

**AMENDED AGENDA
REGULAR MEETING
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, AUGUST 6, 2015, 7:00 PM**

1. Call to order.
2. Silent prayer and pledge of allegiance.
3. Public hearing regarding proposed issuance of up to \$3,500,000 in Multifamily Housing Revenue Bonds, Series 2015 (Foundation for Affordable Housing North Carolina and Missouri Portfolio) to be issued by the Public Finance Authority and approval in principle of such Bonds (to be presented by representative of the Public Finance Authority).
4. Presentation by Apostle Sherry A. Whalen of Kingdom Fulfillment Ministries, Inc. located at 517 Old Liberty Road.
5. Consent agenda:
 - (a) Approval of the minutes of the city council's regular meeting on July 16, 2015.
 - (b) Approval of the temporary closing of streets for Fall Festival XLIII.
 - (c) Approval of letter of commitment with the North Carolina Department of Transportation (Division of Aviation) for Airport Safety Maintenance Projects. (Five Year Term)
6. Mr. Nuttall will present the following Community Development Division Items:
 - (a) Zoning Case RZ-15-05: A legislative zoning hearing continued from the July 16, 2015, council meeting on the application filed by the City of Asheboro for general text amendments to Articles 100 through 400 and associated definitions (Article 1100) in the zoning ordinance.
 - (b) Request for authorization to pursue title search activities pertaining to the following real properties in order to investigate alleged violations of the city's Code of Ordinances: (i) 436 W. Salisbury Street, (ii) 607 Tucker Street, (iii) 351 Peachtree Street, (iv) 359 Peachtree Street, (v) 212 Spring Street, (vi) 721 York Street, (vii) 1539 Humble Street, (viii) 726 Eastview Drive (ix) 307 N. Park Street, (x) 1626 Arrow Wood Road, (xi) 853 E. Salisbury Street.

- (c) Review of policies related to the North Carolina Housing Finance Agency 2015 Urgent Repair Program.
7. Public comment period.
 8. Police Chief Jody Williams will request authorization to implement a pilot program for the recruitment of police officer trainees.
 9. The city manager will present for review and approval the proposed rewrite of Chapter 93 (Civil Emergencies) of the Code of Asheboro, including the proposed template for emergency declarations.
 10. Michael Rhoney, PE will present a petition received from Randolph Electric Membership Corporation for the voluntary annexation of approximately 17.53 acres of land contiguous with the existing primary city limits.
 - (a) Consideration of a resolution authorizing the city clerk to certify the petition.
 - (b) Consideration of a resolution setting the date for a public hearing on the question of annexation.
 11. Upcoming events:
 - Southeast Regional American Legion Baseball Tournament, McCrary Park, August 5 – August 9, 2015.
 - Special called meeting of the Asheboro City Council and the Asheboro Airport Authority on Thursday, August 20, 2015, at 6:00PM at the Asheboro Regional Airport.
 - Annual employee appreciation luncheon on Wednesday, September 2, 11:00 am – 1:00 pm at the Public Works Conference Room.
 - Promotion ceremony for police department, Eastside Baptist Church Fellowship Hall, Tuesday, September 1, 2015, at 4:00 PM.

Amended Agenda

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- Labor Day Holiday Schedule Changes:
Redevelopment Commission meeting Monday, September 14, 2015, 9:00 AM
Planning Board meeting Monday, September 14, 2015, 7:00 PM
Regular City Council meeting Thursday, September 17, 2015, 7:00 PM

12. Adjournment.

Item Title:

Public hearing regarding proposed issuance of up to \$3,500,000 in Multifamily Housing Revenue Bonds, Series 2015 (Foundation for Affordable Housing North Carolina and Missouri Portfolio) to be issued by the Public Finance Authority and approval in principle of such Bonds.

Item Summary:

This is a hearing to consider the proposed issuance by the Public Finance Authority (“PFA”) of not to exceed \$75,500,000 Multifamily Housing Revenue Bonds, Series 2015 (Foundation for Affordable Housing North Carolina and Missouri Portfolio) (the “Bonds”), a portion of which in an amount not expected to exceed \$3,500,000 will be loaned to FFAH Coleridge Road, LLC, a North Carolina limited liability company, an affiliate of the Foundation for Affordable Housing, Inc. (the “Borrower”), to finance the acquisition and renovation of an existing affordable multifamily rental housing development located in Asheboro.

PFA is a political subdivision of the State of Wisconsin created for the purpose of issuing tax-exempt and taxable conduit bonds for public and private entities nationwide. PFA is sponsored by the National Association of Counties, the National League of Cities, the Wisconsin Counties Association and the League of Wisconsin Municipalities. The Borrower has requested that PFA act as the issuer of the Bonds in order to achieve cost efficiencies by using a single bond issue to finance projects located in more than one state. **The Bonds are not debt of the City of Asheboro or PFA, but rather are payable solely from debt service payments received from the Borrower.**

Federal tax law requires that tax-exempt bonds issued to finance affordable housing be approved by the elected legislative body of the governmental unit that has jurisdiction over the area in which the facility is to be located after holding a public hearing (Internal Revenue Code Section 147(f)). The proposed facilities are within the jurisdiction of the City.

A portion of the proceeds of the Bonds will be loaned to the Borrower and used to finance and/or refinance the acquisition, rehabilitation, equipping and/or improvement of Coleridge Road Apartments, a 100-unit multifamily rental housing development located at 1101 Kemp Boulevard, Asheboro, North Carolina (the “Development”); to pay interest on the Bonds, to pay costs of issuance of the Bonds, and/or to fund a debt service reserve fund for the Bonds. PFA and the Borrower have requested the City to approve the issuance of the Bonds solely for purposes of Section 147(f) of the Code.

The Bonds will be sold in a public offering with Stifel, Nicolaus & Company, Incorporated as the underwriter, and are expected to be issued in early September, 2015. The Borrower will agree to repay the principal, premium, if any, and interest on the Bonds. Neither the City nor PFA will have any liability whatsoever for the payment of principal or interest on the Bonds. Because no taxes or other revenues of the City are pledged to pay these Bonds, the staff of the City has made no financial analysis of the Bonds, the Borrower or the Development.

As noted in the resolution, the Bonds do not constitute a debt of the State of North Carolina or any political subdivision or any agency thereof, including the City, or a pledge of the faith and credit of the State of North Carolina or any political subdivision or any such agency,

including the City, but are payable solely from the revenues and other funds provided for in a loan agreement between PFA and the Borrower. Accordingly the City pledges neither its taxing power nor revenues for these Bonds, and the Bonds will not affect the City's debt ratios or legal debt limit.

The notice of public hearing (attached) was published in *The Courier-Tribune* as required by law. The form of the resolution to be adopted by the City is also attached.

Specific Action Requested:

That the City Council, at the conclusion of the public hearing regarding the same, adopt a resolution approving, for purposes of meeting the requirements of the Internal Revenue Code of 1986, as amended, the issuance by the Public Finance Authority of a portion of its not to exceed \$75,500,000 Multifamily Housing Revenue Bonds, Series 2015 (Foundation for Affordable Housing North Carolina and Missouri Portfolio).

Attachments:

1. Resolution
2. Public hearing notice
3. Affidavit of Publication

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ASHEBORO, NORTH CAROLINA
APPROVING THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY
OF BONDS ON BEHALF OF
FOUNDATION FOR AFFORDABLE HOUSING INC.**

WHEREAS, the City of Asheboro, North Carolina (the “City”) is a political subdivision of the State of North Carolina and the City Council (the “Governing Body”) is the elected governing body of the City; and

WHEREAS, the Public Finance Authority (the “Authority”) has advised the City that it is a commission organized under and pursuant to the provisions of Sections 66.0301, 66.0303 and 66.0304 of the Wisconsin Statutes, is authorized to issue tax-exempt, taxable, and tax credit conduit bonds for public and private entities throughout all 50 states and is jointly sponsored by the National Association of Counties, National League of Cities, Wisconsin Counties Association and League of Wisconsin Municipalities (the “Sponsors”); and

WHEREAS, FFAH Coleridge Road, LLC, a North Carolina limited liability company (the “Borrower”) the sole member of which is FFAH NC 9, LLC, a North Carolina limited liability company, of which Foundation for Affordable Housing Inc., a Delaware nonprofit corporation, is the sole member, has requested that the Authority adopt a plan of financing providing for the issuance of its Public Finance Authority Multifamily Housing Revenue Bonds, Series 2015 (Foundation For Affordable Housing North Carolina and Missouri Portfolio) (the “Bonds”), in one or more series from time to time, in an amount not to exceed \$75,500,000, and a portion of the proceeds from the sale of the Bonds, not expected to exceed \$3,500,000, will be used to finance and/or refinance the acquisition, rehabilitation, equipping and/or improvement of Coleridge Road Apartments, a 100-unit multifamily rental housing development located at 1101 Kemp Boulevard, Asheboro, North Carolina, and initially operated by PK Management, LLC, to pay interest on the Bonds, to pay costs of issuance of the Bonds, and/or to fund a debt service reserve fund for the Bonds (collectively, the “Project”); and

WHEREAS, the Authority has informed the City that the remainder of the Bonds will be issued primarily to finance and/or refinance the acquisition and rehabilitation of certain other affordable housing developments elsewhere in the state of North Carolina, and in the state of Missouri; and

WHEREAS, the Bonds or a portion thereof will be “private activity bonds” for purposes of the Internal Revenue Code of 1986 (the “Code”), and pursuant to Section 147(f) of the Code, prior to their issuance, the Bonds are required to be approved by the “applicable elected representative” of a governmental unit having jurisdiction over the entire area in which the Project is located, after a public hearing held following reasonable public notice; and

WHEREAS, pursuant to Section 147(f) of the Code, the Governing Body, following notice duly given in the form attached hereto as Exhibit A (the “TEFRA Notice”), held a public hearing regarding the financing of the Project and the issuance of the Bonds, and now desires to approve the financing and the issuance of the Bonds; and

WHEREAS, pursuant to Section 66.0304(11)(a) of the Wisconsin Statutes, prior to their issuance, bonds issued by the Public Finance Authority must be approved by the governing body or highest ranking executive or administrator of the political jurisdiction within whose boundaries the project is to be located; and

WHEREAS, the Borrower has requested that the City approve the financing of the Project and the issuance of the Bonds in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority, dated as of September 28, 2010 (the "Joint Exercise Agreement") and Section 66.0304(11)(a) of the Wisconsin Statutes.

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

1. For purposes of the requirements of Section 147(f) of the Internal Revenue Code of 1986, the Governing Body hereby approves the issuance of the Bonds by the Authority, a portion of which will be used to finance the Project, in an aggregate principal amount not to exceed the amount set forth in the TEFRA Notice attached hereto as EXHIBIT A. In no event shall the City, the State of North Carolina (the "State") or any political subdivision thereof be liable for such Bonds nor shall the Bonds constitute a debt of the City, the State or any political subdivision thereof.
2. It is the purpose and intent of the Governing Body that this Resolution constitute approval of the issuance of the Bonds by the Project Jurisdiction, which is the (or one of the) governmental unit(s) having jurisdiction over the area in which the Project is located, in accordance with Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Joint Exercise Agreement.
3. The officers of the Governing Body are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents that they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing approved hereby.

[Remainder of Page Intentionally Left Blank]

The undersigned City Clerk of the City of Asheboro, North Carolina, DOES HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council for the City of Asheboro, North Carolina, in regular session convened on August 6, 2015.

WITNESS my hand and the corporate seal of the City of Asheboro, North Carolina, this the ___ day of August, 2015.

City Clerk

(SEAL)

EXHIBIT A

FORM OF TEFRA NOTICE

[to be attached]

**NOTICE OF PUBLIC HEARING
NOT TO EXCEED
\$3,500,000 OF PUBLIC FINANCE AUTHORITY
MULTIFAMILY HOUSING REVENUE BONDS, SERIES 2015
(FOUNDATION FOR AFFORDABLE HOUSING NORTH CAROLINA AND MISSOURI
PORTFOLIO)**

Notice is hereby given that, at 7:00 p.m., or as soon thereafter as the matter can be heard on Thursday, August 6, 2015, at the Council Chamber, City Hall, 146 North Church Street, Asheboro, North Carolina, a public hearing, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), will be held by the City Council of the City of Asheboro (the "City") with respect to the proposed plan of financing for the issuance by the Public Finance Authority (the "PFA") of its Multifamily Housing Revenue Bonds, Series 2015 (Foundation for Affordable Housing North Carolina and Missouri Portfolio), in one or more series (the "Bonds") issued from time to time, in an amount not to exceed \$75,500,000. A portion of the proceeds from the sale of the Bonds, not expected to exceed \$3,500,000, will be used to make a loan to FFAH Coleridge Road, LLC, a North Carolina limited liability company (the "Borrower") the sole member of which is FFAH NC 9, LLC, a North Carolina limited liability company, of which Foundation for Affordable Housing Inc., a Delaware nonprofit corporation, is the sole member, and used to finance and/or refinance the acquisition, rehabilitation, equipping and/or improvement of Coleridge Road Apartments, a 100-unit multifamily rental housing development located at 1101 Kemp Boulevard, Asheboro, North Carolina, and initially operated by PK Management, LLC, to pay interest on the Bonds, to pay costs of issuance of the Bonds, and/or to fund a debt service reserve fund for the Bonds (collectively, the "Project"). The remainder of the Bonds will be issued primarily to acquire and rehabilitate other affordable housing developments in North Carolina and Missouri.

The PFA has provided the following information for this Notice: The Bonds are expected to be issued pursuant to Section 66.0304 of the Wisconsin Statutes, as amended, by the PFA, a commission organized under and pursuant to the provisions of Sections 66.0301, 66.0303 and 66.0304 of the Wisconsin Statutes. The Bonds will be limited obligations of the PFA payable only from the loan repayments to be made by the Borrower to the PFA, and certain funds and accounts established by the bond indenture for the Bonds.

The Bonds shall never constitute an indebtedness of the City within the meaning of any state constitutional provision or statutory limitation, and will not constitute or give rise to pecuniary liability of the City or a charge against its general credit or its taxing powers.

The hearing is intended to provide a reasonable opportunity to be heard for persons wishing to express their views on the merits of the Project, its location, the issuance of the Bonds or related matters. Written comments will be accepted by the City Clerk, PO Box 1106, Asheboro, North Carolina 27204, but must be received on or before the time and date of the hearing.

Dated: July __, 2015

**VISION AND MISSION PLAN
OF
KINGDOM FULFILLMENT MINISTRIES, INC**



Address Kingdom Fulfillment Ministries

517 Old Liberty Road

Asheboro NC 27203

Business Phone: 336-736-8899

Alternative Phone: 336-58-2977

Email Address: kingdomministries9@gmail.com

Founder: Apostle Sherry A. Whalen

Qualifications: In 2000 Sherry rededicated her life to Christ. She began her Ministry as an Usher at Covington Missionary Baptist Church, under the tutoring of Pastor Russel. She resided with the Ministry for a year, until the Pastor resigned. She then became a disciple of St. Stephens AME Church, in 2001, under the tutoring of Pastor Brent Edwards. Sherry operated in the office of Evangelist, going out ministering to and feeding the community. During this time, she obtained an Associate Degree in Information Systems Technology. She also started her Catering Service, which catered home cooked meals to working families. She also catered major events throughout the community and surrounding cities. During this time, Sherry received a Certificate in Real Entrepreneurship. In 2002, Sherry moved her family to another city, in hopes to make a better life for them. During this transition, they became homeless, and resided in a shelter. She still remained active in ministry. In 2003, Sherry wrote her first book entitled, "Pressing Toward The Goal For The Prize." In 2006, her book was published, and has helped many throughout their journey. In the same year, she returned back to school to obtain her Culinary degree. In 2010, she was sent out as a Pastor, this is when Kingdom Fulfillment Ministries was founded. In 2011, she began her Apostolic Ministry helping Pastors/Churches become established within the vision God gave them. She has also been apart and headed outreach ministry of every magnitude. In 2015, she was officially ordained as Apostle Sherry Whalen, and began Ministry within her own building.

Mission: Our goal is to fulfill the Kingdom, by serving and being affective in every assignment God has sent us to do. We will accomplish these things by establishing order, renewing the mindset of the people, by giving them Godly principles they can apply to their everyday living. Our mission is to show love in all that we do, understanding it's all about the Kingdom.

Name/Description of SERVICE being offered: Food, Shelter, Clothing, and Life

The services that we offer stand solely upon the scripture from the Gospel and Scriptures of Matthew 25:35-36 and Luke 4:18-19. Matthew 25: 35-36 states; "For I was hungry and you gave me something to eat, I was thirsty and you gave me something to drink, I was a stranger and you invited me in, I needed clothes and you clothed me, I was sick and you looked after me, I was in prison and you came to visit me." Likewise, Luke 4:18-19 states; "The Spirit of the Lord is on me, because he has anointed me to proclaim good news to the poor. He has sent me to proclaim freedom for the prisoners and recovery of sight for the blind, to set the oppressed free, to proclaim the year of the Lord's favor."

Kingdom Fulfillment Ministries, Inc is Bible based. Being such, we are here to make active the scriptures that are aforementioned. We saw the need in the City of Asheboro, concerning the less fortunate and the fortunate. We will offer a 24 hour facility where people from every walk of life, can receive the service they need.

In operation: business formed 08/01/2010

Achievements: Kingdom Fulfillment Ministries, Inc has been able to assist over 20 leaders and numerous lay members and clergy alike. We were able to help them fully operate within the vision God gave them for their ministry. We have also been able to assist many businesses become established, by sowing (financial, counseling, clothing, talents, and gifts), into their business. The number is too great to count.

History: Kingdom Fulfillment Ministries, Inc. has had major changes throughout the years. Their initial name was Kingdom Ministries. This is the time they assisted Leaders. Later, the name changed to Kingdom Fulfillment Ministries, Inc, when the vision changed. Under this name Kingdom Fulfillment Ministries Inc, we have obtained a building, while still helping others throughout the communities. In this building, KFM plans to provide shelter, beds, meals, and clean clothing to anybody who is need; whether or not it be for one night, or long term.

Our Leadership team and full-time employees includes:

Navi Bey – Legal Advisor/ 4 years of experience in Political Science. 2 years of Legal Advising

Clay Ingram – Adjutant / 5 years of experience in Assisting the Apostle

Martha Collins – Secretary / 8 years of experience in Administration

Taylor Foster – Office Administrator / 4 years of experience in Accounting and Bookkeeping. 3 years' experience in Administrative Assistance

Business is seeking financial assistance in the amount of \$250,000 to purchase supplies such as: beds, bedding, washer/dryer, industrial appliances for kitchen, office supplies (\$150,000), clothing, food, marketing material (\$5,000), and salaries for 4 employees (\$20,000/month), along with other monthly expenses.

Target market: Any human being in need for short and or long term assistance.

Our ministry will operate mainly from donations from the public, as well as the City of Asheboro, and other supportive corporations. We will host community functions, as well as charity events open to the public.

Short – term goals: Beds, Washer/Dryers and kitchen appliances will be in place by the middle of August. This is important so we can begin to provide shelter to individuals and families once the 2015 school year starts. Once in operation, we will administer three daily meals (breakfast, lunch, and dinner), along with clean clothing, and/or opportunity to clean clothing, and beds to sleep in.

Long – term goals: Long term goals include incorporating a computer lab (about three computers). We will provide our "residents" with lessons on: Resume writing and interview tips to assist with locating work. We will have free haircuts and styles at least once a month to help people keep a clean look. We will be able to delegate tasks to our long term members, which could potentially turn into a permanent part time position with pay. We also want to operate a food truck, to provide affordable/free mobile meals to lower-income individuals and families in the City of Asheboro.

Promotion: Kingdom Fulfillment Ministries, Inc will join forces with fellow ministries and churches by attending service they offer on some Sundays. We will host community functions and charity events, which will be open to the public including: City officials and other community leaders. KFM will conduct medical and dental screenings for free to promote the importance of good health in the City of Asheboro. We will attend functions held in the City of Asheboro and remain involved with community affairs.

Strengths: Kingdom Fulfillment Ministries, Inc is the only Church environment that keep its doors open to the public 24 hours/day 7 days/week. Our main goal is to provide anybody in need with the basic necessities: food, shelter and clothing. We will give families a place to call home; if it's just for a night or even someone with a roof and meals for a month, while they get on their feet. KFM is a place someone can come to build a resume, receive clean clothing, a haircut, and the information they need to have a successful job interview. It is a "One Stop Shop" for anything someone may need.

Weaknesses: The weakness of the Ministry, at this point is financing. The start-up costs along with the salaries to pay each employee for at least 6 months is going to cost \$250,000, plus. The fact that we are open 24 hours/day has some of our employees working 17 hours/day. KFM, does not plan on obtaining a loan, but instead to finance its operations through various donations, and grants.

Opportunities: As long as there are people struggling in the City of Asheboro, Kingdom Fulfillment Ministries, Inc will have the opportunity to help. There will always be someone who needs somewhere to sleep, or something to eat, or maybe something warm to wear that day. We want to be available to provide any and every one while they are in need.

Competitive Advantage: Our hours of operation being 24 hours/day 7 days/week is what sets us aside from every other ministry and church in the Asheboro area. We provide an outreach program to the community and consistently provide services that are not provided anywhere else.

Summary: Kingdom Fulfillment Ministries, Inc is a Bible based Ministries, who is devoted to fulfilling the purpose of the Kingdom. Our responsibility as Believers, are to uplift humanity, with the promise of hope; by way of salvation. We are here to help make the community better, by being a light that sits upon a hill. We come with the hope of our Lord and Savior Jesus Christ. We are here to love people out of their current situation and into their purpose. We do not take our responsibility lightly. Yet, we guard it with all diligence, making active the scriptures active through love and kindness.

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, JULY 16, 2015
7:00 p.m.**

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

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

- John N. Ogburn, III, City Manager
- Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
- Michael L. Leonard, P.E., City Engineer
- Mark T. Lineberry, Police Captain
- Leigh Anna Marbert, Public Information Officer
- Pamela M. Morgan, Office Assistant in Facilities Maintenance
- Trevor L. Nuttall, Community Development Division Director
- Deborah P. Reaves, Finance Director
- Jeffrey C. Sugg, City Attorney
- Felix L. Ward, Special Events Coordinator

1. Call to order.

At the request of Mayor Smith, Mr. Cody Parada-Garrido and Mr. Angel Ortiz called the meeting to order, and then Mayor Smith led the discussion. Mr. Parada-Garrido and Mr. Ortiz are two individuals that accompanied the city delegation to Denver, Colorado in order to participate in the All-America City Award competition. Mayor Smith presented each of the following participants with a plaque: Lillyanna Parada-Garrido, Hannah Parada-Garrido, Cody Parada-Garrido, Lalya McClain, Ayana Davis, and Cameron Headon, who was unable to attend.

The city did not receive the All-America City designation but staff plans to submit another application in the future.

2. Moment of silent prayer and pledge of allegiance.

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

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

Ms. Charlene Smith of the North Carolina Housing Finance Agency utilized a visual presentation and gave an overview of certain financial assistance programs that are available from the North Carolina Foreclosure Prevention Fund. No action was taken by the City Council in connection with this presentation. A copy of the visual presentation is on file in the City Clerk’s office.

4. Consent agenda.

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

- (a) The minutes of the City Council’s special meeting on May 28, 2015.
- (b) The minutes of the City Council’s regular meeting on June 4, 2015.
- (c) The minutes of the City Council’s special meeting on June 29, 2015.

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

Case No. SUP-15-03
City Council
City of Asheboro, North Carolina

IN THE MATTER OF THE APPLICATION BY ALLEN L. CALLICUTT FOR A SPECIAL USE PERMIT
AUTHORIZING A MANUFACTURED HOME PARK

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

THIS MATTER was brought before the Asheboro City Council (hereinafter referred to as the "Council") for hearing during a regular meeting of the Council that was held on June 4, 2015. After receiving sworn testimony and considering all of the evidence presented during the quasi-judicial hearing, including without limitation a proposed site plan, the Council, on the basis of competent, material, and substantial evidence, hereby resolves the question of the issuance of the requested Special Use Permit by entering the following:

FINDINGS OF FACT

1. Allen L. Callicutt, who is also a Trustee of the Callicutt Revocable Living Trust Dated 10-18-05, (hereinafter referred to as the "Applicant") has properly submitted an application for a Special Use Permit that, if granted, will authorize a manufactured home park. The manufactured home park itself is already in existence and is known as the Oak Meadows Mobile Home Park. The Applicant is requesting a new Special Use Permit because of his desire to develop an additional lot within the park to lease for a manufactured home.

2. The existing manufactured home park is located at 2075 Cedar Road on a parcel of land titled to Allen L. Callicutt and Janet H. Callicutt, Trustees of the Callicutt Revocable Living Trust Dated 10-18-05. This approximately 13.6-acre parcel of land is more specifically identified by Randolph County Parcel Identification Number 7762495747 and shall be hereinafter referred to as the "Zoning Lot."

3. The Zoning Lot is located in an RA6 (High Density Residential) zoning district. The growth strategy map identifies the area as a primary growth area, and the proposed land development plan map identifies the area as urban residential.

4. A manufactured home park is permitted in an RA6 zoning district by Special Use Permit only. The original Special Use Permit authorizing the development of a manufactured home park was processed under file number SUP-87-02. Another Special Use Permit was processed under file number SUP-91-01 for the purpose of allowing the closure of the Lakeview Road entrance to the manufactured home park.

5. The existing Special Use Permit, which was issued in 1990, authorizes for the Zoning Lot a manufactured home park consisting of 49 spaces.

6. The Applicant's proposal is focused entirely within the existing park and consists of a plan to replace a laundry facility site, which is approximately 7,158 square feet in size, with a lot that can be rented like the surrounding lots within the park for the placement of a manufactured home.

7. A Special Use Permit (hereinafter referred to as a "SUP") is needed before the Applicant can proceed with his proposal because Section 606, Subsection C of the Asheboro Zoning Ordinance (the Asheboro Zoning Ordinance shall be hereinafter referred to as the "AZO") specifies that an "increase in the number of dwelling or lodging units" constitutes a modification of the plans approved by the existing SUP. A modification of the plans approved by an existing SUP, in turn, triggers the need for a new SUP to authorize the proposed revision or modification of the previously approved plans.

8. When the SUP for the existing manufactured home park was granted, certain current day requirements were not in effect. Consequently, the following legal nonconforming situations exist on the Zoning Lot:

- (A) Contrary to Section 629.3 of the AZO, the engineering study ensuring post development runoff of stormwater does not exceed predevelopment conditions and mandating stormwater controls to reduce runoff during a 10-year storm to predevelopment rates is absent;
- (B) Contrary to Section 629.8 of the AZO, the currently required 22 feet of roadway width is not present, instead the privately maintained roadway is 20 feet wide; and
- (C) Contrary to Section 629.21 of the AZO, there is no separate area for recreational vehicle parking.

9. With regard to the width of the roadway, the North Carolina Fire Prevention Code requires, at a minimum, a 20-foot wide all-weather access road to the residences, and this requirement is met by the existing manufactured home park.

10. Section 637.5 of the AZO does allow the issuance of a SUP for a conforming use without requiring the correction of existing legal nonconforming situations such as the ones listed above if the following findings are made:

- (A) The nonconforming situation cannot be corrected without undue hardship or expense; and
- (B) The nonconforming situation is of a minor nature that does not adversely affect the surrounding property, or the general public, to any significant extent.

11. Additionally, Section 803.4 of the AZO permits an increase in the intensity of the use of property upon which a nonconforming situation exists if such changes are related to the degree of activity rather than changes in kind and no violations of other provisions addressing the extension or enlargement of nonconforming situations occur. No evidence was presented during the hearing of this matter to show that any provisions pertaining to the extension or enlargement of nonconforming situations were violated.

12. With the benefit of the above-stated provisions pertaining to legal nonconforming situations and with the conditions suggested by the city's community development division staff, the site plan submitted by the Applicant is in compliance with the prescribed regulations and specifications of the Asheboro Zoning Ordinance. The conditions offered for attachment to a potential SUP are as follows:

- (A) Consistent with Appendix D of the North Carolina Fire Prevention Code (Fire Apparatus Access Roads), the secondary entrance at Lakeview Road shall be accessible by emergency services personnel at all times.
- (B) Privately maintained streets shall be maintained in accordance with the North Carolina Fire Prevention Code.
- (C) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this Special Use Permit in the chain of title for the Zoning Lot.

13. The entrance into the development is from Cedar Road. A secondary entrance, which is gated, exists on Lakeview Road.

14. A 100-year floodplain associated with Hasketts Creek is located along the northern boundary of the Zoning Lot, but this floodplain is located away from any development activity.

15. The Applicant offered uncontroverted testimony that the manufactured home park to which he wants to add one leasable lot has been in existence for more than two decades and adjoins another manufactured home park. No evidence was introduced to show that any negative impacts have arisen as a consequence of the existence of the Oak Meadows Mobile Home Park.

16. The Applicant also offered uncontroverted testimony that no unusually hazardous materials are present on the Zoning Lot and that no traffic problems exist in connection with the existing manufactured home park to which he wants to add a single leasable lot.

17. The Applicant testified that he accepted and would comply with the conditions recommended by the community development division staff for attachment to the requested SUP.

18. No testimony was offered in opposition to the Applicant's request.

19. Pursuant to Section 602.1 of the Asheboro Zoning Ordinance, the Council must find that the Applicant has met four (4) general standards before an application for a SUP may 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 Asheboro Zoning Ordinance 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 manufactured home park on the Zoning Lot, which is located in an RA6 zoning district. The requested SUP would specifically authorize the replacement within the existing park of a laundry facility site, which is approximately 7,158 square feet in size, with a lot that can be rented in a similar manner to the surrounding lots for the placement of a manufactured home.
3. The Applicant has shown, in compliance with Section 637.5 of the AZO, that the existing legal nonconforming situations cannot be corrected without undue hardship or expense and the said legal nonconforming situations are of a minor nature that do not adversely affect the surrounding property, or the general public, to any significant extent. Accordingly, the Council can and will allow the issuance of a SUP for a conforming use, a manufactured home park, without requiring the correction of the existing legal nonconforming situations that exist upon the Zoning Lot.
4. On the basis of the available evidence, the immediately preceding conclusion about the existing legal nonconforming situations, and the express agreement of the Applicant to accept and comply with the conditions recommended by the Community Development Division staff, the Council has concluded that the Applicant's site plan for the proposed land use is compliant with the applicable requirements of the Asheboro Zoning Ordinance.
5. On the basis of the evidence presented during the hearing of this case, the Council has concluded that the proposed use meets the four (4) general standards for the granting of a SUP. More specifically, one additional lot within a manufactured home park that has lawfully existed without a significant incident coming to the attention of the Council over the course of a minimum of two decades will not materially endanger the public health or safety, the proposed use meets all required conditions and specifications of the AZO, the addition of a single lot for a manufactured home within a manufactured home park will not substantially injure the value of adjoining or abutting property, and the proposed use 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

A Special Use Permit authorizing the development and operation upon the Zoning Lot of a manufactured home park land use, as defined by the AZO, is hereby issued to the Applicant. This Special Use Permit shall be valid so long as, and only so long as, the Applicant, and his heirs, successors, and assigns, develop and conduct the approved manufactured home park land use (specifically including the planned replacement of a laundry facility site, which is approximately 7,158 square feet in size, with a lot that can be rented for the placement of a manufactured home) in compliance with the site plan approved under file no. SUP-15-03, the provisions of the AZO, and remain in strict compliance with the following conditions:

- (A) Consistent with Appendix D of the North Carolina Fire Prevention Code (Fire Apparatus Access Roads), the secondary entrance at Lakeview Road shall be accessible by emergency services personnel at all times.
- (B) Privately maintained streets shall be maintained in accordance with the North Carolina Fire Prevention Code.
- (C) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this Special Use Permit in the chain of title for the Zoning Lot.

The foregoing findings, conclusions, and order were adopted by the Asheboro City Council in open session during a regular meeting held on the 16th day of July, 2015.

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

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

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

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

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

ATTEST:

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

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

RESOLUTION NUMBER 24 RES 7-15

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ATTEST:

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

[Exhibit 1 and 2 referenced above are on file in the City Clerk's office.]

5. Community Development Items:

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

Mayor Smith opened the public hearing on the following request.

Mr. Nuttall utilized a visual presentation in order to give the Council Members an overview of certain proposed text amendments to Article 100 (General Regulations), Article 200 (Schedules of District Regulations), Article 200A (Center City Planning Regulations), Article 300 (Modification of Yard and Height Requirements), Article 300A (Supplemental Regulations), Article 400 (Off-Street Parking and Loading), and Article 1100 (Definitions) of the Asheboro Zoning Ordinance. In essence, the Community Development Division staff propose to update the Asheboro Zoning Ordinance in order to ensure that the zoning ordinance conforms with current statewide legislation and current land use trends. Amendments to other articles of the Asheboro Zoning Ordinance will be proposed at a later date.

The proposed amendments to Articles 100 through 400, which received a favorable recommendation from the Asheboro Planning Board, can be highlighted as follows:

1. **Article 100:**
 - Provisions for special purpose lots (i.e. for public facilities such as sewer pump stations, etc).
2. **Article 200:**
 - Reformat Table of Uses 200-2 to improve cross referencing of supplemental regulations for specific uses and visual clarity.
 - Update certain uses and make necessary clerical corrections.
 - Update Notes to Table 200-2, listing supplemental regulations for certain uses (overflow/RV parking for multi-family dwellings, home occupations).
3. **Article 200A:**
 - An amendment is proposed to address façade transparency based on a building's setback.

4. **Article 300:**

- Amendments are proposed concerning front yard averaging and the Airport Overlay.

5. **Article 300A:**

- Updates reflecting statewide legislation concerning design standards for single and two family dwellings.
- Requirements for mechanical equipment screening.
- Vehicle towing operations/storage yards.
- Front yard landscaping requirements.
- Staff review of development within U.S. Highway 220 Overlay
- General clerical changes

6. **Article 400:**

- Account for site constraints in determining required driveway widths.

In order to give the Council Members adequate time to review the amendment package, Mr. Nuttall recommended that this agenda item be continued to the Council's regular August meeting. Upon motion by Mr. Bell and seconded by Mr. Burks, Council voted unanimously to continue the item until the Council's regular August meeting.

A copy of the visual presentation utilized by Mr. Nuttall is on file in the City Clerk's office along with a copy of the actual proposed text amendments.

(b) Zoning Case RZ-15-06: A legislative zoning hearing on the application filed by the City of Asheboro to rezone property located on the west side of Gold Hill Road and the north side of East Allred Street from CU-RA6 (Conditional Use High-Density Residential) to R10 (Medium-Density Residential).

Mayor Smith opened the public hearing on the following request.

The requested rezoning pertains to approximately 23.2 acres of land owned by McDowell Timber Company. Randolph County Parcel Identification Numbers 7762658808, 7762752727, and 7762740259 more specifically identify the property.

Mr. Nuttall utilized a visual presentation and highlighted a request by the City of Asheboro to rezone the above-described property from Conditional Use High Density Residential (CU-RA6) to R10 (Medium-Density Residential). The Community Development Division staff received an inquiry about surveying activity on the above-referenced property and determined that conditional use permits authorized in 2001 under file number CUP-01-26 and in 2002 under file number CUP-03-12 were never activated or utilized, making them null and void. Rezoning the property back to a general use district would allow a viable use of the property. The property was previously zoned R10, which is consistent with the neighborhood residential designation of the Land Development Plan.

The staff report noted the following:

1. The property is located inside the city limits and city services are available.
2. Gold Hill Road and East Allred Street are state-maintained minor thoroughfares.
3. As previously noted, the property was rezoned in 2001 and 2002. Conditional use permits were also issued for two Residential Planned Unit Developments. Both permits are now null and void because neither permit was initiated within 180 days of issuance.
4. Since the property is currently zoned CU-RA6 (Conditional Use High Density Residential), development activity requires a new conditional use permit.
5. The Land Development Plan designated a small portion of this property (along its southern boundary) as urban residential in anticipation of a potential Village Center around the intersection of East Allred Street and Gold Hill Road. The majority of the property is designated as neighborhood residential.
6. A portion of the property is designated within the "Secondary Growth" area by the 2000 Land Development Plan growth strategy map. At the time the map was adopted, that portion of the property was outside of the city limits but was later annexed in 2001.
7. The western and southern portions of the property are located within the flood hazard area.

The Planning Board concurred with the following Community Development Division staff's analysis and recommended approval of the requested rezoning.

"The R10 Medium-Density Residential designation was the zoning in place prior to the property's zoning designation being changed in 2001 and 2002. This designation is consistent with the Land Development Plan's 'neighborhood residential' proposed land use designation on the majority of the property and consistent with surrounding land uses. Staff proposes this zoning district will also allow viable by-right uses of the property that were envisioned with the previous R10 classification without unnecessarily invoking the conditional use permitting process."

Mr. Stephen Vaughn of Ridgewood Circle raised questions regarding buffering requirements for the property and was concerned that a mobile home park may be developed on the property. Mr. Nuttall provided information about the city's land use regulations in response to these questions.

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

Upon motion by Mr. Moffitt and seconded by Ms. Carter, Council voted unanimously to adopt, with a combined motion, the recommendation/analysis of the Community Development Division staff and the Planning Board and approved the requested rezoning as well as adopting the following consistency statement that was initially proposed in the staff report:

After considering the above factors (the excerpt from the staff report that is quoted above), the R10 designation is in the public interest by allowing a reasonable use of the property and ensuring consistency with the Land Development Plan.

A copy of the visual presentation utilized by Mr. Nuttall is on file in the City Clerk's office.

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

Mr. Nuttall presented, for Council's review, the first draft of the updated Land Use Plan 2020 Maps. Council's final consideration of the maps will take place during September. No action was taken on this item by the City Council during the July meeting.

[Agenda Item 5(c) was discussed after the business listed under Agenda Item 7 due to the need for Mr. Nuttall to speak with an individual outside of the Council Chamber.]

6. Public comment period.

Mayor Smith opened the floor for comments from the public.

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

7. City Manager updates:

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

Mr. Ogburn presented, for Council's review, the following proposed amendments to Chapter 93 (Civil Emergencies) of the Code of Asheboro.

ORDINANCE NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**UPDATE OF THE EMERGENCY MANAGEMENT PROVISIONS IN CHAPTER 93 OF
THE CODE OF ASHEBORO**

WHEREAS, Chapter 93 (Civil Emergencies) of the Code of Asheboro contains the emergency management ordinance previously adopted by the Asheboro City Council; and

WHEREAS, the Asheboro City Council has concluded that Chapter 93 should be amended to better align the emergency management ordinance provisions codified in this Chapter with the emergency management provisions currently found in the North Carolina General Statutes;

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

SECTION 1. Chapter 93 (Civil Emergencies) of the Code of Asheboro is hereby rewritten to provide as follows:

§ 93.01 WHEN STATE OF EMERGENCY DEEMED TO EXIST

~~For the purposes of this chapter, a state of emergency shall be deemed to exist whenever, during times of great public crises, disaster, rioting, catastrophe, or similar public civil emergencies, for any reason, municipal public safety authorities are unable to maintain public order or afford adequate protection for lives or property.~~

§ 93.02 DECLARATION OF EMERGENCY; RESTRICTIONS

- (A) ~~In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the city or threatening damage to or destruction of property, the Mayor is hereby empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency, and, in order to more effectively protect the lives and property of people within the city, to place in effect any or all of the restrictions authorized by this chapter.~~
- (B) ~~The Mayor is hereby authorized and empowered to limit by such proclamation the application of all or any part of such restrictions to any area specifically designated or described within the city and to specific hours of the day or night; and to exempt from all or any part of such restrictions law enforcement officers, firemen and other public employees, doctors, nurses, employees of hospitals and other medical facilities; on-duty military personnel whether state or federal; on-duty employees of public utilities, public transportation companies, and newspapers, magazine, radio broadcasting and television broadcasting corporations operated for profit; and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health and welfare needs of the people within the city.~~

§ 93.03 SPECIFIC RESTRICTIONS AUTHORIZED

~~During the existence of a proclaimed state of emergency, the Mayor may impose by proclamation any or all of the following restrictions:~~

- (A) ~~Prohibit or regulate the possession off one's own premises of explosives, firearms, ammunition or dangerous weapons of any kind, and prohibit the purchase, sale, transfer or other disposition thereof;~~
- (B) ~~Prohibit or regulate the buying or selling of beer, wine, or intoxicating beverages of any kind, and their possession or consumption off one's own premises;~~
- (C) ~~Prohibit or regulate any demonstration, parade, march, vigil or participation therein from taking place on any of the public ways or upon any public property;~~
- (D) ~~Prohibit or regulate the sale or use of gasoline, kerosene, naphtha or any other explosive or flammable fluids or substances;~~
- (E) ~~Prohibit or regulate travel upon any public street or upon any other public property, except by those in search of medical assistance, food or other commodity or service necessary to sustain the well-being of themselves or their families or some member thereof;~~
- (F) ~~Prohibit or regulate the participation in or carrying on of any business activity, and prohibit or regulate the keeping open of places of business, places of entertainment, and other place of public assembly.~~
- (G) ~~Establish hours during which a curfew shall be in effect.~~

§ 93.04 EXTENSION, ALTERATION, AND RESCISSION OF PROCLAMATION

~~Any proclamation of emergency promulgated pursuant to this chapter may be extended, altered or rescinded in any particular during the continued or threatened existence of a state of emergency by the issuance of a subsequent proclamation.~~

§ 93.05 COMPLIANCE WITH RESTRICTIONS REQUIRED

~~During the existence of a proclaimed state of emergency, it shall be unlawful for any person to violate any provision of any restriction imposed by any proclamation authorized by this chapter.~~

§ 93.06 AUTHORITY TO REQUEST STATE POLICE AND MILITARY FORCES

~~If, in the sound discretion of the Mayor, it shall appear that the emergency is, or that the threatened emergency is likely to be, of such proportions that the means available to the city to maintain law and order within the police jurisdiction of the city are insufficient for such purpose, the Mayor shall, promptly and by~~

~~the most expeditious means of communication, inform the Governor of the situation and request that the necessary police or military forces of the state be provided promptly; and if, during an actual state of emergency the Mayor shall find that the civil courts within the police jurisdiction of the city are unable to perform their lawful duties and that, by reason of widespread lawlessness, writs and other process cannot be served or executed, the Mayor shall inform the Governor of his findings and may recommend to him that a state of martial law be proclaimed within the police jurisdiction of the city.~~

~~§ 93.07 END OF EMERGENCY PERIOD~~

~~The Mayor shall proclaim the end of such state of emergency or all or any part of the restrictions imposed as soon as circumstances warrant or when directed to do so by the City Council.~~

~~§ 93.08 ABSENCE OR DISABILITY OF MAYOR~~

~~If the Mayor is absent or unable for any reason, temporarily to perform his duties, then during such absence or inability, the Mayor Pro Tem is hereby empowered to exercise all the powers granted the Mayor by this chapter.~~

§ 93.01 EMERGENCY RESTRICTIONS AUTHORIZED

(A) The following definitions shall apply in this Chapter:

- (1) Emergency -- An occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made accidental, military, paramilitary, weather-related, or riot-related cause;
- (2) Emergency Area -- The geographical area covered by a state of emergency; and
- (3) State of Emergency -- A finding and declaration by the City Council of the City of Asheboro or the Mayor of the City of Asheboro acting under the authority of G.S. 166A-19.22 that an emergency exists.

(B) In the event of an emergency, the mayor is hereby authorized and empowered, pursuant to G.S. 166A-19.22, to issue a state of emergency declaration that declares to all persons the existence of a state of emergency and, in order to more effectively protect the lives and property of people within the city, to place in effect any or all of the restrictions hereinafter authorized.

(C) The mayor is hereby authorized and empowered to limit with the state of emergency declaration the application of all or any part of such restrictions to an emergency area specifically designated or described within the city and to specific hours of the day or night and to exempt from all or any part of such restrictions, while acting in the line of and within the scope of their respective duties, law enforcement officers, firefighters, rescue squad members, and public employees; doctors, nurses, and employees of hospitals and other medical facilities; on-duty military personnel, whether state or federal; on-duty employees of public utilities and public transportation companies; and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health, and welfare needs of people within the city.

§ 93.02 STATE OF EMERGENCY DECLARATION MAY IMPOSE PROHIBITIONS AND RESTRICTIONS

(A) Pursuant to G.S. 166A-19.31, the mayor is hereby authorized to impose, by means of the issuance of a state of emergency declaration, the prohibitions and restrictions specified in Sections 93.03 through 93.08 of this Chapter. The mayor may impose as many of those specified prohibitions and restrictions as he/she finds necessary, due to the emergency, to maintain an acceptable level of public order and services and to protect lives, safety, and property.

(B) The state of emergency declaration shall be in writing. The city manager or designees of the city manager shall take reasonable steps to give notice as broadly as possible of the terms of the declaration to those affected by it as soon as is practicable. Copies of the declaration shall be posted on the front doors or entrances of city hall, the police department headquarters station, the fire department headquarters station, and at the city public works facility. The efforts of city employees to provide public notice of the declaration shall include sending, as soon as is practicable, reports of the substance of the declaration to the mass communications media that serve the city. A minimum of one duplicate original of the declaration shall be furnished to the city clerk's office at the earliest opportunity, and the city clerk will, upon request, furnish certified copies of the declaration as soon as is practicable.

§ 93.03 EVACUATION

The mayor may direct and compel the voluntary or mandatory evacuation of all or part of the population of the city from any stricken or threatened area within the emergency area; to prescribe routes, modes of transportation, and destinations in connection with evacuation; and to control ingress and egress of an emergency area, the movement of persons in public areas within the emergency area, and the occupancy

of premises therein. Details of the evacuation may be set forth or amended in a subsequent declaration which shall be well publicized.

§ 93.04 CURFEW

- (A) The state of emergency declaration may impose a curfew prohibiting in certain areas and during certain periods the appearance in public of anyone who is not part of an exempted class. The declaration shall specify the geographical area and the period during each 24-hour day to which the curfew applies. The mayor may exempt from some or all of the curfew restrictions classes of people whose exemption the mayor finds necessary for the preservation of the public health, safety, and welfare. The state of emergency declaration shall state the exempted classes and the restrictions from which each is exempted.
- (B) Unless otherwise specified in the state of emergency declaration, the curfew shall apply during the specified period each day until the mayor by declaration removes the curfew.

§ 93.05 RESTRICTIONS ON THE POSSESSION, CONSUMPTION, OR TRANSFER OF ALCOHOLIC BEVERAGES

The state of emergency declaration may prohibit, other than on one's own premises, the possession or consumption of any alcoholic beverage, including beer, wine, or spirituous liquor, and may prohibit the transfer, transportation, sale, or purchase of any alcoholic beverage within the emergency area. The prohibition, if imposed, may apply to the transfer of alcoholic beverages by employees of alcoholic beverage control stores or by anyone else within the emergency area.

§ 93.06 RESTRICTION ON THE POSSESSION, TRANSPORTATION, AND TRANSFER OF DANGEROUS WEAPONS AND SUBSTANCES

- (A) The state of emergency declaration may prohibit, with regard to a location within the emergency area and off one's own premises, the possession, transportation, sale, or purchase of any dangerous weapon or substance. The mayor may exempt from some or all of the restrictions classes of people whose possession, transportation, or transfer of certain dangerous weapons or substances is necessary to the preservation of the public's health, safety, or welfare. The declaration shall state the exempted classes and the restrictions from which each is exempted.
- (B) For the purpose of this Chapter and any state of emergency declaration promulgated pursuant to this Chapter, the term "dangerous weapon or substance" means:
- (1) Any item that falls within the scope of the definition for dangerous weapon or substance found in G.S. 14-288.1(2);
 - (2) Any other instrument or substance that is capable of being used to inflict serious bodily injury or destruction of property when the circumstances indicate that there is some probability that such instrument or substance will be so used; and
 - (3) Any part or ingredient in any instrument or substance included above when the circumstances indicate a probability that such a part of ingredient will be so used.
- (C) Notwithstanding any other provisions found herein, this Chapter does not authorize prohibitions or restrictions on lawfully possessed firearms or ammunition. As used in this Chapter, the term "firearm" means a handgun, shotgun, or rifle which expels a projectile by action of an explosion.

§ 93.07 RESTRICTION ON ACCESS TO AREAS

- (A) The state of emergency declaration may prohibit obtaining access or attempting to obtain access to any area designated in the manner described in this Section in violation of any order, clearly posted notice, or barricade indicating that access is denied or restricted.
- (B) Areas to which access is denied or restricted shall be designated by the chief of police or the chief's designees when directed in the declaration by the mayor to do so. When acting under this authority, the chief of police and the chief's designees may restrict or deny access to any area, street, highway, or location within the emergency area if that restriction or denial of access or use is reasonably necessary to promote efforts being made to overcome the emergency or to prevent further aggravation of the emergency.

§ 93.08 ACTIVITIES PROHIBITED OR RESTRICTED

The following activities or conditions may be prohibited or restricted within the emergency area:

- (A) Movements of people in public places;
- (B) The operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate; and

- (C) Other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives and property within the emergency area. To this end, the mayor, by means of the state of emergency declaration, may take actions other than those prohibitions or restrictions explicitly listed and authorized in this Section when such other actions are reasonably necessary to maintain order and protect lives and property.

§ 93.09 EFFECT OF EMERGENCY ON SERVICES

During the time period when the state of emergency declaration is in effect, and dependent upon the nature of the conditions at any given time, law enforcement, fire, rescue, and any other emergency services may not be provided.

§ 93.10 REMOVAL OF PROHIBITIONS AND RESTRICTIONS

The mayor shall by declaration terminate the entire state of emergency declaration or remove any of the prohibitions or restrictions when the emergency no longer requires them or when directed to do so by the Asheboro City Council.

§ 93.11 SUPERSEDING AND AMENDING DECLARATIONS

The mayor, in his/her discretion, may invoke the restrictions authorized by this Chapter in separate declarations and may amend any declaration by means of a superseding declaration in accordance with the procedures set forth in Section 93.02.

§ 93.12 TERMINATION OF DECLARATION

Any state of emergency declaration issued under this Chapter shall expire five days after its last imposition unless sooner terminated in writing under the same procedures set forth in Section 93.02 for declarations.

§ 93.13 EXERCISE OF POWERS IN ABSENCE OR DISABILITY OF MAYOR

In case of the absence or disability of the mayor, the mayor pro tempore, or such other person as may be designated by the Asheboro City Council, shall have and exercise all of the powers herein given to the mayor.

§ 93.14 PENALTY FOR VIOLATION

Pursuant to G.S. 14-288.20A, any person violating any prohibition or restriction imposed by a state of emergency declaration authorized by this Chapter shall be guilty of a Class 2 misdemeanor.

§ 93.15 TERRITORIAL APPLICABILITY

This Chapter applies throughout all areas over which the Asheboro City Council has jurisdiction to enact general police-power ordinances. A state of emergency declaration issued pursuant to this Chapter may declare that the emergency area includes all or part of the governing board's jurisdiction. Unless a state of emergency declaration specifies otherwise, the emergency area will be deemed to include the entire jurisdiction.

SECTION 2. All previously adopted 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 the date of its adoption.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting of the governing board that was held on the 6th day of August, 2015.

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

ATTEST:

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

Final review and consideration of the above ordinance will be on the agenda for the regular August Council meeting. No action was taken by the City Council during the meeting in July 2015.

A copy of the proposed amendments is on file in the City Clerk's office.

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

After giving a brief overview of the proposed sale of surplus real property located at 133 West Wainman Avenue, Mr. Ogburn presented and recommended adoption, by reference, of a resolution accepting the final qualifying offer for the surplus real property formerly used as the location for the Asheboro Senior Center.

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

RESOLUTION NUMBER 25 RES 7-15

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION ACCEPTING THE FINAL QUALIFYING OFFER FOR THE SURPLUS REAL PROPERTY FORMERLY USED AS THE LOCATION FOR THE ASHEBORO SENIOR CENTER

WHEREAS, the City of Asheboro (hereinafter referred to as the "City") owns certain real property that is located at 133 West Wainman Avenue, is identified by Randolph County Parcel Identification Number 7751717380, and is more specifically described by a North Carolina Non-Warranty Deed recorded in the office of the Randolph County Register of Deeds in Book of Record 2428, Page 1110; and

WHEREAS, the above-described property, which was formerly utilized by the Randolph County Senior Adults Association, Inc. for the Asheboro Senior Center, is no longer needed by the City; consequently, the property described in the immediately preceding paragraph will be hereinafter referred to as the "Surplus Property;" and

WHEREAS, G.S. 160A-269 permits the City to sell property by upset bid, after the receipt of an offer for the property; and

WHEREAS, the City initially received an offer from Schwarz & Schwarz, LLC, a North Carolina limited liability company, to purchase the Surplus Property at a price of \$75,000.00; and

WHEREAS, with the adoption of Resolution Number 14 RES 5-15 on May 21, 2015, the City Council authorized the sale of the Surplus Property by means of the negotiated offer, advertisement, and upset bid procedure established in G.S. 160A-269; and

WHEREAS, the upset bid sale procedure for the Surplus Property has now been completed, and the final qualifying offer was a bid of \$95,000.00 submitted by Mr. Lee Davidson; and

WHEREAS, the city manager has reported the results of the upset bid sale procedure to the City Council with a recommendation to accept the said final qualifying offer, and the City Council concurs with this recommendation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that the final qualifying offer of \$95,000.00 from Lee Davidson is hereby accepted in accordance with and subject to the terms of sale stated in Resolution Number 14 RES 5-15 and the subsequent sale notices published in accordance with G.S. 160A-269; and

BE IT FURTHER RESOLVED that the Mayor, City Clerk, and any other appropriate and necessary official of the City are authorized to execute the instruments necessary to convey the Surplus Property to Lee Davidson in accordance with the terms of sale established by the City.

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

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

ATTEST:

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

8. Upcoming Events (originally labeled as items not on the agenda).

- (a)** Mr. Felix Ward gave a brief overview of the schedule of events for the upcoming Pigs and Pedals event to take place on July 31, 2015 through August 1, 2015 in Downtown Asheboro. Along with the Criterium Race, the event will feature a BBQ cooking contest, a King BMX Stunt Bike Show, and concerts featuring the Special Occasion Band and Eric and the Chilltones.
- (b)** Mayor Smith reminded the Council Members of a reception honoring Council Member Katie Snuggs and her appointment to the City Council. The reception will take place at Wesley Chapel AME Zion Church in Asheboro on Sunday, July 19, 2015 from 3:00 p.m. until 5:00 p.m.

There being no further business, the meeting was adjourned at 9:03 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor

Done to PD & PWP
7-29-2015

CITY OF ASHEBORO NORTH CAROLINA

Item 5 (b)

APPLICATION FOR PARADE PERMIT

In accordance with the Asheboro City Code, Section 97.04, application is hereby made for a parade permit. This permit must be received fourteen (14) days prior to the day of the parade.

Contact Name: Derrick Sides no Parade

Address: 123 Sunset Ave Asheboro NC 27203

Phone: (336) 848-0140 E-mail: derrick.sides@gmail.com

Organization: The Randolph Arts Guild

Address: 123 Sunset Ave. Asheboro NC 27203

Phone: (336) 629-0399

Date of Parade: 10/2/15 - 10/4/15 Start Time: 10/2/15 8:00 PM End Time: 10/4/15 8:00 PM

Number of Persons: 50,000 + Number of Vehicles: n/a

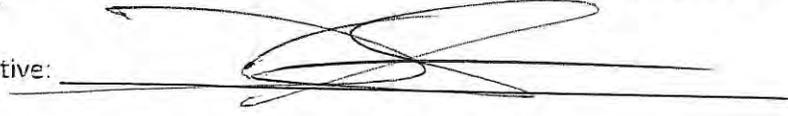
Streets Involved: Sunset Ave Fayetteville with academy map attached

Special officials and/or guests: n/a

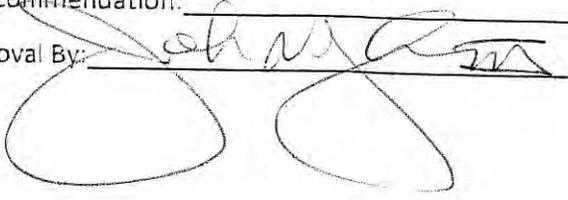
Insurance Company & Policy Number: Travelers I-660-179R7697-TCT-15

Any additional information: Thank You for Your Support!

The undersigned agrees to hold the City of Asheboro and its officers, employees and agents free and harmless from and against any and all claims, losses, damages and settlements arising out of or relating to this parade. The undersigned agrees to investigate and provide defense for and defend any such claims at his/her (?) sole expense and agrees to bear all other costs and expenses related thereto, even if the claims are groundless or false.

Signature of Authorized Representative: 

Internal Use Only

Police Department Recommendation: _____
City of Asheboro Approval By:  Date: 7/29/2015



One Tower Square, Hartford, Connecticut

"Valuable Papers and Records" means inscribed, printed or written documents, manuscripts or records, including abstracts, books, deeds, drawings, films, maps or mortgages. But "Valuable Papers and Records" does not include money, securities or "Electronic Data Processing Data and Media".

**COMMERCIAL GENERAL LIABILITY
COVERAGE PART DECLARATIONS**

POLICY NO.: I-660-179R7697-TCT-15
ISSUE DATE: 04-03-15

INSURING COMPANY:

THE TRAVELERS INDEMNITY COMPANY OF CONNECTICUT

DECLARATIONS PERIOD: From 05-22-15 to 05-22-16 12:01 A.M. Standard Time at your mailing address shown in the Common Policy Declarations.

The Commercial General Liability Coverage Part consists of these Declarations and the Coverage Form shown below.

1. COVERAGE AND LIMITS OF INSURANCE:

COMMERCIAL GENERAL LIABILITY COVERAGE FORM

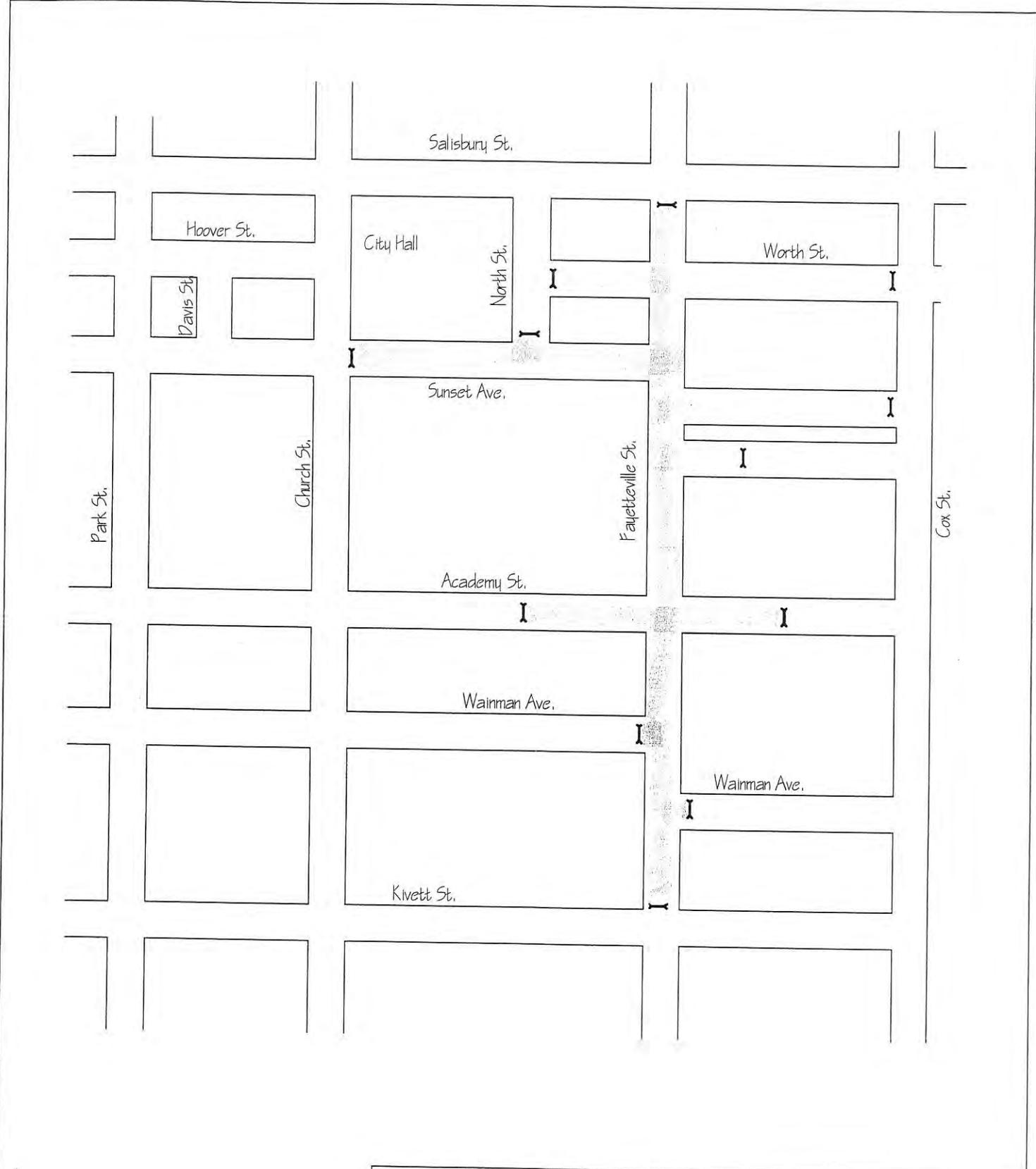
LIMITS OF INSURANCE

General Aggregate Limit (Other than Products-Completed Operations)	\$ 1,000,000
Products-Completed Operations Aggregate Limit	\$ 1,000,000
Personal & Advertising Injury Limit	\$ 1,000,000
Each Occurrence Limit	\$ 1,000,000
Damage To Premises Rented To You Limit (any one premises)	\$ 100,000
Medical Expense Limit (any one person)	\$ 5,000

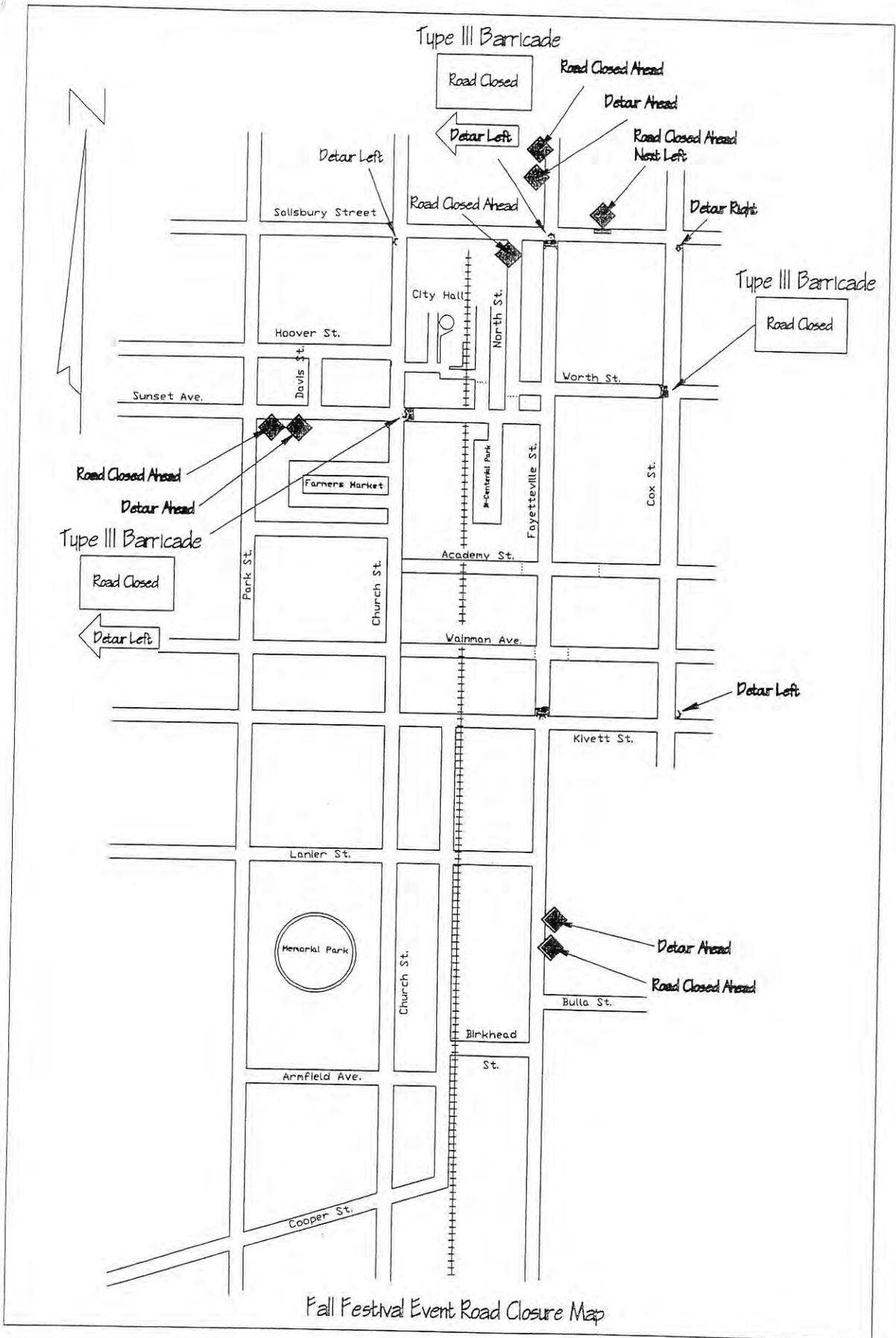
2. AUDIT PERIOD: ANNUAL

3. FORM OF BUSINESS: CORPORATION

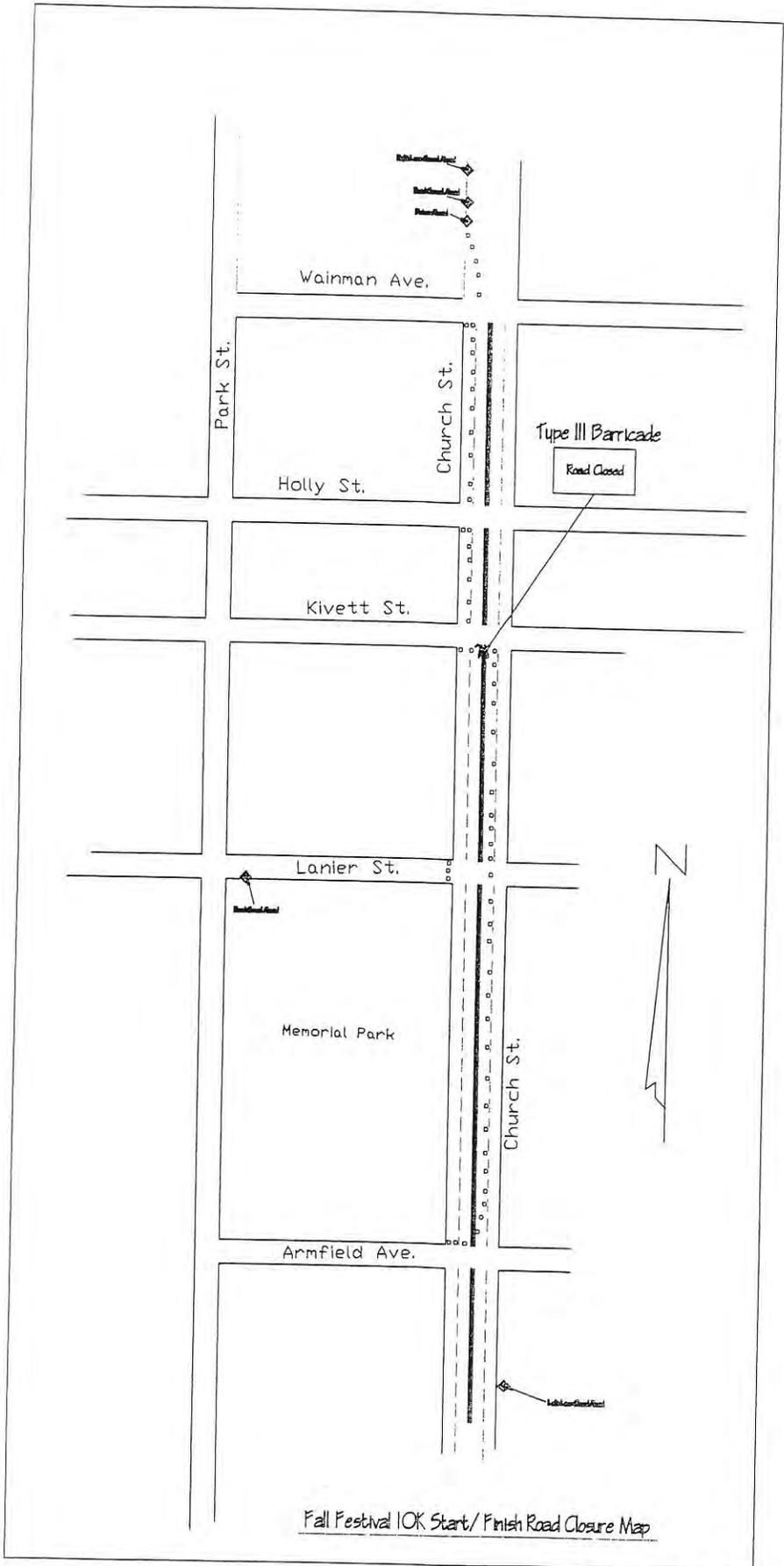
4. NUMBERS OF FORMS, SCHEDULES AND ENDORSEMENTS FORMING PART OF THIS COVERAGE PART ARE ATTACHED AS A SEPARATE LISTING.



Fall Festival Road Closure Map



Fall Festival Event Road Closure Map



Fall Festival IOK Start/ Finish Road Closure Map

**LETTER OF COMMITMENT FOR
AIRPORT SAFETY/MAINTENANCE PROJECTS
(FIVE YEAR TERM)**

THIS COMMITMENT is made, this day of _____ (month, day, year),

from the _____

(Official Airport Name)

which is hereinafter referred to as "Airport," and the

(Airport Owner)

which is hereinafter referred to as "Sponsor," to the North Carolina Department of Transportation (Division of Aviation), an agency of the State of North Carolina (hereinafter referred to as "Department"), for the purposes of future and as-yet unspecified safety or maintenance services performed by said Department.

WITNESSETH

WHEREAS, the Sponsor and the Department are concerned with maintaining the facilities of the Airport to enhance the safety of the traveling public and flight operations, and

WHEREAS, the Sponsor and the Department may mutually determine that certain paved surfaces and adjacent areas on the airport have aged and deteriorated and/or that other infrastructure is in need of maintenance, and

WHEREAS, pursuant to Article 7 of North Carolina General Statute 63, the Department is authorized to undertake safety improvements of these areas, on publicly owned and operated airports, and

WHEREAS, the Sponsor and the Department desire that the needed improvements be undertaken by the Department in conformance with the provision of North Carolina General Statute 63, and

WHEREAS, the Department requires a Commitment and Release of Liability statement to be on file, in order to provide and oversee maintenance and safety improvements on the operational surfaces.

NOW THEREFORE, the Sponsor does hereby commit to the following measures:

1. The Department, using NCDOT state forces and/or private contractor(s) under a Purchase Order Contract, may perform maintenance and safety improvements to the Sponsor's airport. This work may include, but not be limited to; Joint and Crack Sealing, Pavement Repairs and Patching, Surface Treatments, Maintenance Overlays,

Electrical, Grading, Drainage Improvements, Pavement Markings, or other infrastructure maintenance.

2. The Sponsor would expect notification from the Department prior to any work being performed.
3. The Sponsor hereby assures the Department that the title to the pavement and adjacent areas are vested under the Sponsor and hereby authorizes the Department and authorized Contractor(s) to enter onto the premises of the Sponsor and accomplish any of the work items as described in Paragraph 1 above.
4. The Sponsor agrees to provide a duly authorized representative who will be present and/or available at all times work is in progress (including nights and weekends, as applicable) to monitor project operations and assist the Department's representative.
5. The Sponsor agrees to provide a duly qualified operator who will monitor the airport's UNICOM radio transceiver at all times work is in progress (including nights and weekends, as applicable) and will issue airport advisories as necessary on the UNICOM radio transceiver.
6. The Sponsor agrees, when needed, to formally close any runway, taxiway, or apron at all times work is in progress on that pavement and to take appropriate steps to prohibit use of such areas by aircraft and/or ground vehicles.
7. The Sponsor agrees to issue and keep current the necessary Notices to Airmen (NOTAMS) through the Federal Aviation Administration (FAA) until all work is completed and the Department's representative notifies the Sponsor's representative that the affected areas may be returned to service.
8. The Sponsor agrees that the Department may, in its sole discretion, determine the design, scope of work, materials to be used, and methods of accomplishing this safety improvement project.
9. To the maximum extent allowed by law, the Sponsor shall indemnify and hold harmless the Department and its officers and employees from all suits, actions, or claims of any character because of injury or damage received or sustained by any person, persons, or property resulting from work performed under this Commitment or on account of, or in consequence of any negligence in safeguarding the performance of said work.
10. The Sponsor agrees that, at its sole and unlimited discretion, the Department shall have the right to immediately stop all work being performed should the Sponsor not comply with provisions pursuant to this Commitment.
11. The Sponsor understands that for the Department to perform maintenance or safety services, the Airport and Sponsor must be in good standing on all State and Federal

Grant Requirements and Assurances before any project shall be performed under this Commitment.

12. Subject to the provisions of paragraph 10 above, this Commitment will expire in five years. Subject to the provisions of paragraph 10 above, this Commitment may be terminated by either the Department or the Sponsor by providing written notification of termination. The effective date of termination pursuant to this paragraph shall be the date of receipt of the notice of written termination by the non-terminating party.

IN WITNESS WHEREOF, the Sponsor has executed this Commitment on the date first written on Page 1 of this document.

FOR THE LOCAL AIRPORT SPONSORING AGENCY

Signed: _____

Title: _____

Official Sponsor: _____

Attest: _____

SEAL OF THE SPONSOR

The LETTER OF COMMITMENT in adopted form should be returned to the Division of Aviation's designated Airport Project Manager. General telephone number is: (919) 814-0550

Physical Address (for UPS and FedEx deliveries)

1050 Meridian Drive
Morrisville, NC 27560

US Mail Deliveries:

1560 Mail Service Center
Raleigh, NC 27699-1560

Resolution of the Sponsor

A motion was made by _____
(Name and title)

and seconded by _____
(Name and title)

for the adoption of the following resolution, upon being put to a vote it was duly adopted:

THAT WHEREAS _____ (hereinafter referred
(Airport Owner)

to as "Sponsor") the North Carolina Department of Transportation (hereinafter referred to as
"Department") requires a Commitment and Release of Liability statement to be on file, in order to
provide and oversee maintenance and safety improvements on the operational surfaces of the
_____; in accordance
(Official Airport Name)
with the provisions of North Carolina General Statute 63.

NOW THEREFORE, BE IT AND IS HEREBY RESOLVED, that the

_____ of the Sponsor be and is hereby authorized
(Title of Airport Official)

and empowered to enter into a Commitment and Release of Liability with the Department,

thereby binding the Sponsor to fulfillment of its obligation as incurred under this resolution and
its commitment to the Department.

I, _____, of the
(Name and title of Public Notary)

_____, do hereby certify that the above
(Name of Sponsoring Agency)

is a true and correct copy of the minutes of _____
(Name of Authorizing Board)

_____, held on _____
of the Sponsoring Agency) (Date of Meeting)

WITNESS my hand and the official seal of the Sponsor.

This the day of _____ (month, day, year).

Signed: _____

NOTARY SEAL



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

(City of Asheboro)

Planning Board Recommendation and Staff Report

Planning Board Recommendation & Comments to City Council

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

Case # **RZ-15
-05**

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

Applicant City of Asheboro

Legal Description

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

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

Existing Zone N/A

Land Development Plan See staff report

Planning Board Recommendation

Approve*

Reason for Recommendation

The Planning Board concurred with staff reasoning.

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

Planning Board Comments

Rezoning Staff Report

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

Date 8/6/2015 City Council

General Information

Applicant City of Asheboro

Address 146 North Church Street

City Asheboro NC 27203

Phone 336-626-1201

Location N/A

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

Existing Zone N/A

Existing Land Use N/A

Size N/A

Pin # N/A

Applicant's Reasons as stated on application

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

Surrounding Land Use

North N/A

East N/A

South N/A

West N/A

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

Legal Description

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

Analysis

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

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

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

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

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

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

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

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

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

Rezoning Staff Report

RZ Case # RZ-15-05

Page 2

Consistency with the 2020 LDP Growth Strategy designations

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

Proposed Land Use Map Designation N/A

Small Area Plan N/A

Growth Strategy Map Designation N/A

LDP Goals/Policies Which Support Request

Goal 2.2: Development that is located in appropriate locations

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

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

Rezoning Staff Report

RZ Case # RZ-15-05

Page 3

LDP Goals/Policies Which Do Not Support Request

Recommendation Approve

Reason for Recommendation

The Land Development Plan encourages periodic review of provisions within the zoning ordinance to ensure that they are up-to-date with current legislation and land use trends, are clear and consistent, reflect the desired character of specific uses in appropriate locations and encourage a more flexible, citizen-friendly development process. The general intent of the proposed amendments reflect these goals and policies.

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

Considering these factors, staff believes that the proposed text amendments are supported by the Land Development Plan, correct references to other adopted comprehensive plans, such as the 2014 Asheboro Comprehensive Transportation Plan, and are therefore in the public interest in supporting a reasonable use of property.



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

(City of Asheboro)

**Proposed Text
Update to be reviewed on August 6, 2015**

Staff Note: The only revision to the proposed text since the draft that was presented to City Council on July 16, 2015 are highlighted amendments related to Article 306A.

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

ARTICLE 100

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

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

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

117 Location of Building Line on Major & Minor Thoroughfares

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

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

ARTICLE 200

210 Schedule of Statements of Intent

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

E. RA6 Residential District:

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

local residential streets discouraged.

F. OA6 District:

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

G. O & I Office and Institutional District

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

H. B1 Neighborhood Commercial District:

The B-1 Neighborhood Commercial District is intended to provide for limited retail and personal service uses on free-standing parcels or for small centers to serve adjacent residential neighborhoods. These districts shall normally be located in nodes along ~~major or~~ minor thoroughfares or higher classification streets.

I. M (Mercantile) Limited General Commercial District

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

J. B2 General Commercial District

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

K. Tourism-Hospitality (TH) District

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

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

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

Notes to Table 200-2: Supplemental Requirements

5. (College, University, or Seminary)

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

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

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

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

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

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

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

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

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

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

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

20. (Home Occupation)

Shall be subject to the following limitations:

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

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

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

C. The following are prohibited as home occupations: (1) Barber shops and beauty parlors; (2) Animal hospitals/vet clinics; (3) ~~Physicians, dentists and chiropractors~~ Health Practitioner(s) Offices/Health Services; (4) ~~Dance studios~~; (5) Exercise studios/health/fitness centers; (6) Funeral Parlors/Mortuaries; (7) ~~Nursery schools~~; (8) ~~Private clubs~~ Nightclubs/Cabarets/Places of Assembly/Membership Organizations; (9) ~~Repair shops~~; (10) Eating Establishments/Restaurants; (11) ~~Retail Sales~~; (12) Stables and kennels; (13) Automobile Motor vehicle repair (major and minor) and paint shops; (14) Bars, Brewpub, and Breweries/Microbreweries; (15) Junkyards; (16) Light/heavy manufacturing

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

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

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

- A. Such facilities shall front on ~~major or~~ minor thoroughfares or higher classification streets, as shown on the current Asheboro Thoroughfare Comprehensive Transportation Plan.
- B. Such facilities shall be used only for dead storage of materials or articles and shall not be used for assembly, fabrication, processing or repair.
- C. Open storage shall be limited to ten percent

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

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

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

TABLE 200-2 - INCLUDED AFTER PAGE 21

ARTICLE 200A

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

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

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

ARTICLE 300

302.5 Aviation Hazards (Amended 2015) ~~302.5 HAS BEEN WITHDRAWN FROM PROPOSAL~~

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

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

305 Averaging an Existing Residential or Commercial Front Setback Line

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

305.1 Reduction to Front Yard Setback

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

305.2 Increase to Front Yard Setback

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

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

307.10 Building Spacing

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

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

307.11 Special Purpose Lots

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

ARTICLE 300A

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

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

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

- A. ~~Applications for any development, construction, or use of land (other than agricultural and single family residential on single lots recorded prior to 12/01/85) which is located within this zone shall be made to the Asheboro Planning Department for review and processing 15 days prior to a regularly scheduled meeting of the Planning Board. The Planning Department shall forward the site plan to the Planning Board for consideration at their next regular meeting.~~ The City of Asheboro's Zoning Administrator shall enforce the provisions of this Article.
- B. ~~The Planning Board may issue a site plan approval after review and~~
- C. ~~Failure of the Planning Board to act on a site plan within 65 days of the~~

302A.3: General Provisions

- A. Lands to which this Article Applies: This Article shall apply to all lands within the City limits and within the extraterritorial jurisdiction of Asheboro ~~that lie~~ that are located within 500 feet of the center line of the right-of-way of U. S. 220 Bypass I-73/74. Such area shall be depicted on the Official Zoning Map. The U. S. 220 Bypass I-73/74 district shall be considered as an overlay district to the existing zone districts. Uses permitted within the underlying districts shall be permitted provided they meet the requirements of this Article.
- B. Interpretation of District Boundaries: ~~The Planning Director~~ Zoning Administrator shall make the necessary interpretation as to the location of specific properties within this district. The decision of the ~~Planning Director~~ Zoning Administrator shall be subject to appeal to the Board of Adjustment in accordance with Article 900 of this Ordinance.
- C. Compliance: No structure shall be erected, reconstructed, or altered, nor shall any building or land be used without full compliance with the terms of this Article and other applicable regulations except for the agricultural use of land and the construction or alteration of single family residential structures on single lots recorded prior to the adoption of this article or lots approved through the current Subdivision process. Approval of a site plan under these provisions is for the plan submitted. All proposed aspects of the plan shall be installed, provided and maintained or the approval becomes void. Any modification to the approved plan shall require additional review and approval ~~by the Planning Board.~~
- D. Board of Adjustment: The Board of Adjustment of the City of Asheboro as established in Article 900 of this Ordinance shall serve to hear any appeals of this Article.
- E. Penalties for Violation: Violation of this Article shall be considered as any violation of this Ordinance and shall be dealt with as provided for in Section 1011.

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

302A.4 Requirements for Site Plan Approval:

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

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

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

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

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

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

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

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

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

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

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

~~4. All proposed parking areas.~~

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

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

- ~~7. Proposed treatment of ground cover, slopes, banks and ditches. (If the~~
- ~~8. Plans detailing the location and type of buffer as required in 302A.2b~~
- ~~9. The landscape plan as required in Section 302A.4d.~~

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

303A.2: Commercial Vehicles:

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

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

304A Buffers and Screening

304A.3 Buffer or Screen Required.

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

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

306A Screening of Mechanical Equipment &

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

All new non-residential uses and expansions of existing structures, except for Manufacturing, Processing, and Assembly uses, shall screen from ground-view, as seen from any street lot line of the lot, from public places, public rights-of-way and neighboring properties—all new mechanical equipment, such as but not limited to, air conditioners, compressors, gas and fuel storage tanks, ventilation and other air handling systems, grease traps and separators and pumps, associated with new construction. Notwithstanding the preceding sentence, no use shall be required to comply with this requirement on more than two street lot lines. For purposes of this Ordinance, new construction shall include but not be limited to additions to and expansions of existing buildings.

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

A. Roof-Mounted Mechanical Equipment Screening

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

B. Ground-Mounted Mechanical Equipment

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

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

Reason: Staff believes this provision is overly broad as it treats mechanical equipment thoughtfully designed and located to the rear of a building and/or not visible from the street the same as equipment that is located without regard to aesthetic considerations. Staff contends that the code should require developers to be mindful of where mechanical equipment is placed and its impact on aesthetics and impose screening requirements in instances where no alternative exists other than to locate the equipment in a manner that is plainly visible.

308A Parking restricted within required Front Yards

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

308A.1 Front Yard Landscaping Applicability

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

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

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

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

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

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

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

B. There shall be planted and maintained one evergreen shrub as defined in Table of Minimum Plant Size Section 304A.4A 2 for each ten linear feet of street frontage or portion thereof. See Appendix A.D Shrubs for Evergreen Screening for a listing of specific

permitted evergreen shrubs. The balance of the first 10 feet of the required front yard shall be covered with evergreen ground cover or mulch, **or**
C. A combination of A and B with one tree equal to 2 shrubs. (4/6/00);

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

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

Refer to Section 317A for these requirements.

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

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

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

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

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

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

308A.6 Alternative Front Yard Landscaping

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

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

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

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

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

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

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

308A.10 Nonconforming Front Yard Landscaping

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

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

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

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

309A Vehicle Towing Operations and Storage Facilities.

A. Vehicle towing storage facilities, where permitted, are allowed to park, store and maintain a towed vehicle while awaiting proper disposition of said vehicle. Such parking, storage and maintaining shall be located within a fenced and screened area that meets the requirements of Section 305A. The fenced area shall observe a setback of 25 feet from any

residential zoned property. Such areas shall not be used for dismantling of vehicles or the sale of parts-

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

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

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

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

313A Garage, Yard, etc. Sales.

Garage, yard, tag, patio and apartment sales are specifically permitted as an accessory use in all residential districts. Such sales shall be limited to two during each twelve month period, each for a maximum of two consecutive weekends or seventy-two hours, whichever is lesser, and only during daylight hours.

Reason: underlined text appears to have been inadvertently deleted previously. Text aligns with yard sale allowances prescribed by the city code.

318A Performance Standards for Residential Districts

D. Design Standards for all Residential Districts

The purpose of this section is to establish standards for those items that affect the physical aspect of Asheboro's environment. These standards focus on design principals which can result in creative solutions that will develop a satisfactory visual appearance within the City, preserve values, and promote the public health, safety, and welfare.

It has been determined that zoning regulations guide development towards accomplishing the community's goals as stated within the Asheboro Land Development Plan, creating a quality community and improving the community's livability. These goals protect and enhance individuals' welfare and markets the community for quality development.

The standards require a basic level of site and structure design. The standards are not intended to limit creativity or create a community where everything looks the same. Its intent is to serve as a tool for design in the context of developing Asheboro as an unique place. Consideration has been given to balancing the interests of property owners with the community's aesthetic character. The balancing of the landowners right to use his land, with the corresponding right of abutting and neighboring landowners to live without nuisances such as noise, smoke, fumes, odors, glare of lights, and visual pollution.

1. **Except for single-family and two-family dwellings** and their permitted accessory structures, all new construction and expansions and/or additions, shall meet the requirements of this Ordinance pertaining to design regulations and shall also meet the following specific design criteria which is meant to facilitate an orderly pattern of architecturally and esthetically integrated development:

a. All Facades One Hundred percent of the area below the facia of any non-single-family or **two-family** building including doors and windows shall be finished with any Building Code approved material except:

Reason: The proposed exclusion of two-family dwellings from residential district design standards is to comply with recently adopted state legislation (Session Law 2015-86, Senate Bill 25, Effective June 19, 2015).

320A.3: General Provisions: (Airport Overlay District)

~~320A.3 HAS BEEN WITHDRAWN FROM PROPOSAL~~

~~A. Lands to which this Article Applies: This Article shall apply to all lands within the City limits and within the extraterritorial jurisdiction of Asheboro that lie within ~~20,000~~ 10,000 feet of the airport runway and within any approach to the Asheboro Municipal Airport as designated in the Asheboro Municipal Airport Airspace Plan.~~

~~G. Other Restrictions:~~

~~(a) Within the Asheboro Municipal Airport Overlay District there exists a zone which is defined by a 1 foot rise in elevation for every 100 linear feet from the runway. This zone includes all areas lying within ~~20,000~~ 10,000 feet of the runway. Within this zone, plans for a proposed structure which penetrates beyond the height thus established shall be subject to review and approval by the FAA and the Asheboro Airport Authority. No structure shall be permitted which penetrates the height established by the Asheboro Municipal Airport Airspace Plan except if agreed upon by the Asheboro Airport Authority.~~

Appendix A Reason: correcting misspelling.

A. Understory Trees

- | | |
|---|---------------------------|
| a. American Hornbeam | j. Sourwood |
| b. Eastern Redbud | k. Carolina Cherry-Laurel |
| c. Flowering Dogwood | l. Kousa Dogwood |
| d. Washington Hawthorn | m. Fringe Tree |
| e. Russian Olive | n. Star Magnolia |
| f. Mountain Silverbell | o. Sweet Bay Magnolia |
| g. American Holly | p. Stewartia |
| h. Golden Rain Tree | q. Amelandier |
| i. Grape Crape Myrtle | r. Styra |

ARTICLE 400

408. Offstreet Parking Space Design Standards.

All off street parking facilities shall be designed with permanent means of access to a street or alley and designed to provide all necessary maneuvering lanes and areas. Access drives shall be designed to provide for two-way traffic with a minimum width of 22 feet. Drives ~~of less than 50 feet~~ where the view of on-coming traffic is not blocked or impaired, may be single lane of not less than 11 feet in width **if property constraints, such as but not limited to steep slopes, inadequate lot size buffers/screens and existing buildings, prevent construction of a wider drive.**

Reason: Many redevelopment projects, for example conversion of single family homes to offices along Cox St., run into issues with constructing a two way drive due to narrow lots and placement of existing structures. This provision will allow one way drives when site difficulties exist and not limit them to a pre-determined length.

ARTICLE 500 - DEFERRED; WILL BE INCORPORATED INTO SECOND PHASE OF UPDATE

ARTICLE 1100 - BEGINS PAGE 18

ARTICLE 1100

LANGUAGE AND DEFINITIONS

Church/Synagogue

~~Tax exempt buildings used for non-profit purposes by a recognized and legally established sect for purpose of worship, including educational buildings when operated by such church/synagogue~~

Place of Worship

(1) A church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs; (2) a special-purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.

Signs:

Sign

Any structure designed to inform or attract the attention of persons not on the premises on which the device is located, including one directs attention to a business, commodity, service or entertainment conducted, sold, manufactured or offered.

Sign, Advertising

~~A sign which directs attention to a business, commodity, service or entertainment conducted, sold manufactured or offered.~~

Signs, Area Free-standing Pole or Pylon

The surface area of a sign shall be computed as including the entire area within a parallelogram, triangle, circle, semi-circle or other regular geometric figure, including all of the elements of the display, but not including frames, display of identification or licensing officially required by any governmental body, or structural elements outside the sign surface and bearing no advertising matter. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign areas shall be computed by the measurement of one of the faces. In the case of cylindrical signs, signs in the shape of cubes, or other signs which are substantially three-dimensional with respect to their display surfaces, the entire display surface or surfaces shall be included in computations of area. In the case of embellishments (display portions of signs extending outside the general display area), surface area extending outside the general display area and bearing advertising material shall be computed separately as part of the total surface area of the sign.

Sign, Area Monument

Sign area shall be computed by calculating the total area encompassed by the sign, using any regular geometric figure, including advertising area, backdrop, frame, and any

structural or decorative elements, from finished grade to the top of the sign. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign areas shall be computed by the measurement of one of the faces. In the case of cylindrical signs, signs in the shape of cubes, or other signs that are substantially three-dimensional with respect to their display surfaces, the entire display surface or surfaces shall be included in computations of area.

Sign, Awning/Canopy

A sign designated on a canopy or awning ~~permanently extended over a sidewalk or walkway.~~

Sign, Banner

A **temporary** sign of lightweight fabric, posterboard, paper, cloth, canvas, vinyl, plastic or other similar material ~~with or~~ without frame located in open air on any building, existing sign, or other structure. National flags, state or municipal flags, or the official flag of any institution or business, or signs painted or engraved on any canopy or awning structure shall not be considered banners.

Sign, Changeable copy - Electric

A sign such as an electronically or electrically controlled public service such as time, temperature and date sign, message center or reader board, where different copy changes of a public service or commercial nature are shown on the same lampbank. Changeable copy signs are not classified as flashing signs.

Sign, Entrance & Exit

Signs directing and guiding traffic on private property, but which bear no advertising matter. ~~and do not exceed four square feet in area. These signs shall be limited to two (2) per entrance.~~

Sign, Flashing, ~~Blinking~~, Pulsating, Rotating, Occulting

Signs which contain, include, or are illuminated by any flashing, intermittent or moving light or lights, including beacons, rotating discs, and other devices which resemble traffic lights, traffic signs, emergency vehicle flashing lights. Changeable copy signs are not classified as flashing signs.

Sign, Freestanding Monument

A sign, ~~other than a pole or pylon sign,~~ on which the face of the sign is permanently mounted on an enclosed ~~decorative masonry~~ base and with a frame within which the advertising is contained.

Sign, Freestanding Pole or Pylon

A sign erected which is wholly independent of any building for support and is supported by one or more upright braces or posts placed directly upon or in the ground. All such signs must be permanently affixed to or constructed upon the lot where they are located.

Sign, Height

Sign Height shall be computed as 1) the distance from the base of the sign at finished lot grade or 2) from the crown of the nearest adjacent street to which the sign is oriented, whichever is higher, to the top of the highest component of the sign. Finished grade shall be the grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

Sign, Identification

A sign which carries no advertising message, and is used to identify the name of an institution, organization, title and/or occupation or profession, the name of a building and the firms located within.

Sign, Incidental

A sign carrying no advertising message, but giving information for the convenience and necessity of the public such as "no admittance, telephone, parking, etc." Incidental signs are used in conjunction with equipment or other functional elements of a use or operation.

Sign, Marquee

A sign affixed to a Marquee, ~~permanent roof-like structure of rigid materials supported by and extending from the facade of a building.~~

Sign, Nonconforming

A lawfully constructed sign not in compliance with any provision of the Asheboro Zoning Ordinance, specifically Article 500, as of the effective date of its adoption; ~~or any sign located on the premises of land annexed by the city which does not comply with all of its provisions.~~

Signs, Number of

For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of units, or where there is a reasonable doubt about relationship of elements, each element or light shall be considered to be a single sign. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and when such sign faces are part of these same sign structure, then this shall be considered to be a single sign.

Sign, Obsolete

Signs identifying business establishments no longer in existence, products no longer being sold, and/or services no longer being rendered.

Sign, Off-premise Advertising (Billboards) (Advertising/Billboard)

A commercial sign which directs attention to a business, commodity, service, or entertainment not conducted, sold or offered on the premises where the sign is located.

Sign, Outdoor Inventory Sales

A temporary on premise sign advertising a business that maintains ninety-five (95%) of its standard inventory outdoors.

Sign, Political

A sign ~~that may supporting~~ a political candidate or organization. ~~A political sign may also convey an ideological message that does not represent any particular candidate and convey no advertising matter.~~ A non-profit, **Temporary**, civic sign or sign with any advertising is not considered a political sign.

Sign, Portable

A sign which rests on the ground and which is designed or constructed in such a manner that it can be moved or relocated without involving any substantial structural or support changes. This definition includes, but is not limited to, ~~A-shaped, T-shaped,~~ **trailer** and mobile type portable signs.

Sign, Temporary

~~A sign displayed for a period of not more than thirty (30) days.~~ permitted for a limited duration of time. Sign types may include, by way of illustration and not limitation, A-frame, T-frame, Banner, pennant, streamer, balloon or other windblown devices.

Sign, Window

Any sign, pictures, symbol, or combination thereof, designed to communicate ~~information about an activity, business, commodity, event, sale, or service~~ that is placed inside a window or upon the window panes or glass ~~and is visible from the exterior of the window.~~

Special Purpose Lot

A lot legally created to accommodate a unique non-residential use, that upon approval by the Zoning Administrator in accordance with this Ordinance, is not required to possess the typical lot size, area, width and road frontage mandated by the underlying zoning district.

Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Accessory Apartment Refer to Section 303 Amended 11-6-2014	SF	A	A	A	A	A	A										Section 303
Adult Day Care Facility (for 29 or less)	2										P	P	P				
Adult Day Care Facility (for 30 or more)	2										S		S				Section 614
Adult Day Care Home - for less than 6 persons		P	P	P	P	P	P										
Adult Establishment with Live Entertainment and On Premises Consumption of Alcoholic Beverages *See Article	*													S	S	S	Section 636
Adult Establishment General *See Section 325A.E.1	*													P	P	P	Section 325A
Agricultural Roadside Stand—produce produced -on site		A		A													
Agricultural Tourism Facility (See Article 600, Section 650).	3	S	S	S	S	S	S	S	S	S	S	S					Section 650
Agricultural Uses Genuine EXCEPT hog parlors, chicken houses, turkey houses, feed lot operations		P	P	P	P	P	P	P	P	P	P	P					Note 41

P - Permitted as Principal Use in District
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Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Airport/ Helaport 615(645)														S	S	S	Section 615
Amusement Parks	3													P	P		
Animal Hospital / Vet Clinic General	2										P			P	P		Note 2
Bakery - On and Off premises sale permitted Wholesale & Retail	3													P	P		
Bakery - On premises sale only	2								P	P	P	P	P				
Bakery Distribution Center - with Retail Sales Permitted NO BAKING PERMITTED	3										P			P	P		
Bank - Automatic Teller	2						P	P	P	P	P	P	P	P			
Bank A branch bank only is permitted in the M District.	2						P	P	P	P	P	P	P	P			
Banquet/Reception Facility (Large)	3										P	P	P	A	A	A	

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Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Banquet/Reception Facility	2									P	P	P	P	A	A	A	
Bar (Includes Tavern, Coffeehouse etc.)	2										P	P	P				
Bed & Breakfast	1	P		P	P	P	P		P	P	P	P					Note 3
Boarding / Rooming Houses See Section 323A	1	P		P	P	P	P										Section 323A
Brew Pub	2									P	P	P	P	P	P		
Brewery	3													P	P		
Bus Terminal	3										P	P	P	P	P		
Business Services	1						P	P	P	P	P	P	P	P	P		
Carwash	2									A	P		P	P	P	P	

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Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Cemetery, Human	1	A	A	A	A	A	A	P			P			P	P		
Cemetery, Pet	1										P			P	P		
Child Day Care Large Home (9 - 12 children)	1	S		S	S	S	P										Note 4; Section 616
Child Day Care Center - Medium (30 - 79 children)	2								S		S		S	A	A	A	Note 4; Section 616
Child Day Care Center - Large (80+ children)	2										S		S	A	A	A	Note 4; Section 616
Child Day Care Center - Small (13 - 29 children)	1						S	S		S	P		P	A	A	A	Note 4; Section 616
Child Day Care Home (8 or less children)		P	P	P	P	P	P										Note 4
Church / Synagogue Not Places of Assembly	1	S	S	S	S	S	P	P	P	-P	P	-P	P	P	P		
Church/Synagogue Child Care Center (or other non- profit organization)	2	A	A	A	A	A	A	A	A	-A	A	-A	A	A	A	A	44

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Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Circus, Carnival, Fair, Concerts Limited Duration SEE SECTION 327A											P	P	P	P	P		Section 327A
College / University Seminary	2	S	S	S	S	S	S	S	P		P		P				Note 5; Section 617
Columbarium	1	A	A	A	A	A	A	A		P	P		P	P	P		
Combustible & Flammable Liquid Storage >100,000 gallons aggregate	3														S		Section 619
Combustible & Flammable Liquid Storage above ground < 2,000 gallons		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Note 6
Combustible & Flammable Liquid Storage above ground >2,000 gallons<100,000 gallons	3													S	S	S	Section 618
Combustible & Flammable Liquid Storage below ground<2,000 gallons		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Note 7
Combustible & Flammable Liquid Storage below ground>2,000 gallons									A	A	A	A	A	P	P	P	Note 8
Commercial Developments with multi use and or structures (limited to uses permitted in the	3									P	P	P	P				Note 9

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Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Communication Facilities - Non Commercial		A	A	A	A	A	A	A	A	P	P	A	P	P	P	P	Note 11
Communication Facilities - Commercial	2										P		P	P	P	P	Note 10
Communication Towers See Sections 302 and 320A		P/S	Section 302; 320A; 646														
Congregate Living Facility Amended 11-6-2014	1	S		S	S	S	S	S	P		P		P				Section 620
Congregate Living Facility - for 6 or less persons (FAMILY CARE HOME)		P	P	P	P	P	P										Note 12
Contractors Office	1						P	P		P	P		P	P	P	P	Note 13
Correctional Facilities	3										P			P	P		
Country, Racquet, Tennis & Swim Clubs	2	S	S	S	S	S	S			S	P	P	P				Note 43; Section 644
Crematorium Permitted as an accessory use to funeral parlors in B2 and B3 Districts.	2										A		A	P	P		

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Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Cultural Facility	1	S	S	S	S	S	P	P		P	P	P	P				Section 621
Dormitories	2	A		A	A	A	A	A			A		A				
Drive-In Theater	3										P	P		P			Note 14
Dry Cleaners - Small	2								P	P	P	P	P	P	P		
Dry Cleaning Plant	2										P			P	P	P	
Dwelling for Caretaker /Security Guard on premise where employed											A	A	A	A	A	A	
Dwelling Multiple Family Units up to .17 FAR (Section 200A modifies FAR requirement in Tier 1 of Center City Planning	MF					P	P										Note 15
Dwelling Multiple Family Units up to .22 FAR	MF					SUP or CUP	SUP or CUP										Note 15
Dwelling Single Family Units	SF	P	P	P	P	P	P										

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Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Dwelling Two Family Units	SF	P		P	P	P	P										
Dwelling within Mixed Use Structure Permitted on upper floor only in B3 districts.							P						P				Note 16
Eating Establishments - Drivein	2										P	P					
Eating Establishments - Walkin / Carry-out	2								P	P	P	P	P				
Eating Establishments - Sit Down	2								P	P	P	P	P	A	A	A	
Electronic & Electrical Repair - Small	1										P		P	P	P		
Electronic & Electrical Repair - Large	2										P			P	P	P	
Exterminator	2									P	P		P	P	P		Note 17
Extraction of Earth Products	3	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Section 623

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Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Family Care Home (see congregate living facility for 6 or less)																	
Farmers Market	1										P	P	P	P	P		Note 47
Flea Markets, Open Air Sales	2										P		P	P	P		Note 48
Fraternity & Sorority Houses	2					S	S				S	S					Note 18
Funeral Parlor	2						P	P		P	P		P	P			
Furniture Refinishing and Repair	2										P		P	P	P		
Gamerrooms	3										S	S	S		S		Section 641
Gas Station	2										P	P	P	P	P	P	
Golf Course NOT including Par 3 or miniature courses	1	S	S	S	S	S						P					Note 41; Section 624

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Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Government Land Reserves		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Health Practitioners Offices	1						P	P		P	P		P				
Health Services	2						P	P		P	P		P				
Health/Fitness Center	2								P	P	P	P	P				
Helaport Emergency Medical							A	A			A		A	A	A	A	Note 19
Helastop	2										P		P	P	P	P	
Home Occupation	SF	A	A	A	A	A	A										Note 20; Section 625
Hospital							P	P	P		P		P				
Hotels / Motels	2										P	P	P				

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Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Industrial Developments with multi use and or structures (Limited to uses permitted in the applicable district).	3													P	P		Note 45
Interior Cleaning Services	2										P		P	P			
Junkyards	3													S	S		Section 626
Kennel	2	P									P			P	P		Note 21
Landfills - Clean Material	3													P	P		Note 37
Landfills - Sanitary NOT TO BE LOCATED WITHIN 5 NAUTICAL MILES OF AIRPORT 627	3													S	S		Note 36; Section 627
Limited Duration Circus, Carnival, Fair, Concerts SEE SECTION 327A											P	P	P	P	P		Section 327A
Liquor Store	2									P	P	P	P				
Lumber & Building Material Sales	2										P			P	P		Note 22

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Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Lumberyard	3													P	P		
Mail Order Distribution Center	2										P		P	P	P		
Mail Order Office	1						P	P	P		P		P	P	P		
Manufactured Home / Mobile Homes - Class A Double wide (Class B&C NOT Permitted)	SF	P															Section 326A
Manufactured Home / Mobile Home Park Class A & B (Class C NOT Permitted) See Section 326A and 629	2	S		S	S	S											Section 326A; 629
Manufactured Home / Mobile Homes - Class A Single wide (Class B & C NOT	SF	P															Section 326A
Manufacturing, Processing & Assembly- Light	2										S			P	P	P	Section 628
Manufacturing, Processing & Assembly - Heavy	3													P	P	P	
Massagists, Therapeutic Health	1						P	P	P		P	A	P				Note 38

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Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Meat Packing /Slaughterhouse	3													P	P		
Medical & Dental Labs	2						A	A		A	P		P	P	P	P	
Membership Organizations –not for commercial gain	2						P	P		P	P		P				
Mental Institutions /Sanitariums	3								S		S		S				Section 638
Microbrewery	2										P	P	P	P	P		Section 329A
Mini-lube	2										P		P	P	P	P	
Mini-warehouse	2										P			P	P		Note 24
Mobile Home Sales Lots	2										P			P	P	A	
Motor Vehicle Repair -Major	2										A			P	P		Note 25

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Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Motor Vehicle Repair - Minor	2										P			P	P		
Nightclub/Cabaret	3										P	P	P	P			Note 52
Non-Conforming Buildings and Uses		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Note 26; Section 637; Article 800
Nursing, Convalescent & Extended Care Facilities	2						P	P		P	P		P				
Office Development with Multi- Use and/or Structures (Limited to uses permitted in the district).	2						P	P									
Open Air Sales, accessory SEE SECTION 327A									A	A	A	A	A	A	A	A	51- Section 327A
Open Storage See Section 305A	3										P			P	P	P	27; Section 305A
Package Store- Drive- Through	3										P						
Package Store—Sales of undistilled alcoholic beverages as principle use (NOT A LIQUOR STORE)	2									P	P	P	P				

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Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Parking Lots as principal use of Zoning Lot Must meet requirements of Article 400	2										P		P				
Personal Services	1						P	P	P	P	P	P	P	P			
Photographic Lab Facility Commercial	2													P	P	P	
Photographic Mini-Lab Facility (One hour type)	2									P	P	P	P	P			
Photography Studio - with Lab for inhouse use only	1						P	P		P	P		P	P			
Place of Assembly DOES NOT INCLUDE CHURCHES	3										P	P	P	P	P		Note 39
Place of Worship	1	S	S	S	S	S	P	P	P	P	P	P	P	P	P		Section 640
Place of Worship Child Care Center	2	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Note 44
Planned Unit Development (PUD)		S	S	S	S	S	S	S		S	S	S	S	S	S	S	Section 630

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Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Printing & Publishing	2										P		P	P	P	P	
Produce Sales - Temporary See Section 327A	1										P		P	P	P		Section 327A
Professional Recovery Facility Amended 11-6- 2014	2										S			P	P		Section 639
Professional Services	1							P	P		P		P	P	P		
Public Use Facility- See Section 602.2	2	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Section 602.2
Radio & TV Receiving Antenna & Dish, Accessory		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Note 28
Railroad Classification Yard	3														P		
Recreation & Amusement Services COMMERCIAL DOES NOT INCLUDE GAMEROOMS	2										P	P	P		P		Note 40
Recreational Vehicle / Travel Park/Camp	3	S									P	P					Section 633

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Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Recreational Vehicle Resort		S										S					Section 649
Recycling Plant	3														P	P	
Recycling Center	2										P			P	P		
Recycling Collection Point	2								P		P		P	P	P	P	
Rehabilitation Center	1						P	P		P	P	P	P				
Rental/Sales of Commercial Vehicles & Heavy Equipment	3													P	P		
Rental/Sales of Domestic Vehicles	2										P	A		P	P	A	Note 29
Repair Services No outdoor storage	2									P	P		P	P	P		
Research Activities	2													P	P	P	

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Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Residential Townhouse Development in the B3 District	MF												S				Section 648
Retail Convenience Goods Accessory use allowed in PUDs ONLY	2	A	A	A	A	A	A	A	P	P	P	P	P	P	P		Note 30
Retail Shoppers Goods Accessory use allowed in PUDs ONLY	2									P	P	P	P	P	P		30
School - Business	2										P		P	P			
School - Technical /Vocational	2										P		P	P	P		
Schools Public, Private, Charter High	2	S	S	S	S	S	S	S			P		P				Note 32; Section 634
Schools Public, Private, Charter Elementary and Middle	2	S	S	S	S	S	S	S			P		P				Note 32; Section 634
Schools, Nursery/ Pre Schools etc.	2	S	S	S	S	S	P	P			P		P				Note 31
Seasonal Sales, Temporary SEE SECTION 327A											P		P	P	P		50- Section 327A

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Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Service Station	2										P	P	P	P	P	P	
Shelter, Emergency See Section 324A		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 324A
Sign Painting	2										P			P	P		
Signs, Off premise Billboard & Poster Panel, etc.														S	S	S	Section 635
Sludge Application NOT TO BE LOCATED WITHIN 5 NAUTICAL MILES OF AIRPORT (Acc. to Genuine Agricultural		P	P	P	P	P	A	A	A	A	A			P	P	P	
Solar Farm See Sections 328A and 652A	*	S												P	P	P	Section 328A; 652
Stable Commercial	2	S									P						
Structure, Accessory— NO Mobile Homes, Tractor Trailer bodies, nor rolloffs permitted—Refer to Section 303 and Note 33		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Note 33; Section 303
Taxi Stand	1										P	P	P	P	P	P	

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Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Temporary Portable Building, Construction Related		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Note 34; Section 310A
Transfer Station	3													S	S	S	Section 343
Truck Terminal	3													A	P	P	
Uses, Customary Accessory		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Vehicle Storage Facility (Not Vehicle Towing Operation) See 309A	3													P	P		Section 309A
Vehicle Towing Operation and Storage Facility See 309A	3													P	P		Section 309A
Vehicle Towing Operation (Not Vehicle Towing Storage Facility) See 309A	1										P			P	P		Section 309A
Warehouse	3													P	P	P	
Watershed Overlay District--Storage of Hazardous Waste											S			S	S	S	

P - Permitted as Principal Use in District
S - Permitted by Special Use Permit
A - Permitted as Accessory Use Only

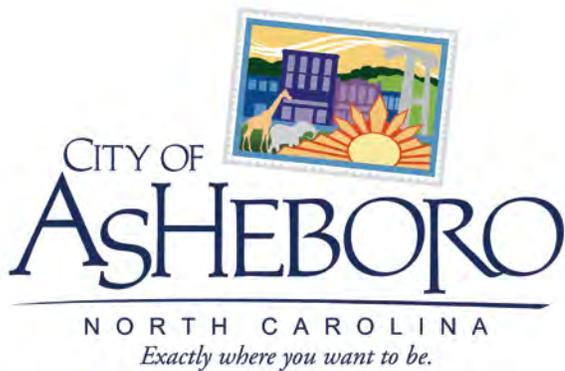
Table 200-2
Table of Permitted Uses

Use	Buffer/ Screen	R40	R15	R10	R75	RA6	OA6	O&I	B1	M	B2	TH	B3	I1	I2	I3	Supp. Reg.
Wholesale Distribution	3													P	P	P	
Yard Sales Permitted as an Accessory to Residential Use Only in OA6, District.		A	A	A	A	A	A										Note 35; Section 313A

P - Permitted as Principal Use in District
S - Permitted by Special Use Permit
A - Permitted as Accessory Use Only



Review of Policies Related to the North Carolina Housing Finance Agency
2015 Urgent Repair Program



2015 URGENT REPAIR PROGRAM (URP15) Owner-Occupied Housing Rehabilitation

About the Program

The 2015 Urgent Repair Program provides funds to assist very-low and low-income households with special needs in addressing housing conditions that pose imminent threats to life or safety. Funds also can cover accessibility modifications and other repairs necessary to prevent displacement of very-low and low-income homeowners with special needs such as the elderly and persons with disabilities. Program funding totals \$55,000 with the majority provided by the North Carolina Housing Finance Agency.

Eligibility

Residents must:

- 1) Reside within the Asheboro corporate limits and own and occupy the home in need of repair.
- 2) Have a household income which does not exceed 50% of Randolph County's median income for the household size.
- 3) Have a special need (i.e. be elderly, ≥ 62 years old, handicapped or disabled, a single parent with a dependent living at home, a large family with ≥ 5 household members or a household with a child below the age of six with an elevated blood lead level (between $10\mu\text{g}/\text{dl}$ and $20\mu\text{g}/\text{dl}$)).
- 4) Have urgent repair needs, which cannot be met through other state or federally-funded housing assistance programs.

Type of Assistance

The City will provide assistance to homeowners whose homes are selected for repair/modification in the form of a loan. Homeowners will receive an unsecured deferred, interest-free loan, forgiven at a rate of \$1,000 per year, until the principal balance is reduced to zero. The amount of the loan will depend on the scope of work necessary to address the identified imminent threats to life and/or safety. There is no minimum to the amount of the loan; however, the maximum life-time limit is \$8,000.

How to Apply

Contact the City of Asheboro or visit asheboronc.gov beginning September 1, 2015. All applications must be turned in by 5:00 PM on October 30, 2015. **A minimum of seven of the most qualified applicants will be chosen according to the city's priority system.**



2015 Urgent Repair Program | Assistance Policy

What is the Urgent Repair Program?

The City of Asheboro (city) has been awarded \$50,000 by the North Carolina Housing Finance Agency (NCHFA) under the 2015 cycle of the Urgent Repair Program (URP15). This program provides funds to assist very-low and low-income households with special needs in addressing housing conditions that pose imminent threats to life or safety and also funds accessibility modifications and other repairs necessary to prevent displacement of very-low and low-income homeowners with special needs such as the elderly and persons with disabilities. A minimum of 7 households will be assisted under URP15.

This Assistance Policy describes who is eligible to apply for assistance under URP15, how applications for assistance will be rated and ranked, what the form of assistance is and how the repair/modification process will be managed. The city has tried to design this process to be fair, open, and consistent with the city's accepted application for funding and with NCHFA's URP Program Guidelines.

The funds provided by NCHFA come from the North Carolina Housing Trust Fund.

Eligibility:

To be eligible for assistance under URP15 applicants

- 1) must reside within the Asheboro corporate limits and own and occupy the home in need of repair
- 2) must have a household income which does not exceed 50% of Randolph County's median income for the household size (see income limits below)
- 3) must have a special need (i.e. be elderly, ≥ 62 years old, handicapped or disabled, a single parent with a dependent living at home, a large family with ≥ 5 household members or a household with a child below the age of six with an elevated blood lead level (between $10\mu\text{g}/\text{dl}$ and $20\mu\text{g}/\text{dl}$)).
- 4) must have urgent repair needs, which cannot be met through other state or federally-funded housing assistance programs.



URP15 Income Limits*:

Number in Household	30% of Median	50% of Median
1	\$12,150	\$20,250
2	\$13,900	\$23,150
3	\$15,650	\$26,050
4	\$17,350	\$28,950
5	\$18,750	\$31,250
6	\$20,150	\$33,600
7	\$21,550	\$35,900
8	\$22,950	\$38,200

***Income limits are subject to change based on annually published HUD HOME Limits.**

Advertisement of the Urgent Repair Program:

The city will either advertise or ensure an article about the Urgent Repair Program is published in the local newspaper serving the city (The Courier-Tribune) and will publicize the program at the Harry and Jeanette Weinberg Resource & Education Center, on the local government information channel, on the city's website, and through the city's official social media platforms.

Selection of applicants:

The city has devised the following priority system to rank eligible applicants, determine which of them will be selected for assistance and in what order. Under this system applicants will receive points for falling into certain categories of special need and income. The applications will be reviewed by the city's Redevelopment Commission and ranked according to which receive the most points.

Under NCHFA Program Guidelines, a minimum of 50% of households assisted must have incomes which are less than 30% of the area median income for the household size, and no household with an income exceeding 50% of the area median income will be eligible. This guideline will be adhered to strictly and will be the primary factor in the selection of those households to be assisted under URP15. Recipients of assistance under the URP15 will be chosen by the above criteria without regard to race, creed, sex, color or national origin.



Priority Ranking System for City of Asheboro URP15:

<i>Special Needs (for definitions, see below)</i>	<i>Points</i>
Elderly Head of Household (62 or older)	4
Disabled Head of Household	4
Disabled or Elderly Household Member (not Head of Household)	3
Single-Parent Household (with one or more children in the home)	3
Emergency (as determined by Redevelopment Commission)	3
Large Family (5 or more permanent residents)	2
Elevated Blood Lead Level Child	2
<i>Income (See Income Table above)</i>	
Less than 30% of County Median Income	10
30% to 50% of County Median Income	5
<i>Code Compliance</i>	
Property Under Notice of Violation for Non-Compliance - No Abatement	-4
Property Under Notice of Violation for Non-Compliance - Abatement Underway	-2

NOTE: In the event of a tie score, preference will be given to the applicant with the lower income.

The definitions of *special needs* populations under URP15 are:

- *Elderly:* An individual aged 62 or older.
- *Disabled:* A person who has a physical, mental or developmental disability that greatly limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.
- *Large Family:* A large family household is composed of five or more individuals; at least four are immediate family members.
- *Head of Household:* The person or persons who own(s) the house.
- *Household Member:* Any individual who is an occupant (defined below) of the unit to be rehabilitated shall be considered a “household member” (the number of household members will be used to determine household size and all household members are subject to income verification).
- *Occupant:* An occupant is defined as any immediate family member (mother, father, spouse, son/daughter of the head of the household, regardless of the time of occupancy); or non- immediate family member who has resided in the dwelling at least 3 months prior to the submission of the family’s application.
- *Single-Parent Household:* A household in which one and only one adult resides with one or more dependent children.
- *Child with elevated blood lead level:* a child below the age of six with an elevated blood lead level between 10µg/dl and 20µg/dl.



What is the form of assistance under URP15?

The city will provide assistance to homeowners, whose homes are selected for repair/modification in the form of a loan. Homeowners will receive an unsecured deferred, interest-free loan, forgiven at a rate of \$1,000 per year, until the principal balance is reduced to zero.

Client Referral and Support Services:

Many homeowners assisted through the Urgent Repair Program may also need other services. When the Urgent Repair Program staff meet the homeowner during the work write-up process, they will discuss the resources and programs available in the city and provide a list of the agencies with contact information. With the homeowner's permission, a case file will be created and a staff person will follow up with the homeowner concerning the available services in the referral network.

What is the amount of the loan?

The amount of the loan will depend on the scope of work necessary to address the identified imminent threats to life and/or safety, and that will be determined by the program's rehabilitation specialist. There is no minimum to the amount of the loan; however the maximum life-time limit from NCHFA funds according to the guidelines of URP15 is \$8,000. Additionally, the city has allocated matching funds in the amount of \$5,000 and will use the funds to pay, in the form of a separate loan from the city, for necessary and eligible repair costs that exceed the maximum amount of URP15 funds that can be provided to a household or to augment program funds in order to repair additional home(s) .

What kinds of work will be done?

Only repairs that address imminent threats to the life and/or safety of occupants of the dwelling unit or accessibility modifications will be performed under the city's URP. It should be noted that all deficiencies in a home may not be rectified with the available funds. All work that is completed under URP15 must meet or exceed the NC Residential Building Code.



Who will do the work on the homes?

The city is interested in maximizing program benefits and hopes to partner with community organizations, as appropriate, to have quality work completed with skilled volunteer labor when possible. Such work will meet or exceed the NC Residential Building Code.

When work must be bid due the complexity of the job or because skilled volunteer labor cannot be secured, the city is obligated under URP15 to ensure that quality work is done at reasonable prices and that all work is contracted through a fair, open and competitive process. A minimum of three contractors will be invited to bid on each job, and the lowest responsive and responsible bidder will be selected for the contract. "Responsive and responsible" means the contractor (1) is deemed able to complete the work in a timely fashion, (2) that the bid is within 15% (in either direction) of the city's cost estimate, and (3) that they returned an eligible bid by the pre-designated bid due date.

What are the steps in the process, from application to completion?

1. Complete an Application form: Homeowners who wish to apply for assistance must do so by October 30, 2015. Apply by contacting the City of Asheboro Planning and Zoning Department at (336) 626-1201 ext. 212. Proof of ownership and income will be required. Those who have applied for housing assistance from the city or Randolph County in the past will not automatically be reconsidered.

2. Preliminary inspection: The program's Rehabilitation Specialist/Housing Assistant will visit the homes of potential loan recipients to determine the need and feasibility of repairs and/or modifications.

3. Screening of applicants: Applications will be rated and ranked by the city's Redevelopment Commission based on the priority system outlined on page 2. Household income will be verified for program purposes only (information will be kept confidential). Ownership of property will be verified along with other rating factors. From this review, the seven (7) most qualified applicants will be chosen according to the priority system described above ; there also will be three (3) alternates selected. The households to be assisted as well as the alternates will be selected by January 15, 2016.

4. Applicant interviews: Approved applicants will be provided detailed information on assistance, program repair/modification standards and the contracting procedures associated with their project at this informational interview.

5. Work write-up: The program's Rehabilitation Specialist will visit the home again for a more thorough inspection. All parts of the home must be made accessible for inspection, including the attic and crawlspace, if any. The owner should report any known problems such as electrical short circuits, blinking lights, roof leaks and the like. The Rehabilitation

Specialist will prepare complete and detailed work specifications (known as the "work write-up"). A final cost estimate will also be prepared by the Rehabilitation Specialist and held in confidence until bidding is completed.

6. Formal agreement: After approval of the work write-up, the homeowner will sign a formal agreement that will explain and govern the repair/modification process. This agreement will define the roles of the parties involved throughout the process.

7. Procurement of Services: If it is appropriate to seek skilled volunteer labor from a qualified community organization, the name of such organization will be supplied to the homeowner; a representative of the organization will need access to those areas of the house, in which work is to be performed, in order to verify that the organization can successfully complete the work described in the work write-up. If skilled volunteer labor cannot be secured, the work write-up and bid documents will be mailed to a minimum of three contractors who will be given ten (10) days in which to inspect the property and prepare bid proposals. The names of the invited contractors will be supplied to the homeowner. Each will need access to those areas of the house, in which work is to be performed, in order to prepare a bid. A bid opening will be conducted at Asheboro City Hall at a specified date and time, with all bidders and the homeowner invited to attend.

8. Contractor selection: If bids are sought, within 72 hours of the bid opening and after review of bid breakdowns and timing factors, the winning bidder will be selected. All bidders and the homeowner will be notified of (1) the selection, (2) the amount, (3) the amount of the city's cost estimate, and (4) if other than the lowest bidder is selected, of the specific reasons for the selection.

9. Execution of loan and contract: The loan will be executed as well as the repair/modification contract. This contract will be between the contractor or community organization providing the skilled volunteer labor and the homeowner, with the city signing as an interested third party.

10. Pre-construction conference: A pre-construction conference will be held at the home. At this time, the homeowner, contractor or community organization providing the skilled volunteer labor and program representatives will discuss the details of the work to be done. Starting and ending dates will be agreed upon, along with any special arrangements such as weekend or evening work hours and disposition of items to be removed from the home (such as old plumbing, etc.). Within 24 hours of the pre-construction conference, the city will issue a "proceed order" formally instructing the contractor or community organization providing the skilled volunteer labor to commence by the agreed-upon date.

11. Construction: The contractor or community organization providing the skilled volunteer labor will be responsible for obtaining any required building permits for the project before beginning work. The permit must be posted at the house during the entire period of construction. Program staff will closely monitor the work during the construction period to make sure that it is being done according to the work write-up (which is made a part of the rehabilitation contract by reference) and in a timely fashion. Code Enforcement Officers will inspect new work for compliance with the State Building Code as required by the guidelines of URP15. The homeowner will be responsible for protecting personal property by clearing work areas as much as practicable.

12. Change Orders: All changes to the scope of work must be reduced to writing as a contract amendment ("change order") and approved by all parties to the contract: the owner, the contractor or community organization providing the skilled volunteer labor and two representatives of the city. If the changes require an adjustment in the loan amount, a loan modification stating these changes in the contract amount must be completed by the city, and executed by the owner.

13. Payments to contractor: When used, the contractor will be paid following inspection of and satisfactory completion of all items on the work write-up, as well as, the receipt, by the city, of the contractor's invoice and a release of liens, signed by all any sub-contractors employed on the job and by all material suppliers from whom materials for the job were purchased.



14. Post-construction conference: Following construction the contractor or community organization providing the skilled volunteer labor and the Rehabilitation Specialist will sit down with the homeowner one final time. At this conference the contractor will hand over all owner's manuals and warranties on equipment. Operating and maintenance requirements for any new equipment installed and discuss general maintenance of the home with the homeowner. The homeowner will have the opportunity to ask any final questions about the work.

15. Closeout: Once each item outlined in section 13 & 14 have been satisfied and the homeowner has signed a Certificate of Satisfaction, the job will be closed out.

What are the key dates?

If, after reading this document, you feel that you qualify for this program and wish to apply, please keep the following dates in mind:

- Applications available to the public starting September 1, 2015.
- Applications must be turned in to the Asheboro Planning and Zoning Department by 5:00 PM on October 30, 2015.
- Households to be selected by January 15, 2016.
- Loans made to selected households by February 29, 2016.
- All rehabilitation work must be under contract by March 31, 2016.
- All rehabilitation work must be completed by December 30, 2016.

How do I request an application? Contact:

City of Asheboro Planning and Zoning Department
146 N. Church St.
Asheboro, NC 27203
(336) 626-1201 ext. 212

Or pick up an application at the Planning and Zoning Department or online at www.asheboronc.gov.



Is there a procedure for dealing with complaints, disputes and appeals? Although the application process and repair/modification guidelines are meant to be as fair as possible, the city realizes that there is still a chance that some applicants or participants may feel that they are not treated fairly. The following procedures are designed to provide an avenue for resolution of complaints and appeal.

During the application process:

- 1) If an applicant feels that his/her application was not fairly reviewed or rated and would like to appeal the decision made, he/she should contact the Community Development Director within five days of the initial decision and voice the concern.

- 2) If the applicant remains dissatisfied with the decision, the detailed complaint should be put into writing and delivered to the City Manager, 146 N. Church Street, Asheboro, North Carolina. A written appeal must be made within 10 business days of the initial decision on an application.

- 3) The city will respond in writing to any complaints or appeals within 10 business days of receiving written comments.

During the repair/modification process:

- 1) If the homeowner feels that repairs or modifications are not being completed according to the contract, he/she must inform the contractor or representative of the community organization providing the skilled volunteer labor and the Rehabilitation Specialist.

- 2) The Rehabilitation Specialist will inspect the work in question. If he/she finds that the work is not being completed according to contract, the Rehabilitation Specialist will review the contract with the contractor or representative of the community organization providing the skilled volunteer labor and request that the problem be corrected.

- 3) If the Rehabilitation Specialist finds that the work is being completed according to contract, the complaint will be noted and the Rehabilitation Specialist and the homeowner will discuss the concern and the reason for the Rehabilitation Specialist's decision.



4) If problems persist, a mediation conference between the homeowner and the contractor or the community organization providing the skilled volunteer labor may be convened by the Rehabilitation Specialist and facilitated by the Community Development Director.

5) Should the mediation conference fail to resolve the dispute, the City Manager will render a written final decision regarding action to be taken.

Finally, if the Homeowner is not satisfied with the decisions of the project staff, he/she may call or write:

North Carolina Housing Finance Agency
3508 Bush Street
Raleigh, NC 27609
c/o Mr. Michael Handley, Manager of Housing Rehabilitation

The North Carolina Housing Finance Agency telephone number is: (919) 877-5700.

IMPORTANT NOTE: Do not hesitate to contact the Rehabilitation Specialist at any time during the process, but please keep in mind that the work involved will cause some inconvenience at times during the repair/modification. Repair/modification work in general can be quite stressful. We ask that all recipients of assistance be patient with the workers and any delays that may occur.

Will the personal information provided remain confidential? Yes. All information in applicant files will remain confidential unless otherwise defined as public records under North Carolina's public record laws. Access to information that is not a public record will be provided only to authorized employees who are directly involved in the program, the North Carolina Housing Finance Agency and auditors.

What about conflicts of interest? No officer, employee or other public official of the city, or entity contracting with the city, who exercises any functions or responsibilities with respect to URP15 shall have any interest, direct or indirect, in any contract or subcontract for work to be performed with program funding, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. Relatives of city employees, and others closely identified with the city may be approved for rehabilitation assistance only upon



public disclosure before the Asheboro City Council and written permission from NCHFA.

What about favoritism? All activities under URP15, including rating and ranking applications, inviting bids, selecting contractors and resolving complaints, will be conducted in a fair, open and non-discriminatory manner, entirely without regard to race, creed, sex, color or national origin.

Who can I contact about URP15? Any questions regarding any part of this program should be addressed to: Asheboro Community Development Division
Planning and Zoning Department
146 N. Church St.
Asheboro, NC 27203 (336) 626-1201 ext. 212

This Assistance Policy is adopted this _____ of August, 2015.

_____ *Attest*

_____ *John N. Ogburn, III*
City Manager



2015 Urgent Repair Program

Procurement Policy and Disbursement Policy

PROCUREMENT POLICY

1. To the maximum extent practical, the City of Asheboro (the City) promotes a fair, open and competitive procurement process as required under the North Carolina Housing Finance Agency's Urgent Repair Program (URP). A minimum of three contractors will be invited to bid on each job, and the lowest responsive and responsible bidder will be selected for the contract. "Responsive and responsible" means the contractor (1) is deemed able to complete the work in a timely fashion, (2) that the bid is within 15% (in either direction) of the city's cost estimate, (3) that an eligible bid was returned by the pre-designated bid due date, and (4) there is no conflict of interest (real or apparent).
2. Although bid packages may be bundled for multiple job sites, the bids for multiple job sites shall be considered separate and apart when awarded and shall be awarded to the lowest responsive and responsible bidder(s) for each job site.
3. Bid packages shall consist of an invitation to bid, work write up(s) and bid sheet(s) for each job.
4. Bids must include a cost-per-item breakdown with line item totals equaling the submitted bid price. Discrepancies must be reconciled prior to a contract being awarded.
5. Any change to the original scope of work must be reduced to writing in the form of a change order to be agreed upon and signed by all parties to the original contract and two representatives of the City. The change order must also detail any changes to the original contract price.
6. No work may begin prior to a contract being awarded and a written order to proceed provided to the contractor. In addition, a pre-



construction conference and “walk thru” shall be held at the work site prior to commencement of repair work.

7. The City reserves the right to reject any or all bids at any time during the procurement process.

8. In the event of a true emergency situation, the City reserves the right to waive normal procurement procedures in favor of more expedient methods, which may include seeking telephone quotes, faxed bids and the like. Should such methods ever become necessary the transaction will be fully documented.

9. All sealed bids will be opened publicly at a time and place to be announced in the bid invitation. All bidders are welcome to attend.

DISBURSEMENT POLICY

1. All repair work must be inspected by the city's assigned Housing Specialist and the homeowner prior to any payments to contractors or subcontractors. If all work is deemed satisfactory and all other factors and written agreements are in order, payment shall be issued upon presentation of an original invoice from the contractor. Contractor should allow 25 business days for processing of the invoice for payment.
2. If any of the work is deemed unsatisfactory, it must be corrected prior to authorization of payment. If the contractor fails to correct the work to the satisfaction of the city's assigned Housing Specialist, payment may be withheld until such time the work is satisfactory. Contractors may follow the city's Urgent Repair Program Assistance Policy if a dispute occurs; however, contractors shall abide by the final decision as stated in the policy.
3. The city assures, through this policy, that adequate funds shall be available to pay the contractor for satisfactory work.
4. All contractors, sub-contractors and suppliers must sign a lien waiver prior to disbursement of funds.



This Procurement and Disbursement Policy is adopted this the ____ day of August, 2015.

CITY OF ASHEBORO

BY: _____, City Manager
John N. Ogburn III

ATTESTED BY: _____, Community Dev. Director
Trevor L. Nuttall

CONTRACTORS STATEMENT:

I have read and understand the attached Procurement and Disbursement Policy.

BY: _____ COMPANY: _____

WITNESS: _____

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION EXPRESSING THE CITY COUNCIL’S CONCURRENCE
WITH A NEWLY REVISED CITY OF ASHEBORO EMPLOYEE
POLICIES AND PROCEDURES MANUAL**

WHEREAS, the City of Asheboro Employee Policies and Procedures Manual (hereinafter referred to as the “Manual”) was originally promulgated by the city manager, and an Asheboro City Council Resolution concurring with the manager’s actions adopted, on March 4, 2004; and

WHEREAS, subsequent to March 1, 2015, which was the effective date of the most recent revision of the Manual, the human resources director and the police chief forwarded to the city manager recommendations to implement a pilot program for the recruitment of police officer trainees; and

WHEREAS, the recommendations from the human resources director and the police chief included their professional opinions that the city manager, with the concurrence of the governing board, should authorize such a pilot program in Article II (Position Classification Plan) of the Manual; and

WHEREAS, the city manager agreed with these recommendations and promulgated the requested revision of the Manual; and

WHEREAS, the revision promulgated by the city manager in Article II has been attached to this Resolution as EXHIBIT 1 and is hereby incorporated into this Resolution by reference as if copied fully herein; and

WHEREAS, the city council has concluded that the city manager’s revision of the Manual, as shown in EXHIBIT 1, is consistent with the governing board’s adopted mission statement “to provide the citizens of Asheboro with excellence in leadership, fiscal management, and municipal services and to create meaningful and appropriate opportunities for citizen participation to improve the quality of life for all;”

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that it concurs with the decision by the city manager to promulgate, with an effective date of August 6, 2015, the revised Article II (Position Classification Plan) of the City of Asheboro Employee Policies and Procedures Manual as shown in the exhibit attached to this Resolution as EXHIBIT 1; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro, North Carolina that all articles, sections, and provisions of the City of Asheboro Employee Policies and

Procedures Manual that are not expressly addressed by this Resolution will continue in full force and effect without alteration.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 6th day of August, 2015.

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

ATTEST:

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

EXHIBIT 1

ARTICLE II. POSITION CLASSIFICATION PLAN

SECTION 1. ALLOCATION OF POSITIONS

The city manager shall be the approving authority for the City of Asheboro classification and salary plan developed by the Human resources department. The director of human resources shall allocate each class title to the appropriate class code in the position classification plan.

SECTION 2. "FULL TIME EMPLOYEES" DEFINED

"Full-time employees" are those who are in positions for which an average work week consists of 40 hours or more and continuous employment of 12 months is required by the city. Layoff and authorized leave-without-pay do not interrupt continuous employment for purposes of this section.

SECTION 3. "PART TIME EMPLOYEES" DEFINED

"Part-time employees" are those who are in positions for which an average work week consists of less than 40 hours and the employee receives no benefits. If a part-time employee should occasionally work over 40 hours in a single week they would be paid according to Fair Labor Standard Act (FLSA) requirements. Notwithstanding any provision found within Article II of this Manual, the definitions found in Article VI, Section 3 of this Manual pertaining to part-time employees shall be controlling for the limited purpose of interpreting and implementing the group health and hospitalization insurance benefits described in the said Article VI, Section 3.

SECTION 4. "SEASONAL RECREATIONAL EMPLOYEES DEFINED"

"Seasonal Recreational employees" are those who are employed in a recreational establishment in an interim position for less than six (6) full months in any one calendar year. As a matter of standard practice, the city will not maintain an employee in a position of employment that is classified as seasonal recreational for a period of time in excess of four (4) consecutive calendar months during a calendar year. Seasonal employees are exempt from Fair Labor Standards Act overtime requirements and this policy's Article V Section 3, Employment of Relatives requirement. Notwithstanding any provision found within Article II of this Manual, the definitions found in Article VI, Section 3 of this Manual pertaining to seasonal employees shall be controlling for the limited purpose of interpreting and implementing the group health and hospitalization insurance benefits described in the said Article VI, Section 3.

SECTION 5. "REGULAR EMPLOYEES" DEFINED

All full-time and part-time employees who have successfully completed their probation periods shall be considered regular employees.

All city positions are subject to budget review and approval each year, and employees must meet established standards of conduct and job performance. Reference to "regular employees" or "regular positions" should not be construed as a right or contract to perpetual funding or employment.

SECTION 6. ADMINISTRATION

The human resources department shall administer and maintain the position classification plan.

- (a) Department Heads shall be responsible for bringing to the attention of the director of human resources the need for additional or fewer positions and significant changes in the nature of duties, responsibilities, or working conditions affecting a position.
- (b) The city manager shall approve assigning the new position to an existing class title or amending the position classification plan to establish a new class title.
- (c) The human resources department shall establish a schedule to audit one third of the class titles in the position classification plan each year.
- (d) When the human resources department determines that a substantial change has occurred in the nature of duties, responsibilities, or working conditions of an existing class title, the existing job description shall be revised by the human resources director. Any such revisions shall be subject to the approval of the city manager.

SECTION 7. AMENDMENT OF THE POSITION CLASSIFICATION PLAN

The city manager may approve amendments recommended by the director of human resources to the position classification plan that change the assigned salary range of the existing class title, reassign the position to the appropriate class title within the existing position classification plan, or establish a new class title.

SECTION 8. PILOT PROGRAM

The Asheboro Police Department is authorized to implement an experimental trainee program to increase diversity within the department. The experimental program, which will enable the police department to pay qualified individuals to attend a properly credentialed basic law enforcement program, sunsets on June 30, 2017. It is expected that the program will continue to evolve during the pilot period. Thus, the city manager authorizes the human resources director and the police chief to monitor the program and implement changes as warranted throughout the duration of the pilot period.

CITY OF ASHEBORO, NORTH CAROLINA

TERMINATION OF STATE OF EMERGENCY

WHEREAS, in my official capacity as the Mayor of the City of Asheboro, North Carolina, I determined and declared that a State of Emergency existed within the City of Asheboro by issuing a formal Declaration of the State of Emergency on *(Please insert the date of issuance of the most recent Declaration of a State of Emergency in the following space.)* _____ at *(Please insert the time of the issuance of the most recent Declaration of a State of Emergency in the following space.)* _____; and

WHEREAS, I have determined that, at the present time, the conditions constituting a state of emergency no longer exist in the *(Please insert in the following space either the City of Asheboro, if the emergency has ended throughout the entire city, or a described portion of the city where the emergency no longer exists.)* _____

NOW, THEREFORE, I hereby terminate the above-referenced Declaration of a State of Emergency and all the restrictions and orders contained therein. *[Note: If necessary to retain a State of Emergency and certain restrictions in some portion(s) of the city, a new Declaration of a State of Emergency should be issued concurrently with this termination notice so as to describe the portion(s) of the city that remain in a State of Emergency and subject to the restrictions/prohibitions listed by the new Declaration for the redefined emergency area.]*

The termination of the Declaration listed in the first paragraph of this instrument is effective *(Please list in the following space whether the termination of the cited Declaration of a State of Emergency is effective immediately or at a later date and time.)* _____

THIS DECLARATION TERMINATING A STATE OF EMERGENCY is issued on this the _____ day of _____, 20____ at *(Please insert the time of the issuance of the termination declaration in the following space.)* _____.

Signature of Mayor or Mayor Pro Tempore
City of Asheboro, North Carolina

Print Full Name of Authorized Official Signing Declaration

Print Title of Authorized Official Signing Declaration

CITY OF ASHEBORO, NORTH CAROLINA
DECLARATION OF A STATE OF EMERGENCY

WHEREAS, *(Use the following lines to describe the emergency event.)* _____

WHEREAS, as a result of the above-described emergency, I have determined that there is an imminent threat of, or existing conditions have caused or will cause, widespread or severe damage, injury, or loss of life or property, and public safety authorities will be unable to maintain public order or afford adequate protection for lives or property; and

WHEREAS, declaring a State of Emergency and imposing the restrictions and prohibitions ordered herein is necessary to maintain order and protect public health, safety, and welfare, and to secure property.

NOW, THEREFORE, pursuant to the authority vested in me as the Mayor of the City of Asheboro, North Carolina under Article 1A of Chapter 166A of the North Carolina General Statutes and Chapter 93 of the Code of Asheboro:

Section 1. A State of Emergency is hereby declared within the City of Asheboro as more particularly described in Section 2.

Section 2. The emergency area covered by this State of Emergency shall be *(Check one box and complete any blank spaces as appropriate.):*

- All areas within the jurisdiction of the City Council of the City of Asheboro to enact general police-power ordinances.
- The following specific areas within the jurisdiction of the City Council of the City of Asheboro to enact general police-power ordinances *(List a specific geographic area within the territory over which the Asheboro City Council has jurisdiction to enact general police-power ordinances.):* _____

Section 3. The following restrictions and prohibitions are imposed *(Check all of the restrictions and prohibitions deemed necessary.):*

Evacuation (*Indicate whether the evacuation is voluntary or mandatory, describe areas to be evacuated, state dates and times for evacuation, and list categories of essential personnel that are not subject to the evacuation order.*): _____

_____.

Curfew (*Describe areas of the jurisdiction under curfew, specify the times during which the curfew is in effect, and list categories of essential personnel that are not subject to the curfew.*):

_____.

Restricted Access (*Describe the areas of the jurisdiction subject to restricted access or limited entry and list the categories of essential personnel that are not subject to the restriction.*):

_____.

Business Operations (*Describe the limitation(s) on the operation of businesses or commercial establishments, such as restricted hours of operation.*): _____

_____.

Alcoholic Beverages (*Describe the restrictions on the possession, transportation, sale, purchase, and consumption of alcoholic beverages.*): _____

_____.

Dangerous Weapons and Gasoline, with the Exception of Lawfully Possessed Firearms and Ammunition (*Describe the restrictions on the possession, transportation, sale, purchase, storage, and use of dangerous weapons, substances, and gasoline. As indicated in the heading for this subsection, lawfully possessed firearms (handguns, rifles, or shotguns) and ammunition are excluded from this restriction.*): _____

_____.

_____.

Other (*Describe any other restrictions or prohibitions on other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the State of Emergency.*): _____

_____.

No restrictions or prohibitions are imposed at this time.

Section 4. I hereby order all City of Asheboro law enforcement officers and employees and all other emergency management personnel subject to our control to cooperate in the enforcement and implementation of the provisions of this Declaration, all applicable local ordinances, state and federal laws, and the City of Asheboro Emergency Operations Plan.

Section 5. I hereby order this Declaration to be distributed and/or filed as follows: (a) The Declaration is to be distributed to the news media and other organizations in a manner calculated to bring the Declaration's contents to the attention of the general public; (b) The Declaration is to be filed with the City Clerk of the City of Asheboro, North Carolina; and (c) The Declaration is to be distributed to others as necessary to ensure proper implementation of the said instrument.

Section 6. This Declaration shall take effect on (*please state in the following blank space the date on which the Declaration is to take effect*) _____ at (*please state in the following blank space the time at which the Declaration is to take effect*) _____, and shall remain in effect until modified or rescinded.

THIS DECLARATION is issued at (*Please state in the following blank space the time at which this Declaration was signed.*) _____ on this the _____ day of _____, 20_____.

Signature of Mayor or Mayor Pro Tempore
City of Asheboro, North Carolina

Print Full Name of Authorized Official Signing Declaration

Print Title of Authorized Official Signing Declaration

ORDINANCE NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**UPDATE OF THE EMERGENCY MANAGEMENT PROVISIONS IN
CHAPTER 93 OF THE CODE OF ASHEBORO**

WHEREAS, Chapter 93 (Civil Emergencies) of the Code of Asheboro contains the emergency management ordinance previously adopted by the Asheboro City Council; and

WHEREAS, the Asheboro City Council has concluded that Chapter 93 should be amended to better align the emergency management ordinance provisions codified in this Chapter with the emergency management provisions currently found in the North Carolina General Statutes;

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

SECTION 1. Chapter 93 (Civil Emergencies) of the Code of Asheboro is hereby rewritten to provide as follows:

§ 93.01 ~~WHEN STATE OF EMERGENCY DEEMED TO EXIST~~

~~For the purposes of this chapter, a state of emergency shall be deemed to exist whenever, during times of great public crises, disaster, rioting, catastrophe, or similar public civil emergencies, for any reason, municipal public safety authorities are unable to maintain public order or afford adequate protection for lives or property.~~

§ 93.02 ~~DECLARATION OF EMERGENCY; RESTRICTIONS~~

(A) ~~In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the city or threatening damage to or destruction of property, the Mayor is hereby empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency, and, in order to more effectively protect the lives and property of people within the city, to place in effect any or all of the restrictions authorized by this chapter.~~

(B) ~~The Mayor is hereby authorized and empowered to limit by such proclamation the application of all or any part of such restrictions to any area specifically designated or described within the city and to specific hours of the day or night; and to exempt from all or any part of such restrictions law enforcement officers, firemen and other public employees, doctors, nurses, employees of hospitals and other medical facilities; on-duty military personnel whether state or federal; on-duty employees of public utilities, public transportation companies, and newspapers, magazine, radio broadcasting and television broadcasting corporations operated for profit; and such other classes of persons as may be~~

~~essential to the preservation of public order and immediately necessary to serve the safety, health and welfare needs of the people within the city.~~

§ 93.03 ~~SPECIFIC RESTRICTIONS AUTHORIZED~~

~~During the existence of a proclaimed state of emergency, the Mayor may impose by proclamation any or all of the following restrictions:~~

- ~~(A) Prohibit or regulate the possession off one's own premises of explosives, firearms, ammunition or dangerous weapons of any kind, and prohibit the purchase, sale, transfer or other disposition thereof;~~
- ~~(B) Prohibit or regulate the buying or selling of beer, wine, or intoxicating beverages of any kind, and their possession or consumption off one's own premises;~~
- ~~(C) Prohibit or regulate any demonstration, parade, march, vigil or participation therein from taking place on any of the public ways or upon any public property;~~
- ~~(D) Prohibit or regulate the sale or use of gasoline, kerosene, naphtha or any other explosive or flammable fluids or substances;~~
- ~~(E) Prohibit or regulate travel upon any public street or upon any other public property, except by those in search of medical assistance, food or other commodity or service necessary to sustain the well being of themselves or their families or some member thereof;~~
- ~~(F) Prohibit or regulate the participation in or carrying on of any business activity, and prohibit or regulate the keeping open of places of business, places of entertainment, and other place of public assembly.~~
- ~~(G) Establish hours during which a curfew shall be in effect.~~

§ 93.04 ~~EXTENSION, ALTERATION, AND RESCISSION OF PROCLAMATION~~

~~Any proclamation of emergency promulgated pursuant to this chapter may be extended, altered or rescinded in any particular during the continued or threatened existence of a state of emergency by the issuance of a subsequent proclamation.~~

§ 93.05 ~~COMPLIANCE WITH RESTRICTIONS REQUIRED~~

~~During the existence of a proclaimed state of emergency, it shall be unlawful for any person to violate any provision of any restriction imposed by any proclamation authorized by this chapter.~~

§ 93.06 ~~AUTHORITY TO REQUEST STATE POLICE AND MILITARY FORCES~~

~~If, in the sound discretion of the Mayor, it shall appear that the emergency is, or that the threatened emergency is likely to be, of such proportions that the means available to the city to maintain law~~

~~and order within the police jurisdiction of the city are insufficient for such purpose, the Mayor shall, promptly and by the most expeditious means of communication, inform the Governor of the situation and request that the necessary police or military forces of the state be provided promptly; and if, during an actual state of emergency the Mayor shall find that the civil courts within the police jurisdiction of the city are unable to perform their lawful duties and that, by reason of widespread lawlessness, writs and other process cannot be served or executed, the Mayor shall inform the Governor of his findings and may recommend to him that a state of martial law be proclaimed within the police jurisdiction of the city.~~

~~§ 93.07~~ ~~END OF EMERGENCY PERIOD~~

~~The Mayor shall proclaim the end of such state of emergency or all or any part of the restrictions imposed as soon as circumstances warrant or when directed to do so by the City Council.~~

~~§ 93.08~~ ~~ABSENCE OR DISABILITY OF MAYOR~~

~~If the Mayor is absent or unable for any reason, temporarily to perform his duties, then during such absence or inability, the Mayor Pro Tem is hereby empowered to exercise all the powers granted the Mayor by this chapter.~~

§ 93.01 EMERGENCY RESTRICTIONS AUTHORIZED

(A) The following definitions shall apply in this Chapter:

- (1) Emergency -- An occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made accidental, military, paramilitary, weather-related, or riot-related cause;
- (2) Emergency Area -- The geographical area covered by a state of emergency; and
- (3) State of Emergency -- A finding and declaration by the City Council of the City of Asheboro or the Mayor of the City of Asheboro acting under the authority of G.S. 166A-19.22 that an emergency exists.

(B) In the event of an emergency, the mayor is hereby authorized and empowered, pursuant to G.S. 166A-19.22, to issue a state of emergency declaration that declares to all persons the existence of a state of emergency and, in order to more effectively protect the lives and property of people within the city, to place in effect any or all of the restrictions hereinafter authorized.

(C) The mayor is hereby authorized and empowered to limit with the state of emergency declaration the application of all or any part of such restrictions to an emergency area specifically designated or described within the city and to specific hours of the day or night and to exempt from all or any part of such restrictions, while acting in the line of and within the scope of their respective duties, law enforcement officers, firefighters, rescue squad members, and public employees; doctors, nurses, and employees of hospitals and other

medical facilities; on-duty military personnel, whether state or federal; on-duty employees of public utilities and public transportation companies; and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health, and welfare needs of people within the city.

§ 93.02 **STATE OF EMERGENCY DECLARATION MAY IMPOSE PROHIBITIONS AND RESTRICTIONS**

- (A) Pursuant to G.S. 166A-19.31, the mayor is hereby authorized to impose, by means of the issuance of a state of emergency declaration, the prohibitions and restrictions specified in Sections 93.03 through 93.08 of this Chapter. The mayor may impose as many of those specified prohibitions and restrictions as he/she finds necessary, due to the emergency, to maintain an acceptable level of public order and services and to protect lives, safety, and property.
- (B) The state of emergency declaration shall be in writing. The city manager or designees of the city manager shall take reasonable steps to give notice as broadly as possible of the terms of the declaration to those affected by it as soon as is practicable. Copies of the declaration shall be posted on the front doors or entrances of city hall, the police department headquarters station, the fire department headquarters station, and at the city public works facility. The efforts of city employees to provide public notice of the declaration shall include sending, as soon as is practicable, reports of the substance of the declaration to the mass communications media that serve the city. A minimum of one duplicate original of the declaration shall be furnished to the city clerk's office at the earliest opportunity, and the city clerk will, upon request, furnish certified copies of the declaration as soon as is practicable.

§ 93.03 **EVACUATION**

The mayor may direct and compel the voluntary or mandatory evacuation of all or part of the population of the city from any stricken or threatened area within the emergency area; to prescribe routes, modes of transportation, and destinations in connection with evacuation; and to control ingress and egress of an emergency area, the movement of persons in public areas within the emergency area, and the occupancy of premises therein. Details of the evacuation may be set forth or amended in a subsequent declaration which shall be well publicized.

§ 93.04 **CURFEW**

- (A) The state of emergency declaration may impose a curfew prohibiting in certain areas and during certain periods the appearance in public of anyone who is not part of an exempted class. The declaration shall specify the geographical area and the period during each 24-hour day to which the curfew applies. The mayor may exempt from some or all of the curfew restrictions classes of people whose exemption the mayor finds necessary for the preservation of the public health, safety, and welfare. The state of emergency declaration shall state the exempted classes and the restrictions from which each is exempted.

- (B) Unless otherwise specified in the state of emergency declaration, the curfew shall apply during the specified period each day until the mayor by declaration removes the curfew.

§ 93.05 **RESTRICTIONS ON THE POSSESSION, CONSUMPTION, OR TRANSFER OF ALCOHOLIC BEVERAGES**

The state of emergency declaration may prohibit, other than on one's own premises, the possession or consumption of any alcoholic beverage, including beer, wine, or spirituous liquor, and may prohibit the transfer, transportation, sale, or purchase of any alcoholic beverage within the emergency area. The prohibition, if imposed, may apply to the transfer of alcoholic beverages by employees of alcoholic beverage control stores or by anyone else within the emergency area.

§ 93.06 **RESTRICTION ON THE POSSESSION, TRANSPORTATION, AND TRANSFER OF DANGEROUS WEAPONS AND SUBSTANCES**

- (A) The state of emergency declaration may prohibit, with regard to a location within the emergency area and off one's own premises, the possession, transportation, sale, or purchase of any dangerous weapon or substance. The mayor may exempt from some or all of the restrictions classes of people whose possession, transportation, or transfer of certain dangerous weapons or substances is necessary to the preservation of the public's health, safety, or welfare. The declaration shall state the exempted classes and the restrictions from which each is exempted.

- (B) For the purpose of this Chapter and any state of emergency declaration promulgated pursuant to this Chapter, the term "dangerous weapon or substance" means:

(1) Any item that falls within the scope of the definition for dangerous weapon or substance found in G.S. 14-288.1(2);

(2) Any other instrument or substance that is capable of being used to inflict serious bodily injury or destruction of property when the circumstances indicate that there is some probability that such instrument or substance will be so used; and

(3) Any part or ingredient in any instrument or substance included above when the circumstances indicate a probability that such a part of ingredient will be so used.

- (C) Notwithstanding any other provisions found herein, this Chapter does not authorize prohibitions or restrictions on lawfully possessed firearms or ammunition. As used in this Chapter, the term "firearm" means a handgun, shotgun, or rifle which expels a projectile by action of an explosion.

§ 93.07 **RESTRICTION ON ACCESS TO AREAS**

- (A) The state of emergency declaration may prohibit obtaining access or attempting to obtain access to any area designated in the manner described in this Section in violation of any order, clearly posted notice, or barricade indicating that access is denied or restricted.

(B) Areas to which access is denied or restricted shall be designated by the chief of police or the chief's designees when directed in the declaration by the mayor to do so. When acting under this authority, the chief of police and the chief's designees may restrict or deny access to any area, street, highway, or location within the emergency area if that restriction or denial of access or use is reasonably necessary to promote efforts being made to overcome the emergency or to prevent further aggravation of the emergency.

§ 93.08 ACTIVITIES PROHIBITED OR RESTRICTED

The following activities or conditions may be prohibited or restricted within the emergency area:

- (A) Movements of people in public places;
- (B) The operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate; and
- (C) Other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives and property within the emergency area. To this end, the mayor, by means of the state of emergency declaration, may take actions other than those prohibitions or restrictions explicitly listed and authorized in this Section when such other actions are reasonably necessary to maintain order and protect lives and property.

§ 93.09 EFFECT OF EMERGENCY ON SERVICES

During the time period when the state of emergency declaration is in effect, and dependent upon the nature of the conditions at any given time, law enforcement, fire, rescue, and any other emergency services may not be provided.

§ 93.10 REMOVAL OF PROHIBITIONS AND RESTRICTIONS

The mayor shall by declaration terminate the entire state of emergency declaration or remove any of the prohibitions or restrictions when the emergency no longer requires them or when directed to do so by the Asheboro City Council.

§ 93.11 SUPERSEDING AND AMENDING DECLARATIONS

The mayor, in his/her discretion, may invoke the restrictions authorized by this Chapter in separate declarations and may amend any declaration by means of a superseding declaration in accordance with the procedures set forth in Section 93.02.

§ 93.12 TERMINATION OF DECLARATION

Any state of emergency declaration issued under this Chapter shall expire five days after its last imposition unless sooner terminated in writing under the same procedures set forth in Section 93.02 for declarations.

§ 93.13 **EXERCISE OF POWERS IN ABSENCE OR DISABILITY OF MAYOR**

In case of the absence or disability of the mayor, the mayor pro tempore, or such other person as may be designated by the Asheboro City Council, shall have and exercise all of the powers herein given to the mayor.

§ 93.14 **PENALTY FOR VIOLATION**

Pursuant to G.S. 14-288.20A, any person violating any prohibition or restriction imposed by a state of emergency declaration authorized by this Chapter shall be guilty of a Class 2 misdemeanor.

§ 93.15 **TERRITORIAL APPLICABILITY**

This Chapter applies throughout all areas over which the Asheboro City Council has jurisdiction to enact general police-power ordinances. A state of emergency declaration issued pursuant to this Chapter may declare that the emergency area includes all or part of the governing board's jurisdiction. Unless a state of emergency declaration specifies otherwise, the emergency area will be deemed to include the entire jurisdiction.

SECTION 2. All previously adopted 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 the date of its adoption.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting of the governing board that was held on the 6th day of August, 2015.

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

ATTEST:

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

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE THE SUFFICIENCY OF AN ANNEXATION PETITION SUBMITTED BY RANDOLPH ELECTRIC MEMBERSHIP CORPORATION

WHEREAS, Randolph Electric Membership Corporation (hereinafter referred to as “REMC”) has submitted a petition requesting the annexation by the City of Asheboro of an approximately 17.53-acre parcel of land that is owned by REMC and is identified by Randolph County Parcel Identification Number 7659184659; and

WHEREAS, as evidenced by the fact that the land identified in the annexation petition adjoins a parcel of land already within the city’s primary corporate limits and upon which REMC’s headquarters building is located at 879 McDowell Road, the territory for which annexation is requested is contiguous with the existing primary corporate limits of the City of Asheboro; and

WHEREAS, Section 160A-31 of the North Carolina General Statutes provides that the sufficiency of the petition shall be investigated by the city clerk before further annexation proceedings may take place; and

WHEREAS, in response to this petition, the city council has decided to proceed with the statutorily prescribed voluntary annexation proceedings;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that the city clerk is directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the city council the results of her investigation.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 6th day of August, 2015.

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

ATTEST:

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

CERTIFICATE OF SUFFICIENCY

(Petition from Randolph Electric Membership Corporation to Annex 17.53 Acres of Land)

TO: The City Council of the City of Asheboro, North Carolina

I, Holly H. Doerr, CMC, NCCMC, City Clerk of the City of Asheboro, North Carolina, do hereby certify that, with the assistance of staff members in various city departments, I have investigated the petition that was executed by the chief executive officer of Randolph Electric Membership Corporation and subsequently submitted to the City of Asheboro for the purpose of requesting the annexation of approximately 17.53 acres of land owned by the cooperative. The said petition was received at Asheboro City Hall on July 23, 2015.

On the basis of the evidence obtained during the course of my investigation, I have concluded that all owners of real property lying in the area for which annexation has been requested have signed the prescribed petition. The petition appears to be sufficient to satisfy the provisions of Section 160A-31 of the North Carolina General Statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro, North Carolina in order to make this certification effective as of the 6th day of August, 2015.

(CITY SEAL)

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

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION SETTING THE DATE FOR A PUBLIC HEARING ON THE QUESTION OF ANNEXING 17.53 ACRES OF LAND OWNED BY RANDOLPH ELECTRIC MEMBERSHIP CORPORATION

WHEREAS, Randolph Electric Membership Corporation has properly submitted a petition requesting the annexation by the City of Asheboro of a parcel of land (approximately 17.53 acres of land identified by Randolph County Parcel Identification Number 7659184659) that adjoins the cooperative’s headquarters building at 879 McDowell Road in Asheboro; and

WHEREAS, the city council has, by resolution, directed the city clerk to investigate the sufficiency of the annexation petition; and

WHEREAS, on the basis of her review of information gathered by city staff members during an investigation of the submitted petition, the city clerk has certified to the city council the sufficiency of this petition as a basis for proceeding with setting the date for a public hearing on the question of annexation pursuant to Section 160A-31 of the North Carolina General Statutes;

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

Section 1. A public hearing on the question of annexing the area described herein will be held in the Council Chamber of Asheboro City Hall, which is located at 146 North Church Street, Asheboro, North Carolina 27203, during a regular meeting of the city council that will begin at 7:00 o’clock p.m. on the 17th day of September, 2015.

Section 2. The area proposed for annexation is described by metes and bounds as follows:

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the existing primary city limits line for the City of Asheboro and in the western margin of the public right-of-way for Interstate 73/74 (US 220 Bypass) at an existing iron pipe marking the northeast corner of the Randolph Electric Membership Corporation property described in Deed Book 1666, Page 1445, Randolph County Public Registry (this parcel of land is proposed for annexation and shall be hereinafter referred to as the “REMC Annexation Parcel”), the said beginning point is located by means of the North Carolina Coordinate System at the coordinates of North 698,708.9156 feet and East 1,752,060.4002 feet (NAD 27); thence from the said beginning point and departing from the existing primary city limits line by proceeding South 23 degrees 11 minutes 02 seconds West 540.29 feet along the western margin of the public right-of-way for Interstate 73/74 and the eastern boundary line for the REMC Annexation Parcel to a right-

of-way monument; thence departing from the western margin of the public right-of-way for Interstate 73/74 and continuing to follow the eastern boundary line of the REMC Annexation Parcel the following course and distance: South 28 degrees 20 minutes 18 seconds West 209.82 feet to an existing iron pipe at the southeast corner of the REMC Annexation Parcel; thence North 58 degrees 22 minutes 56 seconds West 1,062.59 feet along the southern boundary line of the REMC Annexation Parcel to an existing iron pipe at the southwest corner of the said parcel to be annexed; thence along the boundary line between the REMC Annexation Parcel and The Phillips Family of Asheboro Limited Partnership property described in Deed Book 1596, Page 1479, Randolph County Public Registry the following course and distance: North 30 degrees 55 minutes 25 seconds East 751.34 feet to an existing iron pipe at the northwest corner of the REMC Annexation Parcel and on the existing primary city limits line of the City of Asheboro; thence along the existing primary city limits line and the northern boundary line of the REMC Annexation Parcel the following course and distance: South 57 degrees 57 minutes 08 seconds East 980.47 feet to the point and place of BEGINNING, and containing a total of 17.53 acres of land, more or less, to be annexed.

The above-listed description is in accordance with a plat of survey entitled “ANNEXATION MAP FOR RANDOLPH ELECTRIC MEMBERSHIP CORPORATION” that was drawn under the supervision of Charles E. Morgan, Jr., Professional Land Surveyor with Registration Number L-3945. The job number listed on the plat is 7118 R 10, and the said plat of survey is dated July 20, 2015.

Section 3. Notice of the public hearing shall be published in *The Courier-Tribune*, a newspaper having general circulation in the City of Asheboro, at least ten (10) days prior to the date of the public hearing.

This Resolution was adopted in open session during a regular meeting of the Asheboro City Council that was held on the 6th day of August, 2015.

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

ATTEST:

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

Joan Cockman

From: Todd Swaney
Sent: Friday, July 24, 2015 4:52 PM
To: PoliceDept
Cc: John Ogburn; Stacy Griffin; Joan Cockman
Subject: Upcoming Promotions September 1, 2015

Congratulations to the following officers on their upcoming promotions:

- **Sergeant Byron Hill to Lieutenant**
- **Sergeant David Wagner to Lieutenant**
- **MPO Matthew Vann to Sergeant**
- **MPO Jim Briles to Sergeant**
- **MPO Jeremiah Callicutt to Sergeant**

A promotional ceremony will be held at the **Eastside Baptist Church Fellowship Hall on September 1, 2015 @ 4 pm.**

The church is located at **1616 East Dixie Drive, Asheboro, NC.**

Specific assignments will be announced in the near future.

Thanks,

Captain Todd Swaney
Asheboro Police Department
336-626-1300 Ext. 324
336-736-0361 cell

