, STEPHEN DAVID (WRIGHT, REBECCA S)
D	STUTZ, LAWRENCE R (STUTZ, DARLING)
E	ANDORBAR INC
F	LUTHER, ANTHONY GAIL

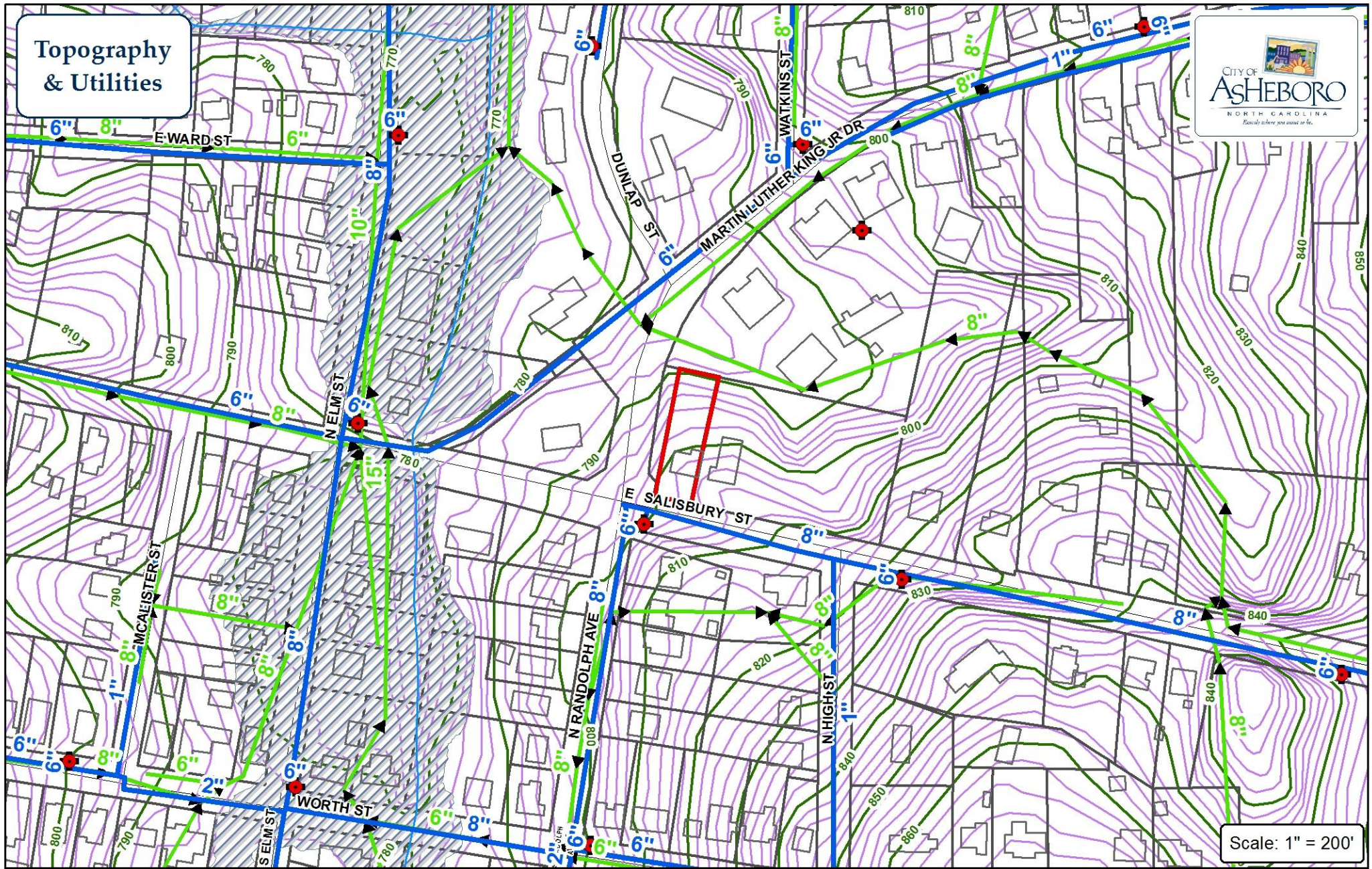
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-18-15

Parcel: 7761039088



Topography & Utilities

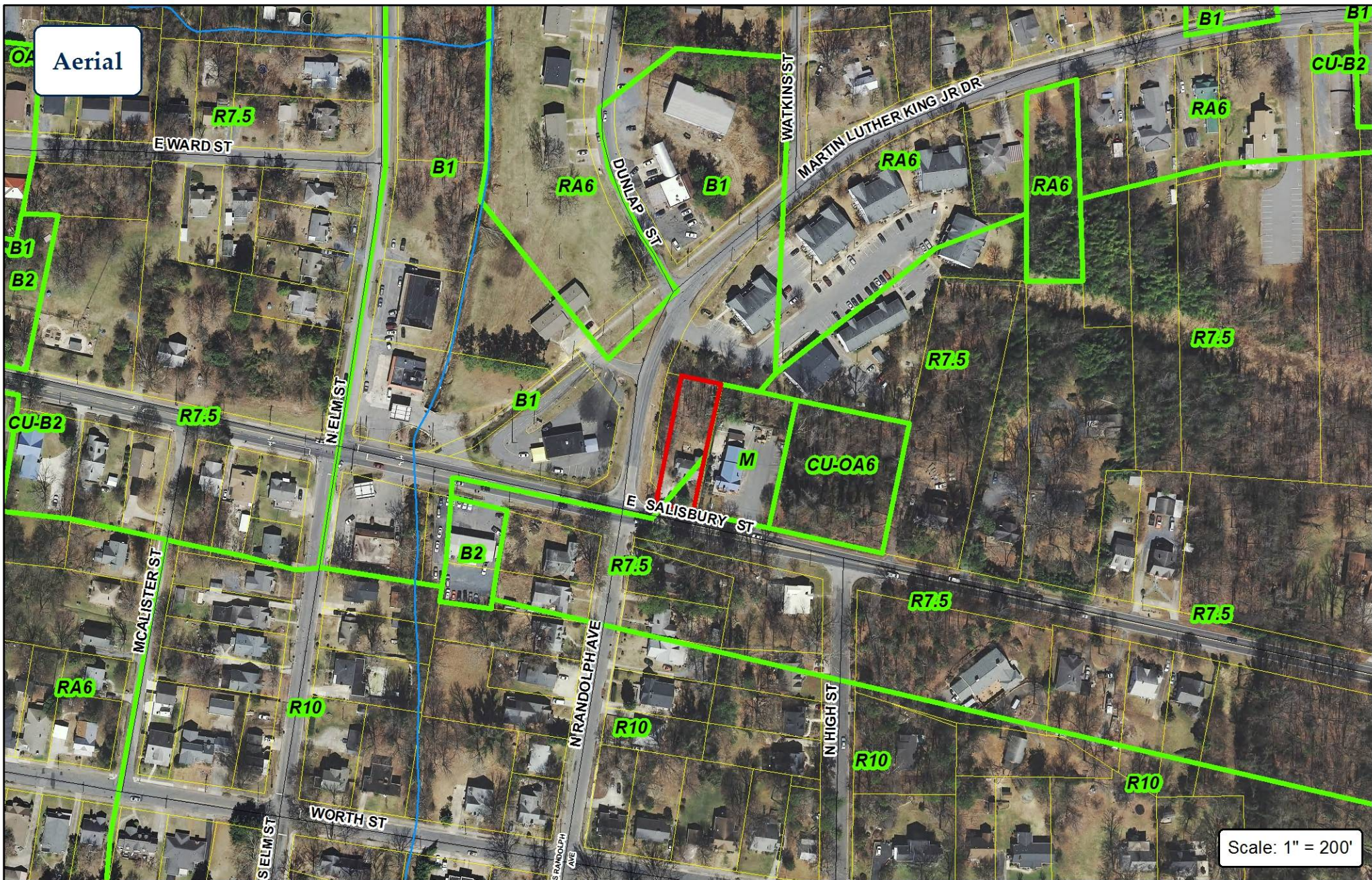


-  Water Main
-  Sewer Main
-  Force Main
-  Fire Hydrant
-  Pump Station

City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-18-15
Parcel: 7761039088

 Subject Property

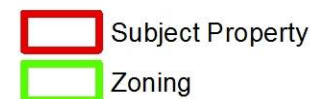




City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-18-15

Parcel: 7761039088





RZ-18-16: Request to rezone from R10 (Medium-Density Residential) and R15 (Low-Density Single-Family Residential) to CU-R40 (Conditional Use Low-Density Residential)

(Hub Morris, Old Liberty, & Lakeview Roads)

Planning Board Recommendation and Staff Report

CUP-18-16: Request for Conditional Use Permit for a Solar Farm

Staff Report



City of Asheboro
Office of the City Clerk

Post Office Box 1106 • Asheboro, North Carolina 27204-1106
Phone (336) 626-1201 • Fax (336) 626-1218

Holly H. Doerr
City Clerk

Tamela D. Garner
Deputy City Clerk

MEMORANDUM

TO: Mayor Smith and Members of the Asheboro City Council

FROM: Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal *HH*

DATE: Wednesday, November 7, 2018

RE: Written Statement Pertaining to Land Use Case No. RZ/CUP-18-16

I have received citizen comments regarding the rezoning and conditional use permit applications that will be considered during the public hearing to be conducted on November 8, 2018, in connection with the above-referenced land use case. Due to the fact that this combined hearing will be conducted as a quasi-judicial proceeding, and in compliance with G.S. 160A-385, I am providing to you the following name and address of the individual who submitted written comments regarding the land use case:

Jackie Reeder
667 Bowers Lane
Randleman, NC 27317

If you have any questions about this memo, please call me.

cc: John N. Ogburn, III, City Manager

Planning Board Recommendation & Comments to City Council

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

Case # **RZ-18**
 -16

Date 10-1-18 Planning Board

Applicant Ben Ludwig (Thunderhead Solar, LLC)

Legal Description

The property of Roswell Farms, LLC, located southwest of 1019 Old Liberty Rd., on the south side of Hub Morris Road, and east of the terminus of Lakeview Road, more specifically identified by Randolph County Parcel Identification Number 7763505528 and totaling approximately 37.3 acres +/-.

Requested Action Rezone from R10 (Medium-Density Residential) and R15 (Low-Density Single-Family Residential) to CU-R40 (Conditional Use Low-Density)

Existing Zone R10/R15

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-18-16

Date 10/1/2018 Planning Board
11/8/2018 City Council

General Information

Applicant Thunderhead Solar, LLC c/o Mr. Ben Ludwig

Address 1519 King Street

City Charleston SC 29407

Phone 843-277-2090

Location north side of Old Liberty Rd./South side of Hub Morris Road, south side/terminus of Lakeview Rd.

Requested Action Rezone from R10 (Medium-Density Residential)/R15 (Low-Density Single-Family Residential) to CU-R40 (Conditional Use Low-Density Residential)

Existing Zone R10/R15

Existing Land Use Undeveloped land

Size 37.3 acres +/-

Pin # 7763505528

Applicant's Reasons as stated on application

See attached applicant statement.

Surrounding Land Use

North Single-family residential

East Industrial/Utility Substation/

South Single-family/Solar Farm (under construction)

West Mobile Home Park/Single-family residential

Zoning History N/A

Legal Description

The property of Roswell Farms, LLC, located southwest of 1019 Old Liberty Rd., on the south side of Hub Morris Rd., and east of the terminus of Lakeview Rd., more specifically identified by Randolph County Parcel Identification Number 7763505528 and totaling approximately 37.37 acres +/- **NOTICES TO ADJOINING PROPERTY OWNERS WERE MAILED: Friday, October 19, 2018**

Analysis

1. The property is partially within the city limits.
2. Old Liberty Road is a state-maintained minor thoroughfare. Hub Morris Rd. is a state-maintained major thoroughfare. Lakeview Drive is a city-maintained local street serving primarily multi-family uses and a manufactured home park.
3. Portions of the property are located within a Special Hazard Flood Area (100 year flood zone and floodway). The floodway is the most restrictive concerning allowing structures.
4. This rezoning request also includes a corresponding request for a Conditional Use Permit for a Solar Farm. The R40 (Low-Density Residential) district and CU-R40 (Conditional Use Low-Density Residential) districts are the only two residential zoning districts that allow a Solar Farm with Conditional or Special Use permit.
5. The property is currently undeveloped. The solar farm described in (4) above is proposed to be the sole use of the property.
6. The underlying R40 zoning district is described by the zoning ordinance as "intended to provide regulations which will produce a low intensity mixture of single family, duplex dwellings, and Class A Mobile Home dwellings usually served by individual wells and/or sewage disposal systems, plus the necessary governmental and other support facilities to provide service to such suburban intensity living."

Rezoning Staff Report

RZ Case # RZ-18-16

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.

Proposed Land Use Map Designation Neighborhood Residential
Small Area Plan Northeast
Growth Strategy Map Designation Primary Growth/Adjacent Developed

LDP Goals/Policies Which Support Request

Checklist Item 1: Complies with LDP proposed land use map

Goal 5.1: Cost effective, efficient and coordinated infrastructure in appropriate locations (based on use proposed by CUP request)

Checklist Item 12: Property is located outside of watershed

Rezoning Staff Report

RZ Case # RZ-18-16

Page 3

LDP Goals/Policies Which Do Not Support Request

Checklist Item 10: Rezoning is not consistent with Land Category Descriptions

Checklist Items 13 and 14: 13.) The property is located within a Special Hazard Flood Area.
14.) Rezoning is located on steep slopes of greater than 20%.

Staff's Final Analysis Concerning Consistency with Adopted Comprehensive Plans, Reasonableness and Public Interest

Staff's analysis considers all development that is permitted in the underlying zoning district including the requested solar farm use. While a general R40 district may not be appropriate at this location where most residentially zoned properties are designated R10 (Medium-Density Residential) and R15 (Low-Density Single Family Residential), the Conditional Use permitting process helps mitigate concerns over whether potential development can be compatible with surrounding properties, which is a primary concern with properties designated for "Neighborhood Residential" use by the Land Development Plan.

Furthermore, many properties in the area currently have lower-density than what is allowable in the existing R10 and R15 zoning districts, especially along Hub Morris Road, which also helps make the requested CU-R40 district appropriate.

Considering these factors, staff believes the requested CU-R40 district is generally consistent with the Land Development Plan and therefore are generally in the public interest and support a reasonable use of property.

Recommendation In light of the above analysis, staff's recommendation is to approve the CU-R40 district request.

Application for Zoning Ordinance Amendment

APPLICANT INFORMATION

Applicant Thunderhead Solar LLC.

Applicant's Phone # 843-277-2090 Office 540-849-8758 Cell

Applicant's Address 1519 King Street Charleston SC 29407

PROPERTY INFORMATION FOR MAP AMENDMENTS

Property Owner's Name Roswell Farms, LLC

Location of Property Hub Morris Rd & Heathwood Dr

Property Size (ac. or s.f.) 37.37

Randolph County Property Identification Number (PIN#) 7763505528

Current Zoning District R10

Requested Zoning District CU-R40

Date Property Title Acquired March 15, 2007

Deed Book 2020 Page 750

Subdivision NA Section NA Lot # NA

Plat Book NA Page NA

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.

No alleged errors.

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?

Asheboro's population continues to increase, requiring more electricity and public services. This amendment allows us to generate safe, inexpensive solar power and revenues for the city without the need for public services."

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

The amendment preserves the jurisdiction's discretion to ensure appropriate growth while furthering the twin aims of providing flexibility and diversifying development opportunities.

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

Solar energy projects like the one proposed for this property represent valuable assets in the community - creating local construction jobs, workforce training, and economic development. Because of the nature of the technology (no air or noise pollution) and low amount of maintenance required of such projects, there will be no discernible effects on traffic in the area, and otherwise, the project will have no adverse impact on the health, safety or welfare

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

Thunderhead Solar LLC

Applicant or Owner's Address

1519 King Street
Charleston, SC 29407

Telephone Number

540-849-8758

Applicant or Owner Signature

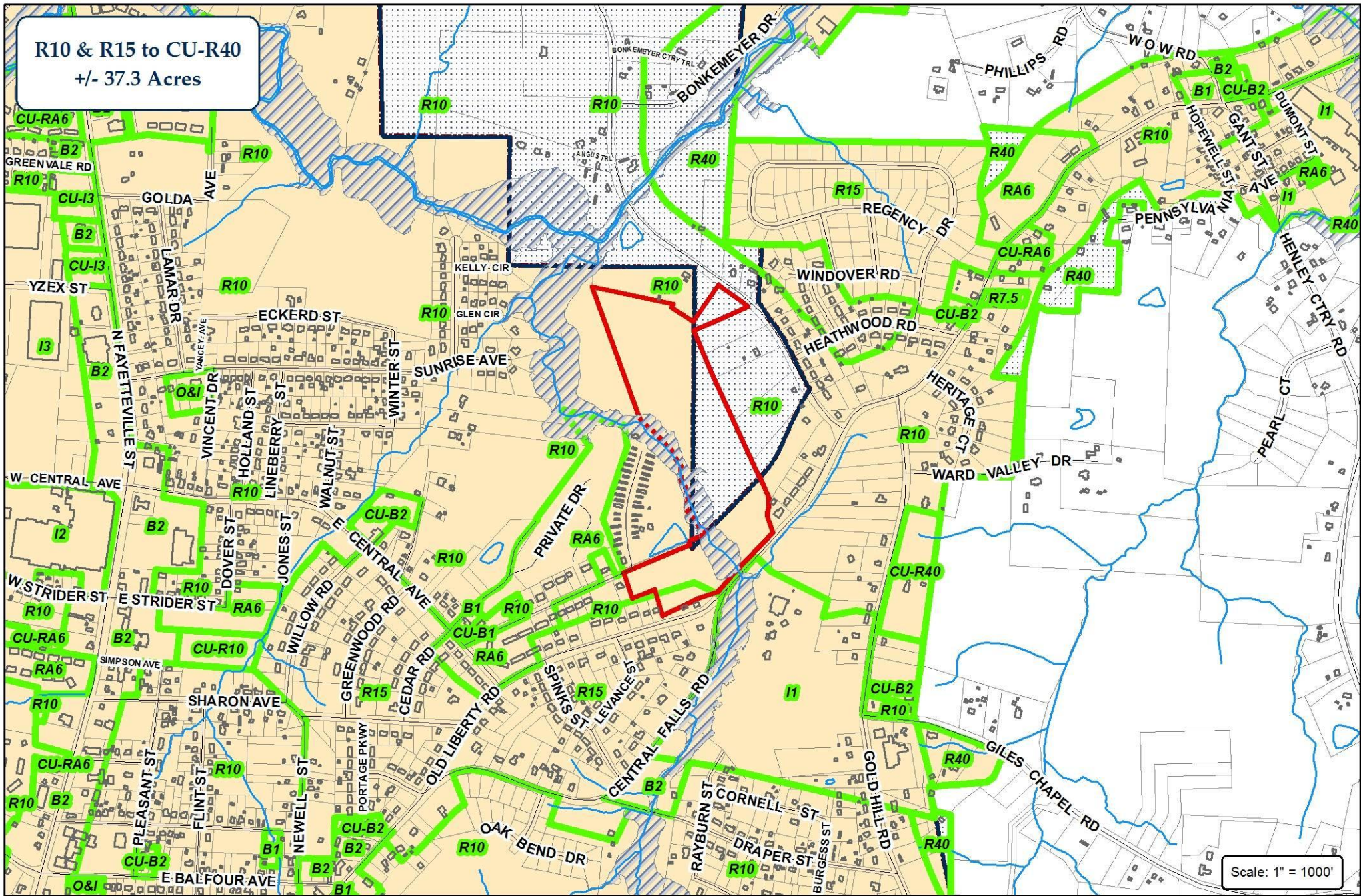
Owner's Signature (if different than applicant)

Boss D Bulla

STAFF USE

Received by: _____ Date: _____ Case Number: _____

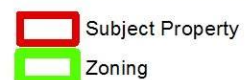
R10 & R15 to CU-R40
+/- 37.3 Acres



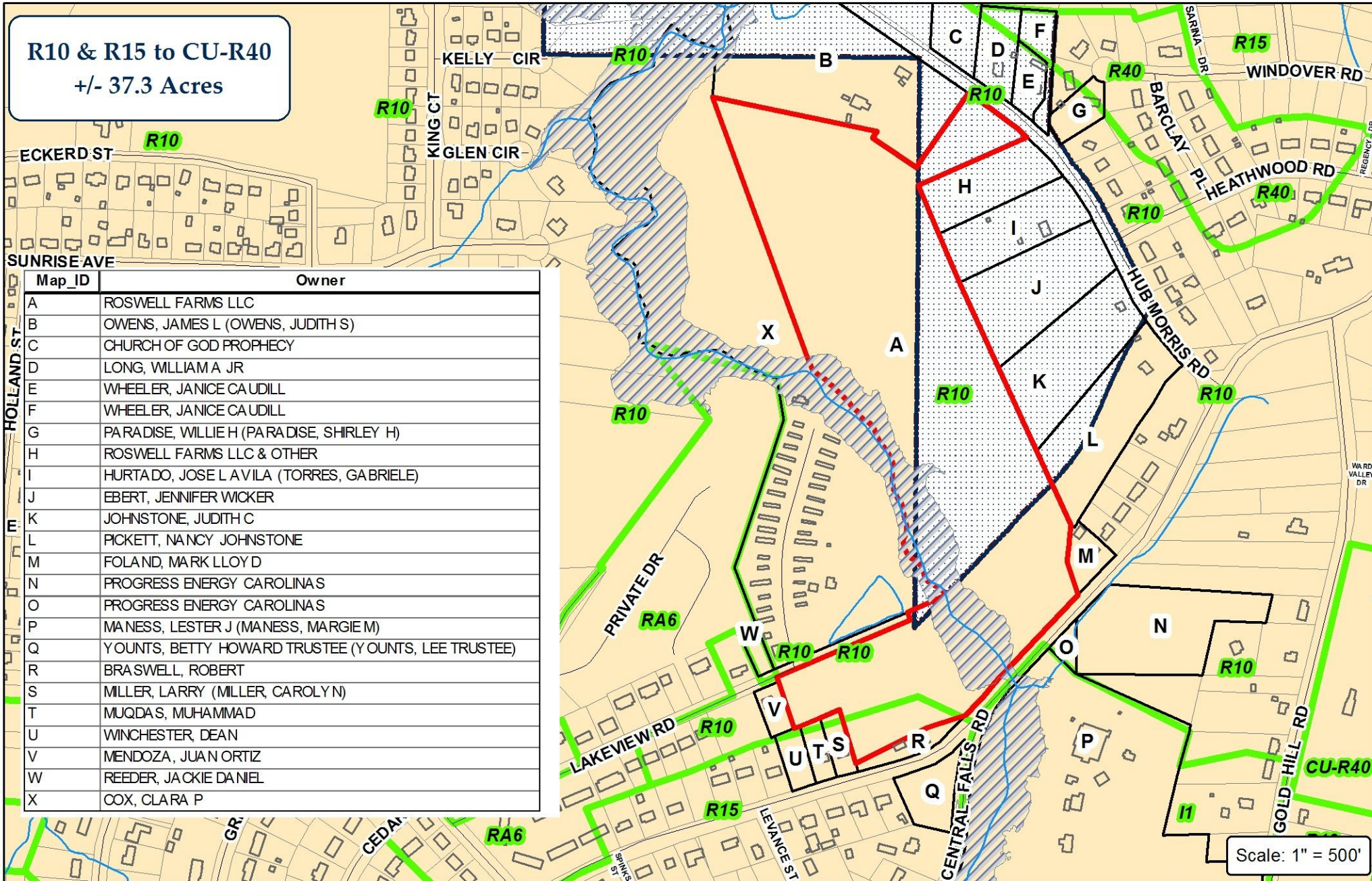
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-18-16
Conditional Use Permit: RZ-18-16

Parcel: 7763505528



R10 & R15 to CU-R40
+/- 37.3 Acres

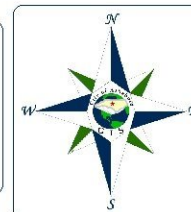
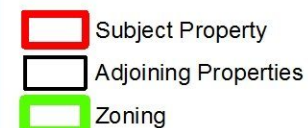


Map_ID	Owner
A	ROSWELL FARMS LLC
B	OWENS, JAMES L (OWENS, JUDITH S)
C	CHURCH OF GOD PROPHECY
D	LONG, WILLIAM A JR
E	WHEELER, JANICE CAUDILL
F	WHEELER, JANICE CAUDILL
G	PARADISE, WILLIE H (PARADISE, SHIRLEY H)
H	ROSWELL FARMS LLC & OTHER
I	HURTA DO, JOSE L AVILA (TORRES, GABRIELE)
J	EBERT, JENNIFER WICKER
K	JOHNSTONE, JUDITH C
L	PICKETT, NANCY JOHNSTONE
M	FOLAND, MARK LLOYD
N	PROGRESS ENERGY CAROLINAS
O	PROGRESS ENERGY CAROLINAS
P	MANESS, LESTER J (MANESS, MARGIE M)
Q	YOUNTS, BETTY HOWARD TRUSTEE (YOUNTS, LEE TRUSTEE)
R	BRASWELL, ROBERT
S	MILLER, LARRY (MILLER, CAROLYN)
T	MUQDAS, MUHAMMAD
U	WINCHESTER, DEAN
V	MENDOZA, JUAN ORTIZ
W	REEDER, JACKIE DANIEL
X	COX, CLARA P

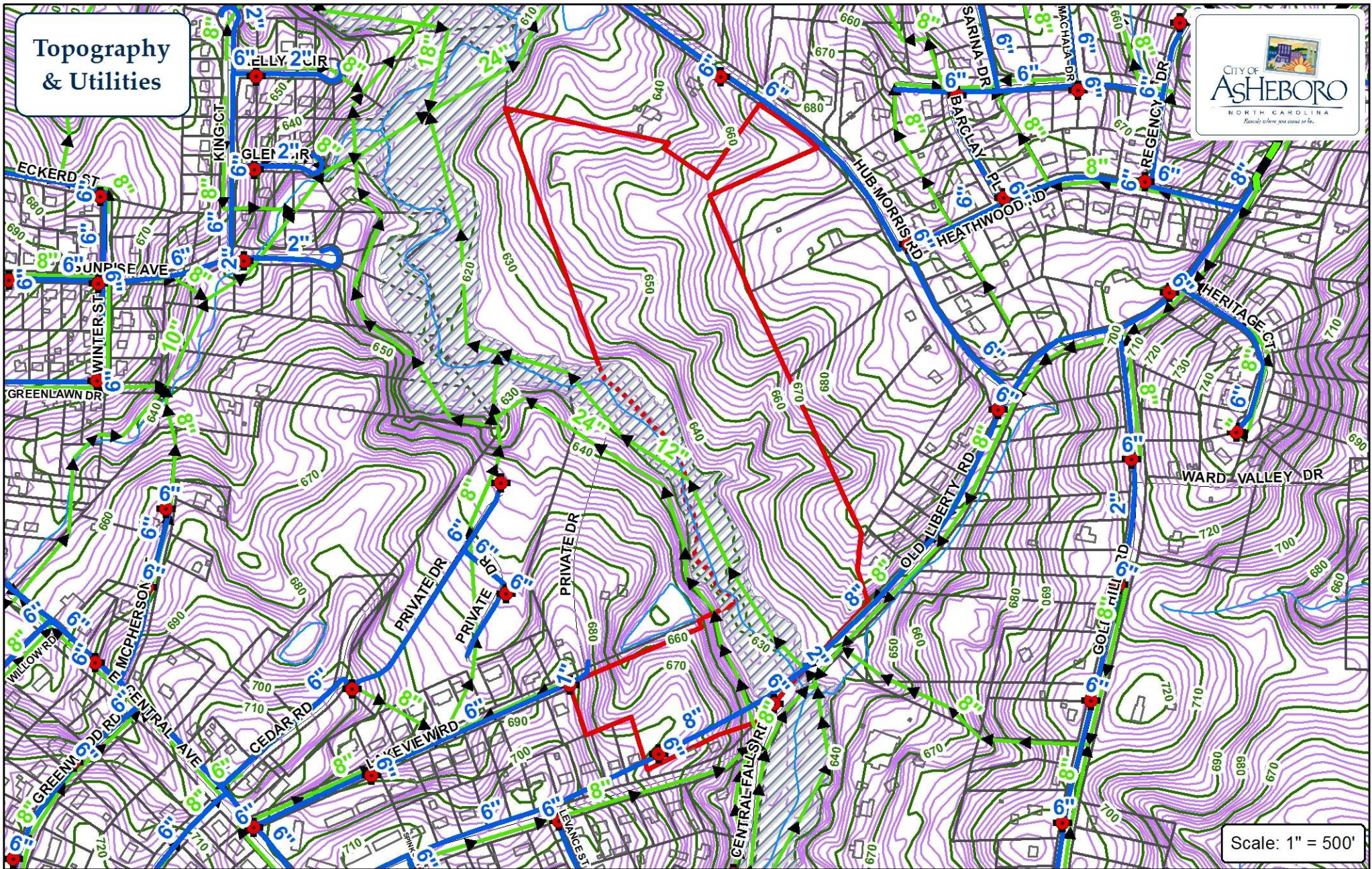
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-18-16
Conditional Use Permit: RZ-18-16

Parcel: 7763505528



Topography & Utilities



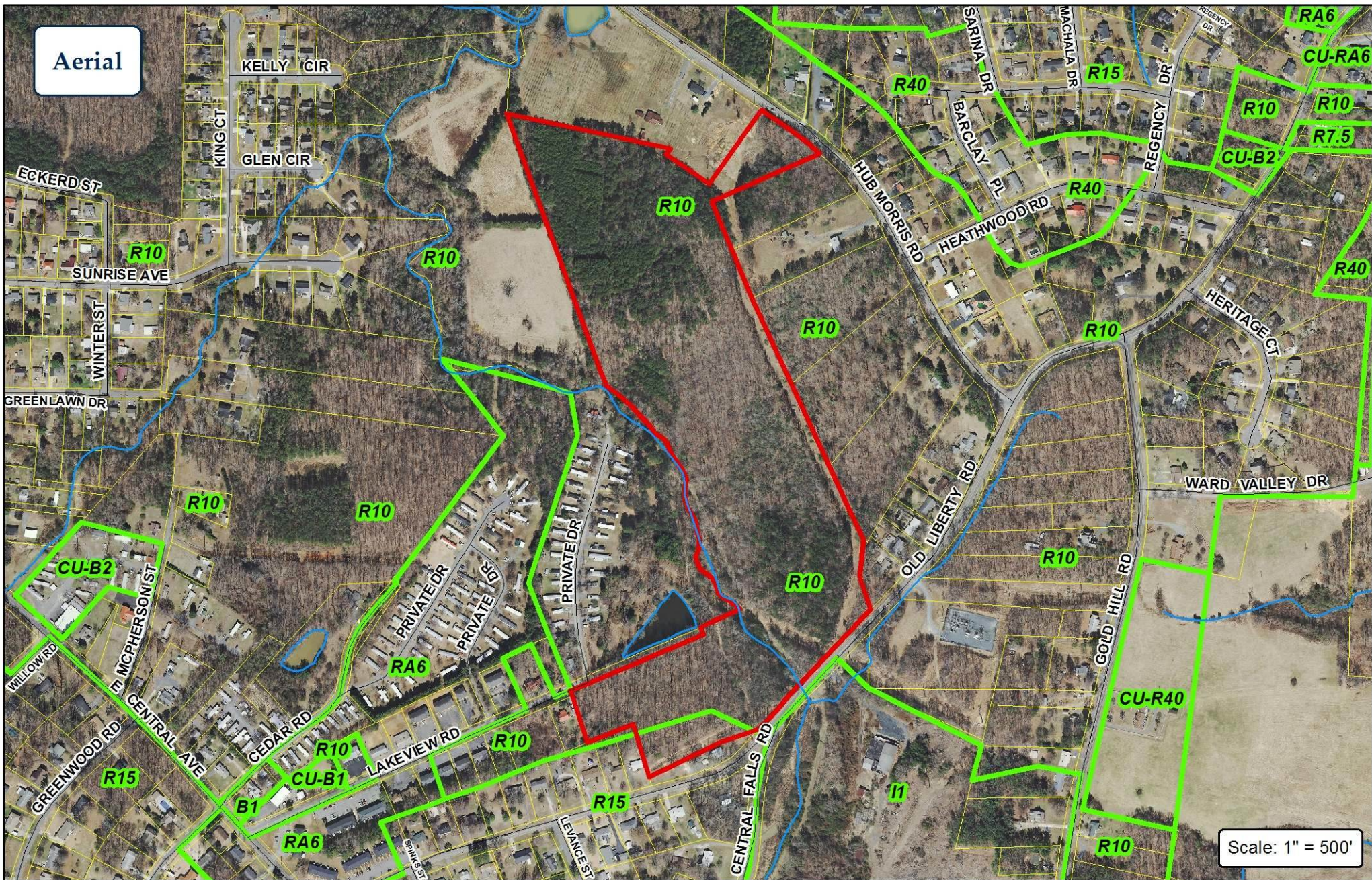
Scale: 1" = 500'

-  Water Main
-  Sewer Main
-  Force Main
-  Fire Hydrant
-  PS Pump Station

City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-18-16
Conditional Use Permit: RZ-18-16
Parcel: 7763505528

 Subject Property

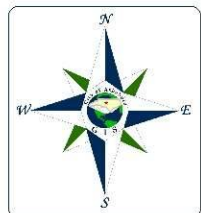
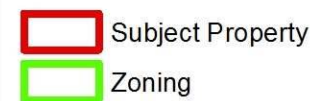




City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-18-16
Conditional Use Permit: RZ-18-16

Parcel: 7763505528



Conditional Use Permit Staff Report

CUP Case No. CUP-18-16

11/8/2018 City Council

General Information

Name Ben Ludwig Thunderhead Solar, LLC
Address 1519 King Street
Charleston SC 29407
Phone 543-277-2090
Pin # 7763505528

Location Hub Morris Road/Old Liberty Rd./Lakeview Road (see legal description for more precise location)

Requested Action: Conditional Use Permit for Solar Farm

Existing Zone R15/R10

Existing Land Use Undeveloped property

Size 37.37 acres +/-

Applicant's Reason as stated on application

Developing a 2 MW Solar Farm

Surrounding Land Use

North Single-family residential

East Industrial/Utility Substation

South Single-family/Solar Farm (Under const.)

West Mobile home park/single-family residential

Zoning History N/A

Growth Strategy Map Primary Growth/Adjacent
Developed

Proposed L D P Map Neighborhood Residential

Legal Description

The property of Roswell Farms, LLC, located southwest of 1019 Old Liberty Rd., on the south side of Hub Morris Road, and east of the terminus of Lakeview Road, more specifically identified by Randolph County Parcel Identification Number 7763505528 and totaling approximately 37.3 acres +/- **NOTICES TO ADJOINING PROPERTY OWNERS WERE MAILED: Friday, October 19, 2018**

Analysis

1. The request is for a solar farm, which is defined in part as a facility producing solar energy for retail or wholesale sale of generated energy.
2. A solar farm is permitted with a Special Use Permit in the R40 Low-Density Residential zoning district. The requested Conditional Use Permit precludes the need for a SUP.
3. A solar farm generally requires a 50' landscaped screen (Screen "D") around the perimeter of the property, which includes evergreen trees and/or shrubs. Equivalent existing vegetation may count towards this requirement.
4. The property is currently undeveloped. The sole use of the property as proposed is for a solar farm.
5. A portion of the property is within a flood hazard area (100 year flood zone and floodway). No solar panels or other structure(s) are proposed within the flood area.
6. Two entrances are proposed. One is from Old Liberty Road and one is from Hub Morris Road.

LDP Conformity Issues See rezoning staff report.

Conditional Use Permit Staff Report

CUP Case No. CUP-18-16

Page 2

Staff Comments

Suggested Conditions

Draft Conditions as of 11-1-18:

(A) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the applicant shall submit documentation detailing the following approvals:

- i.) Driveway permit from NCDOT
- ii.) Erosion control approval from NC Department of Environmental Quality

(B) Landscaping equivalent to Type D screening materials (existing or planted) specified in Section 652.2(iii) shall be installed adjacent to the eastern corner of the James L. Owens & Judith S. Owens property described in DB 2465/PG 1242 and Roswell Farms, LLC property described in DB 2020 PG 750),

(C) As specified in Section 652.2 (iii), both the planted screening proposed on the site plan and existing vegetation may count towards the Screen D requirements along the perimeter of the property.

(D) The site plan contains an error labeling a 15' side setback along the front yard setback of Old Liberty Road. This error shall be corrected to reflect the correct 30' front setback and a revised copy of the site plan shall be submitted to City staff for inclusion into the file without further review by City Council.

(E) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute, and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this Conditional Use Permit in the chain of title for the Zoning Lot.

For Conditional Use Permit Hearings:

The following tests shall be found in favor of the applicant by the City Council.

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

If any Conditional Use Permit is discontinued for a period of 180 days; or the permit is not initiated within 180 days; or replaced by a use otherwise permitted in the zoning district, it shall be deemed abandoned and the Conditional Use Permit shall be null and void and of no effect.

CUP-18-16

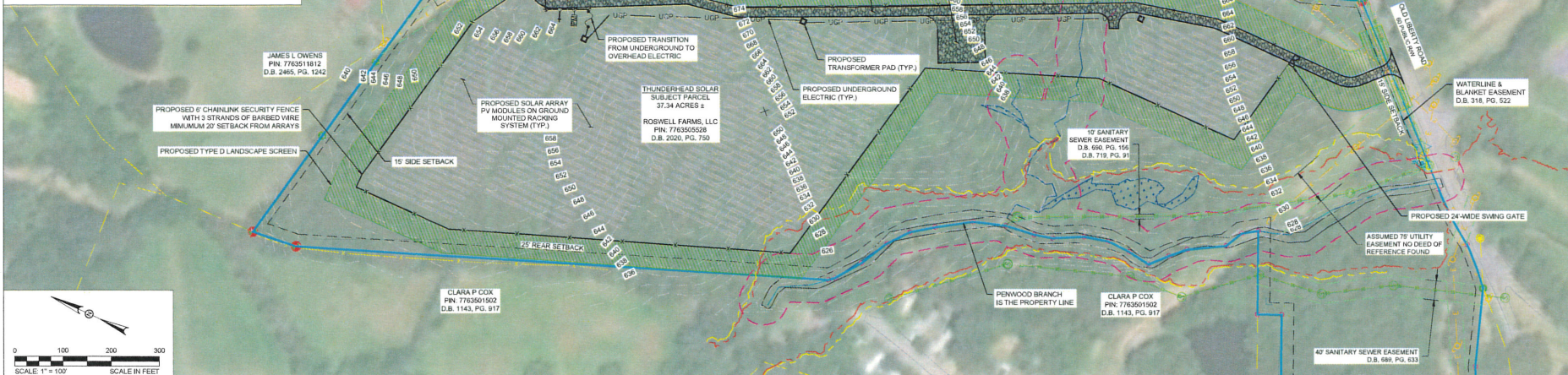
652 Solar Farms

652.1 Purpose: This section is intended to provide the opportunity for solar energy to serve as a viable form of alternative energy generation while protecting public health, safety and general welfare. These regulations are particularly intended to ensure the compatibility of these facilities with the low intensity residential character of the R40 residential zoning district.

652.2 General Requirements: When a special use permit is required, a solar farm shall be subject to the following requirements:

- (i) All structures and solar collectors associated with solar farms shall observe setbacks specified by Table 200-1, as modified by Front Yard Averaging requirements (Article 300, Section 305). No structure or equipment may be located within the required perimeter landscaping yard described in Subsection (ii) below.
- (ii) Landscaping is required around the entire perimeter of the zoning lot. Such landscaping shall consist of a 50' wide screen with "Type D" screening materials as prescribed by Article 300A, Section 304A. In lieu of this screen and consistent with Section 304A.6 (Alternative Buffers and Screening), an applicant may utilize a 50' buffer consisting of existing vegetation if the applicant can demonstrate that an alternative buffer preserves mature vegetation and provides a degree of opacity, compatibility, and protection to adjoining properties that is equal to or greater than a 50' wide "Type D" screen. Additional evergreen plantings shall be incorporated into this alternative buffer as necessary to achieve this intent.
- (iii) Electric solar energy components shall have a UL listing and be designed with anti-reflective coating(s).

	650	EXISTING MAJOR CONTOUR (5)
	651	EXISTING MINOR CONTOUR (1)
		EXISTING PROPERTY BOUNDARY
		EXISTING LEASE BOUNDARY
		EXISTING ADJACENT PROPERTY BOUNDARY
		EXISTING EASEMENT
		EXISTING 50' STREAM BUFFER
		EXISTING SANITARY SEWER LINE
		EXISTING OVERHEAD ELECTRIC
		EXISTING FENCE
		EXISTING DITCH
		EXISTING 500 YEAR FLOOD PLAIN
		EXISTING 100 YEAR FLOOD PLAIN
		EXISTING FLOODPLAIN
		EXISTING WETLANDS
		PROPOSED FENCE
		PROPOSED UNDERGROUND ELECTRIC
		PROPOSED ACCESS ROAD
		PROPOSED TYPE D LANDSCAPE BUFFER
		PROPOSED SOLAR MODULE ARRAY

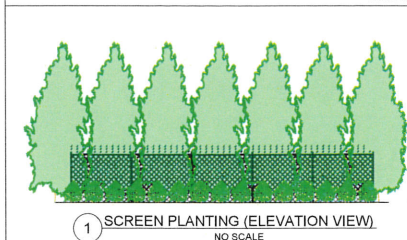


GENERAL NOTES

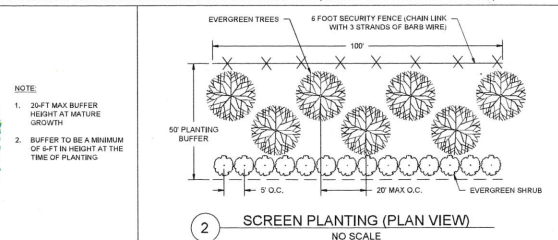
PIN: 7763505528
OWNER: ROSWELL FARMS, LLC
DB/PG: 002020/00750
CURRENT ZONING: R10
PROPOSED ZONING: R40
PARCEL ACREAGE: 37.37
LEASED ACREAGE: 37.37
CURRENT LAND USE: RESIDENTIAL
SITE ADDRESS: HUBBARD PARK RD & HEATHWOOD DR, ASHEBORO, NC 27203
PROPOSED USE: SOLAR ENERGY FARM
YARD SETBACKS:

*LAYOUT WITHIN FENCE IS SUBJECT TO CHANGE WITH FINAL ELECTRICAL DESIGN.

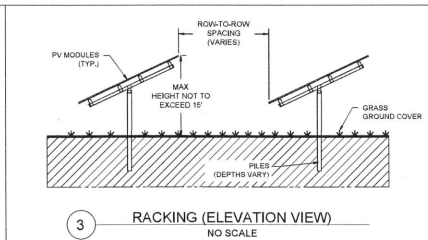
1. THE PURPOSE OF THIS PLAN IS FOR A SOLAR FARM APPLICATION FOR REVIEW AND APPROVAL, BY THE CITY OF ASHBORO TO CONSTRUCT A SOLAR ENERGY SYSTEM. ALL INFORMATION SHOWN IS FOR PLANNING PURPOSED ONLY.
2. PROJECT AREA, INCLUDING CONSTRUCTION STAGING AREAS, WILL BE CLEARED AND GRUBBED AS NECESSARY, RETAINING PRE-DEVELOPMENT DRAINAGE PATTERNS (I.E. - NO MASS GRADING). MINOR GRAVEL WILL OCCUR AROUND INVERTER AREAS TO DIVERT SURFACE DRAINAGE. CONSTRUCTION STAGING AND AREAS SUBJECT TO RUTTING DURING CONSTRUCTION WILL BE TEMPORARILY STABILIZED WITH GRAVEL THAT WILL REMAIN AFTER CONSTRUCTION. SOIL CONDITIONS AND EQUIPMENT LOADS WILL DETERMINE FINAL DESIGN.
3. ACCESS ASIES SHOWN ON THIS PLAN INDICATE CONSTRUCTION AND MAINTENANCE ACCESS POINTS FOR INGRESS/EGRESS. PRIOR TO CONSTRUCTION, THESE ASILES ARE COMPACTED BY A SMOOTH DRUM OR SHEEPSFOOT ROLLER TO REDUCE/REVENT RUTTING. GRAVEL MAY BE PLACED IN HIGH TRAFFIC OR POORLY DRAINING AREAS DURING CONSTRUCTION ACTIVITIES TO IMPROVE ACCESS. SOIL ACCESS ASILES WILL BE SCARIFIED, AERATED, AND RE-SEEDED AFTER CONSTRUCTION. ACCESS ASILES TO INVERTERS MAY REQUIRE GRAVEL TO SUPPORT DELIVERY EQUIPMENT LOADS. SOIL CONDITIONS AND FINAL EQUIPMENT SELECTION WILL DETERMINE IF GRAVEL ACCESS ASILES WILL BE REQUIRED TO INVERTER LOCATIONS.
4. UTILITY LINES AND SERVICES SHOWN HEREON ARE APPROXIMATE PER AERIAL PHOTOGRAPHY OR AS REPORTED BY VARIOUS RESPONSIBLE PARTIES. LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE AND MUST BE FIELD VERIFIED. CALL ONE CALL CENTER BEFORE DIGGING AT 811.
5. THE PROPERTY SHOWN HEREON DOES NOT LIE IN A FEMA SPECIAL FLOOD HAZARD AREA PER FEMA FIRM MAP PANEL NO. 37107850J DATED JANUARY 2, 2006.
6. ALL RIGHT-OF-WAYS ARE PUBLIC, UNLESS NOTED OTHERWISE.
7. A DRIVEWAY PERMIT WILL BE APPROVED BY NCDOT PRIOR TO BEGINNING CONSTRUCTION.
8. NO LIGHTING IS PROPOSED FOR THIS SITE.
9. LANDSCAPING IS REQUIRED AROUND THE ENTIRE PERIMETER OF THE ZONING LOT. THE LANDSCAPING SHALL CONSIST OF EITHER A PLANTED OR NATURAL, SCREEN AT LEAST 50 FOOT WIDE WITH "TYPE D" SCREENING.
10. SITE USES WILL COMPLY WITH PERFORMANCE STANDARDS IN RESIDENTIAL DISTRICTS (SECTION 318A OF THE ZONING ORDINANCE).



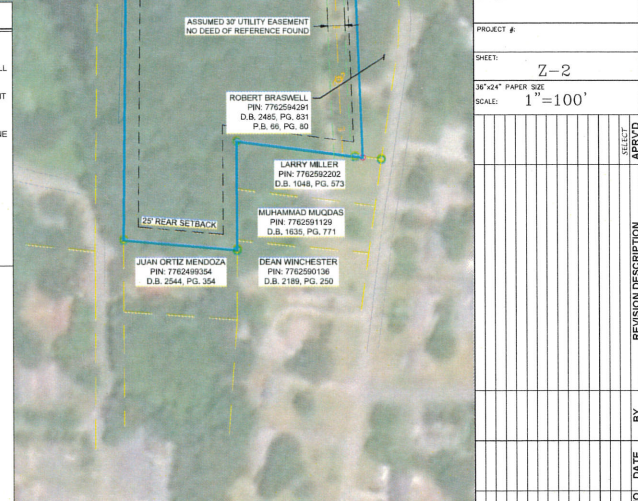
1 SCREEN PLANTING (ELEVATION VIEW)
NO SCALE



2 SCREEN PLANTING (PLAN VIEW)
NO SCALE



3 RACKING (ELEVATION VIEW)
NO SCALE



1519 King Street Ext.
Charleston, S.C. 29405

THUNDERHEAD SOLAR, LLC
ZONING SITE PLAN WITH AERIAL IMAGERY

RANDOLPH COUNTY
ASHEBORO, NC

ENGINEER:

BRYANT PATRICK

DRAFTER:

PROJECT #

SHEET:

36"x24" PAPER SIZE
SCALE: 1"=100'

[illegible]



RZ-18-17: Text amendments to the Zoning Ordinance related to permitted floor area ratio

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-18**
 -17

Date 10-1-18 Planning Board

Applicant City of Asheboro

Legal Description
See requested action

Requested Action Amendments to Table 200-1 (Table of Area, Height, Bulk and Placement Regulations) related to floor area ratio (permitted ratio of buildings based on land area), and minimum lot sizes in certain districts.

Existing Zone N/A

Land Development Plan See 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-18-17

Date 10/1/2018 Planning Board
11/8/2018 City Council

General Information

Applicant City of Asheboro

Address 146 North Church St.

City Asheboro NC 27203

Phone 336-626-1201

Location N/A

Requested Action Text amendments to the zoning ordinance: Table 200-1 concerning area, height, bulk and placement regulations, specifically related to floor area ratio requirements

Existing Zone N/A

Existing Land Use N/A

Size N/A

Pin # N/A

Applicant's Reasons as stated on application

See staff's analysis below.

Surrounding Land Use

North N/A

East N/A

South N/A

West N/A

Zoning History Article 200, Table 200-1 was last modified in April, 2009, reflecting the addition of two new zoning districts (Mercantile and Tourism-Hospitality).

Legal Description

Amendments to Table 200-1 (Table of Area, Height, Bulk and Placement Regulations) related to floor area ratio (permitted ratio of buildings based on land area), and minimum lot sizes in certain districts.

Analysis

1. Staff is proposing text amendments to Table 200-1 concerning maximum gross floor area (FAR). FAR is defined as "the ratio of permitted floor area to the area of the lot." Related definitions are attached to this report.
2. The maximum FAR in R7.5 and R10 (both Medium-Density Residential) districts and the R15 (Low-Density Single-Family Residential) district is 22%. The maximum FAR in the R40 (Low-Density Residential) district is 19%. The RA6 (High-Density Residential) and OA6 (Office-Apartment) district has a more restrictive 17% maximum floor area which applies to all residential uses (single-family, two-family, and multi-family). If a zoning lot with RA6 or OA6 zoning possessed the minimum 6,000 SF of lot size, this would limit the maximum gross floor area to a total of 1,020 SF for a dwelling(s) located on the zoning lot.
3. The intent is to ensure that the maximum floor area is consistent for single-family and two-family dwellings in all residential zoning districts. Therefore, the current proposal is to increase the maximum FAR from 17 to 22 percent by-right for all single-family and two-family dwellings in the RA6 and OA6 districts and from 19 percent to 22 percent for all single-family and two-family dwellings in the R40 zoning district.
4. This helps address concerns over single-family and two-family dwellings becoming non conforming or becoming unable to make improvements or additions that would be allowable in other residential districts should a property be rezoned from one district allowing single- & two-family residential uses to another district allowing these residential uses.
5. Changes are not proposed related to the maximum FAR for multi-family dwellings, which is 17% by right in an RA6 (High-Density Residential) or OA6 (Office-Apartment) zoning district or 22% with a Special Use Permit.
6. The proposal would not allow more dwelling units on a zoning lot than what is currently permitted.
7. FAR provisions do not apply within the Center City Planning Area. The scale of buildings in this area is addressed through height limitations and maximum impervious coverage requirements.
8. The proposal slightly increases the allowable FAR for non-residential uses (i.e. places of worship, schools) that typically require a Special Use Permit in the R40 (from 19 to 22 percent) and RA6 (from 17 to 22 percent) district.

Rezoning Staff Report

RZ Case # RZ-18-17

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.

Proposed Land Use Map Designation N/A

Small Area Plan N/A

Growth Strategy Map Designation 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.

2.1.2 The City will investigate the creation of an adaptive reuse program to aid infill development. The program will ensure that zoning and building codes are flexible to allow safe, affordable, and compatible reuse of existing buildings and guide business owners through the redevelopment process.

Goal 3.1: Enhancement, maintenance, and preservation of the built environment

Goal 3.2: Quality design demanding appropriate scale and context

Rezoning Staff Report

RZ Case # RZ-18-17

Page 3

LDP Goals/Policies Which Do Not Support Request

Staff's Final Analysis Concerning Consistency with Adopted Comprehensive Plans, Reasonableness and Public Interest

The proposed text amendments are designed to provide consistent single-family and two-family residential floor area ratio (FAR) among residential districts. The proposed text amendments do not change the allowable density (i. e. dwellings per acre) of residential development, but are designed to allow a reasonable use of property by helping to remove barriers to residential investment, particularly on smaller parcels of land in established neighborhoods.

While there is also a small increase in the allowable floor area for certain non-residential uses in residential districts, the quasi-judicial review process typically required for these uses can ensure development is at an appropriate scale in those limited cases.

Considering these factors, staff believes the proposed text amendments are consistent with the Land Development Plan and therefore are generally in the public interest and support a reasonable use of property.

Recommendation In light of the above analysis, staff's recommendation is to approve the proposed zoning text amendments.

Current Zoning Ordinance Definitions (Article 1100) are below for reference.

Floor Area, Gross- The sum in square feet of the horizontal areas on all floors of a building or buildings measured from the outside faces of the exterior walls including halls, lobbies, arcades, stairways, elevator shafts, enclosed porches and enclosed balconies, and any below-grade floor area used for habitation, access and storage. Attic area shall be counted when used for habitation. In calculating attic space, only areas enclosed for habitation shall be counted. Open porches, balconies, patios, decks, and attached garages and/or carports shall not be considered in Floor area calculations.

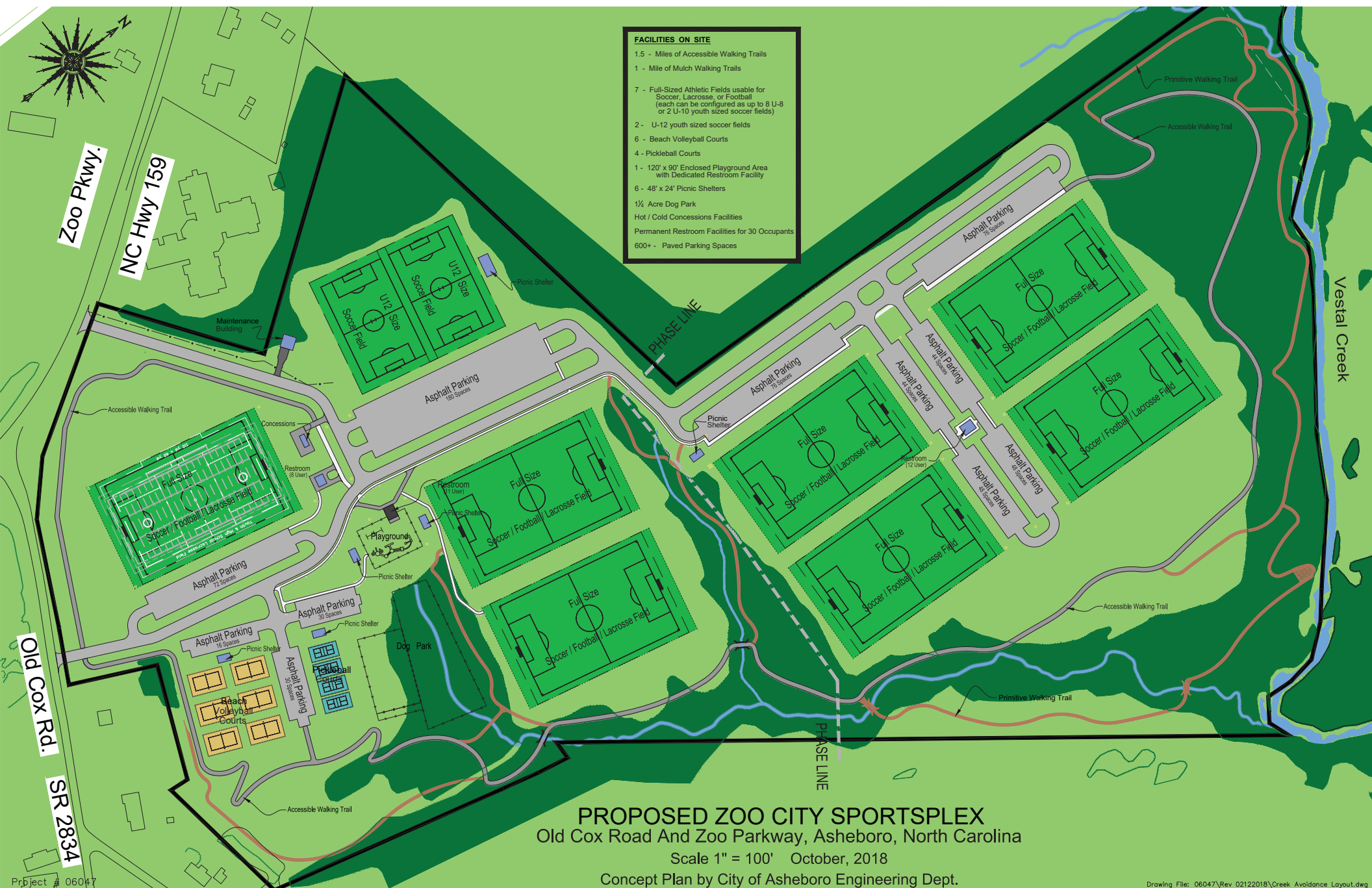
Floor Area Ratio - The ratio of permitted floor area to the area of the lot.

Table 200-1

Table of Area, Height, Bulk and Placement Regulations

District	Minimum Lot Size in Sq. Ft.	Lot Width (Frontage) In Feet*	Front Required Yard in Feet*	Side Required Yard In Feet*	Rear Required Yard in Feet*	Maximum Height in Feet*	Maximum Floor Area Ratio*	Open Space Ratio*	Recreation Ratio*
Required Yards* (Setbacks) Front Side Rear									
R40	40,000 SF 80,000 Duplex 40,000 NonRes	100	30	15	25	35	22% 22% 22%	19	
R15	15,000 SF	100	30	15	25	35	22%		
1 Single Family Only									
R10	10,000 SF 15,000 Duplex 10,000 NonRes	75	30	10	25	35	22% 22% 22%		
R7.5	7,500 SF 11,500 Duplex 7,500 NonRes	60	25	10	20	35	22% 22% 22%		
RA6	Residential (SF & Duplex) 6,000	60	25	10	20	35	22%		
	Multi Family: Maximum 4 Units Permitted Less than 45,000				Less than 45,000 sq.ft. 4 units		17%	30%	
	Multi Family: Greater than 45,000		Min 45,000 sq ft for 5 or more units				17%	52%	3.3%
	Multi Family: Greater than 45,000 with SUP		WITH SUP 45,000 sq. ft. min. required				22%	52%	3.3%
	Non-residential 6,000	60	25	10	20	35	22%		
OA6	Residential (SF & Duplex) 6,000	60	25	10	20	35	22%		
	Multi Family: Maximum 4 Units Permitted Less than 45,000				Less than 45,000 sq.ft. 4 units		17%	30%	
	Multi Family: Greater than 45,000		Min 45,000 sq ft for 5 or more units				17%	52%	3.3%
	Multi Family: Greater than 45,000 with SUP		WITH SUP 45,000 sq. ft. min. required				22%	52%	3.3%
	Non-residential 6,000	60	25	10	20	35	30%		
	Multi Use: Minimum 45,000 for 5 or more units				Min 45,000 sq ft for 5 or more units		30%		
O&I	6,000	60	25	10	20	35	30%		
	Multi Use: Minimum 45,000 for 5 or more units				Min 45,000 sq ft for 5 or more units		30%		
B1	6,000	60	25	15	15	25	33%		
M	10,000	75	25	10	10	25	33%		
B2	10,000	75	25	0 or 5	0 or 5	35	100%		
TH	40,000	100	30	10	10	35	100%		
B3	N/A	N/A	0	0 or 5	0 or 5	50	N/A		
I1	10,000	75	10	10	10	45	N/A		
I2	20,000	100	10	10	10	45	N/A		
I3	30,000	100	50	20	20	45	N/A		

*Except as specifically modified by this Ordinance by Article 300 or by buffering and screening requirements.

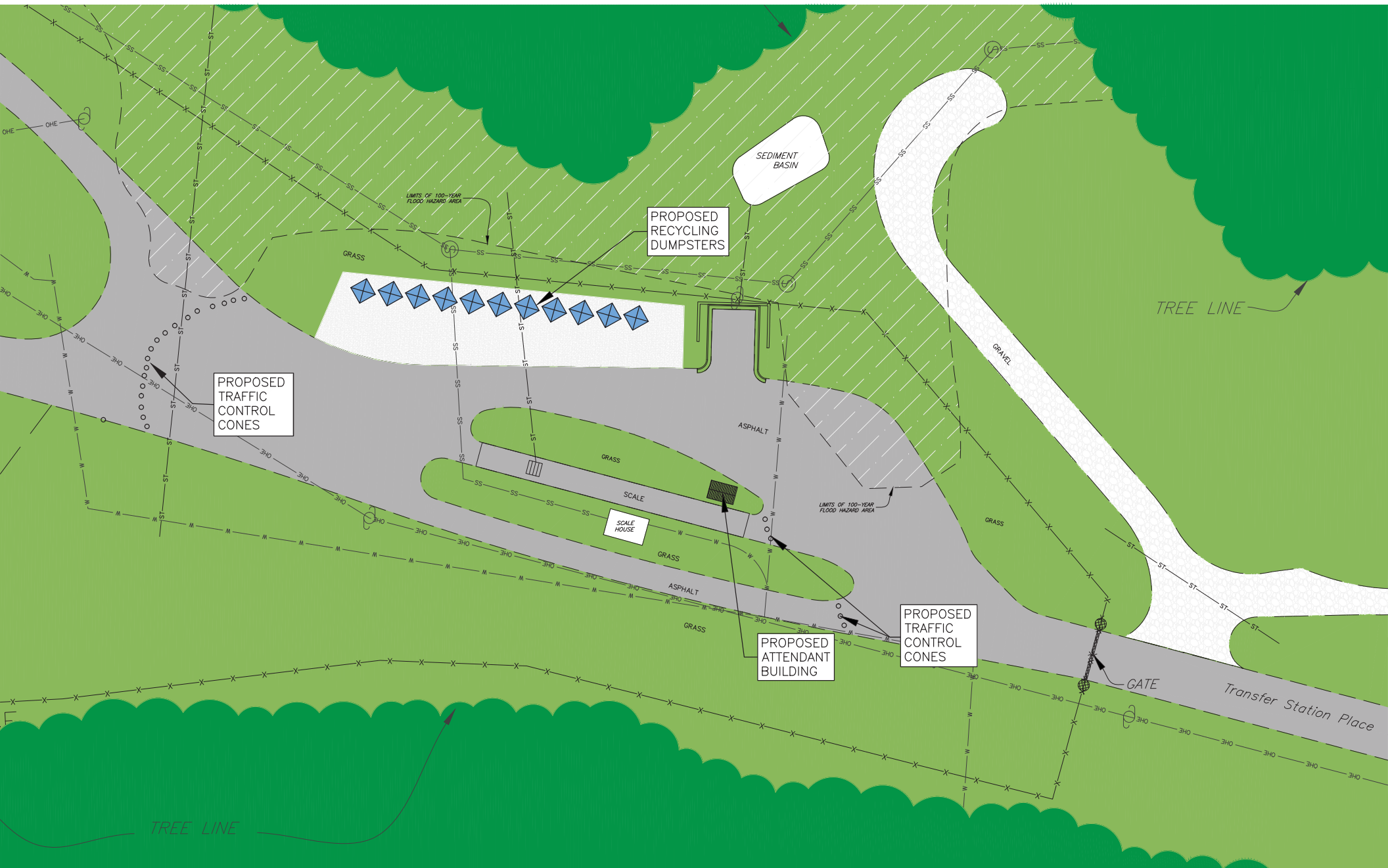


- FACILITIES ON SITE**
- 1.5 - Miles of Accessible Walking Trails
 - 1 - Mile of Mulch Walking Trails
 - 7 - Full-Sized Athletic Fields usable for Soccer, Lacrosse, or Football (each can be configured as up to 8 U-8 or 2 U-10 youth sized soccer fields)
 - 2 - U-12 youth sized soccer fields
 - 6 - Beach Volleyball Courts
 - 4 - Pickleball Courts
 - 1 - 120' x 90' Enclosed Playground Area with Dedicated Restroom Facility
 - 6 - 48' x 24' Picnic Shelters
 - 1 1/4 Acre Dog Park
 - Hot / Cold Concessions Facilities
 - Permanent Restroom Facilities for 30 Occupants
 - 600+ - Paved Parking Spaces

PROPOSED ZOO CITY SPORTSPLEX
Old Cox Road And Zoo Parkway, Asheboro, North Carolina

Scale 1" = 100' October, 2018

Concept Plan by City of Asheboro Engineering Dept.



ORDINANCE NO. _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**AN ORDINANCE TO EXTEND THE ASHEBORO CITY LIMITS BY
ANNEXING A PARCEL OF LAND THAT IS CONTIGUOUS WITH THE
EXISTING PRIMARY CITY LIMITS AND IS OWNED BY THE
STATE EMPLOYEES' CREDIT UNION**

WHEREAS, in accordance with Section 160A-31 of the North Carolina General Statutes, the State Employees' Credit Union, which is a North Carolina non-profit corporation acting by and through its authorized corporate officers, petitioned the City of Asheboro to annex into the primary city limits the non-profit corporation's approximately 14.521-acre parcel of land that is identified by Randolph County Parcel Identification Number 7761738476; and

WHEREAS, the territory proposed for annexation, including territory within the public right-of-way for East Salisbury Street, is described by metes and bounds in Section 1 of this Ordinance; and

WHEREAS, on October 4, 2018, by means of a duly adopted resolution (Resolution Number 24 RES 10-18), the Asheboro City Council directed the city clerk to investigate the sufficiency of the annexation petition, and the city clerk has in fact certified the sufficiency of the petition; and

WHEREAS, pursuant to Asheboro City Council Resolution Number 25 RES 10-18, a legal notice was published on October 19, 2018, in *The Courier-Tribune*, a newspaper with general circulation in the City of Asheboro, announcing that a public hearing to consider the adoption of an ordinance annexing the described territory into the City of Asheboro would be held during the Asheboro City Council's next meeting, which would be a regular meeting scheduled to begin at 7:00 o'clock p.m. on the 8th day of November, 2018, in the council chamber on the second floor of Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203; and

WHEREAS, the public hearing was held, as advertised, on the 8th day of November, 2018; and

WHEREAS, the Asheboro City Council has determined that the annexation petition meets the requirements of Section 160A-31 of the North Carolina General Statutes.

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

Section 1. By virtue of the authority granted in Section 160A-31 of the North Carolina General Statutes, the following described territory is hereby annexed and made part of the City of Asheboro, North Carolina:

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the existing City of Asheboro primary city limits line at a mathematical point in the southern margin of the public right-of-way for East Salisbury Street (North Carolina Secondary Road 2237), the beginning point is North 78 degrees 01 minute 56 seconds East 181.08 feet from a control point located by means of the North Carolina Coordinate System at the coordinates of North 712,331 feet and East 1,767,543 feet (NAD 83); thence from the beginning point proceeding along the proposed Asheboro primary city limits line across the public right-of-way for East Salisbury Street North 03 degrees 40 minutes 38 seconds East 64.97 feet to an iron rod or pipe set in the northern margin of the public right-of-way for East Salisbury Street at the southwestern corner of the State Employees' Credit Union property described in Deed Book 2611, Page 556, Randolph County Registry (this State Employees' Credit Union property is the parcel of land for which an annexation petition, which also lists Book of Record 2611, Page 559, Randolph County Registry as a deed reference for the property, has been received; this property is currently identified by Randolph County Parcel Identification Number 7761738476; and the described parcel of land will be hereinafter referred to as the "Annexation Parcel"); thence departing from the northern margin of the public right-of-way for East Salisbury Street and proceeding along the proposed Asheboro primary city limits line by following the western boundary line of the Annexation Parcel the following two courses and distances: North 03 degrees 40 minutes 38 seconds East 1,277.95 feet to an existing iron rod or pipe; thence North 02 degrees 28 minutes 46 seconds East 705.70 feet to an existing iron rod or pipe at the northwestern corner of the Annexation Parcel; thence departing from the Annexation Parcel's western boundary line and continuing along the proposed Asheboro primary city limits line by following the Annexation Parcel's northern boundary line South 84 degrees 34 minutes 19 seconds East 353.96 feet along the Faedene R. Maness property described in Deed Book 1942, Page 912, Randolph County Registry to a mathematical point at the northeastern corner of the Annexation Parcel; thence departing from the northern boundary line of the Annexation Parcel and following the proposed Asheboro primary city limits line along the eastern boundary line of the Annexation Parcel the following course and distance: South 04 degrees 32 minutes 31 seconds West 1,883.09 feet to a mathematical point in the northern margin of the public right-of-way for East Salisbury Street at the southeastern corner of the Annexation Parcel; thence continuing along the proposed Asheboro primary city limits line by proceeding South 04 degrees 32 minutes 31 seconds West 68.09 feet

across East Salisbury Street to a mathematical point in the southern margin of the public right-of-way for East Salisbury Street; thence departing from the proposed Asheboro primary city limits line and following the existing Asheboro primary city limits line South 78 degrees 01 minute 56 seconds West 321.51 feet along the southern margin of the public right-of-way for East Salisbury Street to the point and place of BEGINNING, and containing a total of 14.994 acres of land (14.521 acres in the Annexation Parcel and 0.473 of an acre within the public right-of-way for East Salisbury Street), more or less, to be annexed.

The above-stated legal description is in accordance with a plat of survey identified as Drawing 18-0048-ANNEX for Project No. 18-0048 that was completed under the direct and responsible charge of Thomas A. Tellup, Professional Land Surveyor with Registration Number L-4298. The plat of survey is titled "ANNEXATION MAP FOR: STATE EMPLOYEES' CREDIT UNION."

Section 2. Upon and after November 8, 2018, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. The above-described territory shall be subject to municipal taxes according to Section 160A-58.10 of the North Carolina General Statutes.

Section 3. The Mayor of the City of Asheboro shall cause to be recorded in the Office of the Randolph County Register of Deeds and in the Office of the North Carolina Secretary of State an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this Ordinance. Such a map shall also be delivered to the Randolph County Board of Elections as required by Section 163A-1594 of the North Carolina General Statutes.

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

Section 5. This Ordinance shall be in full force and effect upon and after the 8th day of November, 2018.

**[The remainder of this page was intentionally left blank.
The immediately following page is the signature page for this Ordinance.]**

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 8th day of November, 2018.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

Approved as to form:

Jeffrey C. Sugg, City Attorney

Proposed Regular Meeting Schedule for the Asheboro City Council for 2019

<u>Month</u>	<u>Meeting Date</u>
January	10 th
February	7 th
March	7 th
April	4 th
May	9 th
June	6 th
July	11 th
August	8 th
September	12 th
October	10 th
November	7 th
December	5 th