

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

MONDAY, AUGUST 27, 2012

5:30 P.M.

Notice of a special meeting of the City Council of the City of Asheboro, North Carolina is hereby given. This special meeting will be held on Monday, the 27th day of August, 2012, at 5:30 p.m. in the Conference Room at the City of Asheboro Public Works Facility, 1312 North Fayetteville Street, Asheboro, North Carolina 27203.

This special meeting will be conducted as a joint meeting with the Asheboro Planning Board. The purpose of this special joint meeting is to allow the boards to collectively consider extraterritorial planning jurisdiction policy implications and questions that city staff members have identified in the aftermath of the recently concluded session of the North Carolina General Assembly.

This notice is issued on the 22nd day of August, 2012, pursuant to the laws and ordinances of the State of North Carolina and the City of Asheboro.

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

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SPECIAL JOINT MEETING

**ASHEBORO CITY COUNCIL
ASHEBORO PLANNING BOARD**

MONDAY, AUGUST 27, 2012 5:30 p.m.

**CITY OF ASHEBORO PUBLIC WORKS FACILITY CONFERENCE ROOM
1312 NORTH FAYETTEVILLE STREET, ASHEBORO, NORTH CAROLINA**

This being the time and place for a Joint Special Meeting of the Asheboro City Council and the Asheboro Planning Board, 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, NCCMC, City Clerk/Paralegal
- John L. Evans, Assistant Community Development Director
- Justin T. Luck, Zoning Administrator/Planner
- Bradley W. Morton, Planning Technician/Deputy City Clerk
- R. Reynolds Neely, Jr., Retired Community Development Director
- Trevor L. Nuttall, Community Development Director
- Jeffrey C. Sugg, City Attorney

In addition to the elected officials and staff members noted above, the following Asheboro Planning Board Members were also present:

Ernest Confer)
Lynette Garner)
Frank Havens)
D. Luther Hollingsworth) – Planning Board Members Present
Darrell Lewis)
Dave Whitaker)
Thomas White, Vice-Chair)

1. Call to order for City Council.

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

2. Call to order for the Planning Board.

A quorum of the Planning Board being present, Vice-Chair, White called the Planning Board meeting to order. In the absence of the Planning Board Chair, Mr. White served as the presiding officer for the Planning Board.

3. Conceptual discussion of the city's extraterritorial planning jurisdiction and recent legislative trends.

Mayor Smith opened the substantive discussions about the city's extraterritorial planning jurisdiction (ETJ) by asking Mr. Nuttall to provide the staff's analysis of the issue with specific emphasis on any policy implications that could be gleaned from the recently concluded legislative session of the North Carolina General Assembly. Mr. Nuttall used a visual presentation, including maps, to fully convey the staff's analysis of these ETJ issues. A copy of this presentation is on file in the City Clerk's office.

Some of the issues identified in Mr. Nuttall's slide presentation and that became the focus of the discussions during the joint meeting are as follows:

- **Refresher on ETJ**
 - Extraterritorial Jurisdiction:
 - Cities can regulate development beyond boundaries with County approval if certain criteria met;
 - Asheboro extends up to 2 miles in some areas.
 - First extended in 1970s and last extended in 1987.
 - Intent was to help cities plan for developing areas that may require city services in future.
 - At time of state enabling legislation in 1950s, few Counties regulated land use.
 - Area must be based on existing or projected urban development in accordance with city plans.
- **ETJ versus City Limits**
 - ETJ not part of city corporate limits:
 - Property owners don't pay city property taxes, nor do they receive city services.
 - Residents don't vote in city elections.
 - Land development permit requests in ETJ, like City Limits, must comply with city ordinances pertaining to development.
 - City Planning Board by law must contain residents of ETJ area as well as City limits.
- **House Bill 925**
 - Changed state law's annexation procedures:
 - Referendum on statutory annexations.
 - Majority of votes cast must be "for" annexation.
 - Vote occurs after adoption of resolution of intent.
 - Only registered voters of the proposed annexation area are allowed to vote.
 - Passed both chambers and became Session Law 2012-11.

- **Re-cap of Short Session**

- Large scale, city-initiated annexations will be more costly with less predictable outcomes as a result of Session Law 2012-11.
- Demonstrated legislative interest in examining ETJ statutes.
- It may be an appropriate time to evaluate the ETJ boundary to see if it is in the City's best interests.

Along with his slide presentation, Mr. Nuttall presented various maps depicting the current ETJ boundaries for the City of Asheboro.

In essence, Mr. Nuttall's informative presentation allowed the Council Members and Planning Board Members to engage in a substantive discussion regarding the possibility of relinquishing a significant amount of territory from the city's ETJ. Mr. Nuttall noted the following should be taken into consideration if the ETJ boundaries are to be reexamined:

- City infrastructure locations and the viability of extensions into existing ETJ area/anticipated urban growth areas.
- Strategic corridors for economic development purposes and gateway management.
- Identifying and addressing "holes" in existing City Limits.
- The Land Development Plan recommendations related to growth and economic development areas and how changes since 2000 may affect those areas.
- Realistic assessment of the viability of annexing certain areas within an identifiable time frame.
- Compliance with the statutory mandate to establish readily identifiable ETJ boundaries.

While no formal action was taken by either the City Council or the Planning Board, City Council Members expressed their general consent for city staff to proceed with identifying a potential new ETJ boundary line that takes account of the foregoing considerations and significantly reduces the footprint of the city's ETJ. Any future discussion of a more compact ETJ will take place in the context of an advertised public hearing with maps showing public boundary lines. The owners of parcels of land identified for release from the city's extraterritorial planning jurisdiction will be notified by mail of any public hearing on this question.

There being no further business, the City Council and Planning Board adjourned their respective meetings at 6:53 p.m.

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

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