AGENDA
REGULAR MEETING
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, JULY 16, 2015, 7:00 PM

1. Call to order.

2. Silent prayer and pledge of allegiance.

3. Presentation by Ms. Charlene Smith with the North Carolina Housing Finance Agency concerning the continuing availability of assistance from the North Carolina Foreclosure Prevention Fund.

4. Consent agenda:

   (a) Approval of the minutes of the city council's special meeting on May 28, 2015.

   (b) Approval of the minutes of the city council's regular meeting on June 4, 2015.

   (c) Approval of the minutes of the city council's special meeting on June 29, 2015.

   (d) Approval of the findings, conclusions, and order entered under Community Development Division File No. SUP-15-03.

   (e) Approval of a resolution appointing Robert E. Morrison to a 3-year term of office on the Asheboro ABC Board.

   (f) Approval of a resolution authorizing the conveyance of surplus ballistic vests to Randolph Community College for training purposes.

   (g) Approval of a resolution authorizing the destruction of surplus personal property that has no marketable value and/or poses a potential threat to the public health or safety.

5. Trevor Nuttall will present the following Community Development Division Items:

   (a) Zoning Case RZ-15-05: A legislative zoning hearing on the application filed by the City of Asheboro for general text amendments to the Articles 100 through 400 and select definitions (Article 1100) in the zoning ordinance.

(b) Zoning Case RZ-15-06: A legislative zoning hearing on the application filed by the City of Asheboro to rezone property located on the west side of Gold Hill Road and the north side of East Allred Street from CURA6 (Conditional Use High-Density Residential) to R10 (Medium-Density Residential).

(c) Presentation of Draft Land Use Plan Update Maps.

6. Public comment period.

7. City Manager updates:

(a) A review of proposed amendments to Chapter 93 (Civil Emergencies) of the Code of Asheboro.

(b) A status report on the proposed sale of surplus real property at 133 West Wainman Avenue.

8. Items not on the agenda.

9. Adjournment.

NOTICE OF A SPECIAL MEETING OF THE ASHEBORO CITY COUNCIL

Thursday, May 28, 2015

5:30 p.m.

Notice is hereby given of a special meeting of the Asheboro City Council that will begin at 5:30 p.m. on Thursday, May 28, 2015, in the Asheboro City Hall Council Chamber, 146 North Church Street, Asheboro, North Carolina 27203.

During this special meeting, the following agenda items will be brought before the City Council:

1. Formal acknowledgment by the City Council of the receipt from the Asheboro ABC Board of the following documents: (A) The minutes of the ABC Board's meeting on April 6, 2015; and (B) The budget message and proposed annual budget for the ABC Board for fiscal year 2015-2016.

2. Mayor Smith and the Council Members will receive a budget presentation from the City Manager and the Finance Director, and then the governing board will conduct a budget workshop involving active participation by the elected officials and city staff members.

This special meeting notice is issued on the 22nd day of May, 2015.

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

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SPECIAL MEETING
ASHEBORO CITY COUNCIL
COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, MAY 28, 2015
5:30 p.m.

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

David H. Smith) – Mayor Presiding

Talmadge S. Baker)
Clark R. Bell)
Edward J. Burks) – Council Members Present
Linda H. Carter)
Katie L. Snuggs)
Charles W. Swiers)

Walker B. Moffitt) – Council Member Absent

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Stacy R. Griffin, Human Resources Director
Michael L. Leonard, P.E., City Engineer
Trevor L. Nuttall, Community Development Division Director
Deborah P. Reaves, Finance Director
Jonathon M. Sermon, Recreation Services Director
Jeffrey C. Sugg, City Attorney
Jody P. Williams, Chief of Police
Roy C. Wright, Fire Chief

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. Acknowledgment of the receipt from the Asheboro ABC Board of the following documents: (a) The minutes of the ABC Board's meeting on April 6, 2015; and (b) The budget message and proposed annual budget for the ABC Board for fiscal year 2015-2016.

Mayor Smith called the Council's attention to the minutes of the Asheboro ABC Board's meeting on April 6, 2015, the budget message and proposed annual budget for the Asheboro ABC Board for fiscal year 2015-2016 that had been previously transmitted by the Board. Upon motion by Mr. Burks and seconded by Mr. Baker, Council unanimously acknowledged the receipt of the aforementioned Asheboro ABC Board documents.

Copies of these documents are on file in the City Clerk's office.

3. Budget presentation.

Mr. Ogburn utilized a visual presentation in order to give the Council Members details regarding the City of Asheboro's Proposed Fiscal Year 2015-2016 Budget. The proposed budget reflects an increase in the property tax rate from $0.63 cents to $0.665 cents per $100.00 valuation along with an increase in fees for solid waste and recycling collection services. The recommended rate structure for the 90 gallon garbage can is $12.00 per month, while the 90 gallon recycling can is $2.00 per month. No increase in the water and sewer service rates (minimum bill and consumption per 100 cubic feet) is proposed.

During his presentation, Mr. Ogburn highlighted major expenses including, but not limited to the following:

General Fund Expenditure Highlights

- Window replacement at City Hall - $25,000
- 911 dispatch consoles, transmitter, and receiver for Police Department - $14,995
- Aerial Platform (100 ft.) truck for Fire Department - $650,000
- Hoses, nozzles, saws, tools for Fire Department - $32,000
- Repair front ramp/drive at Fire Department - $34,000
- Volunteer Fire Department Contracts - $15,000
- Time clock system at Public Works - $5,500
- Vehicles for the Street Maintenance Department - $210,000
- Programs at Sunset Theatre - $40,000
- Senior Adult Center - $32,000
- BBQ Cook-off expenses - $25,000
- Service truck, zero turn mower and gold course sprayer for use by Facilities Maintenance Department - $85,000

Water and Sewer Fund Expenditure Highlights

- Truck for Water Meter Operations Department - $25,000
- Building maintenance and repair at Water Treatment Plant (Control room replacement roof and window replacement at North Plant) - $162,000
- Rehabilitation of Settling Basin 1 and 2 - $208,000
- Chemicals at Water Treatment Plant - $350,000
- Chemicals at Wastewater Treatment Plant - $235,000
- Contracted maintenance of water tanks - $270,000
- Press air handling units at Wastewater Treatment Plant - $225,000
- Equipment maintenance and repair - $365,000, including $170,000 to rebuild Trickling Filter #3 and $55,000 for Polymer blending units
- Truck for Water Maintenance Department - $28,000
- Service truck for Wastewater Maintenance Department - $45,000
- Slip lining to repair aging sewer lines - $100,000
- Confined space equipment - $13,500
- Vehicle purchase and rehabilitation in Systems Maintenance Department - $65,000
- Laboratory information management system for Water Quality Department - $65,000

In a discussion of certain budget items, Mayor Smith inquired about the possible renting of kayak storage spaces at Lake Lucas. Mr. Jonathan Sermon, the city's Recreation Superintendent, addressed the issue and will have a proposed rental fee for the kayak storage spaces available for Council's review and possible consideration at the next regular council meeting.

A public hearing on the budget will be held during the Council's regular meeting on June 4, 2015, and the City Council will consider adopting the city's budget for fiscal year 2015-2016 during a special meeting on June 29, 2015 at 12:30 p.m.

A copy of the city's proposed annual budget for fiscal year 2015-2016, as well as the visual presentation utilized by Mr. Ogburn, is on file in the City Clerk's office.

No formal action was taken on the budget during this special meeting of the Council.

There being no further business, the meeting was adjourned at 7:38 p.m.

_____ _____

Holly H. Doerr, CMC, NCCMC, City Clerk David H. Smith, Mayor

REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, JUNE 4, 2015
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 officials and members present:

David H. Smith) – Mayor Presiding

Talmadge S. Baker)
Clark R. Bell)
Edward J. Burks)
Linda H. Carter) – Council Members Present
Walker B. Moffitt)
Katie L. Snuggs)
Charles W. Swiers)

John N. Ogburn, III, City Manager
D. Jason Cheek, Police Lieutenant
Caleb Cockman, Police Officer
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Jason A. Hanson, Police Lieutenant
Michael L. Leonard, P.E., City Engineer
Mark T. Lineberry, Police Captain
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jonathan M. Sermon, Recreation Services Superintendent
James O. Smith, Assistant Chief of Police
Jeffrey C. Sugg, City Attorney
E. Todd Swaney, 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 or meditation, Mayor Smith asked everyone to stand and say the pledge of allegiance.

3. Presentation of Life Saving Pin to Police Officer Caleb Cockman.

On behalf of the City of Asheboro, Chief Williams presented a life-saving award to Officer Caleb Cockman for his life saving acts on May 7, 2015 when he responded to a welfare check and took quick, effective action to aid a woman, Ms. Elizabeth Wilson, who was having an allergic reaction to a bee sting. In addition to the award, Chief Williams presented Officer Cockman with a pin to be worn on his uniform in recognition of his exemplary conduct. Ms. Wilson was present to express her appreciation.

OLD BUSINESS

4. Consent agenda.

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

(a) The minutes of the City Council's regular meeting on May 7, 2015.

(b) The minutes of the City Council's special meeting on May 21, 2015.

5. Consideration of a resolution in support of Governor McCrory's proposed Connect NC Bond Package.

Mr. Ogburn presented and recommended adoption, by reference, of the aforementioned resolution.

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

RESOLUTION NUMBER 15 RES 6-15

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION SUPPORTING THE CONNECT NC BOND PACKAGE

WHEREAS, the travel and tourism industry is a vital component of the economic stability found in North Carolina and the City of Asheboro as evidenced by the fact that the benefits of tourism touch all 100 of the state's counties, including all nine of the municipalities in Randolph County; and

WHEREAS, citizens of Asheboro were instrumental in the creation of the North Carolina Zoological Park, the first state zoo in the country; and

WHEREAS, the Asheboro community-at-large has supported the North Carolina Zoo in becoming the world's largest natural habitat zoo; and

WHEREAS, the Zoo provides 750,000 visitors each year with a one-of-a-kind experience that generates an annual economic impact of $150,000,000 which includes $8,000,000 in state and local taxes that cannot be exported; and

WHEREAS, one in five of North Carolina's children experience hands-on, nature-based educational opportunities free of charge at the Zoo each year; and

WHEREAS, the Zoo is making strides in innovative technology to save wildlife with conservation programs that are local and global in scope; and

WHEREAS, tourism is North Carolina's second largest industry generating $21,300,000,000 in visitor spending, directly supporting 204,832 jobs for North Carolina residents, contributing $4,900,000,000 to the state's payroll, $3,200,000,000 in tax receipts, and ranking North Carolina sixth in total person-trip volume by state in 2014; and

WHEREAS, tourism in the Piedmont Triad region generates $1,400,000,000 in visitor spending, 14,084 jobs, and a payroll of $310,100,000 in 2013; and

WHEREAS, the City of Asheboro, through its partnership with the Heart of North Carolina Visitors Bureau, promotes the Zoo as a premier visitor attraction; and

WHEREAS, Randolph County's travel and tourism industry has experienced significant growth generating $124,530,000 in visitor spending, directly supporting 1,056 jobs with a payroll of $18,500,000 and $9,300,000 in local and state tax receipts in 2013; and

WHEREAS, the Zoo has developed a vision plan that meets the challenge of doubling the Zoo's attendance and economic impact, as well as increasing its educational impact, to become an innovative science-based leader in saving wildlife and wild places; and

WHEREAS, Governor McCrory has included $45,000,000 in his Connect NC bond package for the launch phase of the Zoo's vision plan, which will replace the aging African Pavilion with an Australasia-themed complex to include tigers, orangutans, Komodo dragons, kangaroos, and tropical birds – a strategic investment in the Zoo's infrastructure that will cultivate a stronger economy for the City of Asheboro and State of North Carolina without the burden of a tax increase on citizens;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that the City of Asheboro, by and through its governing board, supports the Governor's bond proposal and urges the General Assembly to hold a bond referendum as soon as possible to take advantage of current low interest rates so that the State of North Carolina can make this significant investment in the North Carolina Zoo.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 4th day of June, 2015.

/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

6. Community Development Items:

(a) A quasi-judicial hearing (Case No. SUP-15-03) requesting a Special Use Permit for an existing manufactured Home Park (Oak Meadows) at the northwest terminus of Cedar Road.

Mayor Smith opened the public hearing on the following request.

Mr. Nuttall was placed under oath and presented the Community Development Division staff's analysis of the Applicant's request that included a properly submitted site plan. This request pertains to approximately 7,158 square feet of land owned by Mr. Allen L. Callicutt, Trustee of the Callicutt Revocable Living Trust, that is located at the northeastern terminus of Cedar Road and extending along the northwest side of Lakeview Road between 1971 and 1977 Lakeview Road. Randolph County Parcel Identification Number 7762495747 more specifically identifies the property for which a Special Use Permit has been requested.

The Applicant, Mr. Allen L. Callicutt, is seeking a Special Use Permit for a manufactured home park. A Special Use Permit, issued in 1990, currently exists for a Manufactured Home Park consisting of 49 spaces. Specifically, the Applicant wishes to replace the existing laundry facility site (approximately 7,158 square feet) with one leased lot for a manufactured home. Section 606C of the Asheboro Zoning Ordinance states that "an increase in number of dwelling or lodging units" is considered a modification of a Special Use Permit, which requires the City Council to issue a new Special Use Permit.

There are certain legal non-conforming situations that exist on the property. Section 637.5 of the Asheboro Zoning Ordinance allows non-conforming situations to continue under certain conditions.

A 100 year floodplain is located along the northern boundary of this property, away from any proposed development activity (Hasketts Creek). The entrance into the development is from Cedar Road, and a secondary entrance, which is gated, exists on Lakeview Road.

Mr. Allen Callicutt was placed under oath and addressed the four standard tests. Mr. Callicutt also testified as to his agreement with the conditions recommended by city staff members for attachment to the requested permit.

No witnesses came forward in opposition to the Applicant's request for the issuance of the Special Use Permit. There being no comments and no opposition from the public, Mayor Smith transitioned to the deliberative phase of the public hearing.

Upon motion by Mr. Moffitt and seconded by Mr. Swiers, Council found that the proposed use satisfied the four tests for a permit, in addition to meeting the standards for allowing the existing legal non-conformities to continue, and the Council Members voted unanimously to approve, with the staff recommended conditions, the requested Special Use Permit.

The formal findings of fact, conclusions of law, and order authorizing the Special Use Permit will be entered by the Council during regular session on July 16, 2015.

(b) Subdivision Case SUB-15-02: Preliminary Plat Review for New Century Industrial Center.

Mr. Nuttall presented the preliminary plat for New Century Industrial Center. Mr. Larry McKenzie requested the approval of an industrial center to be located along New Century Drive (south of McDowell Road, extending to Veterans Loop Road). The plat submitted for approval pertains to approximately 18.982 acres of land.

During his presentation, Mr. Nuttall noted that the Community Development Division staff and the Planning Board recommended granting the request with the following comments:

1. The proposal will extend New Century Drive approximately 1772 feet from its current terminus south of McDowell Road (adjacent to the Randolph County Office Building and the Randolph County Jail) to Veterans Loop Road.

2. The property is less than one mile north of the future interchange of I-73/I-74 (U.S. Highway 220 Bypass) and U.S Highway 64 Bypass.

3. This property lies within the U.S. Highway 220 Overlay District.

4. NCDOT review and approval will be required prior to construction.

5. A fire hydrant is shown east of New Century Drive on the north side of the property. Specific use(s) may require additional hydrant(s) and/or other requirements.

Upon motion by Mr. Bell and seconded by Mr. Baker, Council voted unanimously to approve, with the immediately preceding comments/conditions, the preliminary plat submitted for the New Century Industrial Center.

(c) Consideration of a proposed economic development project on West Central Avenue.

(i) Public hearing on the possible submission of a Community Development Block Grant application for an economic development project designed to construct a railroad spur to serve a new facility to be operated by Technimark, LLC on West Central Avenue.

Mayor Smith opened the public hearing on the following request.

The purpose of the public hearing pertained to the possible submission of a Community Development Block Grant (CDBG) application for an economic development project designed to construct a railroad spur to serve a new facility that, as proposed will be operated by Technimark, LLC on West Central Avenue. An initial public hearing was properly advertised and held on October 9, 2014.

Mr. Nuttall highlighted certain CDBG programs and turned the public hearing over to Ms. Bonnie Renfro, President of the Randolph County Economic Development Corporation. Ms. Renfro summarized the above-referenced project by highlighting the following:

- The project involves the construction of two (2) rail spur tracks totaling approximately 1,384 linear feet to provide vital rail access to the Company's proposed 155,000 square foot manufacturing facility.
- Technimark, LLC manufactures injection-molded packaging and components for consumer, healthcare, and industrial markets.
- The company will add at least 125 new full-time employees, 60% of which will benefit persons of low and moderate income.
- The proposed application requests $490,000 in CDBG funds.
- It is estimated that it will take two (2) years to complete the project which has an overall investment value of $25.9 million.
- The city and county already have entered into a performance based economic incentive grant totaling $1 million in support of this project.

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

City staff will update the Council as this project progresses.

(ii) Consideration of a resolution approving the submission of a formal application to the North Carolina Department of Commerce for funding from the Community Development Block Grant Program.

Mr. Nuttall presented and recommended adoption, by reference, of the aforementioned resolution.

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

16 RES 6-15

RESOLUTION AUTHORIZING THE CITY OF ASHEBORO TO SUBMIT AN APPLICATION FOR FUNDING FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR THE TECHNIMARK RAIL PROJECT

WHEREAS, the Asheboro City Council has previously indicated its desire to assist in economic development efforts within the City; and

WHEREAS, the Asheboro City Council has held two public hearings concerning the proposed application for Community Development Block Grant funding to benefit Technimark, LLC and its related business entities, hereafter collectively referred to as the "Company"; and

WHEREAS, with the assistance of the proposed economic development project, the Company anticipates expending approximately twenty-five million nine hundred thousand dollars ($25,900,000) to construct and equip a new facility that will create one hundred and twenty five (125) new jobs; and

WHEREAS, the proposed economic development project with the Company would require the City of Asheboro to administer grant funding and to invest city funds in the amount of one hundred twenty two thousand five hundred dollars ($122,500); and

WHEREAS, the Asheboro City Council has concluded that the City of Asheboro should pursue the proposed economic development project with the Company by submitting a formal application for funding from the Community Development Block Grant Program.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Asheboro, North Carolina that the city's officers and employees are authorized to submit, on behalf of the City of Asheboro, a formal application to the North Carolina Department of Commerce for a Community Development Block Grant for Economic Development to benefit the Company; and

BE IT FURTHER RESOLVED that the Asheboro City Council certifies the City of Asheboro will meet all federal regulatory and statutory requirements of the Small Cities Community Development Block Grant Program; and

BE IT FURTHER RESOLVED that the City of Asheboro will administer this grant funding in accordance with the rules and regulations of the North Carolina Department of Commerce; and

BE IT FURTHER RESOLVED that the City of Asheboro will administer this grant funding through the city's community development office, and this administration will include, at a minimum, quarterly monitoring of job creation and compliance with the representations made as part of the submitted application.

This resolution was duly adopted by the Asheboro City Council in open session during a regular meeting held on the 4th day of June, 2015.

/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

(iii Consideration of a resolution adopting a procurement plan specific to the proposed economic development project on West Central Avenue.

Mr. Nuttall presented and recommended adoption, by reference, of the aforementioned resolution.

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

17 RES 6-15

RESOLUTION ADOPTING THE PROCUREMENT PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM BY THE CITY OF ASHEBORO

WHEREAS, the City of Asheboro is participating in the Community Development Block Grant Program (CDBG) under the Housing and Community Development Act of 1974 as administered through the North Carolina Department of Commerce; and,

WHEREAS, a Procurement Policy is required for the City's CDBG project;

NOW, THEREFORE, BE IT RESOLVED, that to accomplish the above, the Asheboro City Council hereby adopts the attached Procurement Policy to be used throughout the implementation of this Community Development Block Grant project.

BE IT FURTHER RESOLVED that the Asheboro City Council certifies the City of Asheboro will meet all federal regulatory and statutory requirements of the Small Cities Community Development Block Grant Program; and

This resolution was duly adopted by the Asheboro City Council in open session during a regular meeting held on the 4th day of June, 2015.

/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

CITY OF ASHEBORO
PROCUREMENT PLAN FOR THE
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

In the procurement of supplies, equipment or services in the City of Asheboro's Community Development Block Grant Program, the following policies shall apply:

1) Small purchase procedures. These are relatively simple and informal procurement methods that are sound and appropriate for a procurement of services, supplies or other property, costing in the aggregate not more than $25,000. Under this procurement method, price or rate quotations shall be obtained from an adequate number of qualified sources. Office supplies and equipment may be secured by this method.

2) In competitive sealed bids (formal advertising), sealed bids shall be publicly solicited and a firm, fixed price contract shall be awarded to the responsible bidder whose bid conforming with all the material terms and conditions of the invitation for bids, is lowest in price.

3) In competitive negotiations, proposals shall be requested from a number of sources and the Request for Proposals shall be publicized. All aspects of the competitive negotiations shall be carried out in conformance with 24 CFR Part 85. The general administrative contract, appraisal contract, surveying contract and all other required services related to the program implementation shall be awarded utilizing this method. Under this method, special consideration shall be given to experience, technical abilities and familiarity with the services to be provided. Price shall not be the sole consideration for award of contract.

On all procurement, efforts shall be made to solicit bids from qualified small, female and minority business firms.

In all cases, procurement under this Policy must confirm to the requirements for procurement set forth in 24 CFR Part 85.

An adequate record of procurement must be maintained to insure that these policies and the requirements of 24 CFR Part 85 have been followed in their entirety.

(d) Review of bids on the East Dixie Drive Sidewalk Project (WBS Element 3608.3.08)

Mr. Nuttall presented the bid summary for the TIP ER-2971H Project (the construction of a concrete sidewalk on the north side of U.S. Highway 64 (East Dixie Drive) from SR 2197 (Dublin Road) to Executive Way. Four (4) bids were received on May 29, 2015. The four (4) bids are as follows:

Bidder	Bid Amount
Armen Construction	$58,845.00
Cooper Construction Co.	$55,820.00
Country Boy Landscaping, Inc.	$78,888.88
ASJ Wilson Construction, Inc.	$49,658.00

Mr. Nuttall recommended that these bids be rejected due to all of the bids exceeding the estimated cost of the project. He also requested that city staff receive authorization to explore other options for the construction project. Upon motion by Mr. Baker and seconded by Mr. Burks, Council voted unanimously to reject all of the above-referenced bids and authorized city staff to explore other options for the construction project.

7. Request for the establishment of an anti-tethering ordinance.

Mr. Gary Hall, Executive Director of the Randolph County SPCA, asked the City Council Members to consider adopting an ordinance to prohibit the tethering of dogs within the city. Along with his request, Mr. Hall suggested certain provisions to be included in a revised ordinance.

After some discussion, Mr. Moffitt moved to authorize city staff, specifically including the police department's animal control unit, to research possible amendments to the existing animal control ordinance in order to effectively address the concerns with tethering that were raised by Mr. Hall.

8. Public hearing on the proposed budget for fiscal year 2015-2016.

Mayor Smith opened the public hearing on the proposed budget for fiscal year 2015-2016.

Mr. Ogburn utilized a visual presentation in order to highlight the fund allocations for the proposed fiscal year 2015-2016 annual budget. Copies of the proposed budget and the visual presentation utilized by Mr. Ogburn are on file in the City Clerk's office.

Mayor Smith invited comments from the public. The only comment was a request from Mr. Bob Derr for clarifying information about property tax revenue. Mr. Ogburn responded to the inquiry by addressing the difference that one cent on the property tax makes.

After no further inquiries or comments were addressed to the elected officials or the city's budget officer, Mayor Smith closed the public hearing. Final consideration of the budget will take place during a special meeting of the Council at 12:30 p.m. on June 29, 2015 in the Council Chamber.

9. Public comment period.

Mayor Smith opened the floor for comments from the public.

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

10. Presentation of a fee schedule amendment pertaining to kayak and boat rental spaces at Lake Lucas.

Mr. Sermon utilized a visual presentation in order to highlight the proposed fee schedule amendment pertaining to kayak and boat rental spaces at Lake Lucas. The amendment includes the following fees for renting kayak and boat spaces along with an annual launch permit at Lake Lucas.

	Rec Card Fees	Non-Resident Fees
Kayak rental spaces (includes annual launch permit)	$60.00	$85.00
Boat rental spaces (includes annual launch permit)	$150.00	$200.00

Upon motion by Mr. Burks and seconded by Mr. Bell, Council voted unanimously to adopt the above-referenced amended fee schedule. A copy of the visual presentation utilized by Mr. Sermon and a copy of the proposed fee schedule are on file in the City Clerk's office.

11. Presentation of a resolution delegating the authority to the city manager to grant written exemptions for certain projects from the procurement process established by the state's Mini-Brooks Act.

Mr. Sugg presented and recommended adoption, by reference, of the aforementioned resolution.

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

RESOLUTION NUMBER 18 RES 6-15

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION DELEGATING AUTHORITY TO THE CITY MANAGER TO EXEMPT CERTAIN PROJECTS FROM THE PROCUREMENT PROCESS ESTABLISHED BY THE MINI-BROOKS ACT

WHEREAS, pursuant to Section 143-64.31 of the North Carolina General Statutes (this statutory provision is sometimes referred to as the "Mini-Brooks Act"), the procurement of certain professional services such as the services performed by architects, engineers, surveyors, and construction managers at risk must be undertaken, unless an exemption is granted, by means of utilizing the Qualifications-Based Selection (QBS) process; and

WHEREAS, Section 143-64.31 of the North Carolina General Statutes provides, in pertinent part, as follows:

> It is the public policy of this State and all public subdivisions and Local Governmental Units thereof, except in cases of special emergency involving the health and safety of the people or their property, to announce all requirements for architectural, engineering, surveying, construction management at risk services, design-build services, and public-private partnership construction services to select firms qualified to provide such services on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee other than unit price information at this stage, and thereafter to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm; and

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

> Units of local government or the North Carolina Department of Transportation may in writing exempt particular projects from the provisions of this Article (Article 3D of Chapter of 143 of the North Carolina General Statutes, which includes the section quoted in the immediately preceding paragraph) in the case of proposed projects where an estimated professional fee is in an amount less than fifty thousand dollars ($50,000); and

WHEREAS, the Asheboro City Council has concluded that the limitation imposed by restricting the exemption authority to projects with an estimated professional fee of less than $50,000 is adequate to allow the City Council, without fear of violating good governance concerns, to delegate the authority to the city manager to exempt certain projects from the QBS process established by the Mini-Brooks Act in order to enhance the efficiency of the city's operations when dealing with time sensitive projects;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that the city manager is hereby delegated the authority to exempt, in writing, particular projects from the QBS process established by the Mini-Brooks Act when the estimated professional fee for the project to be granted an exemption is in an amount less than $50,000.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 4th day of June, 2015, and is effective upon adoption.

/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

12. Mayor Smith announced the following upcoming events:

- NAACP Annual Banquet on Saturday, June 6, 2015 at 6:00 p.m. at AVS Banquet Center.
- All-America City Rehearsal on Monday, June 8, 2015 at 5:30 p.m. at the Sunset Theatre.
- Planning and Zoning Department Land Development Plan Community Workshop on Thursday, June 18, 2015 from 5:00 p.m. until 7:00 p.m. at North Ridge Church.
- Randolph County Economic Development Corporation Annual Meeting on Tuesday, June 23, 2015 at 8:00 a.m. at AVS Banquet Center.
- Special City Council Meeting on Monday, June 29, 2015 at 12:30 p.m. to consider the adoption of the budget for fiscal year 2015-2016.

13. After all of the items on the agenda had been considered, and prior to the adjournment of the meeting, Mayor Smith recognized Mr. Phillip Robbins, who had questions and concerns that he wanted to raise with the elected officials. These questions and concerns pertained to the fees charged for the rental of spaces and launch fees at the city lake. The discussion that ensued did not lead to the amendment of the legislative action taken earlier during the meeting.

There being no further business, the meeting was adjourned at 9:18 p.m.

_____ _____

Holly H. Doerr, CMC, NCCMC, City Clerk David H. Smith, Mayor

NOTICE OF A SPECIAL MEETING OF THE ASHEBORO CITY COUNCIL

Monday, June 29, 2015

12:30 p.m.

A special meeting of the Asheboro City Council will be held on June 29, 2015, at 12:30 p.m. in the Asheboro City Hall Council Chamber, 146 North Church Street, Asheboro, North Carolina 27203. The purpose of this special meeting is to conduct the following business:

1. Consideration of approving a consent agenda with the following items: (a) The acknowledgement of the receipt from the Asheboro ABC Board of meeting minutes for May 4, 2015, a schedule of meetings for fiscal year 2015-2016, and the adopted annual budget for fiscal year 2015-2016; (b) The adoption of ordinances amending the City of Asheboro Budget Ordinance for fiscal year 2014-2015, specifically including the General Fund and the Water and Sewer Fund, along with various project funds; (c) The approval of a resolution authorizing the entry of the city into a reimbursement agreement with the North Carolina Department of Transportation for deicing salt; and (d) The approval, in connection with a Community Development Block Grant application, of an Equal Employment Plan and a Citizen Participation Plan;
2. Consideration of the adoption of the City of Asheboro Budget Ordinance for fiscal year 2015-2016;
3. Consideration of ordinances to amend the Code of Asheboro to reflect fees and adjustments contained within the city's adopted budget ordinance for fiscal year 2015-2016; and
4. Consideration of an ordinance to amend the Code of Asheboro in order to align city privilege license tax provisions with changes in state law.

This special meeting notice is issued on the 19th day of June, 2015.

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

# # # # # # # # # # # # # #

SPECIAL MEETING
ASHEBORO CITY COUNCIL
COUNCIL CHAMBER, MUNICIPAL BUILDING
MONDAY, JUNE 29, 2015
12:30 p.m.

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

David H. Smith) – Mayor Presiding

Talmadge S. Baker)
Clark R. Bell)
Walker B. Moffitt) – Council Members Present
Katie L. Snuggs)
Charles A. Swiers)

Edward J. Burks) – Council Members Absent
Linda H. Carter)

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk
John Gavin, Legal Services Department Intern
Leigh Anna Johnson, Public Information Officer
Michael L. Leonard, P.E., City Engineer
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney

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. Consent agenda.

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

(a) Acknowledgement of the receipt from the Asheboro ABC Board of the following documents:

(i) The minutes of the board's meeting on May 4, 2015.

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

(ii) The schedule of the board's meetings for fiscal year 2015-2016.

[A copy of the schedule of the Asheboro ABC Board's meetings for fiscal year 2015-2016 is on file in the City Clerk's office.]

(iii) The board's adopted annual budget for fiscal year 2015-2016.

[A copy of the Asheboro ABC Board's annual budget for fiscal year 2015-2016 is on file in the City Clerk's office.]

(b) The adoption of the following ordinances amending the City of Asheboro Budget Ordinance for fiscal year 2014-2015 as well as certain project funds:

(i) Ordinance to amend the General Fund FY 2014-2015.

12 ORD 6-15

ORDINANCE TO AMEND THE GENERAL FUND FY 2014-2015

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 Expense line item be increased / (decreased):

Account #	Expense Description	increase / (decrease)
10-440-5000	Tax Collection Fee	16,900
10-440-5500	Tax Refunds	13,000
10-450-0700	Fringe Benefits	1,100
10-500-3400	Supplies & Materials	11,000
10-510-0200	Salaries & Wages	104,000
10-510-0704	Insurance	51,000
10-510-0700	Fringe Benefits	58,000
10-510-5800	Workers compensation	40,000
10-530-7400	Capital Outlay	240,000
10-550-0200	Salaries & Wages	20,000
10-555-1800	Vehicle Parts inventory	(100,000)
10-590-0401	Professional services- wellness	(160,000)
10-615-7400	Capital Outlay	(126,000)
10-620-1503	Maintenance & Repair McCrary Park	(169,000)
	Increase / (Decrease)	0

Adopted this 29th day of June, 2015.

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

ATTEST:

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

(ii) Ordinance to amend the Water & Sewer Fund FY 2014-2015.

13 ORD 6-15

ORDINANCE TO AMEND THE WATER & SEWER FUND FY 2014-2015

WHEREAS, The City Council of the City of Asheboro desires to amend the budget as required by law to adjust for 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 Expense line item be increased (decreased):

Account #	Expense Description	increase / (decrease)
30-820-4500	Contracted Services	(60,000)
30-870-0400	Professional Services	60,000
	Increase / Decrease	0

Adopted this 29th day of June, 2015.

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

ATTEST:

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

(iii) Ordinance to amend the Economic Development Fund FY 2014-2015.

14 ORD 6-15

ORDINANCE TO AMEND THE ECONOMIC DEVELOPMENT FUND FY 2014-2015

WHEREAS, the needs of the City of Asheboro have evolved as the economic environment has changed over the last decade, and;

WHEREAS, historically, the term “Economic Development” for the City of Asheboro City Council meant a) support of agency efforts that promote the City of Asheboro and b) financial incentive support to expanding industries that are committed to job development and c) water & sewer infrastructure expansion projects, and;

WHEREAS, the City of Asheboro City Council further determines their directive now includes Tourism Development, and;

WHEREAS, in July 2014, the City purchased the property, commonly known as, the Cranford Building in downtown Asheboro and;

WHEREAS, MOM Brands has advised the City that they will not be asking for their economic incentive payment for 2014-2015, and:

WHEREAS, the City wishes to reallocate the funds originally set aside for MOM brands to the purchase of the Cranford Building as the City is beginning to partner with private investors and the Tourism Development authority to save the old smokestack and parts of the building for future tourism activities, and;

WHEREAS, the City has partnered with the Tourism Development Authority and the Chamber of Commerce to created the "Pigs and Pedals" bicycle race and Kansas City Style Bar-B-Que cooking competition to create a summer signature tourism event to complement the winter "Christmas on Sunset" signature event, and;

WHEREAS, the City wishes to change the name of the Fund from Economic Development Fund to Economic and Tourism Development Fund to reflect its change in scope, and;

WHEREAS, the City of Asheboro desires 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:

That the following Revenue line items be increased / decreased:

Line Item	Description	Appropriated Amount
72-367-1032	Contribution to Malt-O-Meal #8 (14-15)	(197,500)
72-381-0000	Contribution for Cranford Property	127,000
72-382-0000	Pigs & Pedals Tourism Event	70,500
		$0

That the following expense line items be increased / decreased:

Line Item	Description	Appropriated Amount
72-860-0008	Contribution to Malt-O-Meal #8 (14-15)	(197,500)
72-800-0001	Cranford Property Redevelopment	127,000
72-800-0002	Pigs & Pedals Tourism Event	70,500
		$0

Adopted this the 29th day of June 2015.

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

ATTEST:

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

(iv) Ordinance to amend the Sunset Theatre Project (Fund #67) FY 2014-2015.

15 ORD 6-15

ORDINANCE TO AMEND SUNSET THEATRE PROJECT (FUND #67) FY 2014-2015

WHEREAS, the current adopted budget for the Sunset Theatre Project is in the amount of $2,859,110, and;

WHEREAS, there is $43,800 remaining budgeted allocation for debt service in the budget and a total of $187,000 in debt service payments paid from the General Fund in the 2014-2015 year, and

WHEREAS, the project fund has enough revenue generated from the capital campaign on deposit to be used for these debt service payments, and;

WHEREAS, the budget as adopted requires amendment to reflect the transfer of funds from the Sunset Theatre project fund to the General fund for payment of this debt service in 2014-2015, and;

WHEREAS, 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:

Account #	Revenue Description		Increase	Line item Amended Budget
67-370-0000	Campaign Contributions		92,485	1,002,759
67-367-000	Sales Tax Refund		18,000	18,000
		Total	110,485	

Section 2: That the following Expense line item be increased / (decreased):

Account #	Expense Description		Increase / (Decrease)	Line Item Amended Budget
67-840-0000	Professional Services		(32,715)	373,723
67-830-0000	Contribution to GF- Debt service		143,200	522,715
		Total	110,485	

Adopted this the 29th day of June, 2015.

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

ATTEST:

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

(c) A resolution authorizing the entry of the city into a reimbursement agreement with the North Carolina Department of Transportation for deicing salt.

RESOLUTION NUMBER 19 RES 6-15

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

SALT REIMBURSEMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

WHEREAS, the City of Asheboro is authorized under North Carolina law to purchase salt from the North Carolina Department of Transportation (hereinafter referred to as the "NCDOT") in furtherance of the efforts by the city, like the state, to provide for the safe and efficient utilization of transportation systems that serve the public good; and

WHEREAS, city staff members have recommended, and the City Council has agreed, that it is advisable for the city to enter into an agreement with the NCDOT that will enable the city to acquire in an efficient and economical manner deicing salt for future use; and

WHEREAS, the city has recommended entering into the attached agreement, which is attached hereto as EXHIBIT 1 and is incorporated into this Resolution by reference as if copied fully herein, with NCDOT in order to accomplish the above-stated goals; and

WHEREAS, the City Council concurs with the staff's recommendation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that the attached Salt Reimbursement Agreement that is attached hereto as EXHIBIT 1 is hereby approved; and

BE IT FURTHER RESOLVED that the Mayor, City Clerk, and all other necessary city officials are hereby authorized to execute duplicate originals of the said Agreement.

This resolution was adopted by the Asheboro City Council in open session during a special meeting held on the 29th day of June, 2015.

/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

[The above-referenced EXHIBIT 1 is on file in the City Clerk's office.]

(d) An Equal Employment Plan in connection with a Community Development Block Grant project.

RESOLUTION NUMBER 20 RES 6-15

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

ADOPTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM EQUAL EMPLOYMENT PLAN

WHEREAS, the City of Asheboro is participating in the Community Development Block Grant Program (CDBG) under the Housing and Community Development Act of 1974 as administered through the North Carolina Department of Commerce; and

WHEREAS, an Equal Employment Plan is required for the City's CDBG project;

NOW, THEREFORE, BE IT RESOLVED that to accomplish the above, the Asheboro City Council hereby adopts the Equal Employment Plan, which is attached hereto as EXHIBIT 1 and is incorporated into this Resolution by reference as if copied fully herein, to be used throughout the implementation of this Community Development Block Grant project; and

BE IT FURTHER RESOLVED that the Asheboro City Council certifies the City of Asheboro will meet all federal regulatory and statutory requirements of the Small Cities Community Development Block Grant Program.

This resolution was duly adopted by the Asheboro City Council in open session during a special meeting held on the 29th day of June, 2015.

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

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

EXHIBIT 1

EQUAL EMPLOYMENT PLAN

The City of Asheboro maintains the policy of providing equal employment opportunities for all persons regardless of race, color, religion, sex, national origin, handicap, age political affiliation, or any other non-merit factor, except where religion, sex, national origin or age are bona fide occupation qualifications for employment.

In furtherance of this policy the City of Asheboro prohibits any retaliatory action of any kind taken by any employee of the City of Asheboro against any other employee or applicant for employment because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding or investigation of employment discrimination.

The City of Asheboro shall strive for greater utilization of all persons by identifying previously under utilized groups in the work force, such as minorities, women, and the handicapped, and making special efforts toward their recruitment, selection, development, and upward mobility and any other term, condition, or privilege of employment.

Responsibility for implementing equal opportunities and Affirmative Action measures is hereby assigned to the city manager and/or other persons designated by the manager or City Council to assist in the implementation of this policy statement.

The City of Asheboro shall develop a self evaluation mechanism to provide for periodic examination and evaluation. Periodic reports as requested on the progress of Equal Employment Opportunity and Affirmative Action will be presented to the City Council by the city manager.

The City of Asheboro is committed to this policy and is aware that with its implementation, the City of Asheboro will receive positive benefits through the greater utilization and development of all human resources.

Adopted this _____ day of _____, 20____.

_____
Signature of Mayor David H. Smith

ATTEST:

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

(e) A Citizen Participation Plan in connection with a Community Development Block Grant project.

RESOLUTION NUMBER _____21 RES 6-15_____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

ADOPTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM CITIZEN PARTICIPATION PLAN

WHEREAS, the City of Asheboro is participating in the Community Development Grant Program (CDBG) under the Housing and Community Development Act of 1974 as administered through the North Carolina Department of Commerce; and

WHEREAS, a Citizen Participation Plan is required for the City's CDBG project;

NOW, THEREFORE, BE IT RESOLVED that to accomplish the above, the Asheboro City Council hereby adopts the Citizen Participation Plan, which is attached hereto as EXHIBIT A and is incorporated into this Resolution by reference as if copied fully herein, to be used throughout the implementation of this Community Development Block Grant project; and

BE IF FURTHER RESOLVED that the Asheboro City Council certifies the City of Asheboro will meet all federal regulatory and statutory requirements of the Small Cities Community Development Block Grant Program.

This resolution was duly adopted by the Asheboro City Council in open session during a special meeting held on the 29th day of June, 2015.

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

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

EXHIBIT A

CITIZEN PARTICIPATION PLAN

CITY OF ASHEBORO

This plan describes how the **City of Asheboro** will involve citizens in the planning, implementation and assessment of the Community Development Block Grant (GDBG) program. The funds must be used for projects which benefit low and moderate-income persons and aids in the elimination and prevention of slums and blight. The program is intended to assist governments in understanding neighborhood improvement programs. The regulations give ultimate responsibility for the design and implementation of the program to local elected officials and also requires that citizens be given an opportunity to serve in a key advisory role to these elected officials.

SCOPE OF CITIZEN PARTICIPATION

Citizens will have an opportunity to be involved in all stages of the CDBG program, including program implementation, assessment of performance and design of changes in the Citizen Participation Plan. There will be three (3) general mechanisms for their involvement:

1. To serve on an advisory committee to the project, if such a committee is formed;
2. To attend or hold public hearings or community meetings; and
3. To provide individual citizen efforts in the form of comments, complaints or inquiries submitted directly to the Program Administrators or designated city official.

PROGRAM IMPLEMENTATION

Citizen participation in program implementation will occur primarily through consultation with the municipality. The municipality will be asked to review and comment on specific guidelines for approved projects. Designated city officials will also meet to review any program amendments, budget revisions and program modifications. All such changes will be discussed with the municipality and their comments considered prior to taking action. If program amendments require approval from the North Carolina Department of Commerce, a public hearing shall be held specifically on the amendment. Citizens may also be involved in implementation of projects specifically requiring citizen participation, such as self-help projects. Their roles will be defined as the project develops. Technical assistance will be available as needed.

PROGRAM ASSESSMENT

Program assessment activities by citizens will occur in a variety of ways. A performance hearing will be held thirty to sixty (30 to 60) days prior to the start of planning for the next program year. The Program Amendment will be asked to provide citizen commentary for the Grantee Performance Report.

As a part of the orientation to the program offered at the public hearing, citizens will be invited to submit comments on all aspects of program performance through the program year. Comments should be submitted in writing to Trevor L. Nuttall, Community Development Director, who will respond in writing within ten (10) days. If the response is unsatisfactory, the complainant should write directly to Mayor David H. Smith who shall respond within ten (10) days.

If the citizen is still dissatisfied, he/she should write to North Carolina Department of Commerce, Commerce Finance Center, 4318 Mail Service Center, Raleigh, North Carolina 27699-4318, Attention: Program Representative, requesting an investigation of the problem. Program staff will also be available during normal business hours to respond to any citizen inquiries or complaints.

The Citizen Participation Plan will be subject to annual review and proposed revision, to occur in the period between the performance hearing and the public hearing on the subsequent year's application.

TECHNICAL ASSISTANCE

Technical Assistance will be provided to citizen organizations and groups of low/moderate income persons or target area residents upon request to the City of Asheboro. Such assistance will support citizen efforts to develop proposals, define policy and organize for the implementation of the program. It is expected that such assistance will be provided directly to the municipality in response to their request. Assistance could be provided in the form of local presentations, informational handouts, research of a specific issue or other short-term efforts.

PUBLIC INFORMATION

The City of Asheboro will also undertake public information efforts to promote citizen participation. These efforts will include the following:

1. Public Notice of all Public Hearings will be published in the non-legal section of the local newspaper at least ten (10) days before the scheduled hearing. These notices will indicate the date, time, location and topics to be considered. These notices will also be made available in the form of press releases, as a public service announcement to local radio stations and will be provided to churches within the target area of distribution.

2. Orientation Information will be provided at the first public hearing. The Program Administrator(s) will make a presentation which covers: (a) the total amount of CDBG funds available and the competitive basis for award; (b) the range of eligible activities; (c) the planning process and the schedule of meetings and hearings; (d) the role of citizens in the program and (e) a summary of other program requirements, such as the environmental policies, fair housing provisions and contracting procedures.

3. A Public File containing program documentation will be available for review at Asheboro City Hall during normal business hours. Included will be copies of the Application, Environmental Review Record, the Citizen Participation Plan and the Annual Performance Report. Other program documents are also available for citizen review on request at Asheboro City Hall consistent with applicable State and local laws regarding personal privacy and obligations of confidentiality.

4. Public Hearings an interpreter will be provided for all non-English speaking individuals and/or deaf individuals if requested.

ADOPTED, this the _____day of _____, 20____.

_____ _____

David H. Smith, Mayor *John N. Ogburn, III, City Manager*
City of Asheboro *City of Asheboro*

3. Presentation of the proposed City of Asheboro Budget Ordinance for fiscal year 2015-2016.

Ms. Reaves presented and recommended adoption, by reference, of the City of Asheboro Budget Ordinance for fiscal year 2015-2016.

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

16 ORD 6-15

CITY OF ASHEBORO BUDGET ORDINANCE

BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina in session assembled:

Section 1: The following amounts are hereby appropriated in the General Fund for the operation of the city government and its' activities for the fiscal year beginning July 1, 2015 and ending June 30, 2016, in accordance with the chart of accounts heretofore established for this City:

ACCOUNT	DEPARTMENT OR FUNCTION	APPROPRIATION
10-410	Mayor and Governing Body	141,646
10-420	City Manager's Office	201,597
10-440	Finance Office	399,132
10-450	Legal & City Clerk	169,847
10-480	Information Technology	162,126
10-490	Planning/Community Development	542,608
10-495	Marketing & Communication	81,415
10-500	MunicipalBuilding Headquarters	108,800
10-510	Police Department	7,687,896
10-530	Fire Department	4,832,969
10-540	Building Inspections Department	156,410
10-545	Fire Inspections Department	274,022
10-550	Operations Division - Public Works	877,384
10-555	Fleet Maintenance	1,259,026
10-565	Street Maintenance	2,679,849
10-575	City Engineer Office	176,925

10-580	Environmental Services	2,268,907
10-585	Recycling Transfer Station	194,459
10-590	Human Resources	457,855
10-615	Arts & Cultural Services	529,545
10-620	Recreation Services	954,100
10-625	Municipal Golf Course	194,794
10-630	Library	70,800
10-640	Facilities Maintenance	1,879,045
10-650	Airport Authority	97,050
	Total Appropriations	26,398,207

Section 2: It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2015 and ending June 30, 2016:

DESCRIPTION	AMOUNT
Ad Valorem Taxes (Real & Vehicle)	14,876,323
Tax Penalties & Interest	53,000
Penalties & Interest- vehicles	26,500
Tax on Short Term Rental Vehicles	28,000
ABC Board Revenue	197,000
Beer & Wine Tax Revenue	95,000
TWCable TV Franchise	23,000
Concessions and Merchandise	64,800
Contracted Maintenance NCDOT	32,000
Utilities Franchise Tax - State	2,100,000
Powell Bill Allocation - State	675,000
Local Sales Tax & Hold Harmless Funds	4,530,428
Building Permits	40,000
Inspection Fees	30,000
Rezoning, Stone, Burial Fees & Cemetery Fees	20,000
Court Costs, Fees & Charges, parking fees	10,250
Charges for Services - Refuse Collection	1,868,206
Recycling Revenues	21,000
Recreation Program Revenues	343,400
Sales of Fixed Assets / Materials	40,000
Proceeds of Lease Purchase Financing	920,000
Reimbursement from Asheboro City Schools –SRO Officers	240,000
All Other Revenues	164,300
Fund Balance Allocation	
Total Estimated Revenues	26,398,207

Section 3: There is hereby levied a tax at the rate of sixty six and a half cents ($.665) per one hundred ($100) valuation of property as listed for taxes as of January 1for the purpose of raising the revenue listed as " Current Year's Taxes" in the General Fund in Section 2 of this ordinance.

This rate is based on a total valuation of property for the purposes of taxation of $2,306,227,964, and an estimated rate of collection of 97.0%.

Section 4: The following General Fund Fees are hereby adopted for provision of services by the city government for the fiscal year beginning July 1, 2015.

Sanitation Department Fees:

DESCRIPTION	AMOUNT
90 Gallon Residential Garbage Can / per month	$12
90 Gallon Commercial Can / per month	$12
90 Gallon Residential Recycle Can / per month	$2
90 Gallon Commercial Recycle Can / per month	$2
Residential Dumpster / per pick-up	$31
Commercial Dumpster / per pick-up	$31
Above Dumpsters billed monthly based on annualized collection schedule	
Missed Residential Dumpster / per pick-up	$40
Missed Commercial Dumpster / per pick-up	$44
Compaction Dumpster / per pick-up	$44
Missed Compaction Dumpster / per pick-up	$54
Dumpster Rent / per month	$21

Dumpster Clean / Replace / each	$100
Cardboard Dumpster / per pick-up	$20
Recycling Dumpster / per pick-up	$20
Yard Waste Collection per scoop	
First and Second scoop*	$0
Each scoop thereafter*	$12
*Applicable to brush that is within specifications	
Waste left in ditch, curb or street per scoop	$24
Waste out of Specs per scoop	$24
Waste after hours / emergency collection- cost per scoop	$50
Tires Collection / each	$5
C&D /Building Materials / per scoop	$20
Curb side pick-up	$10
Electronics Collection	$10
White Goods Collection	$10

Recycling Transfer Station Fees:

DESCRIPTION	AMOUNT
Tipping Fee per Ton	$48

Planning Department Fees:

DESCRIPTION	AMOUNT
Rezoning	$200
Text Amendment (Ordinance, use list)	$200
Map of CU district Only	$200
SU/CU Permit or amendments	$350
BOA: Appeal	$0
Variance	$250
Interpretation	$250
Watershed Permit	$25
Flood Zone Permit	$75
Zoning Compliance Permits:	
SF Res	$25
Duplex	$100
MF Res	$250
Commercial	$250
Industrial / Institutional	$250
SF Accessory Structure	$25
Accessory Structure Commercial	$50
Accessory Structure Industrial	$50
Accessory Structure Institutional	$50
Soil Evaluation	$10
Change Occupancy	$25
Change Use	$250
Sign / sign type	$25
Land Disturbance Permit	$50
Temp Produce/Seasonal Sales Permit	$50
Limited Duration Event Permit	$50
Certificate of Zoning Compliance:	
SF Res	$25
Duplex	$25
MF Res	$50
Commercial	$100
Industrial	$100
Change use	$100
Subdivision	
Sketch	$100
Preliminary	$200
Final	$200 + $25 per lot
Minor	$100
Zoning Verification Official Letter	
Residential	$25
Non-Residential	$75

Inspection Department Permit Fees:

DESCRIPTION	AMOUNT
Building Permit	$5/$1000 up to $150,000; $1.50/$1,000 thereafter
Minimum Permit	$30
Minimum Sign	$30
Non-bid Jobs (new)	$40/ sq. ft
Habitable Space	$20/ sq. ft
Mobile Home	$100
Swimming Pool	$100
Demolition	$60
Relocate Structure	$120
Plumbing Permit	$5 per fixture, $30 minimum
Sewer Line: House	$30
Sewer Line: Commercial/Large	$100
Heating/ AC Permit	
Boiler	$0.0005/BTU
Gas Line-Residential	$30
Gas Line-Commercial	$50
Gas Furnace/Gas Pack	$50
Heat Pump	$50
Oil Furnace	$50
Air Conditioners: Under 5 tons	$50
Additional per ton over 5	$10
Unit Change out (no duct work)	$25 Residential
Unit Change out (no duct work)	$50 Commercial
Commercial Grease Hood	$50
Mobile Home Heating/ AC Unit	$40
Gas Appliances	$10 each
Minimum Permit	$30
Electrical Permits	
Temporary service	$30
Residential	$50
Commercial	$100 first 5000 sq ft plus $5/1000 sq ft
Service Charge	$30
Service Repair	$30
Mobile Home Service	$50
Sign	$30
Duplex	$100
Apartments (each)	$40
Fee for work started without permit	$100 Maximum

*The Inspection Department fee for work started without required permit(s) shall be double the standard permit fee identified above, up to a maximum of $100, per project notwithstanding the number of permits required.

Fire Inspection Department Permits & Penalties:

Permit: Operational & Construction	$100
Fee for work started without required Permit	$100*
Annual Fire Inspection Re-inspection Fee:	$35
Penalties	
Non-Life Safety / offense /day until corrected before re-inspection	$50
Non-Life Safety/offense/day until corrected after re-inspection	$100
Non-Occupancy Life Safety / offense /day until corrected before re-inspection	$150
Non-Occupancy Life Safety/offense/day until corrected after re-inspection	$300
Occupancy Life Safety / person over limit	$100
Exit Life Safety/ locked, blocked, obstructed exit	$500

*The Fire Inspection Department fee for work started without required permit(s) shall be $100 per project notwithstanding the number of permits required.

Parks & Recreation Fees:

Facility/Activity	Service	City Resident	Non-Resident
LakeLucas:			
	Daily Fishing Permit	$3	$4
	Annual Fishing Permit	$35	$50
	Daily Jon Boat Rental	$8	$12
	Daily Canoe / Kayak Rental	$6	$10
	Daily Kayak/Canoe Launch	$2.50	$3.50
	Annual Kayak/Canoe Launch	$35	$50
	Daily launch fee	$7	$9.50
	Annual launch fee	$100	$135
	Kayak Rental Spaces	$60	$85
	Boat Rental Spaces	$150	$200
Lake Reese:			
	Daily launch fee	$7	$9.50
	Daily Kayak/Canoe Launch	$2.50	$3.50
	Annual Kayak/Canoe Launch	$35	$50
	Annual launch fee	$100	$135
	Daily Duck hunting (per boat)	$12.50	$16
Baseball/Softball Field Rental:			
	Rental per Hour (no lights)	$15	$20
	Rental Per Hour (lights)	$25	$35
	Tournament rental per weekend		
	One field facility	$175	$255
	Two field facility	$300	$400
	Concession Stand/Restroom	$50	$65
	Additional Maintenance	$45	$60
Youth Sports Fees:			
	Registration fee	$30	$50
	Late fee applied after registration deadline	$10	$10
Sunset Theatre Rentals- Applies to All			
	Security Deposit	$100	
	Dark/Rehearsal (multi day, 4 hour max)	$60	
	Non-Profit/ Gov't/ School(single day 8 hour max)	$175	
	General Meeting/Party Rental (4 hour max)	$100	
	Private Event (8 hour max)	$300	
	Commercial/ For Profit (8 hour max)	$450	
Rotary Pavilion at BicentennialPark Rental			
	Security Deposit	$75	$75
	Daily Rate	$325	$400
	Non-Profit Government Rate	$225	$225
SkatePark			
	Daily admission	$1	$2
	15 admissions pass	$10	$25
	1 year unlimited pass	$150	$300
Room Rental (Skate Park)			
	1 hour	$20	$25
	½ day	$60	$75
	Full day	$100	$125
Shelter Rental			
	Memorial Park: 10am-3pm; 3:30pm-dark	$18	$35
	Full day	$35	$70
	All other Parks: 10am-3pm; 3:30pm-dark	$10	$20
	Full day	$20	$40
Tennis Courts			
	Lights per hour per court	$3	$4
Pools:			
	Public Swim (day)		
	2 years & under w/ paying adult	$0	$0
	3 years & older	$2.50	$3.25
	Groups (15+)	$2	$2.75
	Public Swim (night)		
	2 years & under w/ paying adult	$0	$0
	3 years & older	$2	$2.75
	Public Lap Swim	$1	$1.75
	Public Senior Swim	$1	$1.75
	Swimming lessons (group)	$25	$30
	Swimming lessons (private)	$50	$60

Swim Pass (15 admissions)	$30	$40
Pool Rental (2 hr min) 0-49	$150	$225
Pool Rental (2 hr min) 50+	$200	$300
Golf Course:		
Walking Only	$8	$10
Riding 9 holes- w/ green fees	$15	$18
Riding 18 holes- w/ green fees	$21	$25
Twilight (after 3pm) 18 holes w/ green fees	$16	$20
Membership Fees		
Junior (Summer June-August)	$75	$125
Individual	$365	$465
Senior	$290	$390
Senior Couple	$475	$575
Family	$600	n/a
Member Cart Fees		
Nine holes	$6	$7
Eighteen holes	$11	$13
Disk Golf Course		
Tournament Rental per day (8 hrs)	$100	$175

**City Resident/Non-Resident rates are established according to the residence of the individual. City Residents need to obtain a REC card to receive the City Resident Rate.

Downtown Farmer's Market	Member	Additional Space
Daily Fee	$5	$10

Section 5: The following amounts are hereby appropriated in the Water and Sewer Fund for the operation of the city government and its' activities for the fiscal year beginning July 1, 2015 and ending June 30, 2016, in accordance with the chart of accounts heretofore established for this City:

ACCOUNT	DEPARTMENT OR FUNCTION	APPROPRIATION
30-720	Billing and Collecting	375,409
30-810	Water Meter Operations	753,154
30-820	Water Supply and Treatment	2,891,405
30-830	Wastewater Treatment	4,062,708
30-840	Water Maintenance	1,345,370
30-850	Wastewater Maintenance	1,463,172
30-860	Technical Services	196,354
30-870	Systems Maintenance	1,299,909
30-880	Water Quality	696,983
	Total Appropriations	13,084,464

Section 6: It is estimated that the following revenues will be available in the Water and Sewer Fund for the fiscal year beginning July 1, 2015 and ending June 30, 2016:

DESCRIPTION	AMOUNT
Sale of Water	6,658,162
Sewer Charges	5,157,000
Sampling and Monitoring Fees	25,000
Surcharges	100,000
Septic Tank Discharges	43,000
Water and Sewer Connection Fees	43,000
Late & Return Check Fees	365,500
Other Revenues	175,300
Retained Earnings	517,502
Total Estimated Revenues	13,084,464

Section 7: The following Water & Sewer Fund Fees are hereby adopted for provision of services by the city government for the fiscal year beginning July 1, 2015.

Water and Sewer Billing Department

SERVICE	INSIDE CITY	OUTSIDE CITY
Monthly Cost		
Water Minimum Fee	$13.91	$34.78
Sewer Minimum Fee	$17.18	$42.95
Above referenced minimum bill includes 150 cubic ft usage		
Consumption Fee- above min. for all above referenced customers		
Water-per 100 cu. ft. over 150 cu. ft.	$2.74	$6.85
Sewer-per 100 cu. ft. over 150 cu. ft.	$2.81	$7.03
Water Only Service (metered)		
Minimum fee (includes 150 cf usage)	n/a	$34.78
Consumption Fee per 100 cf over min	n/a	$6.85
Sewer Only Service (metered)		
Minimum fee (includes 150 cf usage)	$17.18	$42.95
Consumption Fee per 100 cf over min	$2.81	$7.03
Sewer Only Service (non metered)	$22.80	$45.60
Deposit for Service	$140	$160
Deposits on accounts are applied to final bill upon termination of service		
Low Pressure Sewer System (per pump)	$10	
Fees:		
Return Check/Draft Fee	$25	$25
Partial Payment Fee	$10	$10
Tamper Fee- First Occurrence	$150	$150
Tamper Fee- Second Occurrence	$500	$500
Late payment charge* - tier 1	$10	$10
Late payment charge* - tier 2	$20	$20
Cleaning / Inspection connection	$10	$10

* Payments must be received by 5:00 pm on the due date to avoid the late payment charge. Payments "in route" are subject to the late fee as they are not yet received.

Water and Sewer Maintenance Department

SERVICE	INSIDE CITY	OUTSIDE CITY
Water Tap Rates		
¾" Complete Service	$2,000	$3,000
1" Complete Service	$2,450	$3,675
1 ½" Complete Service	$4,100	$6,150
2" Complete Service	$4,200	$6,300
¾" New Tap	$1,000	$1,500
1" New Tap	$1,225	$1,838
1 ½" New Tap	$2,050	$3,075
2" New Tap	$2,100	$3,150
¾" New Meter, Setter, Box	$1,000	$1,500
1" New Meter, Setter, Box	$1,225	$1,838
1 ½" New Meter, Setter, Box	$2,050	$3,075
2" New Meter, Setter, Box	$2,100	$3,150
¾" New Meter, existing svc.	$250	$375
1" New Meter, existing svc.	$400	$600
1 ½" New Meter, existing svc.	$600	$900
2" New Meter, existing svc.	$750	$1,125
Services not listed	Cost	Cost plus 50%
Sewer Tap Rates		
4" Complete Service	$1,300	$3,250
6" Complete Service	$1,700	$4,250
Services not listed	Cost	Cost plus 100%

Grinder Pump Station Install for low pressure sewer system inside City Limits: $8000

Water Resources Division Fees

WATER/WASTEWATER PARAMETER ANALYSIS

Parameter	Cost/Analysis	Parameter	Cost/Analysis
Acidity	$8.00	Nitrite Nitrogen	$15.00
Alkalinity	$10.00	Total Kjeldahl Nitrogen	$18.00
Ammonia Nitrogen	$18.00	Phosphorus - Total	$15.00
BOD (5-day)	$25.00	Phosphorus - Ortho	$12.00
Chlorine	$10.00	pH & Temperature	$8.00
ULR Chlorine	$15.00	Total Solids	$10.00
Chloride	$15.00	Total Suspended Solids	$10.00
COD	$20.00	Settleable Solids	$8.00
Conductivity	$10.00	Sulfate	$15.00
Cyanide	$30.00	TOC	$30.00
Dissolved Oxygen	$8.00	Turbidity	$10.00
DOC	$40.00	UV254	$25.00
Fluoride	$15.00	Fecal Coliform	$30.00
Hardness - Total	$12.00	E-coli (P/A)	$25.00
Hardness - Calcium	$12.00	Total Coliform (P/A)	$25.00
Hardness - Magnesium	$10.00	Heterotrophic Plate Count	$25.00
Nitrate Nitrogen	$20.00	Source Water (Quanti-Tray)	$30.00

METALS ANALYSIS

Parameter	Cost/Analysis	Parameter	Cost/Analysis
Aluminum	$25.00	Manganese	$20.00
Arsenic	$20.00	Mercury	$30.00
Cadmium	$20.00	Molybdenum	$20.00
Chromium	$20.00	Nickel	$20.00
Copper	$20.00	Selenium	$20.00
Iron	$20.00	Silver	$20.00
Lead	$20.00	Zinc	$20.00

Analysis fees not specified herein will be provided by commercial laboratory at contracted cost

LABORATORY/COMPOSITE SAMPLING CHARGES

Parameter	Cost/Analysis	Parameter	Cost/Analysis
Thermometer Certification (NIST)	$25.00	Annual Curve –Spec Parameter	$100.00
Sampling Cost per day for sites requiring City provided flow proportional sampler	$55.00	Sampling Cost per day for sites with customer provided flow proportional sampler	$30.00

HAULED WASTEWATER CHARGE

Parameter	Cost/Analysis	Parameter	Cost/Analysis
Any tanker truck size up to 2,500 gallons/load (excludes Recreational Vehicles)	$65.00	Recreational Vehicle Tank	$10.00

INDUSTRIAL SURCHARGES

All industrial users of the POTW are subject to industrial waste surcharges on discharges, which exceed the following levels:

Parameter	First Limit	Charges per Pounds In Excess
BOD	300 mg/l	$0.15
COD	750 mg/l	$0.06
TSS	300 mg/l	$0.31
TKN	45 mg/l	$0.92

Section 8: The Budget Officer is hereby authorized to transfer appropriations as contained herein under the following conditions:

a. He/she may transfer between line item expenditures within a department without limitation and without a report being required.
b. He/she may transfer amounts between departments, within the same fund. He/she must make an official report on such transfers in excess of $5,000 at the next regular meeting of the Governing Board.

c. He/she may not transfer any amounts between funds, except as approved by the Governing Board in the Budget Ordinance as amended.

Section 9: The Budget Officer may make cash advances between funds for periods not to exceed 60 days without reporting to the Governing Board.

Section 10: Copies of this Budget Ordinance shall be furnished to the City Clerk, to the Governing Board and to the Budget Officer and Finance Officer to be kept on file by them for their direction in the disbursement of funds. A copy will also be available at the City of Asheboro website- www.asheboronc.gov or www.ci.asheboro.nc.us

TOTAL GROSS BUDGET $39,467,671

Adopted this the 29th day of June 2015.

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

ATTEST:

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

4. Presentation of ordinances to amend the city code to implement the Council's budget decisions.

(a) Mr. Sugg presented and recommended adoption, by reference, of an ordinance harmonizing the provisions of the Code of Asheboro with the adopted budget ordinance for fiscal year 2015-2016.

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

ORDINANCE NUMBER 17 ORD 6-15

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

Amendments to Harmonize the Provisions of the Code of Asheboro with the Adopted Budget Ordinance for Fiscal Year 2015-2016

WHEREAS, Chapter 50 of the Code of Asheboro prescribes general water and sewer regulations for the City of Asheboro; and

WHEREAS, Chapter 51 of the Code of Asheboro prescribes general regulations pertaining to the collection of solid waste and other operations conducted by the city's environmental services department; and

WHEREAS, during a special meeting held on June 29, 2015, the Asheboro City Council adopted a budget ordinance for fiscal year 2015-2016; and

WHEREAS, certain provisions in the Code of Asheboro must be amended to properly implement the legislative decisions made with the adoption of the budget ordinance for fiscal year 2015-2016;

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

Section 1. Section 50.004 of the Code of Asheboro, which pertains to water and sewer connection fees, is hereby rewritten to provide as follows:

§ 50.004 WATER AND SEWER CONNECTION FEES

(A) *Water service connection fee for service to property inside the city limits.* The following fees shall be charged for connection to a city water main for property inside the city limits:

Size	***Complete service to right-of-way***	***New tap only***	***New meter and setter with box only***	***New meter only installed in existing service***
5/8" x 3/4"	~~$1,700~~ $2,000	~~$850~~ $1,000	~~$850~~ $1,000	~~$215~~ $250
1"	~~$2,100~~ $2,450	~~$1,050~~ $1,225	~~$1,050~~ $1,225	~~$350~~ $400
1½"	~~$3,510~~ $4,100	~~$1,755~~ $2,050	~~$1,755~~ $2,050	~~$500~~ $600
2"	~~$3,550~~ $4,200	~~$1,775~~ $2,100	~~$1,775~~ $2,100	~~$650~~ $750

(B) *Water service connection fee for service to property outside city limits.* The following fees shall be charged for connection to a city water main for property outside the city limits:

Size	***Complete service to right-of-way***	***New tap only***	***New meter and setter with box only***	***New meter only installed in existing service***
5/8" x 3/4"	~~$2,550~~ $3,000	~~$1,275~~ $1,500	~~$1,275~~ $1,500	~~$323~~ $375
1"	~~$3,150~~ $3,675	~~$1,575~~ $1,838	~~$1,575~~ $1,838	~~$525~~ $600
1½"	~~$5,265~~ $6,150	~~$2,633~~ $3,075	~~$2,633~~ $3,075	~~$750~~ $900
2"	~~$5,325~~ $6,300	~~$2,663~~ $3,150	~~$2,663~~ $3,150	~~$975~~ $1,125

(C) *Sewer service connection fee for service to property inside city limits.*

(1) Subject to division (C)(2) below, the following fees shall be charged for connection to the city sewer system for property inside the city limits:

Size	***Complete service to right-of-way***
4"	~~$1,100~~ $1,300
6"	~~$1,450~~ $1,700

(2) As an incentive for early connection to the sanitary sewer system, the above-stated sewer service connection fees shall be discounted on the basis of how quickly owners of property required to connect to the sanitary sewer system pursuant to § 50.095 do in fact make the required connections. The baseline for determining the amount of the discount for which a property owner is eligible shall be referred to as the notification date, and this notification date is the date on which the notice required by § 50.099 is deposited by the city with the United States Postal Service for delivery as first class mail. If a sewer service connection is made within two and one-half years of the notification date, the sewer service connection fee shall be waived. If a connection is made after two and one-half years, but before five years have lapsed, the sewer service connection fee shall be discounted by 75%. If a connection is made after five years, but before seven and one-half years have lapsed, the sewer service connection fee shall be discounted by 50%. If a connection is made after seven and one-half years, but before ten years have lapsed, the sewer service connection fee shall be discounted by 25%. No discount shall be available once ten years have lapsed since the notification date. This incentive plan does not apply to extensions of the public sanitary sewer system completed prior to January 1, 2008, and this incentive plan does not apply to extensions of the public sanitary sewer system that are undertaken as part of the major subdivision review and approval process prescribed by the City of Asheboro Subdivision Ordinance or are otherwise initiated by some person or entity other than the city.

(D) *Sewer service connection fee for service to property outside city limits.* The following fees shall be charged for connection to the city sewer system for property outside the city limits:

Size	***Complete service to right-of-way***
4"	~~$2,750~~ $3,250
6"	~~$3,625~~ $4,250

(E) Charges include all street repairs.

(F) When a connection to a city water or sewer facility, which has been extended into an area outside of the city's corporate limits at the sole expense of the city, has been authorized by the City Council pursuant to ~~§ 50.008(C)(2)~~ § 50.008(B)(2) of this chapter, a surcharge shall be imposed on such a connection in addition to any other fee prescribed by this section. The amount of the surcharge shall be calculated by distributing the cost incurred by the city, less any expense offset by the standard connection fee, pro rata between the owners of each parcel of land served by the water or sewer facility to which the connection is to be made. The exact surcharge for any particular water or sewer facility subject to this division shall be listed in the schedule of water/sewer service connection surcharges. This schedule of surcharges shall be maintained in the office of the City Clerk and shall be available for public inspection during regular business hours.

(G) Unlisted water and sewer service items for property inside city limits will be at cost.

(H) Unlisted water service items for property outside city limits will be at cost plus 50%.

(I) Unlisted sewer service items for property outside city limits will be at cost plus 100%.

(J) Approval must be secured from the North Carolina Department of Transportation before state-maintained streets can be cut.

Section 2. Section 50.006 of the Code of Asheboro, which pertains to the payment of service charges, is hereby rewritten to provide as follows:

§ 50.006 PAYING SERVICE CHARGES

(A) Water and sewer accounts are payable to the City Water Department, 146 North Church Street, Asheboro, North Carolina. All bills are due and payable on receipt, and, subject to division (C) of this section, all accounts for which payment is not received by the Water Department within 15 days from the billing date indicated on the bill shall be considered delinquent. Once an account becomes delinquent, a $10 fee shall be assessed against the account as a first tier late fee. If an account remains in a state of delinquency as of the 25th day from the billing date indicated on the bill, an additional $20 fee shall be assessed against the account as a second tier late fee. Upon assessment, any and all late fees shall be immediately due and payable. For all delinquent accounts that are in a state of delinquency of 25 days or more, a ~~reminder~~ cut-off notice shall be mailed which shall specify a final date~~, not prior to ten days after the delinquent date,~~ by which payment must be remitted or service will be discontinued pursuant to and in accordance with § 50.007. The ~~reminder~~ cut-off notice shall also provide notice that customers may submit disputed bills to the Water and Sewer Billing and Collections Department supervisor for review; the supervisor or his or her deputy shall be authorized to make adjustments to the billing amount in accordance with § 50.021 if such is deemed proper following the review ~~and the bill is unpaid~~. The notice shall specify the hours during which a customer may call or come by for a review of disputed unpaid bills. After the review process, any customer who does not pay or make arrangements to pay the ~~adjusted~~ amount determined by the review process to be owed to the city shall be entered on a list of delinquent customers whose services are to be terminated pursuant to and in accordance with § 50.007.

(B) If notification is received that a check has not been honored and has been returned due to insufficient funds or for any other reason, a charge of $25 shall be added to the customer's current bill, and such charge shall become immediately due and payable. Additionally, if payment in full with good funds has not been received within 15 days from the billing date indicated on the customer's bill, the account shall be considered delinquent. In the event an account becomes delinquent due to a financial institution not honoring a check, a $10 late fee shall be assessed against the account as a first tier late fee. If the account is or remains in a state of delinquency as of the 25th day from the billing date, an additional $20 fee shall be assessed against the account as a second tier late fee. A customer shall have five business days from the date of notification to the city that the customer's check has not been honored to make payment in full, including any assessed fees, with good funds to the City Water Department. If the outstanding balance is not paid in full with good funds within the time period specified in the preceding sentence or by the 25th day of the month in which the bill is first due and payable, whichever is later, the customer's water service will be discontinued without further notice pursuant to and in accordance with § 50.007.

Whenever within any 12-month period the city is notified on two separate occasions that a customer's check has been returned due to insufficient funds in the account or for any other reason, such a customer shall be required to make payment in good funds for 12 consecutive billing periods before such a customer is eligible to make payments in any other form.

(C) As with all other customers, water and sewer accounts that are paid by means of automatic draft are payable to the City Water Department, 146 North Church Street, Asheboro, North Carolina. Customers who choose to make payments on their water and sewer accounts by means of automatic draft may make arrangements with the City Water Department to have an appropriate account at a financial institution drafted for payment in full of a regular billing on the tenth day, fifteenth day, twentieth day, or twenty-fifth day of the month in which a bill is due and payable. If notification is received that an attempted automatic draft of a payment has failed due to insufficient funds in a customer's designated account or for any other reason, a charge of $25 shall be added to the customer's current bill, and such charge shall become immediately due and payable. Additionally, if any attempted automatic draft of a customer's account fails and payment in full with good funds has not been received within 15 days from the billing date indicated on the customer's bill, the account shall be considered delinquent. In the event an account becomes delinquent, a $10 late fee shall be assessed against the account as a first tier late fee. If the account is or remains in a state of delinquency as of the 25th day from the billing date, an additional $20 fee shall be assessed against the account as a second tier late fee. A customer shall have five business days from the date of notification to the City Water Department that an automatic draft of the customer's designated account has not been honored to make payment in full, including any assessed fees, with good funds to the City Water Department. If the outstanding balance is not paid in full with good funds within the time period specified in the preceding sentence or by the twenty-fifth day of the month in which the bill is first due and payable, whichever is later, the customer's water service will be discontinued without further notice pursuant to and in accordance with § 50.007. Whenever within any 12-month period the City Water Department is notified on two separate occasions that an attempt to automatically draft a customer's designated account for payment has failed due to insufficient funds in the account or for any other reason, such a customer shall be required to make payment in good funds only for 12 consecutive billing periods before such a customer is eligible to make payments to the city in any form other than good funds.

Section 3. Section 50.007 of the Code of Asheboro, which pertains to the discontinuance of service for delinquent accounts and restoration fees, is hereby rewritten to provide as follows:

§ 50.007 DISCONTINUANCE OF SERVICE FOR DELINQUENT ACCOUNTS; RESTORATION FEE

(A) Any customer whose water and sewer service bill shows that payment is due for the current month and one preceding month shall have his water service discontinued if the account is not paid within 25 days from the billing date indicated on the bill in the greatest state of delinquency.

(B) Any customer who has had service disconnected and who applies for restoration of service shall be considered a new customer; provided, however, that the restoration of service for such a customer shall not relieve the customer of any of his or her obligations and liabilities to the City of Asheboro for any and all outstanding balances, specifically including without limitation any assessed fees, still owed to the City of Asheboro as a consequence of the individual's or entity's past relationship with the City of Asheboro as a customer of the Water and Sewer Department. Furthermore, the provisions of this division of § 50.007 shall not be construed so as to provide relief from restrictions as to the form of payment that will be accepted from a customer when that customer has had water service discontinued pursuant to ~~division (F) of this section and § 50.006 of this chapter~~ divisions (B) and (C) of § 50.006 of this chapter. Prior to the restoration of service to an individual or entity as a new customer under the provisions of this division of § 50.007, such a customer must pay the deposit amount required of a new customer, if the previous deposit was applied to an outstanding balance, plus a minimum of one-half of the total outstanding balance, including any and all service fees and other assessed fees, owed by the individual or entity to the City of Asheboro as a former customer. If a customer makes a partial payment in accordance with this division in order to have service restored at either a previous or a new service address, such a customer shall, prior to the restoration of service, remit to the Water and Sewer Billing Department, in addition to any other fees or charges, a partial payment service fee of $10. The remaining balance of the outstanding debt shall be billed to the customer on the customer's next billing and shall be subject to collection in the same manner as prescribed for any regular bill. Notwithstanding any other provision of this Chapter, a customer may not utilize a partial payment to obtain the restoration of service on more than one occasion during any six calendar month period.

~~(C)(1) When water service has been discontinued to a customer and the customer does not remit payment on his account, the Water and Sewer Billing Department shall send a letter to the last known address of the customer informing him that this matter will be turned over to a collection agency in 30 days of the date of the letter if the account balance is not paid in full within that time period. There will be no set format for this letter. The envelope in which the letter is mailed will bear a request for the Post Office to forward it to any known proper address of the customer.~~

~~(2) If the account balance is not settled within 30 days of the mailing of the above letter, the account is to be turned over to a collection service to be recorded on the customer's credit record. The city shall authorize the collection service to make their best effort to collect the balance due. Any account turned over to the collection service shall be noted by a flag on the customer's record on the city's computer records, so that if an amount is collected, the portion due the collection service under the city's contract with them can be remitted as required. The City Council's approval shall be required before the city can enter into any contract for collection services with a collection agency.~~

(C) In addition to the option to institute a civil suit against a debtor to recover amounts owed, when service has been discontinued to a customer and the customer does not remit payment on the delinquent account, the city finance department may submit a claim for the delinquent amount(s) for which the customer is liable to the state's debt set-off program established under Chapter 105A of the North Carolina General Statutes for recovery against the debtor's state income tax or state lottery winnings, if any.

Section 4. Section 50.016 of the Code of Asheboro, which pertains to the deposit required for water service, is hereby rewritten to provide as follows:

§ 50.016 DEPOSIT REQUIRED FOR WATER SERVICE

All occupants of residential, business, or commercial dwellings, or buildings, other than owners thereof, are required to make a deposit of ~~$110~~ $140 for customers charged inside rates and ~~$140~~ $160 for customers charged outside rates.

Section 5. Section 50.104 of the Code of Asheboro, which pertains to low pressure sewer systems, is hereby rewritten to provide as follows:

§ 50.104 LOW PRESSURE SEWER SYSTEMS

(A) It is the policy of the City of Asheboro to utilize and construct conventional gravity sewer systems in combination with pumping stations and wet wells. All new development proposals shall adhere to this design requirement. In the sole discretion of the City Council, a waiver from this requirement may be granted by the City Council when it is demonstrated to the satisfaction of the governing board that a low pressure sewer system should be used to solve wastewater disposal problems for an existing development because, in the sole judgment of the City Council, a gravity sewer system with pumping stations is not a feasible solution to the wastewater disposal problem.

(B) The provisions of this chapter pertaining to the municipal sanitary sewer system have been enacted in order to create a regulatory framework that addresses the requirements of a conventional gravity sewer system. Unless the context clearly requires otherwise, the provisions of this chapter shall be applied to the fullest extent possible to properly authorized low pressure sewer systems that are operated and controlled by the city. If a conflict develops between the provisions of this section and any other provision in this chapter, the regulation prescribed by this section shall be the controlling authority in cases where a low pressure sewer system is at issue.

(C) Within an existing development that has been approved by the City Council for a low pressure sewer system, the owner of a lot may connect to the city maintained low pressure sewer system only after applying for and receiving a sewer service connection permit from the City of Asheboro Engineering Department. In order to properly apply for such a permit, the property owner must complete an application packet developed by the city and available in the Engineering Department. This packet shall include, by way of illustration and not limitation, an application form and an easement agreement granting a sewer easement to the city over an area described by metes and bounds on a plat of survey procured at the applicant's expense. This executed easement is needed in order to provide city personnel and/or contractors with lawful authorization to enter the lot to install and maintain the needed infrastructure. Once all of the requested information is completed, executed, submitted and accepted by the Engineering Department, a sewer service connection permit will be issued. The city, and only the city or its contractors, will perform the installation of the grinder pump station as a turnkey job.

(D) The sewer service connection permit will not be issued until a fee of ~~$7,000~~ $8,000 is paid to the city in order to reimburse the city for costs associated with the city's installation of a grinder pump station and other infrastructure needed to connect the applicant's structure to the low pressure sewer system. After the installation is complete, a ~~$5~~ $10 maintenance fee will be added as a surcharge to the customer's monthly water/sewer bill, and this monthly surcharge is to be paid in addition to any other charges that appear on the customer's bill in accordance with the provisions found in other sections of this chapter. The monthly revenue realized from the surcharge imposed on every customer served by the low pressure sewer system will be placed in a Grinder Pump Maintenance Reserve Fund that shall be used exclusively for paying costs associated with the repair and maintenance of the low pressure sewer system.

(E) In addition to the sewer main, the section of the low pressure sewer system that will be maintained by the city includes the small diameter force main from the street right-of-way line to the grinder pump wet well, the grinder pump, valves and valve boxes on the small diameter force main, the grinder pump electrical panel, and associated appurtenances. However, the gravity service line from the structure to the grinder pump wet well, electrical connections to the grinder pump panel, and any generators connected to the grinder pump power supply are not included with the city-provided maintenance program. These non-covered items are the sole responsibility of the property owner.

(F) Notwithstanding any other provision of this chapter, customers shall be subject to the following rules and regulations pertaining to negligence or misuse of the system/infrastructure:

(1) ~~Notwithstanding any other provision of this chapter, the~~ The customer shall bear the full cost of repairs to the grinder pump and the associated infrastructure that is attributable to negligence or misuse on the part of the customer. Negligence or misuse includes, by way of illustration and not limitation, the placing of the following items in the sewer system:

(a) Glass;
(b) Metal;
(c) Gravel, sand (including aquarium stone), and coffee grinds;
(d) Seafood shells;
(e) Socks, rags, or cloths;
(f) Plastic;
(g) Sanitary napkins or tampons;
(h) Disposable diapers;
(i) Kitty litter;
(j) Explosives;
(k) Flammable materials;
(l) Lubricating oil, grease, cooking oil, paint;
(m) Strong chemicals;
(n) Gasoline or diesel fuel; and
(o) Stormwater runoff.

(2) When a customer engages in negligence or misuse of the grinder pump, and the city or its contractor has to repair the resulting damage, the full cost of such repairs shall be billed to the customer as a charge on the next monthly water/sewer bill. Such a charge is subject to collection in the same manner as any other charge invoiced on a customer's bill for services rendered by the city's water/sewer utility.

Section 6. Section 51.35 of the Code of Asheboro, which pertains to fees charged to commercial sanitation customers, is hereby rewritten to provide as follows:

§ 51.35 USER CHARGES FOR COMMERCIAL SANITATION CUSTOMERS

(A) A charge of ~~$27.00~~ $31.00 per regularly scheduled pick-up of a dumpster, ~~$10.00~~ $12.00 per month per solid waste disposal can, ~~$1.00~~ $2.00 per month for each recycling container, and $10.00 per month for curbside pick-up of solid waste material equivalent in volume to the capacity of a commercial can is hereby established for commercial sanitation customers. The charge for compaction dumpsters shall be $44.00 per regularly scheduled pick-up. Additional pick-ups for commercial dumpsters shall be $40.00 per pick-up, and additional pick-ups for compaction dumpsters shall be $54.00.

(B) Dumpsters may be rented from the city by a commercial customer at a rental rate of $21.00 per dumpster per month. A customer's eligibility to rent a dumpster from the city is contingent on the customer utilizing the city as the exclusive provider of solid waste collection services for the rented dumpster(s). The city's environmental services department will terminate, without any penalty to the city, the rental relationship with a customer and will immediately retrieve any and all dumpsters rented to a customer if a solid waste collection service other than the city is found to have collected materials from a city-owned dumpster. The city will replace a dumpster previously rented from the city with a cleaned dumpster upon the request and agreement of the customer to receive this service at a charge of $100.00 per dumpster each time such a request is made.

(C) For purposes of this section and throughout Chapter 51, commercial customer is hereby defined as any customer which is a non-residential or a non-industrial user.

(D) Cans provided exclusively by the city may be used as a substitute for dumpsters in areas approved by the environmental services department.

(E) A one pick-up per week minimum is hereby established for any commercial customer using a dumpster.

(F) The collection charges instituted in this section will be added to the sanitation customer's water and sewer bill. Payment terms will be the same as for the water and sewer bill. In the event of nonpayment of this charge, collection of the customer's refuse/recyclables will be discontinued until payment is remitted in full. All payments for solid waste/recycling services user fees and water and sewer charges whether full or partial payments shall be applied to the customer's account as follows: First, to any solid waste services user fee charges including any arrears charges; second, to any recycling services user fee charges including arrears charges; and third, to any water and sewer charges including arrears charges. In the event of partial payments, the utility charges will be considered outstanding and the prescribed disconnection of services for non-payment will be enforced.

(G) Unless arrangements are made otherwise and the city is notified of these arrangements, all property owners renting premises to a commercial sanitation customer shall be responsible for the charges specified in this section. Responsibility for payment of the charges may be passed to the renter of the premises if the city billing department is notified of this arrangement.

(H) All property owners are deemed responsible to maintain their lots and locate their dumpsters or cans in a fashion that allows the city sanitation trucks acceptable access to the dumpsters or cans.

(I) All property owners must complete a Dumpster Permit and sign a hold harmless agreement.

(J) The city is not liable for any damages resulting to parking lots, drives, and the like caused by the weight of the trucks used for the dumpster pick-ups. Each property owner is expected to maintain a lot or drive of sufficient structure to support the weight of the collection trucks.

(K) No refuse which is unacceptable as routine refuse at the landfill will be collected from commercial sanitation customers. Examples of unacceptable waste include but are not limited to: hazardous waste, tires, batteries, medical waste, yard waste, liquid waste, and white goods. Any receptacles containing any of these materials will not be picked up by the sanitation department until the unacceptable material are removed.

(L) The commercial customer is responsible for the contents of its containers. The city is not responsible for policing containers to prevent dumping of unacceptable waste, or refuse from individuals not related to the commercial customer.

Section 7. Section 51.36 of the Code of Asheboro, which pertains to fees charged to residential sanitation customers, is hereby rewritten to provide as follows:

§ 51.36 USER CHARGES FOR RESIDENTIAL SANITATION CUSTOMERS

(A) A charge of ~~$5.00~~ $12.00 per month for each solid waste disposal container provided by the city and assigned to a residential dwelling, ~~$1.00~~ $2.00 per month for each recycling container provided by the city and assigned to a residential dwelling, and ~~$27.00~~ $31.00 per regularly scheduled pick-up of a residential dumpster is hereby established for residential sanitation customers. Additional pick-ups for residential dumpsters shall be $40.00 per pick-up.

(B) The collection charges instituted in this section will be added to the sanitation customer's water and sewer bill. Payment terms will be the same as for the water and sewer bill. In the event of nonpayment of this charge, collection of the customer's refuse/recyclables will be discontinued until payment is remitted in full. All payments for solid waste/recycling services user fees and water and sewer charges whether full or partial payments shall be applied to the customer's account as follows: First, to any solid waste services user fee charges including any arrears charges; second, to any recycling services user fee charges including arrears charges; and third, to any water and sewer charges including arrears charges. In the event of partial payments, the utility charges will be considered outstanding and the prescribed disconnection of services for non-payment will be enforced.

(C) All residential premises located within the corporate limits of the City of Asheboro shall be assumed to be using the solid waste and recycling collection services offered by the city. The occupants of the premises shall be charged for these services so long as the premises remain in the city limits, are or have previously been improved for residential dwelling purposes, and contractual arrangements for solid waste collection services have not been made with an entity other than the City of Asheboro. In the absence of documentation to establish otherwise, the customer of record with the city's water billing office shall be deemed to be the occupant of the premises receiving solid waste/recycling collection services and shall be responsible for all of the associated fees that will be charged each month.

(D) In the case of disputes about the fees charged pursuant to the provisions of this section, the City Manager, or his designee, shall have the authority to adjust any fee charged after the Manager or other designated official has reviewed the circumstances surrounding the charge and determined,

consistent with the provisions of the Code of Asheboro, that the disputed charge was added to the customer's account in error.

(E) Provisions Specific to Residential Dumpsters:

(1) Dumpsters may be rented from the city by a residential sanitation customer at a rental rate of $21.00 per dumpster per month. A customer's eligibility to rent a dumpster from the city is contingent on the customer utilizing the city as the exclusive provider of solid waste collection services for the rented dumpster(s). The city's environmental services department will terminate, without any penalty to the city, the rental relationship with a customer and will immediately retrieve any and all dumpsters rented to a customer if a solid waste collection service other than the city is found to have collected materials from a city-owned dumpster. The city will replace a dumpster previously rented from the city with a cleaned dumpster upon the request and agreement of the customer to receive this service at a charge of $100.00 per dumpster each time such a request is made.

(2) A one pick-up per week minimum is hereby established for any residential customer using a dumpster.

(3) Unless arrangements are made otherwise and the city is notified of and agrees to these arrangements, the owner(s) of the real property where a residential dumpster is located shall be responsible for the charges specified in this section.

(4) The owner of the property upon which a dumpster is located is deemed responsible for the maintenance of the premises in general and the location of the dumpster site in particular so as to allow the environmental services department's trucks reasonable access to the dumpster.

(5) In order to receive residential dumpster service, all property owners must complete a dumpster permit and properly execute a hold harmless agreement in favor of the city.

(6) The city shall not be liable for any damages resulting to parking lots, drives, and the like caused by the weight of the trucks used for dumpster pick-up. Each property owner is expected to maintain a lot or drive of sufficient structure to support the weight of the collection trucks.

(F) No refuse which is unacceptable as routine refuse at the landfill will be collected from residential sanitation customers. Examples of unacceptable waste include but are not limited to: hazardous waste, tires, batteries, medical waste, yard waste, liquid waste, and white goods. Any receptacles containing any of these materials will not be picked-up by the environmental services department until the unacceptable materials are removed.

(G) The owner of the premises where the dumpsters/containers are located and the residents utilizing the dumpsters/containers are responsible for the contents of the containers. The city is not responsible for policing containers to prevent the dumping of unacceptable waste, or refuse from individuals not related to the customer(s).

Section 8. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 9. This Ordinance shall take effect and be in full force from and after July 1, 2015.

This Ordinance was adopted by the Asheboro City Council in open session during a special meeting held on the 29th day of June, 2015.

/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

(b) Mr. Sugg presented and recommended adoption, by reference, of an ordinance amending the schedule of deposits, fees, and charges administered by the Cultural and Recreation Services Departments for fiscal year 2015-2016.

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

ORDINANCE NUMBER 18 ORD 6-15

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

Amendments to the Schedule of Deposits, Fees, and Charges Administered by the Cultural and Recreation Services Departments for Fiscal Year 2015-2016

WHEREAS, Section 98.01 (Adoption by Reference) of the Code of Asheboro provides that the City of Asheboro Cultural and Recreation Services Policy Manual (the "Manual") has been adopted by the Asheboro City Council by reference and made a part of the Code of Asheboro; and

WHEREAS, Section 19.2 of the Manual provides for a Schedule of Deposits, Fees, and Charges Administered by the Cultural and Recreation Services Departments (the "Schedule of Fees") that is to be approved by the Asheboro City Council and maintained in the offices of the city clerk and the recreation services superintendent; and

WHEREAS, during a special meeting held on June 29, 2015, the Asheboro City Council adopted a budget ordinance for fiscal year 2015-2016; and

WHEREAS, certain provisions in the Schedule of Fees must be amended to properly implement the legislative decisions made by the City Council with the adoption of the budget ordinance for fiscal year 2015-2016; and

WHEREAS, the amended Schedule of Fees that reflects the budget decisions made by the City Council with the adoption of the city's budget ordinance for fiscal year 2015-2016 is attached hereto as EXHIBIT 1 and is hereby incorporated into this Ordinance by reference as if copied fully herein; and

WHEREAS, the City Council has concluded that it is proper to give final approval to the amended Schedule of Fees found in the attached EXHIBIT 1;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina that, effective July 1, 2015, the attached EXHIBIT 1 with the amended Schedule of Fees for fiscal year 2015-2016 is hereby approved; and

BE IT FURTHER ORDAINED that the said amended Schedule of Fees shall be in full force and effect on and after July 1, 2015, and that all previously adopted ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed effective July 1, 2015.

This Ordinance was adopted by the Asheboro City Council in open session during a special meeting held on the 29th day of June, 2015.

/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

[The above-referenced EXHIBIT 1 is on file in the City Clerk's office.]

5. Presentation of an ordinance to align the city privilege license tax provisions with changes in state law.

Mr. Sugg presented and recommended adoption, by reference, of an ordinance to align the City of Asheboro privilege license tax provisions with enactments of the North Carolina General Assembly.

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

ORDINANCE NUMBER 19 ORD 6-15

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

Ordinance to Align the City of Asheboro Privilege License Tax Provisions with Enactments of the North Carolina General Assembly

WHEREAS, Section 160A-211 of the North Carolina General Statutes has, for a significant period of time, provided authorization for cities "to levy privilege license taxes on all trades, occupations, professions, businesses, and franchises carried on within the city;" and

WHEREAS, on the basis of this statutory authorization, the City Council of the City of Asheboro has previously exercised this taxing authority by means of enacting Chapter 110 of the Code of Asheboro; and

WHEREAS, Part XII of North Carolina Session Law 2014-3 repeals, effective July 1, 2015, the privilege tax authorization found in Section 160A-211 of the North Carolina General Statutes; and

WHEREAS, the repeal of this enabling authority for the city to levy a broad range of privilege license taxes has led to a review of the business regulations in the Code of Asheboro; and

WHEREAS, on the basis of this review, the city staff has recommended, and the City Council concurs with this this recommendation, to amend the Code of Asheboro as specified herein for the purpose of updating and conforming the city's code of ordinances with the amendments to the North Carolina General Statutes that will become effective as of July 1, 2015;

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

Section 1. Chapter 110 of the Code of Asheboro is hereby rewritten to provide as follows:

~~CHAPTER 110: GENERAL LICENSE PROVISIONS~~

~~§ 110.01 DEFINITIONS~~

~~For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~BUSINESS.~~ ~~Each trade, occupation, profession, business, and franchise taxed under this chapter.~~

~~PERSON.~~ ~~Includes any individual, trustee, executor, other fiduciary, corporation, limited liability company, unincorporated association, partnership, sole proprietorship, company, firm, or other legal entity.~~

~~SEASONAL.~~ ~~A business is *SEASONAL* in nature when it is conducted for profit six months out of the year or less.~~

~~§ 110.02 CONSTRUCTION OF THIS CHAPTER~~

~~This chapter is enacted for revenue purposes only. Therefore, it should be construed to require payment of the maximum tax permitted under its terms. In addition, issuance of a license in accordance with this chapter does not excuse a licensee from compliance with any other applicable ordinance or statute. This chapter does not prevent the city from imposing license taxes on additional businesses, from increasing or decreasing the amount of any license tax, or from regulating any business taxed.~~

~~§ 110.03 LEVY~~

~~An annual privilege license tax is hereby levied on each business conducted within this city that is listed in §§ 110.34 through 110.35 in the amounts set forth in those sections.~~

~~§ 110.04 WHO MUST PAY TAX~~

~~Each person who conducts a business within this city is subject to this chapter. A person conducts business within this city when the person both:~~

~~(A) Engages in one or more acts of business taxed under this chapter; and~~

~~(B) The person has an office, headquarters, store, display area, or some other physical space, including by way of illustration and not limitation a mobile unit or an inventory of goods for sale that is transported with a person such as a peddler, within the city limits and from which one or more taxable business acts are transacted.~~

~~§ 110.05 PERIOD OF LICENSE; DUE DATE~~

~~(A) *Annual licenses.* Unless the section of this chapter levying the privilege license tax applicable to a particular business provides otherwise, a license issued in accordance with this chapter is good for the 12-month period beginning July 1 and ending the following June 30. The tax is due on July 1 of each year. However, if a person begins a business after July 1 of a year, the tax for that year is due before the business is begun.~~

~~(B) *Licenses for periods shorter than one year.* If the section of this chapter levying the privilege license tax applicable to a particular business so provides, a license may be issued for a period of one day, one week, or some comparable period of less than a full license year. A person may not commence a business conducted within the city and taxed under such a provision until the privilege license tax due is paid and may not continue such a business beyond the period for which the license is issued.~~

~~§ 110.06 PRORATION OF TAX~~

~~If a business is begun after January 31 and before July 1, the amount of tax due is half the amount otherwise due. If a business is seasonal in nature and if the amount of tax is not based on gross receipts, the amount of tax is half the amount otherwise due.~~

~~§ 110.07 REFUNDS~~

~~If for any reason a licensee discontinues his or her business during the license year, he or she is not entitled to a refund.~~

~~§ 110.08 SEPARATE BUSINESSES~~

~~A separate license is required, and a separate privilege license tax must be paid for each place of business unless two or more places of business under common ownership are contiguous to each other, communicate directly with and open into each other, and are operated as a unit. In addition, a separate privilege license tax must be paid for each business taxable under this chapter that is conducted by the taxpayer at any one location; however, the City Clerk may issue a single license for all taxable business conducted at one location by a single taxpayer.~~

~~§ 110.09 COMPUTATION OF TAX BASED ON GROSS RECEIPTS~~

~~(A) Whenever this chapter levies a privilege license tax computed on the basis of gross receipts, "gross receipts" means the amount reported as gross receipts on a business's state income tax return, or on the federal income tax return filed with the state income tax return if the state return does not separately state gross receipts for the most recently completed tax year.~~

~~(B) If a business has not been in operation long enough for the information required in division (A) of this section to be available, the City Clerk shall estimate gross receipts for the business on the basis of gross receipts of comparable businesses, or any other information that the City Clerk considers useful.~~

~~(C) On or before the July 31 immediately after the license year, each licensee who paid the tax for the past license year based on estimated gross receipts shall submit to the City Clerk a sworn final report showing the amount of gross receipts for the license year. If the amount shown is more than estimated gross receipts, the licensee shall pay the amount of additional tax that would have been due had the estimate been accurate. If the amount shown is less than estimated gross receipts, the city shall refund to the licensee the difference between the actual tax paid and the amount of tax that would have been due had the estimate been accurate.~~

~~§ 110.10 EXEMPTION~~

~~(A) *Generally.* Except as otherwise provided in this section or by state law, no person is exempt from the payment of a privilege license tax levied by this chapter.~~

~~(B) *Charitable organizations.* A person who operates a business for a religious, educational, civic, patriotic, charitable, or fraternal purpose, when the entire gross income of the business is used for such purpose, is exempt from paying any privilege license tax levied by this chapter.~~

~~(C) *Must obtain license.* A person exempt from paying a privilege license tax levied by this chapter shall nevertheless obtain a license from the City Clerk. The license shall state that the licensee is exempt from paying the privilege license tax.~~

~~§ 110.11 APPLICATION~~

~~A person shall apply to the City Clerk for each license required by this chapter no less than 30 days before the date the tax is due. The application, which shall be submitted on forms provided by the City Clerk, shall contain:~~

~~(A) The name of the applicant and whether the applicant is an individual, a partnership, a corporation, a limited liability company, or some other entity;~~

~~(B) The nature of the business;~~

~~(C) Where the business is conducted;~~

~~(D) An address where notices and statements may be mailed to as required by this chapter;~~

~~(E) Whether the business is regulated by a state occupational licensing board subject to G.S. Chapter 93B, and if so, the serial number of the state license the applicant currently holds; and~~

~~(F) Any other information the City Clerk determines to be necessary to compute the amount of tax due.~~

~~§ 110.12 REASONS FOR REFUSAL OR REVOCATION OF A LICENSE~~

~~The City Clerk shall refuse to issue a license or shall revoke a license for any of the following reasons:~~

~~(A) The applicant misrepresents a fact relevant to either the amount of tax due or his or her qualification for a license.~~

~~(B) The applicant refuses to provide information necessary to compute the amount of tax due.~~

~~(C) The applicant fails to present to the City Clerk a properly issued permit or certificate of approval from the appropriate city official where such a permit or form of approval issued by an official or unit of the city is required of the applicant.~~

~~§ 110.13 UNQUALIFIED APPLICANTS; RIGHT TO A CONFERENCE~~

~~(A) After receipt of the completed application, if the City Clerk believes that a reason exists for refusing a license under § 110.12, the City Clerk shall refuse to accept payment of the tax and shall not issue the license. At the applicant's request, the City Clerk shall, in accordance with § 110.22, give the applicant a written statement of the reason for refusing the license. The applicant may, within 10 days of his or her receipt of the statement, request a conference to discuss the refusal. In the request, the applicant shall specify why the application for a license should not be refused. The City Clerk shall arrange the conference within a reasonable time.~~

~~(B) If the City Clerk refuses to issue a license, the applicant may reapply for a license at any time thereafter. If the reason for which the application was refused no longer exists, and if no other reason exists for refusing to issue a license, the City Clerk shall issue the license in compliance with § 110.14.~~

~~§ 110.14 CITY CLERK TO ISSUE LICENSE; PAYMENT OF TAX A PREREQUISITE~~

~~After receipt of the completed application, if the City Clerk believes that no reason exists for refusal of a license under § 110.12, the City Clerk shall determine the amount of tax due and notify the applicant of that amount. The City Clerk shall not issue a license until the tax is paid.~~

~~§ 110.15 AMOUNT OF TAX DISPUTED~~

~~If disputes arise over the amount of the privilege license tax the City Clerk determines to be due, the applicant may either refuse to pay and request a conference with the City Clerk to discuss the determination or pay the amount and request a conference to discuss the right to a refund. If a conference is requested, the City Clerk shall arrange it within a reasonable time.~~

~~§ 110.16 REVOCATION~~

~~(A) The City Clerk shall revoke a license if a reason exists to revoke it as set forth in § 110.12. Before revoking a license, the City Clerk shall give the licensee written notice of the grounds for revocation, in accordance with § 110.22. The licensee may within 10 days after the day on which the notice is served request in writing a conference with the City Clerk. The request shall specify the reasons~~

~~why the license should not be revoked. The City Clerk shall arrange the conference within a reasonable time.~~

~~(B) If the licensee fails to request a conference within 10 days after the day on which notice is served, the City Clerk shall revoke the license. If the licensee requests a conference, the City Clerk may not revoke the license until after the conference.~~

~~(C) If the City Clerk revokes a license, the former licensee may apply for a new license at any time thereafter. If the reason for which the license was revoked no longer exists and if no other reason exists for refusing to issue a license, the City Clerk shall issue the license in accordance with § 110.14.~~

~~§ 110.17 FORM AND CONTENTS OF LICENSE~~

~~A license shall show the name of the person licensed, the place where the business is conducted (if it is to be conducted at one place), the nature of the business licensed, the period for which the license is issued, and the amount of tax paid. In addition, if a machine is licensed, the license shall show the serial number of the machine. The City Clerk shall keep a copy of each license issued.~~

~~§ 110.18 ASSIGNMENTS~~

~~(A) A license may be assigned if:~~

~~(1) A business licensed under this chapter and carried on at a fixed place is sold as a unit to any person, and~~

~~(2) The purchaser is to carry on the same business at the same place.~~

~~(B) Such a change shall be reported to the City Clerk in accordance with § 110.19. Otherwise, each license issued under this chapter is a personal privilege and is not assignable.~~

~~§ 110.19 CHANGES IN THE BUSINESS CONDUCTED BY LICENSEE DURING THE TAX YEAR~~

~~(A) *Report of changes.* A licensee or assignee shall report a change in the information contained in the license application to the City Clerk within 10 days after the change occurs. If information shown on the license itself is affected, the licensee or assignee shall surrender the license to the City Clerk when reporting the change.~~

~~(B) *Changes affecting the amount of tax due.* If there are no reasons for revoking the license under § 110.12, and the change results in the imposition of a separate or additional tax, the City Clerk shall reissue a license reflecting the change upon payment of the separate or additional tax.~~

~~(C) *Changes not affecting the amount of tax due.* If there are no reasons for revoking the license under § 110.12 and the change does not result in an imposition of a separate or additional tax, the City Clerk shall reissue a license reflecting the change upon payment of a fee of $1.~~

~~(D) *Change requiring refusal of a license.* If there is reason for revoking the license under § 110.12, the City Clerk shall refuse to reissue a license and shall instead begin proceedings to revoke the license in accordance with § 110.16.~~

~~§ 110.20 CITY CLERK TO FURNISH DUPLICATES~~

~~Upon satisfactory proof that a license has been lost or destroyed, the City Clerk shall furnish a duplicate for a fee of $1.~~

~~§ 110.21 RECORD OF CONFERENCES~~

~~The City Clerk shall maintain for three years a record of each conference held in accordance with this chapter. The record shall contain the applicant's or licensee's name, the date of the conference, a brief statement of the issue(s) discussed, and the result reached. After three years, the City Clerk shall dispose of the record in accordance with G.S. 121-5.~~

~~§ 110.22 PROVIDING NOTICE TO AN APPLICANT OR LICENSEE~~

~~Whenever this chapter requires the City Clerk to give a written statement or notice to an applicant or a licensee, the City Clerk may do so in one of three ways:~~

~~(A) By personally delivering the statement or notice to the applicant or licensee;~~

~~(B) By mailing the statement or notice by registered or certified mail and returning the receipt requested to the address specified for that purpose in the license application; or~~

~~(C) By causing the statement or notice to be served on the applicant or licensee in accordance with the procedures for service of process under Rule 4, North Carolina Rules of Civil Procedure.~~

~~§ 110.23 DUTY TO DETERMINE WHETHER TAX DUE~~

~~Each person has the duty to determine whether the business he or she conducts is taxed under this chapter and if so, whether that tax has been paid for the current tax year.~~

~~§ 110.24 CITY CLERK TO INVESTIGATE~~

~~If the City Clerk has reason to believe that a person is conducting a business in the city in violation of this chapter, the City Clerk shall conduct an investigation to determine the person's tax liability.~~

~~§ 110.25 DUTY TO KEEP BOOKS~~

~~Each person who conducts a business taxed under this chapter shall keep all records and books necessary to compute the tax liability. If a person fails to keep books and records as required, the City Clerk shall make a determination of that person's tax liability from the information available.~~

~~§ 110.26 DUTY TO PERMIT INSPECTION~~

~~Each person who conducts business in the city shall permit the City Clerk or the Clerk's designee to inspect the business premises during normal business hours to determine the nature of the business conducted there and to examine the books and records to determine the nature and amount of business transacted.~~

~~§ 110.27 DUTY TO POST LICENSE~~

~~A licensee shall post the license or licenses conspicuously in the place of business licensed. If the licensee has no regular place of business, the license must be kept where it may be inspected at all times by the proper city officials. If a machine is licensed, the license shall be affixed to the machine.~~

~~§ 110.28 NOTICE OF DEFICIENCY~~

~~If the City Clerk determines that a person has not paid the full amount of tax due under this chapter, either for the current license year or for a prior license year, the City Clerk shall give the person written notice of the deficiency, in accordance with § 110.22. The notice of deficiency shall specify the total amount of tax due; the section of this chapter upon which the tax is based; the amount of tax paid; any interest due; the balance owed; the manner and time period in which the person may respond to the notice of the deficiency; and the consequences of failing to respond as specified.~~

~~§ 110.29 REQUEST FOR A CONFERENCE~~

~~The person may, within 10 days after the day on which notice of deficiency is served, request a conference in writing. The request shall specify the person's objections to the notice of deficiency. By way of illustration but not limitation, a person who receives notice of a deficiency may object on the following grounds:~~

~~(A) That the tax due has already been paid;~~

~~(B) That the City Clerk miscalculated the amount of tax due;~~

~~(C) That the City Clerk based her calculation on incorrect or insufficient information concerning either the nature or the amount of business conducted; or~~

~~(D) That the City Clerk based the determination on an erroneous interpretation of a section of this chapter that establishes a category of business subject to a particular tax.~~

~~§ 110.30 DEFICIENCY TO BECOME FINAL~~

~~If the taxpayer fails to request a conference under § 110.29, the deficiency becomes final, and the City Clerk shall proceed to collect the deficiency.~~

~~§ 110.31 CONFERENCE HELD~~

~~If the taxpayer makes a timely request for a conference, the City Clerk shall not proceed to collect the deficiency until hearing the taxpayer's objections and determining that the deficiency should become final. The City Clerk shall maintain for three years a record of each conference held in accordance with § 110.29. The record shall contain the name of the taxpayer, the date of the conference, a brief statement of the~~

~~issues discussed, and the results of the discussion. After three years, the City Clerk shall dispose of the record in compliance with G.S. 121-5.~~

~~§ 110.32 COLLECTION OF DEFICIENCY~~

~~(A) The City Clerk may use any of the following methods to collect a deficiency:~~

~~(1) Criminal prosecution in accordance with § 110.33(A);~~

~~(2) Equitable relief in accordance with § 110.33(B); or~~

~~(3) The remedies of levy, sale, attachment, and garnishment in accordance with G.S. 160A-207.~~

~~(B) Any person who continues to conduct a business taxed under this chapter without payment of the tax is liable for the additional tax of 5% every 30 days as imposed by G.S. 105-109.~~

~~§ 110.33 ENFORCEMENT OF CHAPTER~~

~~(A) *Criminal Remedies.* Conducting business within this city without having paid the privilege license tax imposed by this chapter, or without a valid license issued in accordance with this chapter, or without posting a license in compliance with § 110.27 is a misdemeanor, punishable as provided by G.S. 105-109 or G.S. 14-4. Each day that a person conducts business in violation of this chapter is a separate offense. Payment of a fine imposed in criminal proceedings in accordance with this section does not relieve a person of the liability for taxes imposed under this chapter.~~

~~(B) *Equitable Remedies.* In addition to the criminal remedies set forth in division (A) of this section and in compliance with G.S. 160A-175(d), the city may seek an injunction against any person who conducts a business in violation of this chapter.~~

~~§ 110.34 SCHEDULE OF PRIVILEGE LICENSE TAXES FORMERLY TAXED BY THE STATE UNDER ARTICLE 2 OF G.S. CHAPTER 105~~

~~(A) *Tax schedule.* The following businesses shall pay a tax in accordance with the amounts set forth in G.S. Chapter 105:~~

~~***BUSINESS TYPE***~~	~~***G.S. SECTION***~~
~~Barber shops and beauty parlors~~	~~160A-211~~
~~Bicycle dealers~~	~~105-102.5~~
~~Bowling alleys~~	~~105-102.5~~
~~Campgrounds and trailer parks~~	~~105-102.5~~
~~Collection agencies~~	~~105-45~~
~~Contractors~~	~~105-54~~
~~Dealers in firearms and other weapons~~	~~105-80~~
~~Electronic video games~~	~~105-66.1~~
~~Emigrant and employment agents~~	~~105-90~~
~~Fortune tellers~~	~~105-58~~
~~Hotels and motels~~	~~105-61~~
~~Installing elevators and sprinkler systems~~	~~105-55~~
~~Loan agencies~~	~~105-88~~
~~Manufacturers and sellers of ice cream~~	~~105-97~~
~~Motorcycle dealers~~	~~105-89.1~~
~~Movie theaters~~	~~105-37~~
~~Music machines~~	~~105-65~~
~~Outdoor advertising~~	~~105-86~~
~~Outdoor theaters~~	~~105-36.1~~
~~Pawnbrokers~~	~~105-88~~
~~Peddlers, itinerant merchants, and specialty market operators~~	~~105-53~~
~~Pinball and similar amusements~~	~~105-102.5~~
~~Pool tables~~	~~105-102.5~~

~~Sale of pianos and record players~~	~~105-102.5~~
~~Service stations, wholesale supply dealers, and automobile dealers~~	~~105-89~~
~~Sundries~~	~~105-102.5~~
~~Undertakers~~	~~105-46~~

(B) ~~*Restaurants.* Every person engaging in the business of operating a restaurant, cafe, cafeteria, hotel with a dining service on the European plan, drugstore, or other place where prepared food is sold shall pay a privilege license tax of:~~

~~(1) $25 for a business that has seats for four customers or less; or~~

~~(2) $42.50 for a business that has seating for at least five customers.~~

~~(3) The provisions of this division are not applicable to either food items sold through vending machines or nonprofit cafes or cafeterias located in industrial plants for the convenience of employees.~~

~~(C) *Dry Cleaners.* Every person engaging in the business of operating a cleaning plant, pressing club, or hat-blocking establishment shall pay a privilege license tax of $50 for each business location if the licensee does not solicit business outside of Randolph County. If the licensee solicits business outside of Randolph County, the privilege license tax shall be $100 for each business location. The tax levied under this division shall only be charged if the business is located in the corporate limits of the city. If a dry cleaning or pressing business has several pick-up stations or receiving outlets in the city, only one privilege license tax shall be levied on the business; a separate tax may not be charged for each station.~~

~~(D) *Laundries.* Every person engaging in the business of operating a laundry, including wet- or damp-wash laundries and businesses known as launderettes, launderalls, and similar types of businesses, shall pay a privilege license tax of $50 for each business location if the licensee does not solicit business outside of Randolph County. If the licensee solicits business outside of Randolph County, the privilege license tax shall be $100 for each business location. For purposes of this division, a laundry includes a person engaging in the business of supplying or renting clean linen or towels or wearing apparel. The tax levied under this division shall only be charged if the business is located in the corporate limits of the city. If a laundry has several pick-up stations or receiving outlets in the city, only one privilege license tax shall be levied on the business; a separate tax may not be charged for each station.~~

~~(E) *Plumbers, Heating Contractors, and Electricians.*~~

~~(1) Every person engaging in the business of a plumber or installing plumbing fixtures, piping, or equipment; a steam or gas fitter or installing hot-air heating systems; installing electrical equipment; or offering to perform such services shall pay a privilege license tax of $50. Any person engaged exclusively in the businesses enumerated in and licensed under this division shall not be liable for the tax on contractors, construction companies, installers of elevators and automatic sprinkler systems, and persons repairing elevators and automatic sprinkler systems.~~

~~(2) With respect to electricians and electrical contractors, a license procured under this division shall cover the installation of electrical equipment, fixtures, and wiring in or upon the consumer's premises, or on the "customer's side" of the point of delivery of electric service, but shall not cover the installation of or service to transmission or distribution lines or work on the "distributor's side" of the point of delivery of electric service. With respect to plumbers and plumbing contractors, a license procured under this division shall cover plumbing work and plumbing installation in buildings, upon the premises upon which the buildings are situated, and up to the connection with the sewer or water mains, but shall not cover the construction of or work upon water or sewer systems or mains.~~

~~§ 110.35 SUPPLEMENTAL SCHEDULE OF PRIVILEGE LICENSE TAXES~~

~~The following businesses shall pay the amounts specified in this schedule.~~

~~ABATTOIRS. Every person engages in the business of operating an abattoir (establishment where animals are butchered), per annum~~	~~$50.00~~

~~ADVERTISING. Advertising not otherwise specifically taxed (outdoor advertising another classification), per annum~~	~~$17.50~~
~~AUTOMOTIVE CAR WASH. Per annum~~	~~$25.00~~
~~BALLOONS, NOVELTIES, SOUVENIRS, CURIOS AND FLAGS. Every person offering for sale balloons, novelties, souvenirs, curios, flags:~~	-
~~- Per person per day~~	~~$5.00~~
~~- Per person per week~~	~~$20.00~~
~~BED AND BREAKFAST. Every person offering their residence for the purpose of paying guest and serving at least one meal a day for as many as ten people shall pay per annum.~~	~~$10.00~~
~~CONCRETE-READY MIX. Every person engaged in the business of selling ready-mixed concrete, per annum~~	~~$25.00~~
~~DAY CARE FACILITY.~~	-
~~- Less than ten persons, per annum~~	~~$15.00~~
~~- 10 to 25 persons, per annum~~	~~$25.00~~
~~- Over 25 persons, per annum~~	~~$40.00~~
~~DELIVERY SERVICE. Every person engaged in the business of parcel delivery or engaged in the business of contracting to perform deliveries, per annum,~~	~~$25.00~~
~~DIRECTORIES. Every person compiling and selling directories, per annum~~	~~$25.00~~
~~DRAYS, MOVING CONCERNS AND TRANSFER COMPANIES. Every person engaged in the business of operating a moving or transfer company, per annum~~	~~$10.00~~
~~DEMOLITION CONTRACTOR. Every person engaged in the business of wrecking and demolition, per annum~~	~~$10.00~~
~~FLORIST/LANDSCAPING. Every person engaged in the business of horticulture, growing, planting, or selling flowers, bulbs, plants, shrubs or nursery stock and every person selling or offering for sale cut flowers, bulbs, shrubs, nursery stock, evergreens, artificial flowers or wreaths shall pay per annum,~~	~~$25.00~~
~~The foregoing shall not apply to the sale of Christmas Trees, loose holly, mistletoe, or similar loose decorations that are sold by the producer during the Christmas season.~~	-
~~FORTUNE-TELLERS, CLAIRVOYANTS AND SIMILAR TRADES. Every fortune-teller, clairvoyant or person following similar trades, per annum~~	~~$1,000.00~~
~~FOUNDRY AND MACHINE SHOP. Every person operating a foundry or machine shop, per annum~~	~~$25.00~~
~~HARVESTING AND AGRICULTURAL MACHINERY. Every person engaged in the business of selling, trading or dealing in harvesting and agricultural machinery, per annum~~	~~$27.50~~
~~LUMBER BROKER. Per annum~~	~~$25.00~~
~~MANUFACTURES. Every person engaged in the business of manufacturing shall pay a license tax as follows:~~	-

~~Annual Gross Business of Not Over Per Annum~~ ~~$ 80,000 $15.00~~ ~~160,000 30.00~~ ~~240,000 45.00~~ ~~320,000 60.00~~ ~~400,000 75.00~~ ~~480,000 90.00~~ ~~560,000 105.00~~ ~~640,000 120.00~~ ~~720,000 135.00~~ ~~Annual gross business of over $720,000 $150.00~~	
~~MARBLE YARD/MONUMENTS. Every person engaged in the business of erection, selling or offering for sale monuments or articles of like kind, per annum~~	~~$30.00~~
~~MISCELLANEOUS. Every person engaged in any business not specifically taxed herein and not exempt by state law or by this code or other ordinance shall pay a license tax of, per annum~~	~~$25.00~~
~~NURSING HOME/ADULT CARE FACILITY. Every person engaged in the business of a nursing home/adult care facility which includes the mentally and physically infirm, homes for the aged, group homes, (not more than ten person) convalescent and rest homes. This section shall not apply to any hospital licensed under the General Assembly, per annum~~	~~$50.00~~
~~PAINTING. Every person engaged in the business as a painting contractor either by a contract or by the hour, per annum~~	~~$15.00~~
~~PRINTING ESTABLISHMENT. Every person engaged in the business of operating a printing establishment, engraver for printing, or newspaper printing, per annum~~	~~$25.00~~
~~REPAIR SHOP/SERVICE. Every person engaged in the business of operating a repair business not otherwise taxed, per annum~~	~~$15.00~~
~~RETAIL BUSINESS. Every person selling at retail not specifically taxed herein shall pay license as follows (not pertaining to outside city merchants):~~	-
~~(1) Annual gross sales or receipts of not over $20,000 per annum~~	~~$15.00~~
~~(2) For each $1,000 or fraction thereof in excess of $20,000, per annum~~	~~$.65~~
~~ROOFING CONTRACTORS, ROOFING PATCHERS, REPAIRERS. Every person engaged in the business of roofing shall pay, per annum~~	~~$15.00~~
~~SANDWICHES, WHOLESALE DEALERS. Every person engaged in the business of preparing and selling sandwiches at wholesale, per annum~~	~~$10.00~~
~~SHEET METAL, SIDING, TINNING. Every person engaged in the business as a sheet metal, siding, tinning contractor or operating a tin shop, per annum~~	~~$15.00~~
~~STORAGE WAREHOUSE. Every person engaged in the business of operating a warehouse, storage or transfer warehouse wherein anything not belonging to the owner~~	~~$50.00~~

~~or operator of the same is stored for compensation, per annum~~	
~~TELEGRAPH COMPANIES. Every telegraph company engaged in business within the corporate limits, per annum~~	~~$15.00~~
~~TELEPHONE ANSWERING SERVICE. Every person engaged in the business of answering telephones for other companies, per annum~~	~~$15.00~~
~~TREE SERVICES. Every person engaged in the business of trimming, cutting, pruning trees, per annum~~	~~$25.00~~
~~UPHOLSTERS. Every person operating a place of business where any kind of upholstery is done (other than upholstering of automobiles or trucks) shall pay, per annum~~	~~$25.00~~
~~WHOLESALE BUSINESS. Every person selling at wholesale shall pay a privilege license tax as follows:~~	-
~~Annual Gross Sales or Receipts of Not Over Per Annum~~ ~~$ 40,000 $15.00~~ ~~80,000 30.00~~ ~~120,000 45.00~~ ~~160,000 60.00~~ ~~200,000 75.00~~ ~~240,000 90.00~~ ~~280,000 105.00~~ ~~320,000 120.00~~ ~~360,000 135.00~~ ~~Annual Gross Sales or Receipts of Over $ 360,000 $150.00~~	-
~~WRESTLING AND BOXING. Every promoter or exhibitor of any wrestling or boxing matches for which an admission charge is made, per annum~~	~~$50.00~~

~~§ 110.36~~ ~~SPECIAL PROVISIONS RELATING TO LICENSES FOR ESTABLISHMENTS HOLDING ABC PERMITS~~

~~(A)~~ ~~*Consideration of applications.*~~ ~~An application for a city-issued alcoholic beverage privilege license shall be submitted to the City Clerk for evaluation by the City Manager and the Manager's designee(s). Specifically, but without limitation, the City Clerk shall refer any such application to the Police, Fire, and Building Inspections Departments.~~

~~(1)~~ ~~If none of the three departments recommends denial of the requested license, and no other information is received by the City Manager indicating grounds for the Manager to consider denial, the City Clerk shall issue the license upon payment of the annual license fee.~~

~~(2)~~ ~~If any one of the three departments recommends denial of an application, the City Manager shall make the final staff level determination after reviewing the recommendations of the three departments and any other relevant information received by the Manager.~~

~~(a)~~ ~~If the Manager determines that there is not sufficient reason to consider denial or non-renewal of an application, he or she shall issue his or her determination and direct that the license be issued.~~

~~(b)~~ ~~If the Manager determines that there is sufficient lawful reason to consider denial or non-renewal of an application, the Manager shall refer the application to the City Council for its consideration at the next regular meeting of the Council.~~

~~(c)~~ ~~Upon receiving a recommendation from the City Manager that an application for an alcoholic beverage privilege license or renewal be denied, before considering whether to deny the license, the Council shall give the applicant an opportunity to appear at a hearing before the Council and to offer evidence. Any hearing held under the provisions of this section shall be upon at least ten days' notice to the applicant. All persons who present evidence at such a hearing shall be sworn and parties shall have the right to cross-examine witnesses.~~

~~(d) The Council shall make written findings of fact based on the evidence presented at the hearing. If the Council finds that the application should be issued, it shall direct the Manager to issue the requested license. If the Council finds that the license should be denied, it shall enter its decision.~~

~~(e) The applicant may appeal the denial of a license to the Randolph County Superior Court, by an action in the nature of certiorari, if notice of appeal is given within ten days of the receipt of written findings stating the basis of the Council's denial of the requested permit.~~

~~(f) The City Manager shall establish any administrative policies and application forms necessary to implement this section.~~

~~(B) *License and tax.* In addition to the taxes that must be paid for city beer and wine retail licenses in accordance with G.S. § 105-113.77, a city malt beverage wholesaler or city wine wholesaler license must be obtained on an annual basis for businesses located within the corporate limits of the city. This requirement does not apply to businesses located outside the corporate limits of the city, regardless of whether the business sells or delivers malt beverages or wine inside the city. The annual tax for a city malt beverage wholesaler license or a city wine wholesaler license is $37.50.~~

CHAPTER 110 PAWNBROKERS

§ 110.01 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PAWN or PAWN TRANSACTION. A written bailment of personal property as security for a debt, redeemable on certain terms within 180 days, unless renewed, and with an implied power of sale on default.

PAWNBROKER. A person engaged in the business of lending money on the security of pledged goods and who may also purchase merchandise for resale from dealers and traders.

PAWNSHOP. The location at which, or premises in which, a pawnbroker regularly conducts business.

PERSON. Any individual, corporation, joint venture, association, or any other legal entity, however organized.

PLEDGED GOODS. Tangible personal property which is deposited with, or otherwise actually delivered into, the possession of a pawnbroker in the course of his business in connection with a pawn transaction.

PURCHASE. An item purchased from an individual for the purpose of resale whereby the seller no longer has a vested interest in the item.

§ 110.02 LICENSE REQUIRED

It is unlawful for any person, firm, or corporation to establish or conduct a business of pawnbroker within the corporate limits of the City of Asheboro unless such person, firm, or corporation has procured a license to conduct business in compliance with the requirements of this chapter and all applicable provisions of the North Carolina General Statutes.

§ 110.03 PAWNBROKER AUTHORITY

A pawnbroker licensee is authorized to: (i) make loans on pledges of tangible personal property, (ii) deal in bullion stocks, (iii) purchase merchandise for resale from dealers, traders, and wholesale suppliers, and (iv) use its capital and funds in any lawful manner within the general scope and purpose of its creation. Notwithstanding the provisions of this section, no pawnbroker has the authority enumerated in this section unless he has fully complied with the laws regulating the particular transactions involved.

§ 110.04 REQUIREMENTS FOR LICENSURE

(A) To be eligible for a pawnbroker's license issued by the city, an applicant must:

(1) Be of good moral character; and

(2) Not have been convicted of a felony within the last 10 years.

(B) Every person, firm, or corporation desiring to engage in the business of pawnbroker within the corporate limits of the City of Asheboro shall submit a petition to the city clerk for a license to conduct such business. In addition to a nonrefundable processing fee of $20, such petitions shall provide the following information and documentation in a form approved by the city manager:

(1) The name and address of the person, and, in case of a firm or corporation, the names and addresses of the persons composing such firm or of the officers, directors, and stockholders of such corporation, excluding shareholders of publicly traded companies;

(2) The name of the business and the street and mailing address where the business is to be operated;

(3) A statement indicating the amount of net assets or capital proposed to be used by the petitioner in operation of the business; this statement shall be accompanied by an unaudited statement from an accountant or certified public accountant verifying the information contained in the accompanying statement;

(4) An affidavit by the petitioner that he has not been convicted of a felony; and

(5) A certificate from the chief of police, or sheriff of the county, or the State Bureau of Investigation that the petitioner has not been convicted of a felony.

(C) Upon receipt of the processing fee and the information/documentation specified in division (B) of this section, the city clerk shall transmit a copy of the application to (i) the police department for an investigative report and (ii) the community development division for a report on whether the proposed pawnbroker business is compliant with all of the applicable zoning, building code, and fire prevention code regulations. These units of the city government shall report the results of their reviews of the application to the city clerk within a reasonable period of time not to exceed 30 days.

(D) An application in proper form shall be placed on the printed agenda of the first regular Council meeting after completion of the reports referenced above in division (C) and for which the normal agenda deadline can be met.

(E) The provisions of this section shall apply to pawnbroker licenses pending on July 1, 2015, and to applications for such licenses filed after that date.

§ 110.05 ISSUANCE OF LICENSE

(A) Before issuing a license, the Council shall be satisfied that the applicant is suitable to hold a pawnbroker license and that the location is a suitable place to hold the proposed license. To be a suitable place, the establishment, at a minimum, must comply with the rules and regulations set out in Chapter 66, Article 45, Part 1 of the North Carolina General Statutes. Other factors the Council may consider in determining whether the applicant and the business location are suitable shall include all of the following:

(1) The application contains no misstatement of fact;

(2) The applicant conforms to all requirements of applicable zoning, building, and fire prevention codes;

(3) The applicant shall not have been convicted of a felony within a ten-year period preceding the filing of the application;

(4) Parking facilities and traffic control infrastructure in the neighborhood;

(5) The recommendations of the Asheboro Police Department; and

(6) Any other evidence that would tend to show whether the operation of the business at the proposed location would be detrimental to the neighborhood and whether the applicant would comply with the provisions of this chapter and the above-cited state law provisions.

(B) Upon approval of the application by the Council and the receipt of the bond specified in division (C) of this section, the city clerk shall issue a pawnbroker license to the applicant.

(C) In accordance with Section 66-399 of the North Carolina General Statutes, every person, firm, or corporation licensed as a pawnbroker must, at the time of receiving the license, file with the city clerk a bond payable to the City of Asheboro in the sum of five thousand dollars ($5,000), which is to be executed by the licensee and by two responsible sureties or a surety company licensed to do such business in this State, which shall be for the faithful performance of the requirements and

obligations pertaining to the licensed business. The city may sue for forfeiture of the bond upon a breach thereof. Any person who obtains a judgment against a pawnbroker and upon which judgment execution is returned unsatisfied may maintain an action in his or her own name upon the bond to satisfy the judgment.

(D) The provisions of this section shall apply to pawnbroker licenses pending on July 1, 2015, and to applications for such licenses filed after that date.

§ 110.06 REVOCATION OF PAWNBROKER'S LICENSE

A license issued pursuant to § 110.05 of this chapter may be revoked by action of the Council for substantial abuse of this chapter or for substantial abuse of Chapter 66, Article 45, Part 1 of the North Carolina General Statutes. Before the Council revokes a license pursuant to this chapter, and before the Council considers an application for a license pursuant to this chapter, a written notice shall be sent to the licensee or applicant impacted by the proposed action. This notice shall be sent by means of certified mail, return receipt requested, to the addressed listed on the application. The notice shall advise the affected party of a right to appear before the Council, with or without legal counsel, at a stated place and time at least ten (10) days following the date of the notice for the purpose of presenting any evidence relevant to the revocation or application and for the purpose of cross examining any person providing evidence against the respondent. A revocation hearing may be initiated by the chief of police or by the Council.

§ 110.07 RECORD-KEEPING REQUIREMENTS FOR PAWNBROKERS

(A) Every pawnbroker shall keep consecutively numbered records of each and every pawn transaction, which shall correspond in all essential particulars to a detachable pawn ticket or copy thereof attached to the record.

(B) The pawnbroker shall, at the time of making the pawn or purchase transaction, enter upon the pawn ticket a record of the following information which shall be typed or written in ink and in the English language:

(1) A clear and accurate description of the property, including model and serial number if indicated on the property;

(2) The name, residence address, phone number, and date of birth of the pledgor;

(3) The date of the pawn transaction;

(4) The type of identification and the identification number accepted from pledgor;

(5) A description of the pledgor that includes the approximate height and weight along with the pledgor's gender and race;

(6) The amount of money advanced;

(7) The date due and the amount due;

(8) All monthly pawn charges, including interest, annual percentage rate on interest, and total recovery fee; and

(9) The agreed upon "stated value" between pledgor and pawnbroker in case of loss or destruction of pledged item; unless otherwise noted, "stated value" is the same as the loan value.

(C) The following shall be printed on all pawn tickets:

(1) The statement that "ANY PERSONAL PROPERTY PLEDGED TO A PAWNBROKER WITHIN THIS STATE IS SUBJECT TO SALE OR DISPOSAL WHEN THERE HAS BEEN NO PAYMENT MADE ON THE ACCOUNT FOR A PERIOD OF 60 DAYS PAST MATURITY DATE OF THE ORIGINAL CONTRACT. NO FURTHER NOTICE IS NECESSARY.";

(2) The statement that "THE PLEDGOR OF THIS ITEM ATTESTS THAT IT IS NOT STOLEN, HAS NO LIENS OR ENCUMBRANCES, AND IS THE PLEDGOR'S TO SELL OR PAWN.";

(3) The statement that "THE ITEM PAWNED IS REDEEMABLE ONLY BY THE BEARER OF THIS TICKET OR BY IDENTIFICATION OF THE PERSON MAKING THE PAWN."; and

(4) A blank line for the pledgor's signature and the pawnbroker's signature or initials.

(D) The pledgor shall sign the pawn ticket and shall receive an exact copy of the pawn ticket which

shall be signed or initialed by the pawnbroker or any employee of the pawnbroker. These records shall be available for inspection and pickup each regular workday by the Asheboro Police Department. These records may be electronically reported to the city police department by transmission over the Internet or by facsimile transmission in a manner authorized by the chief of police. These records shall be a correct copy of the entries made of the pawn or purchase transaction and shall be carefully preserved without alteration, and shall be available during regular business hours.

(E) Except as otherwise provided in this chapter or any applicable provision of state law, any person presenting a pawn ticket to a pawnbroker is presumed to be entitled to redeem the pledged goods described on the ticket.

Section 2. A new Chapter 118 of the Code of Asheboro is hereby enacted to provide as follows:

CHAPTER 118 LOCAL ABC LICENSES

§ 118.01 LOCAL PRIVILEGE LICENSE TAXES

(A) *Retail License and Tax.* A person holding any of the following retail ABC permits for an establishment located within the corporate limits of the City of Asheboro shall obtain from the city clerk a city license for that activity. The annual tax for each license is as stated below.

ABC Permit	Tax for Corresponding License
On-premises malt beverage	$15.00
Off-premises malt beverage	5.00
On-premises unfortified wine, on-premises fortified wine, or both	15.00
Off-premises unfortified wine, off-premises fortified wine, or both	10.00

(B) *Tax on Additional License.* The tax stated in division (A) of this section is the tax for the first license issued to a person. The tax for each additional license of the same type issued to that person for the same year is one hundred ten percent (110%) of the base license tax, that increase to apply progressively for each additional license.

(C) *Tax on Malt Beverage or Wine Wholesalers.* City malt beverage and wine wholesaler licenses are required for businesses located within the corporate limits of the City of Asheboro. No such license is required for a business located outside the city, regardless of whether that business sells or delivers malt beverages or wine inside the city. The amount of the annual tax for each wholesaler license listed in this division is as follows:

(1) The tax for a malt beverage wholesaler is $37.50;

(2) The tax for a wine wholesaler is $37.50; and

(3) The tax for a wholesaler of both malt beverages and wine is $62.50.

§ 118.02 LICENSE YEAR AND NON-TRANSFERABILITY

The license year for local ABC licenses issued by the City of Asheboro is May 1 to April 30. Once issued, a license may not be transferred from one person to another or from one location to another; a new license must be purchased.

§ 118.03 CONSIDERATION OF APPLICATIONS FOR CITY-ISSUED ABC PERMITS

(A) An application for a city-issued alcoholic beverage privilege license shall be submitted to the city clerk on forms approved by the city manager. Once properly submitted to the city clerk, the clerk shall forward the application materials to the city manager and the manager's designee(s) for further evaluation. The evaluation process shall include, at a minimum, a review of the applicant's criminal history record by the police department and an evaluation by the community development division of the compliance of the applicant's proposed business location with the applicable zoning,

building, and fire prevention codes. These units of the city government shall report the results of their reviews of the application to the city manager within a reasonable period of time not to exceed 30 days.

(B) If none of the above-listed units of the city government recommends denial of the requested license, and the city manager indicates to the clerk that no credible material evidence has been submitted to the manager's office as grounds for considering a denial of the application, the city clerk shall issue the license upon payment of the prescribed annual license fee.

(C) If any unit of the city government recommends denial of an application, the city manager shall make the final staff level determination after reviewing the evaluations submitted by the police department and the community development division along with any other relevant information received by the manager. If the city manager determines that there is an absence of credible evidence to support denial or non-renewal of an application, he or she shall issue his or her determination and direct that the license be issued. Alternatively, if the city manager determines that a sufficient lawful basis exists to consider denial or non-renewal of an application, the manager shall refer the application to the City Council for its consideration at the next regular meeting of the Council.

(D) Before deliberating about the approval or denial of the issuance of a local ABC permit, the Council shall give the applicant an opportunity to appear and present evidence at a quasi-judicial hearing conducted before the Council. Any hearing held under the provisions of this chapter shall be upon at least ten days' notice to the applicant. All persons who present evidence at such a hearing shall be sworn and parties shall have the right to cross-examine witnesses. The Council shall make written findings of fact based upon the evidence presented at the hearing. If the Council finds that one or more of the requested license(s) should be issued, the Council will direct the city manager to issue the specified license(s). If the Council finds that the application for one or more local ABC licenses should be denied, the Council will enter its decision as part of the written findings of fact. The applicant may appeal the denial of a license to the Randolph County Superior Court by an action in the nature of certiorari so long as, and on the condition that, notice of appeal is given within thirty days of the receipt of written findings stating the basis of the Council's denial of the requested permit.

(E) The city manager shall establish any administrative policies and application forms necessary to implement this section.

Section 3. Chapter 111 (Massage Parlors) of the Code of Asheboro, which had been supplanted by Chapter 90, Article 36 of the North Carolina General Statutes as the primary regulatory framework for massage parlors and had been retained in the city code for privilege license purposes, is hereby repealed. This chapter is reserved for future use.

Section 4. Section 113.06 of the Code of Asheboro, which pertains to the annual privilege license required from dealers in sexually explicit material, is repealed. Section 113.06 is reserved for future use. All other sections of Chapter 113 are not subject to any amendment and shall remain in full force and effect.

Section 5. Section 114.02 of the Code of Asheboro, which pertains to vehicle licenses as taxicabs within the City of Asheboro, is hereby rewritten to provide as follows:

§ 114.02 VEHICLE LICENSES REQUIRED

Every person, before operating any taxicab within the city or between the city and points not incorporated within a radius of five miles of the city, shall apply to and secure from the ~~Inspections Department~~ city clerk an annual license for the privilege of operating each such taxicab, and shall pay for such annual license a tax in the sum of $15 for each taxicab so operated.

Section 6. Chapter 116 (Massage and Bodywork Therapy) of the Code of Asheboro, which had been supplanted by Chapter 90, Article 36 of the North Carolina General Statutes as the primary regulatory framework for massage parlors and had been retained in the city code for privilege license purposes, is hereby repealed. This chapter is reserved for future use.

Section 7. No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this Ordinance shall be abated or otherwise affected by the adoption of this Ordinance. Similarly, the adoption of this Ordinance shall in no way impair the ability of the city to collect privilege license taxes that were due and payable prior to July 1, 2015, and that remain unpaid.

Section 8. All previously adopted ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 9. This Ordinance shall be in full force and effect upon and after the 1st day of July, 2015.

This ordinance was adopted by the Asheboro City Council in open session during a special meeting of the City Council that was held on the 29th day of June, 2015.

/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

There being no further business, the meeting was adjourned at 1:00 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor

Item 4 (e)

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

REAPPOINTMENT OF ROBERT E. MORRISON TO A THREE-YEAR TERM OF OFFICE ON THE ASHEBORO ABC BOARD

WHEREAS, the Asheboro ABC Board consists of three (3) members that are appointed by the Asheboro City Council; and

WHEREAS, in pertinent part, Section 18B-700(a) of the North Carolina General Statutes provides for the appointment of the local ABC board members to three-year terms of office; and

WHEREAS, in August 2015, Asheboro ABC Board Member Robert E. Morrison will complete his initial three-year term of office; and

WHEREAS, the Asheboro ABC Board has consistently 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 Robert E. Morrison to the Asheboro ABC Board for another three-year term, and Mr. Morrison has agreed to accept this reappointment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that, effective August 13, 2015, Robert E. Morrison is reappointed to the Asheboro ABC Board for another three-year term of office.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 16th day of July, 2015.

_____
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

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

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

CONVEYANCE OF SURPLUS BALLISTIC VESTS TO RANDOLPH COMMUNITY COLLEGE

WHEREAS, the City of Asheboro owns a total of 17 ballistic or bullet-resistant vests (1 of the vests is the American Body Armor brand, 5 of the vests are the Gator Hawk brand, 3 of the vests are the Point Blank brand, 2 of the vests are the Safariland brand, and 6 of the vests are the Second Chance brand), and this group of 17 bullet-resistant vests shall be hereinafter collectively referred to as the "Outdated Vests;" and

WHEREAS, due to the age and resultant concerns about the effectiveness of the vests identified above, the Outdated Vests can no longer be issued to the city's police officers; and

WHEREAS, the city has received a written request, dated July 7, 2015, from the director of the emergency service training center and the basic law enforcement training program at Randolph Community College requesting the donation of outdated ballistic vests to be used exclusively for training purposes at the community college's training center; and

WHEREAS, Section 160A-274 of the North Carolina General Statutes authorizes the city to sell property, with or without consideration, to the community college upon such terms and conditions as the city's governing board deems wise;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that the above-described Outdated Vests are hereby declared to be surplus property, and all of the city's right, title, and interest in the said surplus property is hereby conveyed, at no charge, to Randolph Community College.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting that was held on the 16th day of July, 2015.

_____
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

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

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

DESTRUCTION OF SURPLUS PERSONAL PROPERTY WITH NO LEGAL VALUE OR THAT POSES A POTENTIAL THREAT TO THE PUBLIC HEALTH OR SAFETY

WHEREAS, during the course of performing their duties, officers of the Asheboro Police Department occasionally come into possession of items of personal property for which either the identity of the owner(s) cannot be determined or the owner(s) for various reasons fail to retrieve the found property; and

WHEREAS, after property remains unclaimed for a period of time, the police department publishes legal notice of the availability for retrieval of these items in accordance with Chapter 15, Article 2 of the North Carolina General Statutes; and

WHEREAS, after the most recent publication in *The Courier-Tribune* of a notice of unclaimed property, which occurred on March 20, 2015, the unclaimed items were, to the extent possible, either donated to a qualifying charitable organization or sold in accordance with the said Chapter 15, Article 2 of the North Carolina General Statutes; and

WHEREAS, some unclaimed items could not be sold because of (a) concerns about violating intellectual property laws, (b) concerns about the potential use of some of the unclaimed items to commit crimes such as identity theft, and (c) concerns about certain items posing a potential health threat to a user or consumer of the unclaimed property; and

WHEREAS, the above-referenced unclaimed items that could not be properly donated or sold (the said unclaimed items will be hereinafter referred to as "Unclaimed Found Property") are more specifically described in the attached EXHIBIT 1 which is hereby incorporated into this Resolution by reference as if copied fully herein; and

WHEREAS, within the city's community development division, the planning and zoning department has identified certain information systems related items of personal property that are outdated and are no longer used by city personnel; and

WHEREAS, the outdated items referenced in the immediately preceding paragraph (these items will be hereinafter referred to as the "Obsolete Information Systems Property") are more specifically described in the attached EXHIBIT 2 which is hereby incorporated into this Resolution by reference as if copied fully herein; and

WHEREAS, the obsolescence of the items listed in EXHIBIT 2 in combination with the city's commitment to strictly complying with intellectual property laws has prevented the city from finding a lawful market for the Obsolete Information Systems Property; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that the above-described items of Unclaimed Found Property and Obsolete Information Systems Property are hereby declared to be surplus property that the city cannot lawfully and/or safely sell; and

BE IT FURTHER RESOLVED that the city manager and any of his designees within the city workforce are hereby authorized, due to the lack of value caused by the absence of a lawful market and/or the potential threat to the public health and safety, to discard in an unusable form the Unclaimed Found Property and Obsolete Information Systems Property.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting that was held on the 16th day of July, 2015.

_____
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

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

EXHIBIT 1

UNCLAIMED FOUND PROPERTY

1. Passport and Assorted Identification Cards, Governmentally Issued and Otherwise
2. Assorted Credit, Debit, Vehicle Registration, Insurance, Benefit, Library, Gift and Store Cards
3. Assorted Checks and Bank Statements
4. Birth and Marriage Certificates
5. Miscellaneous Paperwork/Store Coupons/Receipts
6. A Catalog and Miscellaneous Invoices
7. Business Cards
8. Assorted Magazines and Papers
9. Assorted Keys with Key Fobs/Key Rings as well as a Variety of Attachments for these Types of Items
10. Full Scope of Contents Commonly Found within Purses, Change Purses, Wallets, and Backpacks
11. Miscellaneous Health and Beauty Aids
12. Assorted Medications, including Containers such as Pill Bottles
13. Mini-Test/Glucose Meters
14. Dental Floss
15. Cigarettes along with Tobacco and a Smoking Device
16. Knives, including an Unknown Substance (Possibly Blood)
17. Duffle Bag with Boxing Gloves (Blood Stain on Gloves)
18. Bag of Toiletries
19. Assorted Beverages
20. Assorted Cell Phones

21. CDs and Assorted Pictures

22. Video Games/DVDs/VHS Tapes

23. Computer Hard Drives

EXHIBIT 2

City of Asheboro

Obsolete Information Systems Property

Item #	Description	Number of Disk in Package	Make/Model	Manufacturer ID #
1	Apple OS X Panther - 4 CDs	4	10.3.2 Retail	M9227LL/A
2	Apple OS X Panther - 4 CDs	4	10.3.2 Retail	M9227LL/A
3	Apple OS X Panther - 4 CDs	4	10.3.2 Retail	M9227LL/A
4	Apple OS X Panther - 4 CDs	4	10.3.2 Retail	M9227LL/A
5	Apple OS 9.1 - 1 CD	1	9.1 Retail	M8081LL/A
6	Apple PowerBook Software Package - 3 CDs	3	9.0.4	
7	Power Mac G4 Media OS X - 3 CDs	3	9.0.4	
8	Power Mac G4 Media OS X - 7 CDs	7	10.2.1	
9	Apple iMovie 2 - 1 CD	1	2	
10	Apple Internet Connection Kit	1	1.1.5	
11	Apple eMac Media OS X - 2 CDs	2	10.3.4	
12	Apple Macintosh OS 7.5 CD - 1CD	1	7.5.5	
13	Apple iMac Applications - 1 CD	1	1.6	
14	Apple OS X - 1 CD	1	10.0.3	
15	Apple Install DVD - iTunes 3, iPhoto 2, iMovie 3, iDVD 3 - 1 DVD	1	1	
16	Mac OS 9.1	1	Copy	
17	Apple Mac OS 9.1 Update	1	Copy 2-1-01	
18	Apple Mac OS 9.1 Update	1	Copy 1-22-01	
19	Apple 10.3.7	1	Copy	
20	Apple Mac OS 7.6.1	1	7.6.1	
21	Apple Install DVD - iTunes 3, iPhoto 2, iMovie 3, iDVD 3 - 1 DVD	1	1	

City of Asheboro

Obsolete Information Systems Property

Item #	Description	Number of Disk in Package	Make/Model	Manufacturer ID #
22	Apple Install DVD - iTunes 3, iPhoto 2, iMovie 3	1	1	
23	Apple Mac OS 9.1	1	9.1	M8081LL/A
24	Apple Mac OS 8.1	1	8.1	
25	Apple iMac Media OS 9.1	7	9.1	
26	Apple iMac Media OS 9.2.2 & OS X 10.1.5	11	9.1	
27	Apple Mac OS X 10.2	2	10.2	
28	Apple Mac OS X Developer Tools	1	37438	
29	Apple Personal Diagnostics on Floppy	3	Ver. 1.1.1	
30	Apple Remote Access Client for Mac on Floppy	3	Ver. 2.0.1	
31	Apple Remote Access Personal Server for Mac on Floppy	3	Ver. 2.0.1	
32	Apple Mac OS 9 CD	1	Ver. 9.0	
33	Apple Network Assistant CD	1	Ver. 4.0.1	
34	Apple AppleShare IP 6.3 CD	1	Ver 6.3	
35	Apple AppleShare 4.2.1 copy CD	1	Ver. 4.2.1	
36	Apple AppleShare Server 3.0 Apple II Setup Floppy	1	Ver. 3.0	
37	Apple AppleShare Server 3.0 Workstation Floppy	1	Ver. 3.0	
38	Apple AppleShare Server 3.0 File Server Floppy	1	Ver 3.0	

City of Asheboro

Obsolete Information Systems Property

Item #	Description	Number of Disk in Package	Make/Model	Manufacturer ID #
39	Apple AppleShare Server 3.0 Print Server Floppy	1	Ver. 3.0	
40	Apple Network Software Installer Floppy	1	Ver. 1.2.3	
41	Apple Mac OS 9 CD	1	Ver. 9.0	
42	Apple Mac OS 8 CD	1	Ver. 8.1	
43	Apple Mac OS 8 CD	1	Ver. 8.1	
44	Apple Mac OS 8 CD	1	Ver. 8.0	
45	Apple Mac OS 8.5 CD	1	Ver. 8.5	
46	Apple Mac OS 8.6 CD	1	Copy Ver. 8.6	
47	Apple Mac OS 9.1 CD	1	Copy Ver. 9.1	
48	Apple Mac OS 9.0.4 CD	1	Copy Ver. 9.0.4	
49	Apple Power Macintosh 7200/75 & 7200/90 System CD	1	Ver. 7.5.2	
50	Apple Power Macintosh 7200/75 & 7200/90 System CD	1	Ver. 7.5.2	
51	Apple Mac OS 7.6 CD	1	Ver. 7.6	
52	Apple Mac OS 7.6.1 CD	1	Ver. 7.6.1	
53	Apple Power Macintosh 7300, 8600 & 9600 System CD	1	Ver. 7.5.5	
54	Apple Internet Connection Kit CD	1	Ver.1.2	
55	Apple Mac OS 7.6 Disk Tools Floppy	2	Ver. 1.0	
56	Apple HyperCard 2.3 CD	1	Ver. 2.3 1996	
57	Apple Mac OS X Leopard DVD	1	Ver. 10.5.6 2007	
58	Apple Mac OS X Leopard DVD	1	Ver. 10.5.6 2007	

City of Asheboro

Obsolete Information Systems Property

Item #	Description	Number of Disk in Package	Make/Model	Manufacturer ID #
59	Apple Mac OS X Leopard DVD	1	Ver. 10.5.6 2007	
60	Apple Mac OS X Leopard DVD	1	Ver. 10.5.6 2007	
61	Apple Mac OS X Tiger DVD	1	Ver. 10.4.6 2005	
62	Apple Mac OS X Tiger DVD	1	Ver. 10.4.6 2005	
63	Apple iWork '06 Trial DVD	1	Ver. 2.0.1 2006	
64	Apple iWork '06 Trial DVD	1	Ver. 2.0.1 2006	
65	Apple iWork '06 DVD	1	Ver. 2.0.1 2006	
66	Apple iWork '06 DVD	1	Ver. 2.0.1 2006	
67	Apple iWork '06 DVD	1	Ver. 2.0.1 2006	
68	Apple iWork '06 DVD	1	Ver. 2.0.1 2006	
69	Apple iMac Mac OS X Install DVD	1	Ver. 10.6.3 2010	
70	Apple iMac Applications Install DVD	1	Ver. 3A197 2010	
71	Apple OS X Panther 10.3 Install CD	3	Ver. 10.3.2 2004	
72	Apple OS X Xcode Tools Install CD	1	Ver. 1.1 2004	
73	Apple iMac Software Restore CD	6	CD Ver. 1.0	
74	Apple iMac Mac OS 9 Install CD	1	Ver. 9.2.2, CD Ver. 1.3	
75	Apple iMac Mac OS X Install CD	1	Ver. 10.1.5	
76	Apple iTunes 3, iPhoto 2, iMovie 3 Install CD	1	Ver. 1.0 2003	
77	Apple iTunes 3, iPhoto 2, iMovie 3, iDVD 3 Install DVD	1	Ver. 1.0 2003	
78	Apple Hardware Test iMac CD	1	Ver. 1.2.2	

City of Asheboro

Obsolete Information Systems Property

Item #	Description	Number of Disk in Package	Make/Model	Manufacturer ID #
79	Apple Mac OS X Install Disk CD	2	Ver. 10.4.8 2007 / 2006	
80	Apple OS X Leopard Install DVD	1	Ver. 10.5.6 2007	
81	Apple OS 6.0.8 System Tools Floppy	1	Copy Ver. 6.0.8	
82	Apple OS 6.0.8 Utilities 1 & 2 Floppy	2	Copy Ver. 6.0.8	
83	Apple OS 6.0.8 Print Tools Floppy	1	Copy Ver. 6.0.8	
84	Apple OS 6.0.5 System Tools Floppy	1	Ver. 6.0.5 1990	
85	Apple Desk Accessories 1 &2 Floppy	2	Copy	
86	Utilities 2 Floppy	1	Copy	
87	Apple Scanner Floppy	1	Copy	
88	Scanner Utility Disk Scan 300/S/GS Floppy	1	Copy Ver. 1.7	
89	StyleWriter Installation Disk Floppy	1	Copy	
90	Apple HyperScan Floppy	1	Copy	
91	TrueType Fonts Floppy	1	Copy	
92	MacWrite 5.0 Floppy	1	Copy	
93	LaserWriter II Fonts 1 & 2 Floppy Floppy	2	Copy	
94	LaserWriter II Installation Disk Floppy	1	Copy	
95	Norton Utilities 6.0 for Macintosh	1	Symantec	
96	Minolta Drivers for OS X 10.2.5	1	Copy	

City of Asheboro

Obsolete Information Systems Property

Item #	Description	Number of Disk in Package	Make/Model	Manufacturer ID #
97	Symantec Ant iVirus includes for OS X	1	Copy	
98	Microsoft Office 2004 for Mac Standard Edition	1	Volume License	Part # 731-01063
99	Microsoft Office 2004 for Mac Standard Edition	1	Volume License	Part # 731-01063
100	Orange Micro Grappler+ Installation Disk	1	Orange Micro Inc.	
101	VST Tri-Media Reader Installation Disk	1	VST Tech	
102	iomega Zip 250 Drive User's Manual	1	iomega	
103	iomeg iomegaware 2.2.1	1	Iomega	
104	Microsoft Office v.X for Mac Service Release 1	1	Volume License	Part # 731-00717
105	iomega Zip 250 Drive User's Manual	1	iomega	
106	Adobe PageMill 3.0	1	Adobe	691-2142-A
107	Aladdin Flashback 1.1	1	Aladdin Systems	
108	Quicken 2002 Deluxe	1	Intuit	
109	APS Tech Power Tools V6.4.3	1	APS TECH	
110	Dantz Retrospect V4	1	Dantz	
111	dantz Retrospect V3.0 Floppy	2	dantz	
112	Abracadata Design Your Own Home Landscape Floppy	2	Abracadata & Disk copy	
113	DataViz MacLink Plus Deluxe 12.0	1	DataViz	

City of Asheboro

Obsolete Information Systems Property

Item #	Description	Number of Disk in Package	Make/Model	Manufacturer ID #
114	Adobe Pagemaker 6.5	1	Adobe	02W650R7116717-353
115	Adobe Type on Call 4.1	1	Adobe	
116	CE Software QuickMail Office 1.0	1	CE Software	
117	CE Software Quick Mail 3.0.4 Floppy	4	CE Software	
118	CE Software Quick Mail 3.0 Floppy	2	CE Software	
119	CE Software Quick Mail WAN 1.2.1 Floppy	1	CE Software	
120	DataViz MacLink Plus Translators Pro Installation Floppy	6	DataViz	
121	Southeastern Software Mac Transfer Floppy	4	Southeastern Software	S# A0703535
122	Epson Zip Macintosh Install Disk Floppy	1	Epson Zip 100	
123	Microsoft Excel for Mac & Power Mac Install Floppy	13	Version 5.0	
124	Microsoft Excel for Mac & Power Mac Install Floppy	13	Version 5.0	
125	Microsoft Excel Disk - 1 Setup Floppy	1	Copy Version 4.0	
126	Claris Organizer2.0 for Macintosh Floppy	3	Ver. 2.0	
127	MicroSpot MacDraft Symbol Libraries CD	1	1998	
128	MicroSpot MacDraft 4.3 CD	1	Ver. 4.3 1998	

City of Asheboro

Obsolete Information Systems Property

Item #	Description	Number of Disk in Package	Make/Model	Manufacturer ID #
129	MicroSpot MacDraft 5.0 CD	1	Ver. 5.0	
130	Peachpit Press - The Photoshop 3 WOW! Book Companion CD	1	1995	
131	NOLO Press Small Business Legal Pro 3 CD	1	1997	
132	Aldus Persuasion 1.0 Self-Running Demo CD	1	Ver 1.0	
133	HP JetDirect Novell Netware Admin & Printing Utilities Floppy	2	Rev. A.01.07	
134	Dantz Retrospect Backup CD	1	Windows Ver. 5.6/ Mac Ver. 4.3C 2001	
135	iomega Zip 250 Application & User Manual 1.0 CD	1	Ver.1.0	
136	iomega iomegaware CD	1	PC Ver. 2.8 Mac Ver. 2.8 Linux Ver. 1.0	
137	FireWire Extensions for Mac 1.0 Install CD	1	Ver.1.0	
138	CharisMac Engineering, Inc User's Guide CD	1	1998	
139	CharisMac Engineering Anubis Utility Floppy	1		9864328
140	Atomic Networks, Inc Mac Disk 1,2,3 Floppy	3	Mac User 0007	

City of Asheboro

Obsolete Information Systems Property

Item #	Description	Number of Disk in Package	Make/Model	Manufacturer ID #
141	Atomic Networks Mac Disk 1 & 2 copy Floppy	2	Copy	
142	Broderbund the Print Shop Press Writer CD	1	1998	
143	Broderbund The Print Shop Ensemble Premium & Graphics CD	2	1997	
144	Mindscape PrintMaster Publishing Suite 4.0 Mac CD	1	Ver. 4.0 1997	
145	Iomega Hard Drive Solutions CD	1	2005	
146	Iomega Hard Drive Solutions CD	1	2006	
147	Iomega Hard Drive Solutions CD	1	2007	
148	Iomega Hard Drive Solutions CD	1	2006	
149	iomega iomegaware 1.1.0a CD	1	Ver. 1.1.0a	
150	Connectix Virtual 3.0 Floppy	1	Ver. 3.0	
151	Umax VistaScan CD	1	Ver. 2.28 windows, 2.27Mac, 2.3 NT	
152	Caere Umax Scanner 5.3 Floppy	1	Ver. 5.3	
153	HP DeskJet 1600CM PostScrip Printing System for Mac Floppy	1	PSPrinter Ver. 8.1.1	
154	FWB Software Hard Disk ToolKit 2.5 CD	1	Ver. 2.5	
155	Symantec Norton Utilities Mac 3.5 CD	1	Ver. 3.5	
156	Symantec Norton Utilities Mac 3.5 Emergency Disk Floppy	1	Ver. 3.5	

City of Asheboro

Obsolete Information Systems Property

Item #	Description	Number of Disk in Package	Make/Model	Manufacturer ID #
157	Symantec Norton AntiVirus Mac 5.0 CD	1	Ver.5.0 1998	
158	Connectix Speed Boubler 8 Floppy	1	1997	
159	Connectix Speed Boubler 8 Updater 8.1.1 Floppy	1	Copy	
160	DataViz MacLink Plus Translators Pro Floppy	3	1915039-0900 1984. 1985	
161	DataViz MacLink Plus Deluxe 12.0 CD	1	Ver. 12.0	
162	DataViz MacLink Plus 9.7 CD	1	Ver. 9.7	
163	DataViz MacLink Plus 9.7.1 CD	1	Ver. 9.7.1	
164	DataViz MacLink Plus 10.0 CD	1	Ver. 10.0	
165	Adaptec Toast 4 Deluxe CD	1	Ver. 4.0	
166	Adaptec Toast 4 Deluxe & Updater 4.1 CD	1	Disk copy Ver. 4.0 & 4.1	
167	Roxio Toast 5 Titanium CD	1	Ver. 5.0	
168	Adobe Illustrator 9.0 Upgrade CD	1	Ver. 9.0	
169	Adobe Illustrator 7.0 Application CD	1	Ver. 7.0	
170	Adobe Illustrator 7.0 Tour & Training CD	1	Ver. 7.0	
171	Quicken 2000 Deluxe CD	1	1999	
172	Quicken 2000 Deluxe CD	1	1999	
173	Visioneer PaperPort 5.1 CD	1	Ver. 5.1	
174	Symantec Visual Page for Mac OS CD	1	Ver. 1.1	

City of Asheboro

Obsolete Information Systems Property

Item #	Description	Number of Disk in Package	Make/Model	Manufacturer ID #
175	Connectix Virtual PC CD	1	Ver. 2.1.1 1998	
176	Connectix Virtual PC CD	1	Copy Ver. 2.1.3	
177	Microsoft Windows 98 (included w/Virtual PC) CD	1	Windows 98	
178	Connectix CopyAgent Mac CD	1	2000	
179	Alsoft DiskWarrior DVD	1	DVD Rev. 1102	RW955314
180	World Book 2004 Edition CD	1	Ver. 7.2	
181	World Book Mac Edition Disk 1 CD	1	Ver 1.0	
182	World Book Mac OS X Edition CD	1	Ver. 6.0.2	
183	Novell Network Support Encyclopedia Disk 2 CD	1	Ver. 96-8	
184	Konica Minolta Bizhub C451 Driver CD	1	Ver. 5.00	
185	DeLorme Street Atlas USA Mac Install CD	1	Ver. 6.0	V6.M 10000
186	DeLorme Street Atlas USA Mac Program Data CD	1	Ver. 6.0	
187	iomega Zip 100 Application & User's Manual CD	1	Ver. 2.0 2000	
188	iomega iomegaware Mac/PC CD	1	Ver. 2.7.2	
189	FileMaker Pro 5 CD	1	Pro 5	
190	Claris FileMaker Pro CD	1	Pro 3.0	
191	Claris FileMaker Pro Floppy	3	Pro 3.0	
192	FileMaker Pro 7 CD	1	Pro 7	
193	Adobe PhotoShop CS Mac CD	1	CS	

City of Asheboro

Obsolete Information Systems Property

Item #	Description	Number of Disk in Package	Make/Model	Manufacturer ID #
194	Adobe PhotoShop CS Video Workshop Training Mac CD	1	CS	
195	Adobe PhotoShop CS2 Mac CD	1	CS	
196	Adobe PhotoShop CS Total Training Video Workshop Mac CD	1	CS	
197	Adobe Photoshop 6.0 Mac CD	1	Ver. 6.0	
198	Adobe GoLive 5.0 Mac/Windows Trial Version CD	1	Ver. 5.0	
199	Delorme Street Atlas USA 3.0 Mac CD	1	Ver. 3.0	
200	Delorme Street Atlas USA 4.0 Mac CD	1	Ver. 4.0M 84300	
201	Delorme Phone Search USA Mac & Windows CD	7	Ver. 3.0 1997	
202	SoftKey Calendar Creator Mac Floppy	4	1994	
203	Adobe PageMaker 6.5 Plus Application Mac CD	1	Ver. 6.5	
204	Adobe PageMaker 6.5 Plus Content Mac & Windows CD	1	Ver. 6.5	
205	Adobe PageMaker 6.0 Installer disk Floppy	15	Ver. 6.0	
206	Adobe PageMaker 6.0 Deluxe CD	1	Ver. 6.0 Deluxe	
207	Adobe Type On Call 4.1 CD	1	Ver. 4.1	
208	Adobe PageMaker 6.5 Plus Application Mac CD	1	Ver. 6.5	

City of Asheboro

Obsolete Information Systems Property

Item #	Description	Number of Disk in Package	Make/Model	Manufacturer ID #
209	Adobe PageMaker 6.5 Plus Content Mac & Windows CD	1	Ver. 6.5	
210	Caere OmniPage Pro 7.0 CD	1	Ver. 7.0	2881A-c00-026176
211	Caere OmniPage Pro 8.0 CD	1	Ver. 8.0	2881A-K01-121135
212	Globalink Power Translator Spanish to/from English Mac 2.0 Floppy	6	Ver. 2.0 1994	
213	FileMaker Pro 7 CD	1	Ver. Pro 7	P# Z04050-013A
214	FileMaker Pro 7 CD	1	Ver. Pro 7	P# Z04050-013A
215	FileMaker Pro 7 CD	1	Ver. Pro 7	P# Z04050-013A
216	FileMaker Pro 7 CD	1	Ver. Pro 7	P# Z04050-013A
217	Mac Blast Plus 1 Floppy	1	Ver. 1.30	
218	Quick Mail Install #1 Floppy	1	Copy	
219	FileMaker Pro Companion Clip Art Floppy	1	Copy	
220	Fast Label Floppy	1	1980	
221	Draw Pro Picture Pak Floppy	1	Copy	
222	Print Shop Floppy	1	Ver. 1.3	
223	Somak US & Canada Laser Maps Floppy	1	Copy	
224	Calendar Maker Floppy	1	Copy	
225	Print Shop Floppy	1	Copy	
226	Paste Ease 1 & 2 Floppy	2	Copy	
227	Wet Paint Floppy	1	Copy	
228	Totem Graphics EPS Floppy	1	Copy	

City of Asheboro

Obsolete Information Systems Property

Item #	Description	Number of Disk in Package	Make/Model	Manufacturer ID #
229	Somak Laser Art - At the Office Floppy	1	Copy Vol. 25	
230	Click Art Disk 1 Floppy	1	Copy	
231	Click Art Disk 2 Image Pack Floppy	1	Copy	
232	Click Art Disk 3 Image Pack Floppy	1	Copy	
233	Click Art Disk 4 Image Pack Floppy	1	Copy	
234	Click Art Disk 5 Image Pack Floppy	1	Copy	
235	Click Art Disk 6 Image Pack Floppy	1	Copy	
236	Click Art Disk 8 Image Pack Floppy	1	Copy	
237	Click Art Disk 1 Floppy	1	Copy	
238	Patriotic Art Floppy	1	Copy	
239	Holiday Art PostScript Floppy	1	Copy	
240	Art Floppy	1	Copy	
241	Click Art 5 Floppy	1	Copy	
242	Mac Art Dept. by Tom Christopher Floppy	1	Copy	
243	The Arts Floppy	1	Copy	
244	Click Art 3 Floppy	1	Copy	
245	Click Art 2 Floppy	1	Cop[y	
246	Click art 4 (Draw) Floppy	1	Copy	
247	Art Works Floppy	1	Copy	
248	EPS Holiday Clip Art Diskette Gazette Floppy	1	Diskette Gazette Mac Library Disk	
249	Click Art Disk 7 Image Pack Floppy	1	Copy	
250	Click Art Disk 9 Image Pack Floppy	1	Copy	

City of Asheboro

Obsolete Information Systems Property

Item #	Description	Number of Disk in Package	Make/Model	Manufacturer ID #
251	Click Art Disk 10 Image Pack Floppy	1	Copy	
252	Click Art Disk 11 Image Pack Floppy	1	Copy	
253	Click Art Disk 12 Image Pack Floppy	1	Copy	
254	Somak Laser Art Floppy	1	Copy Vol. 24	
255	Misc. Clips EPS Floppy	1	Disk #8488	
256	Print Shop Art Works Floppy	1	Copy	
257	Excel - Fundamentals Floppy	1	Copy	
258	PageMaker 4.0 Personal Training Floppy	1	Copy	
259	Training Disk Floppy	1	Copy	
260	Training Disk 2 Floppy	1	Copy	
261	Picture Laser Fonts I Floppy	1	Disk #8550	
262	MS Word 4.0 Floppy	1	Copy	
263	Quicken 4 Floppy	1	Copy Ver.4	
264	Radius Percision Color Pro 24 AC Floppy	1	Copy Village Tronic	
265	HP 4500-1 Floppy	1	Copy	
266	Somak Banners & Ornaments Floppy	1	Copy	
267	Paset Ease #1 Floppy	1	Copy	
268	Paset Ease #2 Floppy	1	Copy	
269	Wet Paint Floppy	1	Copy	
270	Wet Paint for FullPaint Floppy	1	Copy	

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Obsolete Information Systems Property

Item #	Description	Number of Disk in Package	Make/Model	Manufacturer ID #
271	Paset Ease #2 Floppy	1	Copy	
272	Wet Paint 3A / 3B Floppy	1	Copy	
273	Wet Paint 2A / 2B Floppy	1	Copy	
274	Quicken 1 Floppy	1	Copy	
275	GemStart 3.0 Floppy	1	Copy	
276	Vaccine Disk for Diskette Gazette Floppy	1	Copy	
277	Copy II Mac v.7.2 Floppy	1	Copy	
278	Retrospect Install 3 Floppy	1	Copy	
279	Retrospect V2.1A Install 1 Floppy	1	Copy	
280	Retrospect Install 2 Floppy	1	Copy	
281	Quick Mail Install 1 Floppy	1	Copy	
282	Quick Mail Install 2 Floppy	1	Copy	
283	Quick Mail Install 3 Floppy	1	Copy	
284	Quick Mail Install 4 Floppy	1	Copy	
285	Quick Mail Administrator Utilities Floppy	1	Copy	
286	Scan 4-20-88 Floppy	1	Copy	
287	ClickArt Incredible Image Pak EPS Disk 1 through 12 Floppy	12	Instant Image Resource 1993	
288	Microsoft Works Floppy	1	Copy	
289	Excel 4.0 Disk 2 through 7 Floppy	6	Copy Ver. 4.0	
290	Fwb Hard Disk Toolkit Crisis Disk Floppy	1	FWB Software, Inc 1994	
291	Unusual Laser Fonts Floppy	1	Disk #8554	
292	Adobe Type Mgr Floppy	1	Copy	

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Obsolete Information Systems Property

Item #	Description	Number of Disk in Package	Make/Model	Manufacturer ID #
293	Various Programs Floppy	1	Copy	
294	In touch 2.0.6 Floppy	1	Copy Ver. 2.0.6	
295	Quicken 4.0 Floppy	1	Copy Ver. 4.0	
296	Personal Press Disk 1 through 4 Floppy	4	Copy	
297	Personal Press Updater 2.0.1 Disk 1 Floppy	1	Copy Ver. 2.0.1	
298	Super Munchers Floppy	1	Copy	
299	Quick Tools 1.0.3	1	Copy Ver. 1.0.3	
300	FileMaker Pro 2.0 Install 1 & 2 Floppy	2	Copy ver. 2.0	
301	FileMaker Pro 2.0 Utilities Floppy	1	Copy ver. 2.0	
302	FileMaker Pro 2.0 Templates Floppy	1	Copy ver. 2.0	
303	Power Team Floppy	4	Copy	
304	9 to 5 Office Disk 1 & 2 Floppy	2	Copy	
305	Sim City Floppy	1	Copy	
306	ESL - On Line BBS Floppy	1	Electroservice Labs	
307	Sim City System 7 Update Floppy	1	Copy	
308	Art Floppy	1	Copy	
309	Correct Grammar Floppy	1	Copy	
310	ViaGrafix Interactive Training / DesignCad CD	1	1997	
311	HP Color laserJet 5/5M Tools - jazzin' up with Color CD	1	HP 1997	

City of Asheboro

Obsolete Information Systems Property

Item #	Description	Number of Disk in Package	Make/Model	Manufacturer ID #
312	Corel Professional Photos Sampler CD	1	1993	
313	World Book Mac Media CD	1	Ver. 6.0.2	
314	Outlook Mac CD	1	Copy Ver. 8.2.2	
315	Adobe Photoshop 6.5+ CD	1	Copy Ver. 6.5+	
316	Office: Mac 2001 CD	1	Copy Ver. 2001	
317	Maxtor SaftyDrill Recovery CD	1	2007	
318	Seagate Software CD	1	Analysis & Info 7	
319	Digital Image Library Vol. 3 CD	1	Vol. 3 2005	
320	KPT Power Photos SE Sample Images CD	1	1995 Media Tools Inc	
321	DynaMo DOS Mounter for Mac CD	1	1998 Software Architects	
322	AOL Free Install CD - Never Installed or Used by City CD	43	Free Various Versions	
323	EarthLink Free Install CD - Never Installed or Used by City CD	10	Free Various Versions	
324	CompuServe Free install CD - Never Installed or Used by City CD	5	Free Various Versions	
325	Juno Free Install CD - Never Installed or Used by City CD	3	Free Various Versions	
326	TrellixWeb Free Install CD - Never Installed or Used by City CD	1	Free Kodak Edition Ver.2.6	
327	NetCom Free Install CD - Never Installed or Used by City CD	1	Free 1995-1996	

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Obsolete Information Systems Property

Item #	Description	Number of Disk in Package	Make/Model	Manufacturer ID #
328	MindSpring Free Install CD - Never Installed or Used by City CD	1	Free Ver. 4.0 Windows/4.01 Macintosh	
329	Track-IT Free Demo Install CD - Never Installed or Used by City CD	3	Free Demo Various Versions	
330	Max Blast Plus II CD	1	Ver. 1.30 Maxtor	
331	SanDisk Installation CD	1	Ver. 1.3 2005 DanDisk Corp.	
332	PNY USB 2.0 Card Reader Manual/Driver Win CD	1	PNY Technologies	
333	Power Chute Plus for Windows CD	1	5.0.2/5.1/5/1/1 APC 1999	
334	The Print Shop Disc 1 install Windows CD	1	1997 Broderbund	
335	HP DeskJet 1600C & CM Printer Control Panel Floppy	1	Ver. 1.5	
336	HP DeskJet 1600C & CM PostScript Printing System f/ Windows Floppy	1	Ver. 2.1.1	
337	HP DeskJet 1600C Printing System f/Windows Floppy	3	Ver. 14.1	
338	PC DOS Floppy	1	Copy	
339	PC DOS Floppy	1	Copy	
340	Epson Zip Windows 95 Install Floppy	1		

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Obsolete Information Systems Property

Item #	Description	Number of Disk in Package	Make/Model	Manufacturer ID #
341	Epson Zip Windows/DOS Install Floppy	1		
342	1995 CR CN,SS Lotis V3.4 Floppy	1	Copy	
343	QuickMail Client Install Ver. 3.0 f/ DOS Floppy	1	Ver. 3.0 1988-194 CE software, Inc.	
344	QuickMail Client Install Ver. 3.0.4 f/ Windows 1 & 2 Floppy	2	Ver. 3.0.4 1988-194 CE software, Inc.	
345	InBox PC for PCs on AppleTalk Lg Floppy	1	Think Technologies, Inc 1997	
346	TOPS InBox v3.0 DOS User Disk 1 & 2 LG Floppy	2	Sun Microsystems, Inc 1989	
347	Lotus 123 System Disk Lg Floppy	1	Release 1A 1982,1983 Lotus Dev. Corp.	
348	Lotus 123 System Disk Backup Copy Lg Floppy	1	Release 1A 1982,1983 Lotus Dev. Corp.	
349	Lotus 123 Utility Disk Lg Floppy	1	Release 1A 1982,1983 Lotus Dev. Corp.	

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Obsolete Information Systems Property

Item #	Description	Number of Disk in Package	Make/Model	Manufacturer ID #
350	Lotus 123 PrintGraph Disk Lg Floppy	1	Release 1A 1982,1983 Lotus Dev. Corp.	
351	Lotus 123 Tutorial Disk Lg Floppy	1	Release 1A 1982,1983 Lotus Dev. Corp.	
352	Turbo Tax '89 Lg Floppy	1	Copy	
353	FASER Energy Accounting Lg Floppy	2	Ver. 5.2 OmniComp, Inc. 1986	FR52013
354	Trav Survey Lg Floppy	1	Copy	
355	InBox/PC Backup Lg Floppy	1	Copy	

RZ-15-05 General Text Amendments to the Zoning Ordinance

(City of Asheboro)

Planning Board Recommendation and Staff Report

Planning Board Recommendation & Comments to City Council

NOTE: Have applicant Certify to Council mailings to all adjoining property owners.

Case # **RZ-15-05**

Date 6/1/2015 and 7/6/2015 Planning Board

Applicant City of Asheboro

Legal Description

General Text Amendments to Articles 100 through 400 of the Zoning Ordinance and select definitions in Article 1100, including, but not limited to, ensuring lots have sufficient buildable area and provisions related to special purpose lots, reformatting Table of Uses 200-2 to improve cross-referencing and visual clarity, updates to Notes to Table 200-2, including home occupations and overflow and recreational vehicle parking for multi-family dwellings, façade transparency based on a building's setback in the Center City Planning Area, front yard averaging, Airport Overlay provisions, front yard landscaping and buffering/screening requirements, design standards for single- & two-family dwellings, mechanical equipment screening & front yard landscaping requirements, vehicle towing operations/storage yards, allowance of staff review of development within US 220 Overlay Zone, driveway width provisions, & other general clerical and cross-referencing corrections.

Requested Action Text Amendments to the Zoning Ordinance (see legal description above)

Existing Zone N/A

Land Development Plan See staff report

Planning Board Recommendation

Approve*

Reason for Recommendation

The Planning Board concurred with staff reasoning.

**Note: The Planning Board originally reviewed this request at its May 4, 2015 meeting. At its July 6, 2015 meeting, the Planning Board recommended approval of this request.*

Planning Board Comments

Rezoning Staff Report

RZ Case # **RZ-15-05** **Date** 7/16/15 City Council

General Information

Applicant City of Asheboro

Address 146 North Church Street

City Asheboro NC 27203

Phone 336-626-1201

Location N/A

Requested Action General Text Amendments to the Zoning Ordinance (see description in "Analysis" section)

Existing Zone N/A **Existing Land Use** N/A

Size N/A **Pin #** N/A

Applicant's Reasons as stated on application

The amendments are proposed to update outdated language, improve language that is potentially conflicting, and improve the administration concerning various items in the Zoning Ordinance. The amendments will ensure that the Zoning Ordinance is up-to-date with current statewide legislation and current land use trends. This is the first phase of the proposed amendments and includes Articles 100-500, and select amendments to Article 1100. Remaining article amendments will be presented as the second phase at a later date.

Surrounding Land Use

North N/A **East** N/A

South N/A **West** N/A

Zoning History Various sections of the Zoning Ordinance with proposed amendments have been periodically updated since the early 1990's.

Legal Description

Legal notices were published on July 3, 2015 and July 10, 2015. A copy of the complete legal ad is on file.

Analysis

Updates are proposed to the following sections of the zoning ordinance. Highlights include:

Article 100: Provisions for special purpose lots (i.e. for public facilities such as sewer pump stations, etc.).

Article 200: Reformat Table of Uses 200-2 to improve cross referencing of supplemental regulations for specific uses and visual clarity. Update certain uses and make necessary clerical corrections, Update Notes to Table 200-2 listing supplemental regulations for certain uses (overflow/RV parking for multi family dwellings, home occupations).

Article 200A: An amendment is proposed to address facade transparency based on a building's setback.

Article 300: Amendments are proposed concerning front yard averaging and the Airport Overlay.

Article 300A: Updates reflecting statewide legislation concerning design standards for single and two family dwellings, requirements for mechanical equipment screening, vehicle towing operations/storage yards, front yard landscaping requirements, staff review of development within US 220 Overlay and general clerical changes.

Article 400: Account for site constraints in determining required driveway widths.

Article 1100 (Part 1): Amendments limited to Articles 100 through 500.

Note: A first draft of Articles 500 through 1100 will be presented at a later date.

Rezoning Staff Report

RZ Case # **RZ-15-05**

Consistency with the 2020 LDP Growth Strategy designations

In reviewing this request, careful consideration is given to each Goal and Policy as outlined in the Land Development Plan. Some Goals and Policies will either support or will not support the request, while others will be neutral or will not apply. Only those Goals and Policies that support or do not support the request will be shown.

Proposed Land Use Map Designation	N/A
Small Area Plan	N/A
Growth Strategy Map Designation	N/A

LDP Goals/Policies Which Support Request

2.1.1 The Zoning Ordinance will periodically be reviewed to ensure that the specific regulations for each Zoning District are aligned with the desired character and focus of each district.

Goal 2.2: Development that is located in appropriate locations

Goal 3.1: Enhancement, maintenance, and preservation of the built environment

3.2.4 The City will limit the visual presence of mechanical equipment, utility farms and outdoor storage by requiring that these uses (where permitted) incorporate effective screening and be oriented away from public view and streetscapes.

LDP Goals/Policies Which Do Not Support Request

Recommendation **Continue**

Reason for Recommendation

Staff is requesting that City Council continue its public hearing until August 6th. This will allow additional time for review and public comment.

Evaluation of Consistency with Adopted Comprehensive Plans/Reasonableness and Public Interest

A final consistency statement will be included with the staff report at the time staff recommends adoption of the proposed text amendments.

RZ-15-05 General Text Amendments to the Zoning Ordinance

(City of Asheboro)

Proposed Text

2015 Zoning Ordinance Amendments: Phase 1
Articles 100 - 400 and Select Definition Changes in Article 1100

ARTICLE 100

106 Every Lot Must Abut A Street and Possess Sufficient Buildable Area

No building, structure or use of land other than for agricultural purposes or for a ~~cemetery~~ special purpose lot~~,~~ shall be established on a lot that does not abut and have direct access to a dedicated public street and does not have at least one thousand (1,000) square feet of contiguous buildable area of a shape sufficient to hold a principal building ~~(9/02)~~. ~~For purposes of this section, the term "cemetery" shall be construed in a broad manner that comports with North Carolina General Statutes.~~

Reason: recognizes that they are other situations where a use on a lot may be satisfactorily accessed from an access easement. Requires special purpose lot to be defined and standards written in Article 1100 and 300 respectively. Furthermore, establishes minimum buildable area standards to discourage lots from being created that have inadequate buildable area due to building setbacks or similar developmental constraints.

117 Location of Building Line on Major & Minor Thoroughfares

Building setback requirements for structures located along any major or minor thoroughfare shall be measured from the ultimate right-of-way as shown in the adopted Asheboro Comprehensive Transportation ~~Thoroughfare~~ Plan. The area of a lot outside of existing right-of-way yet located within the ultimate right-of-way may be used in calculations that require area determinations. All other streets shall utilize existing right-of-way lines for measurement of setback and yard requirements.

Reason: The Thoroughfare Plan (2001) that is referenced has been supplanted by the Comprehensive Transportation Plan which was adopted in 2014.

ARTICLE 200

210 Schedule of Statements of Intent

The following array presents for the several districts the Schedule of Statements of Intent applicable to each district.

E. RA6 Residential District:
The RA6 Residential District is intended to produce a high intensity of residential uses in close proximity to major nodes of non-residential development, characterized primarily by group housing, plus the necessary governmental and other support facilities to service that level of development. Land ~~designed~~ designated RA6 shall normally be located a ~~major or~~ minor thoroughfare or higher classification street with access to

local residential streets discouraged.

F. OA6 District:

The OA6 District is intended to produce moderate intensity office and residential development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land ~~designed~~ designated OA6 shall normally be located with access to a ~~major or~~ minor thoroughfare or higher classification street with access to local residential streets discouraged.

G. O & I Office and Institutional District

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

H. B1 Neighborhood Commercial District:

The B-l Neighborhood Commercial District is intended to provide for limited retail and personal service uses on free-standing parcels or for small centers to serve adjacent residential neighborhoods. These districts shall normally be located in nodes along ~~major or~~ minor thoroughfares or higher classification streets.

I. M (Mercantile) Limited General Commercial District

The Mercantile (M) District is intended to provide for a greater number of potential business activities than the B1 Zoning District. The Mercantile District is distinguished from the B2 General Commercial District by excluding certain uses permitted in the B2 District that are likely to create the greatest external impact (traffic, noise, lighting, etc.) and by its additional standards that address compatibility with adjoining residential neighborhoods. These districts should be located in nodes along ~~major or~~ minor thoroughfares or higher classification streets.

J. B2 General Commercial District

The B2 General Commercial District is intended to serve the convenience goods, shoppers goods retail and service needs of the motoring public, both local and transient. This district should always be located with access directly to ~~major or~~ minor thoroughfares or higher classification streets~~,~~ but never local residential streets.

K. Tourism-Hospitality (TH) District

The TH Tourism-Hospitality District is intended to serve the lodging, tourism, convenience goods, shoppers goods retail and service needs of the traveling public, with emphasis on promoting compatible tourism

development and complementing existing tourism venues. This district shall be located with access directly to freeways and ~~major or~~ minor thoroughfares or higher classification streets, but never local residential streets. The use of commercial service roads to access properties in this district shall be strongly encouraged.

Reason: Language references thoroughfares as identified on the city's Thoroughfare Plan adopted in 2001. That plan has been supplanted by the Comprehensive Transportation Plan which was adopted in 2014.

Notes to Table 200-2: Supplemental Requirements

5. (College, University, or Seminary)
The site for any college, university or seminary shall have an area of at least 10 acres, plus 5 acres for each 100 pupils, or major portion thereof, in excess of 400 pupils. Such a site shall have a frontage on a ~~major or~~ minor thoroughfare or higher classification street as shown on the current Asheboro Comprehensive Transportation Plan.

Reason: Language references thoroughfares as identified on the city's Thoroughfare Plan adopted in 2001. That plan has been supplanted by the Comprehensive Transportation Plan which was adopted in 2014.

14. Drive Inn Theaters are subject to the following regulations:

A. No part of any theater screen, projection booth, or other building shall be located closer than three hundred feet from any residential district nor closer than fifty feet from any lot line.
B. The image on the theater screen shall not be visible from any ~~major or~~ minor thoroughfare or higher classification street as shown on the current Asheboro Comprehensive Transportation Plan or from any residential district.
C. Queuing space within the zoning lot shall be provided for patrons awaiting admission .....

Reason: Language references thoroughfares as identified on the city's Thoroughfare Plan adopted in 2001. That plan has been supplanted by the Comprehensive Transportation Plan which was adopted in 2014.

15. (Dwelling Multiple Family Units) A full-time on-site manager shall be provided for multifamily dwellings with a total of 75 units or more. A permanent office shall be provided for the manager. The floor area contained in the on-site manager's office shall not be counted in the total FAR. The required recreation space (areas for common passive or active recreation use) may include, but not be limited to a swimming pool, picnic areas with tables, basketballs goals with paved play areas, and playground(s) with play equipment; outdoor seating areas and the like where the facilities are available for common use by tenants and visitors. Active recreation space shall be at least 20 feet from any residential unit. The project may be developed in phases. Phase 1 shall include the

required amenities. No Certificate of Occupancy for any phase of the project shall be issued until all required or proposed improvements are installed for that phase.

A designated storage area ~~shall be designated and reserved~~ for ~~the~~ parking of recreational vehicles, boats, camp/travel trailers shall be provided in all multi-family housing developments containing more than four residential units. ~~A~~ The designated ~~and separate~~ storage area(s) ~~for recreational vehicles, boats, camp/travel trailers~~ shall provide 72 square feet for every ~~required parking space~~ residential dwelling unit with a minimum of 720 square feet to be provided. Such area(s), when visible from the public right-of-way, shall have screening consisting of landscaping and/or fencing compatible with the development's architectural and landscaping design and compliant with applicable design standards. ~~and landscaping which is consistent with other screening for similar uses (i.e. solid waste and mechanical equipment screening). This area may be fenced. Fencing shall comply with any applicable design standards. Overflow parking spaces for visitors shall be designated within the parking area multi-family housing developments providing more than four residential units.~~ Required and non-required storage area(s) for shall comply with the screening requirements of this sub-section and the requirements of Section 303A.1.

Additionally, one overflow parking space shall be provided for every ten (10) required parking spaces within the development ~~project~~.

Storage of junked and/or nuisance vehicles is not permitted in the recreational vehicle storage area and/or the overflow parking area.

Reason: This language corrects stylistic issues, and is proposed to reflect the intent of the storage requirement for recreational vehicles, while also being flexible in terms of screening requirements. The proposal to calculate storage area based on the number of units is more likely to accurately reflect demand.

20. (Home Occupation)

Shall be subject to the following limitations:

A. No home occupation shall be permitted that (1)changes the outside appearance of the dwelling unit or is visible from a street; (2)generates traffic, parking, sewage or water use in excess of that which is normal in a residential district; (3)creates a hazard to persons or property or is a nuisance per se or per accidents; (4)utilizes any accessory structure; (5)results in outside storage or display of anything; (6)results in the erection of any sign for advertising purposes.; (7) results in more than one employee who is not a resident of the dwelling unit.

B. The following are permitted home occupations in all residential districts, provided that they meet the requirements of A, above:(1) ~~Dressmaking, sewing and~~ Tailoring Services (Dressmaking, Alterations, etc.); (2)Painting, sculpturing and writing; (3)Telephone answering service; (4)Home crafts, such as weaving, lapidary, potting; (5)Tutoring or

teaching music or dance to ~~of~~ no more than four students at a time; (6)Computer programming; ~~(7)Music teaching~~

C. The following are prohibited as home occupations: (1) Barber shops and beauty parlors; (2)Animal hospitals/vet clinics; (3) ~~Physicians, dentists and chiropractors~~ Health Practitioner(s) Offices/Health Services; ~~(4)Dance studios,~~ ~~;~~ (~~5~~4)Exercise studios/health/fitness centers; (~~6~~ 5)Funeral Parlors/Mortuaries; ~~(7)Nursery schools~~; (~~8~~6)~~Private clubs~~ Nightclubs/Cabarets/Places of Assembly/Membership Organizations; (~~9~~7)Repair shops; (~~10~~ 8)Eating Establishments/Restaurants; (~~11~~9)Retail Sales; (~~12~~10)Stables and kennels; (~~13~~11)~~Automobile~~ Motor vehicle repair (major and minor) and paint shops. (12) Bars, Brewpub, and Breweries/Microbreweries; 13) Junkyards; 14) Light/heavy manufacturing

D. Any proposed home occupation that is neither specifically permitted by paragraph B nor prohibited by paragraph C shall, in order to be established, obtain a Special Use Permit from the City Council in accordance with Article 600.

Reason: This language is proposed to more accurately reflect the home occupations that staff has encountered. "Telephone answering service" also includes incidental office activities (paperwork, etc.) normally conducted within a home office by the entrepreneur of the business as long as the performance measures of Section (A) are met. "Nursery schools" is removed as a prohibited use since a child day care home is a permitted use and both the zoning ordinance and the NC Department of Health and Human Services have separate regulations concerning child care outside of a home environment.

24. Mini-warehouse facilities shall meet the following requirements:

A. Such facilities shall front on ~~major or~~ minor thoroughfares or higher classification streets, as shown on the current Asheboro ~~Thoroughfare~~ Comprehensive Transportation Plan.

B. Such facilities shall be used only for dead storage of materials or articles and shall not be used for assembly, fabrication, processing or repair.

C. Open storage shall be limited to ten percent .....

Reason: The Thoroughfare Plan (2001) that is referenced has been supplanted by the Comprehensive Transportation Plan which was adopted in 2014.

40. All Recreation & Amusement Services, Commercial, shall only be located along a ~~major or~~ minor thoroughfare or higher classification street as shown on the current Asheboro ~~Thoroughfare~~ Comprehensive Transportation Plan.

Reason: The Thoroughfare Plan (2001) that is referenced has been supplanted by the Comprehensive Transportation Plan which was adopted in 2014.

TABLE 200-2 - INCLUDED AFTER PAGE 21

ARTICLE 200A

200A(D)(4)(d)(ii) New Street Fronting Facades

~~The f~~ Facades with a 10 foot or less setback shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building facade.

Reason: This amendment makes the Tier 2 transparency requirement consistent with Tier 1 and removes the requirement for facades that are required, by averaging, to be setback further from streets.

ARTICLE 300

302.5 Aviation Hazards (Amended 2015)

No building or other structure, regardless of exclusions set forth at subsection 302.4 above and Section 320A Airport Overlay Zone, shall be located in a manner or built to a height which constitutes a hazard to aviation or creates hazards to persons or property by reason of unusual exposure to aviation hazards. There exists a zone which is defined by a 1 foot rise in elevation for every 100 linear feet from the airport runway. This zone includes all areas lying within ~~20,000~~ 10,000 feet of the runway. Within this zone, plans for a proposed structure which penetrates beyond the height thus established shall be subject to review and approval by the FAA and the Asheboro Airport Authority. No structure shall be permitted which penetrates the height established by the Asheboro Municipal Airport Airspace Plan except if agreed upon by the Asheboro Airport Authority.

Reason: 10,000 feet is what is reflected on the Airport's Approach and Vicinity Plan

305 Averaging ~~an Existing Residential or Commercial~~ Front Setback Line

~~In a residential or Commercial district, where the average of the front setbacks for all adjacent lots, which are located within two hundred feet of either side of a lot is greater than the required front setback specified in this Ordinance, a required setback line shall be provided on the lot equal to this greater average depth but not to exceed sixty feet. Where such average of the front setback is less than the minimum required front setback, the required setback line may be reduced to this lesser average depth, but in no case to less than fifteen feet. For the purpose of computing such average, an adjacent vacant lot shall be considered as having the minimum required front setback specified for the zoning district.~~

305.1 Reduction to Front Yard Setback

In a residential or commercial district, where the average of the front setbacks for all adjacent lots, which are located within two hundred feet of either side of a lot, is less than the minimum required front setback, the required setback line may be reduced to this lesser average depth, but in no case to less than fifteen feet. For purposes of computing such average, an adjacent vacant lot shall not be included in the calculation.

305.2 Increase to Front Yard Setback

In a residential district, where the average of the front setbacks for all adjacent lots, which are located within two hundred feet of either side of a lot is greater than the required front setback specified in this Ordinance, a required setback line shall be provided on the lot equal to this greater average depth but not to exceed sixty feet. For the purpose of computing such average, an adjacent vacant lot shall be considered as having the minimum required front setback specified for the zoning district.

Reason: this provision has unnecessarily burdened commercial lots with increased setbacks. Amendment preserves appropriate protection for residential lots while maximizing design flexibility for commercial lots.

307.10 Building Spacing

The spacing between principal structures located on the same zoning lot shall be determined by the NC State Building Code. ~~However in no case shall there be less than 20 feet between principal structures.~~

Reason: defers building separation requirements to the building code which is better equipped to ensure safe construction standards. Furthermore, will treat two buildings located on the same lot equally with two buildings, located in close proximity, on separate lots since such buildings already may be 10 feet of one another if certain fire resistivity measures are satisfied.

307.11 Special Purpose Lots

Requirements of this Ordinance with respect to street frontage, minimum lot and buildable area, and minimum lot dimensions shall not apply to lots for family cemeteries or cemeteries on property owned by a place of worship, public facilities, communication facilities, communication towers and similar utility uses. A Special Purpose Lot shall be permitted only after the Zoning Administrator has determined that the proposed lot has sufficient dimensions to accommodate the intended use and planting yards, if required by the Zoning Ordinance. If the Special Purpose Lot does not have a minimum of twenty (20) feet direct access to a public or private street, an easement for ingress and egress with a minimum width of twenty (20) feet shall be platted from the street to the lot. The subdivision to create the lot shall be approved in accordance with the Subdivision Ordinance. The Final Plat shall label the proposed use of the lot.

ARTICLE 300A

302A: ~~U. S. 220 Bypass~~ I-73/74 Overlay Zone Provisions:

302A.1: Purpose: The purpose of this zone is to ~~establish a site plan review procedure to~~ ensure that a high standard of development is achieved along ~~U. S. 220 Bypass~~ I-73/74.

302A.2: Administration of the Requirements of this Article:

A. ~~Applications for any development, construction, or use of land (other than agricultural and single family residential on single lots recorded prior to 12/01/85) which is located within this zone shall be made to the Asheboro Planning Department for review and processing 15 days prior to a regularly scheduled meeting of the Planning Board. The Planning Department shall forward the site plan to the Planning Board for consideration at their next regular meeting.~~ The City of Asheboro's Zoning Administrator shall enforce the provisions of this Article.

~~B. The Planning Board may issue a site plan approval after review and~~

~~C. Failure of the Planning Board to act on a site plan within 65 days of the~~

302A.3: General Provisions

A. Lands to which this Article Applies: This Article shall apply to all lands within the City limits and within the extraterritorial jurisdiction of Asheboro ~~that lie~~ that are located within 500 feet of the center line of the right-of-way of ~~U. S. 220 Bypass~~ I-73/74. Such area shall be depicted on the Official Zoning Map. The ~~U. S. 220 Bypass~~ I-73/74 district shall be considered as an overlay district to the existing zone districts. Uses permitted within the underlying districts shall be permitted provided they meet the requirements of this Article.

B. Interpretation of District Boundaries: The ~~Planning Director~~ Zoning Administrator shall make the necessary interpretation as to the location of specific properties within this district. The decision of the ~~Planning Director~~ Zoning Administrator shall be subject to appeal to the Board of Adjustment in accordance with Article 900 of this Ordinance.

C. Compliance: No structure shall be erected, reconstructed, or altered, nor shall any building or land be used without full compliance with the terms of this Article and other applicable regulations except for the agricultural use of land and the construction or alteration of single family residential structures on single lots recorded prior to the adoption of this article or lots approved through the current Subdivision process. Approval of a site plan under these provisions is for the plan submitted. All proposed aspects of the plan shall be installed, provided and maintained or the approval becomes void. Any modification to the approved plan shall require additional review and approval ~~by the Planning Board~~.

D. Board of Adjustment: The Board of Adjustment of the City of Asheboro as established in Article 900 of this Ordinance shall serve to hear any appeals of this Article.

E. Penalties for Violation: Violation of this Article shall be considered as any violation of this Ordinance and shall be dealt with as provided for in Section 1011.

F. Uses Permitted: All uses permitted within the underlying zone shall be permitted within the overlay zone except that billboards shall not be permitted within the overlay zone.

302A.4 Requirements for Site Plan Approval:

A. ~~Site plan approval shall be subject to the Planning Board review of the~~
The proposed work or use shall conform with all requirements of this Ordinance, unless expressly modified below, prior to the issuance of a Zoning Compliance Permit:

1. A Buffer Type B shall be installed on the property between the I-73/74 right-of-way and the proposed development. This buffer shall supplant any requirement to provide front yard landscaping along I-73/74. Existing vegetation may be used to meet all or a portion of this requirement (refer to 304A.7). This requirement shall apply to the following:

a. New principal buildings or open uses of land constructed or established after July 1, 2015.

b. Building expansions on a zoning lot which result in a building square footage increase of more than fifty percent (50%) the square footage of development existing on July 1, 2015. In such cases, the requirement shall only apply along the area of expansion.

~~B. The site plan shall incorporate plans that detail a proposed method of modified topography and landscaping or a combination of~~
~~In approving a site plan the Planning Board shall~~

~~C. To ensure that property within this district is developed to a high~~
~~to achieve the requirement of Section 302A.b. The Planning Board~~

~~D. A landscape plan shall be provided for the proposed project, such plans~~

~~E. A site plan shall be submitted, showing:~~

~~1. The existing topography of the site and any modification to the~~

~~2. Location and approximate size and height of all existing and proposed~~

~~3. All proposed points of ingress and egress together with the proposed~~

~~4. All proposed parking areas.~~

~~5. All proposed storage areas (where permitted).~~

~~6. Proposed provisions for water, sewerage, and storm drainage,~~

~~7. Proposed treatment of ground cover, slopes, banks and ditches. (If the~~

~~8. Plans detailing the location and type of buffer as required in *302A.2b*~~

~~9. The landscape plan as required in Section 302A.4d.~~

Reason: At the time the overlay's requirements were established, the city did not possess a well-defined process for site plan review and it was common for the Planning Board to be the review entity for such plans. Today, a site plan review process is clearly described in the Ordinance and is the responsibility of staff. Discretionary judgment is removed to make expectations more clear for property owners.

303A.2: Commercial Vehicles:

The parking of commercial vehicles over **7,500** GVW or **25** feet in length ~~in~~ on any residentially zoned private property ~~district~~ is prohibited except as stated below. Parking of such vehicles is permitted if they are of an emergency service nature or school buses or located within entirely enclosed structures which meet the regulatory requirements for the applicable zoning district. This requirement shall not be interpreted to prohibit ~~from~~ loading and unloading in any residential district.

Reason: Clarifies that the zoning regulations are applicable to use or activity occurring on private property. Authority to regulate commercial vehicle parking will rest with the City Council under its general ordinance-making authority. In this regard, regulation can be more tailored to address specific issues identified and reported by citizens to the City Council.

304A Buffers and Screening

304A.3 Buffer or Screen Required.

To provide maximum flexibility in achieving a high standard of development both buffer and screen requirements are established. The developer may choose which protection method is appropriate for the proposed development or he may mix methods within the development. Buffers and Screening applies to all uses. All new development, new construction by existing uses, additions and expansions shall be made in strict compliance with this Ordinance. A change of use shall be made in strict compliance with this Ordinance only in cases where a two, or greater, degree of intensity difference in the protective yard matrix exists between proposed and existing uses. ~~The matrix below indicates when uses will be required to install a buffer or a screen. In addition the matrix establishes what category of buffer or screen will be required.~~

Reason: Clarifies when buffering and screening requirements are applicable. Eliminates requirement for minor change of use projects.

306A Screening of Mechanical Equipment &
317A Performance Standards for all Commercial Districts - Proposal is to streamline Ordinance by making 306A, as written below, applicable to all Commercial Districts and deleting all redundant references to Mechanical Equipment Screening contained in 317A)

All new non-residential uses and expansions of existing structures, except for those located in Industrial Zoning Districts, shall screen from ground-view, as seen from the lot line of the front of the lot, ~~from public places, public rights-of-way and neighboring properties~~ all new mechanical equipment, such as but not limited to, air conditioners, compressors, gas and fuel storage tanks, ventilation and other air handling systems, grease traps and separators and pumps, associated with new construction. For purposes of this Ordinance, new construction shall include but not be limited to additions to and expansions of existing buildings.

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

A. Roof-Mounted Mechanical Equipment Screening

Roof-mounted mechanical equipment shall be screened from view by a parapet wall, false façade, or similar structural feature that is an integral part of the building's architectural design. ~~The height of the screening wall or feature shall be equal to or greater than the height of the mechanical equipment being screened and shall be installed to screen mechanical equipment from view from any point at or below the roof level of the subject building.~~ The painting of mechanical equipment, the use of dense landscaping, or the installation of rooftop fencing shall not be acceptable methods of mechanical equipment screening.

B. Ground-Mounted Mechanical Equipment

Ground-mounted mechanical equipment shall be screened from view by a decorative wall, dense evergreen landscaping, or a decorative fence. Screening features shall be compatible with the development's architectural and landscaping design. The height of screening features shall be equal to or greater than the height of the mechanical equipment being screened

This section applies to equipment located on the ground, elevated, located on top of structures and located upon any roof of a structure. Prior to the issuance of Certificate of Occupancy, screening of mechanical equipment shall be installed or its installation guaranteed as per Section 1006. Industrial process equipment is not included within this requirement.

Reason: Staff believes this provision is overly broad as it treats mechanical equipment thoughtfully designed and located to the rear of a building and/or not visible from the street the same as

equipment that is located without regard to aesthetic considerations. Staff contends that the code should require developers to be mindful of where mechanical equipment is placed and its impact on aesthetics and impose screening requirements in instances where no alternative exists other than to locate the equipment in a manner that is plainly visible.

308A Parking restricted within required Front Yards

308A ~~Parking restricted within required Front Yards~~ Front Yard Landscaping and Loading Docks

308A.1 Front Yard Landscaping Applicability

A. Dwelling, Single Family and Dwelling, Two Family uses shall be exempt from the provisions of this Section.

B. All new development, new construction associated with existing uses, and additions and expansions shall be made in strict compliance with this ordinance.

C. A change of use shall be made in strict compliance with this ordinance only in cases where the installation of front yard landscaping will not create a new nonconforming situation.

D. Properties located within the Center City Planning Area shall be regulated by Article 200A.

308A.~~1~~ 2 ~~No Parking Shall Be Permitted Within The First 10 Feet Of Required Front Yard~~ Front Yard Landscaping Standards for Industrial, B2 and B3 Districts

~~Except for single family and duplex structures n~~ No parking shall be permitted within the first 10 feet of required front yard of any zoning lot. Such required yard shall be occupied only by underground utilities, retention areas, landscaping materials, signs (where permitted) and driveway access and the following required landscaping materials. ~~This requirement shall apply to new construction and to any change of use.~~ To provide flexibility in achieving a high standard of development, front yard landscaping options are provided.

A. There shall be planted and maintained one tree (as listed in Appendix B of this Article), which is not less than six feet in height at the time of planting, for each twenty linear feet of street frontage or portion thereof. At least one such tree shall be of a flowering type. The balance of the first 10 feet of the required front yard shall be covered with evergreen ground cover, or mulch, **or**

B. There shall be planted and maintained one evergreen shrub as defined in Table of Minimum Plant Size Section 304A.4A 2 for each ten linear feet of street frontage or portion thereof. See Appendix A.D Shrubs for Evergreen Screening for a listing of specific permitted evergreen shrubs. The balance of the first 10 feet of the required front yard shall be covered with evergreen ground cover or mulch, **or**

C. A combination of A and B with one tree equal to 2 shrubs. ~~(4/6/00)~~;

The front yard landscaping requirements of A-C (above) are intended to specify the **minimum number** of plantings required in the first ten (10) feet of required front yard based on the linear feet of street frontage and are not intended to specify or limit the flexibility of spacing or arrangement of plantings within these ten (10) feet. For example, trees do not have to be planted exactly 20 feet apart and shrubs do not have to be planted exactly 10 feet apart.

308A.3 Front Yard Landscaping Standards for OA6, O&I, B1, M & TH Districts

Refer to Section 317A for these requirements.

308A.~~5~~ 4 Additional Front Yard Landscaping Standards for Multifamily Projects Of Less Than 45,000 Sq Ft Lot ~~Area Parking Restriction~~

In multifamily projects of less than 45,000 sq ft lot area, parking may not be permitted within any of the required front setback area as indicated in Table 200-1. The area shall be considered open space and in additional to the landscaping required in 1 above, landscaping shall be installed which meets section 309A. ~~(8/7/97)~~

308A.~~6~~ 5 Modification of Front Yard Landscaping Width with Regards to Location of Parking ~~Location of Parking Restricted Between the Street and Building (12/9/04)~~

A. Nonresidential Uses - Setbacks and Parking for nonresidential uses.

a. The minimum front yard setback for all new buildings shall be as per Table 200 - 1 for all OA6, O& I, M, B1, B2, TH, I1, I2 and I3 districts when parking is not located between the street and the building. In these cases, parking shall be at the side or the rear of the building. Ingress and egress is permitted within the front yard setback.

b. For all new buildings the minimum front yard setback shall be 50 feet when parking is located between the street and the building. Parking or maneuvering of vehicles (except for ingress and egress at permitted driveway(s)) is not permitted within the first 25 feet of this setback.

308A.6 Alternative Front Yard Landscaping

In lieu of compliance with the above Front Yard Landscaping requirements, an applicant may submit to the Zoning Administrator for review and approval a detailed plan and specifications for Alternative Front Yard Landscaping. The Zoning Administrator may approve Alternative Front Yard Landscaping upon finding that full compliance with the requirement is unpractical and creates an undue restriction on the use of the property, and that the proposal will afford a comparable and rational degree of landscaping given site constraints.

308A.~~2~~ 7 ~~Plant~~ Front Yard Landscaping Materials Location and Selection

All required plantings and any other landscaping shall be so arranged that it does not impair visibility when exiting the lot into a public street. Plant materials should be selected which are appropriate to soil and site conditions. It is recommended that species be selected which are resistant to heat, draught, insects, and diseases and which require little maintenance. Refer to Appendices A and B for listing of approved plant materials. ~~(4/6/00)~~

308A.~~3~~ 8 Front Yard Landscaping Installation or Guarantee Required

Prior to the issuance of Certificate of Occupancy, screening of required front yards shall be installed or its installation guaranteed as per Section 1006.

308A.~~4~~ 9 Existing significant Trees

Existing significant trees, over six feet in height, or planted trees, which are not less than six feet in height at the time of planting, that are located within the required front yard of any zoning lot shall be permitted to count towards the total number of trees as required above on a one to one basis.

308A.10 Nonconforming Front Yard Landscaping

Existing uses which on the date of adoption of this ordinance are using the first 10 feet of their lot for parking shall not be considered non conforming for the purposes of Section 803.6

308A.~~7~~ 11 Loading docks ~~(12/9/04)~~

~~A.~~ For all new buildings or any addition to any existing building, no loading docks shall be located on any street fronting building façade or face, except that~~: 1. L~~ loading docks may be located on street fronting facades or faces provided that the property is industrially zoned and the street that the loading docks front is not designated a major thoroughfare by the adopted ~~Thoroughfare Plan~~ Comprehensive Transportation Plan.

Reason: Section now has appropriate title to reflect its content. Applicability section clearly communicates when front yard landscaping is required. Section now allows enhanced flexibility for change of use projects where installation of landscaping would create a new nonconforming situation, and alterative landscaping plans (similar to alternative buffers/screens of Section 304A). New headings alert users that different landscaping standards exist by zoning district.

309A Vehicle Towing Operations and Storage Facilities.

A. Vehicle towing storage facilities, where permitted, are allowed to park, store and maintain a towed vehicle while awaiting proper disposition of said vehicle. Such parking, storage and maintaining shall be located within a fenced and screened area that meets the requirements of Section 305A. The fenced area shall observe a setback of 25 feet from any residential zoned property. Such areas shall not be used for dismantling of vehicles or the sale of parts~~.~~

B. Vehicles may be stored in entirely enclosed structure(s) as long as the structure(s) meets the regulatory requirements of the Zoning Ordinance and all building and fire code regulations. The indoor storage of vehicles shall be considered a warehouse use. Vehicles stored in such an entirely enclosed warehouse do not have to comply with the open storage requirements of Section 305A.

C. Open storage of commercial vehicles engaged in the operation of a vehicle towing operation and storage business (i.e. tow trucks) shall be required to be screened in accordance with the requirements of Section 305A unless such vehicles are located within an entirely enclosed

D. In all cases, the buffering and screening requirements of Section 304A related to buffering and screening of adjoining uses shall apply to vehicle towing operations and/or vehicle storage facilities. If a vehicle storage facility and vehicle towing operation remove one of these uses, the deletion of one use shall not be considered a change of use. However, when a use (either vehicle towing operation and/or vehicle storage facility) adds the other use, this addition shall be considered a change of use.

Reason: The Zoning Ordinance views a Vehicle Towing and Operation Storage Use as one of the most intensive land uses defined. Such uses possess a storage yard that must provide screening of stored vehicles and towing vehicles. A vehicle towing operation without the storage yard is a less intense land use under the Ordinance and is comparable to a contractor's office. This amendment proposes to treat vehicles associated with a contractor's office and a towing operation similarly as work vehicles not requiring screening. Screening of these vehicles would be triggered under the proposal when vehicle storage is occurring.

313A Garage, Yard, etc. Sales.

Garage, yard, tag, patio and apartment sales are specifically permitted as an accessory use in all residential districts. Such sales shall be limited to two during each twelve month period, each for a maximum of two consecutive weekends or seventy-two hours, whichever is lesser, and only during daylight hours.

Reason: underlined text appears to have been inadvertently deleted previously. Text aligns with yard sale allowances prescribed by the city code.

318A Performance Standards for Residential Districts

D. Design Standards for all Residential Districts

The purpose of this section is to establish standards for those items that affect the physical aspect of Asheboro's environment. These standards focus on design principals which can result in creative solutions that will develop a satisfactory visual appearance within the City, preserve values, and promote the public health, safety, and welfare.

It has been determined that zoning regulations guide development towards accomplishing the community's goals as stated within the Asheboro Land Development Plan, creating a

quality community and improving the community's livability. These goals protect and enhance individuals' welfare and markets the community for quality development.

The standards require a basic level of site and structure design. The standards are not intended to limit creativity or create a community where everything looks the same. Its intent is to serve as a tool for design in the context of developing Asheboro as an unique place. Consideration has been given to balancing the interests of property owners with the community's aesthetic character. The balancing of the landowners right to use his land, with the corresponding right of abutting and neighboring landowners to live without nuisances such as noise, smoke, fumes, odors, glare of lights, and visual pollution.

1. **Except for single-family and two-family dwellings** and their permitted accessory structures, all new construction and expansions and/or additions, shall meet the requirements of this Ordinance pertaining to design regulations and shall also meet the following specific design criteria which is meant to facilitate an orderly pattern of architecturally and esthetically integrated development:

a. All Facades One Hundred percent of the area below the facia of any non-single-family or **two-family** building including doors and windows shall be finished with any Building Code approved material except:

Reason: The proposed exclusion of two-family dwellings from residential district design standards is to comply with recently adopted state legislation (Session Law 2015-86, Senate Bill 25, Effective June 19, 2015).

320A.3: General Provisions: (Airport Overlay District)

A. Lands to which this Article Applies: This Article shall apply to all lands within the City limits and within the extraterritorial jurisdiction of Asheboro that lie within ~~20,000~~ 10,000 feet of the airport runway and within any approach to the Asheboro Municipal Airport as designated in the Asheboro Municipal Airport Airspace Plan.

G. Other Restrictions:

(a) Within the Asheboro Municipal Airport Overlay District there exists a zone which is defined by a 1 foot rise in elevation for every 100 linear feet from the runway. This zone includes all areas lying within ~~20,000~~ 10,000 feet of the runway. Within this zone, plans for a proposed structure which penetrates beyond the height thus established shall be subject to review and approval by the FAA and the Asheboro Airport Authority. No structure shall be permitted which penetrates the height established by the Asheboro Municipal Airport Airspace Plan except if agreed upon by the Asheboro Airport Authority.

Appendix A *Reason: correcting misspelling.*

A. Understory Trees

a. American Hornbeam
b. Eastern Redbud
c. Flowering Dogwood
d. Washington Hawthorn
e. Russian Olive
f. Mountain Silverbell
g. American Holly
h. Golden Rain Tree
i. ~~Grape~~ Crape Myrtle
j. Sourwood
k. Carolina Cherry-Laurel
l. Kousa Dogwood
m. Fringe Tree
n. Star Magnolia
o. Sweet Bay Magnolia
p. Stewartia
q. Amelandier
r. Styrax

ARTICLE 400

408. Offstreet Parking Space Design Standards.

All off street parking facilities shall be designed with permanent means of access to a street or alley and designed to provide all necessary maneuvering lanes and areas. Access drives shall be designed to provide for two-way traffic with a minimum width of 22 feet. Drives ~~of less than 50 feet~~ where the view of on-coming traffic is not blocked or impaired~~,~~ may be single lane of not less than 11 feet in width if property constraints, such as but not limited to steep slopes, inadequate lot size buffers/screens and existing buildings, prevent construction of a wider drive.

Reason: Many redevelopment projects, for example conversion of single family homes to offices along Cox St., run into issues with constructing a two way drive due to narrow lots and placement of existing structures. This provision will allow one way drives when site difficulties exist and not limit them to a pre-determined length.

ARTICLE 500 - DEFERRED; WILL BE INCORPORATED INTO SECOND PHASE OF UPDATE

ARTICLE 1100 - BEGINS PAGE 18

ARTICLE 1100

LANGUAGE AND DEFINITIONS

~~Church/Synagogue~~
~~Tax exempt buildings used for non-profit purposes by a recognized and legally established sect for purpose of worship, including educational buildings when operated by such church/synagogue~~

Place of Worship
(1) A church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs; (2) a special-purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.

Signs:

Sign
Any structure designed to inform or attract the attention of persons not on the premises on which the device is located, including one directs attention to a business, commodity, service or entertainment conducted, sold, manufactured or offered.

~~Sign, Advertising~~

~~A sign which directs attention to a business, commodity, service or entertainment conducted, sold manufactured or offered.~~

Signs, Area Free-standing Pole or Pylon
The surface area of a sign shall be computed as including the entire area within a parallelogram, triangle, circle, semi-circle or other regular geometric figure, including all of the elements of the display, but not including frames, display of identification or licensing officially required by any governmental body, or structural elements outside the sign surface and bearing no advertising matter. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign areas shall be computed by the measurement of one of the faces. In the case of cylindrical signs, signs in the shape of cubes, or other signs which are substantially three-dimensional with respect to their display surfaces, the entire display surface or surfaces shall be included in computations of area. In the case of embellishments (display portions of signs extending outside the general display area), surface area extending outside the general display area and bearing advertising material shall be computed separately as part of the total surface area of the sign.

Sign, Area Monument
Sign area shall be computed by calculating the total area encompassed by the sign, using any regular geometric figure, including advertising area, backdrop, frame, and any

structural or decorative elements, from finished grade to the top of the sign. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and when such sign aces are part of the same sign structure and are not more than 42 inches apart, the sign areas shall be computed by the measurement of one of the faces. In the case of cylindrical signs, signs in the shape of cubes, or other signs that are substantially three-dimensional with respect to their display surfaces, the entire display surface or surfaces shall be included in computations of area.

Sign, Awning/Canopy
A sign designated on a canopy or awning ~~permanently extended over a sidewalk or walkway.~~

Sign, Banner
A temporary sign of lightweight fabric, posterboard, paper, cloth, canvas, vinyl, plastic or other similar material ~~with or~~ without frame located in open air on any building, existing sign, or other structure. National flags, state or municipal flags, or the official flag of any institution or business, or signs painted or engraved on any canopy or awning structure shall not be considered banners.

Sign, Changeable copy - Electric
A sign such as an electronically or electrically controlled public service such as time, temperature and date sign, message center or reader board, where different copy changes of a public service or commercial nature are shown on the same lampbank. Changeable copy signs are not classified as flashing signs.

Sign, Entrance & Exit
Signs directing and guiding traffic on private property, but which bear no advertising matter. ~~and do not exceed four square feet in area. These signs shall be limited to two (2) per entrance.~~

Sign, Flashing, ~~Blinking~~, Pulsating, Rotating, Occulting
Signs which contain, include, or are illuminated by any flashing, intermittent or moving light or lights, including beacons, rotating discs, and other devices which resemble traffic lights, traffic signs, emergency vehicle flashing lights. Changeable copy signs are not classified as flashing signs.

Sign, Freestanding Monument
A sign~~, other than a pole or pylon sign,~~ on which the face of the sign is permanently mounted on an enclosed ~~decorative masonry~~ base and with a frame within which the advertising is contained.

Sign, Freestanding Pole or Pylon
A sign erected which is wholly independent of any building for support and is supported by one or more upright braces or posts placed directly upon or in the ground. All such signs must be permanently affixed to or constructed upon the lot where they are located.

Sign, Height
Sign Height shall be computed as 1) the distance from the base of the sign at finished lot grade or 2) from the crown of the nearest adjacent street to which the sign is oriented, whichever is higher, to the top of the highest component of the sign. Finished grade shall be the grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

Sign, Identification
A sign which carries no advertising message, and is used to identify the name of an institution, organization, title and/or occupation or profession, the name of a building and the firms located within.

Sign, Incidental
A sign carrying no advertising message, but giving information for the convenience and necessity of the public such as "no admittance, telephone, parking, etc." Incidental signs are used in conjunction with equipment or other functional elements of a use or operation.

Sign, Marquee
A sign affixed to a Marquee. ~~permanent roof-like structure of rigid materials supported by and extending from the facade of a building.~~

Sign, Nonconforming
A lawfully constructed sign not in compliance with a~~ny~~ provision of the Asheboro Zoning Ordinance, specifically Article 500, as of the effective date of its adoption~~; or any sign located on the premises of land annexed by the city which does not comply with all of its provisions.~~

Signs, Number of
For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of units, or where there is a reasonable doubt about relationship of elements, each element or light shall be considered to be a single sign. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and when such sign faces are part of these same sign structure, then this shall be considered to be a single sign.

Sign, Obsolete
Signs identifying business establishments no longer in existence, products no longer being sold, and/or services no longer being rendered.

Sign, Off-premise Advertising (Billboards) ~~(Advertising/Billboard)~~
A commercial sign which directs attention to a business, commodity, service, or entertainment not conducted, sold or offered on the premises where the sign is located.

Sign, Outdoor Inventory Sales
A temporary on premise sign advertising a business that maintains ninety-five (95%) of its standard inventory outdoors.

Sign, Political
A sign ~~that may~~ supporting a political candidate or organization. ~~A political sign may also convey an ideological message that does not represent any particular candidate and convey no advertising matter.~~ A ~~non-profit,~~ Temporary, civic sign or sign with any advertising is not considered a political sign.

Sign, Portable
A sign which rests on the ground and which is designed or constructed in such a manner that it can be moved or relocated without involving any substantial structural or support changes. This definition includes, but is not limited to, ~~A-shaped, T-shaped,~~ trailer and mobile type portable signs.

Sign, Temporary
A sign ~~displayed for a period of not more than thirty (30) days.~~ permitted for a limited duration of time. Sign types may include, by way of illustration and not limitation, A-frame, T-frame, Banner, pennant, streamer, balloon or other windblown devices.

Sign, Window
Any sign~~, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service~~ that is placed inside a window or upon the window panes or glass ~~and is visible from the exterior of the window~~.

Special Purpose Lot
A lot legally created to accommodate a unique non-residential use, that upon approval by the Zoning Administrator in accordance with this Ordinance, is not required to possess the typical lot size, area, width and road frontage mandated by the underlying zoning district.

Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Accessory Apartment ~~Refer to Section 303 Amended 11-6-2014~~	SF	A	A	A	A	A	A										Section 303
Adult Day Care Facility (for 29 or less)	2										P	P	P				
Adult Day Care Facility (for 30 or more)	2										S		S				Section 614
Adult Day Care Home - for less than 6 persons		P	P	P	P	P	P										
Adult Establishment with Live Entertainment and On Premises Consumption of Alcoholic Beverages ~~*See Article~~	*													S	S	S	Section 636
Adult Establishment General ~~*See Section 325A.E.1~~	*													P	P	P	Section 325A
Agricultural Roadside Stand~~ – produce produced on site~~		A		A													
Agricultural Tourism Facility~~ (See Article 600, Section 650).~~	3	S	S	S	S	S	S	S	S	S	S	S					Section 650
Agricultural Uses Genuine ~~EXCEPT hog parlors, chicken houses, turkey houses, feed lot operations~~		P	P	P	P	P	P	P	P	P	P	P					Note 41

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Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Airport/ Helaport ~~615(645~~)														S	S	S	Section 615
Amusement Parks	3													P	P		
Animal Hospital / Vet Clinic General	2										P			P	P		Note 2
Bakery - On and Off premises sale permitted Wholesale & Retail	3													P	P		
Bakery - On premises sale only	2								P	P	P	P	P				
Bakery Distribution Center - with Retail Sales Permitted NO BAKING PERMITTED	3										P			P	P		
Bank - Automatic Teller	2						P	P	P	P	P	P	P	P			
Bank ~~A branch bank only is permitted in the M District.~~	2						P	P	P	P	P	P	P	P			
Banquet/Reception Facility (Large)	3										P	P	P	A	A	A	

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Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Banquet/Reception Facility	2									P	P	P	P	A	A	A	
Bar ~~(Includes Tavern, Coffeehouse etc.)~~	2										P	P	P				
Bed & Breakfast	1	P		P	P	P	P		P	P	P	P					Note 3
Boarding / Rooming Houses ~~See Section 323A~~	1	P		P	P	P	P										Section 323A
Brew Pub	2									P	P	P	P	P	P		
Brewery	3													P	P		
Bus Terminal	3										P	P	P	P	P		
Business Services	1						P	P		P	P	P	P	P	P		
Carwash	2									A	P		P	P	P	P	

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Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Cemetery, Human	1	A	A	A	A	A	A	P			P			P	P		
Cemetery, Pet	1										P			P	P		
Child Day Care Large Home (9 - 12 children)	1	S		S	S	S	P										Note 4; Section 616
Child Day Care Center - Medium (30 - 79 children)	2								S		S		S	A	A	A	Note 4; Section 616
Child Day Care Center - Large (80+ children)	2										S		S	A	A	A	Note 4; Section 616
Child Day Care Center - Small (13 - 29 children)	1						S	S		S	P		P	A	A	A	Note 4; Section 616
Child Day Care Home (8 or less children)		P	P	P	P	P	P										Note 4
~~Church / Synagogue Not Places of Assembly~~	~~1~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		
~~Church/Synagogue Child Care Center (or other non profit organization)~~	~~2~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~44~~

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Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Circus, Carnival, Fair, Concerts Limited Duration ~~SEE SECTION 327A~~											P	P	P	P	P		Section 327A
College / University ~~Seminary~~	2	S	S	S	S	S	S	S	P		P		P				Note 5; Section 617
Columbarium	1	A	A	A	A	A	A	A		P	P		P	P	P		
Combustible & Flammable Liquid Storage >100,000 gallons aggregate	3														S		Section 619
Combustible & Flammable Liquid Storage above ground < 2,000 gallons		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Note 6
Combustible & Flammable Liquid Storage above ground >2,000 gallons<100,000 gallons	3													S	S	S	Section 618
Combustible & Flammable Liquid Storage below ground<2,000 gallons		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Note 7
Combustible & Flammable Liquid Storage below ground>2,000 gallons									A	A	A	A	A	P	P	P	Note 8
Commercial Developments with multi use and or structures ~~(Limited to uses permitted in the~~	3									P	P	P	P				Note 9

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Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Communication Facilities - Non Commercial		A	A	A	A	A	A	A	A	P	P	A	P	P	P	P	Note 11
Communication Facilities - Commercial	2										P		P	P	P	P	Note 10
Communication Towers ~~See Sections 302 and 320A~~		P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	Section 302; 320A; 646
Congregate Living Facility ~~Amended 11-6-2014~~	1	S		S	S	S	S	S	P		P		P				Section 620
Congregrate Living Facility - for 6 or less persons (FAMILY CARE HOME)		P	P	P	P	P	P										Note 12
Contractors Office	1						P	P		P	P		P	P	P	P	Note 13
Correctional Facilities	3										P			P	P		
Country, Racquet, Tennis & Swim Clubs	2	S	S	S	S	S	S			S	P	P	P				Note 43; Section 644
Crematorium ~~Permitted as an accessory use to funeral parlors. in B2 and B3 Districts.~~	2										A		A	P	P		

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Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Cultural Facility	1	S	S	S	S	S	P	P		P	P	P	P				Section 621
Dormitories	2	A		A	A	A	A	A			A		A				
Drive-In Theater	3										P	P		P			Note 14
Dry Cleaners - Small	2								P	P	P	P	P	P	P		
Dry Cleaning Plant	2										P			P	P	P	
Dwelling for Caretaker /Security Guard ~~on premise where employed~~											A	A	A	A	A	A	
Dwelling Multiple Family Units up to .17 FAR ~~(Section 200A modifies FAR requirement in Tier 1 of Center City Planning~~	MF					P	P										Note 15
Dwelling Multiple Family Units up to .22 FAR	MF					~~SUP or CUP~~	~~SUP or CUP~~										Note 15
Dwelling Single Family Units	SF	P	P	P	P	P	P										

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Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Dwelling Two Family Units	SF	P		P	P	P	P										
Dwelling within Mixed Use Structure ~~Permitted on upper floor only in B3 districts.~~							P						P				Note 16
Eating Establishments - Drivein	2										P	P					
Eating Establishments - Walkin / Carry-out	2								P	P	P	P	P				
Eating Establishments - Sit Down	2								P	P	P	P	P	A	A	A	
Electronic & Electrical Repair - Small	1										P		P	P	P		
Electronic & Electrical Repair - Large	2										P			P	P	P	
Exterminator	2									P	P		P	P	P		Note 17
Extraction of Earth Products	3	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Section 623

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Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
~~Family Care Home (see congregate living facility for 6 or less)~~																	
Farmers Market	1										P	P	P	P	P		Note 47
Flea Markets, Open Air Sales	2										P		P	P	P		Note 48
Fraternity & Sorority Houses	2					S	S				S	S					Note 18
Funeral Parlor	2						P	P		P	P		P	P			
Furniture Refinishing and Repair	2										P		P	P	P		
Gamerooms	3										S	S	S		S		Section 641
Gas Station	2										P	P	P	P	P	P	
Golf Course ~~NOT including Par 3 or miniature courses~~	1	S	S	S	S	S						P					Note 41; Section 624

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Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Government Land Reserves		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Health Practioners Offices	1						P	P		P	P		P				
Health Services	2						P	P		P	P		P				
Health/Fitness Center	2								P	P	P	P	P				
Helaport Emergency Medical							A	A			A		A	A	A	A	Note 19
Helastop	2										P		P	P	P	P	
Home Occupation	SF	A	A	A	A	A	A										Note 20; Section 625
Hospital							P	P	P		P		P				
Hotels / Motels	2										P	P	P				

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Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Industrial Developments with multi use and or structures ~~(Limited to uses permitted in the applicable district).~~	3													P	P		Note 45
Interior Cleaning Services	2										P		P	P			
Junkyards	3													S	S		Section 626
Kennel	2	P									P			P	P		Note 21
Landfills - Clean Material	3													P	P		Note 37
Landfills - Sanitary ~~NOT TO BE LOCATED WITHIN 5 NAUTICAL MILES OF AIRPORT - 627~~	3													S	S		Note 36; Section 627
Limited Duration Circus, Carnival, Fair, Concerts ~~SEE SECTION 327A~~											P	P	P	P	P		Section 327A
Liquor Store	2									P	P	P	P				
Lumber & Building Material Sales	2										P			P	P		Note 22

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Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Lumberyard	3													P	P		
Mail Order Distribution Center	2										P		P	P	P		
Mail Order Office	1						P	P		P	P		P	P	P		
Manufactured Home / Mobile Homes - Class A Double wide ~~(Class B&C NOT Permitted)~~	SF	P															Section 326A
Manufactured Home / Mobile Home Park Class A & B ~~(Class C NOT Permitted)~~ ~~See Section 326A and 629~~	2	S		S	S	S											Section 326A; 629
Manufactured Home / Mobile Homes - Class A Single wide ~~(Class B &C NOT~~	SF	P															Section 326A
Manufacturing, Processing & Assembly- Light	2										S			P	P	P	Section 628
Manufacturing, Processing &Assembly - Heavy	3													P	P	P	
Massagists, Therapeutic Health	1						P	P		P	P	A	P				Note 38

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Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Meat Packing /Slaughterhouse	3													P	P		
Medical & Dental Labs	2						A	A		A	P		P	P	P	P	
Membership Organizations ~~– not for commercial gain~~	2						P	P		P	P		P				
Mental Institutions /Sanitariums	3								S		S		S				Section 638
Microbrewery	2										P	P	P	P	P		Section 329A
Mini-lube	2										P		P	P	P	P	
Mini-warehouse	2										P			P	P		Note 24
Mobile Home Sales Lots	2										P			P	P	A	
Motor Vehicle Repair -Major	2										A			P	P		Note 25

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Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Motor Vehicle Repair - Minor	2										P			P	P		
Nightclub/Cabaret	3										P	P	P	P			Note 52
Non-Conforming Buildings and Uses		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Note 26; Section 637; Article 800
Nursing, Convalescent & Extended Care Facilities	2						P	P		P	P		P				
Office Development with Multi- Use and/or Structures ~~(Limited to uses permitted in the district).~~	2						P	P									
Open Air Sales, accessory ~~SEE SECTION 327A~~									A	A	A	A	A	A	A	A	~~51~~ Section 327A
Open Storage ~~See Section 305A~~	3										P			P	P	P	27; Section 305A
Package Store- Drive-Through	3										P						
Package Store ~~- Sales of undistilled alcoholic beverages as principle use (NOT A LIQOUR STORE)~~	2									P	P	P	P				

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Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Parking Lots as principal use of Zoning Lot ~~Must meet requirements of Article 400~~	2										P		P				
Personal Services	1						P	P	P	P	P	P	P	P			
Photographic Lab Facility - Commercial	2													P	P	P	
Photographic Mini-Lab Facility ~~(One hour type)~~	2									P	P	P	P	P			
Photography Studio - with Lab for inhouse use only	1						P	P		P	P		P	P			
Place of Assembly ~~DOES NOT INCLUDE CHURCHES~~	3										P	P	P	P	P		Note 39
Place of Worship	1	S	S	S	S	S	P	P	P	P	P	P	P	P	P		Section 640
Place of Worship Child Care Center	2	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Note 44
Planned Unit Development (PUD)		S	S	S	S	S	S	S		S	S	S	S	S	S	S	Section 630

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Table 200-2
Table of Permitted Uses

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Printing & Publishing	2										P		P	P	P	P	
Produce Sales - Temporary ~~See Section 327A~~	1										P		P	P	P		Section 327A
Professional Recovery Facility ~~Amended 11-6-2014~~	2										S			P	P		Section 639
Professional Services	1						P	P		P	P		P	P	P		
Public Use Facility- ~~See Section 602.2~~	2	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Section 602.2
Radio & TV Receiving Atenna & Dish, Accessory		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Note 28
Railroad Classification Yard	3														P		
Recreation & Amusement Services COMMERCIAL ~~DOES NOT INCLUDE GAMEROOMS~~	2										P	P	P		P		Note 40
Recreational Vehicle / Travel Park/Camp	3	S									P	P					Section 633

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Recreational Vehicle Resort		S										S					Section 649
Recycling Plant	3														P	P	
Recycling Center	2										P			P	P		
Recycling Collection Point	2								P		P		P	P	P	P	
Rehabilitation Center	1						P	P		P	P	P	P				
Rental/Sales of Commercial Vehicles & Heavy Equipment	3													P	P		
Rental/Sales of Domestic Vehicles	2										P	A		P	P	A	Note 29
Repair Services ~~No outdoor storage~~	2									P	P		P	P	P		
Research Activities	2													P	P	P	

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Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Residential Townhouse Development in the B3 District	MF												S				Section 648
Retail Convenience Goods ~~Accessory use allowed in PUDs ONLY~~	2	A	A	A	A	A	A	A	P	P	P	P	P	P	P		Note 30
Retail Shoppers Goods ~~Accessory use allowed in PUDs ONLY~~	2									P	P	P	P	P	P		~~30~~
School - Business	2										P		P	P			
School - Technical /Vocational	2										P		P	P	P		
Schools Public, Private, Charter High	2	S	S	S	S	S	S	S			P		P				Note 32; Section 634
Schools Public, Private, Charter Elementary and Middle	2	S	S	S	S	S	S	S			P		P				Note 32; Section 634
Schools, Nursery/ Pre Schools etc.	2	S	S	S	S	S	P	P			P		P				Note 31
Seasonal Sales, Temporary ~~SEE SECTION 327A~~											P		P	P	P		~~50~~ Section 327A

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Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Service Station	2										P	P	P	P	P	P	
Shelter, Emergency ~~See Section 324A~~		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 324A
Sign Painting	2										P			P	P		
Signs, Off premise Billboard & Poster Panel,etc.														S	S	S	Section 635
Sludge Application ~~NOT TO BE LOCATED WITHIN 5 NAUTICAL MILES OF AIRPORT (Acc. to Genuine Agricultural~~		P	P	P	P	P	A	A	A	A	A			P	P	P	
Solar Farm ~~See Sections 328A and 652A~~	*	S												P	P	P	Section 328A; 652
Stable Commercial	2	S									P						
Structure, Accessory ~~NO Mobile Homes, Tractor Trailer bodies, nor rolloffs permitted. Refer to Section 303 and Note 33~~		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Note 33; Section 303
Taxi Stand	1										P	P	P	P	P	P	

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Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Temporary Portable Building,Construction Related		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Note 34; Section 310A
Transfer Station	3													S	S	S	Section 343
Truck Terminal	3													A	P	P	
Uses, Customary Accessory		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Vehicle Storage Facility ~~(Not Vehicle Towing Operation)~~ ~~See 309A~~	3													P	P		Section 309A
Vehicle Towing Operation and Storage Facility ~~See 309A~~	3													P	P		Section 309A
Vehicle Towing Operation ~~(Not Vehicle Towing Storage Facility)~~ ~~See 309A~~	1										P			P	P		Section 309A
Warehouse	3													P	P	P	
Watershed Overlay District--Storage of Hazardous Waste											S			S	S	S	

P - Permitted as Principal Use in District
S - Permitted by Special Use Permit
A - Permitted as Accessory Use Only

Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Wholesale Distribution	3													P	P	P	
Yard Sales ~~Permitted as an Accessory to Residential Use Only in OA6,District.~~		A	A	A	A	A	A										Note 35; Section 313A

P - Permitted as Principal Use in District
S - Permitted by Special Use Permit
A - Permitted as Accessory Use Only

RZ-15-06: Rezone from Conditional Use High-Density Residential (CU-RA6) to Medium-Density Residential (R10)

(City of Asheboro: Gold Hill Road and East Allred Street)

Planning Board Recommendation and Staff Report

Planning Board Recommendation & Comments to City Council

NOTE: Have applicant Certify to Council mailings to all adjoining property owners.

Case # **RZ-15-06**

Date 6/1/2015 Planning Board

Applicant City of Asheboro

Legal Description

The property of McDowell Timber Co. located on the west side of Gold Hill Rd. immediately south of 1521 Gold Hill Rd, immediately north of 1741 Gold Hill Rd., and on the north side of E. Allred St., immediately west of 1591 E. Allred St. These properties contain approximately 23.2 acres (+/-) and are more specifically identified by Randolph County Parcel ID Nos. 7762658808, 7762752727 and 7762740259.

Requested Action Rezone from Conditional Use High Density Residential (CURA6) to Medium-Density Residential (R10)

Existing Zone CURA6

Land Development Plan See rezoning staff report

Planning Board Recommendation

Approve

Reason for Recommendation

The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # **RZ-15-06** **Date** 6/1/15 PB and 7/16/15 CC

General Information

Applicant City of Asheboro

Address 146 North Church Street

City Asheboro NC 27203

Phone 336-626-1201

Location West side of Gold Hill Road and north side of East Allred Street

Requested Action Rezone from Conditional Use High Density Residential (CU-RA6) to R10 (Medium-Density Residential)

Existing Zone CU-RA6 **Existing Land Use** Undeveloped

Size 23.2 acres +/- **Pin #** 7762658808, 7762740259 and 7762752727

Applicant's Reasons as stated on application

Staff received an inquiry about surveying activity on the property and determined that conditional use permits issued in 2001 (CUP-01-26) and 2002 (CUP-03-12) were never initiated and are now null and void. Rezoning the property back to a general use district will allow a viable use of the property. The R10 district was the previous zoning classification and is consistent with the neighborhood residential designation of the Land Development Plan. ****Note:** Staff has sent three letters to the property owner to advise them of staff's proposal to rezone the property (two letters via certified mail, one letter via regular mail).

Surrounding Land Use

North Medium-Density Residential **East** Industrial (Major auto repair)/Low density residential

South Undeveloped Residential **West** Medium-Density Residential

Zoning History The property was rezoned from R10 Medium-Density Residential to CU-RA6 and conditional use permits were issued for a residential Planned Unit Developments in 2001 (RZ/CUP-01-26) and 2002 (RZ/CUP-03-12).

Legal Description

The property of McDowell Timber Company located on the west side of Gold Hill Rd. immediately south of 1521 Gold Hill Rd, immediately north of 1741 Gold Hill Rd., and on the north side of E. Allred St., immediately west of 1591 E. Allred St. These properties contain approximately 23.2 acres (+/-) and are more specifically identified by Randolph County Parcel ID Nos. 7762658808, 7762752727 and 7762740259.

Analysis

1. This property is inside of the city limits and city services are available.
2. Gold Hill Road and East Allred Street are state-maintained minor thoroughfares.
3. As stated in the "Zoning History" above, this property was rezoned in 2001 and 2002. Conditional Use Permits were also issued for two Residential Planned Unit Developments. Both permits are now null and void because neither permit was initiated within one hundred eighty (180) days of issuance.
4. Since the property is currently zoned CU-RA6 (Conditional Use High Density Residential), development activity requires a new conditional use permit.
5. The Land Development Plan designated a small portion of this property (along its southern boundary) as urban residential in anticipation of a potential Village Center around the intersection of East Allred Street and Gold Hill Road. The majority of the property is designated as neighborhood residential.
6. A portion of the property is designated within the "Secondary Growth" area by the 2000 Land Development Plan growth strategy map. At the time the map was adopted, that portion of the property was outside of the city limits, but was later annexed in 2001.
7. The western and southern portions of the property are located within a flood hazard area.

Rezoning Staff Report

RZ Case # **RZ-15-06**

Consistency with the 2020 LDP Growth Strategy designations

In reviewing this request, careful consideration is given to each Goal and Policy as outlined in the Land Development Plan. Some Goals and Policies will either support or will not support the request, while others will be neutral or will not apply. Only those Goals and Policies that support or do not support the request will be shown.

Proposed Land Use Map Designation	Neighborhood/Urban Residential
Small Area Plan	East/Northeast
Growth Strategy Map Designation	Primary Growth/Secondary Growth

LDP Goals/Policies Which Support Request

Checklist Item #1: Rezoning is compliant with the Proposed Land Use Map.

Checklist Item #4: The proposed rezoning is compatible with surrounding land uses.

Checklist Item #5: The proposed rezoning is compliant with the objectives of the Growth Strategy Map.

Goal 2.2: Development that is located in appropriate locations

Rezoning Staff Report

LDP Goals/Policies Which Do Not Support Request

Policy 2.1.5 City will ensure development regulations provide appropriate transitional land uses, such as office and institutional, between high-intensity industrial/commercial and low-intensity residential uses.

Staff Note: The above policy refers to adjacent property that is zoned CU-I2 (Conditional Use General Industrial) and CU-B2 (Conditional Use General Industrial). The Conditional Use permitting process, required for both adjoining parcels, can help mitigate any externalities imposed from having commercial and industrial uses adjacent to residential uses.

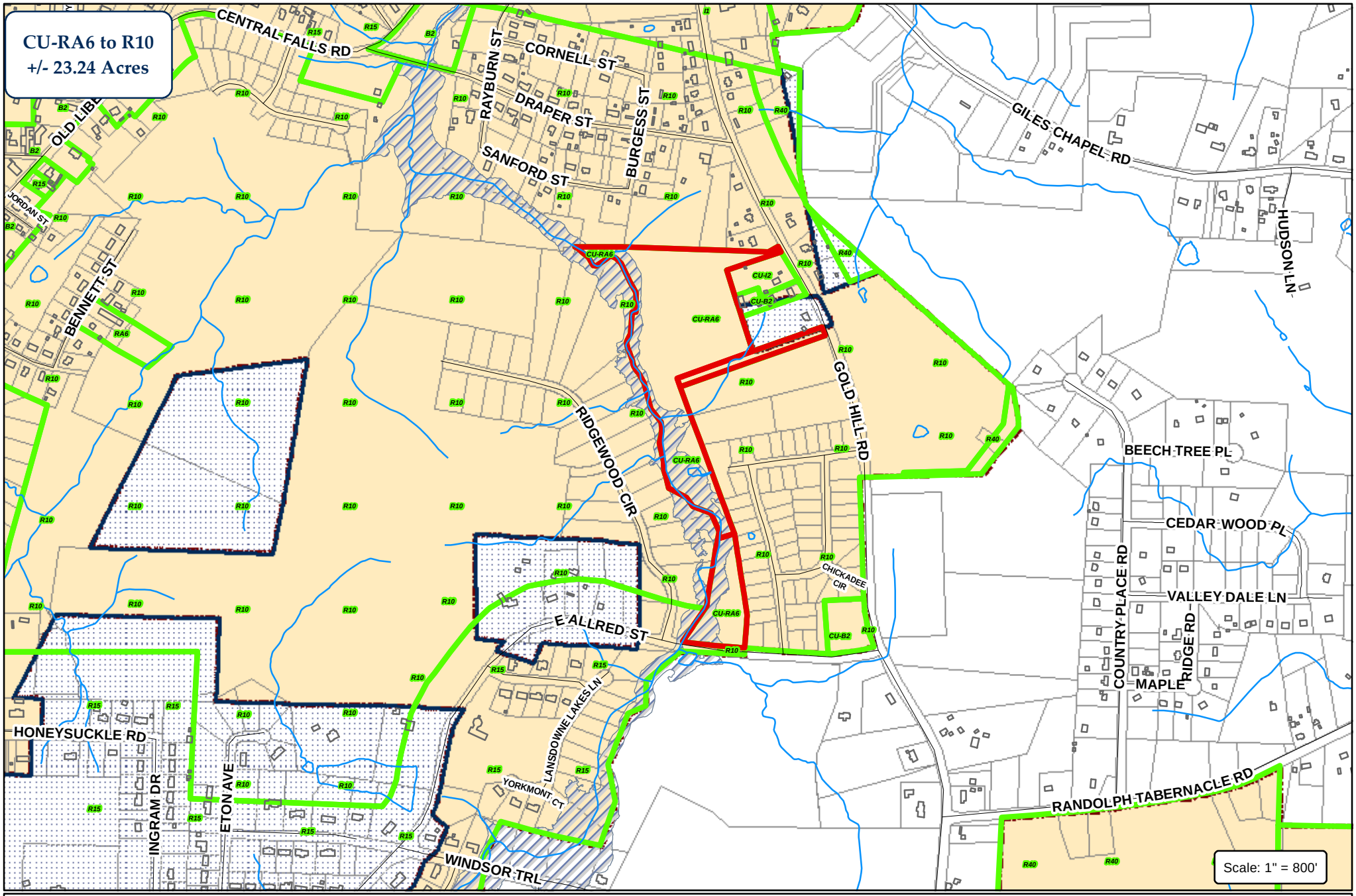
Recommendation Approve

Reason for Recommendation

The R10 Medium-Density Residential designation was the zoning in place prior to the property's zoning designation being changed in 2001 and 2002. This designation is consistent with the Land Development Plan's "neighborhood residential" proposed land use designation on the majority of the property, and consistent with surrounding land uses. Staff proposes this zoning district will also allow viable by-right uses of the property that were envisioned with the previous R10 classification without unnecessarily invoking the conditional use permitting process.

Evaluation of Consistency with Adopted Comprehensive Plans/Reasonableness and Public Interest

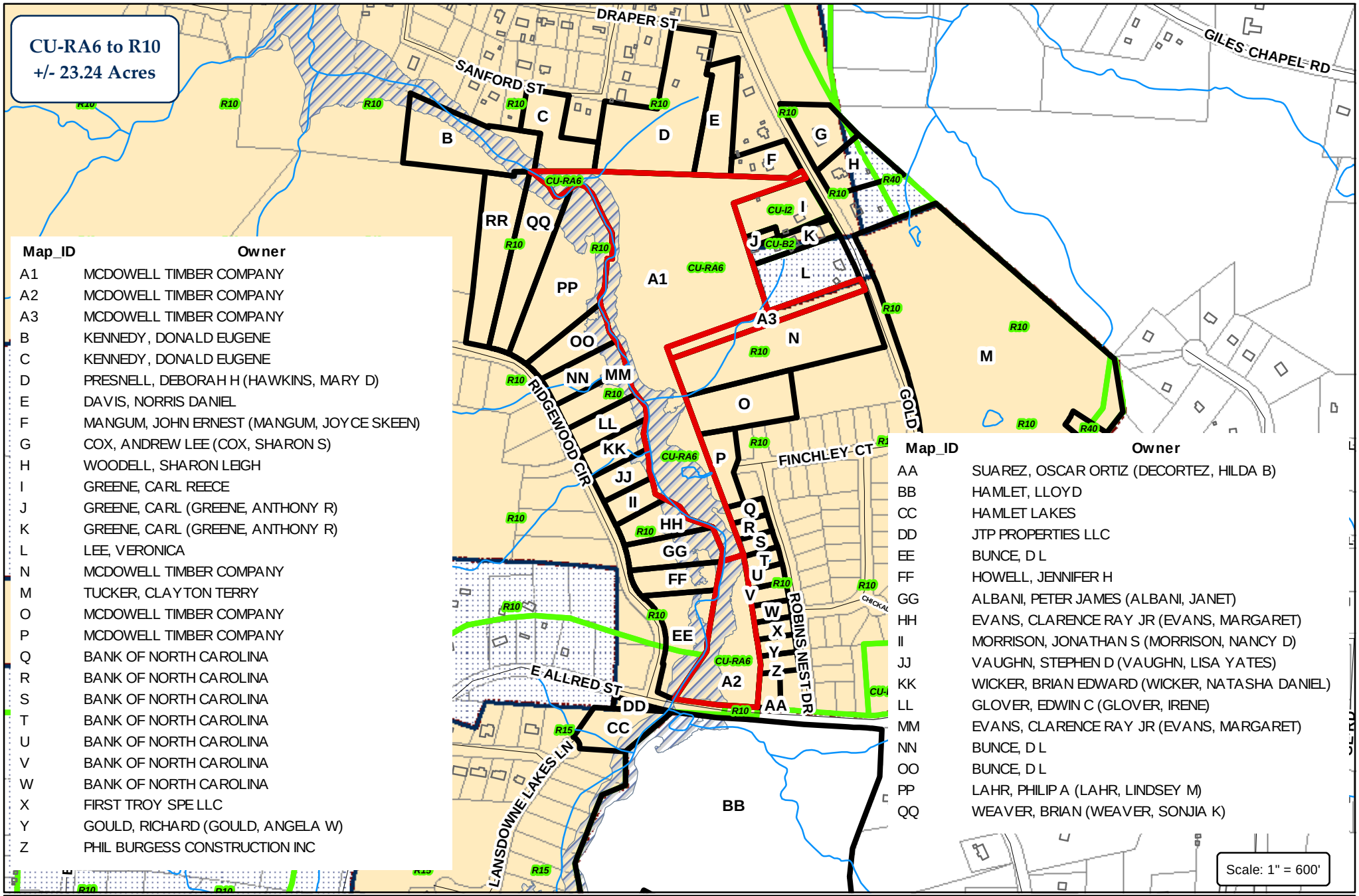
Considering the above factors, staff believes the R10 designation is in the public interest by allowing a reasonable use of the property and ensuring consistency with the Land Development Plan.



City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-15-06

Parcels: 7762658808, 7762740259 & 7762752727

Subject Property
Zoning
City Limits
ETJ



Map_ID	Owner
A1	MCDOWELL TIMBER COMPANY
A2	MCDOWELL TIMBER COMPANY
A3	MCDOWELL TIMBER COMPANY
B	KENNEDY, DONALD EUGENE
C	KENNEDY, DONALD EUGENE
D	PRESNELL, DEBORAH H (HAWKINS, MARY D)
E	DAVIS, NORRIS DANIEL
F	MANGUM, JOHN ERNEST (MANGUM, JOYCE SKEEN)
G	COX, ANDREW LEE (COX, SHARON S)
H	WOODELL, SHARON LEIGH
I	GREENE, CARL REECE
J	GREENE, CARL (GREENE, ANTHONY R)
K	GREENE, CARL (GREENE, ANTHONY R)
L	LEE, VERONICA
N	MCDOWELL TIMBER COMPANY
M	TUCKER, CLAYTON TERRY
O	MCDOWELL TIMBER COMPANY
P	MCDOWELL TIMBER COMPANY
Q	BANK OF NORTH CAROLINA
R	BANK OF NORTH CAROLINA
S	BANK OF NORTH CAROLINA
T	BANK OF NORTH CAROLINA
U	BANK OF NORTH CAROLINA
V	BANK OF NORTH CAROLINA
W	BANK OF NORTH CAROLINA
X	FIRST TROY SPE LLC
Y	GOULD, RICHARD (GOULD, ANGELA W)
Z	PHIL BURGESS CONSTRUCTION INC

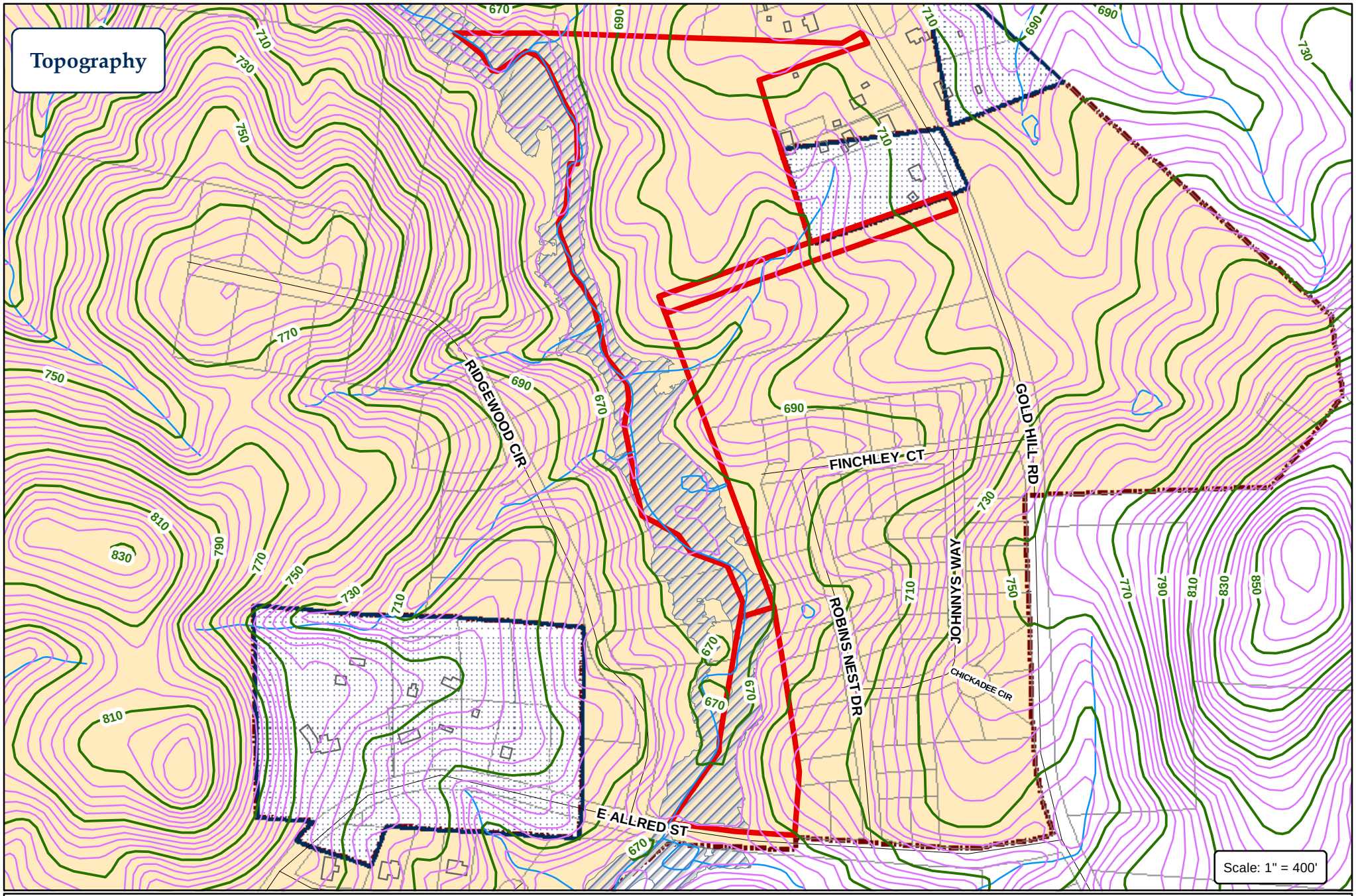
Map_ID	Owner
AA	SUAREZ, OSCAR ORTIZ (DECORTEZ, HILDA B)
BB	HAMLET, LLOYD
CC	HAMLET LAKES
DD	JTP PROPERTIES LLC
EE	BUNCE, D L
FF	HOWELL, JENNIFER H
GG	ALBANI, PETER JAMES (ALBANI, JANET)
HH	EVANS, CLARENCE RAY JR (EVANS, MARGARET)
II	MORRISON, JONATHAN S (MORRISON, NANCY D)
JJ	VAUGHN, STEPHEN D (VAUGHN, LISA YATES)
KK	WICKER, BRIAN EDWARD (WICKER, NATASHA DANIEL)
LL	GLOVER, EDWIN C (GLOVER, IRENE)
MM	EVANS, CLARENCE RAY JR (EVANS, MARGARET)
NN	BUNCE, D L
OO	BUNCE, D L
PP	LAHR, PHILIP A (LAHR, LINDSEY M)
QQ	WEAVER, BRIAN (WEAVER, SONJIA K)

City of Asheboro
Planning & Zoning Department

Rezoning Case: RZ-15-06

Parcels: 7762658808, 7762740259 & 7762752727

Subject Property
Zoning
City Limits
ETJ

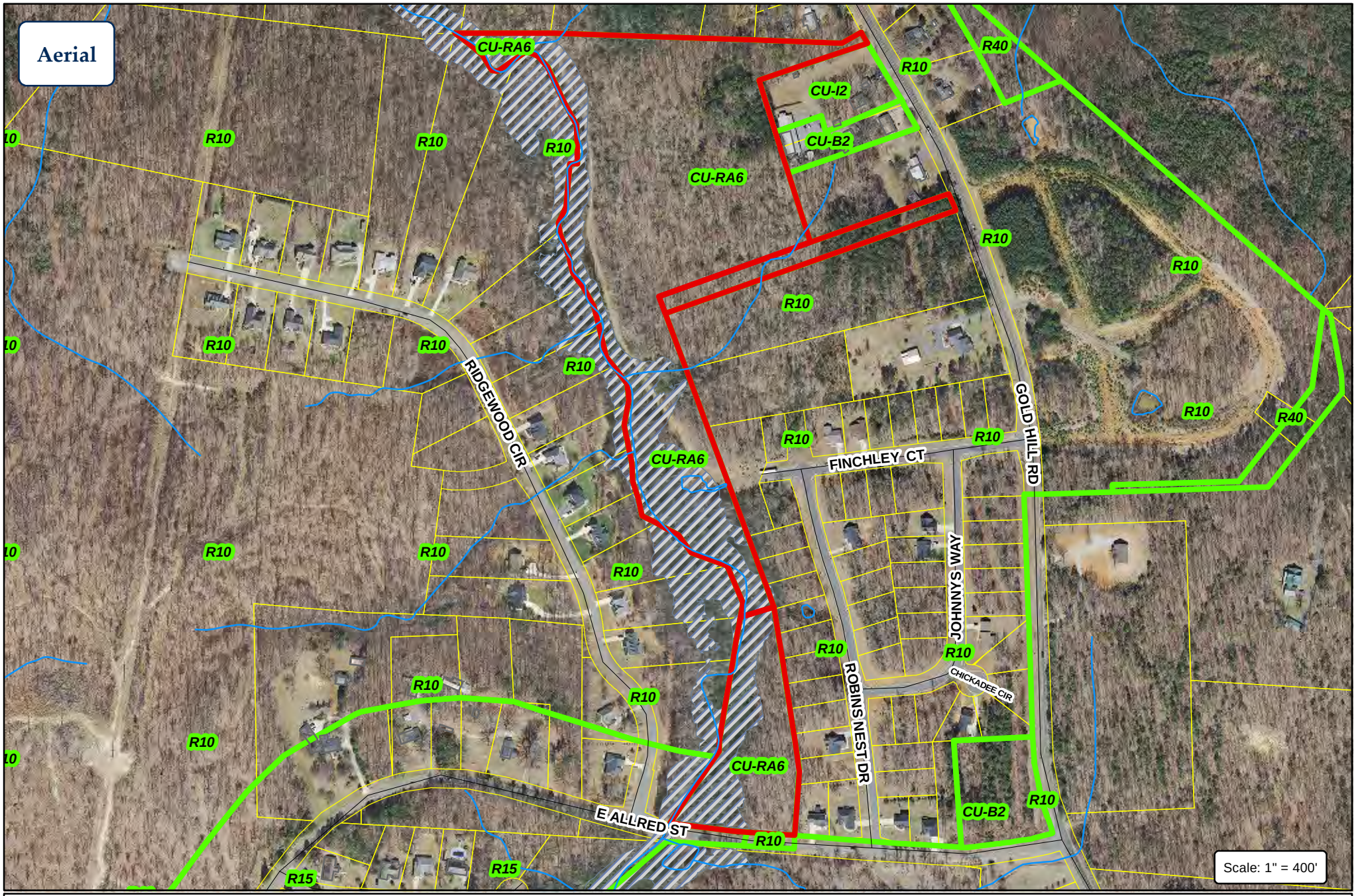


City of Asheboro
Planning & Zoning Department

Rezoning Case: RZ-15-06

Parcels: 7762658808, 7762740259 & 7762752727

Subject Property
City Limits
ETJ



City of Asheboro
Planning & Zoning Department

Rezoning Case: RZ-15-06

Parcels: 7762658808, 7762740259 & 7762752727

Subject Property
Zoning

CITY OF ASHEBORO
NORTH CAROLINA

Presentation of Draft Land Use Plan Update Maps

Land Development Plan Update Schedule

January:

Announce public workshop to Planning Board and Council - COMPLETE
Mail invitations to stakeholders - COMPLETE
Advertise in Courier/Randolph Guide - COMPLETE
Public workshop at Asheboro Public Library - COMPLETE

February/March:

Report workshop summary to Planning Board and Council - COMPLETE
Gather and review public comments - COMPLETE
Identify areas and neighborhoods of focus - COMPLETE

April:

Community Workshop #1: Tuesday, April 14th 6:30 - 8p.m. (Presentation at 6:30) - COMPLETE
Kingdom Life Community Church - 539 Cross St.
Community Workshop #2: Thursday, April 23rd 6:00 - 8p.m. (Presentation at 6:00) - COMPLETE
Asheboro United Church of Christ - 801 Sunset Ave.

May:

Report workshop summary(s) to Planning Board and Council - COMPLETE
Take comments from meetings, generate first draft of revised proposed land use map
Update supplemental maps (environmental, transportation, etc.) - COMPLETE

June:

Schedule and announce information to display first draft of revised maps to public - COMPLETE
Information Session #1: Thursday, June 18th 5:00 - 7p.m. - COMPLETE
North Ridge Church - 115 Waketa Dr.
Information Session #2: Thursday, June 25th 5:00 - 7p.m. - COMPLETE
Guy B. Teachey Elementary - 294 New Bern Ave.

July - September:

Present first draft of all updated maps to Planning Board and Council
Take comments from workshops, Planning Board, and Council and generate final draft
Present final draft to Planning Board and Council for adoption

For more information, please call Justin Luck,
Zoning Administrator/Planner, at
(336) 626-1201, x292.

City of Asheboro
North Carolina

Vicinity

Legend

- AIRPORT
- ASHEBORO PUBLIC LIBRARY
- CARAWAY SPEEDWAY
- CITY HALL
- COURTHOUSE
- FIRE STATION
- NC ZOO
- POLICE HQ
- RANDOLPH HOSPITAL
- RANDOLPH MALL
- YMCA
- ELEMENTARY SCHOOL
- MIDDLE SCHOOL
- HIGH SCHOOL
- COLLEGE
- PRIVATE SCHOOL/OTHER
- Proposed US64 Bypass
- STREAMS
- ETJ
- PARKS
- NC ZOO
- LAKES
- ROADS
- ASHEBORO
- FRANKLINVILLE
- RANDLEMAN
- UWHARRIE NATIONAL FOREST

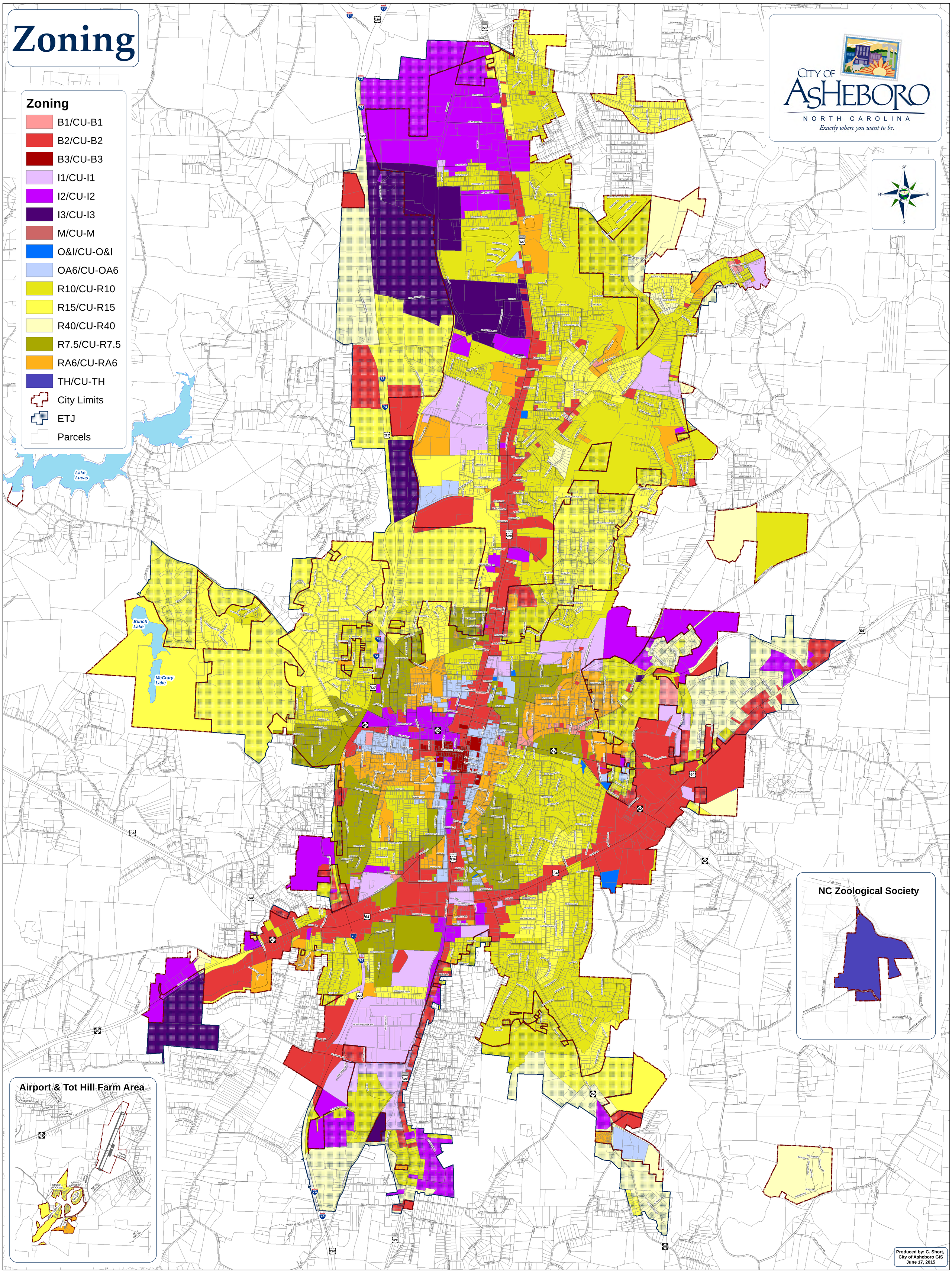
CITY OF ASHEBORO
NORTH CAROLINA
Exactly where you want to be.

0 0.25 0.5 1 1.5 2 2.5 3
Miles

N E S W

Produced by: C. Short, City of Asheboro GIS -- June 16, 2015

Zoning



Produced by: C. Short,
City of Asheboro GIS
June 17, 2015

Rezonings Since 2000

Rezoned to:

- B1
- B2
- B2 and I2
- B3
- CU/SP
- I1
- I2
- I3
- M
- O&I
- OA6
- OA6 and R40
- OA6 and RA6
- R10
- R15
- R15 and R10
- R40
- R7.5
- RA6
- TH
- Tier 3
- Proposed US-64 Bypass
- City Limits
- ETJ

CITY OF ASHEBORO
NORTH CAROLINA
Exactly where you want to be.

NC Zoological Society

Airport & Tot Hill Farm Area

Produced by: C. Short
City of Asheboro GIS
January 23, 2015

Existing Water

- Water Lines
- Water Treatment Plant
- Water Tanks
- Proposed US-64 Bypass
- City Limits
- ETJ

City of Asheboro
North Carolina
Exactly where you want to be.

Airport & Tot Hill Farm Area

NC Zoological Society

Produced by: C. Short
City of Asheboro GIS
June 16, 2015

Existing Sewer

- 10-inch or larger Sewer Main
- 8-inch or smaller Sewer Main
- Forcemain
- Low Pressure Sewer
- WWTP Waste Water Treatment Plant
- PS Pump Stations
- Proposed US-64 Bypass
- City Limits
- ETJ

City of Asheboro
North Carolina
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N W E S

Airport & Tot Hill Farm Area

NC Zoological Society

Produced by: C. Short
City of Asheboro GIS
June 16, 2015

Flood Zones & Watersheds

CITY OF ASHEBORO
NORTH CAROLINA
Exactly where you want to be.

- 100 Year Floodplain
- Watershed Critical Area
- Watershed Balance Area
- Lakes
- Streams
- City Limits
- ETJ
- Parcels

Lake Lucas

Bunch Lake

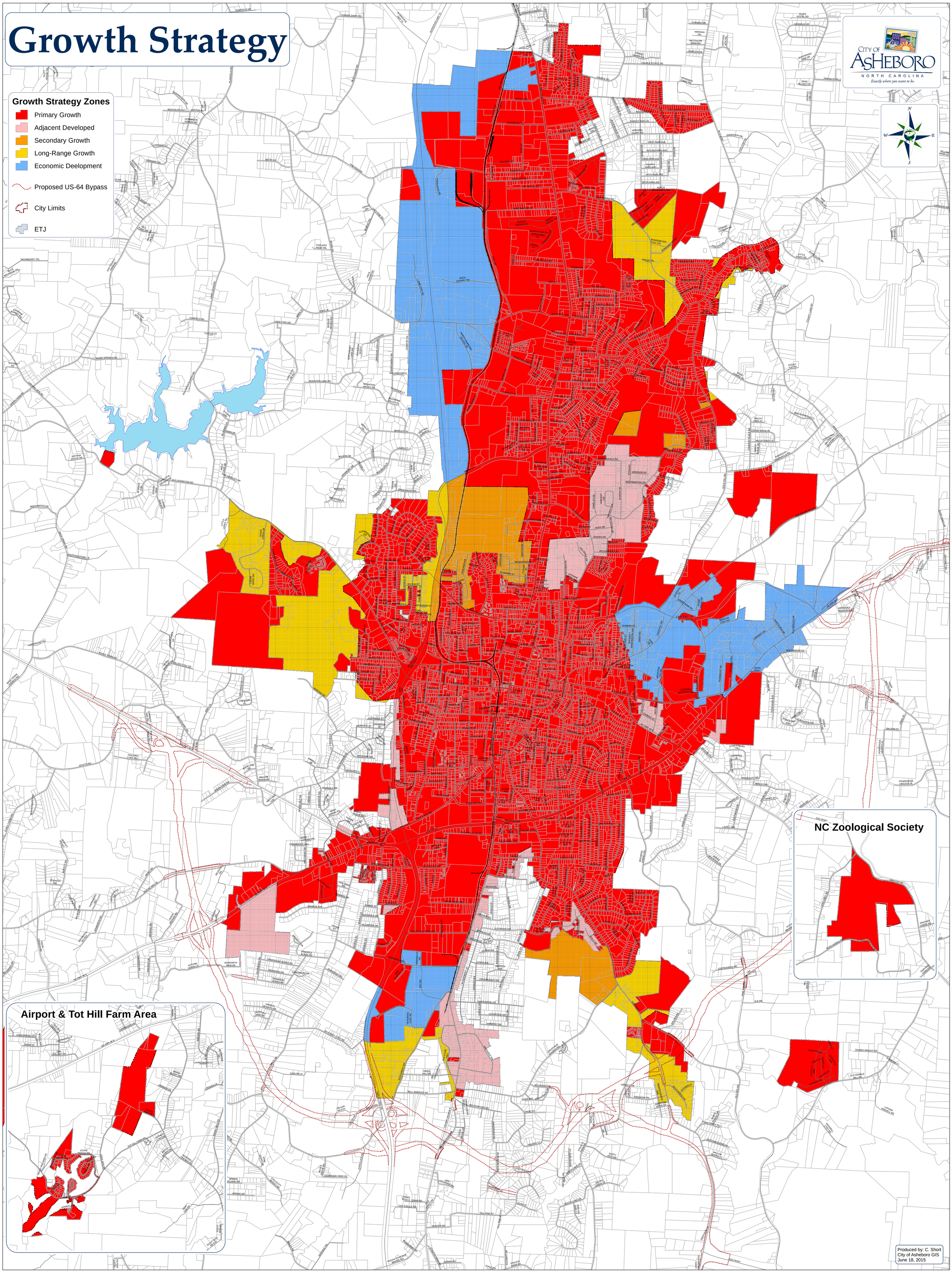
McCrary Lake

NC Zoological Society

Airport & Tot Hill Farm Area

Produced by: C. Short,
City of Asheboro GIS
June 16, 2015

Growth Strategy



Produced by: C. Short
City of Asheboro GIS
June 18, 2015

Proposed Land Use
~DRAFT~

Proposed Changes to LDP outline

Proposed Land Use

- Commercial
- Conservation Residential
- Employment Center
- Industrial
- Neighborhood Residential
- Office & Institutional
- Parks
- Suburban Residential
- Urban Residential
- Watershed Residential
- Town Activity Center
- Village Activity Center
- Neighborhood Activity Center

- Proposed US-64 Bypass
- City Limits
- ETJ

CITY OF ASHEBORO
NORTH CAROLINA
Exactly where you want to be.

NC Zoological Society Area

Airport & Tot Hill Farm Area

Produced by: C. Short
City of Asheboro GIS
June 16, 2015