

**AGENDA
REGULAR MEETING
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, OCTOBER 4, 2018, 7:00 PM**

1. Call to order.
2. Silent prayer and pledge of allegiance.
3. Mayor David Smith will administer the Oath of Office to Asheboro Fire Chief Willie Summers.
4. Mayor Smith will present a Key to the City to Mary Joan Pugh for her many years of leadership and public service to the citizens of Asheboro.
5. Consent Agenda:
 - (a) Approval of the meeting minutes for the regular city council meeting on September 6, 2018.
 - (b) Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for August 6, 2018.
 - (c) Approval of the dates, along with certain associated rules, for the 2018-2019 dark geese (Canada & white-fronted geese) and duck hunting season at Lake Reese.
 - (d) Approval of the temporary closure on October 31, 2018, from 6:30 pm to 8:30 pm, 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.
 - (e) Approval of the temporary closure on November 4, 2018, from 3:00 pm to 4:00 pm, of the streets indicated on the parade permit application and map for a horse parade.
 - (f) Approval of the temporary closure on November 11, 2018, from 4:00 pm to 5:00 pm, of the streets indicated on the parade permit application and map for the Veterans Day Parade.
 - (g) Approval of Change Order #1 (Final) on the Industrial Rail Spur Tracks Technimark CDBG Project (HGnS, Inc. dba 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.

- (h) Approval of an ordinance to amend the Economic Development Fund.
- (i) Request for 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 (Conditional Use Low-Density Residential) and for 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)
- 6. Combined public hearing for Case Nos. RZ-18-13 and CUP-18-13: Property at 618 and 622 Franks Street (Randolph County Parcel Identification Numbers 7761144135 and 7761144098).

Community Development Director Trevor Nuttall will present the staff analysis of an application to rezone the above described property from RA6 (High-Density Residential) to CU-O&I (Conditional Use Office & Institutional) and to issue a conditional use permit for a place of worship.
- 7. Public comment period.

8. City Engineer Michael Leonard, PE will present the following engineering items:
 - (a) Consideration of petition received from the State Employees' Credit Union requesting the annexation of a parcel (Randolph County PIN 7761738476) containing approximately 14.521 acres.
 - (i) Resolution directing the city clerk to investigate the annexation petition.
 - (ii) Resolution setting the date for a public hearing on the question of annexation.
 - (b) Consideration of a paving contract for street resurfacing.
9. Public Works Director David Hutchins will present the following public services items:
 - (a) Hurricane Florence recovery update.
 - (b) Recycling update and upcoming changes to program.
10. Water Resources Director Michael Rhoney will present the following water and wastewater utility items:
 - (a) Hurricane Florence recovery update.
 - (b) Resolution supporting and authorizing an application for an Asset Inventory and Assessment State Grant.
 - (c) Approval of Change Order #1 for the current Asheboro Wastewater Treatment Plant Digester Cover Project.
11. Mayor Smith will lead a discussion of upcoming events and items not on the agenda.
12. Adjournment.

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, SEPTEMBER 6, 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)
Walker B. Moffitt) – Council Members Present
Jane H. Redding)
Katie L. Snuggs)
Charles A. Swiers)

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, NCCP, City Clerk/Paralegal
Michael L. Leonard, PE, City Engineer
Mark T. Lineberry, Assistant Chief of Police
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney
D. Richard Thompson, Jr., Police Captain
Jody P. Williams, Chief of Police

1. Call to order.

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

2. Moment of silent prayer and pledge of allegiance.

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

3. Recognition of Retired Police Officer Charles Hamilton for his dedicated service to the City of Asheboro and its citizens.

Chief Williams presented retired Police Officer Charles Hamilton with his service side arm that he carried at the time of his retirement. A plaque that included his badge was given to Officer Hamilton at an earlier retirement luncheon.

Additionally, on behalf of Mayor Smith and the City Council, Mr. Ogburn expressed the city's appreciation for Mr. Hamilton's dedicated service and presented Police Officer Hamilton with a retirement plaque from the municipal corporation.

4. Presentation of a certificate of appreciation to Mr. James Armstrong for assisting an Asheboro Police Department Officer.

On behalf of the Asheboro Police Department, Chief Williams presented Mr. James Armstrong with a certificate of appreciation for assisting Asheboro Police Department Officer Traci Fisher. On the evening of June 17, 2018, Mr. Armstrong assisted Officer Traci Fisher with securing an individual who became combative. Chief Williams thanked Mr. Armstrong for his assistance and for being an outstanding citizen of the City of Asheboro.

5. Update on Zoo City Sportsplex.

YMCA Executive Director Patrick O'Hara gave a brief overview of the fundraising efforts for the Zoo City Sportsplex. During his presentation, Mr. O'Hara reported to the Mayor and Council Members that a significant amount of funding has been received from individuals and organizations for the construction of the Zoo City Sportsplex. The proposed facility will include, among other things, multi-purpose fields, a building for indoor soccer, disc golf, and volleyball courts.

A ground breaking ceremony will be held on October 12, 2018, at 3:00 p.m.

6. Update on the 2019 Sunset Signature Series.

Friends of the Library President Dr. Frances Jones highlighted the planned events for the 2019 Sunset Signature Series. The events, which are free to the public, will take place in the Sunset Theatre.

7. Update on an upcoming Sunset Theatre play.

Mr. Ross Holt invited the Mayor and Council Members to the upcoming Sunset Theatre play *Company K: From Asheboro to the Fields of France*. The play features performances enacting the life of soldiers and their families leading up to Company K's victorious battle during World War I. The event is free and will be held on September 29, 2018, at 8:00 p.m. in the Sunset Theatre.

8. Case No. RZ-18-11: A public hearing on an application to rezone property located at 624 Brewer Street and 621 Franks Street (Randolph County Parcel Identification Number 7761146503) from RA6 (High-Density Residential) and CU-B2 (Conditional Use General Commercial) to O&I (Office & Institutional).

Mayor Smith opened the floor for the resumption of the previously opened public hearing that was continued from the council's regular meeting on August 9, 2018. The requested legislative action that triggered this public hearing was the requested rezoning of approximately 3.32 acres of land from RA6 (High-Density Residential) and CU-B2 (Conditional Use General Commercial) to O&I (Office and Institutional).

The zoning map amendment application was filed by the Eastside Improvement Association, Inc. (the "Applicant"). The Applicant owns the land for which O&I zoning is requested. This land (the "Zoning Lot") is more specifically identified by Randolph County Parcel Identification Number 7761256503.

In addition to certifying to the Council that the statutorily prescribed notice of the public hearing had been provided, Mr. Nuttall utilized a visual presentation to summarize the planning staff's analysis of the rezoning application. The staff report noted the following:

1. The Zoning Lot is located inside the city limits.
2. Brewer and Franks Streets are both local streets. A sidewalk extends along Brewer Street in front of the property.
3. In 1982, a Special Use Permit was issued for a large child care facility (SUP-82-15) in the structure located at 624 Brewer Street. The daycare has ceased operations, and it is possible that the permit issued in 1982 should be deemed to be abandoned.
4. In 2001, the portion of the property with the structure (gym) at 621 Franks Street was rezoned from RA6 to CU-B2 (Conditional Use General Commercial) and a Conditional Use Permit (CUP-02-23) for a membership organization was issued.
5. In June 2018, the Applicant requested a Special Use Permit to change non-conforming uses in a residential district (from a large child care center to professional services (counseling)). The Council denied this request. The Ordinance does allow the applicant to file a new request as long as it is not the same as the request that was denied.
6. Available records show that the property has been used for non-residential purposes since at least the 1950's.
7. 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."
8. The request would allow any use permitted by right in the O&I zoning district, including the membership organization within the gym structure at 621 Franks Street.

Proposed Land Use Map Designation: Neighborhood Residential

Small Area Plan: Central

Growth Strategy Map Designation: Primary Growth

The planning board recommended approval of the request. This recommendation was based on the planning board's concurrence with the following analysis from the community development division staff that evaluated the consistency of the requested rezoning with the adopted comprehensive plans as well as the reasonableness of the request and whether the requested rezoning is in the public interest:

After considering the property's land use history and current zoning, including the potential for the former special use permit authorizing a daycare to no longer be

valid due to inactivity, staff believes the requested O&I district to be an appropriate district. The current RA6 district on a portion of the property is intended generally to permit high-density residential uses which does not match how this part of the property has been used historically and prevents most non-residential uses from occupying 624 Brewer Street. A new child care center would not be permitted by right or special use permit under the current zoning ordinance's RA6 standards. A cultural facility, place of worship, and schools are permitted in the current zoning district but require the issuance of a special use permit. In addition, the sidewalk located along Brewer Street along the entire length of the property is a transportation element that is consistent with the O&I district.

Approval of the request would also remove the conditional use general commercial district from the property. The general commercial zoning district, from a land use perspective, is a more commercially intensive zoning district than the office and institutional zoning district. The requested O&I district would continue to permit the gymnasium which has been considered to be a membership organization.

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

After the planning staff's analysis was presented, Dr. Dannellia Gladden Green, Mr. Bob Kollm, Mr. DeNeal McNair, Mr. Gerald Gordon, and Ms. Michele Hammond presented comments in support of the requested rezoning.

Mr. Lennitt Bligen, Mr. James Armstrong, Ms. Linda Bivens, and Dr. Kim McMasters presented comments and concerns in opposition to the requested rezoning.

After considering the staff analysis and the statements offered by all of the speakers, Mayor Smith transitioned to the deliberative phase of the hearing.

During the hearing, references had been made to the number of Land Development Plan ("LDP") goals and policies that supported the application (a total of five) versus the number of goals and policies that did not support the application (a total of two).

The LDP goals/policies that **supported** the application are listed as follows:

- (A) Checklist Item 5: The proposed rezoning is compliant with the objectives of the Growth Strategy Map.
- (B) Checklist Item 12: The property is located outside of watershed.
- (C) Checklist Item 13: The property is located outside of a Special Hazard Flood Area.
- (D) Checklist Item 14: The rezoning are is not located on steep slopes of greater than 20%.
- (E) Checklist Item 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.

The LDP goals/policies that **did not support** the application are listed as follows:

- (A) Checklist Item 1: Land Development Plan map compliance does not exist because the neighborhood residential designation for the Zoning Lot is not consistent with the requested O&I zoning district.
- (B) Checklist Item 3: The Zoning Lot does not fit the description provided for an O&I district in the zoning ordinance, specifically Article 200, Section 210, Schedule of Statements of Intent.

During their deliberations, Council Members articulated the concern that the range of land uses permitted in an O&I zoning district was too broad, especially in the absence of the protections offered by a conditional use district, for the Zoning Lot with its location in the middle of this residential area to be placed in such a district. Furthermore, the LDP analysis involves more than simply comparing the number of goals and policies that are listed as supportive or unsupportive of an application. Prioritization has to be applied to the different LDP goals and policies.

The Council Members disagreed with the planning staff and planning board analysis of the requested rezonings. LDP map compliance is given high priority, and the zoning ordinance description of the requested district should fit with the Zoning Lot. In the view of the Council Members, the application is not consistent with the high priority goals and policies of the LDP.

Council Member Carter moved to (a) adopt the above-stated consistency statement analysis reflecting that the requested map amendment is inconsistent with the comprehensive plan and, consequently, to (b) reject the requested zoning map amendment. Council Member Snuggs seconded the motion. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes. The motion to deny the map amendment application was adopted unanimously.

9. Consent agenda.

Upon motion by Ms. Carter and seconded by Ms. Snuggs, 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 August 9, 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) The meeting minutes for the city council's special meeting on August 23, 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.

(c) Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for July 2, 2018.

The minutes of the meeting held by the Asheboro ABC Board on July 2, 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.

(d) The final decision document for land use case no. CUP-18-08.

**Case No. CUP-18-08
Final Decision Document
City Council of the City of Asheboro, North Carolina**

**IN THE MATTER OF THE APPLICATION BY COVANTA ENVIRONMENTAL SOLUTIONS, LLC FOR A
CONDITIONAL USE PERMIT AUTHORIZING A TRANSFER STATION, INCLUDING ANCILLARY
MANUFACTURING, PROCESSING,
AND ASSEMBLY ACTIVITIES**

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING, WITH CONDITIONS,
THE REQUESTED CONDITIONAL USE PERMIT**

THIS LAND USE CASE came before the Asheboro City Council (the "Council") for a properly advertised quasi-judicial hearing during regular Council meetings held on July 12, 2018, and August 9, 2018. The Council received sworn testimony and considered all competent evidence and argument. On the basis of competent, material, and substantial evidence, the Council does hereby enter the following:

FINDINGS OF FACT

1. By and through an authorized agent, Covanta Environmental Solutions, LLC (the "Applicant") properly submitted an application for a Conditional Use Permit ("CUP") authorizing a land use listed in Table 200-2 of the Asheboro Zoning Ordinance (the "Ordinance") as a transfer station along with ancillary manufacturing, processing, and assembly activities.

2. Article 1100 of the Ordinance defines a transfer station as the "use of land where nonhazardous or nontoxic waste such as residential, commercial or industrial is temporarily deposited for the purpose of a break in bulk and further shipment to a landfill or other appropriate destination."

3. The Applicant's requested additional land use referred to as "ancillary manufacturing, processing, and assembly activities" is listed in Table 200-2 of the Ordinance as manufacturing, processing, and assembly – heavy. Article 1100 of the Ordinance defines the manufacturing, processing, and assembly – heavy land use as follows:

The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories, or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition, if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastics, resins or liquors.

4. The eight parcels of land for which this CUP is sought (these parcels will be hereafter collectively referred to as the "Zoning Lot") are owned by the Applicant, P & R Development, LLC, and Anthony A. Purguson and Gregory C. Russell. All of the land owners support the CUP application.

5. The Zoning Lot, which is approximately 5.19 acres in size, is located at the following street addresses: 2445 and 2455 North Fayetteville Street as well as 200, 204, and 208 Pineview Street. The parcels that form the Zoning Lot are more specifically identified by the following Randolph County Parcel Identification Numbers: 7753978243, 7763070038, 7753978029, 7753977009, 7753976059, 7753975069, 7753974069, and 7753973059.

6. In a legislative act, the Council placed the Zoning Lot in a CU-I2 (Conditional Use General Industrial) zoning district before deliberating about the requested CUP.

7. Section 102 of the AZO describes a Conditional Use District as follows:

Each Conditional Use District corresponds to a related district in this Ordinance. Where certain types of zoning districts would be inappropriate under certain conditions, and the rezoning applicant desires rezoning to such a district, the CU District is a means by which special conditions can be imposed in the furtherance of the purpose of this Ordinance.

8. Section 102 of the AZO also provides:

Within a CU District, only those uses specifically permitted in the zoning district to which the CU District corresponds (i.e., R15 and CUR15) shall be permitted, and all other requirements of the corresponding district shall be met. It is the intent of this ordinance that all requirements within a CU District be equal to or more stringent than those in a corresponding non-CU District.

In addition, within a CU District no use shall be submitted except as pursuant to a Conditional Use Permit authorized by the City Council, which shall specify the use or uses authorized. Such permit may further specify the location on the property of the proposed use or uses, the number of dwelling units or Floor Area Ratio, the location and extent of supporting facilities including but not limited to parking lots, driveways and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request. In granting a Conditional Use Permit, the Council may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured and substantial justice done.

The authorization of a Conditional Use Permit in any CU District for any use which is permitted only as a Special Use in the zoning district which corresponds to the CU District shall preclude any requirement for obtaining a Special Use Permit for any such use from the City Council.

9. Section 1013.2 of the AZO establishes the following standards for the issuance by the Council of a Conditional Use Permit:

In considering an application for a Conditional Use Permit, the City Council shall give due regard that the purpose and intent of this ordinance shall be served, public safety and welfare secured and substantial justice done. If the City Council should find, after a public hearing, that the proposed Conditional Use Permit should not be granted, such proposed permit shall be denied. Specifically the following general standards shall be met:

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

10. The proposed transfer station land use is permitted by Special Use Permit in an I2 zoning district, and the Zoning Lot is in a CU-I2 zoning district.

11. The proposed manufacturing, processing, and assembly – heavy land use is permitted by right in an I2 zoning district.

12. Section 643 of the Ordinance addresses the requirements for the issuance of a Special Use Permit authorizing a transfer station and specifically provides as follows:

Transfer Stations may be permitted in I1, I2, and I3 districts subject to the following requirements:

643.1 A site plan meeting the requirements of Section 1005 shall be submitted as part of the application for this permit. The plans shall also incorporate such additional information as required to indicate compliance with other requirements of this section.

643.2 The use shall be located on a minor thoroughfare or higher classification street or within an industrial development with direct access to such street (direct access shall mean without having to travel residential streets).

643.3 Actual transfer activities shall be conducted within an enclosed structure.

643.4 All access and maneuvering areas shall have a paved surface meeting the requirements of Article 400.

643.5 Stormwater control meeting all local, State, and Federal requirements shall be submitted as part of the required plans.

643.6 If the property adjoins residential districts, in addition to the required buffering and screening, a setback of 100 feet for all activities shall be observed.

643.7 At the close of each business day, the facility shall be left in a clean and sanitary manner. Written plans indicating compliance with this requirement shall be submitted as part of the application.

643.8 Evidence of compliance with all applicable requirements of the Zoning Ordinance shall be submitted as part of the application.

13. The surrounding land uses are as follows:

North: Industrial

East: Commercial/Industrial

South: Legal Nonconforming Junkyard/
Single-Family Residential

West: Single-Family Residential

14. With regard to the city's comprehensive development plans, the Growth Strategy Map identifies the area in which the Zoning Lot is located as a primary growth area. The proposed land development plan map designates the area as employment center, commercial, and neighborhood residential.

15. The Applicant's site plan is compliant with the Ordinance.

16. The Zoning Lot is located inside the city limits.

17. North Fayetteville Street is a state-maintained major thoroughfare at this location. Pineview Street, which is a state-maintained minor thoroughfare at this location, connects North Fayetteville Street with I-73/I-74. This section of Pineview Street is proposed to be widened from two lanes in each direction to three lanes (two lanes in each direction plus a center turn lane) with construction projected to begin during the winter of 2020 (North Carolina Department of Transportation Project U-5711).

18. The Ordinance's description of the underlying I2 General Industrial district is "to produce areas for intensive manufacturing, warehousing, processing and assembly uses, controlled by performance standards to limit the effect of such uses on adjacent districts."

19. The Zoning Lot is located within an Opportunity Zone. These zones, comprised of lower income census tracts, provide certain federal tax incentives for qualifying economic investments.

20. A transfer station is located on the adjoining property at 2501, 2503, and 2505 North Fayetteville Street. Although a vehicular connection to the existing transfer station is proposed, the adjoining property is not part of this application.

21. The application includes the addition of a shredding/process building that is approximately 24,000 square feet (120' X 200'), parking areas, a guardhouse, open storage, and a future office.

22. One entrance is proposed from Pineview Street, and one entrance is proposed from North Fayetteville Street.

23. Mr. Barron Thompson, Esq. and Mr. Greg Russell were placed under oath and offered testimony in support of the application. On behalf of the Applicant, and in their capacities as authorized representatives of the Applicant, these representatives consented to the following conditions that were recommended by the city planning staff for attachment to the requested Conditional Use Permit in an effort to ensure the compatibility of the proposed transfer station and the ancillary uses with the surrounding land uses and to ensure future compliance with the Ordinance:

- (A) Prior to the issuance of a Zoning Compliance Permit for the proposed land uses, the Applicant shall submit documentation detailing the following approvals:
 - (1) The required driveway permit(s) from the North Carolina Department of Transportation.
 - (2) The required erosion control approval(s) from the North Carolina Department of Environmental Quality.
- (B) Prior to the issuance of a Zoning Compliance Permit, the Applicant shall submit a revised site plan with additional detail concerning the following items:
 - (1) Outdoor lighting consistent with the Ordinance's Section 317A (Performance Standards in Industrial Zoning Districts).
 - (2) The number of employees on the largest shift and the number of facility vehicles in order to determine compliance with the minimum number of parking spaces required by the Ordinance's Table 400-1.
 - (3) Screening of open storage consistent with the requirements of the Ordinance's Section 305A.
 - (4) Front yard landscaping consistent with the requirements found in Section 308A of the Ordinance.
 - (5) Buffer "D" adjacent to the Michael T. Davis property (DB 1578, PG 551).

The revised site plan shall be submitted to staff members of the Asheboro Community Development Division for staff review and, if compliant with the Ordinance, inclusion in the file without further review by the city council.
- (C) The following items shall be approved by the Asheboro Fire Department prior to the issuance of a Zoning Compliance Permit:
 - (1) Additional fire hydrant(s) within the Zoning Lot as determined necessary by the fire chief.
 - (2) The appropriate fire officials must be satisfied that the access gate(s) meet the requirements of the North Carolina Fire Prevention Code.
 - (3) A Spill Prevention, Control, and Countermeasures Plan must receive fire department approval.
- (D) Building materials on facade(s) facing North Fayetteville Street may be any material permitted by the Ordinance's Article 300A, Section 316A.C.
- (E) The Applicant shall be responsible for ensuring compliance with all state and federal permitting requirements.
- (F) A setback of 125 feet rather than 100 feet shall be maintained between the residential property to the west of the Zoning Lot and the activities on the Zoning Lot by means of utilizing undeveloped space on the former residential lot at 208 Pineview Street. [This additional condition was offered by the Applicant's representative, Greg Russell, during his testimony.]
- (G) 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 the Conditional Use Permit in the chain of title for the Zoning Lot.

24. No testimony was offered in opposition to the application or the testimony offered by the witnesses, including the testimony by an owner of one of the parcels in the Zoning Lot that the proposed land uses will not be damaging to neighborhood property values.

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

CONCLUSIONS OF LAW

1. When an applicant has produced competent, material, and substantial evidence tending to establish the existence of the facts and conditions that the Ordinance requires for the issuance of a CUP, prima facie the applicant is entitled to the permit. A denial of the permit has to be based upon findings contra that are supported by competent, substantial, and material evidence appearing in the record.
2. In this case, the Applicant properly submitted an application for a CUP authorizing a transfer station land use and a manufacturing, processing, and assembly – heavy land use on the Zoning Lot that is in a CU-I2 zoning district.
3. In light of the evidence and the acceptance of the conditions proposed for attachment to the CUP, the proposed land uses are compliant with the applicable Ordinance requirements.
4. On the basis of substantial evidence in the record, the Council has concluded that the proposed land uses meet the four general standards for granting the requested CUP. The proposed land uses will not materially endanger the public health or safety, meet all required conditions and specifications of the Ordinance, will not substantially injure the value of adjoining or abutting property, and will be in harmony with the area in which they are to be located and are in general conformity with Asheboro's plan of development.

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

ORDER

Subject to the following conditions, a Conditional Use Permit authorizing a transfer station land use and a manufacturing, processing, and assembly – heavy land use on the Zoning Lot is hereby approved and issued to the Applicant and the Applicant's heirs, successors, and assigns. The continuing validity of this Conditional Use Permit is hereby made expressly contingent upon the Applicant and the Applicant's heirs, successors, and assigns complying at all times with the applicable provisions of the Asheboro Zoning Ordinance, the approved site plan, and the following supplementary conditions:

- (A) Prior to the issuance of a Zoning Compliance Permit for the proposed land uses, the Applicant shall submit documentation detailing the following approvals:
 - (1) The required driveway permit(s) from the North Carolina Department of Transportation.
 - (2) The required erosion control approval(s) from the North Carolina Department of Environmental Quality.
- (B) Prior to the issuance of a Zoning Compliance Permit, the Applicant shall submit a revised site plan with additional detail concerning the following items:
 - (1) Outdoor lighting consistent with the Ordinance's Section 317A (Performance Standards in Industrial Zoning Districts).
 - (2) The number of employees on the largest shift and the number of facility vehicles in order to determine compliance with the minimum number of parking spaces required by the Ordinance's Table 400-1.
 - (3) Screening of open storage consistent with the requirements of the Ordinance's Section 305A.
 - (4) Front yard landscaping consistent with the requirements found in Section 308A of the Ordinance.
 - (5) Buffer "D" adjacent to the Michael T. Davis property (DB 1578, PG 551).

The revised site plan shall be submitted to staff members of the Asheboro Community Development Division for staff review and, if compliant with the Ordinance, inclusion in the file without further review by the city council.
- (C) The following items shall be approved by the Asheboro Fire Department prior to the issuance of a Zoning Compliance Permit:
 - (1) Additional fire hydrant(s) within the Zoning Lot as determined necessary by the fire chief.
 - (2) The appropriate fire officials must be satisfied that the access gate(s) meet the requirements of the North Carolina Fire Prevention Code.
 - (3) A Spill Prevention, Control, and Countermeasures Plan must receive fire department approval.
- (D) Building materials on facade(s) facing North Fayetteville Street may be any material permitted by the Ordinance's Article 300A, Section 316A.C.

- (E) The Applicant shall be responsible for ensuring compliance with all state and federal permitting requirements.
- (F) A setback of 125 feet rather than 100 feet shall be maintained between the residential property to the west of the Zoning Lot and the activities on the Zoning Lot by means of utilizing undeveloped space on the former residential lot at 208 Pineview Street.
- (G) 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 the Conditional Use Permit in the chain of title for the Zoning Lot.

The above-listed final decision document was adopted by the Asheboro City Council in open session during a regular meeting on the 6th day of September, 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

(e) The final decision document for land use case nos. CUP-18-10 and SUB-18-02.

Case Nos. CUP-18-10 and SUB-18-02
Final Decision Document
City Council of the City of Asheboro, North Carolina

IN THE MATTER OF MCDOWELL TIMBER COMPANY’S APPLICATION FOR A CONDITIONAL USE PERMIT, INCLUDING SUBDIVISION SKETCH DESIGN APPROVAL, AUTHORIZING A RESIDENTIAL PLANNED UNIT DEVELOPMENT KNOWN AS CANE CREEK TOWNHOMES

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING, WITH CONDITIONS, THE REQUESTED LAND USE APPROVALS

THIS LAND USE CASE came before the Asheboro City Council (the “Council”) for a properly advertised quasi-judicial hearing on August 9, 2018. During this hearing, the Council received evidence, including sworn testimony, and considered all competent evidence and argument. On the basis of competent, material, and substantial evidence, the Council does hereby enter the following:

FINDINGS OF FACT

1. McDowell Timber Company (the “Applicant”) has properly applied for a Conditional Use Permit (a “CUP”) authorizing a residential planned unit development (a “PUD”) with 10 dwelling units. This PUD is to be known as Cane Creek Townhomes. Along with the PUD application, the Applicant properly submitted the mandated subdivision sketch design plat for review and approval.

2. The PUD is proposed for a parcel of land (the “Zoning Lot”) owned by the Applicant and located on the north side of East Allred Street, immediately west of 1591 East Allred Street. The Zoning Lot is approximately 4.04 acres in size and is more specifically identified by Randolph County Parcel Identification Number 7762740259.

3. In a legislative act, the Council placed the Zoning Lot in a CU-RA6 (Conditional Use High-Density Residential) zoning district before deliberating about the requested CUP.

4. Section 102 of the City of Asheboro Zoning Ordinance (the “Ordinance”) describes a Conditional Use District as follows:

Each Conditional Use District corresponds to a related district in this Ordinance. Where certain types of zoning districts would be inappropriate under certain conditions, and the rezoning applicant desires rezoning to such a district, the CU District is a means by which special conditions can be imposed in the furtherance of the purpose of this Ordinance.

5. Section 102 of the Ordinance also provides:

Within a CU District, only those uses specifically permitted in the zoning district to which the CU District corresponds (i.e., R15 and CUR15) shall be permitted, and all other requirements of the corresponding district shall be met. It is the intent of this ordinance that all requirements within a CU District be equal to or more stringent than those in a corresponding non-CU District.

In addition, within a CU District no use shall be submitted except as pursuant to a Conditional Use Permit authorized by the City Council, which shall specify the use or uses authorized. Such permit may further specify the location on the property of the proposed use or uses, the number of dwelling units or Floor Area Ratio, the location and extent of supporting facilities including but not limited to parking lots, driveways and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request. In granting a Conditional Use Permit, the Council may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured and substantial justice done.

The authorization of a Conditional Use Permit in any CU District for any use which is permitted only as a Special Use in the zoning district which corresponds to the CU District shall preclude any requirement for obtaining a Special Use Permit for any such use from the City Council.

6. Section 1013.2 of the Ordinance establishes the following standards for the issuance by the Council of a CUP:

In considering an application for a Conditional Use Permit, the City Council shall give due regard that the purpose and intent of this ordinance shall be served, public safety and welfare secured and substantial justice done. If the City Council should find, after a public hearing, that the proposed Conditional Use Permit should not be granted, such proposed permit shall be denied. Specifically the following general standards shall be met:

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

7. Section 210 of the Ordinance contains a statement of intent for the RA6 residential zoning district, and this statement of intent provides as follows:

The RA6 Residential District is intended to produce a high intensity of residential uses in close proximity to major nodes of non-residential development, characterized primarily by group housing, plus the necessary governmental and other support facilities to service that level of development. Land designated RA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged.

8. A PUD is permitted by special use permit in an RA6 zoning district.

9. Section 630, Subsection A of the Ordinance lists the following specific requirements for the issuance of a special use permit, which will be a CUP in this case, allowing a PUD:

- 1. Residential Planned Unit Developments may be permitted in any R40, R15, R10, R7.5, RA6 or OA6 zoning district as long as the proposed development contains a minimum of 2 acres. Those uses ordinarily permitted by right, by SUP, or as an accessory within the district (where) the development is to be located may be included in the development.*
- 2. Review of an application for a PUD SUP shall occur simultaneously with a review of plats submitted in compliance with the Asheboro Subdivision Ordinance. If the PUD requires review as a "major" subdivision the Sketch Design Plat shall be properly submitted, reviewed and recommended by*

the Planning Board for the City Council's consideration as the PUD SUP. The Sketch Design Plat and the site plan required for the SUP may be combined on one plat so long as the requirements for each are met. If the PUD requires a minor subdivision the required subdivision plat shall be properly submitted for approval. Approval shall be subject to any conditions of the PUD SUP and granted only after approval of the SUP by the City Council.

3. *Residential PUDs may have direct access to City streets or State roads which are not major or minor thoroughfares, provided such access will not create safety hazards due to design or congestion.*
4. *Streets within a PUD may be public or private according to the regulations of the Asheboro Subdivision Ordinance.*
5. *The yard and height regulations set forth in Table 200-1 may be modified for a PUD, provided that, for such development as a whole, excluding public street right-of-ways or the area dedicated to private streets but including individual lots, common areas, parks and other permanent open spaces, there shall not be less than the required area per dwelling unit for the district in which such development is located.*
6. *Utilities shall be planned and installed according to the Asheboro Subdivision Ordinance.*
7. *Provisions and plans for garbage and waste collection shall be included with the application.*
8. *Buffers and/or screening shall be installed and maintained based on the types of individual uses contained within the development as per Article 304A.*
9. *Signs will be regulated as per Article 500.*
10. *Off street parking shall be provided as per Article 400.*
11. *General landscaping shall be installed and maintained. Plans indicating all required and non-required landscaping shall be submitted as part of the application.*

10. The land uses surrounding the Zoning Lot are as follows:

North: Medium-Density Residential

East: Medium-Density Residential

South: Undeveloped Residential

West: Medium-Density Residential

11. With regard to the city's comprehensive development plans, the growth strategy map identifies the area in which the Zoning Lot is located as a primary growth area, and the proposed land development plan map designates the area as neighborhood residential.

12. The Zoning Lot's existing land use is classified as undeveloped.

13. The Zoning Lot is located inside the city's corporate limits.

14. East Allred Street is a state-maintained minor thoroughfare.

15. The underlying RA6 zoning district allows single, two-family, and multi-family dwellings.

16. The western portion of the Zoning Lot (approximately 1.6 acres of land) is located within a flood hazard area.

17. The Zoning Lot was previously zoned CU-RA6 with a permit issued for 11 residential dwelling units. This permit expired, and the Zoning Lot was rezoned back to R10 in 2015.

18. Portions of the Zoning Lot are within a flood area, including a part of the proposed turnaround for emergency vehicles. Although the dwelling units appear to be outside of the flood hazard area, Units 8 and 9 are immediately adjacent to the flood area. Confirmation that dwellings and other development activity requiring a flood permit are either completely outside of the flood area or meet flood ordinance requirements (including any required flood development permit(s)) will be needed prior to the issuance of a Zoning Compliance Permit(s).

19. The Applicant's site plan indicates that the units will have a minimum of 1,200 square feet. There are three residential structures. Two of the structures contain four dwelling units each. The third

structure contains two dwelling units. The proposed design includes single-story units with a one-car garage provided for each of the units.

20. The North Carolina Building Code requires a two-hour rated firewall for the structures with two dwellings. The structures with four dwellings require a one-hour rated firewall plus a sprinkler system.

21. A recreational area is proposed for the west side of the Zoning Lot.

22. The Applicant proposes to use a combination of planted buffering/landscaping, existing vegetation, and an evergreen screen between the proposed public street and the adjoining residential use to the east.

23. Mr. Barron Thompson, Esq. was placed under oath and provided testimony on behalf of the Applicant. As part of his testimony, Mr. Thompson expressed agreement with the following conditions that were recommended by the city's planning staff for attachment to the requested Conditional Use Permit in order to ensure long-term compliance of the proposed development with the Ordinance:

- (A) The site plan shows preservation of the existing vegetation, outside of areas of necessary site disturbance, along the western and northern portions of the Zoning Lot. If the vegetation is not preserved in this area, a Type A Buffer or Screen shall be installed by the developer.
- (B) The site plan shows a combination of preserved existing vegetation and planted vegetation, outside of areas of necessary site disturbance, within the front yard along East Allred Street. At a minimum, the vegetation required by Section 308A of the Ordinance shall be installed and maintained within the front yard along East Allred Street.
- (C) The enclosure of concrete pads to the rear of dwellings or other additions to the rear of residential dwellings outside of the common area will not be considered a modification that requires a new permit.
- (D) Units shall possess a minimum of 1,200 square feet of heated space.
- (E) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the Applicant shall submit documentation detailing the following approvals:
 - (1) Driveway permit(s) from the North Carolina Department of Transportation.
 - (2) Erosion control approval(s) from the North Carolina Department of Environmental Quality.
- (F) 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 the Conditional Use Permit in the chain of title for the Zoning Lot.

24. The proposed street is 457 linear feet in length and includes a public service vehicle turnaround. This length meets the requirement that permanent dead-end streets not exceed 500 feet unless topography or property configuration necessitates their use. The presence of extensive flood plain and adjacent development patterns support the subdivision's street layout.

25. The proposed PUD does not pose any elevated risk of generating health and safety concerns.

26. No testimony was offered in opposition to either the Applicant's request or the testimony/evidence introduced during the hearing of this land use case.

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

CONCLUSIONS OF LAW

1. When an applicant has produced competent, material, and substantial evidence tending to establish the existence of the facts and conditions that the Ordinance requires for the issuance of a conditional use permit, prima facie the applicant is entitled to the permit. A denial of the permit has to be based upon findings contra that are supported by competent, substantial, and material evidence appearing in the record.

2. In this case, the Applicant properly submitted an application for a conditional use permit authorizing a PUD on the Zoning Lot that is located in a CU-RA6 zoning district.

3. In light of the evidence and the Applicant's acceptance of the conditions attached to the conditional use permit by the Council, the Applicant's proposed land use is compliant with the applicable requirements of the Ordinance.

4. On the basis of substantial evidence in the record, the Council has concluded that, with the clarifications and protections provided by the conditions attached to this permit, the proposed land use meets the four general standards for granting the requested conditional use permit. The proposed land use will not materially endanger the public health or safety, meets all required conditions and specifications of the Ordinance, will not substantially injure the value of adjoining or abutting property, and will be in harmony with the area in which it is to be located and is in general conformity with Asheboro's plan of development.

5. The Applicant's subdivision sketch design review application, with the comments/conditions noted herein, is compliant with the applicable land use regulations.

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

ORDER

Part 1 – Conditional Use Permit

Subject to the following conditions, a Conditional Use Permit authorizing the proposed residential planned unit development on the Zoning Lot is hereby approved and issued to the Applicant and the Applicant's heirs, successors, and assigns. The continuing validity of this Conditional Use Permit is hereby made expressly contingent upon the Applicant and the Applicant's heirs, successors, and assigns complying at all times with the applicable provisions of the Asheboro Zoning Ordinance, the approved site plan, and the following supplementary conditions:

- (A) The site plan shows preservation of the existing vegetation, outside of areas of necessary site disturbance, along the western and northern portions of the Zoning Lot. If the vegetation is not preserved in this area, a Type A Buffer or Screen shall be installed by the developer.
- (B) The site plan shows a combination of preserved existing vegetation and planted vegetation, outside of areas of necessary site disturbance, within the front yard along East Allred Street. At a minimum, the vegetation required by Section 308A of the Ordinance shall be installed and maintained within the front yard along East Allred Street.
- (C) The enclosure of concrete pads to the rear of dwellings or other additions to the rear of residential dwellings outside of the common area will not be considered a modification that requires a new permit.
- (D) Units shall possess a minimum of 1,200 square feet of heated space.
- (E) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the Applicant shall submit documentation detailing the following approvals:
 - (1) Driveway permit(s) from the North Carolina Department of Transportation.
 - (2) Erosion control approval(s) from the North Carolina Department of Environmental Quality.
- (F) 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 the Conditional Use Permit in the chain of title for the Zoning Lot.

Part 2 – Subdivision Sketch Design Approval

The subdivision sketch design plat submitted under Case No. SUB-18-02 for the residential planned unit development known as Cane Creek Townhomes is hereby approved with the comment/condition that homeowners' documents with restrictions concerning recreational vehicle parking and maintenance mechanisms for the common area must be recorded with the final subdivision plat.

The foregoing final decision document was adopted by the Asheboro City Council in open session during a regular meeting held on the 6th day of September, 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

- (f) **The final decision document for land use case no. CUP-18-14 (the original meeting agenda listed the erroneous case no. SUP-18-03).**

Case No. CUP-18-14
City Council
City Council of the City of Asheboro, North Carolina

IN THE MATTER OF THE APPLICATION BY ANTONIO CALIZ, JUAN CALIZ, BRAYAN CALIZ, AND ABRAHAM CALIZ FOR A CONDITIONAL USE PERMIT AUTHORIZING A MANUFACTURING, PROCESSING, AND ASSEMBLY – LIGHT LAND USE

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING, WITH CONDITIONS, THE REQUESTED CONDITIONAL USE PERMIT

THIS LAND USE CASE came before the Asheboro City Council (the “Council”) for a properly advertised quasi-judicial hearing on August 9, 2018, under file no. SUP-18-03. The assignment of a special use permit file number was the result of a clerical error. The applicants need a conditional use permit to conduct the proposed land use, and the correct file/case number is CUP-18-14.

During the quasi-judicial hearing, sworn testimony was received, and the Council considered all competent evidence and argument. On the basis of competent, material, and substantial evidence, the Council does hereby enter the following:

FINDINGS OF FACT

1. By and through their agent, Antonio Caliz, Juan Caliz, Brayan Caliz, and Abraham Caliz (these individuals will be hereafter collectively referred to as the “Applicant”) properly submitted an application for a Conditional Use Permit (a “CUP”) authorizing a land use identified in Table 200-2 of the Asheboro Zoning Ordinance (the “Ordinance”) as a manufacturing, processing, and assembly – light land use.

2. In compliance with the Ordinance, the Applicant submitted a site plan showing the proposed land use on a parcel of land owned by Kathryn H. Allred. Ms. Allred testified during this hearing as to her support for the CUP application.

3. This land for which a CUP is sought (the “Zoning Lot”) is approximately 6.7 acres in size and is located at 307 and 313 East Allred Street. The Zoning Lot is more specifically described as a portion of the parcel of land identified by Randolph County Parcel Identification Number 7762112401.

4. The Zoning Lot is located in a CU-B2 (Conditional Use General Commercial) zoning district.

5. Section 102 of the Ordinance describes a Conditional Use District as follows:

Each Conditional Use District corresponds to a related district in this Ordinance. Where certain types of zoning districts would be inappropriate under certain conditions, and the rezoning applicant desires rezoning to such a district, the CU District is a means by which special conditions can be imposed in the furtherance of the purpose of this Ordinance.

6. Section 102 of the Ordinance further provides as follows:

Within a CU District, only those uses specifically permitted in the zoning district to which the CU District corresponds (i.e., R15 and CUR15) shall be permitted, and all other requirements of the corresponding district shall be met. It is the intent of this ordinance that all requirements within a CU District be equal to or more stringent than those in a corresponding non-CU District.

In addition, within a CU District no use shall be submitted (sic) except as pursuant to a Conditional Use Permit authorized by the City Council, which shall specify the use or uses authorized. Such permit may further specify the location on the property of the proposed use or uses, the number of dwelling units or Floor Area Ratio, the location and extent of supporting facilities including but not limited to parking lots, driveways and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request. In granting a Conditional Use Permit, the Council may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured and substantial justice done.

The authorization of a Conditional Use Permit in any CU District for any use which is permitted only as a Special Use in the zoning district which corresponds to the CU District shall preclude any requirement for obtaining a Special Use Permit for any such use from the City Council.

7. Section 1013.2 of the Ordinance establishes the following standards for the issuance by the Council of a CUP:

In considering an application for a Conditional Use Permit, the City Council shall give due regard that the purpose and intent of this ordinance shall be served, public safety and welfare secured and substantial justice done. If the City Council should find, after a public hearing, that the proposed Conditional Use Permit should not be granted, such proposed permit shall be denied. Specifically the following general standards shall be met:

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

8. The manufacturing, processing, and assembly – light land use (also referred to as manufacturing, processing, and assembling, light” in the Ordinance) is defined by the Ordinance to mean the following:

Activities described in Manufacturing, Processing and Assembling, Heavy conducted wholly within an enclosed structure and not employing more than 10 persons and utilizing no more than a total of 25 horsepower in power driven machines and material handling equipment.

9. The manufacturing, processing, and assembling, heavy land use is defined by the Ordinance to mean the following:

The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories, or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition, if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastics, resins or liquors.

10. The manufacturing, processing, and assembly – light land use is permitted by special use permit in the B2 zoning district.

11. Section 628 of the Ordinance lists requirements for the issuance of a special use permit authorizing a manufacturing, processing, and assembly – light land use and specifically provides as follows:

Light manufacturing activities may be permitted in B2 districts subject to the following standards:

- 628.1 *Off-street parking and loading spaces provided in accordance with Article 400.*
- 628.2 *The applicant shall have adequate facilities (water, sewerage, etc.) so that the proposed operation shall meet the requirements of the City Fire, Building Inspection, and Engineering Departments.*
- 628.3 *The activity shall not endanger, damage, or have any other undesirable effects upon nearby non-industrial development by reason of its existence and operation.*
- 628.4 *Buffering and screening shall be required as set forth in Article 304A.*
- 628.5 *Approvals granted under this section shall be for one specific use, to be identified by the applicant at the time of application, and shall not be transferable to other light industrial uses. Requests for such changes in use shall be covered by the submission of a separate Special Use Permit Application.*
- 628.6 *Light Manufacturing, Processing and Assembly as permitted by this SUP shall mean activities which are conducted within a fully enclosed structure, require no outdoor storage, utilizes no boilers or other equipment in excess of 25 HP individually, and employ a total of 10 or fewer employees.*

12. The land uses surrounding the Zoning Lot are as follows:

North: Manufactured Home Park

East: 2 Manufactured Homes
(B2 Zoning District)

South: Undeveloped Residential/
Commercial

West: Undeveloped Commercial

13. With regard to the city's comprehensive development plans, the Growth Strategy Map identifies the area in which the Zoning Lot is located as a primary growth area, and the proposed land development plan map designates the area as commercial.

14. In terms of zoning history, file no. SUP-87-04 shows that the property was previously placed in a CU-B2 zoning district and a special use permit was issued for light manufacturing.

15. The Zoning Lot is located inside the city's corporate limits.

16. East Allred Street is a state-maintained minor thoroughfare.

17. The Applicant proposes to use existing buildings.

18. There are currently two access driveways on the property. One will serve the proposed land use, and the second driveway serves the existing manufactured home.

19. The previously issued special use permit authorized the manufacturing, processing, and assembly – light land use on the property for the purpose of constructing accessory buildings (i.e. storage sheds, etc.).

20. The Ordinance requires a new permit, in this case a CUP, when there is deemed to be a significant change in the manufacturing, processing, and assembly – light activities.

21. The Applicant is proposing to operate a granite, quartz, and marble business on the Zoning Lot.

22. The existing manufactured home is a legal non-conforming use. This use may continue subject to meeting code requirements.

23. Certain legal non-conforming situations exist on the Zoning Lot, such as a lack of paved parking and a deficiency in front yard landscaping. The Applicant proposes to retain the existing vegetation along the west and north side of the Zoning Lot, which is not required by the zoning ordinance. The Applicant's site plan proposes retaining existing vegetation in the front yard and adding five trees. The Applicant also proposes to maintain access drives and parking areas as required by the fire department.

24. The Applicant agreed to the following conditions that were recommended by the planning staff for attachment to the requested CUP in order to ensure the continuing compliance of the proposed land use with the Ordinance:

- (A) Prior to occupancy of the proposed land use, the following items shall be approved and completed:
 - (1) The Final Decision Document approving the requested CUP.
 - (2) Approvals related to a Change of Occupancy application.
 - (3) One or more instrument(s) drafted to establish in fact the boundary lines shown on the submitted site plan shall be properly executed and recorded in the Office of the Randolph County Register of Deeds. Notice of such recordation shall be provided in a timely manner to the City of Asheboro Zoning Administrator.
 - (4) The construction of a fire access road at least 20 feet in width consisting of an all-weather surface in the location shown on the approved site plan and repairs to existing access/driveway surfaces for emergency services as required by authorized Asheboro fire suppression and fire inspection personnel.
 - (5) Van accessible handicapped parking space as labeled on the approved site plan.
- (B) The site plan identifies one manufactured home on the Zoning Lot. Subject to Article 800 of the Ordinance, if this structure is replaced by another manufactured home, such an action shall not be considered a modification requiring a new Conditional Use Permit.
- (C) The removal of structure(s) on the Zoning Lot that are unnecessary for the proposed land use shall not be considered a modification requiring a new Conditional Use Permit.
- (D) Along with meeting the requirements of the above-stated Conditions (A)(4) and (A)(5), and consistent with Ordinance Table 400-1, parking spaces serving customer(s) and employee(s) shall be provided and clearly marked with wheel stops or other similar means of marking spaces. Subject to other permit conditions and all other applicable regulatory requirements, if the Applicant relocates a designated parking space, this action shall not be considered a modification of the Conditional Use Permit.
- (E) If the Applicant chooses to either pave these parking areas (including parking spaces, access, and maneuvering areas) or loading spaces, which is optional, such an action shall not be considered to be a modification of the Conditional Use Permit.
- (F) Access gate(s) shall be subject to the approval of the Asheboro Fire Department.
- (G) With the exception of necessary grading and the placement of required infrastructure, existing vegetation on the north side of the Zoning Lot shall be retained to the maximum extent possible. Existing vegetation within the front yard shall be maintained. If any vegetation within the required front yard is removed, the removed vegetation shall be replaced in a manner that is compliant with the requirements of Ordinance Section 308A.

25. Mr. H.R. Gallimore, who is an experienced real estate agent, offered uncontroverted testimony that the proposed land use will not have a negative impact on the marketing of properties surrounding the Zoning Lot.

26. No testimony was offered in opposition to the Applicant's request for a CUP.

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

CONCLUSIONS OF LAW

1. When an applicant has produced competent, material, and substantial evidence tending to establish the existence of the facts and conditions that the Ordinance requires for the issuance of a Conditional Use Permit, prima facie the applicant is entitled to the permit. A denial of the permit has to be based upon findings contra that are supported by competent, substantial, and material evidence appearing in the record.

2. In this case, the Applicant properly submitted an application for a Conditional Use Permit authorizing a manufacturing, processing, and assembly – light land use, more specifically a granite, quartz, and marble business, on the Zoning Lot that is located in a CUB2 zoning district.

3. In light of the evidence and the acceptance by the Applicant of the conditions attached to the Conditional Use Permit by the Council, the Applicant's proposed land use is compliant with the applicable requirements of the Asheboro Zoning Ordinance.

4. On the basis of substantial evidence in the record, the Council has concluded that the proposed land use meets the four general standards for granting the requested Conditional Use Permit.

The proposed land use will not materially endanger the public health or safety, meets all required conditions and specifications of the zoning ordinance, will not substantially injure the value of adjoining or abutting property, and will be in harmony with the area in which it is to be located and is in general conformity with Asheboro's plan of development.

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

ORDER

Subject to the following conditions, a Conditional Use Permit authorizing on the Zoning Lot the above-described manufacturing, processing, and assembly – light land use, more specifically a granite, quartz, and marble business, is hereby approved and issued to the Applicant and the Applicant's heirs, successors, and assigns. The continuing validity of this Conditional Use Permit is hereby made expressly contingent upon the Applicant and the Applicant's heirs, successors, and assigns complying at all times with the applicable provisions of the Asheboro Zoning Ordinance, the site plan approved during the hearing of this matter, and the following supplementary conditions:

- (A) Prior to occupancy of the proposed land use, the following items shall be approved and completed:
 - (1) The Final Decision Document approving the requested CUP.
 - (2) Approvals related to a Change of Occupancy application.
 - (3) One or more instrument(s) drafted to establish in fact the boundary lines shown on the submitted site plan shall be properly executed and recorded in the Office of the Randolph County Register of Deeds. Notice of such recordation shall be provided in a timely manner to the City of Asheboro Zoning Administrator.
 - (4) The construction of a fire access road at least 20 feet in width consisting of an all-weather surface in the location shown on the approved site plan and repairs to existing access/driveway surfaces for emergency services as required by authorized Asheboro fire suppression and fire inspection personnel.
 - (5) Van accessible handicapped parking space as labeled on the approved site plan.
- (B) The site plan identifies one manufactured home on the Zoning Lot. Subject to Article 800 of the Ordinance, if this structure is replaced by another manufactured home, such an action shall not be considered a modification requiring a new Conditional Use Permit.
- (C) The removal of structure(s) on the Zoning Lot that are unnecessary for the proposed land use shall not be considered a modification requiring a new Conditional Use Permit.
- (D) Along with meeting the requirements of the above-stated Conditions (A)(4) and (A)(5), and consistent with Ordinance Table 400-1, parking spaces serving customer(s) and employee(s) shall be provided and clearly marked with wheel stops or other similar means of marking spaces. Subject to other permit conditions and all other applicable regulatory requirements, if the Applicant relocates a designated parking space, this action shall not be considered a modification of the Conditional Use Permit.
- (E) If the Applicant chooses to either pave these parking areas (including parking spaces, access, and maneuvering areas) or loading spaces, which is optional, such an action shall not be considered to be a modification of the Conditional Use Permit.
- (F) Access gate(s) shall be subject to the approval of the Asheboro Fire Department.
- (G) With the exception of necessary grading and the placement of required infrastructure, existing vegetation on the north side of the Zoning Lot shall be retained to the maximum extent possible. Existing vegetation within the front yard shall be maintained. If any vegetation within the required front yard is removed, the removed vegetation shall be replaced in a manner that is compliant with the requirements of Ordinance Section 308A.

The foregoing final decision document was adopted by the Asheboro City Council in open session during a regular meeting held on the 6th day of September, 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

- (g) **Approval to schedule for October 4, 2018, and to advertise, a combined public hearing on an application to rezone property at 618 and 622 Franks Street (Randolph County Parcel Identification Numbers 7761144135 and 7761144098) from RA6 (High-Density Residential) to CU-O&I (Conditional Use Office & Institutional) and to issue a conditional use permit for a place of worship.**

The above-listed land use case will be advertised and heard by the Council on October 4, 2018.

- (h) **A resolution supporting and authorizing an application for state grant/loan funding for the sanitary sewer lift station number 3 improvements project.**

RESOLUTION NUMBER 20 RES 9-18

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION SUPPORTING AND AUTHORIZING AN APPLICATION FOR A STATE GRANT/LOAN FOR THE SANITARY SEWER LIFT STATION NO. 3 IMPROVEMENTS PROJECT

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 construct wastewater collection system improvements described as the Sanitary Sewer Lift Station No. 3 Improvements Project (hereafter referred to as the “Project”); and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro (hereafter referred to as the “Council”) that the City, if approved for a State loan or grant award, will arrange financing for all remaining costs of the Project; and

BE IT FURTHER RESOLVED by the Council that the City will adopt and place into effect on or before completion of the Project a schedule of fees and charges, in addition to other available funds, that will provide adequate funding for the proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt; and

BE IT FURTHER RESOLVED by the Council that a provision will be included in the loan agreement authorizing the State Treasurer, upon failure of the City to make scheduled repayment(s) of the loan, to withhold from the City any State funds that would otherwise be distributed to the City in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan; and

BE IT FURTHER RESOLVED by the Council that the City will provide for the efficient operation and maintenance of the Project infrastructure upon completion of the construction thereof; and

BE IT FURTHER RESOLVED by 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 loan to aid in the construction 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 6th day of September, 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

- (i) **A resolution declaring the city's official intent to purchase municipal vehicles and equipment and to reimburse the General Fund with installment financing proceeds.**

RESOLUTION NUMBER 21 RES 9-18

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF ASHEBORO TO PURCHASE MUNICIPAL VEHICLES AND EQUIPMENT AND TO REIMBURSE THE GENERAL FUND WITH INSTALLMENT FINANCING PROCEEDS

WHEREAS, in order to maintain a satisfactory level of municipal services, the Asheboro City Council has adopted a budget ordinance for fiscal year 2018-2019 that allocates funding for the acquisition of vehicles and equipment deemed essential for maintaining uninterrupted, high quality municipal services; and

WHEREAS, the following vehicles and equipment are to be acquired by city departments that receive their funding from the municipal corporation's general fund:

1. One dump truck budgeted at \$90,000.00 in the facilities maintenance department;
2. Four command vehicles budgeted at \$160,000.00 in the fire department;
3. One service truck budgeted at \$42,500.00 in the fleet maintenance department;
4. Six vehicles budgeted at \$158,724.00 in the police department; and
5. One 1-ton truck, one 2-ton flatbed truck, one tandem dump truck, and one paver collectively budgeted at \$456,000.00 in the street department.

The total budgeted amount for the purchase of the above-listed vehicles and equipment needed by the listed city departments to deliver essential municipal services is \$907,224.00; and

WHEREAS, Section 160A-20 of the North Carolina General Statutes authorizes the city to finance the purchase of personal property by means of installment financing that creates a security interest in the purchased property; and

WHEREAS, in order to provide uninterrupted high quality municipal services, the above-listed vehicles and equipment will be purchased and placed into service as soon as possible with available funds in the city's general fund; and

WHEREAS, the Asheboro City Council has decided that the above-stated expenditures are to be reimbursed to the general fund during the current fiscal year with proceeds from an installment financing agreement that will create security interests in the above-listed municipal vehicles and equipment to be acquired by the city during its 2018-2019 fiscal year; and

WHEREAS, more favorable financing terms can be obtained if the city takes the steps necessary to allow the lending institution from which financing is ultimately obtained to exclude the interest paid or payable under an installment financing agreement with the city from the gross income of the lending institution; and

WHEREAS, in accordance with the applicable treasury regulations, one of the steps necessary to avoid jeopardizing the ability of a lender to exclude from its gross income the interest paid or payable under an installment financing agreement is for the city to declare its intent to reimburse the general fund for the expenditures used to purchase the needed vehicles.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, prior to the execution of any installment financing agreement and consistent with the city's budget ordinance for fiscal year 2018-2019, a maximum of \$907,224.00 may be expended from the general fund, with the intent of seeking reimbursement for the expenditures from installment financing proceeds, for the above-listed vehicles and equipment; and

BE IT FURTHER RESOLVED that the City Council of the City of Asheboro does hereby formally and explicitly declare the official intent of the City of Asheboro to fully reimburse, with loan proceeds from an installment financing agreement that is to be executed prior to the end of the 2018-2019 fiscal year, any and all expenditures from the general fund for the purchase during this fiscal year of the vehicles and equipment referenced hereinabove and that are necessary to the provision of essential municipal services.

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

- (j) **A resolution authorizing the purchase of additional land for the proposed Zoo City Sportsplex.**

RESOLUTION NUMBER 22 RES 9-18

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**RESOLUTION AUTHORIZING THE PURCHASE OF ADDITIONAL LAND FOR THE PROPOSED
ZOO CITY SPORTSPLEX**

WHEREAS, the Randolph County Senior Adults Association, Inc., a North Carolina non-profit corporation, owns a parcel of land (Randolph County Parcel Identification Number 7669574332) near the intersection of Zoo Parkway and Old Cox Road that is approximately 8.992 acres in size and adjoins the city-owned land proposed for development as the Zoo City Sportsplex; and

WHEREAS, the Asheboro City Council has budgeted funds for additional land acquisition in support of the proposed Zoo City Sportsplex; and

WHEREAS, the Asheboro City Council has concluded that the viability of the proposed Zoo City Sportsplex will be enhanced by the acquisition of the above-referenced land from the Randolph County Senior Adults Association, Inc.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that Mayor David H. Smith is hereby authorized and directed to offer on behalf of the City of Asheboro to purchase and contract for the acquisition of the referenced 8.992-acre parcel of land from the Randolph County Senior Adults Association, Inc. for a purchase price of Two Hundred Ninety-One Thousand and No Hundredths Dollars (\$291,000.00); and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the authorized offer to purchase and contract shall be in the form of the legal instrument attached to this Resolution as ATTACHMENT A, which is hereby incorporated into this Resolution by reference as if copied fully herein.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting on September 6, 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

ATTACHMENT A

STATE OF NORTH CAROLINA

**OFFER TO PURCHASE
AND CONTRACT**

COUNTY OF RANDOLPH

The **CITY OF ASHEBORO**, a North Carolina municipal corporation, (the “**Buyer**”) and the **RANDOLPH COUNTY SENIOR ADULTS ASSOCIATION, INC.**, a North Carolina non-profit corporation, (the “**Seller**”) mutually agree to this Offer to Purchase and Contract (the “**Contract**”) as of the _____ day of September, 2018.

The Buyer hereby contracts and agrees to buy the real property described herein for the purchase price stated below, and the Seller hereby contracts and agrees to sell and convey to the Buyer for the purchase price stated below 8.992 acres, more or less, of land (the "Property") that is described as follows:

Grant Township, Randolph County, North Carolina:

BEING ALL of that 8.992 acres of land, more or less, shown as Lot # 2 on a plat of survey drawn under the supervision of Jerry A. King, Professional Land Surveyor with License Number L - 3373, and titled "MINOR SUBDIVISION FOR RANDOLPH COUNTY SENIOR ADULT ASSOCIATION." The plat of survey is recorded in the Office of the Register of Deeds of Randolph County, North Carolina in Plat Book 120, Page 4.

For a back reference, see the deed recorded in Book 2109, Page 465, Randolph County Registry.

The purchase price for the Property is Two Hundred Ninety-One Thousand and No Hundredths Dollars (\$291,000.00) to be paid in good funds by the Buyer on the date of closing.

This offer from the Buyer is subject to the following terms and conditions which, if accepted by the Seller, are the terms and conditions of sale:

1. The Buyer is responsible for obtaining a title examination and any other studies deemed appropriate in the sole discretion of the Buyer. If the results or findings of any such studies or examinations are not acceptable to the Buyer, written notice shall be provided to the Seller. The parties shall make a reasonable effort to resolve any unsatisfactory matters disclosed by the studies or examinations. If such unsatisfactory matters cannot be resolved prior to the closing date referenced below, the Buyer may terminate its offer without any penalty or cost to itself, and the parties will have no further rights or obligations regarding the sale of the Property.
2. The Seller shall be responsible for ad valorem taxes prorated on a calendar year basis to the date of closing.
3. All deeds of trust, liens, and other charges against the Property must be paid and cancelled by the Seller prior to or at closing.
4. Title must be delivered at closing by means of a North Carolina General Warranty Deed and must be fee simple marketable title, free of all encumbrances and exceptions other than those approved by the Buyer.
5. The Buyer shall be responsible for the cost of preparing and recording the North Carolina General Warranty Deed and for the payment of closing costs not otherwise assigned to the Seller by this Contract. In addition to the cost of preparing and recording the general warranty deed, the closing costs to be paid by the Buyer specifically include the cost of any title search, title insurance, survey, any other inspections/examinations ordered by the Buyer, the settlement agent's fee, and any excise tax (revenue stamps) associated with the conveyance of the Property from the Seller to the Buyer.
6. Closing shall be completed on or before **September 28, 2018, TIME BEING OF THE ESSENCE WITH REGARD TO THE CLOSING DATE**. An attorney mutually agreeable to the Seller and Buyer will conduct the closing.
7. This Contract contains the entire agreement between the parties. There are no representations, inducements, or additional provisions other than those expressed herein. All changes, additions, or deletions hereto must be in writing and signed by both parties.

DATE OF OFFER: _____

CITY OF ASHEBORO ("BUYER"):

By: _____ **(SEAL)**
David H. Smith, Mayor

ATTEST: _____
Holly H. Doerr, CMC, NCCMC, City Clerk

This instrument has been preaudited in the manner prescribed by the Local Government Budget and Fiscal Control Act.

Deborah P. Reaves, Finance Officer

DATE OF ACCEPTANCE: _____

**RANDOLPH COUNTY SENIOR ADULTS ASSOCIATION, INC.
("SELLER"):**

By: _____ (SEAL)
(Signature of Authorized Officer)

(Printed Name of Authorized Officer)

(Title of Authorized Officer)

(k) A request to extend the time allowed between Preliminary and Final Plat review for the Robins Nest Phase 2 Subdivision.

The written request by William Atkinson, PE for an additional one year period between preliminary plat and final plat approval for the Robins Nest Phase 2 Subdivision was received by the city planning department, distributed to the Mayor and Council Members, and approved. A copy of the written request is on file in the city clerk's office.

10. Consideration of an application for \$604,000 in Community Development Block Grant (CDBG) funding for Neighborhood Revitalization.

Mayor Smith opened the public hearing on an application for \$604,000 in Community Development Block Grant funding for Neighborhood Revitalization. The project for which the city is seeking funding is focused on street and sidewalk improvements and is known as the Eastside Walks Neighborhood Revitalization Project.

Mr. Nuttall reported that a public workshop was held on August 30, 2018, at the Asheboro Public Library in order to give the public an opportunity to learn about and to comment on the potential Community Development Block Grant application. During his presentation, Mr. Nuttall presented and recommended adoption, by reference, of a resolution authorizing the City of Asheboro to submit an application for funding from the Community Development Block Grant Program for the Eastside Walks Neighborhood Revitalization Project.

During the public hearing, Mr. James Armstrong, Ms. Thalia Ellison, Ms. Peggy Hammond, and Mr. Clyde Leon Foust, Jr. asked questions and presented comments that were generally supportive of the application. With no further comments from the public, Mayor Smith transitioned to the deliberative phase of the hearing.

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

RESOLUTION NUMBER _____ **23 RES 9-18**

RESOLUTION AUTHORIZING THE CITY OF ASHEBORO TO SUBMIT AN APPLICATION FOR FUNDING FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR THE EASTSIDE WALKS NEIGHBORHOOD REVITALIZATION PROJECT

WHEREAS, the Asheboro City Council has indicated its desire to assist with neighborhood revitalization efforts within the City; and

WHEREAS, the Asheboro City Council has held two public hearings concerning the proposed application for Community Development Block Grant funding to benefit low to moderate incomes in Randolph County Census Tract 303.02 by way of the Eastside Walks Project; and

WHEREAS, the Asheboro City Council has concluded that the City of Asheboro should submit a formal application for Community Development Block Grant funding to benefit Randolph County Census Tract 303.02 by way of the Eastside Walks Project.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Asheboro, North Carolina that the city's officers and employees are authorized to submit, on behalf of the City of Asheboro, a formal application to the North Carolina Department of Commerce for a Community Development Block Grant for Neighborhood Revitalization; and

BE IT FURTHER RESOLVED that the Asheboro City Council certifies the City of Asheboro will meet all federal regulatory and statutory requirements of the Small Cities Community Development Block Grant Program; and

BE IT FURTHER RESOLVED that the City of Asheboro will administer this grant funding in accordance with the rules and regulations of the North Carolina Department of Commerce.

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

11. Case No. RZ-18-12: Public hearing on an application to rezone property at 936 East Salisbury Street (Randolph County Parcel Identification Number 7761229036) from CU-OA6 (Conditional Use Office-Apartment) to O&I (Office & Institutional).

Mayor Smith opened the public hearing, which was legislative in nature, on the application by Iglesia De Dios Getsemani (the "Applicant"), by and through Minister Ventura Hernandez, to rezone the church's approximately 1.5 acres of land at 936 East Salisbury Street from CU-OA6 (Conditional Use Office-Apartment) zoning to O&I (Office and Institutional) zoning. The Applicant's land is more specifically identified by Randolph County Parcel Identification Number 7761229306.

Mr. Nuttall utilized a visual presentation to summarize the planning staff's analysis of the request. The staff report noted the following:

1. The property is located inside the city limits.
2. The most recent 2014 Comprehensive Transportation Plan identifies this segment of East Salisbury Street/NC Highway 42 (a state-maintained major thoroughfare) as over capacity based on 2012 volumes measuring average annual daily vehicles/day (11,600 capacity vs. 13,200 AADT 2012 volume).
3. In order to relieve the congestion that currently exists on NC Highway 42 North, the current NCDOT Transportation Improvement Program has committed funding to road improvements (Project No. U-5743) along NC Highway 42 extending between the East Salisbury Street intersection and US Highway 64 (East Dixie Drive). Proposed improvements include the addition of a center turn lane, sidewalks, curbing and guttering. Public right-of-way acquisition is currently scheduled to begin in 2019, with construction scheduled to begin in 2020.
4. At the time CU-OA6 zoning was applied to the property (2001), there was no O&I (Office and Institutional) district. The O&I district prohibits residential (single-family, two-family, and multi-family) use of the property.
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. Noting changing conditions and other similar rezoning activity along NC Highway 42, the Land Development Plan Proposed Land Use map designation of the property was changed from Neighborhood Residential to Office and Institutional in 2015.
7. Zoning design standards including building material requirements and internal pedestrian connections may apply to future addition(s) and/or new structure(s).

The planning board recommended approval of the zoning map amendment application. This recommendation was based on the planning board's concurrence with the following analysis from the community development division staff's evaluation of the consistency of the requested rezoning with the adopted comprehensive plans as well as the reasonableness of the request and whether the requested rezoning is in the public interest:

The request is supported by its consistency with the Land Development Plan's Proposed Land Use map, which designates office and institutional uses for both the subject property and adjacent properties along NC Highway 42 extending to Dublin Square Road. The proposed land use map amendments in 2015 recognize that the subject property is in a transitional area between commercial uses to the

east and residential uses to the west. The request is also supported by its consistency with the zoning ordinance's description of the O&I district.

Staff notes a number of changing conditions that support the O&I district request since the current CU-OA6 zoning was applied in 2001. At that time, there was no general district that limited allowable uses to office and institutional uses, while excluding residential uses and heavier commercial uses. Staff also notes enhancement of zoning standards since 2001 related to building design and materials, and pedestrian connectivity that are essential elements of office and institutional uses. The current use of the property for an institutional use since 2001 also supports the request to rezone the property to a district that accommodates the current use and other uses likely to have similar impacts on adjacent properties.

Staff also acknowledges that although NC Highway 42 is over its capacity as it is currently designed, upcoming improvements will help address concerns over existing transportation infrastructure to better accommodate uses permitted in the O&I district.

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

Upon motion by Mr. Moffitt and seconded by Mr. Bell, the Council voted unanimously to follow the staff and planning board recommendations to approve the requested rezoning by adopting a multi-part motion that took the following actions:

1. City Council Analysis of the Requested Map Amendment: The requested rezoning is consistent with the Land Development Plan's Proposed Land Use map that designates office and institutional uses for both the Applicant's property and the adjacent properties that extend to Dublin Square Road along North Carolina Highway 42. The Applicant's property is in a transitional area between commercial uses to the east and residential uses to the west.

The application is also supported by the consistency of the zoning lot with the description of the O&I district in the Asheboro Zoning Ordinance. Further support exists for the application because of the following factors:

- (a) When the CU-OA6 zoning district was applied to the zoning lot in 2001, there was no general district that limited permitted uses to office and institutional uses while excluding residential uses and heavier commercial uses.
- (b) Zoning standards have been enhanced since 2001. More specifically, building design and materials standards have been enhanced along with the strengthening of pedestrian connectivity standards. These areas of improvement address essential elements of office and institutional uses.
- (c) The utilization of the property for an institutional use since 2001 also supports the request to rezone the property to a district that accommodates the current use and other uses likely to have similar impacts on adjacent properties.
- (d) Upcoming improvements to North Carolina Highway 42 will help address concerns over existing transportation infrastructure and its ability to accommodate the uses permitted in the O&I district.

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

Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

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

12. Public comment period.

Mayor Smith opened the floor for public comments, and none were offered.

Mayor Smith closed the public comment period.

13. Preliminary subdivision plat approval request for Zoocrest Townhomes.

Mr. Nuttall presented the city staff's analysis of the preliminary subdivision plat for Zoocrest Townhomes. The proposed subdivision is located at 1223 Crestview Church Road at the intersection with Zoo Parkway.

The applicant, Mr. John T. Robbins, has requested approval of a preliminary plat that shows 34 lots plus common area. After a public hearing was concluded in June 2018, the property was rezoned from R15 (Low-Density Single-Family Residential) to CU-R10 (Conditional Use Medium-Density Residential) and a Conditional Use Permit was issued for a residential planned unit development.

One recreation area, with a picnic and play area, is proposed between the pond on the property and Zoo Parkway. One entrance from Crestview Church Road is proposed for access to the internal portions of the development. Some of the units are directly adjacent to either Zoo Parkway or Crestview Church Road. With the exception of two dwelling units on Zoo Parkway, all driveways accessing the units are on streets within the development. Along with the main entrance from Crestview Church Road (Zoocrest Lane), driveways for these two units will require driveway permit approval from the North Carolina Department of Transportation.

Two minor changes proposed since the sketch design approval are a slight adjustment in some building locations (moving buildings closer to Zebra Court and further from Crestview Church Road) and a reduction in the number of dwellings from 36 units to 34 units. These changes are not considered a modification of the approved site plan. Consequently, a new Conditional Use Permit is not required.

During his presentation, Mr. Nuttall noted that the community development division staff and the planning board recommended granting the request with the following conditions/comments:

1. Annexation will be required before connection to city utilities is allowed.
2. Homeowners documents are required to be recorded with the final plat. These recorded documents must include maintenance mechanisms for the common area and restrictions concerning recreational vehicle (RV) parking.

Upon motion by Mr. Moffitt and seconded by Ms. Carter, the Council voted unanimously to approve, subject to the above-stated conditions/comments, the Zoocrest Townhomes preliminary plat.

A copy of the preliminary plat is on file in the community development division.

14. Presentation on grant funding for downtown revitalization.

Mayor Smith reported to the Council that the city has received grant funding from the North Carolina General Assembly for downtown revitalization in the amount of \$250,000. As discussed with city staff, Mayor Smith recommended that the city use the funding for the renovations of the recently acquired McCrary Gymnasium. Mr. Burks moved to direct city staff to notify the appropriate state officials of the city's intent to utilize the appropriation for the renovations of McCrary Gymnasium, and Ms. Carter seconded the motion. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion.

15. 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 9:32 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor

Minutes of the meeting of the Asheboro Alcoholic Beverage Control Board held on August 6, 2018

The Asheboro ABC Board met on August 6, 2018, at 5:30 PM, in the Board office, 700 South Fayetteville Street, Asheboro, NC.

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

The Chair inquired as to any known conflict of interest, appearance of a conflict of interest, or objections concerning agenda items before the Board; after 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 July 2, 2018, Board meeting.

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

The Performance Evaluation Division of the NC General Assembly has been directed to evaluate whether other systems of alcohol beverage control for spirituous liquor are appropriate for North Carolina and consider whether the North Carolina system needs further modernization. As a part of the study, the PED sent a survey to the Asheboro ABC general manager and has scheduled an August 29, 2019, on-sight visit.

The Board reviewed 3rd and 4th Quarter Grant Applications.

- Upon motion by Bob Morrison, the Board awarded the Randolph County Family Crises Center \$4,334 from residual grant funds.
- Upon motion by the Chair, the Board awarded Randolph Community College \$200 from residual grant funds for its Parent Awareness Academy and \$4,200 from 4th quarter funds for its 2019 Substance Abuse and Mental Health Symposium. The Board requested additional information from RCC and upon review will consider awarding additional 3rd quarter funds at its September meeting.
- The Board requested additional information from two other grant applicants and upon review of the information will consider those applications at its September meeting.

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

1. Asheboro ABC sales statistics comparing:
 - July sales with the previous month indicate:
 - An overall -7.9% change (all sales and tax collections)
 - July 2018 sales with sales from the same month last year indicate:
 - Retail Sales +1.3 (\$231,267.45)
 - Mixed Beverage Sales: +35.3% (\$30,403.23)

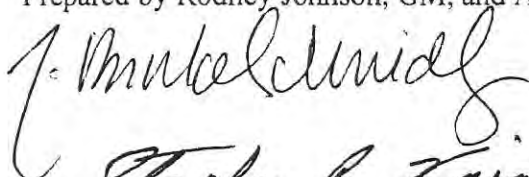
- Sales Tax Collections: +1.3% (\$16,207.74)
- Overall Collections: +4.13% (\$277,878.42)
- July 2018 bottle sales with bottle sales from the same month last year indicate:
 - Retail Bottle Sales: -1.1%
 - Mixed Beverage Bottle Sales: +24.6%
 - Overall Bottle Sales: -0.96%

The next regular Asheboro ABC Board meeting will be held Monday, September 4, 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

9-4-18 
GM






TO: John Ogburn, *City Manager*

FROM: Jonathan Sermon, *Recreation Services Director*

DATE: September 24, 2018

SUBJECT: **Canada Geese** (also includes White-Fronted Geese) & **Duck Hunting Season Dates**

The Cultural & Recreation Services Department is requesting to be placed on the consent agenda for the October 4th City Council meeting. The request is for the annual approval of the Canada Geese (also includes White-Fronted Geese) & Duck hunting dates at Lake Reese.

The Recreation Services Department has offered Geese/Duck Hunting at Lake Reese for the last ten years after a short hiatus due to low interest. After a successful past ten years, the department would like to offer this activity at Lake Reese again in 2018.

Listed below are the proposed dates for the **2018 - 2019 Canada Geese** (also includes White-Fronted Geese) & **Duck** hunting season at Lake Reese.

NOVEMBER 17th, 19th, 29th
DECEMBER 15th, 17th, 27th
JANUARY 3rd, 5th, 7th

Hunting hours are ½ hour before sunrise to sunset. The Lake will be closed to other activities while hunting takes place. Hunters are required to call Lake Reese at least 24 hours in advance to reserve a space. If hunting reservations are not made, the Lake will operate on its regular winter schedule.



APPLICATION FOR PARADE PERMIT

In accordance with 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: Jennifer R. Staley (City of Asheboro Cultural & Recreation Services)

Address: 241 Sunset Avenue; Asheboro, NC 27203

Phone: (336) 626-1240 x 4 **E-mail:** jstaley@ci.asheboro.nc.us

Organization: City of Asheboro Cultural & Recreation Services

Address: 241 Sunset Avenue; Asheboro, NC 27203

Phone: (336) 626-1240 x 4

Date of Parade: October 31, 2018 **Start Time:** 6:30 pm **End Time:** 8:30 pm

Number of Persons: 6000 **Number of Vehicles:** 0

Streets Involved: Sunset Ave. from Church St. to Fayetteville St. & North St. from Sunset Ave. to E. Salisbury

Special Officials and/or guest:

Insurance Company & Policy Number:

Any Additional Information: Request for road closure will be in the October Council Meeting. Setup and street closure will begin at 5:00pm. We will need police assistance to clear the streets (like Christmas Parade). In 2015 several cars were allowed to stay inside the perimeter causing a safety issue when they left during the event.

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: Jennifer Staley

Digitally signed by Jennifer Staley
DN: cn=Jennifer Staley, o=Asheboro Cultural & Recreation, ou,
email=jstaley@ci.asheboro.nc.us, c=US
Date: 2017.09.19 15:33:04 -0400

Internal Use Only

Police Department Recommendation:

City of Asheboro Approval By: **Date:**



gone to PD & BWS
8-31-2018



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: Shelia Robbins Scott

Address: 3282 Robbins Scott Rd, Randleman NC 27317

Phone: 336 498-3398 E-mail: sheliarscott@aol.com
336 953-2884-see

Organization: none

Address: _____

Phone: _____

Date of Parade: Sunday, Nov 4 Start Time: 3:00 End Time: 4:00

Number of Persons: 99 Number of Vehicles: -0-

Streets Involved: Park - East - Church - Sunset

Special officials and/or guests: -0-

Insurance Company & Policy Number: Farm Bureau - Ins. - Randleman

Any additional information: _____

Insurance - issued 4 weeks before event

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: Shelia R Scott

Internal Use Only

Police Department Recommendation: _____

City of Asheboro Approval By: [Signature] Date: 10/31/2018



Gave to PW & PD

8-13-2018

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: EDWARD "Lucky" LUCKADO Sr. VICE + PARADE DIR
Address: 4799 OLD GREENSBORO RD RANDLEMAN, NC 27317
Phone: 336-498-7146 E-mail: eluckado@triad.rr.com

Organization: RANDOLPH COUNTY VETERANS COUNCIL
Address: SAME
Phone: SAME

Date of Parade: NOV. 11, 2018 Start Time: 4:00 PM End Time: 5:00 PM

Number of Persons: _____ Number of Vehicles: _____

Streets Involved: START Church ST - Turn right on SUNSET - Turn Left on
FAVELINE - Turn right on north ST

Special officials and/or guests: _____

Insurance Company & Policy Number: Close Hill St. - Academy St. - Freedom Dr. - Wainman Ave. - Kivel ST AND KANE ST
AT 3:00 PM ON NOV 11 2018

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: Edward W Luckado Jr

Internal Use Only

Police Department Recommendation: _____

City of Asheboro Approval By: [Signature] Date: 8/10/2018

Change Order

No. 1

Date of Issuance: September 28, 2018

Effective Date: September 28, 2018

Project: : INDUSTRIAL RAIL SPUR TRACKS, CITY OF ASHEBORO	Owner: CITY OF ASHEBORO	Owner's Contract No.: 490171809
Contract: GENERAL TRACK CONSTRUCTION		Date of Contract: February 20, 2018
Contractor: HGnS, INC. dba DIRTWORKS OF THE CAROLINAS		Engineer's Project No.: E-3501

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Final Adjusting Change Order

Attachments: (List documents supporting change):

CHANGE IN CONTRACT PRICE:

Original Contract Price:

\$ 613,990.00

[Increase] [Decrease] from previously approved Change Orders No. _____ to No. _____:

\$ 0

Contract Price prior to this Change Order:

\$ 613,990.00

[Increase] [~~Decrease~~] of this Change Order:

\$ (75,615.40)

Contract Price incorporating this Change Order:

\$ 538,374.60

CHANGE IN CONTRACT TIMES:

Original Contract Times: ☐ Working days ☒ Calendar days

Substantial completion (days or date): 120

Ready for final payment (days or date): 120

[Increase] [Decrease] from previously approved Change Orders No. _____ to No. _____:

Substantial completion (days): 0

Ready for final payment (days): 0

Contract Times prior to this Change Order:

Substantial completion (days or date): 120

Ready for final payment (days or date): 120

[~~Increase~~] [Decrease] of this Change Order:

Substantial completion (days or date): 83

Ready for final payment (days or date): 83

Contract Times with all approved Change Orders:

Substantial completion (days or date): 203

Ready for final payment (days or date): 203

RECOMMENDED:

By: [Signature]
Engineer (Authorized Signature)

Date: 10/2/18

ACCEPTED:

By: _____
Owner (Authorized Signature)

Date: _____

ACCEPTED:

By: [Signature]
Contractor (Authorized Signature)

Date: 10/2/18

Approved by Funding Agency (if applicable):

Date: _____

Pre-Audit Statement – See following page

EJCDC No. C-941 (2002 Edition)

Prepared by the Engineers' Joint Contract Documents Committee and endorsed by the Associated General Contractors of America and the Construction Specifications Institute.

PRE-AUDIT STATEMENT

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

City of Asheboro

Date: _____

By: _____

Title: _____

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.

David H. Smith, Mayor

ATTEST:

Holly H Doerr, CMC, NCCMC, City Clerk



RZ-18-13: Request concerning 618 and 622 Franks Street

A.) Request to rezone from RA6 (High-Density Residential) to CU-O & I
(Conditional Use Office and Institutional):

Planning Board Recommendation and Staff Report

B.) Request for a conditional use permit for a Place of Worship:

Staff Report

Planning Board Recommendation & Comments to City Council

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

Case # **RZ-18**
 -13

Date 8-6-2018 Planning
Board

Applicant Hattie Johnson New Jerusalem Pentecostal Holiness Church, Inc.

Legal Description

The property of New Jerusalem Pentecostal Holiness Church, Inc., located at 618 and 622 Franks Street, identified by Randolph County Parcel Identification Numbers 7761144135 and 7761144098 & totaling approximately 0.67 acres +/-.

Requested Action Rezone from RA6 (High-Density Residential) to CU-O&I (Conditional Use Office & Institutional)

Existing Zone RA6

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-18-13

Date 9/4/2018 Planning Board
10/4/2018 City Council

General Information

Applicant Hattie Johnson, New Jerusalem Pentecostal Church Inc.

Address 718 Martin Luther King Jr. Dr.

City Asheboro NC 27203

Phone 336-625-6417

Location 618 Franks Street (no structure) and 622 Franks Street

Requested Action Rezone from RA6 (High-Density Residential) to CU-O&I (Conditional Use Office & Institutional)

Existing Zone RA6

Existing Land Use Last permitted use was a single-family dwelling.

Size 0.67 acres +/-

Pin # 7761144135 and 7761144098

Applicant's Reasons as stated on application

The church is important to the community. Services for the public/serve the public.

Surrounding Land Use

North Membership organization

East Single-family residential

South Single-family residential

West Undeveloped residential

Zoning History In February, 2013, the former property owner voluntarily entered into a consent agreement with the City of Asheboro to remove the former dwelling from 618 Franks Street.

Legal Description

The property of New Jerusalem Pentecostal Holiness Church, Inc., located at 618 and 622 Franks Street, identified by Randolph County Parcel Identification Numbers 7761144135 and 7761144098 & totaling approximately 0.67 acres +/-.

NOTICES TO ADJOINING PROPERTY OWNERS WERE MAILED: Friday, September 14, 2018

Analysis

1. The property is inside the city limits.
2. Franks Streets is a local, city-maintained street.
3. The applicant has filed this request with a Conditional Use Permit application for a place of worship within an existing 988 sq. ft. +/- structure that was last used for a dwelling.
4. Although there is an option to apply for a Special Use Permit 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. Therefore, the Special Use Permit application is not a viable option for the applicant's proposal.
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 subject property to Watkins Street.
8. The City is investigating possibilities and 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.

Rezoning Staff Report

RZ Case # RZ-18-13

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 Central

Growth Strategy Map Designation Primary Growth

LDP Goals/Policies Which Support Request

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

Checklist Item 11: Rezoning will promote the type of development described in Design Principles

Checklist Items 12 and 13: 12.) Property is located outside of watershed 13.) The property is located outside of Special Hazard Flood Area.

Goal 3.2: Quality design demanding appropriate scale and context

Rezoning Staff Report

RZ Case # RZ-18-13

Page 3

LDP Goals/Policies Which Do Not Support Request

Checklist Item 1: Land Development Plan Map Compliance

Checklist Item 3: The property on which the rezoning district is proposed does not fit the description of the Zoning Ordinance. (*Article 200, Section 210, Schedule of Statements of Intent*)

Checklist Item 14: Rezoning is located on steep slopes of greater than 20%.

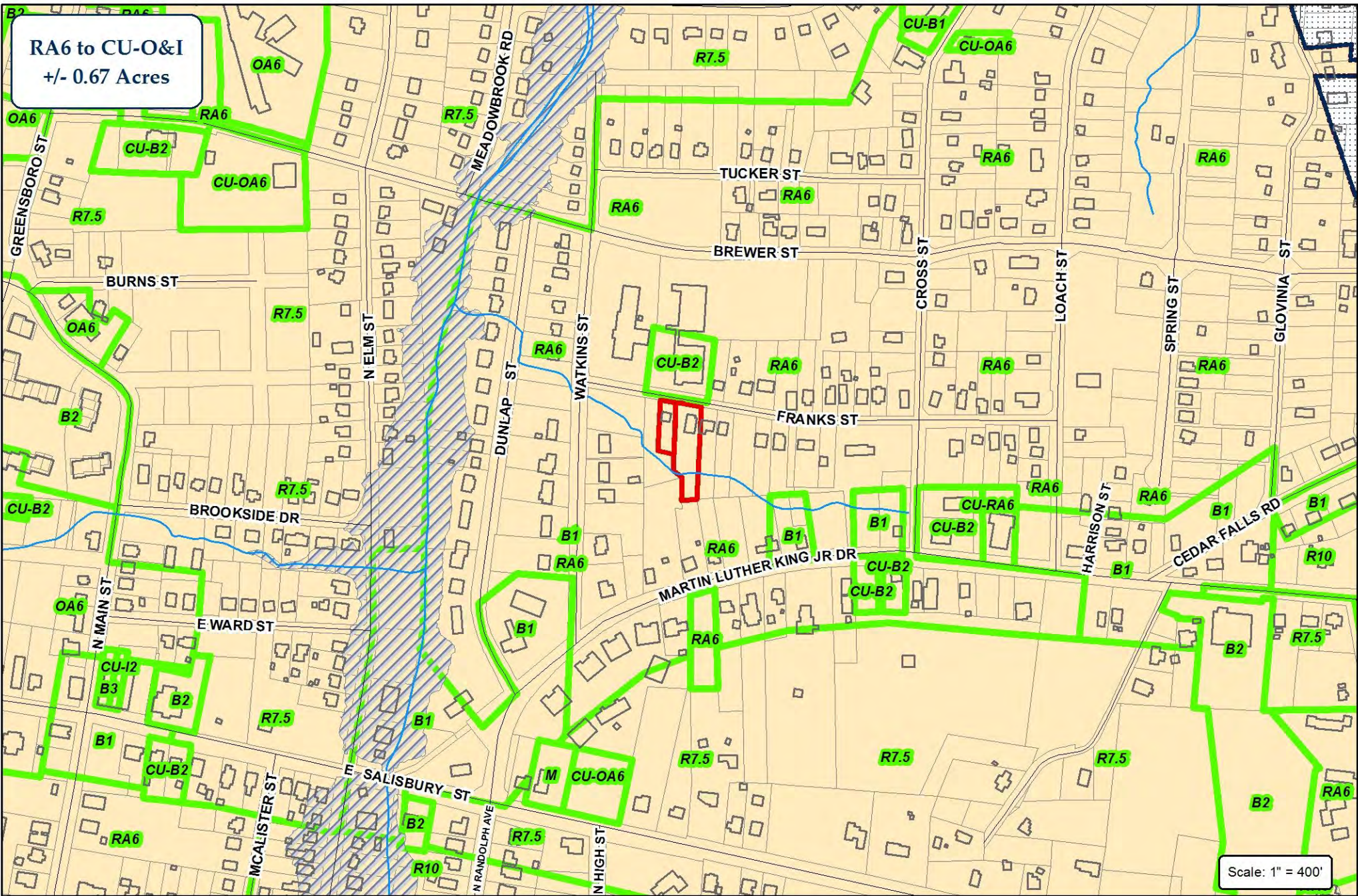
Staff's Final Analysis Concerning Consistency with Adopted Comprehensive Plans, Reasonableness and Public Interest

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 use(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-O&I 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 CU-O&I district request.



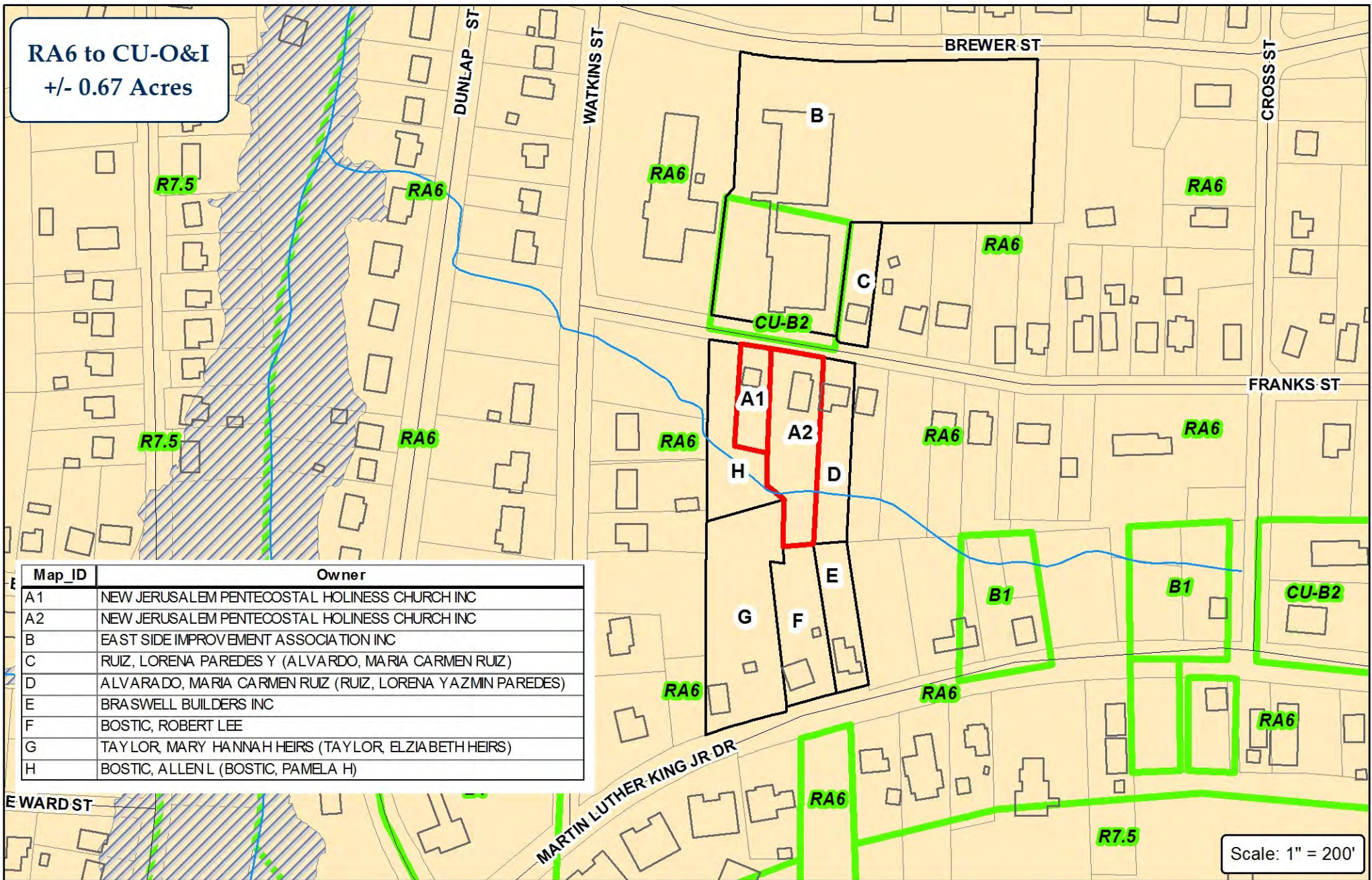
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-18-13
Conditional Use Permit: CUP-18-13

Parcel: 7761144098 & 7761144135



RA6 to CU-O&I
+/- 0.67 Acres

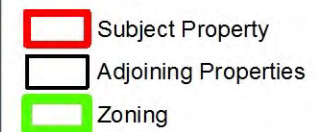


Map_ID	Owner
A1	NEW JERUSALEM PENTECOSTAL HOLINESS CHURCH INC
A2	NEW JERUSALEM PENTECOSTAL HOLINESS CHURCH INC
B	EAST SIDE IMPROVEMENT ASSOCIATION INC
C	RUIZ, LORENA PAREDES Y (ALVARDO, MARIA CARMEN RUIZ)
D	ALVARADO, MARIA CARMEN RUIZ (RUIZ, LORENA YAZMIN PAREDES)
E	BRASWELL BUILDERS INC
F	BOSTIC, ROBERT LEE
G	TAYLOR, MARY HANNAH HEIRS (TAYLOR, ELZIABETH HEIRS)
H	BOSTIC, ALLEN L (BOSTIC, PAMELA H)

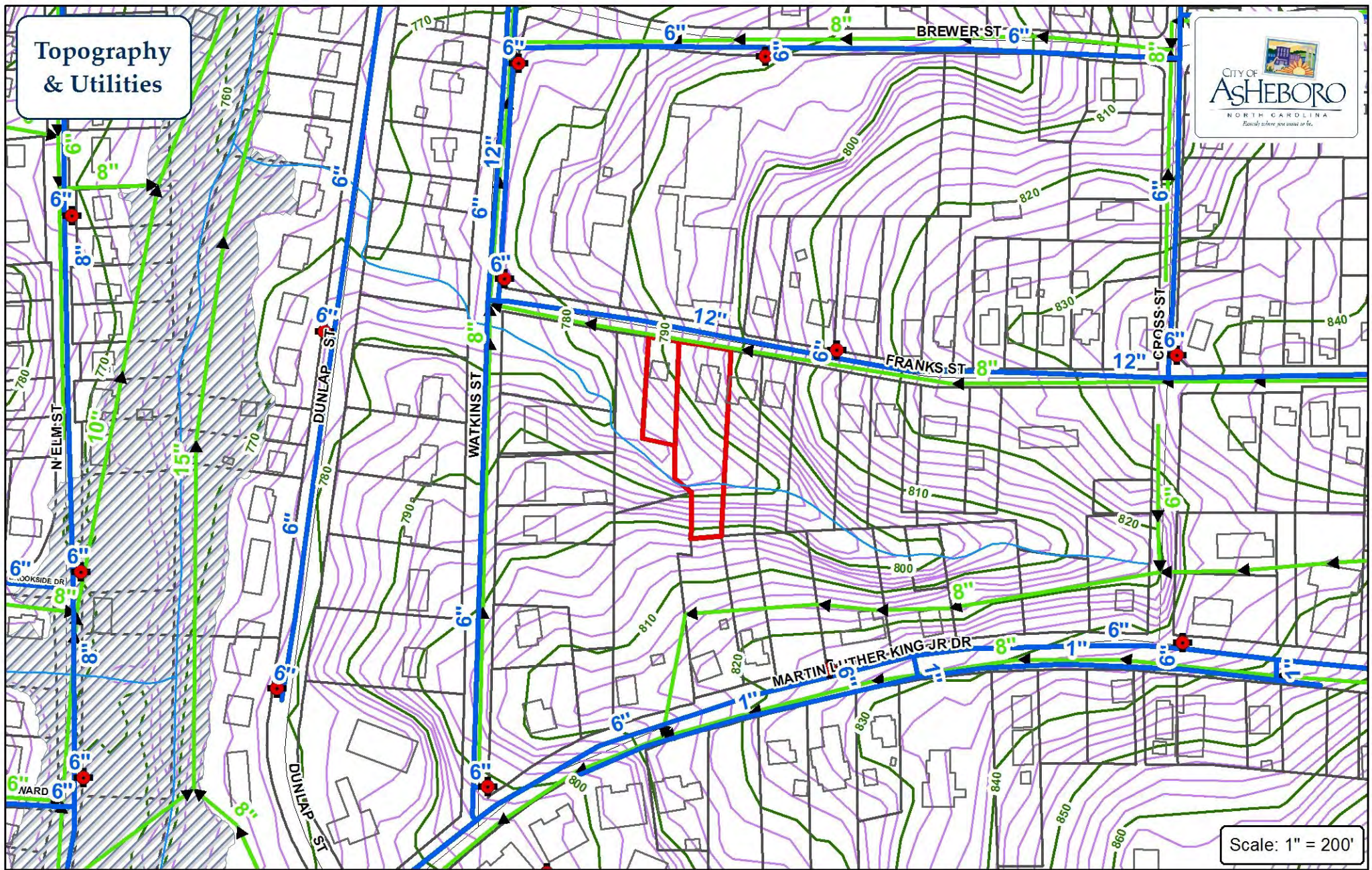
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-18-13
Conditional Use Permit: CUP-18-13

Parcel: 7761144098 & 7761144135



Topography & Utilities

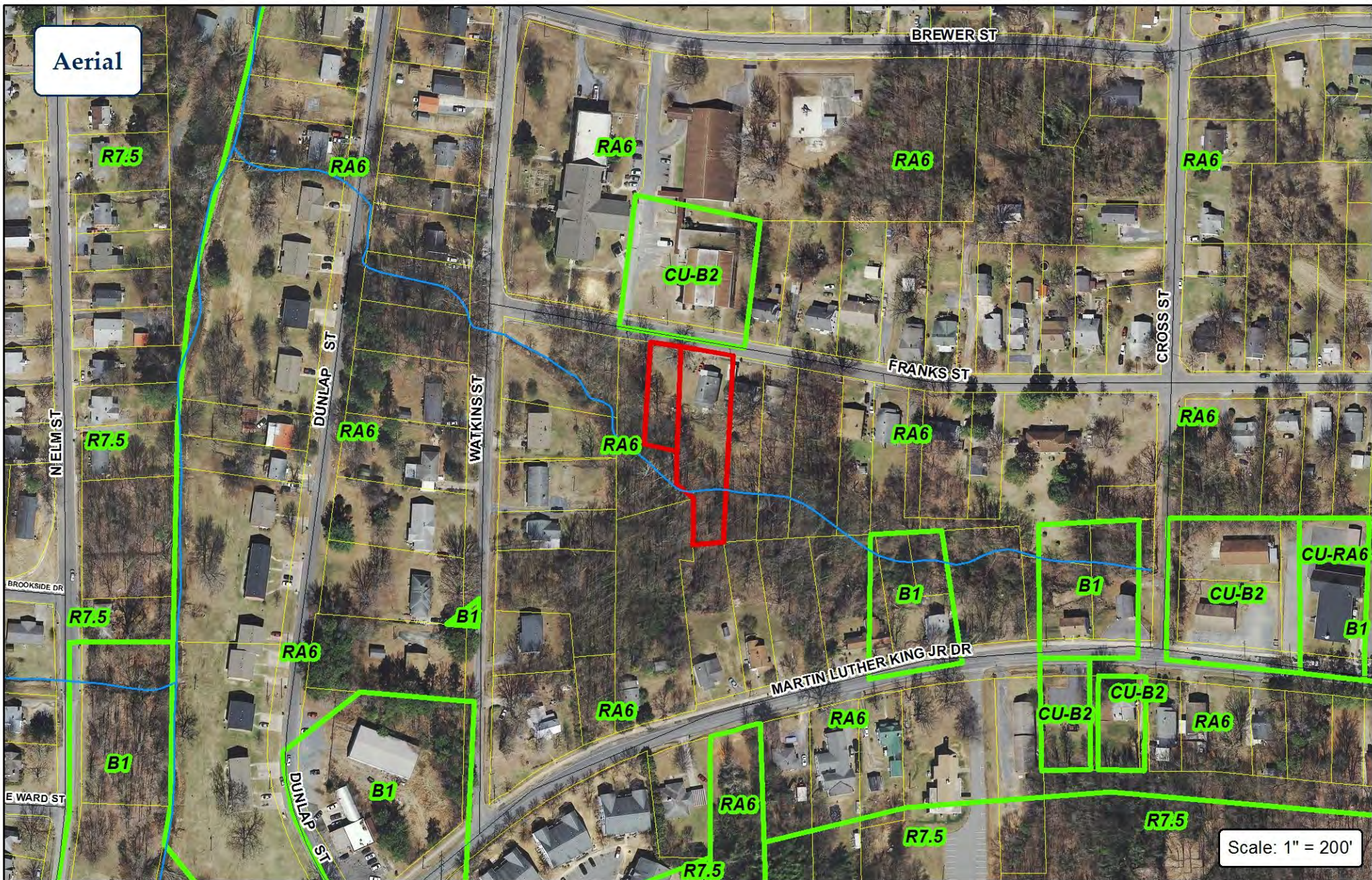


-  Water Main
-  Sewer Main
-  Force Main
-  Fire Hydrant
-  Pump Station

City of Asheboro
 Planning & Zoning Department
 Rezoning Case: RZ-18-13
 Conditional Use Permit: CUP-18-13
 Parcel: 7761144098 & 7761144135

 Subject Property

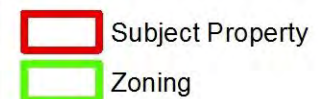




City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-18-13
Conditional Use Permit: CUP-18-13

Parcel: 7761144098 & 7761144135



Conditional Use Permit Staff Report

CUP Case No. CUP-18-13

10/4/2018 City Council

General Information

Name Hattie Johnson New Jerusalem Pentecostal Church, Inc.

Address 718 Martin Luther King Jr. Drive
Asheboro NC 27203

Phone 336-625-6417

Pin # 7761144135 and 7761144098

Location 618 and 622 Franks Street

Requested Action: Conditional Use Permit for a Place of Worship

Existing Zone RA6 (CU O&I proposed)

Existing Land Use Last permitted use was a single-family dwelling.

Size 0.67 acres +/-

Applicant's Reason as stated on application
Church

Surrounding Land Use

North Membership organization

East Single-family residential

South Single-family residential

West Undeveloped residential

Zoning History In February, 2013, the former property owner voluntarily entered into a consent agreement with the City of Asheboro to remove the former dwelling from 618 Franks Street.

Growth Strategy Map Primary Growth

Proposed L D P Map Neighborhood Residential

Legal Description

The property of New Jerusalem Pentecostal Holiness Church, Inc., located at 618 and 622 Franks Street, identified by Randolph County Parcel Identification Numbers 7761144135 and 7761144098 & totaling approximately 0.67 acres +/-.

NOTICES TO ADJOINING PROPERTY OWNERS WERE MAILED: Friday, September 14, 2018

Analysis

1. This Conditional Use Permit application is for a place of worship within an existing 988 sq. ft. +/- structure that was last used for a dwelling. No new structure(s) or addition(s) to the existing structure are proposed.
2. Although there is an option to apply for a Special Use Permit 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. Therefore, the Special Use Permit application is not an option for the applicant's proposal.
3. 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 prohibition of parking in the required front yard, and screening/buffering of parking areas adjacent to residential properties.
4. 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.
5. Required parking is based on the size of the main assembly area (such as a sanctuary) within a place of worship. The applicant's site plan indicates that five (5) parking spaces are proposed. The number of proposed parking spaces accommodates up to 16 people in this area.

LDP Conformity Issues Review should carefully evaluate the proposed use in light of harmony with the current Neighborhood Residential designation.

Conditional Use Permit Staff Report

CUP Case No. CUP-18-13

Page 2

Staff Comments

Suggested Conditions

Draft Conditions as of 9-27-18:

(A) 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.

(B) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the applicant shall provide detail on the following:

- (i) Compliance of the handicapped ramp design and handicapped parking with the NC 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 City Council.
- (ii) Required plantings to supplement existing vegetation shown on the site plan per Sections 304A and 308A
- (iii) Solid waste facilities in accordance with Section 307A.

(C) 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 and 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.

"I, William C. Burrow, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 2556, page 997, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book TAX, page MAP; that the ratio of precision or positional accuracy calculated is 1:10000; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this 19 day of SEPT., A.D., 2018.

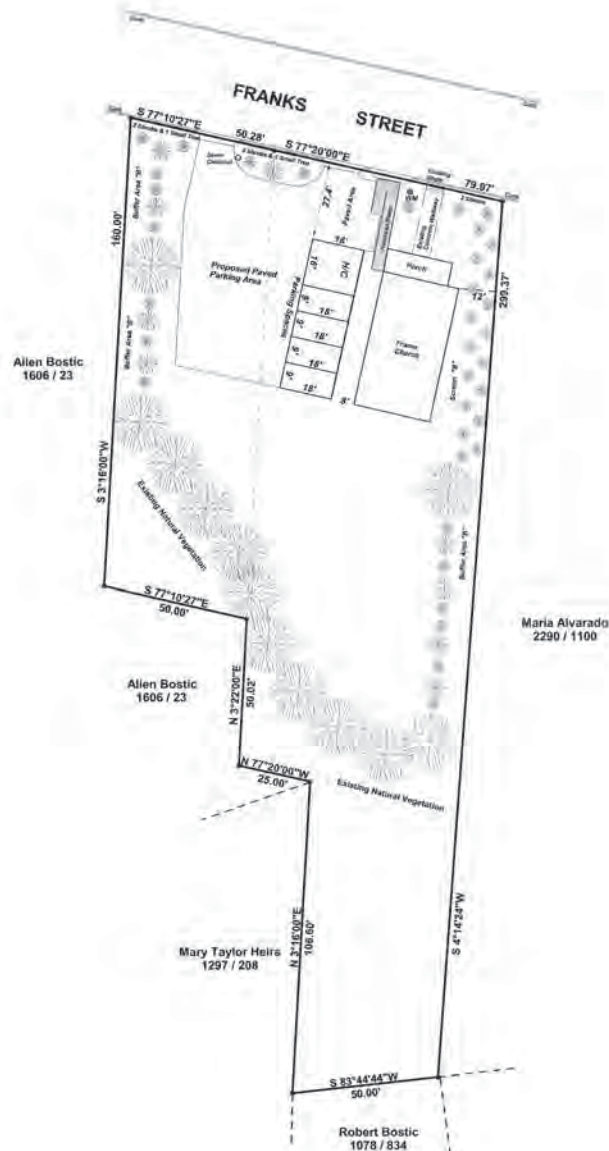
Seal or Stamp

Professional Land Surveyor
L-2497

LEGEND
 EIP- Existing Iron Pipe
 EIR- Existing Iron Rod
 1/2" Rebar Set
 Boundary
 Tie Line or Deed
 Line not surveyed
 NCDOT R/W
 OVERHEAD
 POWERLINE
 PP - POWER POLE



VICINITY MAP (NTS)



Parking Requirement for Place of Worship

0.3 Spaces per seat in sanctuary / main assembly area
 5 parking spaces available
 Parking is available for 16 persons

Proposed Use: Church

NOTE: The use will comply with Performance Standards in Commercial Districts (Section 317A)

NOTES

1. FOR DEED REFERENCE SEE DEED BOOK 2556 PAGE 997
2. ALL BUILDINGS SHOWN ON PLAT ARE EXISTING.
3. NO PUBLISHED NCGS MONUMENT FOUND WITHIN 2000'

OWNER: New Jerusalem Pentecostal
 Holiness Church, Inc.
 715 Martin Luther King Dr.
 Asheboro, NC 27203

SITE PLAN FOR
**NEW JERUSALEM PENTECOSTAL
 HOLINESS CHURCH, INC.**
 CITY OF ASHEBORO ASHEBORO TOWNSHIP
 RANDOLPH COUNTY NORTH CAROLINA
 SEPTEMBER 19, 2018 SCALE: 1" = 30'
 SURVEY BY: BURROW SURVEYS, INC. C-0936
 4483 FORK CREEK MILL RD.
 SEAGROVE, NC 27341
 (336) 879 - 5553
 PIN# 7761144135 - 7761144098

BAR SCALE: 1" = 30'
 30 15 0 30

PROJECT NO. 5290

DEED BOOK 2556 PAGE 997

VICINITY MAP
NOT TO SCALE

NOTE "A"
SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED DURING THIS SURVEY. ALL BUILDINGS, SURFACE AND SUBSURFACE IMPROVEMENTS ON AND ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN HEREON. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND CONTAINERS WHICH MAY AFFECT THE USE OF THIS TRACT.

NOTE "B"
THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN ARE BASED ON VISIBLE EVIDENCE AND DRAWINGS PROVIDED TO THE SURVEYOR. LOCATION OF UNDERGROUND UTILITIES AND STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON, AND ADDITIONAL BURIED UTILITIES MAY EXIST. CONTACT THE APPROPRIATE UTILITY COMPANIES FOR INFORMATION REGARDING BURIED UTILITIES.

NOTE "C"
ALL DISTANCES ARE HORIZONTAL GROUND
AND AREA BY COORDINATE COMPUTATION.

NOTE "D"
THIS SURVEY WAS DONE WITHOUT A
TITLE SEARCH AND IS BASED ON
REFERENCED INFORMATION. THERE MAY
EXIST OTHER DOCUMENTS OF RECORD
WHICH COULD AFFECT THIS PROPERTY.

NOTE "E"
EXCEPT AS SPECIFICALLY STATED OR SHOWN, THIS SURVEY DOES NOT REPORT ANY OF THE FOLLOWING: EASEMENTS, OTHER THAN THOSE VISIBLE DURING FIELD EXAMINATION, BUILDING SETBACKS, RESTRICTIVE COVENANTS, ZONING OR LAND USE REGULATIONS AND ANY FACTS WHICH A TITLE SEARCH MAY DISCLOSE.

NOTE "f"
WETLANDS, JURISDICTIONAL WATERS OR
OTHER CONDITIONS WHICH MAY BE
REGULATED BY FEDERAL OR STATE OR
LOCAL AGENCIES WERE NOT INVESTIGATED
DURING THIS SURVEY. RIPARIAN BUFFERS
AND OTHER RESTRICTIONS ON DEVELOPMENT
MAY BE REQUIRED.

NOTE "G"
SEE PLAT "H.W. HINSHAW" BY CLOTUS CRAVEN, PLS.
DATED AUGUST 1953, AND RECORDED IN
PLAT BOOK 7/057

NOTE "H"
FLOOD ZONES ARE BASED ON GIS SHAPE
FILES PROVIDED BY THE NORTH CAROLINA
FLOOD RISK INFORMATION SYSTEM (FRIS). THIS
INFORMATION CAN ALSO BE SEEN ON FIRM MAPS;
MAP# 3710776100J REVISED 01/02/2008.

NOTE "J"
NO NCGS MONUMENTS WERE FOUND WITHIN
2000' OF THIS SITE.

NOTE "K"
THIS PROPERTY IS WITHIN THE CAPE FEAR RIVER BASIN.

CERTIFICATE OF PLAT REVIEW OFFICER

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

DATE _____ REVIEW OFFICER _____

COPYRIGHT © 2018
SUMMIT
DESIGN AND ENGINEERING

DRAWING ALTERATION
IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF LICENSED ARCHITECT, PROFESSIONAL ENGINEER, LANDSCAPE ARCHITECT, OR LAND SURVEYOR TO ALTER ANY ITEM ON THIS DOCUMENT IN ANY WAY. ANY LICENSEE WHO ALTERS THIS DOCUMENT IS REQUIRED BY LAW TO AFFIX HIS OR HER SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY HIS OR HER SIGNATURE AND SPECIFIC DESCRIPTION OF THE ALTERATIONS.

PHYSICAL ADDRESS:
PIN 7761738476 HAS NO
PHYSICAL ADDRESS

CLIENT ADDRESS:
119 N. SALISBURY STREET
RALEIGH, NC 27603

PIN	7761738476
REFERENCES	SEE PLAT
PROJECT MANAGER	TT
DRAWN BY	

LEGEND:

	IRON ROD OR PIPE SET
	EXISTING MONUMENT FOUND; IRON ROD OR PIPE UNLESS OTHERWISE DESCRIBED
	MATHEMATICAL POINT; NO MONUMENT SET
	CONCRETE MONUMENT
EIP	EXISTING IRON PIPE
	UTILITY POLE

ANNEXATION MAP FOR:
STATE EMPLOYEES' CREDIT UNION

ASHEBORO TWP., RANDOLPH CO., NORTH CAROLINA
FIELD WORK PERFORMED MAY 23, 2018
PROPERTY AS DESCRIBED IN DEED BOOK 2611 PAGES 556-558
STANDING IN THE NAME OF
STATE EMPLOYEES' CREDIT UNION

I HEREBY CERTIFY THAT THIS PLAT IS OF THE FOLLOWING TYPE:
G.S. 47-30 (F)(11)(D). THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION. THIS WAS COMPLETED UNDER MY DIRECT AND RESPONSIBLE CHARGE FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THIS ANNEXATION SURVEY WAS COMPLETED ON.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL
THIS xxTH DAY OF SEPTEMBER 2018.

PRELIMINARY PLAT

Not for Recordation, Conveyance or Sales

PROFESSIONAL LAND SURVEYOR REG. NUMBER 1-4298



SUMMIT
DESIGN AND ENGINEERING SERVICES
Creatively Inspired - Technically Executed

License #: P-0339
504 Meadowland Drive
Hillsborough, NC 27278-8551
Voice: (919) 732-3883 Fax: (919) 732-6676
www.summitide.net

PROJECT NO. _____

18-0048

DRAWING

18-0048-ANNEX

No: 15633

Waugh Asphalt, Inc.
3795 Hardin-Ellison Road
Franklinville, NC 27248
waughasphalt@embarqmail.com

Phone: 336-824-4805

FAX: 336-824-2333

PROPOSAL AND CONTRACT

TO: City of Asheboro

ATTN: David Hutchins

PROJECT: City of Asheboro 2018 Resurfacing

Asheboro NC

We propose to furnish all labor, materials, equipment, and supervision required for the performance of the above described work in connection with construction of improvements in accordance with conditions listed below and in strict accordance with plans and specifications and addenda listed below:

We include:

Date: 9-4-2018

Bid Item	Description	Quantity	Unit Price	Total Price
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Asphalt Resurfacing Various Streets				
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	Clean, apply a tack coat and resurface with 1.25" of surface course asphalt, hauled by Waugh Asphalt Inc. purchased by the City of Asheboro.			
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	Priced by the ton.			
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	Payment will be by actual quantity laid. Load tickets will be provided.			
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			\$26.36 Per ton	
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Total contract not to exceed \$ 43,500.00

***Based on August, 2018 asphalt index**

Price based on single mobilization. Additional mobilization priced at \$1,000.00 per crew.

This proposal may be withdrawn by us if not accepted within 30 days.

*This price is based on the NCDOT Monthly Terminal F.O.B. Asphalt Binder Price of \$ 553.33 per ton for the month of August, 2018.

If the asphalt cement price fluctuates from this stated price at any time during the performance of work under this contract, Waugh Asphalt, Inc. has the right to adjust prices in accordance with the NCDOT Monthly Terminal F.O.B. Asphalt Binder Prices.

We Exclude: Engineering, staking, sawcutting, demolition, structure adjustments, bollards of any kind, HC signs, rough grading, testing, proof-rolling, back filling, undercut-removal of subgrade, landscaping-seeding-mulching, and any work not stated above.

Unless a lump sum price is to be paid for the foregoing work and is clearly so stated, it is understood and agreed that the quantities referred to above are estimates only and that payment shall be made at the stated unit price on the actual quantities of work performed by the Company. Billings to be in accordance with Paragraph 2 of the Terms and Conditions. All proposals, or contracts are contingent upon satisfactory financial arrangements.

Return Proposal To:
Waugh Asphalt, Inc.
3795 Hardin-Ellison Rd.
Franklinville, NC 27248

Submitted by: Jeffrey M. Waugh, Estimator

Date: 9-4-2018

PROPOSAL-CONTRACT AND CONDITIONS

1. Please check all items listed under "we include" and "we exclude" as this is basis of our bid.
2. Invoice shall be rendered monthly for all work performed under this agreement during any month; payment of such invoice is due and payable within (30) days from date of invoice. Final and complete payment for all work performed under this agreement shall be made not later than thirty (30) days after date of final invoice for such work. Interest at the highest rate allowable under the laws of the state, or one and one-half percent (1 1/2%) per month, whichever is less, shall be charged and paid on all unpaid balances from the due date to the date we receive payment. You agree to pay in full all costs and expenses incurred by Waugh Asphalt, Inc. in collecting the amounts owed by you under the Agreement, including any and all court cost and attorneys' fees. Payments received will be applied against open items on unpaid invoices in an order and sequence determined by Waugh Asphalt, Inc. in its sole discretion. Any monies paid to you for our work shall be held in trust for our benefit. If payment is not received in sixty (60) days, we are authorized to take such steps so we deem necessary to protect our interest.
3. We shall not become obligated to perform the work called for under this Proposal and Contract until we check and approve your credit. This Proposal and Contract shall be null and void if your credit is not approved.
4. This document is the full agreement between us, regardless of any prior proposals or communications. Any deviations from the specifications or modifications of the terms of this contract and any extra or incidental work, on reduction in work, shall be set forth in writing and signed by both parties prior to the making of such change. If a time is set for the performance of our work, and if, in our judgment, such change or other circumstances beyond our reasonable control will increase the time necessary for our performance, we will be granted a reasonable extension of time. Any increase or decrease in the contract price resulting from such change shall be included in such writing.
5. We will provide and pay for Worker's Compensation, General Liability and Property Damage Insurance. You agree to carry General Liability and Property Damage Insurance sufficient to protect yourself against any and all claims and liabilities arising from the performance of the work.
6. We shall be provided with suitable access to the work area. If our work is dependent upon or must be undertaken in conjunction with the work of others, such other work shall be so performed and completed as to permit us to perform our work hereunder in normal uninterrupted single-shift operation.
7. Unless a time for the performance of our work is specified, we shall undertake it in the course of our normal operating schedule. We shall not be liable for any failure to undertake to complete, and may suspend the work for causes beyond our reasonable control, including but not limited to fire, flood or other casualty; the presence on or beneath the work site of utilities, facilities, substances, or objects, including but not limited to any substance that in our opinion is hazardous or toxic or the reporting, remediation, or clean-up of which is required by any law or regulation [together 'subsurface conditions']; labor disputes or other disagreements; and accidents or other mishaps, whether affecting this work or other operations in which we are involved, directly or indirectly.
8. If for causes beyond our reasonable control, we are delayed in completing our work for more that ninety (90) days beyond the originally scheduled completion date, we may cancel this agreement at any time thereafter on ten (10) days notice. In such event, we shall be relieved of any further obligation with respect to the balance of the work; and we shall be entitled to receive final and complete payment for all work performed by us to the date of cancellation within fifteen (15) days thereafter.
9. To the extent permitted by law, we shall not be responsible for damages to utilities or other facilities or objects buried beneath, or to sidewalks, driveways or other improvements located within our work area or designated area of space. It is further understood that we shall not be responsible for any damage to or deterioration of any of our work, whether completed or in progress, resulting from any cause or causes beyond our control, including but not limited to failure of subgrade or failure of inadequacy of any labor or materials not furnished and installed by us, whether or not such failure or inadequacy was or could have been known at the time our work was undertaken. You agree that proper jurisdiction and venue for any lawsuit concerning this contract is in the county in which the work is performed and you waive any right to jurisdiction and venue in any other place.
10. No surety bond is required.
11. We are not responsible for delays in transportation, by lock-outs, strikes, weather conditions, or any other causes beyond our control.
12. No overtime work is included in this proposal, and should we be required to work overtime, same will be basis of an extra charge.
13. We do not guarantee against cracking of concrete and asphalt.
14. Waugh Asphalt, Inc. hereby attests that it currently complies with and shall continue to comply with, for the duration of this agreement, Article 2 chapter 64 of the North Carolina General Statutes (commonly referred to as "E-Verify") and further attests that it ensures and will continue to ensure that any subcontractors utilized by Waugh Asphalt, Inc., also comply with the above referenced article.

FOR ASPHALT PAVING

The following are characteristics of asphalt paving, particularly private drives and small areas where mechanical spreaders cannot be used and the softer (less stone) mixes are generally preferred.

1. Denting will occur from the marks, particularly power steering, and from other objects and is more pronounced during first few weeks, especially in summer months. Asphalt surface becomes harder by wear and weathering.
2. Grass sometimes will grow through asphalt, especially around the edges of pavement. One application of weed killer generally kills grass.
3. We are not responsible for cracks or repairs to pavement when we place asphalt surface on customer's bases, stone, concrete, or asphalt.

If the foregoing meets with your acceptance, kindly sign and return both copies to the address above. At such time as we receive the above we will execute this contract and return one copy to you for your information and files. This proposal is for acceptance within thirty (30) days.

We _____ are an officer, owner or authorized representative of
(name)

_____. I hereby accept the above proposal and conditions this
(company)

_____ day of _____, 20_____.

Sign _____

This instrument has been preaudited in the manner required by the local government budget and fiscal control act.

Deborah P. Reaves, Finance Officer
City of Asheboro

Executed this _____ day of _____, 20_____

Waugh Asphalt, Inc.

Sign: _____

Title: _____

RESOLUTION NUMBER _____

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.

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

ATTEST:

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

CHANGE ORDER

ORDER NUMBER 1

DATE September 18, 2018

NAME OF PROJECT City of Asheboro Wastewater Treatment Plant Digester No. 1 Gas Holder Cover and Gas Mixing System

OWNER City of Asheboro

CONTRACTOR Haren Construction Company, Inc.

The following changes are hereby made to the CONTRACT DOCUMENTS

Change to CONTRACT PRICE:

Original CONTRACT PRICE: \$1,109,000.00

Current CONTRACT PRICE Adjusted by
Previous CHANGE ORDER: \$ 1,109,000.00

The CONTRACT PRICE due to this
CHANGE ORDER will be
(Decreased) by: \$ 13,550.00

The new CONTRACT PRICE including
This CHANGE ORDER will be: \$ 1,095,450.00

Change to CONTRACT TIME:

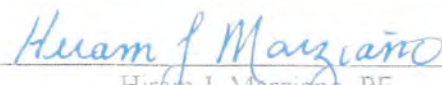
The CONTRACT TIME will be increased by 0 calendar days

The date for completion of all work will be June 14, 2019

APPROVALS:

To be effective, this Change Order must be approved in accordance with the CONTRACT DOCUMENTS (SEE ATTACHED E-MAIL)

Requested By  Contractor
Contractor

Recommended By  Engineer
Hiram J. Marziano, PE

Accepted By _____ Owner
John N. Ogburn, III, City Manager

PRE-AUDIT STATEMENT:

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

Finance Officer

Date

Jamie Poole

From: Rick Patton <rpatton@harenconstruction.com>
Sent: Wednesday, September 12, 2018 8:14 AM
To: Jamie Poole; Hi Marziano
Cc: Wendy Cox
Subject: Asheboro - COR 1- Delete Ladder and Change Platform from SS to Painted Carbon Steel

The proposed credit to delete the ladder, change the mixer platform from stainless steel to painted carbon steel is as follows

DESCRIPTION	COST
OVIVO	(\$15,000.00)
CICA PAINTING	<u>\$1,450.00</u>
	(\$13,550.00)

Please advise if this is acceptable.

Rick Patton
Haren Construction Company, Inc.
865-681-0171 (p) 865-681-0865 (fax)

From: Bryan Wheeler [mailto:bwheeler@ew2.net]
Sent: Thursday, August 09, 2018 8:48 AM
To: Rick Patton <rpatton@harenconstruction.com>
Subject: Asheboro- Ovivo Deduct

Rick, I just got the deduct from Ovivo see below.

1. Change Platform to Carbon Steel
2. Eliminate Ladder

Total Deduct is \$15,000.

Please let me know if the Town would like to approve this.

Bryan Wheeler
EW2 Environmental
919-208-8165

From: Bryan Wheeler
Sent: Tuesday, July 31, 2018 9:11 AM
To: 'Rick Patton'
Subject: RE: Asheboro

Rick, sorry for that. I did not know Monte was doing that. Everything will come through you from now on the way it should be.