

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, NOVEMBER 8, 2018
7:00 p.m.**

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

Walker B. Moffitt) – Mayor Pro Tempore Presiding

Clark R. Bell)
Edward J. Burks)
Linda H. Carter) – Council Members Present
Jane H. Redding)
Katie L. Snuggs)
Charles A. Swiers)

David H. Smith) – Mayor Absent

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk
John L. Evans, Assistant Community Development Director
David L. Hutchins, Public Works Director
Michael L. Leonard, PE, City Engineer
Mark T. Lineberry, Assistant Chief of Police
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney
Willie Summers, Fire Chief
Kristen P. Terry, Human Resources Assistant

1. Call to order.

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

2. Moment of silent prayer and pledge of allegiance.

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

3. Update on senior adults association activities.

Mr. Mark Hensley, who is the Executive Director for the Randolph County Senior Adults Association, gave an overview of the programs and services provided by the association to senior adults. Some of the programs and services include, but are not limited to, Home-Delivered Meals (Meals-on-Wheels) and Adult Day Care.

A copy of the 2017-2018 annual report as presented by Mr. Hensley is on file in the city clerk's office.

4. Report on the 2018 Employee United Way Campaign.

Ms. Kristen Terry and Mr. John Evans briefly reported that the city's 2018 Employee United Way Campaign was a success with a total of 134 city employees contributing to United Way. Approximately \$33,000 was pledged by city employees.

No action was taken by the council during this portion of the meeting.

5. Consent agenda.

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

(a) The meeting minutes for the city council's regular meeting on October 4, 2018.

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

(b) The meeting minutes for the city council's special meeting on October 22, 2018.

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

(c) The final decision document for land use case no. CUP-18-13.

**Case No. CUP-18-13
Final Decision Document
City Council of the City of Asheboro, North Carolina**

**IN THE MATTER OF THE APPLICATION BY NEW JERUSALEM PENTECOSTAL HOLINESS
CHURCH, INC. FOR A CONDITIONAL USE PERMIT AUTHORIZING
A PLACE OF WORSHIP LAND USE**

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

THIS LAND USE CASE was heard by the Asheboro City Council (the "Council") during a properly advertised quasi-judicial hearing on October 4, 2018. During this hearing, the Council received evidence, including sworn testimony, and considered all competent evidence and argument. On the basis of competent, material, and substantial evidence, the Council does hereby enter the following:

FINDINGS OF FACT

1. By and through Ms. Hattie Johnson, who is an authorized agent of the church, New Jerusalem Pentecostal Holiness Church, Inc., which is a North Carolina non-profit corporation, (the "Applicant") properly applied for a conditional use permit (a "CUP") authorizing a land use identified by the Asheboro Zoning Ordinance (the "Ordinance") as a place of worship on the church's land.

2. The place of worship is proposed for the church's real property at 618 and 622 Franks Street in Asheboro. The church property subject to the requested CUP is approximately 0.67 of an acre in size and consists of two parcels of land (collectively, the "Zoning Lot") that are more specifically identified by the following Randolph County Parcel Identification Numbers: 7761144135 and 7761144098.

3. In a legislative act, the Council placed the Zoning Lot in a conditional use district, specifically a CU – O & I (Conditional Use Office and Institutional) zoning district, before deliberating about the requested CUP.

4. Section 102 of the Ordinance describes a conditional use district as follows:

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

5. Section 102 of the Ordinance also provides:

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

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

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

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

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

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

7. Subsection G in Section 210 of the Ordinance contains a statement of intent for the O & I zoning district, and this statement of intent provides as follows:

The Office and Institutional district is intended to produce moderate intensity office and institutional development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designated O & I shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged.

8. Pursuant to the Ordinance's Table of Permitted Uses (Table 200-2) a place of worship is permitted as a principal use in an O & I zoning district.

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

North: Membership Organization **East:** Single-Family Residential
South: Single-Family Residential **West:** Undeveloped Residential

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

11. The last permitted land use on the Zoning Lot was a single-family residential use.
12. The Zoning Lot is inside Asheboro's city limits.
13. Franks Street is a local, city-maintained street.

14. The area in which the Zoning Lot is located consists primarily of single-family residential uses with multi-family and institutional uses across Franks Street and extending westward to Watkins Street.

15. The adopted land development plan's design principles are generally supportive of a compatible mix of institutional, civic, and residential uses appropriately located and designed.

16. As proposed, the place of worship will be located within an existing structure that covers an area of approximately 988 square feet. No additions are proposed for the existing structure, and no new structures are proposed for the Zoning Lot.

17. The general zoning requirements in the O & I district prohibit parking in the required front yard. Also, buffering/screening is required for parking areas adjacent to residential properties.

18. The Applicant proposes to use existing vegetation to comply with part of the buffering/screening requirements.

19. The parking requirements specified by the Ordinance are based on the size of the main assembly area, such as the sanctuary, within the place of worship. The Applicant's site plan indicates that five parking spaces are proposed. This number of proposed parking spaces would accommodate up to 16 people.

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

- (A) Notwithstanding information provided on the site plan, if only one of the driveways shown on the site plan is constructed, such an action will not be considered a modification of the CUP as long as all of the parking spaces and maneuvering areas required by the Ordinance are provided.
- (B) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the Applicant shall provide details showing the following:
 - (1) Compliance of the handicapped ramp design and handicapped parking with the North Carolina Building Code. Minor changes necessary to comply with these requirements shall not be considered a modification of the CUP requiring further review by the Council.
 - (2) Required plantings that supplement the existing vegetation shown on the site plan so as to achieve and maintain compliance with Sections 304A and 308A of the Ordinance.
 - (3) Solid waste facilities that conform to Section 307A of the Ordinance.
- (C) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute and deliver to the zoning administrator for recordation in the Office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the city attorney for the purpose of placing notice of the conditions attached to this CUP in the chain of title for the Zoning Lot.

21. The proposed place of worship does not pose any elevated risk of generating health and safety concerns.

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

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

CONCLUSIONS OF LAW

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

2. In this case, the Applicant properly submitted an application, including the required site plan, for a conditional use permit authorizing a place of worship on the Zoning Lot in a conditional use office and institutional zoning district.

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

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

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

(h) Approval to schedule for December 6, 2018, and to advertise, a public hearing on the text amendments proposed by the city staff for the subdivision ordinance.

The above-listed text amendments for the subdivision ordinance will be advertised and heard by the Council on December 6, 2018.

(i) A Stormwater Fund Amendment.

18 ORD 11-18

ORDINANCE TO AMEND STORMWATER FUND FY 2018-2019

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

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

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

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

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

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

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

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

Section 1:

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

Section 2: That the following revenues are increased:

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

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

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

Adopted this the 8th day of November 2018.

/s/Walker B. Moffitt
Walker B. Moffitt, Mayor Pro Tempore

ATTEST:

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

- (j) **A General Fund (FY 2018-2019) amendment pertaining to programming at the Sunset Theatre.**

19 ORD 11-18

**ORDINANCE TO AMEND THE GENERAL FUND
FY 2018-2019**

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

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

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

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

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

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

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

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

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

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

Adopted this 8th day of November, 2018.

/s/Walker B. Moffitt
Walker B. Moffitt, Mayor Pro Tempore

ATTEST:

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

- (k) **The closure of the Sunset Theatre Project Fund (Fund #67).**

20 ORD 11-18

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

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

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

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

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

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

Adopted this the 8th day of November, 2018.

/s/Walker B. Moffitt
Walker B. Moffitt, Mayor Pro Tempore

ATTEST:

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

(I) A resolution to approve the city's water shortage response plan.

RESOLUTION NUMBER 27 RES 11-18

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

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

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

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

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

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

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

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

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

/s/Walker B. Moffitt
Walker B. Moffitt, Mayor Pro Tempore
City of Asheboro, North Carolina

ATTEST:

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

EXHIBIT 1
City of Asheboro
Water Shortage Response Plan

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

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

I. Authorization

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

II. Notification

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

III. Levels of Response

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

Level	Response	Description
1	Voluntary Restrictions	Water users are encouraged to reduce their water use and improve water use efficiency; however, no penalties apply for noncompliance. Water supply conditions indicate a potential for emergency.
2	Mandatory Restrictions I	Water users must abide by required water use reduction and efficiency measures; penalties apply for noncompliance. Water supply conditions are significantly lower than the seasonal norm and water emergency conditions are expected to persist. Allows maintaining jobs and landscaping investments related to water use.

3	Mandatory Restrictions II	Bans additional water usages not included in Level 2 Mandatory Restrictions I
4	Mandatory Restrictions III	Water supply conditions are substantially diminished and pose an imminent threat to human health or environmental integrity.

- (1) *Level I (Voluntary)*. During a declared Level I water emergency, consumers of water from the city water system shall be encouraged to implement the following voluntary water conservation practices:
 - (a) Watering of lawns, ornamental plants, and gardens should be limited to the hours between 7:00 p.m. and 7:00 a.m.;
 - (b) Use of water for wash down of outside areas such as driveways, parking lots, and sidewalks should be curtailed;
 - (c) Faucets should not be left running while shaving, brushing teeth, or washing dishes;
 - (d) The use of clothes and dishwashers should be limited where possible, and these units should be operated with full loads;
 - (e) Washing cars and other vehicles should be curtailed to Saturday and Sundays, and hoses should not be left running while washing;
 - (f) The use of flow restriction and other water saving devices is encouraged;
 - (g) Showers should be used for bathing, and showers should be limited to four minutes or less; and
 - (h) Filling of pools should be deferred or limited to hours between 7:00 p.m. and 7:00 a.m.

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

- (3) *Level III (Mandatory)*. During a declared Level III water emergency, the following mandatory use restrictions shall be in effect for consumers of water from the city water system:
 - (a) Any form of watering or irrigating lawns, gardens, and/or other plants is prohibited;
 - (b) With the exception of situations where the wash down of certain outside areas is necessary due

to public health and safety concerns, the use of water for wash down of outside areas is prohibited;

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

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

IV. Triggers

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

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

Table 1

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

V. Enforcement

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

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

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

VI. Variance Protocols

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

VII. Revision

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

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

- (m) **An ordinance that will increase the number of spaces designated for handicapped parking on Holly Street.**

ORDINANCE NUMBER _____ **21 ORD 11-18**

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**AN ORDINANCE TO AMEND THE PARKING REGULATIONS APPLICABLE TO
A SECTION OF HOLLY STREET**

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

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

WHEREAS, during its regular meeting on November 8, 2018, the Asheboro City Council concluded that the parking plan for the section of Holly Street between South Park Street (North Carolina Secondary Road 1451) and South Church Street (North Carolina Secondary Road 1707) should be updated to provide three additional reserved parking spaces on the south side of Holly Street for persons with mobility impairments; and

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

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

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

Section 1. The October 2018 Revised Holly Street Parking Plan submitted by city staff and attached hereto as EXHIBIT 1 is hereby approved and adopted, without modification, as the city's official on-street parking plan for the section of Holly Street shown in the attached exhibit.

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

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

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

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

/s/Walker B. Moffitt
Walker B. Moffitt, Mayor Pro Tempore
City of Asheboro, North Carolina

ATTEST:

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

[Exhibit 1 that is referenced in the above ordinance is on file in the city clerk's office.]

6. Community Development Items:

- (a) Case No. RZ-18-15: Public hearing on the application to rezone the property located at 505 East Salisbury Street (Randolph County Parcel Identification Number 7761039088) from R7.5 (Medium-Density Residential) and B1 (Neighborhood Commercial) to OA6 (Office-Apartment).**

Mayor Pro Tem Moffitt opened the public hearing, which was legislative in nature, on the application by Stephen David Wright (the "Applicant") to rezone approximately 0.28 of an acre of land located at 505 East Salisbury Street from R7.5 (Medium-Density Residential) and B1 (Neighborhood Commercial) to OA6 (Office-Apartment) zoning. The Applicant's land is more specifically identified by Randolph County Parcel Identification Number 7761039088.

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

1. The property is located inside the city limits.
2. East Salisbury Street is a state-maintained major thoroughfare.
3. The majority of the property is currently zoned B1, described by the zoning ordinance as "intended to provide for limited retail and personal service uses on free-standing parcels or for small centers to serve adjacent residential neighborhoods. These districts shall normally be located in nodes along minor thoroughfares or higher classification streets." A small portion of the property is zoned R7.5 (Medium-Density Residential).
4. The requested zoning district allows residential, office and institutional uses, and limited commercial uses. The OA6 zoning district is described by the zoning

ordinance as “intended to produce moderate intensity office and residential development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designated OA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged.” Heavier commercial uses (such as retail, eating establishments, motor vehicle sales and major/minor repair, etc.) are prohibited in the OA6 district.

5. There is currently a single-family dwelling on the property that tax records indicate was built in 1940. This is a legal non-conforming use in the B1 zoning district, which places restrictions on future expansion or additions. If the property is rezoned to OA6, the current use becomes a use permitted by-right in the OA6 zoning district.
6. The adjoining property to the east was rezoned from CU-OA6 (Conditional Use Office-Apartment) to M (Mercantile) in 2014.

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

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

There being no further comments and no opposition from the public, Mayor Pro Tempore Moffitt transitioned to the deliberative phase of the hearing.

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

1. City Council Adoption of the Following Analysis of the Requested Map Amendment: The Land Development Plan proposes commercial zoning for the property. The Central Small Area Plan further states that commercial uses are designated in scattered locations along thoroughfares to accommodate some future commercial development. Also recommended in the Central Small Area Plan are “limited, local-scale, office and institutional uses” along East Salisbury Street.

The requested OA6 district fits this recommendation by providing for office and institutional and limited commercial activities but also excluding heavier commercial uses that may be less appropriate to apply to the property. The designation is also consistent with surrounding land uses, which include single-family and multi-family residential uses, along with some commercial activities. The OA6 classification can also help encourage continued investment into the property by removing its non-conforming status. Considering these factors, the city council has concluded that this application for a zoning map amendment is consistent with the adopted comprehensive Land Development Plan, is reasonable, and is in the public interest.

2. In light of the above-stated analysis, the requested zoning map amendment to place the Zoning Lot in an OA6 (Office-Apartment) zoning district is approved as consistent with the adopted plan.

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

A copy of the slide show utilized by Mr. Nuttall is on file in the city clerk’s office.

- (b) Case Nos. RZ/CUP-18-16: A quasi-judicial hearing on the combined applications to rezone from R10 (Medium-Density Residential) and R15 (Low-Density Single-Family Residential) to CU-R40 (Conditional Use Low-Density Residential) and to receive a conditional use permit authorizing a solar farm on property with road frontage along Hub Morris Road, Lakeview Road, and Old Liberty Road (Randolph County Parcel Identification Number 7763505528).**

Mayor Pro Tem Moffitt opened the public hearing on this combined land use case and asked for the witnesses to be placed under oath. Community Development Director Trevor Nuttall, who was the first witness to testify, provided the City of Asheboro Community Development Division staff's analysis of the 2-part application to place the applicant's property in a CU-R40 zoning district and to obtain a Conditional Use Permit authorizing a solar farm.

The proposed land use is to be located on approximately 37.3 acres of land (the "Zoning Lot") that is currently owned by Roswell Farms, LLC. Randolph County Parcel Identification Number 7763505528 more specifically identifies the property.

Mr. Ben Ludwig filed this application on behalf of Thunderhead Solar, LLC (the "Applicant"). The city planning staff's analysis of the Applicant's request for a zoning map amendment that would rezone the property from R10 (Medium-Density Residential) / R15 (Low-Density Single-Family Residential) to CU-R40 (Conditional Use Low-Density Residential) noted, in part, as follows:

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

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

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

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

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

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

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

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

1. Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the Applicant shall submit documentation detailing the following approvals:
 - (i) Driveway permit from NCDOT
 - (ii) Erosion control approval from NC Department of Environmental Quality
2. Landscaping equivalent to Type D screening materials (existing or planted) specified in Section 652.2(iii) shall be installed adjacent to the eastern corner of the James L. Owens and Judith S. Owens property described in Deed Book 2465, Page 1242 and Roswell Farms, LLC property described in Deed Book 2020, Page 750 of the Randolph County Registry.
3. As specified in Section 652.2(iii), both the planted screening proposed on the site plan and existing vegetation may count towards the Screen D requirements along the perimeter of the property.
4. The site plan contains an error labeling a 15' side setback along the front yard setback of Old Liberty Road. This error shall be corrected to reflect the correct 30' front setback and a revised copy of the site plan shall be submitted to city staff for inclusion in the file without further review by the city council.
5. Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of Deeds, a Memorandum of Land Use Restrictions prepared by the city attorney for the purpose of placing notice of the conditions attached to this Conditional Use Permit in the chain of title for the Zoning Lot.

Mr. Pat Brantley, Mr. Marcus Montes, Mr. Jose Ayila, and Mr. Jerry Prichett posed general questions in regards to the application, but offered no testimony in opposition to the requested land use approvals. There being no further comments, Mayor Pro Tem Moffitt transitioned to the deliberative phase of the application process.

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

1. While a general R40 district may not be appropriate at this location where most residentially zoned properties are designated R10 (Medium-Density Residential) and R15 (Low-Density Single Family Residential), the Conditional Use Permitting process helps mitigate concerns over whether a potential development can be compatible with surrounding properties, which is a primary concern with properties designated for "Neighborhood Residential" use by the Land Development Plan.

Furthermore, many properties in the area currently have lower-density than what is allowable in the existing R10 and R15 zoning districts, especially along Hub Morris Road, which also helps make the requested CU-R40 district appropriate. Considering these factors, the city council has concluded that the requested CU-R40 district is consistent with the

Land Development Plan. The mix of development opportunities and safeguards provided by the requested district is reasonable and in the public interest.

2. In light of the above-listed analysis, the requested zoning map amendment to place the Zoning Lot in a CU-R40 zoning district is approved as consistent with the adopted plan.

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

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

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

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

(c) Case No. RZ-18-17: A legislative hearing on proposed zoning ordinance text amendments concerning allowable floor area ratios and related clerical corrections to Table 200-1 (Area, Height, Bulk & Placement Regulations).

Mayor Pro Tem Moffitt opened the public hearing, which was legislative in nature, on an application by the City of Asheboro on proposed zoning ordinance text amendments.

Mr. Nuttall utilized a slide show in order to give the Council Members an overview of the staff's proposed amendments to Table 200-1 (Table of Area, Height, Bulk and Placement regulations) related to floor area ratio (permitted ratio of buildings based on land area) and minimum lot sizes in certain districts. During his presentation, Mr. Nuttall noted the following:

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

8. The proposal slightly increases the allowable FAR for non-residential uses (i.e. places of worship, schools) that typically require a Special Use Permit in the R40 (from 19% to 22%) and RA6 (from 17% to 22%) district.

The proposed amendments to Table 200-1 of the Asheboro Zoning Ordinance are as follows:

Table 200-1									
Table of Area, Height, Bulk and Placement Regulations									
District	Minimum Lot Size in Sq. Ft.	Lot Width (Frontage) In Feet*	Front Required Yard in Feet*	Side Required Yard In Feet*	Rear Required Yard in Feet*	Maximum Height in Feet*	Maximum Floor Area Ratio*	Open Space Ratio*	Recreation Ratio*
			Required Yards* (Setbacks) Front Side Rear						
R40	40,000 SF	100	30	15	25	35	22% -19		
	80,000 Duplex		1 Single Family or 1 Duplex Only				22%		
	<i>40,000 NonRes</i>						22%		
R15	15,000 SF	100	30	15	25	35	22%		
			1 Single Family Only						
R10	10,000 SF	75	30	10	25	35	22%		
	15,000 Duplex		1 Single Family or 1 Duplex Only				22%		
	<i>10,000 NonRes</i>						22%		
R7.5	7,500 SF	60	25	10	20	35	22%		
	11,500 Duplex		1 Single Family or 1 Duplex Only				22%		
	<i>7,500 NonRes</i>						22%		
RA6	<i>Residential (SF & Duplex)</i>								
	6,000	60	25	10	20	35	22%		
	<i>Multi Family: Maximum 4 Units Permitted Less than 45,000 Less than 45,000 sq.ft. 4</i>							17%	30%
	<i>Multi Family: Greater than 45,000 Min 45,000 sq ft for 5 or more units</i>							17%	52% 3.3%
	<i>Multi Family: Greater than 45,000 with SUP WITH SUP 45,000 sq. ft. min. required</i>							22%	52% 3.3%
<i>Non-residential</i>									
	6,000	60	25	10	20	35	22%		
OA6	<i>Residential (SF & Duplex)</i>								
	6,000	60	25	10	20	35	22%		
	<i>Multi Family: Maximum 4 Units Permitted Less than 45,000 Less than 45,000 sq.ft. 4</i>							17%	30%
	<i>Multi Family: Greater than 45,000 Min 45,000 sq ft for 5 or more units</i>							17%	52% 3.3%
	<i>Multi Family: Greater than 45,000 with SUP WITH SUP 45,000 sq. ft. min. required</i>							22%	52% 3.3%
<i>Non-residential</i>									
	6,000	60	25	10	20	35	30%		
<i>Multi Use: Minimum 45,000 for 5 or more units Min 45,000 sq ft for 5 or more units</i>							30%		
O&I	6,000	60	25	10	20	35	30%		
<i>Multi Use: Minimum 45,000 for 5 or more units Min 45,000 sq ft for 5 or more units</i>							30%		
B1	6,000	60	25	15	15	25	33%		
M	10,000	75	25	10	10	25	33%		
B2	10,000	75	25	0 or 5	0 or 5	35	100%		
TH	40,000	100	30	10	10	35	100%		
B3	N/A	N/A	0	0 or 5	0 or 5	50	N/A		
I1	10,000	75	10	10	10	45	N/A		
I2	20,000	100	10	10	10	45	N/A		
I3	30,000	100	50	20	20	45	N/A		
<i>*Except as specifically modified by this Ordinance - by Article 300 or by buffering and screening requirements.</i>									

[*Shaded text and italics reflect amended text.]

The Planning Board concurred with the following planning staff's analysis and recommended approval of the proposed text amendments.

The proposed text amendments are designed to provide consistent single-family and two-family residential floor area ratio (FAR) among residential districts. The proposed text amendments do not change the allowable density (i.e. dwellings per acre) of residential development, but are designed to allow a reasonable use of

property by helping to remove barriers to residential investment, particularly on smaller parcels of land in established neighborhoods.

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

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

There being no further comments and no opposition from the public, Mayor Pro Tem Moffitt transitioned to the deliberative phase of the hearing.

Upon motion by Mr. Bell and seconded by Mr. Burks, the Council voted unanimously to follow the staff and planning recommendations to approve the proposed text amendments by adopting a multi-part motion that took the following actions:

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

While there is also a small increase in the allowable floor area for certain non-residential uses in residential districts, the quasi-judicial review process typically required for these uses can ensure development is at an appropriate scale in those limited cases. Considering these factors, the city council has concluded that this application for text amendments to the Asheboro Zoning Ordinance is consistent with the Land Development Plan, is reasonable, and is in the public interest.

2. In light of the above-stated analysis, the above-stated text amendments are approved as consistent with the adopted plan.

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

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

7. Public comment period.

Mayor Pro Tem Moffitt opened the floor for public comments.

Mr. John Elkin, a member of Boy Scout Troop 501, asked the council members for their support regarding his proposed Eagle Scout project. Mr. Elkin's proposal focused on the installation of additional grills within the picnic area located near Frazier Park.

After his presentation, with the general consent of the council members, Mayor Pro Tem Moffitt asked the city manager to assist Mr. Elkin with his proposed project. Mr. Ogburn expressed his support for the project and his willingness to enable Mr. Elkin to bring the proposed project to a successful conclusion.

8. Update on Zoo City Sportsplex.

City Engineer Michael Leonard, PE presented updated plans for the proposed Zoo City Sportsplex. The Council Members expressed their support for the updated plans and for the continuation of the project.

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

A copy of the updated plans is on file in the city clerk's office.

9. Update on recycling.

Public Works Director David Hutchins reported that city staff is continuing to review and modify the city's recycling operations in order to address the loss, due to fire, of the vendor that previously accepted the city's recyclables. According to Mr. Hutchins, city staff is currently working with Waste Management to finalize a recycling services agreement that will resolve the question as to where the city should deliver the recyclables collected by the municipal program.

Additionally, Mr. Hutchins reported that a new and improved drop-off site for recyclables will open at the transfer station in February 2019. This site will be staffed.

The Council Members expressed their general support for the actions taken to adapt to changed circumstances for the recycling program.

No action was requested of the council, and none was taken.

10. Consideration of an annexation petition from the State Employees' Credit Union for the annexation of its approximately 14.521 acre parcel of land that is identified by Randolph County Parcel Identification Number 7761738476.

Mayor Pro Tem Moffitt opened a public hearing on the question of the annexation petition submitted by the State Employees' Credit Union. This petition requested the contiguous annexation of a parcel of land owned by the credit union and identified by Randolph County Parcel Identification Number 7761738476.

As part of the public hearing, City Engineer Michael Leonard, PE presented the staff's analysis of the annexation petition. No citizen wished to be heard during the public hearing.

Once the city council entered the deliberative phase of the hearing, Mr. Burks moved, and Mr. Bell seconded the motion, to approve the following annexation ordinance by reference. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

ORDINANCE NO. _____ 22 ORD 11-18 _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

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

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

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

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

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

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

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

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

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

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the existing City of Asheboro primary city limits line at a mathematical point in the southern margin of the public right-of-way for East Salisbury Street (North Carolina Secondary Road 2237), the

beginning point is North 78 degrees 01 minute 56 seconds East 181.08 feet from a control point located by means of the North Carolina Coordinate System at the coordinates of North 712,331 feet and East 1,767,543 feet (NAD 83); thence from the beginning point proceeding along the proposed Asheboro primary city limits line across the public right-of-way for East Salisbury Street North 03 degrees 40 minutes 38 seconds East 64.97 feet to an iron rod or pipe set in the northern margin of the public right-of-way for East Salisbury Street at the southwestern corner of the State Employees' Credit Union property described in Deed Book 2611, Page 556, Randolph County Registry (this State Employees' Credit Union property is the parcel of land for which an annexation petition, which also lists Book of Record 2611, Page 559, Randolph County Registry as a deed reference for the property, has been received; this property is currently identified by Randolph County Parcel Identification Number 7761738476; and the described parcel of land will be hereinafter referred to as the "Annexation Parcel"); thence departing from the northern margin of the public right-of-way for East Salisbury Street and proceeding along the proposed Asheboro primary city limits line by following the western boundary line of the Annexation Parcel the following two courses and distances: North 03 degrees 40 minutes 38 seconds East 1,277.95 feet to an existing iron rod or pipe; thence North 02 degrees 28 minutes 46 seconds East 705.70 feet to an existing iron rod or pipe at the northwestern corner of the Annexation Parcel; thence departing from the Annexation Parcel's western boundary line and continuing along the proposed Asheboro primary city limits line by following the Annexation Parcel's northern boundary line South 84 degrees 34 minutes 19 seconds East 353.96 feet along the Faedene R. Maness property described in Deed Book 1942, Page 912, Randolph County Registry to a mathematical point at the northeastern corner of the Annexation Parcel; thence departing from the northern boundary line of the Annexation Parcel and following the proposed Asheboro primary city limits line along the eastern boundary line of the Annexation Parcel the following course and distance: South 04 degrees 32 minutes 31 seconds West 1,883.09 feet to a mathematical point in the northern margin of the public right-of-way for East Salisbury Street at the southeastern corner of the Annexation Parcel; thence continuing along the proposed Asheboro primary city limits line by proceeding South 04 degrees 32 minutes 31 seconds West 68.09 feet across East Salisbury Street to a mathematical point in the southern margin of the public right-of-way for East Salisbury Street; thence departing from the proposed Asheboro primary city limits line and following the existing Asheboro primary city limits line South 78 degrees 01 minute 56 seconds West 321.51 feet along the southern margin of the public right-of-way for East Salisbury Street to the point and place of BEGINNING, and containing a total of 14.994 acres of land (14.521 acres in the Annexation Parcel and 0.473 of an acre within the public right-of-way for East Salisbury Street), more or less, to be annexed.

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

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

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

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

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

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

/s/Walker B. Moffitt
Walker B. Moffitt, Mayor Pro Tempore

ATTEST:

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

Approved as to form:

/s/Jeffrey C. Sugg
Jeffrey C. Sugg, City Attorney

11. Discussion of potential changes in the council's meeting schedule for 2019.

Mayor Pro Tem Moffitt led a discussion of two potential changes in the council's meeting schedule for 2019. Due to the Independence Day holiday, the July 2019 meeting will be scheduled for July the 11th rather than July the 4th. Also, due to the Labor Day holiday, the September 2019 meeting will be scheduled for September the 12th instead of the September 5th.

An ordinance setting the schedule for regular meetings during the 2019 calendar year will be presented for adoption during the Council's next regular meeting on December 6, 2018.

12. Upcoming events.

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

There being no further business, the meeting was adjourned at 9:05 p.m.

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

/s/Walker B. Moffitt
Walker B. Moffitt, Mayor Pro Tempore