AGENDA
REGULAR MEETING (rescheduled from 1/4/2018)
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, JANUARY 11, 2018, 7:00 PM

1. Call to order.

2. Silent prayer and pledge of allegiance.

3. Consent agenda:

(a) Approval of the meeting minutes for the regular city council meeting on December 7, 2017.

(b) Acknowledgment of the receipt from the Asheboro ABC Board of the approved meeting minutes for the board's meeting on November 6, 2017.

(c) Acknowledgment and announcement of the 15-day notice of a construction project to enhance the city's sewer maintenance program by installing sewer service line clean-outs along the following streets: Taylor Drive, Straight Street, East Bailey Street, West Balfour Avenue, Saunders Drive, Ideal Drive, Hasty Street, Brittain Street, Honeysuckle Road, and East Allred Street.

(d) Approval of a resolution authorizing the purchase of additional land for the proposed Zoo City Park Sportsplex.

(e) Approval to schedule for February 8, 2018, and to advertise, public hearings for the following zoning cases:

(i) An application to rezone property located at 3418 US 220 Business South from R10 (Medium-Density Residential) to B2 (General Commercial), including Randolph County Parcel Identification Number ("PIN") 7659555061 and a portion of PIN 7659546951.

(ii) An application to establish initial city zoning (R10 Medium-Density Residential) on recently annexed property at 200 Foster Street.

(iii) An application to rezone property at 1994 US Hwy. 64 East (including the entirety of PIN 7771043085) from CU-B2 (Conditional Use General Commercial) to B2 (General Commercial).

4. Library Director Ross Holt and Dr. Frances Jones, President of the Friends of the Library, will make a presentation on the new Sunset Signature Series.

5. Ms. Linda Brown, President of the Asheboro/Randolph Chamber of Commerce, will present a request for the council to enact an ordinance pursuant to Session Law 2017-87 (commonly known as the "Brunch Bill") authorizing the sale of alcoholic beverages beginning at 10:00 am on Sundays.

6. City United Way team leaders John Evans and Kristen Terry will update the council on the annual campaign with city employees.

7. Public comment period.

8. Community Development Director Trevor Nuttall will discuss the following community development items:

   (a) An update on the North Carolina Department of Transportation's schedule for intersection improvements to West Presnell Street and North Fayetteville Street.

   (b) The expiring terms of office on the Asheboro Planning Board.

   (c) The vacant positions on the Asheboro Redevelopment Commission and the Asheboro Airport Authority.

   (d) The investigation of the potential for a city-initiated zoning map amendment for properties located along South Cox Street.

   (e) The status of the Asheboro Redevelopment Commission's preparation of a Central Business District Redevelopment Plan in response to a request from the Asheboro Planning Board.

9. City Engineer Michael Leonard, PE will request the award by the city council of a contract for the replacement and upgrade of the HVAC system at the city-owned McCrary Gym.

10. Finance Director Deborah Reaves will request council action on the following items:

    (a) An ordinance to amend the General Fund for the replacement and upgrade of the HVAC system at the city-owned McCrary Gym.

    (b) An ordinance to amend the General Fund for the purchase of new software and support services for the human resources department.

    (c) A resolution establishing the Designated Gift Fund for the Zoo City Sportsplex to be managed by the NC Community Foundation, Inc.

11. Police Chief Jody Williams will update the council on enforcement initiatives, including requested ordinance amendments, designed to support the downtown area and the positive use of recreation facilities throughout the city.

12. Mayor Smith will lead a discussion of upcoming events and items not on the agenda.

13. Adjournment.

REGULAR MEETING
ASHEBORO CITY COUNCIL
PUBLIC WORKS FACILITY, 1312 N. FAYETTEVILLE STREET
DECEMBER 7, 2017
7:00 PM

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

David H. Smith) – Mayor Presiding

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

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
John L. Evans, Assistant Community Development Director
Michael L. Leonard, PE, City Engineer
Deborah P. Reaves, Finance Director
Jonathan M. Sermon, Recreation Services Director
Jeffrey C. Sugg, City Attorney
Richard Thompson, Police Captain

I. OPENING OF MEETING AND APPROVAL OF CONSENT AGENDA

1. Call to order.

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

2. Moment of silent prayer and pledge of allegiance.

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

3. Consent agenda.

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

(a) The meeting minutes of the city council's regular meeting on November 9, 2017.

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

(b) The general account of the closed session conducted during the city council's regular meeting on November 9, 2017.

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

(c) Acknowledgment of the receipt from the Asheboro ABC Board of the approved meeting minutes for the board's meeting on October 2, 2017.

The minutes of the meeting held by the Asheboro ABC Board on October 2, 2017 have been received by the city clerk, distributed to the mayor and members of the city council for review, and are on file and available for inspection in the city clerk's office.

(d) The final decision document for Land Use Case No. SUP-17-02.

Case No. SUP-17-02
Final Decision Document
City Council of the City of Asheboro, North Carolina

IN THE MATTER OF THE APPLICATION BY CETWICK REAL ESTATE HOLDINGS, L.L.C. FOR A SPECIAL USE PERMIT AUTHORIZING A SPECIAL NON-RESIDENTIAL INTENSITY ALLOCATIONWITHIN A WATERSHED

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

THIS MATTER was brought before the Asheboro City Council (the "Council") for a quasi-judicial hearing conducted during a regular meeting of the Council on November 9, 2017. After receiving sworn testimony and considering all of the evidence, the Council, on the basis of competent, material, and substantial evidence, hereby enters the following:

FINDINGS OF FACT

1. By and through its authorized agent, Brian Hall of the Samet Corporation, Cetwick Real Estate Holdings, L.L.C. properly submitted an application for a special use permit ("SUP") that would authorize a special non-residential intensity allocation ("SNIA") within a watershed.

2. This SNIA has been requested in order to allow an increase in the built-upon area for approximately 30.61 acres of land (the "Zoning Lot") owned by Cetwick Real Estate Holdings, L.L.C. and more specifically identified by Randolph County Parcel Identification Numbers 7753684191, 7753487218, 7753781486, and 7753596125. The Zoning Lot is located north of Pineview Road, west of the Norfolk Southern Railroad, and east of 850 Pineview Road.

3. The property owner has filed this SUP application in order to facilitate the use of the Zoning Lot by Fibertex Personal Care ("Fibertex"). The property is under contract for conveyance to Fibertex.

4. The Zoning Lot was previously utilized for an accessory recreational use (ball field and playground) to the former manufacturing, processing, and assembly land use located on the property.

5. The Zoning Lot is inside the city limits and has access to city services.

6. Pineview Road is a state-maintained minor thoroughfare.

7. The Zoning Lot is in an I2 (General Industrial) zoning district.

8. The City of Asheboro Zoning Ordinance ("AZO"), in section 210 of the ordinance, describes the intent for an I2 zoning district as follows:

> The intent of the I2 Industrial Development District is to produce areas for manufacturing, processing and assembly uses, commercial uses, distribution and servicing enterprises, controlled by performance standards to limit the effect of such uses on uses within the district and on adjacent districts.

9. The existing land use of the Zoning Lot is classified as undeveloped.

10. Fibertex proposes a manufacturing, processing, and assembly land use for the Zoning Lot. The proposed land use is listed by the AZO as "Manufacturing, Processing & Assembly – Heavy."

11. Table 200-2 in the AZO lists the Manufacturing, Processing & Assembly – Heavy land use as a use that is permitted by right in the I2 zoning district.

12. Article 1100 of the AZO defines the Manufacturing, Processing & Assembly – Heavy land use as follows:

> The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories, or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastics, resins, or liquors.

13. A site plan for the proposed land use has been submitted in compliance with Section 1005 of the AZO.

14. The Zoning Lot is located within the Back Creek Lake watershed and, consequently, is subject to the regulations found in Article 300B (Watershed Protection Regulations) of the AZO.

15. Watershed areas are divided into two tiers of control, critical and balance areas. Critical areas, which are the areas nearest to the water supply, are subject to the most stringent regulations because proximity to the intake creates a higher risk of contamination. The remaining part of the watershed, or the balance of the watershed, is subject to less restrictions because the greater distance from the point of intake lowers the risk of contamination. The Zoning Lot is in the balance of the Back Creek Lake watershed.

16. AZO Article 300B, Section 310B.3, Subsection A provides as follows:

> In order to maintain a predominately undeveloped land use intensity pattern, single family residential uses shall be allowed at a maximum of one dwelling unit per acre. All other residential and non-residential development shall be allowed a maximum of 12% built-upon area. In addition, non-residential uses may occupy 10% of the balance of the watershed which is outside the critical area, with a 70% built-upon area when approved as a special non-residential intensity allocation (SNIA).
>
> The City Council is authorized to consider a Special Use Permit for SNIAs consistent with the provisions of Article 600 and Section 647.

17. AZO Article 600, Section 647 provides as follows:

> All applications for a SNIA shall include the following:
>
> a. Projects must minimize built-upon surface area.
> b. Projects must direct stormwater away from surface waters.
> c. Projects must incorporate Best Management Practices to minimize quality impacts.
> d. Projects must be connected to City of Asheboro water and sewer.
> e. Projects must provide a positive economic benefit to the community.

18. Within the balance of the Back Creek Lake watershed, 205.48 acres of land are available for the special allocation referred to as a SNIA.

19. The submitted site plan indicates a proposed built-upon area of approximately 67%. The request is to issue a SUP granting a SNIA that will allow the non-residential development of 70% built-upon area within the Zoning Lot. If approved, this request will utilize 14 acres of the available 205.48 acres within the balance of the watershed.

20. Mr. Brian Crutchfield, PE testified as to his professional opinion that the engineering features incorporated into the proposed land use, specifically including the stormwater controls, meet the applicable standards.

21. Mr. Chris Lowe, who is an experienced professional appraiser with the Samet Corporation, testified that he is familiar with comparable industrial sites in North Carolina, and he offered his professional opinion that the proposed land use will not have a negative impact on the value of adjoining properties.

22. No testimony was offered to question or contradict the testimony provided by the above-listed experts.

23. The Council has taken notice of the fact that the Fibertex project has been evaluated for its potential contribution to economic development in the city. This evaluation included an earlier joint public hearing with the Randolph County Board of Commissioners and the Council. The substantial nature of the investment and the associated job creation proposed by Fibertex has led the city, the county, and the State of North Carolina to enter into a long-term economic development project related to the improvements proposed for the Zoning Lot.

24. Ms. Katherine Ross, Esq. testified that Fibertex is proposing a project with a build-out process in excess of five years. In light of the substantial investment in this phased project that will extend over a number of years, Fibertex is requesting that the SUP approval process include the granting of a zoning vested right for a term of five years.

25. AZO Article 1000, Section 1007, Subsection D provides, in part, as follows:

> The City Council may provide that rights shall be vested for a period exceeding two years but not exceeding five years where warranted in light of all relevant circumstances, including, but not limited to, the size of the development, the level of investment, the need for or desirability of the development, economic cycles, and

market conditions. These determinations shall be in the sound discretion of the City Council at the time the site specific development plan is approved.

26. Community Development Director Trevor Nuttall provided uncontroverted testimony as to the general compliance, with the addition of two conditions, of the site plan submitted for review and approval. The two conditions offered by Mr. Nuttall on behalf of the city staff are as follows:

a. The site plan depicts areas designated for future development, which will include additional built-upon area beyond the area depicted in the first phase of development. Subject to the maximum built-upon area approved by the requested SUP, land use activities that do not require a SUP are permitted to the full extent authorized by the AZO and shall not be deemed to be a modification requiring the issuance of a new SUP. For purposes of illustration and not limitation, the immediately preceding authorization shall include structures and parking areas associated with the manufacturing, processing, and assembly – heavy land use identified on the approved site plan.

b. A revised site plan shall be submitted to the city staff with the notation "Approval of this plan establishes a zoning vested right under G.S. 160A-385.1. Unless terminated at an earlier date, the zoning vested right shall be valid until December 7, 2022." When submitted in compliance with this condition, the revised site plan shall be incorporated into the file without further review by the Council.

27. During her testimony, Ms. Ross indicated that Fibertex is in agreement with the conditions proposed by city staff for attachment to the requested SUP.

28. Mr. Nuttall also offered uncontroverted testimony that the proposed land use is not subject to any airport overlay requirements. The inapplicability of these requirements is due to the location of the Zoning Lot, its distance from the Asheboro Regional Airport, and the fact that the maximum height of any proposed structure on the Zoning Lot is 105 feet.

29. Pursuant to Section 602.1 of the AZO, the Council must find that the Applicant has met four general standards before the application for a SUP can be approved. The four standards are as follows:

a. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.

b. That the use meets all required conditions and specifications.

c. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

d. That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.

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

CONCLUSIONS OF LAW

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

2. In this case, the Applicant has properly submitted an application for a SUP authorizing a SNIA that will allow 70% built-upon area within the Zoning Lot.

3. In light of the available evidence and the express agreement of the Applicant to accept and comply with the conditions recommended by the city's community development division staff, the Applicant's site plan for the proposed land use is compliant with the applicable requirements of the AZO.

4. On the basis of the evidence presented during the hearing of this matter, the Council has concluded that the proposed use meets the four general standards for issuing the requested SUP. More specifically, the proposed use will not materially endanger the public health or safety, meets all required conditions and specifications of the zoning ordinance, will not substantially injure the value of adjoining or abutting property, and will be in harmony with the area in which it is to be located and is in general conformity with Asheboro's plan of development.

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

ORDER

Fibertex is hereby issued a special use permit authorizing the requested SNIA and allowing the development of up to 70% built-upon area within the Zoning Lot. Additionally, the site specific development plan approved as part of the SUP process is hereby granted a zoning vested right in accordance with G.S. 160A-385.1 for a duration of five years. This special use permit shall be valid so long as, and only so long as, Fibertex and its heirs, successors, and assigns develop and conduct the approved land use in compliance with the provisions of the Asheboro Zoning Ordinance, the approved site plan, and remain in compliance with the following conditions:

A. The site plan depicts areas designated for future development, which will include additional built-upon area beyond the area depicted in the first phase of development. Subject to the maximum built-upon area approved by the requested SUP, land use activities that do not require a SUP are permitted to the full extent authorized by the AZO and shall not be deemed to be a modification requiring the issuance of a new SUP. For purposes of illustration and not limitation, the immediately preceding authorization shall include structures and parking areas associated with the manufacturing, processing, and assembly – heavy land use identified on the approved site plan.

B. A revised site plan shall be submitted to the city staff with the notation "Approval of this plan establishes a zoning vested right under G.S. 160A-385.1. Unless terminated at an earlier date, the zoning vested right shall be valid until December 7, 2022." When submitted in compliance with this condition, the revised site plan shall be incorporated into the file without further review by the City Council.

The foregoing final decision document was adopted by the Asheboro City Council in open session during a regular meeting held on the 7th day of December, 2017.

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

ATTEST:

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

(e) The final decision document for Land Use Case No. CUP-17-12.

Case No. CUP-17-12
Final Decision Document
City Council of the City of Asheboro, North Carolina

IN THE MATTER OF THE APPLICATION BY TANAGER HOLDINGS, LLC FOR A CONDITIONAL USE PERMIT AUTHORIZING A SOLAR FARM

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

THIS MATTER came before the Asheboro City Council (the "Council") for a properly advertised quasi-judicial hearing on the question of whether to approve an application by Tanager Holdings, LLC for a Conditional Use Permit ("CUP"). The hearing was opened and sworn testimony received during a regular meeting of the Council on November 9, 2017. Having considered all competent evidence and argument, the Council, on the basis of competent, material, and substantial evidence, does hereby enter the following:

FINDINGS OF FACT

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

2. Consistent with the AZO, the Applicant submitted a site plan showing the proposed land use on the approximately 7.3 acres of land subject to the city's regulation of development. The said 7.3 acres (the "Zoning Lot") is part of a parcel of land (Randolph County Parcel Identification Number 7762798310) that is approximately 38.99 acres in size with the following addresses: 1930 Gold Hill Road (newly assigned address) and 1940 Gold Hill Road (existing dwelling). The majority of the property is within Randolph County's jurisdiction, and the Applicant will have to obtain approval from Randolph County for the portion of the proposed land use within the county's jurisdiction.

3. Like the remainder of the above-listed parcel of land, the Zoning Lot is owned by Margaret Millikan.

4. Gold Hill Road is a state-maintained minor thoroughfare.

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

6. Section 102 of the AZO describes a Conditional Use District as follows:

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

7. Section 102 of the AZO further provides as follows:

> Within a CU District, only those uses specifically permitted in the zoning district to which the CU District corresponds (i.e., R15 and CUR15) shall be permitted, and all other requirements of the corresponding district shall be met. It is the intent of this ordinance that all requirements within a CU District be equal to or more stringent than those in a corresponding non-CU District.
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> In addition, within a CU District no use shall be submitted except as pursuant to a Conditional Use Permit authorized by the City Council, which shall specify the use or uses authorized. Such permit may further specify the location on the property of the proposed use or uses, the number of dwelling units or Floor Area Ratio, the location and extent of supporting facilities including but not limited to parking lots, driveways and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request. In granting a Conditional Use Permit, the Council may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured and substantial justice done.
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> The authorization of a Conditional Use Permit in any CU District for any use which is permitted only as a Special Use in the zoning district which corresponds to the CU District shall preclude any requirement for obtaining a Special Use Permit for any such use from the City Council.

8. Section 1013.2 of the AZO establishes the following standards for the issuance by the Council of a CUP:

> In considering an application for a Conditional Use Permit, the City Council shall give due regard that the purpose and intent of this ordinance shall be served, public safety and welfare secured and substantial justice done. If the City Council should find, after a public hearing, that the proposed Conditional Use Permit should not be granted, such proposed permit shall be denied. Specifically the following general standards shall be met:
>
> 1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
>
> 2. That the use meets all required conditions and specifications.
>
> 3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and,
>
> 4. That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.

9. The solar farm land use is defined by the AZO to mean the following:

> A utility-scale commercial facility that uses solar energy, specifically for the conversion of sunlight into electricity by photovoltaics, concentrating solar thermal devices or various experimental technologies, for the primary purpose of wholesale or retail sales of generated electricity. The use of solar collectors for personal or business consumption that occurs on-site is not considered a solar farm.

10. The solar farm land use is permitted by Special Use Permit in a R40 zoning district, and the Zoning Lot is now in a CU-R40 district.

11. AZO Section 652 (Solar Farms) addresses the requirements for the issuance of a Special Use Permit authorizing a solar farm and specifically provides as follows:

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

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

(i) All structures and solar collectors associated with solar farms shall observe setbacks specified by Table 200-1, as modified by front yard averaging requirements (Article 300, Section 305). No structure or equipment may be located within the required perimeter landscaping yard described in Subsection (ii) below.

(ii) Landscaping is required around the entire perimeter of the zoning lot. Such landscaping shall consist of a 50' wide screen with "Type D" screening materials as prescribed by Article 300A, Section 304A. In lieu of this screen and consistent with Section 304A.6 (Alternative Buffers and Screening), an applicant may utilize a 50' buffer consisting of existing vegetation if the applicant can demonstrate that an alternative buffer preserves mature vegetation and provides a degree of opacity, compatibility, and protection to adjoining properties that is equal to or greater than a 50' wide "Type D" screen. Additional evergreen plantings shall be incorporated into this alternative buffer as necessary to achieve this intent.

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

12. The surrounding land uses are as follows:

North:	Medium-Density Residential	**East:**	Low-Density Residential/ Agricultural
South:	Low-Density Residential	**West**:	Low-Density and Medium-Density Residential

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

14. An electrical substation is less than 500 feet from the property.

15. In an effort to ensure the compatibility of the proposed solar farm with surrounding land uses and to ensure future compliance with the AZO, Community Development Director Trevor Nuttall testified as to his recommendation to attach the following conditions to the CUP requested by the Applicant:

(A) With the exception of manufactured/mobile homes (Class A or B, single-wide or double-wide), land use activities permitted by right in the R40 zoning district are permitted on the Zoning Lot. Staff shall be given the authority to review uses permitted by right to the full extent of the AZO without further review by the Council.

(B) The site plan does not indicate any additional outdoor lighting at this time. If the Applicant proposes outdoor lighting at a later date, such a proposal shall not be deemed to be a modification requiring a new CUP. Information shall be submitted to city staff demonstrating compliance with the AZO, specifically including AZO Section 318A.1 (Performance Standards for Residential Zoning Districts – Light) for inclusion in the file without further review by the Council.

(C) The buffer on the southern boundary of the property adjacent to the Eloisa Tejeda Patino tract (DB 1832, PG 2702) shall consist of plantings required for a Screen D and may use existing vegetation within the 50' buffer/screening yard.

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

(i) Driveway permit from NCDOT
(ii) Erosion control approval from the North Carolina Department of Environmental Quality

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

16. The site plan presented to the Council conforms to the regulations prescribed by the AZO.

17. There is a single-family dwelling on the property that will remain.

18. The land owner is supportive of this application and consents to the land use regulations imposed on the property as a consequence of granting the CUP requested by the Applicant.

19. The proposed land use is utilizing standard solar panel technology with a fixed tilt. This technology is well-established.

20. The proposed solar farm will be constructed of non-hazardous materials and will not generate any hazardous substances. Uncontroverted evidence established that the equipment used in the project will be manufactured to applicable safety standards and electrical components will be UL rated with installation performed by properly licensed electricians.

21. The proposed land use requires minimal grading and minimal impervious area after the construction is completed.

22. No endangered species or wetlands have been identified as suffering any impact from the development of the proposed land use.

23. A 6-foot high chain link fence will be installed around the working area of the solar farm, but police and fire personnel will be able to access the facility.

24. The proposed solar farm will not produce noxious odors, and the only noise associated with an operating solar farm, post construction, is a low hum. The transformers will be positioned away from neighboring residential uses, more to the center of the solar farm.

25. Once constructed, the vehicular traffic generated by the solar farm will be minimal. Post construction, employees visit the site once a week or potentially less frequently.

26. Solar energy is a public necessity. Prior to construction, all solar farm projects must be approved by the North Carolina Utilities Commission. The Commission will issue a Certificate of Public Convenience and Necessity only if the determination is made that the project will satisfy a need for electricity in the area.

27. The Applicant's developer for this solar farm project is Birdseye Renewable Energy. Brian Bednar, President of Birdseye Renewable Energy, testified that he has years of experience in developing solar farm projects at sites comparable to the location of the Zoning Lot. In his professional opinion, the proposed solar farm will not have a negative impact on the value of adjoining property.

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

CONCLUSIONS OF LAW

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

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

3. In light of the evidence and the acceptance of the conditions attached to the CUP by the Council, the proposed solar farm land use is compliant with the applicable requirements of the AZO.

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

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

ORDER

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

(A) With the exception of manufactured/mobile homes (Class A or B, single-wide or double-wide), land use activities permitted by right in the R40 zoning district are permitted on the Zoning Lot. Staff shall be given the authority to review uses permitted by right to the full extent of the AZO without further review by the Council.

(B) The site plan does not indicate any additional outdoor lighting at this time. If the Applicant proposes outdoor lighting at a later date, such a proposal shall not be deemed to be a modification requiring a new CUP. Information shall be submitted to city staff demonstrating compliance with the AZO, specifically including AZO Section 318A.1 (Performance Standards for Residential Zoning Districts – Light) for inclusion in the file without further review by the Council.

(C) The buffer on the southern boundary of the property adjacent to the Eloisa Tejeda Patino tract (DB 1832, PG 2702) shall consist of plantings required for a Screen D and may use existing vegetation within the 50' buffer/screening yard.

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

(i) Driveway permit from NCDOT
(ii) Erosion control approval from the North Carolina Department of Environmental Quality

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

The above-listed final decision document was adopted by the Asheboro City Council in open session during a regular meeting on the 7th day of December, 2017.

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

ATTEST:

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

(f) The final decision document for Land Use Case No. CUP-17-13.

Case No. CUP-17-13
Final Decision Document
City Council of the City of Asheboro, North Carolina

IN THE MATTER OF THE APPLICATION BY OLD CEDAR SOLAR, LLC FOR A CONDITIONAL USE PERMIT AUTHORIZING A SOLAR FARM

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

THIS MATTER came before the Asheboro City Council (the "Council") for a properly advertised quasi-judicial hearing on the question of whether to approve an application by Old Cedar Solar, LLC for a Conditional Use Permit ("CUP"). The hearing was opened and sworn testimony received during a regular

meeting of the Council on November 9, 2017. Having considered all competent evidence and argument, the Council, on the basis of competent, material, and substantial evidence, does hereby enter the following:

FINDINGS OF FACT

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

2. Consistent with the AZO, the Applicant submitted a site plan showing the proposed solar farm on the parcel of land subject to this CUP review process. The size of the overall parcel of land is approximately 45.48 acres. 15 acres, more or less, out of the said total of 45.48 acres will be disturbed in order to develop the proposed solar farm.

3. The land upon which the solar farm is proposed for development (the "Zoning Lot") is a single parcel of land owned by John Harris Kidd and Kathy Kidd. This parcel of land is more specifically identified by Randolph County Parcel Identification Number 7761548926.

4. The addresses for this property are 1378, 1380, 1510, 1514, 1530, and 1538 Old Cedar Falls Road. The property is south of East Presnell Street.

5. Old Cedar Falls Road and East Presnell Street are state-maintained minor thoroughfares.

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

7. Section 102 of the AZO describes a Conditional Use District as follows:

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

8. Section 102 of the AZO also provides:

> Within a CU District, only those uses specifically permitted in the zoning district to which the CU District corresponds (i.e., R15 and CUR15) shall be permitted, and all other requirements of the corresponding district shall be met. It is the intent of this ordinance that all requirements within a CU District be equal to or more stringent than those in a corresponding non-CU District.
>
> In addition, within a CU District no use shall be submitted except as pursuant to a Conditional Use Permit authorized by the City Council, which shall specify the use or uses authorized. Such permit may further specify the location on the property of the proposed use or uses, the number of dwelling units or Floor Area Ratio, the location and extent of supporting facilities including but not limited to parking lots, driveways and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request. In granting a Conditional Use Permit, the Council may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured and substantial justice done.
>
> The authorization of a Conditional Use Permit in any CU District for any use which is permitted only as a Special Use in the zoning district which corresponds to the CU District shall preclude any requirement for obtaining a Special Use Permit for any such use from the City Council.

9. Section 1013.2 of the AZO establishes the following standards for the issuance by the Council of a Conditional Use Permit:

> In considering an application for a Conditional Use Permit, the City Council shall give due regard that the purpose and intent of this ordinance shall be served, public safety and welfare secured and substantial justice done. If the City Council should find, after a public hearing, that the proposed Conditional Use Permit should not be granted, such proposed permit shall be denied. Specifically the following general standards shall be met:
>
> 1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.

2. That the use meets all required conditions and specifications.

3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and,

4. That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.

10. The solar farm land use is defined by the AZO to mean the following:

A utility-scale commercial facility that uses solar energy, specifically for the conversion of sunlight into electricity by photovoltaics, concentrating solar thermal devices or various experimental technologies, for the primary purpose of wholesale or retail sales of generated electricity. The use of solar collectors for personal or business consumption that occurs on-site is not considered a solar farm.

11. The proposed solar farm land use is permitted by Special Use Permit in a R40 zoning district, and the Zoning Lot is in a CU-R40 district.

12. AZO Section 652 (Solar Farms) addresses the requirements for the issuance of a Special Use Permit authorizing a solar farm and specifically provides as follows:

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

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

(i) All structures and solar collectors associated with solar farms shall observe setbacks specified by Table 200-1, as modified by front yard averaging requirements (Article 300, Section 305). No structure or equipment may be located within the required perimeter landscaping yard described in Subsection (ii) below.

(ii) Landscaping is required around the entire perimeter of the zoning lot. Such landscaping shall consist of a 50' wide screen with “Type D” screening materials as prescribed by Article 300A, Section 304A. In lieu of this screen and consistent with Section 304A.6 (Alternative Buffers and Screening), an applicant may utilize a 50' buffer consisting of existing vegetation if the applicant can demonstrate that an alternative buffer preserves mature vegetation and provides a degree of opacity, compatibility, and protection to adjoining properties that is equal to or greater than a 50' wide “Type D” screen. Additional evergreen plantings shall be incorporated into this alternative buffer as necessary to achieve this intent.

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

13. The surrounding land uses are as follows:

North: Place of Worship/Commercial

East: Commercial/Industrial/ Single-Family Residential

South: Public Use Facility/ Congregate Living Facility

West: Place of Worship/ Single-Family Residential

14. With regard to the city’s comprehensive development plans, the Growth Strategy Map identifies the area in which the Zoning Lot is located as an economic development area, and the proposed land development plan map designates the area as neighborhood residential.

15. The area around the Zoning Lot consists primarily of low to medium-density residential uses. There are some institutional uses (two places of worship) and a congregate living facility adjacent to the Zoning lot. Additionally, an electrical substation is adjacent to the Zoning Lot.

16. The Zoning Lot is outside the city limits. Water is currently available to the property. Sewer is located approximately 1,300 feet southwest along Old Cedar Falls Road and is, therefore, currently unavailable to the property.

17. There are currently two single-family dwellings on the Zoning Lot. One of these dwellings may be removed. Additionally, there is a structure designed for retail activities that have been discontinued at this time.

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

(A) With the exception of manufactured/mobile homes (Class A or B, single-wide or double-wide), land use activities permitted by right in the R40 zoning district are permitted on the Zoning Lot. Staff shall be given the authority to review uses permitted by right to the full extent of the AZO without further review by the Council.

(B) Existing structures and uses are shown and noted on the site plan and have no functional relationship with the approved solar farm use. The issuance of this CUP is not to be construed as the entry of any finding, conclusion, or order as to the legal status of these existing structures. The existing structures that are noted on the approved site plan and for which the CUP is not required may continue so long as such buildings and uses are utilized in strict compliance with the AZO.

(C) The site plan indicates a 20' emergency access drive within the fenced areas containing solar panels. Changes to the internal configuration within these fenced areas, including elimination of the drive, shall not be deemed to be a CUP modification if conducted in strict compliance with emergency services requirements. Such changes may be reviewed by city staff for inclusion in the file without further review by the Council.

(D) The site plan does not indicate any additional outdoor lighting at this time. If the applicant proposes outdoor lighting at a later date, such a proposal shall not be deemed to be a modification requiring a new CUP. Information shall be submitted to city planning staff demonstrating compliance with the AZO, specifically including AZO Section 318A.1 (Performance Standards for Residential Zoning Districts – Light) for inclusion in the file without further review by the Council.

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

(i) Driveway permit from NCDOT
(ii) Erosion control approval from the North Carolina Department of Environmental Quality

(F) The Applicant indicates use of a Screen D and existing vegetation to meet the requirements of AZO Section 652.2(ii). The Applicant shall submit additional landscaping details showing compliance with these requirements. The Applicant may use existing vegetation as indicated on the site plan, however, additional plantings will be required if existing vegetation is deficient in meeting the requirements of landscaping equivalent to a Screen D.

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

19. The site plan presented to the Council by the Applicant conforms to the regulations prescribed by the AZO.

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

21. The developer utilized by the Applicant for the proposed solar farm project is Cypress Creek Renewables. Steve Evans, Zoning and Outreach Manager – Development for Cypress Creek

Renewables, has in excess of ten years of experience working in the development of projects, specifically including solar projects. Mr. Evans provided the following uncontroverted testimony:

a. The active area of the proposed solar farm will be secured by a 6-foot high chain link fence topped with three strands of barbed wire. With the barbed wire, the total height of this security fence, which will have gated entrances, will be seven feet.

b. The proposed solar farm will consist of photovoltaic modules, commonly known as panels, mounted on metal racks. The racks are supported by metal piles driven into the ground to minimize soil disturbance. The proposed solar panel configuration contains no moving parts.

c. All solar components and equipment will have a United Laboratories (UL) or equivalent listing. The solar components and equipment will also comply with the applicable building codes and the edition of the National Electric Code approved by the North Carolina Department of Insurance at the time of construction.

d. As shown on the site plan, access to the site will be from a driveway off of Old Cedar Falls Road. This driveway will provide entry for occasional maintenance vehicles in addition to providing around the clock access for fire department personnel and other public safety personnel.

e. Once constructed, this site is proposed to be an unmanned facility with no enclosed structures.

f. Excluding electric transmission lines and utility poles at the point of interconnection, the proposed use has no structures that exceed 25 feet in height.

g. Once constructed, this site will not emit any odors.

h. At the boundaries of the Zoning Lot, the noise produced by the operation of the solar farm will be indistinguishable from ambient background noise.

i. Solar farms are a public necessity because these projects provide a safe means to generate clean alternative energy.

22. Chris Sandifer, PE testified on behalf of the Applicant as an independent consultant. Mr. Sandifer is a professional engineer and a licensed North Carolina Electrical Contractor with an Unlimited Classification. Mr. Sandifer provided uncontroverted testimony that, consistent with the testimony provided by Mr. Evans, established the following facts:

a. The proposed solar panels do not contain any radioactive material, hazardous chemicals, or other material with the potential to cause harm to the surrounding community.

b. The solar panels are noncombustible.

c. The solar technology proposed for the Zoning Lot has existed in the United States for more than 50 years.

d. Inverters used to convert electricity from direct current (DC) to alternating current (AC) will be located in the interior of the proposed solar farm. The nested inverter, when operating at full output, will generate a low frequency sound with an amplitude of about the same level as a common household air conditioner. The sound level is muffled by absorption and scattering of the panels such that the sound is virtually undetectable by individuals from existing background noise at the project boundary.

e. The low levels of electromagnetic fields produced by the proposed solar farm will be comparable to typical utility distribution power lines.

f. In his professional opinion, the proposed solar facility will not present a danger to the public's health or safety.

23. Mr. Richard C. Kirkland, Jr., MAI performed a matched pair analysis that showed no impact in home values due to abutting or adjoining a solar farm as well as no impact to abutting or adjacent vacant residential or agricultural land. Based on the data and analysis in the written report that was entered into the record, Mr. Kirkland testified as to his professional opinion that the solar farm proposed for the Zoning Lot will not substantially injure the value of adjoining or abutting property and that the proposed use is in harmony with the area in which it is located.

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

CONCLUSIONS OF LAW

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

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

3. In light of the evidence and the acceptance of the conditions proposed for attachment to the CUP, the proposed solar farm land use is compliant with the applicable requirements of the AZO.

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

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

ORDER

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

(A) With the exception of manufactured/mobile homes (Class A or B, single-wide or double-wide), land use activities permitted by right in the R40 zoning district are permitted on the Zoning Lot. Staff shall be given the authority to review uses permitted by right to the full extent of the AZO without further review by the Council.

(B) Existing structures and uses are shown and noted on the site plan and have no functional relationship with the approved solar farm use. The issuance of this CUP is not to be construed as the entry of any finding, conclusion, or order as to the legal status of these existing structures. The existing structures that are noted on the approved site plan and for which the CUP is not required may continue so long as such buildings and uses are utilized in strict compliance with the AZO.

(C) The site plan indicates a 20' emergency access drive within the fenced areas containing solar panels. Changes to the internal configuration within these fenced areas, including elimination of the drive, shall not be deemed to be a CUP modification if conducted in strict compliance with emergency services requirements. Such changes may be reviewed by city staff for inclusion in the file without further review by the Council.

(D) The site plan does not indicate any additional outdoor lighting at this time. If the applicant proposes outdoor lighting at a later date, such a proposal shall not be deemed to be a modification requiring a new CUP. Information shall be submitted to city planning staff demonstrating compliance with the AZO, specifically including AZO Section 318A.1 (Performance Standards for Residential Zoning Districts – Light) for inclusion in the file without further review by the Council.

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

(i) Driveway permit from NCDOT
(ii) Erosion control approval from the North Carolina Department of Environmental Quality

(F) The Applicant indicates use of a Screen D and existing vegetation to meet the requirements of AZO Section 652.2(ii). The Applicant shall submit additional landscaping details showing compliance with these requirements. The Applicant may use existing vegetation as indicated on the site plan, however, additional plantings will be required if existing vegetation is deficient in meeting the requirements of landscaping equivalent to a Screen D.

(G) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the Zoning Lot owner shall properly execute and deliver to the Zoning Administrator for recordation in the Office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by

the City Attorney for the purpose of placing notice of the conditions attached to this Conditional Use Permit in the chain of title for the Zoning Lot.

The above-listed final decision document was adopted by the Asheboro City Council in open session during a regular meeting on the 7th day of December, 2017.

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

ATTEST:

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

(g) The final decision document for Land Use Case Nos. CUP-17-14 and SUB-17-04.

Case Nos. CUP-17-14 and SUB-17-04
Final Decision Document
City Council of the City of Asheboro, North Carolina

IN THE MATTER OF THE APPLICATION BY WADE JURNEY HOMES FOR A CONDITIONAL USE PERMIT, INCLUDING SUBDIVISION SKETCH DESIGN APPROVAL, FOR A RESIDENTIAL PLANNED UNIT DEVELOPMENT

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

THIS MATTER came before the Asheboro City Council (the "Council") for a properly advertised quasi-judicial hearing on the question of whether to approve an application by Wade Jurney Homes for a Conditional Use Permit ("CUP") and to grant the corresponding subdivision sketch design approval for a residential planned unit development ("PUD"). The hearing was opened and sworn testimony received during a regular meeting of the Council on November 9, 2017. Having considered all competent evidence and argument, the Council, on the basis of competent, material, and substantial evidence, does hereby enter the following:

FINDINGS OF FACT

1. Wade Jurney Homes (the "Applicant") properly applied, by and through attorney Tom Wright, Esq., for the most recent CUP and corresponding subdivision sketch design approval for a PUD.

2. The property at issue with this request has been subjected to multiple reviews by the Council, and, in each case, a PUD has been deemed to be appropriate under the city's land use regulations.

3. In 2006, a final decision document was approved that authorized a PUD with 108 residential units in both phases. A preliminary plat allowing construction of infrastructure for all phases was approved in 2007 and platted in 2008.

4. Due to various factors, including the Great Recession of 2007-2008, the entirety of the initially approved PUD never materialized.

5. Waterford Villas, Phase 1 ("Waterford Villas") was successfully developed in a R10 zoning district pursuant to a properly authorized Special Use Permit ("SUP"). The undeveloped phase of the original project was the subject of a combined quasi-judicial hearing in 2017 that resulted in the placement of the undeveloped parcels of land in a Conditional Use RA6 zoning district and the issuance of land use approvals in the form of a CUP and subdivision sketch design approval that authorized for the former Waterford Villas, Phase 2 property an increase in the number of units (80 to 117), the addition of a residents' storage facility, and the incorporation of triplexes.

6. The Applicant, with the consent of the land owner(s), is proposing certain modifications to the plan of development that will require a new CUP and approval of a new subdivision sketch design for the former Waterford Villas, Phase 2, which the Applicant has renamed Jackson's Run.

7. The Applicant's proposed project that triggered the current CUP application process and that is the subject of the subdivision sketch design review will be hereafter referred to as "Jackson's Run." Approximately 38.87 acres of land is included within Jackson's Run, and this land will be hereafter referred to as the "Zoning Lot." The Zoning Lot is more specifically identified by Randolph County Parcel Identification Numbers 7763265981, 7763275095, 7763270025, 7763265467, 7763265562, and a portion of 7763164590.

8. Due to the Applicant's current proposal to create two separate communities (Waterford Villas and Jackson's Run) with their own unique identities, the entirety of the original PUD has to be made

a party to this quasi-judicial process. For that reason, all of the owners within the Waterford Villas community have joined in the application initially filed by Wade Jurney Homes.

9. With the joining of these additional owners in order to separate the two communities, address changes in street interconnectivity, and to effectuate certain land swaps between the two communities that were once phases within the same land development proposal, the current quasi-judicial review process encompasses, inclusive of the above-listed parcel identification numbers for Jackson's Run, approximately 50.24 acres of land that is more specifically identified as follows:

> Phase 1 of Waterford Villas on the north side of Hub Morris Road, approximately 600 feet east of the intersection of Hub Morris Road with North Fayetteville Street; also, identified in part as "Future Development" in Plat Book 115, Page 80, Randolph County Registry at the northern terminus of the publicly maintained portion of Waterside Drive, north of Hub Morris Road and on the west side of Forest Park Drive. The following Randolph County Parcel Identification Numbers identify the entirety of the parcels impacted by this joint application: 7763162771, 7763161134, 7763161254, 7763161258, 7763161386, 7763161490, 7763161563, 7763161608, 7763161621, 7763161944, 7763161982, 7763162419, 7763162694,7763162769, 7763161148, 7763162835, 7763163106, 7763163145, 7763163357, 7763163396, 7763164123, 7763164164, 7763164365, 7763164393, 7763164408, 7763164544, 7763164590, 7763165221, 7763165225, 7763265981, 7763275095, 7763270025, 7763265467, and 7763265562.

10. Pursuant to the AZO, the use of a quasi-judicial process to evaluate a CUP application precludes the need to undertake a duplicative quasi-judicial process to consider issuing a SUP. However, the granting of the CUP requested by the Applicant (Wade Jurney Homes) will not alter the fact that Waterford Villas will still be located in a R10 zoning district and subject to the SUP authorizing the existing PUD for the Waterford Villas community with the modifications noted herein and on the approved site plan. Jackson's Run will remain in a CURA6 zoning district and will be subject to the new CUP issued as part of this final decision document.

11. None of the individuals who offered testimony during the hearing of this matter questioned or objected to the fundamental correctness of the analysis that led to the issuance earlier in 2017 of a CUP authorizing a PUD on this property. The following findings of fact and conclusions of law contained within the final decision document issued under Case Nos. CUP-17-03 and SUB-17-01 are hereby incorporated into the current final decision document for Case Nos. CUP-17-14 and SUB-17-04:

FINDINGS OF FACT

1. Waterford RE, LLC (the "Applicant") properly applied, by and through attorney Tom Wright, Esq., for the issuance of a conditional use permit and the requisite subdivision sketch design review and approval authorizing a land use identified in Table 200-2 of the Asheboro Zoning Ordinance (the "AZO") as a residential planned unit development ("PUD").

2. In compliance with the AZO, the Applicant included with the application a site plan and subdivision sketch design plat showing the proposed land use on five parcels of land owned by the Applicant. These parcels of land (collectively, the "Zoning Lot") are located at the northern terminus of the publicly maintained portion of Waterside Drive, north of Hub Morris Road and on the west side of Forest Park Drive. The parcels of land that form the Zoning Lot are more specifically identified by the following Randolph County Parcel Identification Numbers: 7763265981, 7763275095, 7763270025, 7763265467, and 7763265562.

3. The Zoning Lot contains approximately 38 acres and is inside the city limits of Asheboro with access to municipal services.

4. During the initial hearing of these cases on May 4, 2017, the Zoning Lot was placed in a CURA6 zoning district, which is a conditional use high-density residential zoning district.

5. Section 102 of the AZO describes a Conditional Use District as follows:

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

6. Section 102 of the AZO further provides as follows:

> *Within a CU District, only those uses specifically permitted in the zoning district to which the CU District corresponds (i.e., R15 and CUR15) shall*

be permitted, and all other requirements of the corresponding district shall be met. It is the intent of this ordinance that all requirements within a CU District be equal to or more stringent than those in a corresponding non-CU District.

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

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

7. Section 1013.2 of the AZO establishes the following standards for the issuance by the Council of a conditional use permit:

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

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.

2. That the use meets all required conditions and specifications.

3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and,

4. That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.

8. Section 210 of the AZO contains a statement of intent for the RA6 residential zoning district, and this statement of intent provides as follows:

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 designated RA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged.

9. A PUD, which is the land use for which the Applicant is seeking approval, is permitted by special use permit in an RA6 zoning district, and the Zoning Lot is zoned CURA6.

10. Section 630, Subsection A of the AZO lists the following specific requirements for the issuance of a special use permit, which will be a conditional use permit in this case, allowing a PUD:

1. Residential Planned Unit Developments may be permitted in any R40, R15, R10, R7.5, RA6 or OA6 zoning district as long as the proposed development contains a minimum of 2 acres. Those uses ordinarily permitted by right, by SUP, or as an accessory within the district (where) the development is to be located may be included in the development.

2. Review of an application for a PUD SUP shall occur simultaneously with a review of plats submitted in compliance with the Asheboro Subdivision Ordinance. If the PUD requires review as a "major" subdivision the Sketch Design Plat shall be properly submitted, reviewed and recommended by the Planning Board for the City Council's consideration as the PUD SUP. The Sketch Design Plat and the site plan required for the SUP may be combined on one plat so long as the requirements for each are met. If the PUD requires a minor subdivision the required subdivision plat shall be properly submitted for approval. Approval shall be subject to any conditions of the PUD SUP and granted only after approval of the SUP by the City Council.

3. Residential PUDs may have direct access to City streets or State roads which are not major or minor thoroughfares, provided such access will not create safety hazards due to design or congestion.

4. Streets within a PUD may be public or private according to the regulations of the Asheboro Subdivision Ordinance.

5. The yard and height regulations set forth in Table 200-1 may be modified for a PUD, provided that, for such development as a whole, excluding public street right-of-ways or the area dedicated to private streets but including individual lots, common areas, parks and other permanent open spaces, there shall not be less than the required area per dwelling unit for the district in which such development is located.

6. Utilities shall be planned and installed according to the Asheboro Subdivision Ordinance.

7. Provisions and plans for garbage and waste collection shall be included with the application.

8. Buffers and/or screening shall be installed and maintained based on the types of individual uses contained within the development as per Article 304A.

9. Signs will be regulated as per Article 500.

10. Off street parking shall be provided as per Article 400.

11. General landscaping shall be installed and maintained. Plans indicating all required and non-required landscaping shall be submitted as part of the application.

11. The surrounding land uses are as follows:

North:	*Medium-Density Residential*	***East:***	*Low to Medium-Density Residential*
South:	*Existing PUD/ Low to Medium - Density Residential*	***West:***	*Low-Density Residential/ Commercial/ Industrial*

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

13. The Zoning Lot's existing land use is classified as undeveloped/residential planned unit development previously under construction.

14. Hub Morris Road is a state-maintained minor thoroughfare. Forest Park Drive is a state-maintained road.

15. The Zoning Lot is currently identified as Phase 2 of Waterford Villas. The existing special use permit authorizes 80 dwelling units on 80 lots. A total of 40 structures, each containing two dwelling units, are permitted. Under the R10 zoning that existed prior to the placement of the Zoning Lot in a conditional use district, if the existing special use permit had been abandoned, there is enough acreage to support more than 100 single-family lots and dwelling units or 65 two-family lots with 130 dwelling units.

16. The Applicant is proposing a PUD with a total of 117 dwelling units. The dwelling units are proposed with either two or three units in each of the 45 residential structures. The proposed development also includes common and recreational areas along with an optional storage building proposed for the owners' use. Both public streets and private alleys, which are to be maintained by a homeowners' association, are incorporated into the development design.

17. With the original issuance of a special use permit, the city council first granted approval for a PUD at this location in 2006. Construction of the development began after preliminary plat approval in 2007. Since that time, 28 lots in Phase 1 have been recorded with the associated public infrastructure. Much of the infrastructure within Phase 2 has also been constructed, but this infrastructure has not been dedicated to public ownership and use.

18. The increase in the number of units (80 to 117), the addition of a resident storage facility, and the inclusion of three dwelling units in many of the structures triggers the need for a new special use permit, which is satisfied in a conditional use district by the issuance of a conditional use permit.

19. The proposed units are a single-story design, ranging from approximately 1,346 square feet to 1,522 square feet of gross floor area, with a 2-vehicle garage for each unit.

20. The inclusion of three dwelling units in certain structures required rezoning the property to the conditional use high-density residential zoning district.

21. With regard to the subdivision sketch design review, the Applicant has submitted a subdivision plat for review that is compliant with the City of Asheboro Subdivision Ordinance.

22. Prior to the Council entering a decision as to the Applicant's requests, the City of Asheboro Planning Board concurred with the planning department staff's analysis of the sketch design application and recommended approval of the subdivision sketch design plat.

23. The Applicant's expert, Tonya Brady, is a certified residential real estate appraiser with approximately 20 years of experience. She has reviewed the proposed land use, the Zoning Lot, and another PUD on Old Lexington Road. The Council finds credible Ms. Brady's expert testimony that the proposed land use will not have a negative impact on surrounding properties.

24. The land use proposed for the Zoning Lot does not pose any elevated risk of generating health and safety concerns.

25. As previously noted, the Applicant was represented by an attorney, Mr. Wright, and certain property owners, whose standing was not challenged during the hearing, retained the services of Benjamin Albright, Esq. Mr. Wright and Mr. Albright submitted for the Council's consideration negotiated conditions for potential attachment to the requested conditional use permit. With the joint submission of these negotiated conditions, the primary area of disagreement became focused on the proposed construction of a large storage building within the development. On this point, the parties initially had very divergent contentions. However, during the portion of the hearing held on June 8, 2017, the represented parties endorsed mutually agreeable potential conditions to the permit that would enhance the compatibility of the storage building with the surrounding properties.

26. The site plan presented to the Council by the Applicant conforms to the regulations prescribed by the AZO.

27. Mr. Wright testified that the Applicant accepted the conditions that the Council ultimately concluded should be attached to the requested conditional use permit.

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

CONCLUSIONS OF LAW

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

2. In this case, the Applicant properly submitted an application for a conditional use permit authorizing a PUD on the Zoning Lot located in a CURA6 zoning district.

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

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

5. The Applicant's subdivision sketch design review application is compliant with the City of Asheboro Subdivision Ordinance.

12. The current Applicant is now proposing changes that are considered to be a modification of the above-referenced CUP issued earlier in 2017. These changes include constructing detached dwellings instead of attached dwellings, 2-story units, a change in vehicular access, and changes in the configuration of open space. Jackson's Run is proposed to consist of 131 detached dwelling units.

13. Dave Hodgman of Wade Jurney Homes offered uncontroverted testimony that the Applicant is an experienced regional builder and wants to use different plans for developing Jackson's Run because detached single-family homes are, in the builder's opinion, more likely to succeed in the current home market and thereby support the value of all of the homes in the vicinity of the Zoning Lot.

14. All of the parties with standing in this matter have indicated agreement with the proposal to disconnect Waterside Drive between Waterford Villas and Jackson's Run. Existing street pavement within Jackson's Run is to be removed.

15. Another change is that the new proposal unambiguously provides for the existing ponds and dam within the development to be controlled by the association for Jackson's Run.

16. The proposed units in Jackson's Run are single-story and two-story in design and range from 1,600 square feet to 2,100 square feet with a two-vehicle garage for each unit.

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

CONCLUSIONS OF LAW

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

2. In this case, the Applicant properly submitted an application for a CUP authorizing a PUD (Jackson's Run) on the Zoning Lot that is located in a CU-RA6 zoning district. The Applicant was joined by the requisite additional land owners in this quasi-judicial land use review process in order to update the SUP for the Waterford Villas development in the R10 zoning district.

3. In light of the evidence and the acceptance by the Applicant and all of the impacted land owners of the conditions listed hereinbelow for attachment to the CUP, the Applicant's proposed land use is compliant with the applicable requirements of the AZO.

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

5. The Applicant's subdivision sketch design plat, with the comments and conditions noted herein, is compliant with the applicable land use regulations.

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

ORDER

Part 1 – Conditional Use Permit

Subject to the following conditions, a Conditional Use Permit authorizing the proposed residential planned unit development (Jackson's Run) on the Zoning Lot is hereby approved and issued to the Applicant and the Applicant's heirs, successors, and assigns. Furthermore, the continuing validity of the Special Use Permit, as modified by the approved site plan and this Order, authorizing the Waterford Villas development is hereby confirmed. The respective Conditional Use (Jackson's Run) and Special Use (Waterford Villas) Permits shall stand on their own, and any future changes to these separate developments will be analyzed independent of each other.

The continuing validity of this Conditional Use Permit is hereby made expressly contingent upon the Applicant and the Applicant's heirs, successors, and assigns complying at all times with the applicable provisions of the Asheboro Zoning Ordinance, the approved site plan, and the following supplementary conditions:

(A) The site plan omits certain site calculations and labeling. The Applicant shall submit a revised site plan detailing the following information for review by city staff and inclusion in the city's file without further review by the Council:

(1) Calculation of total acreage within the Waterford Villas subdivision;
(2) Calculation of open space for Waterford Villas;
(3) Calculation of the area within the public right-of-way of Waterford Villas;
(4) Labeling and calculation of recreation space within Waterford Villas;
(5) Listing of parcel identification numbers and deed references related to Waterford Villas and Jackson's Run; and
(6) Labeling of the current zoning designations of Waterford Villas and Jackson's Run.

(B) Except for the landscape screen shown adjacent to the James Markle property (DB 1332, PG 55) and screen and street yards adjacent to the residents' storage building, the installation of identified landscape buffers, screens, or street yards are at the option of the property owner. The landscape screen adjacent to the aforementioned Markle property's western boundary shall be installed prior to the recordation of the public street adjacent to the Markle property.

(C) Prior to the issuance of a certificate of occupancy for the residents' storage building or installation of the required recreation space to the north of the James Markle property (DB 1332, PG 55), required landscaping shall be installed or guaranteed as specified by Section 1006 of the Asheboro Zoning Ordinance. The required landscaping adjacent to the northern property boundary of the aforementioned Markle property shall equal or exceed the requirements of a "Screen A" as specified by Section 304A.4 of the Asheboro Zoning Ordinance. The "Buffer A" option is not permitted at this location.

(D) Required recreation area(s) as specified by the ratio provided in Table 200-1 of the Asheboro Zoning Ordinance shall be installed or guaranteed in accordance with Section 1006 of the Asheboro Zoning Ordinance at least proportionate to the land area being recorded on any final plat.

(E) The exact location of connecting sidewalks located within public rights-of-way, recreation areas, and the proposed 100' x 100' residents' storage building may be modified to the extent that they comply with the Asheboro Subdivision Ordinance, Article X, Subsection IV.C.5, which requires ADA compliant sidewalks that extend from sidewalks along the public right-of-way to all amenities.

(F) The 100' x 100' storage building identified on the site plan is not required by the zoning ordinance, subdivision ordinance, or this Conditional Use Permit. If constructed, use of the proposed storage building shall be limited to residents of the proposed Jackson's Run and Waterford Villas (Plat Book 115, Page 80, Randolph County Registry).

(G) Building facades of the 100' x 100' residents' storage building shall consist of materials permitted by Section 318A.D (Design Standards for all Residential Districts) of the Asheboro Zoning Ordinance.

(H) All new dwellings located on lots 1-9 of Jackson's Run shall be restricted to a single story and basement. Above-garage bonus rooms as depicted in the submitted building plans are permitted.

(I) If any recreational vehicles are located in the parking area surrounding the 100' x 100' residents' storage building, such recreational vehicles shall be screened in accordance with the requirements of Section 305A of the Asheboro Zoning Ordinance.

(J) Enclosure of concrete pads to the rear of dwellings or other additions to the rear of residential dwellings outside the common area shall not be considered a modification of the permit that requires Council review.

(K) Developers will leave at least 25 feet between Units 105 and 106 for access to the dam in the event repairs are needed and, furthermore, the developer shall permit the Jackson's Run homeowners association to use the 40 foot easement set out in Plat Book 135, Page 3 to access the dam if necessary.

(L) Hours of operation for the residents' storage building shall be restricted to 7:00 a.m. through 9:00 p.m.

(M) There shall be no signs identifying the residents' storage building or area at either entrance, other than address signs or other signs required by applicable local ordinances.

(N) No final plat shall be approved unless and until public street access to Forest Park Drive is provided.

(O) No final plat shall be approved unless appropriate turnaround area approved by the city is provided or available.

(P) A maximum of 30 dwelling units may receive certificates of occupancy with a single means of public street ingress and egress to Forest Park Drive.

(Q) Prior to the issuance of a zoning compliance permit for the proposed land use, Waterford RE, LLC shall properly execute and deliver to the zoning administrator for recordation in the Office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the city attorney for the purpose of placing notice of the conditions attached to this conditional use permit in the chain of title for the Zoning Lot.

(R) Prior to the recordation of the Memorandum of Land Use Restrictions noted above in Condition (Q), one or more instrument(s) of conveyance drafted to establish in fact the revised/new boundary lines shown as proposals on the submitted site plan shall be properly executed and recorded in the Office of the Randolph County Register of Deeds. Notice of such recordation shall be provided in a timely manner to the City of Asheboro Zoning Administrator.

Part 2 – Subdivision Sketch Design Approval

The subdivision sketch design plat submitted under Case No. SUB-17-04 for Jackson's Run is hereby approved with the following comments/conditions:

(1) Water/sewer certifications and as-built engineering are required with the final plat.

(2) New construction plans shall be submitted prior to starting development. Plans must show proposed locations of the individual water and sewer services with connections to the main lines for each of the proposed units.

(3) Required recreation area(s) as specified by the ratio provided in Asheboro Zoning Ordinance Table 200-1 must be installed or guaranteed as specified by Section 1006 of the Asheboro Zoning Ordinance at least proportionate to the land area being recorded on any final plat.

(4) Prior to construction, approval of the "Final Decision Document" and all applicable regulatory approvals shall be granted.

(5) Homeowners' documents shall be recorded with the final plat, including restrictions concerning recreational vehicle parking and maintenance mechanisms for the common area.

(6) No final plat shall be approved unless and until public street access to Forest Park Drive is provided.

(7) No final plat shall be approved unless appropriate turnaround area approved by the city is provided or available.

(8) A maximum of 30 dwelling units may receive certificates of occupancy with a single means of public street ingress and egress to Forest Park Drive.

The foregoing final decision document was adopted by the Asheboro City Council in open session during a regular meeting on the 7th day of December, 2017.

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

ATTEST:

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

(h) A budget ordinance amending the General Fund to account for "Pass Thru" Funds from the One NC Fund for Technimark and related entities.

24 ORD 12-17

ORDINANCE TO AMEND THE GENERAL FUNDFY 2017-2018

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

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

WHEREAS, the City of Asheboro received the "pass thru" grant funds from the NC Department of Commerce on December 5, 2017 and would like to remit the funds to Technimark LLC in a timely fashion, and;

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

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

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

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

Account #	Revenue Description	Increase
10-349-0000	State Grants	225,000

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

Account #	Expense Description	Increase
10-490-3200	Grants- Technimark, LLC	225,000

Adopted this 7th day of December, 2017.

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

ATTEST:

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

(i) An ordinance setting the dates for regular city council meetings during the 2018 calendar year.

ORDINANCE NUMBER 25 ORD 12-17

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AN ORDINANCE SETTING THE DATES FOR REGULAR MEETINGS OF THE ASHEBORO CITY COUNCIL DURING THE 2018 CALENDAR YEAR

WHEREAS, Section 31.04(A) of the Code of Asheboro provides that the "City Council shall hold a regular meeting on Thursday after the first Monday of each month;" and

WHEREAS, in an effort to avoid reasonably foreseeable scheduling conflicts with the Independence Day holiday, the Asheboro City Council has decided to reschedule its regular meeting in July 2018;

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

Section 1. During the 2018 calendar year, and subject to any notices to the contrary issued in accordance with the applicable laws and ordinances, regular meetings of the Asheboro City Council will begin at 7:00 p.m. on the dates listed herein and will be held in the Council Chamber at Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203.

Section 2. Due to the Independence Day holiday, the regular meeting of the Asheboro City Council in July 2018 shall be held in the Council Chamber at Asheboro City Hall, with a beginning time of 7:00 p.m., on the 12th day of July, 2018.

Section 3. For purposes of clarity, the schedule is as follows for regular meetings of the Asheboro City Council during the 2018 calendar year:

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

Section 4. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed to the extent that such ordinances conflict with the intent of the Asheboro City Council to hold its regular meetings in accordance with the schedule found in Section 3 of this Ordinance. With the exception of rescheduling the Asheboro City Council's regular meeting in July 2018, the provisions of Section 31.04 of the Code of Asheboro remain in full force and effect.

Section 5. This Ordinance shall become effective upon adoption and shall sunset at midnight on December 31, 2018.

This Ordinance was adopted in open session during a regular meeting of the Asheboro City Council held on the 7th day of December, 2017.

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

ATTEST:

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

(j) Acknowledgment of the receipt from the Randolph County Board of Elections of the results of the municipal election on November 7, 2017.

A copy of the sheet with the results of the election is on file in the city clerk's office. The candidates who were elected to new terms of office were Mayor David H. Smith and, in alphabetical order, the following Asheboro City Council Members: Clark R. Bell, Linda H. Carter, Walker B. Moffitt, and Katie L. Snuggs.

II. ADMINISTRATION OF THE OATHS OF OFFICE

4. Oaths of office.

City Clerk Holly H. Doerr administered the following oaths of office to Mayor David H. Smith and Council Members Clark R. Bell, Linda H. Carter, Walker B. Moffitt, and Katie L. Snuggs:

(a) Mayor David H. Smith

OATH OF MAYOR

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH
CITY OF ASHEBORO

I, David H. Smith, do solemnly swear that I will support, defend, and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge and perform the duties of my office as Mayor of the City of Asheboro, on which I am about to enter, according to my best skill and ability; so help me, God.

/s/David H. Smith
David H. Smith

Sworn to and subscribed before me this 7th day of December, 2017.

/s/Holly H. Doerr
Holly H. Doerr
City Clerk
City of Asheboro

(b) Clark R. Bell

OATH OF COUNCIL MEMBER

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH
CITY OF ASHEBORO

I, Clark R. Bell, do solemnly swear that I will support, defend, and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge and perform the duties of my office as Council Member for the City of Asheboro, on which I am about to enter, according to my best skill and ability; so help me, God.

/s/Clark R. Bell
Clark R. Bell

Sworn to and subscribed before me this 7th day of December, 2017.

/s/Holly H. Doerr
Holly H. Doerr
City Clerk
City of Asheboro

(c) Linda H. Carter

OATH OF COUNCIL MEMBER

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH
CITY OF ASHEBORO

I, Linda H. Carter, do solemnly swear that I will support, defend, and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge and perform the duties of my office as Council Member for the City of Asheboro, on which I am about to enter, according to my best skill and ability; so help me, God.

/s/Linda H. Carter
Linda H. Carter

Sworn to and subscribed before me this 7th day of December, 2017.

/s/Holly H. Doerr
Holly H. Doerr
City Clerk
City of Asheboro

(d) Walker B. Moffitt

OATH OF COUNCIL MEMBER

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH
CITY OF ASHEBORO

I, Walker B. Moffitt, do solemnly swear that I will support, defend, and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge and perform the duties of my office as Council Member for the City of Asheboro, on which I am about to enter, according to my best skill and ability; so help me, God.

/s/Walker B. Moffitt
Walker B. Moffitt

Sworn to and subscribed before me this 7th day of December, 2017.

/s/Holly H. Doerr
Holly H. Doerr
City Clerk
City of Asheboro

(e) Katie L. Snuggs

OATH OF COUNCIL MEMBER

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH
CITY OF ASHEBORO

I, Katie L. Snuggs, do solemnly swear that I will support, defend, and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge and perform the duties of my office as Council Member for the City of Asheboro, on which I am about to enter, according to my best skill and ability; so help me, God.

/s/Katie L. Snuggs
Katie L. Snuggs

Sworn to and subscribed before me this 7th day of December, 2017.

/s/Holly H. Doerr
Holly H. Doerr
City Clerk
City of Asheboro

III. ORGANIZATIONAL PHASE OF THE MEETING

5. Election of Mayor Pro Tempore.

After the oaths of office were administered to Mayor Smith and Council Members Bell, Carter, Moffitt, and Snuggs, the Council turned its attention to the election of a Mayor Pro Tempore. Mr. Bell nominated Mr. Walker B. Moffitt for election as Mayor Pro Tempore, and Mr. Swiers seconded this nomination. Mayor Smith asked if there was agreement to elect Mr. Moffitt as Mayor Pro Tempore by acclamation, and Mr. Bell and Mr. Swiers agreed to so move and second. This motion to close nominations and elect Walker B. Moffitt as Mayor Pro Tempore by acclamation was approved unanimously by Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers.

6. Committee appointments.

Mayor Smith presented a list of proposed appointments to council committees. The list of appointments is printed in its entirety in the resolution that was adopted as part of the council's next business item.

7. Consideration of a resolution of concurrence with the mayoral appointments.

Upon motion by Mr. Burks and seconded by Ms. Snuggs, Council voted unanimously to adopt a resolution expressing the council's concurrence with the committee appointments made by Mayor Smith. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted to concur with the mayoral appointments by approving the following resolution.

RESOLUTION NUMBER 37 RES 12-17

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION OF CONCURRENCE WITH THE COMMITTEE APPOINTMENTS MADE BY MAYOR DAVID H. SMITH

WHEREAS, the Code of Asheboro (the "Code") authorizes the Mayor to appoint Council Members to the various committees listed in Section 31.02 of the Code as well as to other committees established by and organized in accordance with resolutions adopted by the Asheboro City Council (the "Council") independent of the committee framework established in the Code; and

WHEREAS, the appointment of individuals to such committees is to take place during the organizational meeting that follows the municipal general election; and

WHEREAS, Section 31.02 of the Code provides that the above-referenced committee appointments are subject to the approval of the Council; and

WHEREAS, during the organizational meeting held on December 7, 2017, Mayor David H. Smith made the following committee appointments:

Finance and Public Safety Committee

1. Mayor, Chair (Designated as Chair by the Code)
2. Clark R. Bell
3. Jane H. Redding
4. Charles A. Swiers

Public Works Committee

1. Mayor Pro Tempore, Chair (Designated as Chair by the Code)
2. Edward J. Burks
3. Katie L. Snuggs

Personnel Evaluation Committee

1. Mayor, Chair (Designated as Chair by the Code)
2. Mayor Pro Tempore
3. Linda H. Carter

Tourism and Marketing Committee

1. Mayor, Chair (Designated as Chair by the Code)
2. Edward J. Burks
3. Katie L. Snuggs

Identity Theft Prevention Program Committee

1. Mayor, Chair (Designated as Chair by the Code)
2. Linda H. Carter
3. Charles A. Swiers

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, without exception, the committee appointments specified in the preceding recitals are hereby approved.

This Resolution was adopted in open session during a regular meeting of the Asheboro City Council that was held on the 7th day of December, 2017.

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

ATTEST:

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

IV. HEARINGS AND NEW BUSINESS ITEMS

8. Land use cases introduced by Assistant Community Development Director John Evans.

(a) Legislative hearing on Case No. RZ-17-15: An application to rezone the property at 3367 Zoo Parkway and a second parcel of land at the corner of Zoo Parkway and Old Cox Road from R40 (Low-Density Residential) and CU-OA6 (Conditional Use Office-Apartment) to OA6 (Office-Apartment).

Mayor Smith opened the public hearing, which was legislative in nature, on the request by Cross Road Retirement Community to rezone approximately 10.59 acres of land from R40 (Low-Density Residential) and CU-OA6 (Conditional Use Office-Apartment) to OA6 (Office-Apartment). The land to be rezoned is owned by Cross Road Rest and Retirement Center, Inc. and is identified by Randolph County Parcel Identification Numbers 7669553525 and 7669466475.

Assistant Community Development Division Director John Evans utilized a visual presentation to summarize the planning staff's analysis of the request. The staff report noted the following:

1. Zoo Parkway (NC 159) is a state-maintained major thoroughfare. Old Cox Road is a state-maintained minor thoroughfare.
2. The request involves the rezoning of two parcels: An undeveloped parcel at the southern intersection of Zoo Parkway and Old Cox Road from CU-OA6 (Conditional Use Office-Apartment) to OA6 zoning and an undeveloped parcel located approximately 1500 feet south of this intersection from R40 (Low-Density Residential) to OA6 zoning.
3. The properties were annexed into the city limits in 2013. City water and sewer are available to the properties.
4. The area includes a mix of residential (including single-family and multi-family) uses and office and institutional uses in addition to undeveloped commercial property (zoned B2) to the north.
5. The property is immediately north of the US Highway 64 Bypass that is under construction.
6. The parcel on the corner of Zoo Parkway and Old Cox Road is designated as a "Village Center," which is described as a medium-scale, mixed-use activity center serving multiple neighborhoods.
7. The parcel located at 3367 Zoo Parkway is designated as "Conservation Residential," which is described by the LDP as accommodating existing & limited new low-density residential uses and encourage cluster development.

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

> The CU-OA6 designation occurred when fewer parcels in the area were zoned for non-residential uses. The area has since developed with a mix of uses, and rezoning of parcels in the area has occurred since that time, including the parcel immediate to the north zoned B2.
>
> The Land Development Plan describes the Village Center as having a mix of uses and serving multiple neighborhoods. While the conservation residential

designation applied to the southernmost parcel is described as accommodating low density residential uses, it also encourages clustering of development and preservation of open space. This is possible in the OA6 district, as the district bases density on floor area rather than minimum lot size. The construction of the US 64 Bypass bordering the southernmost parcel that is designated for conservation residential use and the adjoining Village Center designation makes an OA6 district reasonable by allowing this parcel to be developed in a cohesive manner consistent with the adjoining parcels.

When the property was annexed, staff applied OA6 zoning on much of the adjoining property to reflect the land uses in the vicinity, adding to the reasonableness of this request.

Additionally, no known environmental factors (location in watershed, flood area, area of steep slopes) are negative towards the request.

Considering these factors, staff believes that the requested OA6 district for both parcels is reasonable and in the public interest.

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

Upon motion by Mr. Bell and seconded by Ms. Carter, Council voted unanimously to follow the staff and Planning Board recommendations to approve the requested rezoning and adopted a multi-part motion that included the following actions:

1. Approval and adoption by the Council as its own of the above-stated consistency, reasonableness, and public interest analysis in support and explanation of the council's decision to grant the requested rezoning; and

2. The application for the requested zoning amendment was approved, without any modifications, due to the above-described analysis and the consistency of the requested rezoning with the adopted plans.

A copy of the visual presentation utilized by Mr. Evans is on file in the city clerk's office.

(b) Legislative hearing on Case No. RZ-17-16: An application to rezone property at 1828 and 1834 Rayburn Street along with two additional parcels of land on the west side of Rayburn Street from R10 (Medium-Density Residential), B2 (General Commercial), and I1 (Light-Industrial) to O&I (Office & Institutional).

Mayor Smith opened the public hearing, which was legislative in nature, on the request by God Outreach Ministries to rezone approximately 3.4 acres of land from R10 (Medium-Density Residential), B2 (General Commercial) and I1 (Light Industrial) to O&I (Office and Institutional) zoning. The land to be rezoned is owned by God Outreach Ministries and is identified by Randolph County Parcel Identification Numbers 7762575924, 7762574796, 7762578959, and 7762578920.

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

1. The property is located inside the city limits, and city services are available.
2. Rayburn and Cornell Streets are city-maintained local streets that are between approximately 16' and 20' wide.
3. There is a place of worship (church) located at 1828 Rayburn Street. Tax records indicate this was constructed in 1978. In 2012, the former single-family dwelling at 1834 Rayburn Street was converted into a fellowship hall for the place of worship. The portion of the subject property on the west side of Rayburn Street is undeveloped.
4. A place of worship may expand with a Special Use Permit when located in a residential zoning district. When located in non-residential districts including the requested O&I district, a place of worship is permitted by right.
5. The B2 district on a portion of the property allows a wide variety of commercial uses. The I1 district allows manufacturing uses along with warehousing, wholesale, and some heavier commercial uses.
6. The requested O&I district would allow all uses permitted by right in that zoning district. The zoning ordinance describes the O&I district as "intended to produce moderate intensity office and institutional development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designated O&I shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged.

7. A small portion of the parcels on the west side of Rayburn Street are located in a flood hazard area. There is also a small area identified as having steep topography (>20%) on this portion of the property.

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

> Staff recognizes the land development plan designates the property for neighborhood residential use. However, staff also believes the impact of development allowable by the existing B2 (General Commercial) and I1 (Light Industrial) districts on a substantial portion of the property could cause greater concern for adjoining residential properties (i.e. traffic, noise, incompatible uses, etc.) and the capacity of the local streets than the requested O&I district. The O&I district will also allow continued use of the property as a place of worship and other uses likely to be of similar intensity to the existing use.
>
> Commercial and industrial zoning on the adjoining parcels to the north and west also make an O&I designation ideal as a transitional district that separates heavier industrial and commercial districts from less intense residential districts.
>
> Finally, the O&I district is unlikely to create environmental impacts greater than the existing zoning designations.
>
> Considering these factors, staff believes that the requested O&I district is consistent with the Land Development Plan and therefore reasonable and in the public interest.

Mr. Ronald M. Hudson, a neighboring property owner, presented comments in support of the requested rezoning.

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

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

1. Approval and adoption by the Council as its own of the above-stated consistency, reasonableness, and public interest analysis in support and explanation of the council's decision to grant the requested rezoning; and

2. The application for the requested zoning amendment was approved, without any modifications, due to the above-described analysis and the consistency of the requested rezoning with the adopted plans.

A copy of the visual presentation utilized by Mr. Evans is on file in the city clerk's office.

(c) Legislative hearing on Case No. RZ-17-17: An application to rezone property at 151 West Presnell Street from R10 (Medium-Density Residential) to OA6 (Office-Apartment).

Mayor Smith opened the public hearing, which was legislative in nature, on the request by White Oak Associates to rezone approximately 0.48 of an acre of land from R10 (Medium-Density Residential) to OA6 (Office-Apartment). The land to be rezoned is owned by the Howard A. Beck, Jr. Estate and is identified by Randolph County Parcel Identification Number 7751853863.

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

1. The property is located inside the city limits, and all city services are available.
2. West Presnell Street is a state-maintained minor thoroughfare at this location. Intersection improvements are underway which will improve traffic flow at its intersection with North Fayetteville Street, approximately 600 feet east of the subject property.
3. There is currently a single-family dwelling on the property.
4. The majority of the property is zoned R10. Approximately 0.11 of an acre of land to the rear of the property is currently zoned OA6.
5. The property is within the Center City Planning Area Tier 3 and subject to those requirements.

6. The Zoning Ordinance describes the requested OA6 district as follows: *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 designated OA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged.*
7. The requested OA6 district would allow continued residential use of the property, along with office, institutional, and limited commercial activities (excluding heaver commercial uses such as retail, eating establishments, motor vehicle sales/repair, etc.).

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

> The property's City Activity Center designation encourages a mix of uses, including different housing types and non-residential uses (office/institutional, lighter commercial activities). The mix of uses currently located in the area make an OA6 zoning designation appropriate for this property and will continue to allow investment for both residential and/or limited non-residential purposes. The property's direct access to a minor thoroughfare and proposed intersection improvements occurring at the intersection of West Presnell Street and nearby North Fayetteville Street also help support the OA6 district request.
>
> Furthermore, the property does not have known, significant environmental factors that would be negative towards an OA6 zoning designation.
>
> Therefore, staff believes the requested OA6 zoning amendment is consistent with the adopted Land Development Plan and is reasonable and in the public interest.

On behalf of the Applicant, Mr. Michael Miller, Esq. presented comments in support of the requested rezoning.

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

Upon motion by Mr. Bell and seconded by Ms. Carter, Council voted unanimously to follow the staff and Planning Board recommendations to approve the requested rezoning and adopted a multi-part motion that included the following actions:

1. Approval and adoption by the Council as its own of the above-stated consistency, reasonableness, and public interest analysis in support and explanation of the council's decision to grant the requested rezoning; and

2. The application for the requested zoning amendment was approved, without any modifications, due to the above-described analysis and the consistency of the requested rezoning with the adopted plans.

A copy of the visual presentation utilized by Mr. Evans is on file in the city clerk's office.

(d) Legislative hearing on Case No. RZ-17-18: An application to rezone property at 458 and 468 Veterans Loop Road from R10 (Medium-Density Residential) to I2 (General Industrial).

Mayor Smith opened the public hearing, which was legislative in nature, on the request by Larry McKenzie and Amber McKenzie to rezone approximately 5.61 acres of land from R10 (Medium-Density Residential) to I2 (General Industrial) zoning. The land to be rezoned is owned by William and Janet Tyler and Mc Mc Properties, LLC and is identified by Randolph County Parcel Identification Number 7659384087.

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

1. The property is currently outside of the city limits. Extension of city services (water/sewer) will require annexation of the property.
2. Veterans Loop Road is a state-maintained road. The recent completion of New Century Drive connects Veterans Loop Road between Southmont Road/Business 220 South with McDowell Road/I-73/I-74.
3. In 2010, five (5) parcels along Veterans Loop Road were rezoned from residential and commercial classifications (R10, R40, B2) to the I2 (General Industrial) zoning

district. This request included property adjoining the subject property to the west and south across Veterans Loop Road.

4. The request is for an I2 (General Industrial) classification, which is described by the zoning ordinance as follows: "the intent of the I2 Industrial Development District is to produce areas for intensive manufacturing, warehousing, processing and assembly uses, controlled by performance standards to limit the effect of such uses on adjacent districts."
5. The property is designated as an "Employment Center" by the Land Development Plan. The intent of the Employment Center is described as "[t]o integrate a mixture of commercial, office & institutional, industrial, and open space uses into the fabric of the community, with ample sidewalks, street trees, on-street parking, public amenities & open space."

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

> Several factors support this request. The requested I2 (General Industrial) zoning designation will allow economic development opportunities envisioned by the LDP's designation of the property as an Employment Center and the Growth Strategy map's designation of the property as an Economic Development area.
>
> While staff acknowledges the presence of some residential land uses in the vicinity, Veterans Loop Road has become increasingly positioned to become the Employment Center envisioned by the LDP with new industrial development occurring in the vicinity, and recent rezoning activity will support additional industrial development. Staff also acknowledges that, as stated by the zoning ordinance intent for the I2 district, performance standards help mitigate impacts adjoining residential uses may experience from uses permitted within the I2 district.
>
> The recent extension of New Century Drive to Veterans Loop Road also creates an important connection for the property and adjoining properties to the I-73/I-74 corridor, which will encourage additional economic development.
>
> Finally, no known environmental factors are negative concerning the requested I2 designation of the property.
>
> Considering these factors, staff believes the requested I2 district is consistent with the adopted LDP and is therefore reasonable and in the public interest.

The Applicant's agent, Mr. H.R. Gallimore, presented comments in support of the requested rezoning.

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

Upon motion by Mr. Bell and seconded by Mr. Burks, Council voted unanimously to follow the staff and Planning Board recommendations to approve the requested rezoning and adopted a multi-part motion that included the following actions:

1. Approval and adoption by the Council as its own of the above-stated consistency, reasonableness, and public interest analysis in support and explanation of the council's decision to grant the requested rezoning;

2. The application for the requested zoning amendment was approved, without any modifications, due to the above-described analysis and the consistency of the requested rezoning with the adopted plans.

A copy of the visual presentation utilized by Mr. Evans is on file in the city clerk's office.

(e) Subdivision Case No. SUB-17-04: Preliminary plat review for the Jackson's Run Subdivision.

Mr. Evans presented the city staff's analysis of the preliminary plat for the proposed subdivision known as Jackson's Run. The proposed subdivision is located at the terminus of Waterside Drive, north of Hub Morris Road and approximately 600' east of North Fayetteville Street, and on the west side of Forest Park Drive. The subdivision consists of a portion of the parcel of land identified by Randolph County Parcel Identification Number 7763164590 and the entirety of the five parcels of land identified by the following parcel identification numbers: 7763265981, 7763275095, 7763270025, 7763265467, and 7763265562.

The applicant, Wade Jurney Homes, has requested approval of a preliminary plat that shows 131 lots plus common area with an average lot size of 2,222.318 square feet. The property included within this subdivision is located within the city limits and is subject CU-RA6 and R10 zoning.

During his presentation, Mr. Evans noted that the Community Development Division staff and the Planning Board recommended approval of the preliminary plat for this planned unit development with the attachment of the following comments/conditions (the first six of the listed items were initially attached to the sketch design approval, and the preliminary plat approval is subject to these same conditions in addition to the new comments/conditions):

1. Required recreation area(s) as specified by the ratio provided in Table 200-1 shall have been installed or guaranteed as specified by Section 1006 of the Asheboro Zoning Ordinance at least proportionate to the land area being recorded on any final plat.
2. Prior to construction, approval of the "Final Decision Document" and all applicable regulatory approvals shall be granted.
3. Homeowners' documents shall be recorded with the final plat, including restrictions concerning recreational vehicle parking and maintenance mechanisms for the common area.
4. No final plat shall be approved unless and until public street access to Forest Park Drive is provided.
5. No final plat shall be approved unless appropriate turnaround area approved by the city is provided or available.
6. A maximum of thirty (30) dwelling units may receive certificates of occupancy with a single means of public street ingress and egress to Forest Park Drive.
7. Confirmation must be received that the plat as well as the engineering plans and profiles meet all regulatory requirements and satisfactorily address outstanding departmental comments, specifically including without limitation utility issues outlined in the memorandum previously provided by the city's water resources director.
8. The Applicant shall satisfy all applicable North Carolina Department of Transportation and North Carolina Department of Environmental Quality requirements, specifically including without limitation sedimentation and erosion control requirements.

Upon motion by Mr. Bell and seconded by Mr. Burks, Council voted unanimously to approve, subject to all of the above-stated comments and conditions, the preliminary plat submitted for review during the council's consideration of this matter.

A copy of the preliminary plat is on file in the Community Development Division and in the city clerk's office.

9. An annexation petition submitted for the parcel of land at 200 Foster Street.

Mayor Smith opened a public hearing on the question of the annexation petition submitted by A Town Investments, LLC. This petition requested the annexation of a parcel of land owned by the limited liability company and located at 200 Foster Street.

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

Once the city council entered the deliberative phase of the hearing, Mr. Burks moved, and Mr. Swiers seconded the motion, to approve the following annexation ordinance by reference. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion.

ORDINANCE NO. 26 ORD 12-17

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AN ORDINANCE TO EXTEND THE ASHEBORO CITY LIMITS BY ANNEXING A PARCEL OF LAND AT 200 FOSTER STREET THAT IS CONTIGUOUS WITH THE EXISTING PRIMARY CITY LIMITS AND IS APPROXIMATELY 0.355 OF AN ACRE (15,454 SQUARE FEET) IN SIZE

WHEREAS, in accordance with Section 160A-31 of the General Statutes of North Carolina, A Town Investments, LLC has submitted, by and through its managing members, a petition seeking the annexation into the City of Asheboro of a parcel of land owned by the limited liability company that is approximately 0.355 of an acre (15,454 square feet) in size; and

WHEREAS, a structure with the address of 200 Foster Street, Asheboro, North Carolina 27205 is located on the parcel of land for which annexation has been requested, and the said parcel of land (the

"Proposed Annexation Territory") is more specifically identified by the following Randolph County Parcel Identification Number 7750736791; and

WHEREAS, the Proposed Annexation Territory is described by metes and bounds in Section 1 of this Ordinance; and

WHEREAS, the annexation petition submitted by A Town Investments, LLC was presented to the Asheboro City Council on November 9, 2017; and

WHEREAS, by means of a duly adopted resolution (Resolution Number 35 RES 11-17), the Asheboro City Council directed the city clerk to investigate the sufficiency of the petition, and the city clerk has in fact certified the sufficiency of the said petition; and

WHEREAS, pursuant to Asheboro City Council Resolution Number 36 RES 11-17, a legal notice was published on November 22, 2017, in *The Courier-Tribune*, a newspaper with general circulation in the City of Asheboro, announcing that a public hearing to consider the adoption of an ordinance annexing the described area into the City of Asheboro would be held during the Asheboro City Council's next meeting, which would be a regular meeting scheduled to begin at 7:00 o'clock p.m. on the 7th day of December, 2017, in the main conference room at the City of Asheboro Public Works Facility, 1312 North Fayetteville Street, Asheboro, North Carolina 27203; and

WHEREAS, the said public hearing was held, as advertised, on the 7th day of December, 2017; and

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

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

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

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the existing City of Asheboro primary city limits line at a 1" existing iron pipe flush with the ground in the southern margin of the 40-foot public right-of-way for Foster Street (North Carolina Secondary Road 2932) at the northeastern corner of the A Town Investments, LLC property described in Deed Book 2462, Page 1335, Randolph County Registry (the said A Town Investments Property is all of Lots 317B, 317C, and 317D of the Hammer Park Subdivision as shown on a plat of survey recorded in Plat Book 2, Page 33, Randolph County Registry; this A Town Investments, LLC property will be hereinafter referred to as the "Annexation Parcel"), the 1" existing iron pipe at the beginning point of this metes and bounds description is located by means of the North Carolina Coordinate System at the coordinates of North 703,878.61 feet and East 1,757,820.15 feet (NAD 83); thence from the said beginning point leaving the southern margin of the public right-of-way for Foster Street and proceeding along the Darrell D. Jordan property described in Deed Book 1922, Page 2804, Randolph County Registry by following the eastern boundary line of the Annexation Parcel, which is the proposed new primary city limits line, South 07 degrees 43 minutes 16 seconds West 226.72 feet to a 1" existing iron pipe that is up 8" at the southeastern corner of the Annexation Parcel, the said corner is located by means of the North Carolina Coordinate System at the coordinates of North 703,653.94 feet and East 1,757,789.68 feet (NAD 83); thence departing from the eastern boundary line for the Annexation Parcel and following the proposed new primary city limits line North 86 degrees 45 minutes 37 seconds West 37.69 feet along the Annexation Parcel's southern boundary line to a point in the existing primary city limits line with a 1" existing iron pipe that is up 2" at the southwestern corner of the Annexation Parcel; thence departing from the Annexation Parcel's southern boundary line and proceeding along the existing primary city limits line by following the Annexation Parcel's western boundary line the following courses and distances: North 07 degrees 02 minutes 46 seconds West 85.77 feet to a ¾" pinched top existing iron pipe that is down 2"; thence North 07 degrees 05 minutes 07 seconds West 150.07 feet to a 1-¼" existing iron pipe that is down 12" in the southern margin of the public right-of-way for Foster Street at the northwestern corner of the Annexation Parcel; thence departing from the Annexation Parcel's western boundary line and continuing to follow the existing primary city limits line South 83 degrees 14 minutes 34 seconds East 97.80 feet along the southern margin of the 40-foot public right-of-way for Foster Street to the point and place of BEGINNING, and containing 0.355 acres (15,454 square feet) of land, more or less, to be annexed.

The above-listed description is in accordance with a plat of survey identified as job number 20171030atown, dated in the title block October 30, 2017, and titled "Annexation Survey For: A Town Investments LLC." The said plat was drawn under the supervision of Dan W. Tanner, II, Professional Land Surveyor with Registration Number L-4787.

Section 2. Upon and after December 7, 2017, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. Said territory

shall be subject to municipal taxes according to Section 160A-58.10 of the General Statutes of North Carolina.

Section 3. The Mayor of the City of Asheboro shall cause to be recorded in the office of the Randolph County Register of Deeds and in the office of the North Carolina Secretary of State an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this Ordinance. Such a map shall also be delivered to the Randolph County Board of Elections, as required by Section 163-288.1 of the General Statutes of North Carolina.

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

Section 5. This Ordinance shall be in full force and effect upon and after the 7th day of December, 2017.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 7th day of December, 2017.

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

ATTEST:

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

Approved as to form:

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

10. Public comment period.

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

In the absence of any comments, Mayor Smith closed the public comment period.

11. Budget ordinances.

Mr. Ogburn discussed with the mayor and council members a total of four budget ordinances during this portion of the meeting. Two different projects were addressed by these ordinances.

The first project to be considered was a stormwater mitigation project that specifically included, without limitation, improvements in the Dixie Land Acres area of the city. An ordinance to amend the general fund and a related project ordinance were presented by the city manager, and he recommended adoption, by reference, of these ordinances.

After considering the city manager's recommendation, Ms. Carter moved, and Mr. Burks seconded the motion, to approve the amendment to the General Fund and the related project ordinance in order to advance the stormwater mitigation project. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted unanimously in favor of the combined motion to adopt the following ordinances by reference.

27 ORD 12-17

ORDINANCE TO AMEND THE GENERAL FUND FY 2017-2018

WHEREAS, at the October 8, 2015 meeting, the City Council approved a $43,500 proposal from Summey Engineering Associates, PLLC to conduct a storm water study in the Dixie Land Acres area, and;

WHEREAS, Phase 1 of the proposal ($13,500) – Stormwater Study and Design Analysis and Phase 2 of the proposal ($5,000) – Preliminary Sketch Design and Administration have been completed, and;

WHEREAS, Summey Engineering is now ready to proceed with phase 3 ($25,000) which includes the preparation of final construction plans with necessary details to enable the City's forces to successfully complete the work, erosion control design and permitting and 401/401 NCDENR/USACE design and permitting, and;

WHEREAS, the estimated land acquisition costs for easements are estimated at $1500, and;

WHEREAS, the City of Asheboro staff wants to set up a project fund to track the expenses relating to mitigating the situation in the Dixie Land acres as well as to track other related projects as stormwater issues are not isolated to only Dixie Land acres due to the fact that as other areas of the City is being developed, these developed less pervious areas are having more runoff at a faster rate causing issues to existing development downstream, and;

WHEREAS, the City of Asheboro desires amend the 2017-2018 budget to incorporate the expense for phase 3 of the study and 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:

Line Item	Description	Increase
10-399-0000	Fund Balance Allocation	$27,500

That the following Expense line items be increased:

Line Item	Description	Increase
10-565-7300	Contribution to Capital Project	$27,500

Adopted this the 7th day of December 2017.

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

ATTEST:

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

28 ORD 12-17

PROJECT ORDINANCE STORMWATER FUND FY 2017-2018

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO:

Pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Project Ordinance is adopted:

Section 1: The Stormwater Fund Project is hereby authorized as a project with current revenues and expenditures projected as listed below.

Section 2: The officers of the City of Asheboro are hereby authorized to proceed with the project within the terms of the agreement approved by the City Council and the budget contained herein.

Section 3: The following revenues are anticipated to be available at this time for this project:

Line Item	Description	Amount
73-300-1000	Contribution from General Fund	$27,500

Section 4. The following amounts are appropriated as expenditures for this project:

That the following Expense line items be increased:

Line Item	Description	Amount
73-400-0000	Professional Services – Dixie Land Acres Phase 3	$25,000
73-400-0001	Land Acquisition & Easements	2,500
		$27,500

Adopted this the 7th day of December 2017.

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

ATTEST:

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

After adopting the two preceding ordinances, the council acted on the remaining ordinances that were discussed by the city manager. These remaining budget ordinances pertained to land acquisition and start-up costs associated with the proposed Zoo City Park Sportsplex. In order to advance the proposed sportsplex, the city manager recommended adoption, by reference, of an ordinance to amend the general fund along with a related project ordinance.

After considering the city manager's recommendation, Mr. Moffitt moved, and Mr. Swiers seconded the motion, to approve the amendment to the General Fund and the related project ordinance. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted unanimously in favor of the combined motion to adopt the following ordinances by reference.

29 ORD 12-17

ORDINANCE TO AMEND THE GENERAL FUND FY 2017-2018

WHEREAS, the City of Asheboro and community leaders and organizations have been fundraising to develop the Zoo City Park Sportsplex, and

WHEREAS, the City of Asheboro is ready to establish the project fund for the Sportsplex, and;

WHEREAS, the City of Asheboro desires amend the 2017-2018 budget to incorporate a transfer of $301,500 for land acquisition and initial start-up costs associated with this project, 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:

Line Item	Description	Increase
10-399-0000	Fund Balance Allocation	$301,500

That the following Expense line items be increased:

Line Item	Description	Increase
10-620-7400	Contribution to Capital Project	$301,500

Adopted this the 7th day of December 2017.

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

ATTEST:

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

30 ORD 12-17

PROJECT ORDINANCE
ZOO CITY PARK SPORTSPLEX FUND FY 2017-2018

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO:

Pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Project Ordinance is adopted:

Section 1: The Zoo City Park Sportsplex Project is hereby authorized as a project with current revenues and expenditures projected as listed below.

Section 2: The officers of the City of Asheboro are hereby authorized to proceed with the project within the terms of the agreement approved by the City Council and the budget contained herein.

Section 3: The following revenues are anticipated to be available at this time for this project:

Line Item	Description	Amount
74-300-1000	Contribution from General Fund	$301,500

Section 4: The following amounts are appropriated as expenditures for this project:

That the following Expense line items be increased:

Line Item	Description	Amount
74-400-0000	Professional Services –Engineering	10,000
74-400-0001	Construction	40,000
74-400-0002	Land Acquisition	250,000
74-400-0003	Administrative Costs (fees etc.)	1,500
		$301,500

Adopted this the 7th day of December, 2017.

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

ATTEST:

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

12. Piedmont Triad Regional Council's tour of the North Carolina Zoo on November 30, 2017.

City Manager John N. Ogburn, III discussed the above-referenced activities involving the Piedmont Triad Regional Council. No action was requested of the city council, and none was taken.

13. Upcoming events.

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

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

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor

Minutes of the meeting of the Asheboro Alcoholic Beverage Control Board held on November 6, 2017

The Asheboro ABC Board met on November 6, 2017, at 5:30 PM, in the Board office, 700 South Fayetteville Street, Asheboro, NC.

Present were Chair Brooke Schmidly, Board Members Steve Knight and Bob Morrison and General Manager Rodney Johnson (GM). A quorum being present, the Chair called the meeting to order for the transaction of business and business transacted as follows:

The Chair inquired as to any known conflict of interest, appearance of a conflict of interest, or objections concerning agenda items before the Board; after the Chair and Board member(s) voiced having no conflict, and there being no objection, the agenda was adopted.

The Board reviewed and there being no objection, approved the minutes of the October 2, 2017, Board meeting.

No member of the public was present at the meeting.

Steve Knight and the GM reviewed Board finances and reported all finances remain consistent (sales and expenses).

Asheboro ABC Policy Section 33 provides the Board may grant bonus pay at such times as it deems appropriate. After discussion, the Chair moved to approve payment of a Christmas bonus equal to 3% of an employee's salary during the period beginning December 1, 2016, and ending November 30, 2017, with a minimum payment of $100. The motion was approved by the Board.

The Board continued general discussions about the possibility of opening a second ABC store. The GM provided an update concerning his research into possible locations. Due to the upcoming holiday season, most future research will be postponed until early January 2018.

The Board heard reports from the General Manager concerning the following issues:

1. Asheboro ABC sales statistics comparing:

    - October 2017 sales with the previous month indicate:
        - An overall -2.3% change (all sales and tax collections)

    - October 2017 sales with sales from the same month last year indicate:
        - Retail Sales -7.4% ($231,402.75)
        - Mixed Beverage Sales: -1.3% ($29,919.76)
        - Sales Tax Collections: -7.4% ($16,215.72)
        - Overall Collections: -6.81% ($277,538.23)

- October 2017 bottle sales with bottle sales from the same month last year indicate:
  - Retail Bottle Sales: +2.2%
  - Mixed Beverage Bottle Sales: +1.9%
  - Overall Bottle Sales: +2.2%

The next regular Asheboro ABC Board meeting will be held Monday, December 4, 2017, at 5:00 p.m., rather than the usual 5:30 p.m. Susan Hayes, Randolph County Health Department Director will attend the meeting.

There being no further business, the meeting was adjourned.

Prepared by Rodney Johnson, GM, and Approved by the Board 12-4-17

GM

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION AUTHORIZING THE PURCHASE OF ADDITIONAL LAND FOR THE PROPOSED ZOO CITY PARK SPORTSPLEX

WHEREAS, Pine Lake Partners, L.L.C., a North Carolina limited liability company, owns a parcel of land at the intersection of Zoo Parkway and the Old Cox Road that is 8.08 acres, more or less, in size and adjoins the city-owned land proposed for development as the Zoo City Park Sportsplex; and

WHEREAS, during the regular December 2017 meeting, the Asheboro City Council adopted a project ordinance establishing the Zoo City Park Sportsplex Fund with currently projected revenues and expenditures that included, in addition to other projected expenditures, $250,000 for land acquisition; and

WHEREAS, the Asheboro City Council has concluded that the viability of the proposed Zoo City Park Sportsplex, in terms of initial fundraising and the long-term functionality of the proposed park, would be enhanced by the acquisition of the above-described land from Pine Lake Partners, L.L.C.;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that Mayor David H. Smith is hereby authorized and directed to offer on behalf of the City of Asheboro to purchase and contract for the acquisition of the said real property from Pine Lake Partners, L.L.C. for a purchase price of Two Hundred Fifty Thousand and No Hundredths Dollars ($250,000.00); and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the authorized offer to purchase and contract shall be in the form of the legal instrument attached to this Resolution as ATTACHMENT A, the said attachment is hereby incorporated into this Resolution by reference as if copied fully herein.

This Resolution was adopted by the Asheboro City Council in open session during a special meeting on January 11, 2018.

_____
David H. Smith, Mayor

ATTEST:

_____
Holly H. Doerr, CMC, NCCMC, City Clerk

ATTACHMENT A

STATE OF NORTH CAROLINA

OFFER TO PURCHASE AND CONTRACT

COUNTY OF RANDOLPH

The **CITY OF ASHEBORO**, a North Carolina municipal corporation, (the **"Buyer"**) and **PINE LAKE PARTNERS, L.L.C.**, a North Carolina limited liability company, (the **"Seller"**) mutually agree to this Offer to Purchase and Contract (the "Agreement") as of the _____ day of January, 2018.

The Buyer hereby contracts and agrees to buy the real property described herein for the purchase price stated below, and the Seller hereby contracts and agrees to sell and convey to the Buyer for the purchase price stated below 8.08 acres, more or less, of land (the "Property") that is described as follows:

Grant Township, Randolph County, North Carolina:

BEING ALL of that 8.08 acres of land, more or less, shown as the "PARCEL OF LAND PROPOSED FOR CONVEYANCE TO THE CITY OF ASHEBORO" on the plat of survey drawn under the supervision of Charles E. Morgan, Jr., Professional Land Surveyor with License Number L - 3945, and titled "BOUNDARY MAP FOR PROPOSED PURCHASE BY THE CITY OF ASHEBORO FROM PINE LAKE PARTNERS, LLC." A copy of the said plat of survey is attached hereto as "EXHIBIT 1" and is hereby incorporated into this Agreement by reference as if copied fully herein.

The purchase price for the Property is Two Hundred Fifty Thousand and No Hundredths Dollars ($250,000.00) to be paid in good funds by the Buyer on the date of closing.

This offer from the Buyer is subject to the following terms and conditions which, if accepted by the Seller, shall be deemed to be the terms and conditions of sale:

1. The Buyer shall be responsible for obtaining a title examination and any other studies deemed appropriate in the sole discretion of the Buyer. If the results or findings of any such studies or examinations are not acceptable to the Buyer, written notice shall be provided to the Seller. The parties shall make a reasonable effort to resolve any unsatisfactory matters disclosed by said studies or examinations. If such unsatisfactory matters cannot be resolved prior to the closing date referenced below, the Buyer may terminate its offer without any penalty or cost to itself, and the parties will have no further rights or obligations regarding the sale of the Property.

2. The Seller shall be responsible for the cost of preparing the North Carolina General Warranty Deed and all other documents necessary to perform the Seller's obligations under this Agreement.

3. The Seller shall be responsible for the payment of any excise tax (revenue stamps) associated with the conveyance of the Property from the Seller to the Buyer.

4. The Seller shall be responsible for ad valorem taxes prorated on a calendar year basis to the date of closing.

5. All deeds of trust, liens, and other charges against the Property must be paid and cancelled by the Seller prior to or at closing.

6. Title must be delivered at closing by means of a North Carolina General Warranty Deed and must be fee simple marketable title, free of all encumbrances and exceptions other than those specifically approved by the Buyer.

7. The Buyer shall be responsible for the cost of recording the said North Carolina General Warranty Deed and for the payment of closing costs not otherwise assigned to the Seller by this Agreement. The closing costs to be paid by the Buyer specifically include the cost of any title search, title insurance, survey, and any other inspections/examinations undertaken by the Buyer.

8. Closing shall be completed on or before **January 31, 2018, TIME BEING OF THE ESSENCE WITH REGARD TO SAID DATE.** The closing shall be conducted by an attorney mutually agreeable to the parties to this Agreement.

9. This contract contains the entire agreement between the parties. There are no representations, inducements, or additional provisions other than those expressed herein. All changes, additions, or deletions hereto must be in writing and signed by both parties.

DATE OF OFFER: _____

CITY OF ASHEBORO ("BUYER"):

By: _____ **(SEAL)**
David H. Smith, Mayor

ATTEST: _____
Holly H. Doerr, CMC, NCCMC, City Clerk

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

_____
Deborah P. Reaves, Finance Officer

[The remainder of this page has been intentionally left blank.
The signature blocks for the acceptance of this offer are on the next page.]

DATE OF ACCEPTANCE: _____

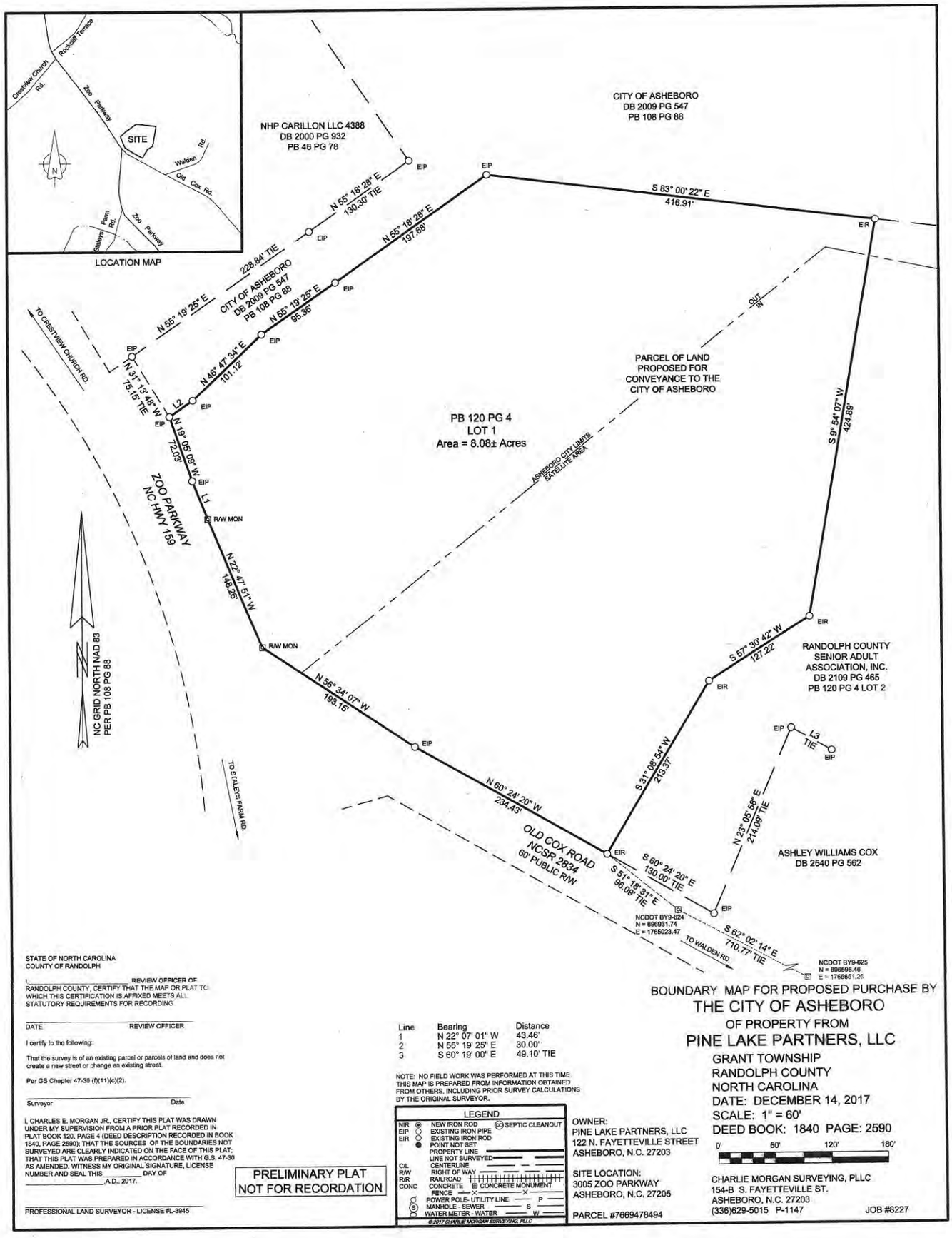
PINE LAKE PARTNERS, L.L.C. ("SELLER"):

By: _____ **(SEAL)**
Stewart H. Roberts, Member/Manager

By: _____ **(SEAL)**
W. Lee Roberts, Member/Manager

By: _____ **(SEAL)**
W. Vance Roberts, Jr., Member/Manager

EXHIBIT 1



STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH

I, _____ REVIEW OFFICER OF RANDOLPH COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE REVIEW OFFICER

I certify to the following:

That the survey is of an existing parcel or parcels of land and does not create a new street or change an existing street.

Per GS Chapter 47-30 (f)(11)(c)(2).

Surveyor Date

I, CHARLES E. MORGAN JR., CERTIFY THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM A PRIOR PLAT RECORDED IN PLAT BOOK 120, PAGE 4 (DEED DESCRIPTION RECORDED IN BOOK 1840, PAGE 2590); THAT THE SOURCES OF THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED ON THE FACE OF THIS PLAT; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS _____ DAY OF _____ A.D., 2017.

PROFESSIONAL LAND SURVEYOR - LICENSE #L-3945

PRELIMINARY PLAT
NOT FOR RECORDATION

Line	Bearing	Distance
1	N 22° 07' 01" W	43.46'
2	N 55° 19' 25" E	30.00'
3	S 60° 19' 00" E	49.10' TIE

NOTE: NO FIELD WORK WAS PERFORMED AT THIS TIME. THIS MAP IS PREPARED FROM INFORMATION OBTAINED FROM OTHERS, INCLUDING PRIOR SURVEY CALCULATIONS BY THE ORIGINAL SURVEYOR.

LEGEND

NIR NEW IRON ROD
EIP EXISTING IRON PIPE
EIR EXISTING IRON ROD
POINT NOT SET
PROPERTY LINE
LINE NOT SURVEYED
CL CENTERLINE
R/W RIGHT OF WAY
R/R RAILROAD
CONC CONCRETE
CM CONCRETE MONUMENT
FENCE
POWER POLE- UTILITY LINE
MANHOLE - SEWER
WATER METER - WATER
SEPTIC CLEANOUT

©2017 CHARLIE MORGAN SURVEYING, PLLC

OWNER:
PINE LAKE PARTNERS, LLC
122 N. FAYETTEVILLE STREET
ASHEBORO, N.C. 27203

SITE LOCATION:
3005 ZOO PARKWAY
ASHEBORO, N.C. 27205

PARCEL #7669478494

BOUNDARY MAP FOR PROPOSED PURCHASE BY
THE CITY OF ASHEBORO
OF PROPERTY FROM
PINE LAKE PARTNERS, LLC
GRANT TOWNSHIP
RANDOLPH COUNTY
NORTH CAROLINA
DATE: DECEMBER 14, 2017
SCALE: 1" = 60'
DEED BOOK: 1840 PAGE: 2590

0' 60' 120' 180'

CHARLIE MORGAN SURVEYING, PLLC
154-B S. FAYETTEVILLE ST.
ASHEBORO, N.C. 27203
(336)629-5015 P-1147

JOB #8227

Bid Tabulation
City of Asheboro Recreation Facility HVAC Upgrade

Bid Opened at 2:00 PM, January 4, 2018

Company Name	Bid Bond	Present At Prebid Meeting	Acknowledgement of Addenda	Total Bid
Charlie's Tin Shop, Inc.	Yes	Yes	Yes	$ 336,680.00
Duggins Mechanical of Burlington, LLC	Yes	Yes	Yes	$ 454,986.00
Sensible Air Systems, Inc.	Yes	Yes	Yes	$ 345,000.00

Low Bidder - Charlie's Tin Shop, Inc. **Total Bid -$336,680.00**

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2017-2018

WHEREAS, The City of Asheboro has accepted bids to install an HVAC system at the McCrary Gym, and;

WHEREAS, the lowest responsive bid was from Charlie's Tin Shop Inc. , and;

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

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

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

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

Account #	Revenue Description	Increase
10-399-0000	Fund Balance Allocation	336,680

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

Account #	Expense Description	Increase
10-620-1509	Maint. & Repair McCrary Gym	336,680

Adopted this 11th day of January, 2018

_____
David H. Smith, Mayor

ATTEST:

_____
Holly H. Doerr, CMC, NCCMC, City Clerk

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2017-2018

WHEREAS, The City of Asheboro human resources software system is more than 20 years old and by nature is out of date technology and the software support period is about to come to an end, and;

WHEREAS, having a viable and up to date human resources software system is essential to the operation of the City of Asheboro Human Resources Department, and;

WHEREAS, the City of Asheboro Human Resources Department has diligently been evaluating new software systems this fiscal year and have found a product that has the features that will support their needs, the needs of the City, going forward, and;

WHEREAS, the cost of the new software system and to convert current detail has not been included in the current adopted budget, and;

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

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

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

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

Account #	Revenue Description	Increase
10-399-0000	Fund Balance Allocation	86,000

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

Account #	Expense Description	Increase
10-590-2000	Computer Programming	86,000

Adopted this 11th day of January, 2018

_____
David H. Smith, Mayor

ATTEST:

_____
Holly H. Doerr, CMC, NCCMC, City Clerk

BENEFICIARY RESOLUTION
For a Designated Gift Fund

BE IT RESOLVED that the City of Asheboro does hereby request and authorize establishment of a Designated Gift Fund for the Zoo City Sportsplex capital campaign, pursuant to the Agreement signed by the Donor and the North Carolina Community Foundation, Inc. (NCCF). The Designated Gift Fund is to be owned and managed by the NCCF as provided by said Agreement and held by the NCCF as a component fund thereof; and

BE IT FURTHER RESOLVED that the City of Asheboro hereby authorizes NCCF and its officers and agents to accept contributions to the said Designated Gift Fund on its behalf, and further authorizes its own officers to execute and deliver to NCCF any instruments or documents necessary or useful to effect the authorization, establishment, use and continued maintenance of such Designated Gift Fund and further agrees to use the distributions from the Designated Gift Fund for the purpose as set forth in the above paragraph.

ADOPTED on January 11, 2018 by the City Council of the City of Asheboro, North Carolina at a meeting duly called and held, at which a quorum was present and acting throughout.

Signed this _____ day of _____, 20___.

_____
(City Seal) David H. Smith, Mayor

Attest:

_____
Holly H. Doerr, CMC, NCCMC, City Clerk

ORDINANCE NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AN ORDINANCE ADOPTING COORDINATED SAFETY MEASURES FOR CITY OF ASHEBORO CULTURAL AND RECREATIONAL FACILITIES

WHEREAS, the City of Asheboro Cultural and Recreation Services Policy Manual contains the rules and regulations applicable to the city's cultural and recreational facilities; and

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, within the Manual, Article XVIII contains miscellaneous provisions that are applicable throughout the city's cultural and recreation services system; and

WHEREAS, the Asheboro City Council has concluded that it is advisable to adopt regulations that facilitate a coordinated initiative between the city police department and the city's cultural and recreation system officials to make the city's cultural and recreational facilities as welcoming as possible by preventing repetitive criminal activities in these facilities; and

WHEREAS, the proposed regulations, which are submitted for enactment as amendments to Article XVIII of the Manual, are attached hereto as EXHIBIT 1 and are hereby incorporated into this Ordinance by reference as if copied fully herein;

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

Section 1. Article XVIII of the City of Asheboro Cultural and Recreation Services Policy Manual is hereby rewritten to provide as specified in EXHIBIT 1. All articles, sections, and provisions of the said Manual that are not expressly modified by the contents of EXHIBIT 1 shall continue in full force and effect without alteration.

Section 2. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 3. This Ordinance shall be in full force and effect upon and after March 1, 2018.

This Ordinance was adopted by the Asheboro City Council in open session during a special meeting held on the 11th day of January, 2018.

_____

David H. Smith, Mayor

ATTEST:

_____

Holly H. Doerr, CMC, NCCMC, City Clerk

EXHIBIT 1

ARTICLE XVIII MISCELLANEOUS PROVISIONS

Section 19.1 Returned Checks

When a check for payment of deposits, fees, and/or charges owed to the Cultural and Recreation Services Departments are returned for insufficient funds or other reasons, there will be a charge of $25.00 added to the amount due.

Section 19.2 Schedule of Deposits, Fees, and Charges

The amount of a deposit, fee, or any other type of charge to be collected by the Cultural and Recreation Services Departments shall be set in accordance with this manual and/or the Schedule of Deposits, Fees, and Charges Administered by the Cultural and Recreation Services Departments. This schedule shall be approved by the Asheboro City Council and maintained in the offices of the City Clerk and the Recreation Services Superintendent. In the event of a conflict between the provisions of this manual and the Schedule of Deposits, Fees, and Charges Administered by the Cultural and Recreation Services Departments, the provisions of the City of Asheboro Cultural and Recreation Services Policy Manual shall control and be determinative of the monetary sum to be collected in good funds by the Cultural and Recreation Services Departments.

Section 19.3 Coordinated Safety Measures in the City's Cultural and Recreational Facilities

As part of its efforts to support a high quality of life for the citizens of Asheboro, the city strives to provide cultural and recreational opportunities through programming and facilities that are open and inviting to everyone. If prompt action is not taken when a crime is committed within or on the premises of a city cultural or recreational facility, individuals and their families can develop safety and security concerns that prevent the beneficial use of the services offered by the city.

The creation of such fear and trepidation about the use of city cultural or recreational facilities creates an impediment to the use of these services and facilities as real as any physical barrier. The following safety measures are designed to remove, in a measured and balanced manner, any such barriers to the full use of the city's cultural and recreational programming:

(A) *Violations of the criminal law are prohibited.* A violation of the criminal law, whether the crime is labeled a felony or misdemeanor, within the city's cultural or recreational facilities undermines the sense of safety and well-being that is needed to create a positive and supportive environment that is welcoming to everyone. A violator of the criminal law is subject to the suspension of his or her privilege to use the cultural or recreational facility where the offense

occurred. When a sworn law enforcement officer develops probable cause to believe that an individual has committed a crime, whether a felonious or misdemeanor offense, on or within the premises of a city cultural or recreational facility and the individual is in fact arrested, such an offender shall be banned from the facility/premises where the offense occurred in accordance with the banning procedures provided herein.

(B) *Banning procedures.* The city manager, recreation services director, and chief of police, and their designees, are authorized to ban individuals from specific city cultural or recreational facilities/premises when, and only when, a sworn law enforcement officer has developed probable cause to believe that the individual to be banned from the facilities/premises has committed a criminal offense in or on the facilities/premises in question and has in fact been arrested.

(1) The ban will commence upon the violator's receipt of the city's standardized banning notice, which is also referred to as a No Entry Order/No Trespass Notice.

(2) The ban will only be applicable to the facilities or premises where the criminal offense(s) that caused the issuance of the ban notice(s) occurred. The banned individual will be able to use other city cultural or recreational facilities/premises in accordance with the terms of usage in place for all citizens.

(3) The duration of the ban indicated on the banning notice will be one of the following three periods of time: 90 days, 180 days, or 365 days.

(a) The city official who completes the banning notice will indicate on the form that the duration of the ban is 90 days if the banned individual is not currently subject to an active No Entry Order/No Trespass Notice.

(b) If the banned individual is subsequently arrested for a criminal offense at a city cultural or recreational facility/premises before the expiration of the initial 90-day ban period, a new No Entry Order/No Trespass Notice will be issued for the facilities/premises where the new offense occurred along with, if different from the location of the new offense, the facilities/premises previously listed in the active No Entry Order/No Trespass Notice. The duration of the new No Entry Order/No Trespass Notice for the listed location(s) will be 180 days.

(c) If another arrest for a criminal offense at a city cultural or recreational facility/premises is made before the 180-day ban period is completed, a new No Entry Order/No Trespass Notice will be issued to indicate that the duration of the ban is 365 days for all of the listed city cultural or recreational facilities/premises where the banned individual has been arrested. The maximum duration of any single ban notice is 365 days. Each subsequent arrest for a crime committed by the banned individual at a city cultural or recreational facility/premises while such an individual is subject to an active 365-day banning notice will result in the issuance of a new No Entry Order/No Trespass Notice banning the individual for another 365 days from the listed cultural and recreational facilities where he or she has been arrested.

(d) Regardless of the number of No Entry Orders/No Trespass Notices previously issued to an individual, the duration of a ban starts at 90 days if there are no active banning notices associated with an individual at the time of his or her arrest.

(C) *Enforcement of banning notices.* An individual who is banned from specified cultural or recreational facilities/premises for a stated period of time by means of the issuance of a No Entry Order/No Trespass Notice will be prosecuted to the fullest extent of the law for criminal trespass if such an individual enters into or onto the facilities/premises from which he or she has been banned prior to the expiration of the No Entry Order/No Trespass Notice.

(D) *Appeals.* Any individual who receives a No Entry Order/No Trespass Notice may request a review of such action by filing a written notice of appeal with the city's recreation services director. The following procedures will be followed in connection with such appeals:

(1) An appeal must be made in writing and filed within 10 business days of the date of the No Entry Order/No Trespass Notice. The written appeal must be filed with the Office of the City of Asheboro Recreation Services Director at 241 Sunset Avenue, Asheboro, North Carolina 27203.

(2) Notice of the appeal must be filed on a form provided by the recreation services director's office. On this form, the appellant must state with particularity the grounds for the appeal, reasons for removing the ban, and an explanation of how the appellant will avoid future criminal actions at the city's cultural or recreational facilities/premises.

(3) The notice of appeal will be processed by the recreation services director, but the appeal will be decided by the city manager.

(4) Once the notice of appeal is properly filed with the recreation services director, an appeal hearing will be scheduled and conducted by the city manager as soon as is practicable. Written notice of the date, time, and location of such a hearing will be mailed to the address listed by the appellant on the notice of appeal.

(5) After conducting the hearing and considering the available evidence, the city manager may reverse, modify, or affirm the action taken to ban the appellant from city cultural or recreational facilities/premises. The city manager's decision is final, and there shall be no appeal from the decision of the city manager to the city council.

(6) The city manager shall render a decision within 5 business days of the conclusion of the hearing. The decision shall be mailed to the appellant at the address listed by the appellant in the notice of appeal.

(7) An appeal of a ban to the city manager stays all proceedings and actions by city officials, specifically including the filing of any trespass charges, in furtherance of the No Entry Order/No Trespass Notice. Such a stay shall be effective from the time the written notice of appeal is formally accepted by personnel within the recreation services director's office until three business days after the city manager's written decision is placed in the custody of the United States Postal Service for delivery to the appellant.

(8) The only exceptions to this right of appeal to the city manager are attempts to appeal an action taken by sworn law enforcement officers in compliance with a court order or to appeal an action that is pending in the criminal courts. Any appeal pertaining to a criminal case or an order from a judicial official must be addressed in accordance with laws and rules applicable to the court with jurisdiction to consider the matter for which judicial review is sought.

(9) A decision rendered by the city manager applies only to the specific No Entry Order/No Trespass Notice from which an appeal was taken.

(E) *Non-exclusivity.* Nothing in this section shall limit the use by the city or any other governmental entity of any or all applicable criminal sanctions and/or civil remedies for violations of the rules applicable to a facility or for violations of federal, state, or local laws and regulations.

NO ENTRY ORDER / NO TRESPASS NOTICE

The individual named below is hereby notified that you are NOT permitted to enter, at any time, onto the following City of Asheboro premises:

_____

(Insert Name of Premises/Offense Locations)

Pursuant to this notice, you are barred from the above-stated premises for the duration of the time period indicated with a check mark:

☐ **90 Days** ☐ **180 Days** ☐ **365 Days**

You may re-enter the above-listed premises on or after the following date:

_____

(Insert Date Immediately Following the Expiration of the Indicated Time Period)

Defendant's Name: _____

(First) (Middle) (Last)

Officer Name and Incident Number: _____

List Offense(s) and Date of Offense: _____

Your failure to comply with this no entry order/trespass notice WILL result in your arrest for trespassing.

_____

(Signature of City Official) (Printed Name) (Date and Time)

This No Entry Order may be appealed by filing a written appeal <u>within 10 business days</u> of the date of this Order with the city's recreation services director. The recreation services director's address is 241 Sunset Avenue, Asheboro, North Carolina 27203, and the telephone number is (336) 626-1240.

I acknowledge that I have been barred from the above-listed property for the specified period of time and that my failure to comply will result in my arrest. I also understand that my failure to sign this form does not relieve me of the duty to comply with this no trespassing notice.

_____ _____

Signature of Defendant Date

ORDINANCE NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AN ORDINANCE TO AMEND SECTION 71.99 OF THE CODE OF ASHEBORO

WHEREAS, Section 160A-296 of the North Carolina General Statutes provides that a city shall have general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits except to the extent that authority and control over certain streets and bridges is vested in the state Board of Transportation; and

WHEREAS, Section 160A-301 and Section 160A-302 of the North Carolina General Statutes specifically authorize the city to regulate, restrict, and prohibit certain on-street and off-street parking; and

WHEREAS, the city's parking regulations are found in Chapter 71 of the Code of Asheboro; and

WHEREAS, Section 71.99 of the Code of Asheboro prescribes certain penalties for violations of the city's parking regulations; and

WHEREAS, the Asheboro City Council has concluded that Section 71.99 of the Code of Asheboro should be amended in order to enable the city police department to more efficiently enforce the adopted parking regulations;

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

Section 1. Section 71.99 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.99 PENALTY

~~(A) If any person shall violate any provision of this chapter regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than $50. (G.S. § 14-4(b))~~

~~(B) With the exception of handicapped vehicle parking, there shall be an established civil penalty in the amount of $5 for each violation specified in this chapter. For unlawful parking in a handicapped space, there shall be an established civil penalty in the amount of $50. When the city receives proper~~

~~payment of a parking ticket within seven days of the issuance of the ticket, the vehicle owner's liability thereunto shall be discharged. If payment is not received within seven days of the issuance of the parking ticket, such ticket shall be considered delinquent and shall be subject to an additional penalty of $5 plus court costs necessary to insure collection. The parking citation shall have printed upon its face a statement that "payment is due within seven days from date of issue; failure to comply will result in an additional penalty of $5 and court costs." Acceptance and payment of the additional penalty by the vehicle's owner shall be deemed a full and final release of any and all claims or right of action arising out of the parking violation.~~

~~(C) Parking violations shall not constitute a criminal infraction but shall be subject only to the civil penalties stated in the preceding division and the civil remedies provided by G.S. § 160A-175. In the event that the civil penalties are not paid, the city may, through its authorized officials or their agents, initiate a civil suit to collect the penalty.~~

~~(D) The civil penalties collected as a result of this section shall belong to the city and shall be treated as revenues of its general fund.~~

(A) In accordance with Section 14-4 of the North Carolina General Statutes, any person who violates an ordinance provision of this chapter regulating the operation or parking of vehicles shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars ($50.00); provided, however, any person found responsible for an infraction pursuant to the prima facie rule of evidence for the enforcement of parking regulations found in Section 20-162.1 of the North Carolina General Statutes shall be subject to a penalty of not more than five dollars ($5.00).

(B) There shall be an established civil penalty in the amount of five dollars ($5.00) for each violation specified in this chapter. This civil penalty may be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within the time period prescribed by this subsection. When the city receives proper payment of a parking ticket within seven days of the issuance of the ticket, the vehicle owner's liability thereunto shall be discharged. If payment is not received within seven days of the issuance of the parking ticket, such ticket shall be considered delinquent and shall be subject to an additional penalty of five dollars ($5.00) plus court costs necessary to insure collection. The parking citation shall have printed upon its face a statement that "payment is due within seven days from the date of issuance; failure to comply will result in an additional penalty of $5.00 and court costs." Acceptance and payment of the additional penalty by the vehicle's owner shall be deemed a full and final release of any and all claims or right of action arising out of the parking violation.

(C) The ordinance provisions in this chapter may be enforced by any one, all, or a combination of the remedies authorized by this section.

(D) Each day's continuing violation of an ordinance provision in this chapter shall be a separate and distinct offense.

Section 2. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 3. This Ordinance shall take effect and be in force from and after March 1, 2018.

This Ordinance was adopted by the Asheboro City Council in open session during a special meeting held on the 11th day of January, 2018.

_____
David H. Smith, Mayor

ATTEST:

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Holly H. Doerr, CMC, NCCMC, City Clerk