

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, DECEMBER 6, 2018
7:00 p.m.**

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

David H. Smith) – Mayor Presiding

Clark R. Bell)
Edward J. Burks)
Walker B. Moffitt) – Council Members Present
Jane H. Redding)
Katie L. Snuggs)

Linda H. Carter)
Charles A. Swiers) – Council Members Absent

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Michael L. Leonard, PE, City Engineer
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney
Jody P. Williams, Chief of Police

1. Call to order.

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

2. Moment of silent prayer and pledge of allegiance.

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

3. Consent agenda.

Upon motion by Mr. Bell and seconded by Mr. Burks, the Council Members voted unanimously to approve/adopt the following consent agenda items. Council Members Bell, Burks, Moffitt, Redding, and Snuggs voted in favor of the motion.

(a) The meeting minutes for the city council's regular meeting on November 8, 2018.

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

(b) Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for October 1, 2018.

The minutes of the meeting held by the Asheboro ABC Board on October 1, 2018, have been received by the city clerk, distributed to the mayor and members of the city council for review, and are on file and available in the city clerk's office.

(c) The final decision document for land use case no. CUP-18-16.

Case No. CUP-18-16
Final Decision Document
City Council of the City of Asheboro, North Carolina

**IN THE MATTER OF THE THUNDERHEAD SOLAR, LLC APPLICATION FOR A CONDITIONAL USE
PERMIT AUTHORIZING A SOLAR FARM**

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

THIS CONDITIONAL USE PERMIT APPLICATION came before the Asheboro City Council (the "Council") for a properly advertised quasi-judicial hearing on the question of whether to approve an application by Thunderhead Solar, LLC for a conditional use permit ("CUP") authorizing a solar farm land use within the territorial jurisdiction of the City of Asheboro. The hearing was opened and sworn testimony received during a regular meeting of the Council on November 8, 2018.

Having considered all competent evidence and argument, the Council, on the basis of competent, material, and substantial evidence, does hereby enter the following:

FINDINGS OF FACT

1. By and through an authorized agent, Thunderhead Solar, LLC (the "Applicant") has properly submitted an application for a CUP authorizing a land use listed in Table 200-2 of the Asheboro Zoning Ordinance (the "Ordinance") as a solar farm.

2. Consistent with the Ordinance, the Applicant submitted a site plan showing the proposed solar farm on the parcel of land subject to this CUP review process. The size of the overall parcel of land is approximately 37.3 acres.

3. The land upon which the solar farm is proposed for development (the "Zoning Lot") is a single parcel of land owned by Roswell Farms, LLC. The Zoning Lot is more specifically identified by Randolph County Parcel Identification Number 7763505528.

4. The Zoning Lot is located southwest of 1019 Old Liberty Road, on the south side of Hub Morris Road, and east of the terminus of Lakeview Road.

5. Old Liberty Road is a state-maintained minor thoroughfare, and Hub Morris Road is a state-maintained major thoroughfare. Lakeview Road is a city-maintained local street serving primarily multi-family land uses and a manufactured home park.

6. Part of the Zoning Lot is within the corporate limits of the City of Asheboro. The balance of the lot is within the city's extraterritorial planning jurisdiction.

7. In a legislative act, the Council placed the Zoning Lot in a CU-R40 (Conditional Use Low-Density Residential) zoning district before deliberating about the requested CUP.

8. 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.

9. 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.

10. 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.*

11. The solar farm land use is defined by the Ordinance to mean the following:

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.

12. The proposed solar farm land use is permitted by special use permit in the R40 zoning district, and, as of the date of the issuance of this final decision document, the Zoning Lot is in a CU-R40 district.

13. Section 652 (Solar Farms) of the Ordinance lists the requirements for the issuance of a special use permit authorizing a solar farm and specifically provides as follows:

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

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

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

shall be incorporated into this alternative buffer as necessary to achieve this intent.

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

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

North: Single-Family Residential	East: Industrial and Utility Substation
South: Single-Family Residential and a Solar Farm under Construction	West: Manufactured Home Park and Single-Family Residential

15. With regard to the city's comprehensive development plans, the growth strategy map identifies the portion of the Zoning Lot within the city limits as a "primary growth" area, and the portion of the lot outside of the city limits is labeled "adjacent developed," which means that the area is appropriate for future development. The proposed land use map designation is "neighborhood residential."

16. Section 210 of the Ordinance describes the intent of the underlying R40 zoning district by stating:

The R40 Residential District is 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.

17. The Zoning Lot is currently undeveloped.

18. The proposed solar farm land use is the only land use for which Council approval is requested.

19. Under the Ordinance, a solar farm generally requires a 50-foot landscaped screen (Screen D) around the perimeter of the Zoning Lot, which includes evergreen trees and/or shrubs. Equivalent existing vegetation may count towards this requirement.

20. A portion of the Zoning Lot 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.

21. Two entrances are proposed. One entrance is from Old Liberty Road, and the other entrance is from Hub Morris Road.

22. In an effort to ensure the compatibility of the proposed solar farm with surrounding land uses and to ensure future compliance with the Ordinance, Community Development Director Trevor Nuttall testified as to the recommendation from city planning staff to attach the following conditions to the requested CUP:

- (A) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the Applicant shall submit documentation detailing the following approvals:
 - (1) A driveway permit from NCDOT; and
 - (2) Erosion control approval from the North Carolina Department of Environmental Quality.
- (B) Landscaping equivalent to Type D screening materials (existing or planted) as specified in Section 652.2(iii) of the Ordinance 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, Randolph County Registry and the Roswell Farms, LLC property described in Deed Book 2020, Page 750, Randolph County Registry.
- (C) As specified in Section 652.2(iii) of the Ordinance, both the planted screening proposed on the site plan and existing vegetation may count towards the Screen D requirements along the perimeter of the Zoning Lot.
- (D) The site plan contains an error in labeling a 15-foot side setback along the front yard setback of Old Liberty Road. This error shall be corrected to reflect the correct 30-foot 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 Council.

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

23. With the above-stated conditions, the site plan presented to the Council by the Applicant conforms to the regulations prescribed by the Ordinance.

24. The owner of the Zoning Lot is supportive of this application and will consent to the land use regulations that will be imposed on the property if the Applicant's request for a CUP is granted.

25. The statutorily mandated notices to adjoining property owners were mailed on Friday, October 19, 2018. Some individuals did appear during the quasi-judicial hearing of this case and posed questions about the proposed solar farm. However, no competent, material, or substantial evidence was introduced in opposition to the application.

26. City water and sewer services are not needed for the proposed solar farm.

27. No abnormal noise or environmental hazards are associated with the proposed land use.

28. The solar farm is an unmanned facility. Generally speaking, once constructed, one to two vehicles can be expected to visit the facility per month.

29. A report from Richard C. Kirkland, Jr., MAI, a state certified general appraiser, and Nicholas D. Kirkland, trainee appraiser, was introduced into evidence, and an opportunity was provided for cross-examination. The uncontroverted professional opinion of the appraiser was that the solar farm proposed for the Zoning Lot will have no impact on the value of adjoining or abutting property and that the proposed use is in harmony with the area in which it is located.

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

CONCLUSIONS OF LAW

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

2. In this case, the Applicant properly submitted an application for a CUP authorizing a solar farm on a Zoning Lot located in a CU-R40 zoning district.

3. In light of the evidence and the acceptance of the conditions proposed for attachment to the CUP, the proposed solar farm 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 the proposed land use meets the four general standards for granting the requested CUP. The proposed land use will not materially endanger the public health or safety, meets all required conditions and specifications of the zoning ordinance, will not substantially injure the value of adjoining or abutting property, and will be in harmony with the area in which it is to be located and is in general conformity with Asheboro's plan of development.

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

ORDER

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

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

- (1) A driveway permit from NCDOT; and
- (2) Erosion control approval from the North Carolina Department of Environmental Quality.

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

Section 5. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed to the extent that such ordinances conflict with the intent of the Asheboro City Council to hold its regular meetings in accordance with the schedule found in Section 4 of this Ordinance. With the exception of rescheduling the Asheboro City Council's regular meetings in July 2019 and in September 2019, the provisions of Section 31.04 of the Code of Asheboro remain in full force and effect.

Section 6. This Ordinance shall become effective upon adoption and shall sunset at midnight on December 31, 2019.

This Ordinance was adopted in open session during a regular meeting of the Asheboro City Council held on the 6th day of December, 2018.

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

ATTEST:

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

- (e) Budget ordinances pertaining to the FY 2018-2019 budget:**
- (i) General Fund amendment pertaining to labor costs in multiple departments and for enhancements to the city's information technology/systems operations.**

24 ORD 12-18

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

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>Revenue Description</u>	<u>Increase</u>
10-399-0000	Fund Balance Allocation	340,553

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

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
10-510-0201	Overtime (APD)	92,000
10-510-0702	FICA / Medicare	7,038
10-510-0705	Retirement	7,820
10-510-0706	401K	4,600
10-530-0201	Overtime (AFD)	87,000
10-530-0702	FICA/Medicare	6,631
10-530-0705	Retirement	6,787
10-550-0201	Overtime (Operations)	4,060
10-550-0702	FICA/Medicare	311
10-550-0705	Retirement	318
10-555-0201	Overtime (Fleet)	15,389
10-555-0702	FICA / Medicare	1,177
10-555-0705	Retirement	1,205
10-565-0201	Overtime (Street)	21,000
10-565-0702	FICA / Medicare	1,606
10-565-0705	Retirement	1,644
10-580-0201	Overtime (Env Services)	15,485
10-580-0702	FICA / Medicare	1,185
10-580-0705	Retirement	1,212
10-575-0200	Salary (Engineering)	26,000
10-575-0702	FICA / Medicare	1,989
10-575-0704	Insurance	4,750
10-575-0705	Retirement	2,046
10-490-7400	Capital Outlay (IT)	29,300
		340,553

Adopted this 6th day of December, 2018.

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

ATTEST:

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

(ii) General Fund amendment pertaining to pass thru grant money for economic development activities with Technimark.

25 ORD 12-18

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

WHEREAS, The City of Asheboro and Technimark LLC, Wellmark LLC, Green Light Holdings LLC, and TMark Holdings LLC together applied for a \$450,000 One NC Grant with the NC Department of Commerce for Technimark LLC's expansion project and was awarded the grant November 6th, 2014, and;

WHEREAS, Technimark LLC and others have submitted the appropriate paperwork and satisfied the requirements for the second grant distribution of \$225,000, and;

WHEREAS, the City of Asheboro received the "pass thru" grant funds from the NC Department of Commerce on November 29, 2018 and would like to remit the funds to Technimark LLC in a timely fashion, and;

WHEREAS, The City Council of the City of Asheboro desires to amend the budget as required by law to adjust for these changes in revenues and 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>Revenue Description</u>	<u>Increase</u>
10-349-0000	State Grants	225,000

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

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
10-490-3200	Grants- Technimark, LLC	225,000

Adopted this 6th day of December, 2018.

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

ATTEST:

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

(iii) A Water and Sewer Fund amendment pertaining to labor costs.

26 ORD 12-18

**ORDINANCE TO AMEND THE WATER AND SEWER FUND
FY 2018-2019**

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>Revenue Description</u>	<u>Increase</u>
30-399-0000	Fund Balance Allocation	39,535

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

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
30-810-0201	Overtime (Meter)	16,506
30-810-0702	FICA / Medicare	1,263
30-810-0705	Retirement	1,292
30-820-0201	Overtime (WTP)	2,500
30-820-0702	FICA/Medicare	191
30-820-0705	Retirement	195
30-840-0201	Overtime (W Maint)	5,506
30-840-0702	FICA/Medicare	421
30-840-0705	Retirement	431
30-850-0201	Overtime (WW Maint)	1,506
30-850-0702	FICA / Medicare	115
30-850-0705	Retirement	118
30-870-0201	Overtime (System Maint)	8,218

30-870-0702	FICA / Medicare	629
30-870-0705	Retirement	644
		<hr/> 39,535

Adopted this 6th day of December, 2018.

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

ATTEST:

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

- (f) **Approval to schedule for January 10, 2019, and to advertise, a public hearing on the application to rezone a parcel of land at 132 Gum Street (Randolph County Parcel Identification Number 7754909702) from R10 (Medium-Density Residential) and R15 (Low-Density Residential) to B2 (General Commercial).**

The above-listed land use case will be advertised and heard by the Council on January 10, 2019.

- (g) **A resolution authorizing the destruction of surplus city-owned personal property with no legal value or that poses a potential threat to the public health and safety.**

RESOLUTION NUMBER 28 RES 12-18

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION AUTHORIZING THE DESTRUCTION OF
CITY-OWNED PERSONAL PROPERTY WITH NO LEGAL VALUE OR THAT POSES A POTENTIAL
THREAT TO THE PUBLIC HEALTH AND SAFETY**

WHEREAS, Section 160A-266(d) of the North Carolina General Statutes authorizes the city to discard personal property that has no value or poses a potential threat to the public health and safety; and

WHEREAS, the city's information systems director has identified a total of 248 city-owned hard drives and 312 city-owned wireless devices (cell phones and MiFi's) that, over the course of approximately 10 years, have either been damaged or have become outdated and are ready for disposition as surplus property; and

WHEREAS, these hard drives and wireless devices contain confidential data that cannot, in a cost effective manner, be conclusively erased so as to prevent use of the residual data for harmful activities such as identity theft; and

WHEREAS, the city's fire department has removed from one of the fire stations an extensively used city-owned gas cooking stove (a Southbend 6-burner with a flat top grill) because of a gas leak coming from an undetermined location within the stove; and

WHEREAS, due to the gas stove's age and state of repair, the fire department cannot, in a cost effective manner, repair the stove and return it to service; and

WHEREAS, because of the potential fire and carbon monoxide poisoning risks posed by the gas leak that has not been precisely located within the appliance, the gas stove cannot be safely sold for future use by third parties.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the above-described obsolete hard drives (248 units) and wireless devices (312 units) are hereby declared to be surplus city-owned personal property; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the above-described gas stove that has been removed from service at the fire department is hereby declared to be surplus city-owned personal property; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that, because of the threat posed to the safety of others by placing on the open market confidential data such as personal identifying information that could be used for identity theft and other criminal purposes, the city's information systems director is hereby authorized and directed to discard/destroy this surplus personal property, which

is deemed to be solid waste without lawful value, in a manner that definitively prevents future unlawful or harmful use; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that, because of the threat to health and safety posed by a gas stove with an uncorrected gas leak, the city's fire chief is hereby authorized and directed to discard/destroy the gas stove removed from the fire station by working with the city's public works division to render the stove unusable by cutting the appliance into pieces and selling the pieces, to the extent possible, with the city's other scrap metal.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 6th day of December, 2018.

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

ATTEST:

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

(h) A joint renewal disclosure form with the fixed based operator, Cardinal Air, LLC, at the Asheboro Regional Airport.

STATE OF NORTH CAROLINA

**JOINT RENEWAL
DISCLOSURE FORM**

COUNTY OF RANDOLPH

Agreement Subject to Automatic Renewal:	Lease Agreement for Fixed Base Operator of the Asheboro Regional Airport, Dated December 16, 2015 (hereafter referred to as the "FBO Agreement")
Date of Automatic Renewal:	12:01 a.m. on January 1, 2019
Date of Termination Of Renewal Term:	Midnight on December 31, 2021
Contract Terms that Change upon Renewal:	Other than the above-stated commencement date and termination date for the renewal term, no contract terms change when the FBO Agreement renews on January 1, 2019

In accordance with Section 75-41 of the North Carolina General Statutes, the City of Asheboro and Cardinal Air, LLC hereby join in this written disclosure form to ensure that all parties to the FBO Agreement are notified and in agreement that, unless the contract is cancelled by either of the parties prior to January 1, 2019, the FBO Agreement will automatically renew for another 3-year term that will commence at 12:01 a.m. on January 1, 2019, and will terminate at midnight on December 31, 2021.

By signing in the spaces indicated below, the authorized officials for the respective parties hereby acknowledge the proper and timely receipt of this Joint Renewal Disclosure Form, and the parties further acknowledge that the automatic renewal of the FBO Agreement for another 3-year term will occur at 12:01 a.m. on January 1, 2019.

CITY OF ASHEBORO

By: _____ (SEAL)
John N. Ogburn, III, City Manager

Date: _____

CARDINAL AIR, LLC

By: _____ (SEAL)
Richard McCraw, Authorized Agent

Date: _____

4. Public comment period.

Mayor Smith opened the floor for public comments.

Mr. James Armstrong wished everyone a Merry Christmas and Happy New Year.

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

5. Community Development Items:

(a) The city-initiated application for general text amendments throughout the subdivision ordinance to reflect changes in state legislation and to address practical and clerical issues identified within the text of the ordinance.

Mayor Smith opened the public hearing, which was legislative in nature, on a text amendment application by the City of Asheboro that was designed to update the City of Asheboro Subdivision Ordinance.

Mr. Nuttall utilized a slide show in order to give the Council Members an overview of the staff's proposed amendments throughout the subdivision ordinance. These proposed amendments reflect changes in state legislation and address practical and clerical issues identified within the text of the ordinance. During his presentation, Mr. Nuttall noted the following:

1. **Article IV (Legal Provision):**
 - Change "Planning Director" to "Community Development Director"
2. **Article V (Definitions):**
 - Mirror subdivision definitions in NC General Statutes (NCGS 160A-376)
 - Other revisions to better reflect intent of various definitions
3. **Article VI (Compliance with Official Plans):**
 - Change "Thoroughfare Plan" to "Comprehensive Transportation Plan" to reflect current plan title.
4. **Article VII (Procedure for Review and Approval of Subdivision Plats):**
 - Change "Planning Director" to "Community Development Director" and "Public Works Director" to "City Engineer" to reflect current practice
 - Remove requirements for plats to be printed on mylar due to electronic archiving in Randolph County Public Registry (Register of Deeds office)
 - Reiterate that surveyor is responsible for recording plat
5. **Article VIII (Requirements for Approval of Subdivision Plats):**
 - Remove requirements for plats to be printed on mylar due to electronic archiving in Randolph County Public Registry (Register of Deeds office)
 - Eliminate the requirement for bearings and distances to be shown on the residual area in which a smaller tract has been divided out of a large tract. This is proposed due to the changes in mapping technology that now provide sufficient information to determine that the residual tract complies with subdivision and zoning requirements. It is also proposed because of concerns from surveyors that if residual property is not surveyed, labeling bearings and distances implies a higher degree of precision than what may be known without conducting a survey on the residual property

6. **Article IX (Required Improvements and Design Standards):**

- Various clerical corrections (i.e. reflecting NC Department of Environment and Natural Resources is now NC Department of Environmental Quality, etc.)
- Reflect current erosion control review practice (NC DEQ reviews erosion control; Public Works Department no longer reviews this item)

7. **Article X (Planned Unit Developments):**

- Clarify that handicapped parking is required for visitor parking
- Remove the "sunset clause" for the ordinance allowing street trees within the public rights-of-way within Planned Unit Developments; The sunset clause was originally placed in the ordinance when it was adopted in 2008 and renewed in 2010, 2012, and 2015 in order to ensure the ordinance didn't create unintended effects; Due to no known negative effects and the broad consensus from different agencies concerning this issue, staff is proposing eliminating the sunset clause from the subdivision ordinance

8. **Article XI (Residential Townhouse Developments):**

- Clarify that handicapped parking is required for visitor parking

The Planning Board concurred with the planning staff's analysis and recommended approval of the amendments as presented by the planning staff.

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

Upon motion by Mr. Moffitt and seconded by Mr. Bell, the Council voted unanimously to follow the staff and planning board recommendations to approve the proposed text amendments to the subdivision ordinance. Council Members Bell, Burks, Moffitt, Redding, and Snuggs voted aye. There were no dissenting votes.

The subdivision ordinance amendments adopted by the Council are as follows:

ARTICLE IV LEGAL PROVISIONS

I. ADMINISTRATION

The **Planning Community Development** Director shall be the administrator of this Ordinance. The **Planning Community Development** Director shall be responsible for administering the provisions of this Ordinance, providing necessary materials and information to the Planning Board and City Council and performing all other duties consistent with the administration of this Ordinance. It shall further be the duty of the **Planning Community Development** Director to enforce these regulations and to bring to the attention of the Asheboro City Attorney any violation or lack of compliance herewith.

II. PROCEDURE FOR PLAT APPROVAL

After the effective date of this Ordinance, no subdivision plat of land within the territorial jurisdiction of the City of Asheboro shall be filed or recorded until it has been submitted to and approved by the City of Asheboro as set forth in Article III, Section 1 of this Ordinance, and until such approval is certified in writing on the face of the plat by the **Review Officer Community Development Director. Expedited review for specific classes of subdivisions shall be consistent with NCGS 160A-376 (b) and (c)**

ARTICLE V DEFINITIONS

I. SUBDIVISION DEFINED*

A. Subdivision

For the purpose of this Ordinance, "subdivision" means all division of a tract or parcel of land into two or more lots, building sites, or other division for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Ordinance.

1. The combination or re-combination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the City, as shown in its subdivision regulations;
2. the division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
3. the public acquisition by purchase of strips of land for widening or opening of streets; and
4. the division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where resultant lots are equal to or exceed the standards of the City, as shown in this Ordinance.
5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

~~For the purpose of this Ordinance, the following definition also shall not be included in the above definition of a "subdivision":~~

~~The conveyance of land to heirs for the purpose of dividing real estate among in said heirs. (This exclusion results from the North Carolina Court of Appeals decision in Claude A. Williamson, Jr., and wife Angela C. Williamson VS. Dorothy A. Avant (21 N.C. App.211).*~~
~~*This definition is extracted directly from the North Carolina General Statutes, Chapter 160A-376.~~

II. OTHER DEFINITIONS

BUFFER STRIP AND SCREENING: A solid fence or wall, existing trees, including tree save areas, over six (6) feet in height counted on a one-to-one basis; or a planted strip at least ten (10) feet in width composed of deciduous and/or evergreen trees placed not more than 10 feet apart, and not less than one (1) row of dense shrubs spaced not more than five (5) feet apart, which shall be established in perpetuity by the owner of property whenever required under the terms and provisions of this Ordinance

COMMUNITY DEVELOPMENT DIRECTOR: The director of the Community Development Division of the City of Asheboro, North Carolina.

MAJOR THOROUGHFARE: Major thoroughfares consist of interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of volumes of traffic within and through urban areas. Such thoroughfares are specifically designated in the Thoroughfare Plan Comprehensive Transportation Plan of the City of Asheboro.

MINOR THOROUGHFARE: Minor thoroughfares are important streets in the city system and perform the function of collecting traffic from collector streets and carrying it to the major thoroughfare system. Such minor thoroughfares are specifically designated in the Thoroughfare Plan Comprehensive Transportation Plan of the City of Asheboro.

~~**PLANNING DIRECTOR:** The Planning Director of the City of Asheboro, North Carolina.~~

PRIVATE DRIVEWAY: A roadway serving two (2) or fewer lots, building sites or other division of land and not intended to be provide public ingress or egress.

PUBLIC STREET: A public right-of-way which affords access to abutting properties and when where such right-of-ways are designated as public, it shall be presumed to be an offer of dedication to the public.

ARTICLE VI

COMPLIANCE WITH OFFICIAL PLANS

I. TRANSPORTATION THOROUGHFARE PLANS

Where a proposed subdivision includes any part of a thoroughfare which has been designated as such upon the officially adopted Thoroughfare Comprehensive Transportation Plan of the City of Asheboro, such part of such thoroughfare shall be platted by the subdivider in the location shown on the plan and at the width specified in this Ordinance.

ARTICLE VII

PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

I. MINOR SUBDIVISIONS

The City Council of the City of Asheboro, North Carolina hereby designates the Planning Department Community Development Division as the designated planning agency to approve minor subdivisions, pursuant to NCGS 160A-361- General Statutes of North Carolina, Chapter 160A, Article 19, Part 1, 361.

Whenever a subdivision of land is within the definition of a "Minor Subdivision" as set forth in Article V of this Ordinance, the subdivider shall submit to the Community Development Planning Director copies of a surveyed plat which shall meet the requirements set forth in Article VIII of this Ordinance.

The Planning Community Development Director shall review the plat for compliance with the requirements set forth in Article VIII of this Ordinance. No minor subdivision plat shall be approved unless it complies with all the requirements of this Ordinance.

When a minor subdivision plat has met all the requirements of this Ordinance, the Planning Director shall place the stamp of approval and his/her signature on the plat. The stamp of approval and the signature of the Planning Community Development Director on the minor subdivision plat will constitute approval. The subdivider or surveyor shall then be responsible for recording the plat at the Register of Deeds.

No building permits shall be issued for any lot in a Minor Subdivision until the Planning Community Development Director is informed of the Book and Page Number assigned the Plat by the Register of Deeds.

II. MAJOR SUBDIVISIONS

A. Sketch Design Plat

Whenever a subdivision of land is within the definition of a "Major Subdivision" as set forth in Article V of this Ordinance and which is located within the territorial jurisdiction established by Article II of this Ordinance, the subdivider shall submit copies of a sketch design plat which shall meet the requirements set forth in Article VIII of this Ordinance to the Planning Community Development Director at least twenty (20) days prior to a regularly scheduled meeting of the Planning Board for a subdivision of land.

At the regularly scheduled Planning Board meeting following submission of the sketch design plat, the subdivider or the subdivider's authorized agent shall discuss the proposed development with the Planning Board and become familiar with the regulations affecting the land to be subdivided.

The Planning Board shall review the sketch design plat for general compliance with the requirements of this Ordinance, and the Zoning Ordinance and any other applicable ordinance. The Planning Board shall advise the subdivider or the subdivider's authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the preliminary and final plats. The Planning Board shall not review both a Sketch Design and a Preliminary Plat at the same meeting. If a Sketch Design is presented, then a Preliminary Plat can only be reviewed at the next regularly scheduled Planning Board meeting. The Planning Community Development Director shall refer copies of the sketch design plat and all accompanying materials to those public officials and agencies concerned with new development or those whose advice will, in the opinion of the Planning Community Development Director, be useful to the Planning Board including, but not limited to the City Manager, the Randolph County Health Department, the Asheboro and/or Randolph County Boards of Education, whichever is appropriate, the District Engineer of the N. C. Department of Transportation, the City Engineer, the City Director of Public Works, and the City Building Inspector. If no response is received from these agencies within fifteen (15) days from the date the Planning Community Development Director issues the plats for review, "no comment" will be recorded as the response.

B. Preliminary Plat

Upon completion of the sketch design plat review procedure, the subdivider, or the subdivider's authorized agent shall submit copies of the preliminary plat, engineering data, and any supplementary material which shall meet the requirements set forth in Article VIII of this Ordinance, to the Planning Community Development Director at least twenty (20) days prior to a regularly scheduled meeting of the Planning Board for a subdivision of land which is located within the territorial jurisdiction established by Article II of this Ordinance.

C. Engineering Data

The subdivider shall submit the Engineering data concerning street grade, design data for street corners and curves and the plan and profile for streets, storm drains and water and sewer lines with the submission of the preliminary plat for approval. Engineering data shall be approved by the City Engineer Director of Public Works prior to review by City Council of the Preliminary Plat. *(amended 7/99)*

D. Improvements

Upon approval (with or without conditions) of the preliminary plat by the City Council and approval of the engineering data by the City Engineer Director of Public Works, the subdivider may proceed with the installation or arrangements for the required improvements and the preparation of the final plat in accordance with the approved preliminary plat and the requirements of this Ordinance.

E. Final Plat Certification

Upon installation or arrangement for the required improvements, the subdivider shall submit a final plat which shall meet the requirements set forth in Article VIII of this Ordinance, to the Planning Community Development Director at least fifteen (15) days prior to a regularly scheduled meeting of the Planning Board. Such submission shall not be more than twelve (12) months after the date on which the preliminary plat was approved nor less than 30 days, otherwise such preliminary plat approval shall be null and void unless a written extension of this time limit is granted by the City Council.

Subsection C (Final Plat)

4. Number of Copies and Graphic Media

A minimum of eight (8) copies of the final plat shall be submitted; at least two (2) of these shall be on three or four mill mylar and the others shall be on black or blue line prints.

**ARTICLE VIII
REQUIREMENTS FOR APPROVAL OF SUBDIVISION PLATS**

Staff note: The following proposed revisions are excerpts from Article VIII, Subsection I.B and I.D.a of the Subdivision Ordinance that specifies the requirements for minor subdivisions.

I. MINOR SUBDIVISIONS

B. Number of Copies and Graphic Media

Four ~~Two~~ copies of the minor subdivision plat shall be submitted; two of these shall be on mylar, and two shall be on black or blue line paper prints.

D. Contents Required

Existing Information:

a. The tract to be subdivided shall show boundaries fully with bearings, distances, and closures indicated (the tract to be subdivided includes the original entire tract and the new tract being created), however if the residual portion of the tract that is left after all new parcels are created exceeds five (5) acres in area a survey shall not be required for that residual portion. The residual area shall be shown on the plat of the subdivision including its bearings and distances with sufficient detail to determine compliance with the subdivision and zoning ordinance either as a dashed line at the same scale or as a reduced scale map insert. A note indicating that the area is drawn from non surveyed data, where the data was obtained and a statement that this area is not part of the final plat but is reserved for future division or use shall be placed on the plat.

E. Certification Required

1. Certification of Ownership and Dedication

The following certificate shall be placed on the minor subdivision plat and signed by the owner(s) of the subdivision.

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision and dedicate any right-of-way or easements as shown on the plat with my (our) free consent. Further I (we) certify the land as shown hereon is within the subdivision regulation jurisdiction of the City of Asheboro, North Carolina.

_____ (Date) _____ (Owner)
_____ (Owner)

2. Certificate of Survey

The following certificate shall be placed on the minor subdivision plat and shall be signed by the surveyor preparing the plat or under whose supervision it was prepared; the signature shall be accompanied by the seal and registration number of the above mentioned surveyor, and shall be certified as true by a Notary Public or Clerk of Superior Court:

I, _____, certify that this map was (drawn by me)(drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book _____ page _____, Book _____, page _____, etc.) (Other); that the error of closure as calculated by latitudes and departures is 1:____; that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, page _____; that this map was prepared in accordance with G.S. 47-30 as amended.

Witness my hand and seal this ____ day of _____ A.D., 2 ____.

3. Certificate of Approval of the Design of Public Utilities Connections

A minor subdivision plat that shows lots that will be connected to City of Asheboro proposes the installation or connection(s) to public utilities such as water and sewer shall have the following certificate placed upon it and signed by the City Engineer ~~Public Works Director~~:

I hereby certify that the water and sewer facilities are available as shown on the plat.
_____ (date) _____ ~~Public Work Director~~ City Engineer

4. Certificate of Approval of Subdivision Ordinance Requirements

The following certificate shall be included on a minor subdivision plat:

This subdivision plat has been found to comply with the provisions of the Subdivision Ordinance of the City of Asheboro, provided that it is recorded in the Office of the Register of Deeds within sixty (60) days of the final approval of the Community Development Director.

_____ (Date) _____ Community Development Director

II. MAJOR SUBDIVISION PLATS

Staff note: The following proposed revisions are excerpts from Article VIII, Subsection II.A (Sketch Design Plat).

3. Contents Required

b. Plat Existing Information:

1. Names of proposed streets and the locations and widths of proposed street rights-of-way and street pavements;
2. Layout of lot arrangement including lot lines, lot dimensions, and lot and block numbers;
3. Proposed minimum building setback lines; in conformance with the Asheboro Zoning Ordinance;
4. Site data:
 - a. Acreage in total tract;
 - b. Acreage in parks and other non-residential use;
 - c. Total number of lots;
 - d. Average lot size;
 - e. Linear feet of streets;
5. As Built Engineering Data: The following information shall be contained in a plan and profile accompanying the final plat.
 - a. The plans for utility layout, including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone, and electric service, illustrating connections to existing systems or plans for individual water supply systems and/or sewerage disposal systems. Plans must show lines sizes, the location of fire hydrants, blowoffs, manholes, pumps, and forcemains, and gate valves;

7. Certification Required

a. Certification of Ownership and Dedication

The following certificate shall be placed on the final plat and signed by the owner(s) of the subdivision.

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent. ~~Further I (we) certify the land as shown hereon is within the subdivision regulation jurisdiction of the City of Asheboro, North Carolina.~~

_____ Date _____ Owner
_____ Owner

b. Certificate of Survey

The following certificate shall be placed on the final plat and shall be signed by the surveyor preparing the plat or under whose supervision it was prepared; the signature shall be accompanied by the seal and registration number of the above mentioned surveyor. and shall be certified as true by Notary Public or Clerk of Superior Court.

I _____, certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description record in Book _____, page _____, Book _____, page _____, etc.) (Other); that the error of closure as calculated by latitudes and departures is 1:____; that

the boundaries not surveyed are shown are broken lines plotted from information found in Book _____, page _____, that this map was prepared in accordance with G. S. 47-30 as amended.

Witness my hand and seal this ___ day of _____ A.D., 2_____.

c. Certificate of Approval of the Design and Installation of Required Improvements

The following certificate shall be placed on the final plat and shall be signed by the Public Works Director.

I hereby certify that the street, utility, and other required improvements have been installed or provisions have been made for installation in an acceptable manner and according to City specifications and standards in the _____ subdivision.

_____(date) _____ ~~Public Works Director~~ **City Engineer**

d. Certificate of Approval of Subdivision Ordinance Requirements

The following certificate shall be included on the final plat and signed by the Community Development Director.

Certificate of Approval of Subdivision Ordinance Requirements

This subdivision plat has been found to comply with the provisions of the Subdivision Ordinance of the City of Asheboro, provided that it is recorded in the Office of the Register of Deeds within sixty (60) days of the final approval of the Community Development Director.

_____(Date) _____ **Community Development Director**

4. Conformity to ~~Thoroughfare~~ Transportation Plan

The alignment of all proposed streets shall follow the general alignments shown in the adopted Asheboro ~~Thoroughfare~~ **Comprehensive Transportation** Plan. Proposed thoroughfare streets shall be designed to appropriate thoroughfare standards.

**ARTICLE IX
REQUIRED IMPROVEMENTS AND DESIGN STANDARDS**

Conformity to ~~Thoroughfare~~ Transportation Plan

The alignment of all proposed streets shall follow the general alignments shown in the adopted Asheboro ~~Thoroughfare~~ **Comprehensive Transportation** Plan. Proposed thoroughfare streets shall be designed to appropriate thoroughfare standards.

E. WATER AND SEWERAGE SYSTEMS

1. Within the Corporate Limit

b. Before installation, a complete set of construction plans for the proposed water and sewerage system prepared by a registered professional engineer shall be submitted for approval by the Director of Public Works. Also, plans for water improvements must be submitted to the N. C. Department of ~~Environmental Quality and Natural Resources~~ **Environmental Quality and Natural Resources** Division of Environmental Health, Public Water Supply Section for approval, and plans for sewer improvements must be submitted to the N. C. Department of ~~Environmental Quality and Natural Resources~~ **Environmental Quality and Natural Resources** Division of Water Quality for approval.

2. Within the Extraterritorial Area; except as provided in E. 3. below

b. Before installation, a complete set of construction plans for the proposed water and sewerage system prepared by a registered professional engineer shall be submitted for approval by the Director of Public Works. Also, plans for water improvements must be submitted to the N. C. Department of ~~Environmental Quality and Natural Resources~~ **Environmental Quality and Natural Resources**, Division of Environmental Health, Public Water Supply Section for approval, and plans for sewer improvements must be submitted to the N. C. Department of ~~Environmental Quality and Natural Resources~~ **Environmental Quality and Natural Resources** Division of Water Quality for approval.

c. 3. Within Areas Designated by the Adopted Land Development Plan as Watershed Residential and Conservation Residential

b. If the proposed water distribution and sewerage disposal system is to be a private system, it shall be approved by the Randolph County Health Department; N. C. Department of ~~Environment and Natural Resources~~ **Environmental Quality and Natural Resources**, Public Water Supply Section or N. C. Department of ~~Environmental Quality and Natural Resources~~ **Environmental Quality and Natural Resources** Division of Water Quality whichever is (are) appropriate and the Director of Public Works. Layout and easements for the future extension of City sewer must be

IV. PROCEDURE FOR CONSTRUCTION OF IMPROVEMENTS

A. Approvals must be secured for plans of proposed improvements as listed below prior to construction:

<u>Description</u>	<u>Approval Required</u>	<u>Copies of Plans Required</u>
2. Erosion Control	Public Works Department (amended 10/2001) N. C. Dept. of <u>Environmental Quality & Natural Resources</u> (outside City)	3 2 <u>per NCDEQ approval</u>
4. Water Lines	N.C. Dept. of <u>Environmental Quality & Natural Resources</u> Division of Environmental Health, Public Water Supply Section	3
5. Sewer Lines	N. C. Dept. of <u>Environmental Quality & Natural Resources</u> Division of Water Quality	3

B. After preliminary plat approval by the City Council construction should follow the sequence below:
(amended 2/03)

9. Obtain Certificate of Erosion Control from the Planning Department or N. C. Dept. of Environmental Quality and Natural Resources.

II. SEDIMENTATION POLLUTION CONTROL

In order to prevent soil erosion and sedimentation pollution of streams, springs, flat water bodies, or other drainage networks, the subdivider shall comply with all requirements of the N.C. Sedimentation Pollution Control Act of 1973 and the Asheboro Sedimentation Pollution Control Ordinance. Erosion control shall be provided in accordance with NCDEQNR requirements.

D. Mylar for As-built Drawings

In order to meet certification requirements by State review agencies, the subdivider will be required to resubmit revised copies of the engineering plans showing changes made during construction in the location and grade of streets or water and sewer utilities. These revised plans must also be certified by the design engineer. **(amended 12/89)**

ARTICLE X

PLANNED UNIT DEVELOPMENTS

7. In residential PUD's parking spaces for visitor and or overflow parking shall be installed which equals 10% of the total number of units in the project. This parking shall comply with NC Building Code requirements for handicapped parking.

F. Street Trees

~~This subsection (Article X, Section IV.F) is an Ordinance to determine the feasibility of a system of street tree plantings. The provisions of this subsection shall expire as of midnight, December 31, 2018 without further action by City Council. (Amended December 10, 2015)~~

ARTICLE XI RESIDENTIAL TOWNHOUSE DEVELOPMENTS

7. In Residential Townhouse Developments parking spaces for visitor and or overflow parking shall be installed which equals 20% of the total number of units in the project, except no additional parking is required for Town Home Development's located within a B3 zoning district. This parking shall comply with NC Building Code requirements for handicapped parking.

(b) The requested appointment of Pamela Vuncannon to a new 5-year term of office (January 1, 2019 to January 1, 2024) on the Asheboro Planning Board.

Mr. Nuttall presented a request to reappoint Pamela Vuncannon to a 5-year term of office on the City of Asheboro Planning Board. The new term of office for Ms. Vuncannon would begin on January 1, 2019.

Upon motion by Mr. Burks and seconded by Ms. Snuggs, the Council voted unanimously to appoint Ms. Pamela Vuncannon to a new 5-year term on the Asheboro Planning Board. Council Members Bell, Burks, Moffitt, Redding, and Snuggs voted aye. There were no dissenting votes.

- (c) **A request for council authorization to forward to the Randolph County Board of Commissioners a request for the reappointment of Thomas Rush to the Asheboro Planning Board as a representative from the city's extraterritorial planning jurisdiction.**

Mr. Nuttall presented a request for authorization to forward to the Randolph County Board of Commissioners a request for the reappointment of Thomas Rush to the Asheboro Planning Board. Mr. Rush would serve as a board member who resides outside the city limits but within the city's extraterritorial planning jurisdiction ("ETJ").

Upon motion by Ms. Redding and seconded by Mr. Bell, the Council unanimously authorized city staff to forward a request to the Randolph County Board of Commissioners for the reappointment of Thomas Rush to the Asheboro Planning as an ETJ representative. Council Members Bell, Burks, Moffitt, Redding, and Snuggs voted aye. There were no dissenting votes.

- (d) **Authorization to commence a city-initiated zoning map amendment for properties located along Cox Street and Greensboro Street.**

Mr. Nuttall asked for Council's authorization to commence the previously discussed city-initiated zoning map amendment for properties located along Cox Street and Greensboro Street. The planning staff is preparing a map amendment application because the corridor along Cox Street and Greensboro Street has changed from primarily residential uses to a mixture of residential and office uses.

Upon motion by Mr. Moffitt and seconded by Mr. Burks, the Council voted unanimously to authorize the community development division to proceed with filing the contemplated map amendment application for properties located along the Cox Street and Greensboro Street corridor. Council Members Bell, Burks, Moffitt, Redding, and Snuggs voted aye. There were no dissenting votes.

6. **Request for adoption of a resolution stating the council's intent, consistent with the recommendation from the Asheboro Airport Authority, to transfer the existing Hangar A lease agreement from Stephen Knight to Bradley Lanier for the remainder of the existing lease term.**

Mr. Leonard presented and recommended adoption, by reference, of a resolution stating the intent to transfer to a new lessee the lease agreement for Hangar A at the Asheboro Regional Airport.

Upon motion by Mr. Burks and seconded by Mr. Bell, the Council voted unanimously to adopt the following resolution by reference. Council Members Bell, Burks, Moffitt, Redding, and Snuggs voted in favor of the motion.

RESOLUTION NUMBER _____ **29 RES 12-18**

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION STATING THE INTENT TO TRANSFER TO A NEW LESSEE THE LEASE AGREEMENT FOR HANGAR A AT THE ASHEBORO REGIONAL AIRPORT

WHEREAS, during its meeting on October 16, 2018, the Asheboro Airport Authority (the "Airport Authority") gave a favorable recommendation to the Asheboro City Council to approve the joint request from Stephen R. Knight and Bradley Neil Lanier to transfer the existing Hangar A lease agreement from Mr. Knight to Mr. Lanier with the same material terms and conditions that were previously granted to Mr. Knight; and

WHEREAS, the city will not need Hangar A for any other use during the term of the leasing arrangement recommended by the Airport Authority.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that it intends to follow the Airport Authority recommendation and to approve, during the council's next regular meeting, the transfer of the existing leasing agreement for Hangar A from Stephen R. Knight to Bradley Neil Lanier; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the city clerk is hereby directed to publish in *The Courier-Tribune* the statutorily mandated 30-day legal notice of intent to

