

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, JULY 11, 2019
7:00 p.m.**

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

David H. Smith) – Mayor Presiding

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

John N. Ogburn, III, City Manager
Robert L. Brown, Jr., Police Major
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
P. Douglas Kemp, Human Resources 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
Jonathan M. Sermon, Recreation Services Director
Jeffrey C. Sugg, City Attorney
D. Richard Thompson, Jr., Police Captain
Jody P. Williams, Chief of Police

1. Call to order.

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

2. Moment of silent prayer and pledge of allegiance.

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

3. Recognition of Bennie S. Davis for his years of dedicated service to the City of Asheboro and its police department.

In addition to highlighting the Medal of Valor previously awarded to Master Police Sergeant Bennie S. Davis in recognition of his heroic acts on September 4, 2017, City Manager Ogburn thanked the retiree for his service and presented to him a city retirement plaque. Additionally, Chief Williams presented Master Police Sergeant Davis with the service side arm carried by the officer at the time of his retirement.

4. Consent agenda.

Upon motion by Council Member Carter and seconded by Council Member Burks, the Council voted unanimously to approve/adopt as presented the following consent agenda items. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

- (a) **The meeting minutes for the Asheboro City Council's regular meeting on June 6, 2019.**

The approved meeting 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 Asheboro City Council's special meeting on June 24, 2019.**

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

- (c) **Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for June 3, 2019.**

The minutes of the meeting held by the Asheboro ABC Board on June 3, 2019, have been received by the city clerk, distributed to Mayor Smith and the Council Members for review, and have been filed in the city clerk's office.

- (d) **A resolution appointing the Honorable J. Brooke Schmidly to a new 3-year term of office on the Asheboro ABC Board and confirming her on-going status as chair of the Asheboro ABC Board.**

RESOLUTION NUMBER 22 RES 7-19

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION APPOINTING THE HONORABLE J. BROOKE SCHMIDLY TO A NEW THREE-YEAR TERM OF OFFICE ON THE ASHEBORO ABC BOARD AND CONFIRMING HER CONTINUING DESIGNATION AS CHAIR OF THE ASHEBORO ABC BOARD

WHEREAS, in accordance with Section 18B-700 of the North Carolina General Statutes, the Asheboro ABC Board consists of three members that are appointed by the Asheboro City Council; and

WHEREAS, Section 18B-700(a) of the North Carolina General Statutes provides in pertinent part as follows:

One member of the initial board of a newly created ABC system shall be appointed for a three-year term, one member for a two-year term, and one member for a one-year term. As the terms of the initial board members expire, their successors shall each be appointed for three-year terms. The appointing authority shall designate one member of the local board as chairman; and

WHEREAS, the Honorable J. Brooke Schmidly was first appointed to the Asheboro ABC Board for a two-year term on August 12, 2008, when the initial local board was appointed by the Asheboro City Council; and

WHEREAS, at the conclusion of the initial two-year term, she was appointed, effective August 12, 2010, to a three-year term of office on the Asheboro ABC Board; and

WHEREAS, when the initial Board Chair, the Honorable Russell G. Walker, Jr., announced that he did not wish to be reappointed to the Asheboro ABC Board for another term, the Asheboro City Council designated, effective August 13, 2012, Board Member J. Brooke Schmidly to serve as Board Chair; and

WHEREAS, since that time, Board Chair Schmidly has been appointed to serve two additional three-year terms of office on the Asheboro ABC Board; and

WHEREAS, from the time of its initial creation to the present, the Asheboro ABC Board has performed its duties in a very efficient and professional manner; and

WHEREAS, the Asheboro City Council believes that it is in the best interest of the Asheboro ABC system and the municipal corporation to reappoint Board Chair Schmidly to the Asheboro ABC Board for another three-year term of office and to continue her designation as Board Chair; and

WHEREAS, the Board Chair has expressed a willingness to continue her service on the Board.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, effective August 12, 2019, the Honorable J. Brooke Schmidly is appointed to a new three-year term of office on the Asheboro ABC Board; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that, effective August 12, 2019, the continuing validity of the designation of the Honorable J. Brooke Schmidly as the Chair of the Asheboro ABC Board is confirmed.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 11th day of July, 2019.

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

ATTEST:

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

(e) An Interlocal Agreement for Law Enforcement Dispatch Services with Randolph County.

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH

INTERLOCAL AGREEMENT FOR
LAW ENFORCEMENT DISPATCH SERVICES

This Interlocal Agreement (this “**Agreement**”) is made and entered into as of the date of the last signature affixed hereto, by and between the City of Asheboro (“**CITY**”) and Randolph County (“**COUNTY**”). (CITY and COUNTY are hereinafter collectively referred to as the “**Parties.**”)

WITNESSETH:

THAT WHEREAS, CITY desires to enter into a contract with COUNTY for it to provide law enforcement dispatch services for the CITY’s police department.

WHEREAS, COUNTY desires to provide CITY with law enforcement dispatch services on the terms and conditions provided herein.

NOW, THEREFORE, the Parties do agree and contract as follows:

ARTICLE 1. TERM OF AGREEMENT

1.1 Term of Agreement. The term of this Agreement is for one (1) year beginning on July 1, 2019 and terminating on June 30, 2020.

ARTICLE 2. INDEPENDENT CONTRACTOR STATUS AND SERVICES TO BE PROVIDED BY THE RANDOLPH COUNTY

2.1 Independent Contractor Status. At all times when COUNTY and its personnel are rendering services pursuant to this Agreement they shall have the status of

independent contractors with respect to CITY. The personnel provided for herein shall at all times be employees of COUNTY and not be employees of CITY. COUNTY shall be solely responsible for the supervision, control, and discipline of its personnel and for the direction of their work activities and assignments. COUNTY shall be solely responsible for the compensation of the personnel including all employee benefits. COUNTY shall be solely responsible for any injury to its personnel and their property.

2.2 Training, Equipping, Supervising, Credentialing. COUNTY is responsible for training, equipping, supervising, and credentialing the personnel provided for herein in a manner that complies with all applicable laws and rules and ensures that they are able to perform services under this Agreement.

2.3 Services to be Provided by COUNTY. COUNTY shall provide law enforcement dispatch services for CITY as provided in Attachment A, Scope of Services, attached to this Agreement and fully incorporated herein by reference.

ARTICLE 3. OBLIGATIONS OF CITY

3.1 Compensation. CITY shall pay COUNTY wages and associated benefits for four (4) full-time telecommunicator positions as provided in paragraph (a) below.

(a) CITY shall remit to COUNTY monthly the sum of Nineteen Thousand Two Hundred Fifty-Four Dollars (\$19,254.00) for services rendered pursuant to this Agreement.

(b) In no event shall the amount remitted by the CITY under this Agreement be more than Two Hundred Thirty-One Thousand Forty-Eight and no/100 Dollars (\$231,048.00).

ARTICLE 4. GENERAL PROVISIONS

4.1 Time of Essence. Time is of the essence in performing all obligations under this Agreement.

4.2 Compliance with Laws: COUNTY shall comply with all laws, ordinances, codes, rules, regulations, and licensing requirements that are applicable to the conduct of its activities, including those of federal, state, and local agencies having jurisdiction or authority.

4.3 Subcontracting. COUNTY shall not subcontract the performance of its obligations.

4.4 Termination. Either Party may terminate this Agreement at any time by giving one hundred twenty (120) days' notice in writing to the other Party. Upon such termination, CITY shall pay COUNTY for unpaid services completed.

4.5 Assignment. COUNTY shall not assign this Agreement or any interest herein.

4.6 Amendments: This Agreement shall not be amended orally or by performance, but only by written amendments executed by the COUNTY and CITY.

4.7 Entire Agreement: This Agreement, including any exhibits hereto, is the entire agreement between the Parties and supersedes all prior oral or written communications and agreements.

4.8 Survival Clause. The following shall survive the termination or expiration this Agreement: (a) all obligations and liabilities that accrue under this Agreement before the termination or expiration of this Agreement, (b) all obligations under this Agreement to provide reports, documentation, or information to the other Party or to third parties, (c) all indemnity obligations imposed by this Agreement, (d) all provisions of this Agreement that impose an obligation after termination or expiration of this Agreement, and (e) all obligations under this Agreement which by their nature or context are intended to be performed after the termination or expiration of this Agreement.

4.9 Iran Divestment. Pursuant to N.C. Gen. Stat. §147-86.59, the Parties each certify that it is not identified on a list created by the North Carolina State Treasurer pursuant to N.C. Gen. Stat. §147-86.58 as a person engaging in investment activities in Iran. Contractor further certifies that in the performance of this Contract it shall not use any contractor or subcontractor that is identified on such a list.

4.10 E-Verify. Each party to this Agreement hereby attests that it currently complies with and shall continue to comply with, for the duration of this Agreement, Article 2 of Chapter 64 of the North Carolina General Statutes (commonly referred to as "E-Verify") and further attests that it ensures and continues to ensure that any subcontractors utilized by said party also comply with said Article.

IN WITNESS WHEREOF, CITY and COUNTY have each executed this Agreement in duplicate originals.

COUNTY OF RANDOLPH

(SEAL)

Attest:

By: _____

**Darrell L. Frye, Chairman
Randolph County Board of
Commissioners**

Dana Crisco, Clerk to the Board

I, _____, a Notary Public of the County of Randolph, State of North Carolina, do hereby certify that Dana Crisco, who is personally known to me, appeared before me this day and acknowledged that she is the Clerk to the Board for the County of Randolph and that, by authority duly given and as the act of the County of Randolph, the foregoing instrument was voluntarily executed on behalf of the County by Darrell L. Frye, the Chairman of its Board of Commissioners, sealed with the County's corporate seal, and attested by her as Clerk to the Board for the purposes stated therein.

Witness my hand and official stamp or seal, this _____ day of _____, 2019.

Notary Public

My Commission expires: _____.

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

William Massie, Finance Officer
Randolph County

CITY OF ASHEBORO

(SEAL)

Attest:

By: _____

**David H. Smith, Mayor
City of Asheboro**

Holly H. Doerr, City Clerk

I, _____, a Notary Public of the County of Randolph, State of North Carolina, do hereby certify that Holly H. Doerr, who is personally known to me, appeared before me this day and acknowledged that she is the City Clerk for the City of Asheboro and that, by authority duly given and as the act of the City of Asheboro, the foregoing instrument was voluntarily executed on behalf of the City by David H. Smith, the Mayor, sealed with the City's seal, and attested by her as Clerk for the purposes stated therein.

Witness my hand and official stamp or seal, this _____ day of _____, 2019.

Notary Public

My Commission expires: _____.

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

Deborah P. Reaves, Finance Officer
City of Asheboro

ATTACHMENT A SCOPE OF SERVICES

1. Answer incoming non-emergency seven-digit telephone line calls for the cities and towns – assisting callers with related questions or issues.
2. Provide safety checks for the officers via radio while on calls, traffic stops, follow-up investigations, etc...
3. Provide cross-communication functions with other public-safety agencies and coordinate appropriate actions to assist the field officers.
4. Contact the Magistrate or other (outside) public-safety officers to assist with related calls or needs within the CITY.
5. Arrange locations for officers to meet other outside officers regarding warrant, suspect, or detainee transactions.
6. Provide cross-communication and coordination with outside agencies and provide constant radio contact with all agencies involved during a vehicle or foot pursuit as it enters or exits the CITY limits.
7. Call utility services, business/property owners, alarm companies, etc... as needed and/or requested by field officers.
8. Call wrecker services and maintain wrecker rotation log for the CITY-approved wrecker services.
9. Radio log all movements and actions of all officers to include traffic stops, business/property checks, meal breaks, funeral processions, school traffic, suspicious person or vehicle checks (officer initiated), etc...
10. Provide requested services for any officer initiated actions not involving a call entry.
11. Division of Criminal Information services provided 24/7:
 - Local, state, national and international wanted checks, to include (NCAWARE, NCIC & III)
 - Communicating with other agencies to arrange pick-up, delivery, or to serve an individual who is wanted and to arrange extradition
 - Provide entries for:
 - Missing/wanted persons
 - Endangered or runaway
 - Stolen vehicles, securities, articles or items
 - Sending attempt to locate messages to other public-safety agencies around the state or nation.
 - Provide clears for:
 - Missing/wanted persons
 - Stolen vehicles, securities, articles, or items
 - Conducting hit confirmations and locate services
 - Entering and/or clearing Silver, Blue and Amber Alerts.

- Inquiries for valid / invalid concealed carry notifications.
 - Inquiries for driver history / vehicle owner history & identification
 - Inquiries for guns and other registered weapons
 - Accurately maintain the dispatch DCI audit of records for all transactions under the appropriate DCI terminal.
 - Provide officer with appropriate print-outs of driving histories, vehicles histories, criminal histories and the like.
12. Allow citizens to use the 9-1-1 system to report and for a Telecommunicator to provide answering services for animal control, water/sewer, street department, or traffic signal malfunctions (owned by the CITY), or other CITY-specific services after-hours, on weekends and holidays.
 13. Contact on-call detectives, alert team, fleet maintenance, and traffic officers after-hours.
 14. Maintain audio recordings of all radio traffic on the two primary radio channels for court and public documentation purposes.
 15. Provide one additional Telecommunicator during driver check-points.

(f) A resolution authorizing the transfer of the balance of the Asheboro Parks Endowment to the Zoo City Sportsplex Fund.

RESOLUTION NUMBER 23 RES 7-19

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION AUTHORIZING THE TRANSFER OF THE BALANCE OF THE ASHEBORO PARKS ENDOWMENT TO THE ZOO CITY SPORTSPLEX FUND

WHEREAS, based on a review conducted by the finance director and the city manager of the funds currently held for the City of Asheboro with the North Carolina Community Foundation, it has been determined that the Asheboro Parks Endowment is below the minimum required by the North Carolina Community Foundation; and

WHEREAS, the Asheboro Parks Endowment is no longer active; and

WHEREAS, the purposes for the Asheboro Parks Endowment and the Zoo City Sportsplex Fund are similar in nature; and

WHEREAS, the finance director and the city manager have recommended transferring the balance of the Asheboro Parks Endowment to the Zoo City Sportsplex Fund and thereby closing the Asheboro Parks Endowment; and

WHEREAS, the Asheboro City Council concurs with this recommendation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the balance of the Asheboro Parks Endowment shall be transferred to the Zoo City Sportsplex Fund; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the governing board hereby acknowledges and agrees that this transfer of the balance of the Asheboro Parks Endowment to the Zoo City Sportsplex Fund will result in the closure of the Asheboro Parks Endowment; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the city's officers and employees are hereby authorized and directed to take all of the administrative steps necessary to implement the actions described herein.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 11th day of July, 2019.

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

ATTEST:

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

- (g) **Approval to schedule for August 8, 2019, and to advertise a public hearing pertaining to the following land use cases:**
- (i) **Quasi-Judicial Hearing: An application asking for a special intensity watershed allocation allowing an increase in the amount of impervious coverage up to 70% within the Watershed Balance area for property located at 2971 Taylor Drive (Randolph County Parcel Identification Number 7754702203).**
 - (ii) **Legislative Hearing: An application asking for the rezoning of property located at 531 Rock Crusher Road (Randolph County Parcel Identification Number 7761658018) from B1 (Neighborhood Commercial) to M (Mercantile).**

The hearings concerning the applications for the above-described land use approvals will be scheduled and advertised in accordance with the applicable statutes/ordinances and then heard by the Council during its regular meeting on August 8, 2019.

5. Public comment period.

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

Mayor Smith closed the public comment period.

6. Community Development Items:

- (a) **Case No. RZ/CUP-19-09: A combined quasi-judicial hearing on an application to rezone property on the north side of Vision Drive and along Nottingham Street (South of 1595 Nottingham Street) from R15, RA6, and CU-I3 to CU-I2 zoning and to obtain a conditional use permit authorizing both an industrial development with multiple uses and/or structures and a special intensity watershed allocation allowing an increase in the amount of impervious coverage up to 70% within the Watershed Balance area. This property is more specifically identified by Randolph County Parcel Identification Numbers 7752655565, 7752547146, and 7752640158.**

Mayor Smith opened the public hearing on the combined request to legislatively rezone the identified property and to issue a Conditional Use Permit on the basis of evidence presented during the quasi-judicial hearing.

Community Development Director Trevor Nuttall was placed under oath and presented the staff's analysis of the request by OSOTT, LLC, by and through John Thompson, JB Davis, and Jerry Holder, (collectively, the "Applicant") to rezone the above-described properties that are identified by Randolph County Parcel Identification Numbers 7752655565, 7752547146, and 7752640158 (collectively, the "Zoning Lot") from CU-I3 (Conditional Use Limited Industrial), RA6 (High-Density Residential) and R15 (Low-Density Single-Family Residential) to CU-I2 (Conditional Use General Industrial). Along with the requested rezoning, the Applicant also applied for a Conditional Use Permit authorizing an industrial development with multiple uses and structures and a special non-residential intensity watershed allocation ("SNIA").

Mr. Nuttall certified that the required notices of the requested rezoning had been provided and utilized a visual presentation to summarize the planning staff's analysis of the rezoning application. The staff report noted the following:

1. A portion of the property is inside the city limits (Randolph County Parcel Identification Number 7752655565 east of Norfolk Southern Railroad). The remaining property is within the city's extraterritorial zoning jurisdiction (ETJ), but is outside the city limits.
2. Vision Drive is a state-maintained boulevard with fully controlled access in this location. Nottingham Street is a state-maintained road. The property also has frontage along I-73/I-74, an interstate highway.
3. The portion of the property (49.2 acres, more or less, out of a total of 62.34 acres, more or less) west of the Norfolk Southern Railroad is zoned CU-I3 Conditional Use General Industrial and is designated as an Employment Center by the Land Development Plan (LDP). The remainder of the property is zoned RA6 (High-Density Residential) and R15 (Low-Density Single-Family Residential) and is designated for urban residential use.
4. The LDP Growth Strategy Map designates the property west of the railroad as an Economic Development area and property east of the railroad as a Primary Growth Area.
5. The I2 description in the zoning ordinance states the intent of the district "is to produce areas for intensive manufacturing, warehousing, processing, and assembly uses controlled by performance standards to limit the effect of such uses on adjacent districts." In the requested CU-I2 district, the city council must approve all proposed development.
6. A portion of the property is located within the Watershed Balance area, which restricts the coverage of impervious surfaces (i.e. buildings, parking) for non-residential uses to 12 percent of a property's land area, unless the city council approves a Special Intensity Allocation (SNIA). A SNIA may allow up to 70 percent impervious coverage on a zoning lot. Along with a Conditional Use Permit (CUP) for an industrial development with multiple uses and structures, the applicant's CUP request includes a request for a SNIA.
7. A small portion of the property closest to Vision Drive is located in a Special Hazard Flood Area.

Mr. Nuttall also presented the staff's analysis of the application for a Conditional Use Permit. This analysis of the Conditional Use Permit application is as follows:

1. The request includes two components: Industrial Development with Multiple Uses and Structures and a Special Non-Residential Intensity Watershed Allocation (SNIA).
2. One entrance from Nottingham Street, a state-maintained road, is proposed. Based on feedback from the North Carolina Department of Transportation (NCDOT), access from Vision Drive will not be permitted due to the section adjacent to the property being fully controlled. NCDOT will be responsible for Nottingham Street driveway permitting.
3. The project includes a potential rail spur. Norfolk Southern Railroad is responsible for reviewing and approving the final rail spur alignment and any improvements within the railroad right-of-way.
4. An industrial development with multiple uses and/or structures allows uses permitted in the underlying zoning district. However, review of

the Conditional Use Permit (CUP) request can allow use restrictions and the applicant has offered restrictions on certain uses.

5. The property is located within the balance of the Back Creek/Lake Lucas Watershed area. Permissible built upon area is capped at 12 percent of the land area unless a SNIA authorizing additional built-upon-area, up to 70%, is approved.
6. Ten percent of the watershed area may be designated as a Special Intensity Allocation area. Within the Back Creek/Lake Lucas Watershed balance area, 193.48 acres of special allocation area currently exists. If the requested SNIA is granted, this project would use 13.76 acres of the allocation area, reducing the available allocation area to 179.72 acres.
7. Approval of a SNIA has no effect on general watershed development regulations intended to protect water quality.

In regards to the request for rezoning, the Planning Board recommended approval of the request. This recommendation was based on the Planning Board's concurrence with the following analysis from the Community Development Division staff that evaluated the consistency of the requested rezoning with the adopted comprehensive plans as well as the reasonableness of the request and whether the requested rezoning is in the public interest:

This Land Development Plan (LDP) designates the majority of this property as an Employment Center, due to its location on a major transportation corridor. In addition to the property's location adjacent to an interstate interchange, the property also adjoins the Norfolk Southern Railroad. The Northeast Small Area plan also cites having an employment center at the interchange of I-73/I-74 and Vision Drive as a key issue.

As described by the LDP, industrial uses are an integral component of an Employment Center, along with other non-residential uses. The subject property is situated among commercial and office/institutional land uses and zoning that exist in this area along Vision Drive. Additionally, the majority of the property currently has an industrial zoning designation.

Although the property is adjacent to residential uses, close to two public schools, and has some environmental challenges, including portions of the property being located within watershed and flood hazard area, the Conditional Use permitting process supplements general zoning ordinance requirements and offers an opportunity for closer review and public input concerning specific uses, site design, and access.

Considering these factors, staff believes that the proposed zoning map amendment is reasonable and in the public interest.

Mr. John Thompson, a representative of the Applicant, was placed under oath and offered testimony in support of the application. This testimony was designed to address the four standards for issuance of a Conditional Use Permit. As part of his testimony, Mr. Thompson expressed agreement with the following conditions that were recommended by the planning staff for attachment to the requested Conditional Use Permit.

1. The use approved shall be an "Industrial Development with Multiple Uses and/or Structures," excluding the uses below:
 - (a) Any type of Adult Establishment;
 - (b) Amusement Parks;
 - (c) Brew Pubs;

- (d) Bus terminal;
- (e) Cemetery (human or pet);
- (f) Child Care Center;
- (g) Circus, fair, or carnival;
- (h) Correctional facilities;
- (i) Farmer's Market;
- (j) Flea Market;
- (k) Government land reserve;
- (l) Junkyards;
- (m) Kennels;
- (n) Landfills;
- (o) Liquor store;
- (p) Lumberyard;
- (q) Mini Warehouse;
- (r) Mobile home sales;
- (s) Sludge applications;
- (t) Storage of hazardous wastes;
- (u) Vehicle Towing Operation and/or Storage Facility; and
- (v) Any use prohibited by Watershed Protection Regulations, Article 300B.

2. As allowed by the zoning ordinance, existing vegetation may be preserved to count towards buffer and landscaping shown on the site plan.
3. Should the number of parking spaces required to serve the proposed development be determined to be more or less than the amount of parking shown on the site plan, a change to the amount of parking shall not be considered a modification of the project requiring Council approval. The applicant shall submit a revised site plan for review by city staff for inclusion into the file.
4. Actions identified in Article 1000, Section 1013.5.B (1) and (2) related to the size of the proposed structure(s) shall be considered minor changes and not permit modifications requiring Council review.
5. Consistent with Section 1013.5, proposed conversion of any drive(s) within the zoning lot and/or leading to the zoning lot from existing public right-of-way(s) shall not be deemed a modification of the Conditional Use Permit, subject to zoning ordinance and subdivision ordinance requirements and applicable processes.
6. Prior to the storage of any hazardous material, a spill prevention, containment, and control plan (SPCC) must be prepared by a professional competent in SPCC. Any SPCC-required spill containment structures must be designed by a North Carolina registered professional engineer or architect.
7. A stormwater management plan identifying details of the stormwater BMP to be utilized shall be submitted prior to any zoning compliance permit authorizing built-upon area to exceed 12% of the watershed balance area on the zoning lot. Prior to the issuance of a certificate of zoning compliance, certification from a professional engineer stating that the stormwater BMP has been installed as designed shall be provided. Any open water retention or drainage areas shall be sprayed regularly for mosquito control. The continued maintenance of all runoff control measures shall be the responsibility of the property owner.
8. All land uses shall continually remain in good standing with NC Department of Environmental Quality and/or other regulatory entities charged with enforcing air quality requirements. As a point of illustration and not limitation, this shall mean that the land use

remains free of any notice of violation and/or of non-compliance from NCDEQ.

9. Prior to the issuance of a zoning compliance permit for the construction of any phase of the development, the Applicant shall:
 - (a) Provide evidence of NCDOT approval;
 - (b) Provide evidence of approval by Norfolk Southern Railroad for all proposed improvements to be located within area controlled by the railroad;
 - (c) Provide evidence of compliance with the city code and polices for and water and sewer extensions and connections, including annexation and the surveying of necessary easements for any lines required to be publicly maintained;
 - (d) Submit a revised site plan to city staff reflecting all prohibited uses in Condition No. 1 for inclusion into the file without further review by City Council;
 - (e) Provide NC Department of Environmental Quality erosion control permit when required.
 - (f) 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.

10. Prior to the issuance of a zoning compliance permit for the proposed warehouse (Building 1), the following information shall be submitted on the site plan for inclusion in the file without further review by City Council:
 - (a) Addition of Randolph County Parcel Identification Number 7752655565 to General Site Note (3);
 - (b) Deletion of “and 317” from “Lighting note;”
 - (c) Additional lighting detail showing compliance with Performance Standards for Industrial District Section 316A;
 - (d) Labeling proposed building material on proposed elevation drawings; and
 - (e) Delineation of a Phase 1 boundary showing access, parking, and infrastructure serving the proposed 50,000 SF warehouse (Building 1) in a manner that meets all regulatory requirements, including adequate turn around space for emergency vehicles.

11. Prior to issuance of a zoning compliance permit for future phases of the development, the following information shall be provided:
 - (a) Additional lighting detail showing compliance with Performance Standards for Industrial District Section 316A;
 - (b) Information showing compliance with Section 307A (Central Solid Waste Storage Area), as needed, for future phases of the development; and
 - (c) Building elevation details compliant with Article 300A, Section 316A.

12. Should the zoning classification of the adjoining Lucy Allred King Trustee property to the north (Deed Book 1772, PG 1120) be determined to be in error, the Applicant shall submit a revised site plan depicting the corrected buffer/screening classification along property boundaries adjacent to the aforementioned adjoining property according to the requirements of Section 304A. Such revised buffer, if determined to be required, shall be reflected on a revised site plan presented by the applicant for inclusion into the file without further review by City Council.

Additionally, Mr. Mack Summey, PE, presented comments in support of the Application.

Ms. Doris Osborne presented comments and questions about the Application.

Ms. Lucy King, who is an adjoining property owner, testified as to her concern about the potential negative impact of the proposed land use on the value of her property.

The Applicant did not present expert testimony concerning the issue of whether the proposed land use will substantially injure the value of adjoining or abutting property.

When discussing the application, the elected officials identified a need for additional evidence in order to properly evaluate the request for a conditional use permit. The council members were specifically interested in receiving competent expert testimony as to the impact of the proposed land use on the value of adjoining property. Additionally, there was an interest in receiving clarification from the planning staff as to whether mapping errors might explain the presence of some split zoning in the area in question.

Council Member Bell moved to continue to the public hearing to the council's regular August meeting, which will be held on August 8, 2019, in order to allow for additional evidence to be provided. Council Member Snuggs seconded the motion. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye, and the motion to continue the hearing was approved unanimously.

(b) Solicitation of public comments related to a pending application for grant funding under the State of North Carolina Recreational Trails Program.

Ms. Mary Joan Pugh, Trails/Natural Heritage Coordinator for Randolph County, briefly described the proposed Phase 1 of the Deep River Worthville to Central Falls Blueway project that is to be part of a grant funding application to be submitted to the State of North Carolina Recreation Trails Program. The City of Asheboro is partnering with the City of Randleman and Randolph County during this process.

Dr. David Stansfield presented comments in support of the application for grant funding. No other public comments were heard regarding the application.

(c) Consideration of a Resolution of Support for the Piedmont Legacy Trails Program.

Mr. Nuttall presented and recommended adoption, by reference, of a resolution of support for the Piedmont Legacy Trails Program.

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

RESOLUTION NUMBER 24 RES 7-19

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION IN SUPPORT OF PIEDMONT LEGACY TRAILS

WHEREAS, the Asheboro City Council is committed to enhancing the quality of life for its citizens and recognizes that supporting Piedmont Legacy Trails will help create a regional network of trails, including greenways and blueways; and

WHEREAS, trails provide key amenities to neighborhoods and safe areas for our citizens and children to travel, exercise, play and connect with nature and communities; and

WHEREAS, trails have significant impact on the economic viability of the region through increased tourism, enhanced property values, as well as the ability to attract and retain businesses to the region due to improved quality of life; and

WHEREAS, committing to this Resolution may help leverage funding from federal, state, local and private sources for trails; and

WHEREAS, Piedmont Legacy Trails is coordinated by Piedmont Land Conservancy which is dedicated to preserving important natural areas, and Piedmont Triad Regional Council, which is a regional planning organization.

NOW, THEREFORE, BE IT RESOLVED that the Asheboro City Council supports Piedmont Legacy Trails, in partnership with neighboring communities, to implement a system of regional trails that connects our communities, people and regional points of interest for years to come.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting that was held on the 11th day of July, 2019.

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

ATTEST:

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

(d) A request for authorization to engage the Piedmont Triad Regional Council for the development of updates to the Land Development Plan and the Parks and Recreation Plan.

Mr. Nuttall presented a proposal from the Piedmont Triad Regional Council (PTRC) for the development of updates to the City of Asheboro's Land Development Plan and the Comprehensive Parks and Recreation Plan. Upon approval by the city council, city staff will partner with PTRC in order to effectively evaluate and update these plans. The cost of the project is not to exceed \$69,500 and work is scheduled to begin in August 2019.

Upon motion by Council Member Bell and seconded by Council Member Swiers, the Council voted unanimously to approve the proposal from the PTRC and to authorize city staff to engage in partnering with the PTRC for the development of updates to the City of Asheboro's Comprehensive Parks and Recreation Plan and the Land Development Plan.

A copy of the above-referenced proposal is on file in the city clerk's office.

7. The initiation of the notice procedure for filling a vacancy on the Asheboro Airport Authority.

With the retirement of Dr. James Rich, Mr. Ogburn noted that the process for filling the vacancy on the Asheboro Airport Authority is beginning.

Notice of the vacancy will be placed on the city's website and a media release will be sent to local publications. Applicants who currently have applications on file in the city clerk's office will be contacted to see if they are still interested in serving.

If more than two applications are submitted for consideration, the list of applicants will be forwarded to the Asheboro Airport Authority for review. The airport authority members will recommend a minimum of two applicants for consideration by the council members. The Asheboro City Council will make the final selection of an individual to fill the vacant airport authority seat.

No action was requested of the council during this portion of the meeting, and none was taken.

8. Upcoming events.

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

There being no further business, the meeting was adjourned at 8:35 p.m.

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

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