

**REGULAR MEETING  
ASHEBORO CITY COUNCIL  
COUNCIL CHAMBER, MUNICIPAL BUILDING  
THURSDAY, MAY 10, 2012  
7:00 p.m.**

\*\*\*\*\*

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

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

John N. Ogburn, III, City Manager  
Edsel L. Brown, Code Enforcement Officer  
Dumont Bunker, P.E., City Engineer  
Holly H. Doerr, CMC, City Clerk/Paralegal  
John L. Evans, Senior Planner  
Casandra M. Fletcher, Marketing Specialist  
David J. Hutchins, Public Works Director  
Justin T. Luck, Zoning Administrator/Planner  
Billy R. Middleton, Street Foreman II  
Ralph W. Norton, Assistant Chief of Police  
Steven O. Paye, Safety Coordinator  
Deborah P. Reaves, Finance Director  
Jonathan M. Sermon, Recreation Services Superintendent  
James W. Smith, II, Fire Chief  
Jeffrey C. Sugg, City Attorney  
Rickey D. Wilson, 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. Silent prayer and pledge of allegiance.**

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

In addition to welcoming everyone in attendance, Mayor Smith recognized boy scouts from Troops 513 and 527 who were in attendance as a requirement for their citizenship badge.

**3. Presentation of National Safety Council Awards:**

**(a) C. Maxine Wright, City of Asheboro Police Department**

Mr. Steve Paye, the city's Safety Coordinator, announced that Master Police Lieutenant C. Maxine Wright had received a Safety Recognition Award for her unselfish acts on March 24, 2012 when she went above and beyond the call of duty and performed CPR on a fellow officer. During an event featuring the Asheboro Police Department Honor Guard, MLT Wright relied on her CPR training to stabilize a fellow officer when he suffered a seizure and stopped breathing during the event.

Since Lt. Wright was unable to attend the meeting, Major Norton will give her the award.

**(b) Billy R. Middleton, City of Asheboro Street Maintenance Department**

Mr. Paye presented a Safety Recognition Award to Billy R. Middleton, Street Foreman II. On April 14, 2012, Mr. Middleton noticed that a gentleman lying on the floor at a grocery store had stopped breathing. He then performed CPR and was able to stabilize the man until Emergency Services arrived.

**4. Recognition of retirements:**

**(a) Lieutenant Billy Maness, APD**

Chief Wilson presented Lieutenant Billy Maness with a plaque that included his badge as a token of gratitude for his loyal service to the City of Asheboro as a police officer from March 1, 1982 until February 1, 2012. Additionally, Chief Wilson presented Lieutenant Maness with his service side arm that he carried at the time of his retirement, and on behalf of the City Council and the City Manager's office, Mr. Ogburn presented him with a retirement plaque.

**(b) Sergeant Mark Hinshaw, APD**

Chief Wilson presented Sergeant Mark Hinshaw with a plaque that included his badge as a token of gratitude for his loyal service to the City of Asheboro over the course of an approximately 25-year career with the Asheboro Police Department. Additionally, Chief Wilson presented Sergeant Hinshaw with his service side arm that he carried at the time of his retirement, and on behalf of the City Council and the City Manager's office, Mr. Ogburn presented him with a retirement plaque.

**(c) Mr. Reynolds Neely, Community Development Director**

On behalf of the City Council and the City Manager's office, Mr. Ogburn presented Mr. Reynolds Neely with a plaque as a token of his 35 years of service to the City of Asheboro. Additionally, Mr. Ogburn presented Mr. Neely with the Order of the Long Leaf Pine from Governor Beverly E. Perdue along with a pottery commemorative plate picturing Asheboro City Hall.

**5. Consent agenda.**

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

**(a) The minutes of the City Council's regular meeting on April 5, 2012.**

**(b) The minutes of the City Council's special meeting on April 24, 2012.**

**(c) Ordinance to amend the Airport Improvements Fund (#66) FY 2011-2012.**

**10 ORD 5-12**

**ORDINANCE TO AMEND THE AIRPORT IMPROVEMENTS FUND (#66) FY 2011-2012**

WHEREAS, the City of Asheboro Regional Airport has been approved to receive additional federal funds under the Federal Aviation Century of Flight Authorization Act of 2003 (Vision 100) in conjunction with the State Aid to Airports Program. These funds have been awarded for "Airfield Improvements" and are referenced as State Project NO 36237.23.12.1 and;

WHEREAS, due to the award of these new funds, revenues and expenditures have changed from the amounts currently shown in the Airport Improvements Fund, and;

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

THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina

Section 1: That the following revenue line items are increased:

| <u>Account</u> | <u>Description</u>               | <u>Increase</u> | <u>Amended Budget</u> |
|----------------|----------------------------------|-----------------|-----------------------|
| 66-349-1600    | Fed Grant (11-12) #36237.23.12.1 | 150,000         | 150,000               |
| 66-367-1020    | GF Contribution (11-12)          | 16,667          | 16,667                |
|                | Total increase                   | 166,667         | 166,667               |





**WHEREAS**, the Board of Directors of the **PTRWA**, the Board of Commissioners of the counties of **FORSYTH, GUILFORD, RANDOLPH** and **ALAMANCE**, and the Councils of **ASHEBORO, HIGH POINT, WINSTON-SALEM, JAMESTOWN, RANDLEMAN, ARCHDALE, KERNERSVILLE, GREENSBORO, LEWISVILLE, CLEMMONS, RURAL HALL, BURLINGTON** and **TRINITY** each deem it to be in the best interests of the present and future citizens of the counties, cities, villages, and towns that this Agreement be entered into in order to meet their complementary needs for the education of Piedmont Triad-area businesses and citizens with regard to stormwater and water quality management.

**NOW, THEREFORE**, in consideration of the terms, conditions, and covenants expressed herein, the PTRWA, counties, cities, villages, and towns agree as follows:

#### **ARTICLE I Purpose of Agreement**

The purpose of this Agreement is to evidence the counties, cities, villages, and towns' agreement to provide brochures, watershed signs, television ads, and/or other educational components and funds all as set forth in Exhibit A for the education of Piedmont Triad-area citizens and the business community with regard to the rules, regulations and requirements of proper stormwater control the corporate limits of the counties, cities, villages, and towns under their respective jurisdiction and control, to the extent, and subject to the conditions, hereinafter set forth. The parties agree to refer to this agreement and name the collaborative program as the *Piedmont Triad Water Quality Partnership*.

#### **ARTICLE II Objectives**

The parties seek to implement stormwater management, surface water quality, and watershed protection public education programs to educate the Piedmont Triad community about the impacts of stormwater discharge on receiving waterbodies and the specific need to reduce stormwater pollution in the Randleman Lake Watershed, as applicable. The parties believe these goals can best be achieved by coordinating their efforts on a regional basis to provide citizens and businesses with a more comprehensive environmental education program that is linked with municipal and county stormwater quality management issues.

The general objectives of the regional public education/awareness and communication program are as follows:

- 1- To comply with and cover topics for public education and awareness brought forth in the parties' respective NPDES Stormwater Discharge Permits;
- 2- To effectively communicate the stormwater / environmental / water quality messages to targeted segments of the Piedmont Triad citizenry;
- 3- To create appropriate partnerships with local governments and businesses to achieve regional public education and awareness goals;
- 4- To empower and enroll the participation of citizens and businesses in the process of protecting surface waters and the regional water supply through helping ensure the quality of receiving streams by minimizing the pollutants associated with stormwater runoff.

#### **ARTICLE III Duration**

This Agreement shall be effective when executed by each party. This Agreement shall continue in full force and effect for the term of five (5) years from the date of this Agreement and shall automatically renew thereafter for two successive five (5) year terms, unless notice of non-renewal is given by any party sixty (60) days in advance of the applicable renewal date.

#### **ARTICLE IV Responsibilities of Parties**

The parties initially shall be responsible for the educational program components such as brochures, watershed signs, television ads, or other components, and funds that may be amended from year to year and attached to this Agreement and identified as "Exhibit A."

The parties shall strive to coordinate their efforts in the production of brochures, signs, television ads, and/or other educational program components in promoting good regional stormwater management and watershed protection practices.

#### **ARTICLE V Personnel**

Each party shall appoint or contract with the necessary personnel for performing its obligations under this Agreement. The personnel, and/or independent contractors, if any, shall be responsible for the organization, planning and implementation of the educational programs and products contemplated hereunder.

## ARTICLE VI Financing

The budget for the Piedmont Triad Water Quality Partnership program shall be formed and agreed upon by the parties or a committee made up of representatives appointed by the parties. The committee shall approve application of all funds contributed hereunder.

All costs of opening, operating and closing of the educational programs and products contemplated hereunder shall be paid from the funds contributed by the parties. The parties shall pay all required funds no later than July 30th of each year. Any funds remaining at the end of a budget year shall be carried over into the next year's program budget. As provided by law, this agreement is subject to annual appropriation.

Initial funding participation is required to join the Piedmont Triad Water Quality Partnership agreement. Parties are not obligated to provide additional funding in subsequent years if they choose not to receive new or additional programs and/or products in the subsequent years. However, respective parties who do not participate in funding for three or more consecutive years may be removed from the partnership at the discretion of a simple majority of the "Piedmont Triad Water Quality Partnership Committee."

## ARTICLE VII Piedmont Triad Water Quality Partnership Committee

The "Piedmont Triad Water Quality Partnership Committee" is hereby established for the purpose of effectuating the provisions of this Agreement.

**A. Duties of the Committee.** The Committee shall perform the following duties:

1. Meet no less than quarterly at the offices of PTRWA or other location as established by the Committee;
2. Resolve any conflicts in the types of educational materials to be produced as proposed;
3. Review and approve the television ads and any other materials, if applicable;
4. Resolve any dispute as to the appropriateness of any educational program with regard to stormwater management and watershed protection;
5. Organize, plan and implement the regional educational programs, brochures, and develop a comprehensive program of stormwater education, an example of which is attached as "Exhibit A" to this agreement;
6. Make such recommendations to the parties, from time to time, regarding the financing, operation, and availability of the services to any users not party to this Agreement, as will in the Committee's opinion promote the best utilization of the services;
7. Develop and present an annual program scope and corresponding budget to the parties for their approval and funding;
8. Decide upon the educational program components to be used for each fiscal year, and summarize in a revised "Exhibit A" for the given fiscal year, as applicable; and
9. Provide guidance to any party members who may wish to contribute additional discretionary funds throughout the year on the additional fund use and products, if applicable.

**B. Composition of the Committee.** The PTRWA, counties, cities, villages, and towns through their manager, executive director or governing board shall each appoint one representative who, along with a representative of any local government joining in the execution of this or a similar agreement, shall constitute the "Piedmont Triad Water Quality Partnership Committee." Such Committee shall, during the term of this Agreement, review and oversee the operation of the services to assure that the provisions of this Agreement are fully complied with. Each representative to the Committee shall have a voice and a vote on the Committee.

The "Piedmont Triad Water Quality Partnership Committee" shall be composed of the following individuals:

### **Entity Board**

PTRWA  
Forsyth County  
Guilford County  
Randolph County  
Alamance County  
City of Asheboro  
City of High Point  
Town of Jamestown  
City of Randleman  
City of Archdale  
Town of Kernersville  
City of Greensboro  
City of Winston-Salem  
Town of Lewisville  
Village of Clemmons

### **Appointee**

Executive Director/Board Member/or Designee  
County Manager/Board Member/or Designee  
County Manager/Board Member/or Designee  
County Manager/Board Member/or Designee  
County Manager/Board Member/or Designee  
City Manager/Board Member/or Designee  
City Manager/Board Member/or Designee  
Town Manager/Council Member/or Designee  
City Manager/Council Member/or Designee  
City Manager/Board Member/or Designee  
Town Manager/Council Member/or Designee  
City Manager/Council Member/or Designee  
City Manager/Board Member/or Designee  
Town Manager/Board Member/ or Designee  
Village Manager/Board Member/ or Designee

Town of Rural Hall  
City of Burlington  
City of Trinity

Town Manager/Board Member/ or Designee  
City Manager/Council Member/or Designee  
City Manager/Council Member/or Designee

The initial members of the Committee shall serve until their successors are appointed, and at the pleasure of their appointing entity, so long as they hold their respective offices within the appointing entity. Any Committee member who no longer serves in his appointed or elected position shall automatically cease to serve on the Committee and shall be replaced upon the appointment of his or her successor.

The Committee shall elect a chair, vice-chair, and secretary, and shall adopt by-laws and rules governing its procedures.

**C. Interrelationship of Committee and Parties to this Agreement.** Through their duly authorized and empowered officials and representatives, the entities represented on the Committee shall consult and cooperate with each other in all respects regarding the educational services, programs, and products to be provided so that all parties shall at all times be fully informed with regard thereto, shall have full access to financial records of the Committee, and shall be provided copies of financial reports as to the disposal operations hereunder and the parties annual audit of same as required by law.

**D. Fund Integrity.** The Committee established hereunder shall account for revenues and expenditures hereunder and shall include any and all funds set aside or maintained by the parties hereto for the current and future operation of the Piedmont Triad Water Quality Partnership. The Piedmont Triad Water Quality Partnership Fund shall be maintained as a discrete and separate fund, segregated from any other funds or accounts maintained by the parties. The Fund shall be established and administered within the City of Greensboro.

#### **ARTICLE VIII Representations and Warranties of the Parties**

The counties, cities, villages, and towns each represent, warrant, and agree as follows:

**A. Approval and Authorization:** Each said entity has full power and authority to enter into this Agreement and to fully perform all of its duties and obligations hereunder pursuant to various enabling sections of the North Carolina General Statutes. The governing board for each said entity has duly authorized the execution and delivery of this Agreement and the performance of all of its duties and obligations contained herein. This Agreement constitutes a valid and legally binding obligation of each said entity enforceable in accordance with its terms, subject to any state or federal regulatory approval which may be required pursuant to applicable statute.

**B. No Litigation:** There is no action, suit, or proceeding pending or, to the best of each entity's knowledge and belief, threatened against or affecting said entity, at law or in equity or before or by any Federal, State, municipal or other governmental department, commission, board, bureau, agency or instrumentality wherein any decision, ruling or finding would adversely affect the transactions contemplated herein.

#### **ARTICLE IX No Agency or Joint Enterprise**

The parties to this Agreement recognize and agree that no agency, joint enterprise or joint ownership of real or personal property is created by this Agreement and that no party shall be responsible in any manner for the legal liability or financial responsibility of the other, or of any other municipalities or other party entering into a similar agreement with the parties.

#### **ARTICLE X Amendment**

This Agreement may not be modified or amended except by a subsequent written agreement authorized by the governing bodies of each party and signed by authorized representatives of each party.

#### **ARTICLE XI Termination**

This Agreement may be terminated upon mutual consent of the parties, by any party upon 90 days written notice to the other parties, or by court order upon the finding that there has been such a substantial breach of this Agreement by the non-complaining party so as to entitle the complaining party to be relieved of its obligations under this Agreement.

#### **ARTICLE XII Entire Agreement**

This instrument contains the entire agreement between the parties, and no statement, oral or written, made by either party or agent of either party that is not contained in this written Agreement shall be valid or binding.

**ARTICLE XIII  
Default**

A default of this Agreement shall mean a material failure to comply with any of the material provisions of this Agreement.

**ARTICLE XIV  
Remedies For Default**

This Agreement shall be enforceable by each party hereto by all remedies available at law or in equity, including but not limited to specific performance. Failure or delay to exercise any right, remedy or privilege hereunder shall not operate as a waiver of such right, remedy or privilege nor prevent subsequent enforcement thereof.

**ARTICLE XV  
Notices**

All notices and other communications under this Agreement shall be in writing and shall be deemed to have been given on the date of actual delivery of mail, registered or certified, return receipt requested, postage prepaid, to the party at the addresses provided by each:

|                 |                                    |
|-----------------|------------------------------------|
| To the PTRWA:   | Executive Director or his designee |
| To the COUNTY:  | County Manager or his designee     |
| To the TOWN:    | Town Manager or his designee       |
| To the CITY:    | City Manager or his designee       |
| To the VILLAGE: | Village Manager or his designee    |

Any party may change the address to which all notices shall be sent by addressing a notice of such change in the manner provided in this article to all other parties.

**ARTICLE XVI  
Duplicate Originals**

This Agreement shall be executed by the parties hereto in duplicate originals, each of which, when executed, shall constitute one and the same Agreement.

**ARTICLE XVII  
Governing Law**

This Agreement shall be governed in accordance with the law of the great State of North Carolina.

CITY OF ASHEBORO

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Manager

(SEAL)

Approved as to form and legality:

\_\_\_\_\_  
City Attorney

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

\_\_\_\_\_  
Finance Director

**EXHIBIT A**

| <b>Exhibit A - Stormwater Education Costs, FY 12-13</b>   |                                   |
|---|-----------------------------------|
| Revised 2/22/2012   |                                   |
| <b>Member</b>   | <b>Baseline Education Program</b> |
| Asheboro  | \$3,000.00                        |
| Alamance  | \$3,000.00                        |
| Archdale  | \$1,500.00                        |
| Burlington  | \$3,000.00                        |
| Clemmons  | \$1,500.00                        |
| Forsyth   | \$5,000.00                        |
| Greensboro  | \$7,500.00                        |
| Guilford  | \$3,000.00                        |
| High Point  | \$3,000.00                        |
| Jamestown   | \$1,500.00                        |
| Kernersville  | \$1,500.00                        |
| Lewisville  | \$1,500.00                        |
| PTRWA   | \$500.00                          |
| Randleman   | \$1,500.00                        |
| Randolph  | \$5,000.00                        |
| Rural Hall  | \$1,500.00                        |
| Trinity   | \$1,500.00                        |
| Winston-Salem   | \$7,500.00                        |
|   | <b>\$52,500.00</b>                |
| <p>Baseline Education Program includes continued support for the Carolina Yards and Neighborhoods Program, the airing of the television commercials, and the purchase of campaign related promotional items for community distribution.</p> |                                   |

| <b>Rates are based on population:</b> |            |
|---------------------------------------|------------|
| 0 - 25,000                            | \$1,500.00 |
| 25,000 - 100,000                      | \$3,000.00 |
| 100,000 - 200,000                     | \$5,000.00 |
| 200,000 +                             | \$7,500.00 |

- (g) A resolution exempting the City of Asheboro Waste to Energy (WTE) Programming Assistance Project from Article 3D, Chapter 143 of the North Carolina General Statutes and authorizing a contract with Cavanaugh & Associates, P.A. for engineering services.

21 RES 5-12

**RESOLUTION EXEMPTING THE WASTE TO ENERGY PROGRAMMING ASSISTANCE PROJECT FROM THE PROVISIONS OF ARTICLE 3D OF CHAPTER 143 OF THE NORTH CAROLINA GENERAL STATUTES**

**WHEREAS**, Section 143-64.31 of Chapter 143, Article 3D of the North Carolina General Statutes provides in pertinent part as follows:

It is the public policy of this State and all public subdivisions and Local Governmental Units thereof . . . to announce all requirements for architectural, engineering, surveying, and construction management at risk services, to select firms qualified to provide such services on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee other than unit price information at this stage, and thereafter to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm; and

**WHEREAS**, Section 143-64.32 of the North Carolina General Statutes provides in pertinent part as follows:

Units of local government . . . may in writing exempt particular projects from the provisions of this Article (Article 3D) in the case of:

- (a) Proposed projects where an estimated professional fee is in an amount less than thirty thousand dollars (\$30,000), or
- (b) Other particular projects exempted in the sole discretion of . . . the unit of local government, stating the reasons therefore and the circumstances attendant thereto; and

**WHEREAS**, the City of Asheboro is proceeding with a Waste to Energy Programming Assistance Project (hereinafter referred to as the "WTE Project") that requires engineering services in order to prepare a comprehensive evaluation of the city's efforts to derive energy from wastes such as solid waste and the wastewater collected by the municipal wastewater collection system; and

**WHEREAS**, Cavanaugh & Associates, P.A., which has provided competent engineering services to the city in the past, has offered to provide the engineering services needed for the above-described project for an estimated lump sum engineering fee of ten thousand and no/100 dollars (\$10,000.00);

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro that the WTE Project is hereby exempted from the provisions of Article 3D of Chapter 143 of the North Carolina General Statutes on the basis of the demonstrated competence of Cavanaugh & Associates, P.A. and the fact that the estimated professional fee for the needed engineering services is less than thirty thousand and no/100 dollars (\$30,000.00); and

**BE IT FURTHER RESOLVED** that the city manager is hereby authorized to execute, in accordance with the applicable laws and the city's standard contracting policies, a contract with Cavanaugh & Associates, P.A. for the provision of the engineering services needed to successfully complete the WTE Project.

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 10<sup>th</sup> day of May, 2012.

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

ATTEST:

\_\_\_\_\_  
/s/Holly H. Doerr  
Holly H. Doerr, CMC, City Clerk

- (h) **An ordinance making technical corrections to Chapter 91 (Animals) of the Code of Asheboro.**

**11 ORD 5-12**

**AN ORDINANCE TO AMEND CHAPTER 91 OF THE CODE OF ASHEBORO**

**WHEREAS**, Chapter 91 of the Code of Asheboro prescribes animal control regulations for the City of Asheboro; and

**WHEREAS**, after developing certain supplemental regulations designed to address animal control issues that are unique to the more densely populated urban areas within the city, the Asheboro City Council updated and improved, in March 2012, the city's animal control regulations by making the Randolph County Animal Control Ordinance applicable within the corporate limits of the City of Asheboro; and

**WHEREAS**, in furtherance of these efforts to update and improve the city's animal control regulations and operations, the Asheboro City Council enacted Ordinance Number 06 ORD 3-12 on March 8, 2012, with an effective date of April 1, 2012, in order to rewrite Chapter 91 of the Code of Asheboro to reflect the development of enhanced supplemental regulations and to reflect the applicability of the Randolph County Animal Control Ordinance within Asheboro's corporate limits; and

**WHEREAS**, due to a typographical error, the draft of the adopted ordinance that rewrote Chapter 91 of the Code of Asheboro omitted text in Section 91.05 and in Section 91.06 that is assumed as a matter of interpretation, but which causes unnecessary confusion when initially reviewed by individuals seeking guidance as to the number of dogs or cats permitted within a household; and

**WHEREAS**, it is a continuing goal of the Asheboro City Council to make the Code of Asheboro as user friendly as possible;

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

**Section 1.** Section 91.05 of the Code of Asheboro is hereby rewritten as follows:

**§ 91.05 Maximum Number of Dogs on Premises**

- (A) It shall be unlawful for any person to keep or maintain more than two (2) dogs per household on any lot or parcel of land having less than thirty thousand (30,000) square feet, and an additional seven thousand (7,000) square feet shall be required for each additional dog. A total of no more than five (5) dogs per household shall be allowed on any lot or parcel of land within the city limits regardless of square footage.
- (B) The limitation prescribed by this Section on the number of dogs per household on a single lot or parcel of land shall not apply to dogs that are less than six (6) months of age.
- (C) Notwithstanding the preceding provisions, and subject to the limitation that, on or after April 1, 2012, no new or additional dogs that would increase or perpetuate the noncompliance of a household with this Section may be kept or maintained in a household, any dog lawfully kept or maintained as part of a household located within the corporate limits of the City of Asheboro prior to April 1, 2012 may continue to be kept or maintained as part of the same household for the remainder of the dog's life.

**Section 2.** Section 91.06 of the Code of Asheboro is hereby rewritten as follows:

**§ 91.06 Maximum Number of Cats on Premises**

- (A) It shall be unlawful for any person to keep or maintain more than two (2) cats per household on any lot or parcel of land having less than thirty thousand (30,000) square feet, and an additional seven thousand (7,000) square feet shall be required for each additional cat. A total of no more than five (5) cats per household shall be allowed on any lot or parcel of land within the city limits regardless of square footage.
- (B) The limitation prescribed by this Section on the number of cats per household on a single lot or parcel of land shall not apply to cats that are less than six (6) months of age.
- (C) Notwithstanding the preceding provisions, and subject to the limitation that, on or after April 1, 2012, no new or additional cats that would increase or perpetuate the noncompliance of a household with this Section may be kept or maintained in a household, any cat lawfully kept or maintained as part of a household located within the corporate limits of the City of Asheboro prior to April 1, 2012 may continue to be kept or maintained as part of the same household for the remainder of the cat's life.

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

**Section 4.** This ordinance shall take effect and be in force from and after the date of its adoption.

This ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on May 10, 2012.

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

ATTEST:

\_\_\_\_\_  
/s/Holly H. Doerr  
Holly H. Doerr, CMC, City Clerk

**(i) Acknowledgement of the receipt of the minutes of the Asheboro ABC Board meeting on March 5, 2012.**

[A copy of the above-referenced minutes is on file in the City Clerk's office.]

**6. Presentation by Mr. Ricky Allred on "Walks thru the Past" in Old City Cemetery.** [Without objection, Mayor Smith moved this item to immediately follow agenda item 7(a) in order to accommodate scheduling issues encountered by Mr. Allred.]

Mayor Smith introduced Mr. Ricky Allred as an Asheboro native and having an interest in history since his early childhood. In 2003, during lunchtime strolls through the cemetery with a co-worker, an unusual grave marker prompted Mr. Allred's curiosity to find out information about the persons (Leonard and Mullie Preston) buried beneath it. Following an interview with *The Courier-Tribune* in 2008, a representative of the Mayor's Appearance Committee asked Mr. Allred to tell the Preston's story at their grave site. Citizen response to this event was so great that he began conducting monthly tours, "Walks Thru the Past," of the Old Asheboro Cemetery, generally taking place from April to October. In addition to these tours, Mr. Allred speaks to civic and historical

groups in venues across North Carolina along with lectures on local history at the Randolph County Public Library.

Mr. Allred then shared with the Council Members highlights of his historical tours, "Walks thru the Past" at the Old Asheboro Cemetery. During his tours, Mr. Allred gathers with interested citizens at the gate of the cemetery and tells stories about its "residents." Mr. Allred also conducts certain themed tours, including but not limited to, World War II, public servants, and murder victims.

Mr. Allred encouraged the city to preserve the old cemetery as it is an asset to Asheboro's history. The cemetery was first named a graveyard in 1903 as it was property of a church.

Mayor Smith presented Mr. Allred with the Asheboro Pride Award, a pottery commemorative plate. Mr. Allred's name will be on the Asheboro Pride Award plaque located at City Hall.

**7. Community Development items:**

**(a) Public hearings:**

**(i) Question of designating as a Local Historic Landmark the exterior of the Fisher Estate Gatekeeper's House, ca. 1883, located at 312 Lanier Avenue.**

Mayor Smith opened the public hearing on the following request.

Mr. Hal Johnson, Chairman of the Randolph County Historic Landmark Preservation Commission, presented and recommended adoption, by reference, of an ordinance designating the exterior of the Fisher Estate Gatekeepers House as a historic landmark in Randolph County.

Members of the Asheboro Women's Club, who maintain the Gatekeepers House, presented comments in support of the request.

There being no further comments and no opposition from the public, Mayor Smith closed the public hearing.

Upon motion by Ms. Carter and seconded by Mr. Burks, Council voted unanimously to adopt the following ordinance by reference.

**Ordinance Number** 12 ORD 5-12  
**Ordinance Designating the Exterior of the Fisher Estate Gatekeepers House, 1888, as a Local Historic Landmark in Asheboro, North Carolina**

**WHEREAS**, Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes provides for the designation of local historic landmarks; and

**WHEREAS**, the City of Asheboro designated the Randolph County Historic Landmark Preservation Commission as a joint historic preservation commission on September 4, 2008, having the authority to exercise, within the planning jurisdiction of the City of Asheboro, all powers and duties given it by the Randolph County Historic Landmark Preservation Ordinance; and

**WHEREAS**, the City of Asheboro has taken into full consideration all statements and information contained in the Landmark Designation Application for the Fisher Estate Gatekeepers House, 1888, as submitted by the Randolph County Historic Landmark Preservation Commission; and

**WHEREAS**, the North Carolina Department of Cultural Resources, State Historic Preservation Office, has been given the opportunity to review the proposed local historical designation; and

**WHEREAS**, the Randolph County Historic Landmark Preservation Commission and the Asheboro City Council, have held the required public hearings and published legal notices with mailings to adjoining property owners; and

**WHEREAS**, the Randolph County Historic Landmark Preservation Commission has adopted a unanimous resolution requesting the City of Asheboro to designate the exterior of the Fisher Estate Gatekeepers House, 1888, as a local historic landmark; and

**WHEREAS**, the Asheboro City Council finds that the Fisher Estate Gatekeepers House, 1888, meets the following specific criteria outlined in the adopting Ordinance establishing the Commission: (1) Critical Part of the City's Heritage by having value as an example of the cultural, economic, historic, and social heritage of City of Asheboro's; (2) Exemplification of an architectural type distinguished by overall quality of design, detail, materials, and craftsmanship; (3) The location of the Fisher Estate Gatekeepers House building provides a unique and distinctive structure representing an established and familiar visual presence in the City of Asheboro and Randolph County; and

**WHEREAS**, this property is more specifically described as follows:

The exterior of the building known as The Gatekeepers House located at 312 Lanier Street, Asheboro, N.C., PIN# 7751609456, Asheboro Township, Randolph County.

**NOW, THEREFORE, BE IT ORDAINED**, by the Asheboro City Council, North Carolina, that:

- 1: The property known as the exterior of The Gatekeepers House currently located at 312 Lanier Street, Asheboro, North Carolina, is hereby designated as a Local Historic Landmark pursuant to Chapter 160A, Article 19, Part 3C, of the North Carolina General Statutes, and by inter-local agreement approved September 4, 2008 between the City of Asheboro and the County of Randolph.
- 2: That the exterior of the Fisher Estate Gatekeepers House may be materially altered, restored, remodeled, or demolished only following the issuance of a Certificate of Appropriateness from the Historic Landmark Preservation Commission.
- 3: That nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material or outer appearance thereof, after obtaining the necessary permits and official approval for said stated repair. Nothing herein shall prevent the construction, alteration, restoration, demolition, or removal of such feature when a building inspector or similar authorized official certifies to the Historic Landmark Preservation Commission that such action is required for the public safety because of an unsafe condition. Furthermore, nothing shall be construed to prevent the property owner from making any use of this property not prohibited by other statutes, ordinances, or regulations.
- 4: That a suitable sign may be posted indicating the designation as a Local Historic Landmark and containing appropriate information.
- 5: That the Asheboro Women's Club, owner of the Fisher Estate Gatekeepers House, hereby accepts notice as required by the applicable law of this action, and directs that copies of this Ordinance be filed and indexed in the office of the Asheboro City Clerk, the Randolph County Register of Deeds, the Randolph County Tax Department, and both the City and County Planning and Inspections Departments as required by applicable law.

Upon the motion of Councilmember Carter, and a second by Councilmember Burks, the foregoing Ordinance was passed upon its first reading by a vote of 7 to 0.

This Ordinance shall be in full force and effect from and after the date of its passage.

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**CITY OF ASHEBORO  
NORTH CAROLINA**

**BY:** /s/David H. Smith  
David H. Smith, Mayor

Date of Adoption: May 10, 2012  
Adoption Date

**ATTEST:** /s/Holly H. Doerr  
Holly H. Doerr, CMC, City Clerk

- (ii) **Text amendments to the Asheboro Zoning Ordinance (Community Development Division File No. RZ-12-04)**. An application filed by the City of Asheboro to amend Article 200, Article 300A, Article 400, Article 500, Article 600, and Article 1100 of the Asheboro Zoning Ordinance.

Mayor Smith opened the public hearing on the following request.

Mr. Evans presented an overview of the Community Development Division staff's proposed amendments to Article 200, Article 300A, Article 400, Article 500, Article 600, and Article 1100 of the Asheboro Zoning Ordinance pertaining to the following items:

- Household Animals
- Outdoor lighting
- Historic preservation of structures and properties
- Setback requirements for monument signs
- The number of permitted signs in the OA6, O&I, and B1 zoning districts
- Provisions for solar farms.

The proposed text amendments to the zoning ordinance are as follows: (The proposed added text is italicized.)

**ANIMAL REGULATIONS**

~~314A Animals.~~

~~A. — Animals, Household. Household animals shall be limited to: (1) not more than five dogs or five cats, more than six months of age, or a combination thereof, not to exceed five; or (2) not more than ten household animals other than dogs or cats.~~

~~B. — No animals shall be raised or kept in the residential district for commercial sale, except when associated with an agricultural use where permitted by this Ordinance.~~

~~C. — All other animals shall be regulated as per the Asheboro City Code, whether inside the City Limits or not.~~

**PRESERVATION OF HISTORIC STRUCTURES**

314A Alternative Design Standards for Preservation of Historic Structures:

*Prior to the issuance of a Zoning Compliance Permit, the Community Development Division Director, or his authorized designee, may, in the evaluation of required materials to ascertain if proposed work is in conformance with the Performance, Design and Signage requirements of this ordinance, may accept a Certificate of Appropriateness issued by the Randolph County Historic Landmark Preservation Commission or written documentation from the North Carolina State Historic Preservation Office and/or National Parks Service as evidence that proposed façade changes are in keeping with the historic character of the structure(s.) Such changes that are in keeping with the historic character of the structure(s) are hereby expressly approved as compliant with the standards of this ordinance.*

**SIGNS**

505 Prohibited Signs

1. Locations

- (a) Except where specifically exempted or modified by this Ordinance, signs shall be located as follows:
  - i.) In all zoning districts, and subject to G.S. 136-32, signs shall be located outside of the public rights-of-way.
  - ii.) In all residential districts and OA6, O & I, and B1 districts, signs shall be located outside of the first 10' of the required front yard.  
*Exception: Monument style signs as modified by Table 500-1*

Any illegal sign located in public rights-of-way is subject to removal without notice.

- (b) No sign shall be attached to any utility pole, tree, rock or other natural object.
- (c) No off premise signs (billboards) shall be placed within the US 220 Bypass Overlay Zone.
- (d) No sign of any form shall be permitted to be attached to or painted on any fence. (4/6/00)

**Table B: REQUIREMENTS FOR SIGNS REQUIRING A SIGN PERMIT (continued)**

| TYPE                     | ZONING DISTRICTS *  | MAX. NUMBER                        | MAX. HEIGHT (ft) | MAX. AREA   | PERMITTED DURATION | LIGHTED | NOTE # |
|--------------------------|---------------------|------------------------------------|------------------|---|--------------------|---------|--------|
| Free-Standing (Monument) | OA6, O&I, B1, M, B3 | 1 per street frontage (See Note 9) | 6 (See Note 9)   | 75 ft <sup>2</sup> (See Note 9) in M and B3 districts and if located 10' or more from R/W in OA6, O & I, and B1 | N/A                | Yes     | 8      |

|                                 |                       |  |                       |  |             |                |    |
|---------------------------------|-----------------------|--|-----------------------|--|-------------|----------------|----|
| Freestanding<br>(Pole or Pylon) |                       |  |                       | <i>districts</i><br>-----<br>16 ft <sup>2</sup><br>maximum if<br>located less<br>than 10' from<br>R/W in OA6,<br>O & I and B1<br>districts |             |                |    |
|                                 | B2, TH, I1,<br>I2, I3 | 1 per<br>street<br>frontage<br>(See Note<br>9)                               | 8<br>(See Note<br>9)  | 125 ft <sup>2</sup><br>(See Note 9)  | N/A         | Yes            | 8  |
|                                 | B2                    | 1 per<br>street<br>frontage<br>(See Note<br>9)                               | 20<br>(See Note<br>9) | 100 ft <sup>2</sup><br>(See Note 9)  | N/A         | Yes            |    |
| Marquee (See<br>Awning)         | -                     | -  | -                     | -  | -           | -              | -  |
| Mural (artistic)                | All                   | N/A  | Top of<br>wall        | 50% up to a<br>max. of 100<br>ft <sup>2</sup>  | N/A         | Yes            | 15 |
| Nonconforming                   | All                   | See Note<br>10   | See Note<br>10        | See Note 10  | See Note 10 | See Note<br>10 | 10 |
| Off-Premise<br>(See Billboard)  | -                     | -  | -                     | -  | -           | -              | -  |
| Projected (also<br>Suspended)   | Non-<br>Residential   | 1 per<br>street<br>frontage.<br>1 per use<br>in the<br>case of<br>multi-use. | Top of<br>wall        | 25 ft <sup>2</sup> - 75 ft <sup>2</sup><br>(See Note 5)  | N/A         | Yes            | 5  |

\* For the purposes of Article 500, the OA6 District is considered a "Non-Residential" zoning district.

Note #09

(g) If a lot contains more than 400 feet of street frontage on one public right-of-way, a second free-standing sign, not to exceed 6 feet in height and ~~not~~ 50 square feet, is permitted by right in non-residential districts, provided that there is 100 feet of separation between permitted signs. *In the OA6, O&I, and B1 districts, if a lot contains more than 240 feet of street frontage on one public right-of-way, a second freestanding monument sign is permitted by right, provided that said sign complies with height and area requirements of Table 500-1 and 60 feet of separation exists between permitted signs.* If an additional sign has been permitted as allowed above in Note #9 f.1.c. this provision shall not apply. In no case shall a zoning lot be permitted three free-standing advertising signs along one street frontage by this Article.

**LIGHTING**

Article 1100:

Emergency Light

*A lamp or lighting device that comes on automatically when a building experiences a power outage and is designated to come on from emergency power sources such as a battery or generator*

Flood Lamp

*A form of lighting designed to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.*

Flood Light

*A form of lighting designed to direct its output in a diffuse, more or less specific direction, with reflecting or refracting elements located external to the lamp.*

Wall Pack Light

*A type of lighting fixture typically flush-mounted on a vertical surface of a wall.*

#### Full Cutoff Fixture

~~A fixture for light distribution where no light intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than ten percent (10%) of the lamp's intensity is emitted at an angle 10 degrees below the horizontal plane at all lateral angles around the fixture. An outdoor light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.~~

#### Article 300A, Section 316A Performance Standards for Industrial Districts:

##### B.1. Light

###### A. Purpose

1. *Minimize glare and obtrusive light on adjoining properties and right-of-ways by limiting outdoor lighting that is misdirected, excessive, or unnecessary;*
2. *Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night;*
3. *Curtail and reverse any degradation of the nighttime visual environment and the night sky*

###### B. Applicability

1. *The installation of new lighting fixtures, or replacement of existing lighting fixtures, shall be made in strict compliance with this ordinance.*
2. *A change of use does not trigger the requirements of Section 316A.1 except when there is a specific use standard requiring site lighting for a new use or when new lighting fixtures are added or replaced described in subsection (1) above.*

###### A.C. Glare.

The direct light from any source of outdoor lighting shall not be visible from outside the zoning lot.

###### ~~B.D. Footcandles~~

~~Diffused or nondirectional light and the combination of all light shall not exceed 2.0 footcandles at the zoning lot line.~~

1. *The maximum light level of any light fixture shall not exceed 0.5 footcandles measured at the property line(s) abutting any Residential District.*
2. *The maximum light level of any light fixture shall not exceed 2.0 footcandles measured at property line(s) abutting a public right-of-way.*
3. *The maximum light level of any light fixture shall not be limited measured at property line(s) abutting Industrial or Commercial districts.*

###### ~~C. In addition to the above, the following specific regulations shall apply:~~

- ~~a) Wall mounted lighting shall consist of full cut-off fixtures (in which no light (from the fixture occurs above 90 degrees).~~
- ~~b) Pole mounted lighting shall consist of full cut-off fixtures.~~
- ~~c) Canopy lighting shall consist of full cut-off fixtures.~~
- ~~d) Parking lot lighting shall consist of full cut-off fixtures or an architectural fixture utilizing a diffuse light source.~~

###### E. Light Fixtures

1. *Except for flood lights and flood lamps, lighting in parking areas shall consist of full cut-off fixtures or an architectural fixture utilizing a diffuse light source.*

###### 2. Flood Lights and Flood Lamps:

*a. Flood light fixtures may be permitted if aimed down at least 45 degrees from vertical or the front of the fixture is shielded so that no portion of the light bulb extends below the bottom edge of the shield.*

*b. Flood lamps may be permitted if aimed down at least 60 degrees from horizontal or shielded so that the main beam is not visible from adjacent properties or public right-of-ways.*

3. *Vehicular Canopies: shall consist of full cut off fixtures or recessed fixtures incorporating a lens cover that is either recessed or flush with the bottom surface of the canopy*

4. *Outdoor Recreation Fields and Performance areas shall not require full cut-off fixtures*

5. Signs shall be regulated by Article 500, Section 508: Restriction on Direct Illumination.

6. Building, Security and Accent Lighting

- a. Lighting fixtures shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the building façade, planting, and other intended site features and away from adjoining properties and public right-of-ways
- b. All wall pack fixtures shall be full cut-off fixtures.
- c. Only lighting used to accent architectural features, landscaping or art may be directed upward, provided that the fixture is located, aimed or shielded to minimize light spill into the night sky.

7. Street lighting within public right-of-ways and emergency lighting is exempt from the requirements of this section.

~~C. Exceptions to Section 316A.B.1.C~~

~~1.) Outdoor Lighting fixtures for active outdoor recreation areas (including but not limited to ball fields and tennis courts) are not subject to the requirements of full cutoff fixtures (Article 300A, Section 316A.B.1.C) but shall comply with all other lighting requirements. Outdoor lighting serving other parts of an outdoor recreation/sports facility, such as, but not limited to, parking lots, administrative offices, restrooms, concession stands and spectator viewing areas, are not exempt from this provision.~~

~~2.) Street lighting erected on behalf of a governmental body~~

Article 300A, Section 317A Performance Standards for Commercial Districts:

All uses permitted within OA6, O&I, M, B1, B2, TH, and B3 districts shall meet the following performance standards:

1. Light

A. Purpose

1. Minimize glare and obtrusive light on adjoining properties and right-of-ways by limiting outdoor lighting that is misdirected, excessive, or unnecessary;
2. Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night;
3. Curtail and reverse any degradation of the nighttime visual environment and the night sky

B. Applicability

1. The installation of new lighting fixtures, or replacement of existing lighting fixtures, shall be made in strict compliance with this ordinance.
2. A change of use does not trigger requirements of Section 316A.1 except when there is a specific use standard requiring site lighting for a new use or new lighting fixtures are added as described in subsection (1) above.

~~4.C. Glare.~~

~~The direct light from any source of outdoor lighting shall not be visible from outside the zoning lot.~~

~~2.D. Footcandles~~

~~Diffused or non-directional light and the combination of all light shall not exceed 2.0 footcandles at the zoning lot line.~~

1. The maximum light level of any light fixture shall not exceed 0.5 footcandles measured at the property line(s) abutting any Residential District.
2. The maximum light level of any light fixture shall not exceed 2.0 footcandles measured at property line(s) abutting a public right-of-way.
3. The maximum light level of any light fixture shall not be limited measured at property line(s) abutting Industrial or Commercial districts.

~~3. In addition to the above, the following specific regulations shall apply:~~

- a) ~~Wall mounted lighting shall consist of full cut-off fixtures (in which no light (from the fixture occurs above 90 degrees).~~
- b) ~~Pole mounted lighting shall consist of full cut-off fixtures.~~

~~c) Canopy lighting shall consist of full cut-off fixtures.~~

~~d) Parking lot lighting shall consist of full cut-off fixtures or an architectural fixture utilizing a diffuse light source.~~

#### E. Light Fixtures

1. *Except for flood lights and flood lamps, lighting for parking areas shall consist of full cut-off fixtures or an architectural fixture utilizing a diffuse light source.*

#### 2. Flood Lights and Flood Lamps:

a. *Flood light fixtures may be permitted if aimed down at least 45 degrees from vertical or the front of the fixture is shielded so that no portion of the light bulb extends below the bottom edge of the shield.*

b. *Flood lamps may be permitted if aimed down at least 60 degrees from horizontal or shielded so that the main beam is not visible from adjacent properties or public right-of-ways.*

3. *Vehicular Canopies: shall consist of full cut off fixtures or recessed fixtures incorporating a lens cover that is either recessed or flush with the bottom surface of the canopy*

4. *Outdoor Recreation Fields and Performance areas shall not require full cut-off fixtures*

5. *Signs shall be regulated by Article 500, Section 508: Restriction on Direct Illumination.*

#### 6. Building, Security and Accent Lighting

a. *Lighting fixtures shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the building façade, planting, and other intended site features and away from adjoining properties and public right-of-ways*

b. *All wall pack fixtures shall be full cut-off fixtures.*

c. *Only lighting used to accent architectural features, landscaping or art may be directed upward, provided that the fixture is located, aimed or shielded to minimize light spill into the night sky.*

7. *Street lighting within public right-of-ways and emergency lighting is exempt from the requirements of this section.*

#### 4. ~~Exceptions to Section 317A.A.3~~

~~1.) Outdoor Lighting fixtures for active outdoor recreation areas (including but not limited to ball fields and tennis courts) are not subject to the requirements of full cutoff fixtures (Article 300A, Section 316A.B.1.C) but shall comply with all other lighting requirements. Outdoor lighting serving other parts of an outdoor recreation/sports facility, such as, but not limited to, parking lots, administrative offices, restrooms, concession stands and spectator viewing areas, are not exempt from this provision.~~

~~2.) Street lighting erected on behalf of a governmental body~~

#### Article 300A, Section 318A Performance Standards for Residential Districts:

All non residential and non single-family residential uses permitted within R40, R15, R10, R7.5 and RA6 districts shall meet the following performance standards:

All uses permitted within OA6, O&I, M, B1, B2, TH, and B3 districts shall meet the following performance standards:

#### 1. Light

##### A. Purpose

- a. *Minimize glare and obtrusive light on adjoining properties and right-of-ways by limiting outdoor lighting that is misdirected, excessive, or unnecessary;*
- b. *Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night;*
- c. *Curtail and reverse any degradation of the nighttime visual environment and the night sky*

##### B. Applicability

- a. *The installation of new lighting fixtures, or replacement of existing lighting fixtures, shall be made in strict compliance with this ordinance.*

- b. *A change of use does not trigger requirements of Section 318A.1 except when there is a specific use standard requiring site lighting for a new use or new lighting fixtures are added as described in subsection (1) above.*

**A.4.C. Glare.**

The direct light from any source of outdoor lighting shall not be visible from outside the zoning lot.

**2D. Footcandles**

~~Diffused or nondirectional light and the combination of all light shall not exceed 2.0 footcandles at the zoning lot line.~~

1. *The maximum light level of any light fixture shall not exceed 0.5 footcandles measured at the property line(s) abutting any Residential District.*
2. *The maximum light level of any light fixture shall not exceed 2.0 footcandles measured at property line(s) abutting a public right-of-way.*
3. *The maximum light level of any light fixture shall not be limited measured at property line(s) abutting Industrial or Commercial districts.*

~~3. In addition to the above, the following specific regulations shall apply:~~

- ~~a.) Wall mounted lighting shall consist of full cut-off fixtures (in which no light (from the fixture occurs above 90 degrees).~~
- ~~b.) Pole mounted lighting shall consist of full cut-off fixtures.~~
- ~~c.) Canopy lighting shall consist of full cut-off fixtures.~~
- ~~d.) Parking lot lighting shall consist of full cut-off fixtures or an architectural fixture utilizing a diffuse light source.~~

**E. Light Fixtures**

1. *Except for flood lights and flood lamps, lighting in parking areas shall consist of full cut-off fixtures or an architectural fixture utilizing a diffuse light source.*
2. **Flood Lights and Flood Lamps:**
  - a. *Flood light fixtures may be permitted if aimed down at least 45 degrees from vertical or the front of the fixture is shielded so that no portion of the light bulb extends below the bottom edge of the shield.*
  - b. *Flood lamps may be permitted if aimed down at least 60 degrees from horizontal or shielded so that the main beam is not visible from adjacent properties or public right-of-ways.*
3. *Vehicular Canopies: shall consist of full cut off fixtures or recessed fixtures incorporating a lens cover that is either recessed or flush with the bottom surface of the canopy*
4. *Outdoor Recreation Fields and Performance areas shall not require full cut-off fixtures*
5. *Signs shall be regulated by Article 500, Section 508: Restriction on Direct Illumination.*
6. **Building, Security and Accent Lighting**
  - a. *Lighting fixtures shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the building façade, planting, and other intended site features and away from adjoining properties and public right-of-ways*
  - b. *All wall pack fixtures shall be full-cutoff fixtures.*
  - c. *Only lighting used to accent architectural features, landscaping or art may be directed upward, provided that the fixture is located, aimed or shielded to minimize light spill into the night sky.*
7. *Street lighting within public right-of-ways and emergency lighting is exempt from the requirements of this section.*

**C. Exceptions to Section 318A.A.3**

~~1.) Outdoor Lighting fixtures for active outdoor recreation areas (including but not limited to ball fields and tennis courts) are not subject to the requirements of full cutoff fixtures (Article 300A, Section 316A.B.1.C)~~

but shall comply with all other lighting requirements. Outdoor lighting serving other parts of an outdoor recreation/sports facility, such as, but not limited to, parking lots, administrative offices, restrooms, concession stands and spectator viewing areas, are not exempt from this provision.

2.) Street lighting erected on behalf of a governmental body

## SOLAR FARMS

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

| Use | Buffer Group | R40                                     | R15                   | R10 | R7.5 | RA6 | OA6 | O&I | B1 | M | B2 | TH | B3 | I1 | I2 | I3 | See Note |
|-----|--------------|---|-----------------------|-----|------|-----|-----|-----|----|---|----|----|----|----|----|----|----------|
|     |              | Solar Farm<br>See Sections 328A and 652 | . See Sec. 328A & 652 | S   |      |     |     |     |    |   |    |    |    |    |    | P  |          |

### 306A Screening of Mechanical Equipment

All new non-residential uses and expansions of existing structures shall screen from view from public places, public rights-of-way and neighboring properties all new mechanical equipment, such as but not limited to, air conditioners, compressors, gas and fuel storage tanks, ventilation and other air handling systems, grease traps and separators and pumps, associated with new construction. For purposes of this Ordinance, new construction shall include but not be limited to additions to and expansions of existing buildings.

*Notwithstanding front yard and perimeter buffering and screening requirements prescribed for solar farm(s) (Section 328A and Section 652), mechanical equipment that depends on unobstructed access of sources of wind and solar power for alternative energy generation (i.e. solar collectors panels, wind turbines) is exempt from mechanical equipment screening. Mechanical equipment that is ancillary to such devices (such as pumps, storage tanks, batteries, compressors, etc.) shall be screened as required by this section.*

### 328A Supplemental Regulations for Solar Farms in Industrial Zoning Districts

**(A) Intent** *This section is intended to provide the opportunity for solar energy to serve as a viable form of energy generation while protecting public health, safety and general welfare.*

#### **(B) General Requirements**

*The following provisions shall apply to Solar Farms located in Industrial Zoning Districts:*

- 1) *All structures and equipment associated with solar farms shall observe setbacks specified by Table 200-1, as modified by Front Yard Averaging requirements (Article 300, Section 305).*
- 2) a.) *Front yard landscaping that meets the requirements of Article 300A, Section 308A is required.*  
 b.) *Buffering/screening shall be installed as prescribed by the requirements of a Group 1 use in the Buffering and Screening Matrix of Article 300A, Section 304A.3. Exception: No buffering is required for portions of the zoning lot in which structure(s), solar collectors/equipment, and parking associated with the solar farm are one hundred (100) feet or more from the zoning lot boundary. On all other portions of the zoning lot in which these features are less than one hundred (100) feet from the zoning lot boundary, buffer/screen requirements shall apply.*
- 3) *Electric solar energy components shall have a UL listing and be designed with anti-reflective coating(s).*

### **652 Solar Farms**

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

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

(i) All structures and solar collectors associated with solar farms shall observe setbacks specified by Table 200-1, as modified by Front Yard Averaging requirements (Article 300, Section 305). No structure or equipment may be located within the required perimeter landscaping yard described in Subsection (ii) below.

(ii) Landscaping is required around the entire perimeter of the zoning lot. Such landscaping shall consist of a 50' widescreen with "Type D" screening materials as prescribed by Article 300A, Section 304A. In lieu of this screen and consistent with Section 304A.6 (Alternative Buffers and Screening), an applicant may utilize a 50' buffer consisting of existing vegetation if the applicant can demonstrate that an alternative buffer preserves mature vegetation and provides a degree of opacity, compatibility, and protection to adjoining properties that is equal to or greater than a 50' wide "Type D" screen. Additional evergreen plantings shall be incorporated into this alternative buffer as necessary to achieve this intent.

(iii) Electric solar energy components shall have a UL listing and be designed with anti-reflective coating(s).

**Table 400-1 (Off-street parking and loading)**

| <b>Use</b> | <b># of Spaces</b>  |
|------------|---|
| Solar Farm | 0.6 per employee of largest shift (if employees are part of regular operations) plus 1 space per vehicle used directly in conduct of such use |

**Article 1100 (Definitions)**

**Photovoltaic System:** An active solar energy system that converts solar energy directly into electricity.

**Solar Collector:** Any solar structure or equipment that absorbs and accumulates solar radiation for use as a source of energy. A solar collector may be roof mounted or ground mounted.

**Solar Energy:** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

**Solar Farm:** A utility-scale commercial facility that uses solar energy, specifically for the conversion of sunlight into electricity by photovoltaics, concentrating solar thermal devices or various experimental technologies, for the primary purpose of wholesale or retail sales of generated electricity. The use of solar collectors for personal or business consumption that occurs on-site is not considered a solar farm.

The Planning Board concurred with the following Community Development Division staff's analysis:

"Staff believes the proposed text amendments will improve the administration, clarity, and flexibility of the Zoning Ordinance, eliminate conflict with other regulations, offer greater precision in aligning zoning regulations with protection of public health, safety, and general welfare, and enhance protection of historic integrity of properties."

Based on their approval of this analysis, the Planning Board recommended approval of the proposed text amendments.

There being no further comments and no opposition from the public, Mayor Smith closed the public hearing.

Upon motion by Mr. Bell and seconded by Ms. Carter, Council voted unanimously to take the following actions:

- I. Accepted the recommendations of the Community Development staff and Planning Board and approved the proposed amendments to the Asheboro Zoning Ordinance; and
- II. Adopted as the Council's evaluation of the reasonableness and the consistency of the amendments with the city's comprehensive plans the statement that the approved text is consistent with the goals and policies of the city's Land Development Plan, as well as the Randolph County Historic Landmark Preservation Ordinance, and the adopted text amendments are reasonable in supporting the public health, safety, and general welfare.

**(b) Receive recommendations from the Planning Board pertaining to the candidates for a vacant seat on the board.**

Mr. Evans reported that the Planning Board's Applicant Review Subcommittee met on May 7, 2012 and reviewed applications submitted by individuals seeking to fill the vacancy on the board. Additionally, Mr. Evans presented the Council Members with the applications and resumes, as reviewed by the subcommittee, of the qualified individuals that are interested in serving on the Planning Board. During its regular meeting, the Planning Board recommended that Ms. Lynette S. Garner and Mr. Phillip Skeen be considered, by the Council, as candidates for the open seat on the Planning Board.

These candidates will be considered by the Council at its next regular meeting.

**8. Public comment period.**

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

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

**9. Consideration of a petition from James P. Hill, Jr. and Pamela L. Hill requesting non-contiguous annexation of 2.640 acres of land located at 1591 Old Lexington Road.**

**(a)** Mr. Bunker presented and recommended adoption, by reference, of a resolution directing the city clerk to investigate a petition requesting non-contiguous annexation of 2.640 acres of land located at 1591 Old Lexington Road.

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

**22 RES 5-12**

**RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN ANNEXATION PETITION**

**(2.640 Acres of Land Located at 1591 Old Lexington Road)**

**WHEREAS**, a petition requesting the annexation of approximately 2.640 acres of land located at 1591 Old Lexington Road has been received by the City Council of the City of Asheboro from the fee simple owners of the property, James P. Hill, Jr. and wife, Pamela L. Hill; and

**WHEREAS**, Section 160A-58.2 of the North Carolina General Statutes provides that the sufficiency of the petition shall be investigated by the city clerk before further annexation proceedings may take place; and

**WHEREAS**, the City Council of the City of Asheboro deems it advisable to proceed in response to this request for annexation;

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

This resolution was adopted by the Asheboro City Council in open session during a regular meeting that was held on the 10<sup>th</sup> day of May, 2012.

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

ATTEST:

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

**CERTIFICATE OF SUFFICIENCY**

**(2.640 Acres of Land Located at 1591 Old Lexington Road)**

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

I, Holly H. Doerr, CMC, City Clerk for the City of Asheboro, North Carolina, do hereby certify that I have investigated the petition attached hereto by reviewing the petition, the submitted plat of survey that bears the seal of a professional land surveyor, and any additional materials supplied by the petitioner through the city's engineering department. As a consequence of that review, I have found as a fact that the said petition is signed by all of the owners of the real property lying in the area described therein, and the petition appears to be sufficient to satisfy the provisions of Section 160A-58.1 of the North Carolina General Statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro, North Carolina on this the 10<sup>th</sup> day of May, 2012.

(SEAL)

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

- (b) As a consequence of the receipt of written certification from the City Clerk as to the sufficiency of said annexation petition, Mr. Bunker presented and recommended adoption, by reference, of a resolution setting the date for a public hearing on the question of annexation.

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

**23 RES 5-12**

**RESOLUTION SETTING DATE OF PUBLIC HEARING ON THE QUESTION OF ANNEXATION  
PURSUANT TO SECTION 160A-58.2 OF THE NORTH CAROLINA GENERAL STATUTES**

**(2.640 Acres of Land Located at 1591 Old Lexington Road)**

**WHEREAS**, a petition requesting annexation of the non-contiguous area described therein has been received; and

**WHEREAS**, the City Council of the City of Asheboro, North Carolina has, by resolution, directed the city clerk to investigate the sufficiency thereof; and

**WHEREAS**, certification by the city clerk as to the sufficiency of the said petition has been made;

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

**Section 1.** A public hearing on the question of the annexation of the non-contiguous area described herein will be held during a regular meeting of the Asheboro City Council that will begin at 7:00 o'clock p.m. on the 7<sup>th</sup> day of June, 2012 in the Council Chamber at Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203.

**Section 2.** The area proposed for annexation is described on the attached sheet that is identified as EXHIBIT 1 and is hereby incorporated into this resolution by reference as if copied fully herein.

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

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 10<sup>th</sup> day of May, 2012.

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

ATTEST:

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

**EXHIBIT 1**

Asheboro Township, Randolph County, North Carolina:

BEGINNING in the southwestern margin of the 60-foot right-of-way for Old Lexington Road (North Carolina Secondary Road 1004) at a 5/8-inch existing rebar that is 6" above the ground and is located by means of the North Carolina Coordinate System at the coordinates of North 718,500.729 feet and East 1,750,092.976 feet (NAD 27); thence from the said beginning point following the proposed satellite corporate limits line for the City of Asheboro the following courses and distances along the southeastern boundary line of the property to be annexed into the City of Asheboro (the area to be annexed is the property of James P. Hill, Jr. and wife, Pamela L. Hill that is described in Deed Book 2269, Page 1082, Randolph County Public Registry and in Deed Book 2283, Page 495, Randolph County Public Registry): South 46 degrees 07 minutes 50 seconds West 410.35 feet to a 3/4-inch existing iron pipe that is 18" above the ground; thence South 46 degrees 07 minutes 50 seconds West 50.28 feet to a 5/8-inch existing rebar that is 6" above the ground; thence following the annexation area's southernmost boundary line along the Carolina Bank property described in Deed Book 2271, Page 264, Randolph County Public Registry the following courses and distances: North 39 degrees 12 minutes 59 seconds West 48.96 feet to a control corner with a 5/8-inch existing rebar that is 6" above the ground; thence North 87 degrees 05 minutes 04 seconds West 180.25 feet to a control corner with a 2" existing iron pipe that is 18" above the ground; thence following the existing satellite corporate limits line that is contiguous with the area proposed for annexation the following courses and distances: North 42 degrees 58 minutes 38 seconds East 186.93 feet to a 1/2-inch existing rebar that is flush with the ground; thence North 12 degrees 41 minutes 35 seconds East 30.50 feet to a 1/2-inch existing rebar that is flush with the ground; thence North 27 degrees 29 minutes 24 seconds East 43.82 feet to a 1/2-inch existing rebar that is flush with the ground; thence North 37 degrees 57 minutes 18 seconds East 177.65 feet to a 5/8-inch existing rebar that is flush with the ground; thence North 42 degrees 15 minutes 45 seconds East 47.61 feet to a 5/8-inch existing rebar that is flush with the ground; thence North 48 degrees 23 minutes 57 seconds East 51.04 feet to a 5/8-inch existing rebar that is flush with the ground; thence North 56 degrees 30 minutes 41 seconds East 71.90 feet to a 5/8-inch existing rebar that is flush with the ground and is located in the southwestern margin of the right-of-way for Old Lexington Road; thence departing from the existing satellite corporate limits line and proceeding along the southwestern margin of the right-of-way for Old Lexington Road the following courses and distances: South 39 degrees 20 minutes 14 seconds East 32.05 feet to a 5/8-inch existing rebar that is flush with the ground; thence South 39 degrees 20 minutes 14 seconds East 188.44 feet to a 2-inch existing iron pipe that is 18" above the ground; thence South 39 degrees 20 minutes 14 seconds East 15.00 feet to the point and place of BEGINNING, and containing 2.640 acres of land, more or less, to be annexed.

The above-listed description is in accordance with a plat of survey entitled "Annexation Plat Prepared For James P. Hill, Jr. & Pamela L. Hill." This plat was drawn under the supervision of Steven D. Brown, Professional Land Surveyor with Registration Number L-1435, from an actual survey made under his supervision. The job number listed on the plat is 2011002AX. The said plat of survey is dated December 8, 2011, with a revision date of May 1, 2012.

**10. Senior citizen items:**

**(a) Notice of selection as an official North Carolina Certified Retirement Community.**

Mr. Ogburn reported that the City of Asheboro had been selected as an official North Carolina Certified Retirement Community by the North Carolina Department of Commerce. Asheboro is the first city to be selected as a certified retirement community after the pilot city, Lumberton, was selected.

A copy of the letter received by the city regarding the selection is on file in the City Clerk's office.

**(b) Council action on funding request for Senior Citizens Center**

Mr. Ogburn recommended that the council members consider the request by the Randolph County Senior Adults Association for assistance in the capital campaign, "Expanding Opportunities for Active Living." The request is for the city to provide \$500,000.00 (\$100,000.00 per year for five (5) years) in order to provide funding for a new facility for the association. The funds raised through the campaign would be used to renovate and expand an existing downtown building currently owned by Acme-McCrary Corporation to serve as a multi-purpose senior adult center.

Upon motion by Ms. Carter and seconded by Mr. Bell, Council voted unanimously to provide \$500,000.00 (\$100,000.00 per year for five (5) years) for capital, not operating, expenditures.

**11. Status of Grant Funding sought by Asheboro Fire Department** (The meeting agenda listed this item as "Notice of Federal Firefighters Grant.").

Chief Smith reported to the Council that the fire department was not approved for a grant request submitted for breathing equipment but asked for Council's approval to apply for additional grant funding for the hiring of personnel and purchasing equipment for the eventual activation of a third station along with addressing other needs of the Asheboro Fire Department.

Upon motion by Mr. Bell and seconded by Mr. Baker, Council unanimously granted approval for Chief Smith to submit applications for grant funding in order to assist the Asheboro Fire Department.

**12. Cultural and Recreational Services Items:**

**(a) Prohibition of overnight parking at the Downtown Farmers' Market Facility**

With no objection from the Council, city staff withdrew the above-referenced item. This matter will be presented to the Council at a later date.

**(b) YMCA and Service Agreement**

At the beginning of the discussion regarding the above-referenced item, Mr. Swiers disclosed that he is a member of the YMCA executive committee, but no personal financial interest in the YMCA or his service on the executive committee exists. Thus, no unlawful conflict of interest exists.

Mr. Jonathan Sermon updated the City Council on the status of on-going discussions between city staff members and the management team at the YMCA. This discussion was initiated when city officials received a request from the YMCA Capital Campaign for an appropriation.

This initial request was problematic from the city's perspective because of long-standing policy concerns about appropriations that will be used to fund facilities that are only open to members of the organization receiving the appropriation. However, the Asheboro Parks and Recreation Master Plan does call for the exploration of partnerships with various neighborhood and non-profit sector organizations such as the YMCA. Furthermore, the city already has a facility sharing arrangement with a governmental entity, the Asheboro City Schools, that could serve as a model for a potential use by city residents of YMCA facilities in exchange for a reduction in charges to the YMCA for its usage of municipal water services.

The current recreation programming partnership discussions with the YMCA have included the possibility of individuals with city-issued recreation cards accessing the following facilities/programs at the YMCA:

1. Access to the YMCA splash pad during certain times on specified days in exchange for a fee of \$2.50,
2. A \$5.00 discount for summer camp fees of non-YMCA members,
3. Access to the YMCA pool during the months of August to pay during certain times on specified days in exchange for a fee of \$2.50, and
4. Access to the YMCA gymnasium in order to shoot basketball during certain times on specified days in exchange for a fee of \$2.50.

While the above-listed benefits in exchange for the elimination or reduction in water charges (the YMCA was billed \$38,947.79 for water usage in 2011) have been discussed, there has not yet been a complete meeting of the minds on the terms and conditions of this potential partnership. With the Council's consent, the current amicable discussions will continue and any proposed final agreement will be reduced to writing for the Council's review and approval.

Mayor Smith allowed members of the audience to present comments in regards to this matter. Ms. Laney Preston and Ms. Pat McGrath presented comments and concerns regarding the city and YMCA trading services.

With the general consent of the council members, city staff will further explore this proposal with the YMCA and a written agreement between the entities will be considered by the Council at a later date. No agreement will be executed by city staff members without prior review and approval by the Council.

**(c) Municipal pool hours for summer 2012**

Mr. Sermon discussed the following 2012 proposed swimming pool schedule that includes certain programs implemented for the 2012 season in anticipation of increased usage of the city's pool facilities:

**ANNUAL WRITTEN NOTICE TO CITY COUNCIL  
AS REQUIRED BY THE CULTURAL & RECREATION SERVICES POLICY MANUAL**

**2012 PROPOSED SWIMMING POOL SCHEDULE**

**Memorial Pool Schedule**

|                   |                  |                                  |
|-------------------|------------------|----------------------------------|
| <b>Sunday:</b>    | 1:00pm – 6:00pm  | Public Open Swim                 |
| <b>Monday:</b>    | 11:00am – 1:00pm | Public Lap/Senior Swim           |
|                   | 1:00pm – 4:00pm  | Monday Mayhem<br>(Pool Programs) |
|                   | 4:30pm – 6:30pm  | Adult Swim                       |
|                   | 6:30pm – 7:30pm  | Adult Swim Lessons               |
|                   | 7:30pm – 9:30pm  | Public Night Swim                |
| <b>Tuesday:</b>   | 9:00am – 11:00am | Public Lap/Senior Swim           |
|                   | 11:00am – 1:00pm | Public Open Swim                 |
|                   | 1:00pm – 4:00pm  | Teen Swim                        |
|                   | 4:30pm – 6:30pm  | Adult Swim                       |
|                   | 6:30pm – 7:30pm  | Adult Swim Lessons               |
| <b>Wednesday:</b> | 11:00am – 1:00pm | Public Lap/Senior Swim           |
|                   | 1:00pm – 4:00pm  | Daycare Swim                     |
|                   | 4:30pm – 6:30pm  | Adult Swim                       |
|                   | 6:30pm – 7:30pm  | Adult Swim Lessons               |
|                   | 7:30pm – 9:30pm  | Public Night Swim                |
| <b>Thursday:</b>  | 9:00am – 11:00am | Public Lap/Senior Swim           |
|                   | 11:00am – 1:00pm | Public Open Swim                 |
|                   | 1:00pm – 4:00pm  | Teen Swim                        |
|                   | 4:30pm – 6:30pm  | Adult Swim                       |
|                   | 6:30pm – 7:30pm  | Adult Swim Lessons               |
| <b>Friday:</b>    | 9:00am – 11:00am | Public Lap/Senior Swim           |
|                   | 11:00am – 1:00pm | Public Open Swim                 |
|                   | 1:00pm – 4:00pm  | Daycare Swim                     |
|                   | 4:30pm – 6:30pm  | Adult Swim                       |
|                   | 6:30pm – 7:30pm  | Adult Swim Lessons               |
| <b>Saturday:</b>  | 12:00pm – 6:00pm | Public Open Swim                 |

**North Asheboro Pool Schedule**

|                   |                  |                   |
|-------------------|------------------|-------------------|
| <b>Sunday:</b>    | 1:00pm – 6:00pm  | Public Open Swim  |
| <b>Monday:</b>    | 9:00am – 11:30am | Swimming Lessons  |
|                   | 12:00pm – 6:00pm | Public Open Swim  |
|                   | 6:30pm – 7:30pm  | Swimming Lessons  |
| <b>Tuesday:</b>   | 9:00am – 11:30am | Swimming Lessons  |
|                   | 12:00pm – 6:00pm | Public Open Swim  |
|                   | 6:30pm – 7:30pm  | Swimming Lessons  |
|                   | 7:30pm – 9:30pm  | Public Night Swim |
| <b>Wednesday:</b> | 9:00am – 11:30am | Swimming Lessons  |
|                   | 12:00pm – 6:00pm | Public Open Swim  |
|                   | 6:30pm – 7:30pm  | Swimming Lessons  |
| <b>Thursday:</b>  | 9:00am – 11:30am | Swimming Lessons  |
|                   | 12:00pm – 6:00pm | Public Open Swim  |
|                   | 6:30pm – 7:30pm  | Swimming Lessons  |
|                   | 7:30pm – 9:30pm  | Public Night Swim |
| <b>Friday:</b>    | 9:00am – 11:30am | Swimming Lessons  |
|                   | 12:00pm – 6:00pm | Public Open Swim  |
|                   | 6:30pm – 7:30pm  | Swimming Lessons  |
| <b>Saturday:</b>  | 12:00pm – 6:00pm | Public Open Swim  |

The Council had no objection to the proposed schedule. Consequently, in accordance with a previously adopted ordinance, the proposed schedule will go into effect as presented.

**(d) Update on Sunset Theatre**

Mr. Sermon reported that construction bids for the renovation of the theatre will be received during the month of June 2012 with anticipation that a contract will be awarded no later than August 2012. Actual work on the Sunset Theatre may begin in October 2012. The renovation is projected to be completed within approximately 10 to 11 months.

**13. Notification of special meeting date of May 24, 2012, for budget workshop.** (The original agenda incorrectly listed the start time for this budget workshop as 5:30 p.m.)

Mr. Ogburn announced that there will be a special council meeting on May 24, 2012 in the Council Chamber at 5:00 p.m. for a budget workshop.

**14. Discussion of items not on the agenda.**

**Upcoming events:**

- May 15, 2012 – Asheboro Housing Authority Meeting
- May 11, 2012 – Ribbon Cutting at The Quilting Place
- June 6, 2012 – Town Hall Day

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

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

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