

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, JUNE 10, 2021
7:00 PM**

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

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

John N. Ogburn, III, City Manager
Michael L. Leonard, City Engineer, PE
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Michael D. Rhoney, Water Resources Director
Jeffrey C. Sugg, City Attorney
Tammy M. Williams, Deputy City Clerk

1. Call to order.

A quorum thus being present, Mayor Smith called the meeting to order for the transaction of business, and business was transacted as follows. The number of elected officials, city employees, and private citizens physically present in the council chamber at any point in time was limited in order to maintain the physical distancing recommended by public health authorities during current coronavirus pandemic.

2. Moment of silent prayer and pledge of allegiance.

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

3. Public Comment Period.

Mayor Smith opened the floor for public comments.

Mr. Michael Leach and Mr. Dale Loflin, property owners on Newbern Avenue in Asheboro, commented on the possibility of replacing stormwater infrastructure within the Newbern Avenue area because of flooding within the area during rain events.

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

4. Update on the acquisition of Randolph Health by American Health Care Systems, Inc.

The above-referenced agenda item was for informational purposes only, and no action was taken by council.

5. Finance Items.

(a) CBDG Coronavirus (CDBG-CV) Grant Fund Project Ordinance.

Finance Director Deborah Reaves presented and recommended adoption, by reference, of the (CBDG-CV) Grant Fund Project Ordinance.

Council Member Bell moved, and Council Member Redding seconded the motion, to approve/adopt the following ordinance by reference. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

17 ORD 6-21

PROJECT ORDINANCE
CDBG CORONAVIRUS (CDBG-CV) GRANT FUND
FY 2020-2021

WHEREAS, On March 11, 2021, the American Rescue Plan Act was signed into Law and the City of Asheboro is one of the Non-entitlement units that will be receiving funds, and;

WHEREAS, the US Department of Housing and Urban Development (HUD) is the funding agent but those funds will be flowing thru the North Carolina Department of Commerce Rural Economic Development Division, and;

WHEREAS, the City of Asheboro will be receiving an estimated amount up to \$900,000 (grant number 20-V-3510) with a \$20,000 local government match to be spent on or before June 17, 2023, and;

WHEREAS, the City of Asheboro intends to use the funds for "Public Services" which could encompass local support in a variety of areas (some of which could be rent, utility, mortgage, food pantry, community programs) and is partnering with the United Way to help evaluate areas of need and local administration / disbursement of funds, and;

WHEREAS, the City of Asheboro desires to set up a Special Revenue Fund to account for the funding and the expenses related to this grant, and;

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

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

Section 1: The CDBG CORONAVIRUS (is hereby authorized as a project with current revenues and expenditures projected as listed below.

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

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

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
63-300-0000	CDBG Grant Proceeds	\$900,000
63-300-1000	Contribution from General Fund- match	\$20,000
	Total	<u>\$920,000</u>

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

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
63-400-0000	Administration	\$90,000
63-401-0000	Public Services	\$830,000
	Total	<u>\$920,000</u>

Adopted this the 10th day of June 2021.

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

ATTEST:

/s/Tammy M. Williams
Tammy M. Williams, Deputy City Clerk

(b) A General Fund (FY 2020-2021) Budget Ordinance Amendment.

Ms. Reaves presented and recommended adoption, by reference, of an ordinance to amend the general fund for fiscal year 2020-2021.

Council Member Burks moved, and Council Member Swiers seconded the motion, to approve/adopt the following ordinance by reference. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

18 ORD 6-21

ORDINANCE TO AMEND THE GENERAL FUND
FY 2020-2021

WHEREAS, On March 11, 2021, the American Rescue Plan Act was signed into Law and the City of Asheboro is one of the Non-entitlement units that will be receiving funds, and;

WHEREAS, the US Department of Housing and Urban Development (HUD) is the funding agent but those funds will be flowing thru the North Carolina Department of Commerce Rural Economic Development Division, and;

WHEREAS, the City of Asheboro will be receiving an estimated amount up to \$900,000 (grant number 20-V-3510) with a \$20,000 local government match to be spent on or before June 17, 2023, and;

WHEREAS, the City of Asheboro desires amend the 2020-2021 budget to incorporate this expense and to be in compliance with all generally accepted accounting principles, and;

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

That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-399-0000	Fund Balance Allocation	\$20,000

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-490-6300	Contribution to Coronavirus Grant Fund	\$20,000

Adopted this the 10th day of June 2021.

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

ATTEST:

/s/Tammy M. Williams
Tammy M. Williams, Deputy City Clerk

(c) A Resolution to Approve Installment Financing Terms with Truist Bank.

Ms. Reaves presented and recommended adoption, by reference, of a resolution approving installment financing terms with Truist Bank.

Council Member Carter moved, and Council Member Snuggs seconded the motion, to approve/adopt the following resolution by reference. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

RESOLUTION NUMBER 14 RES 6-21

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A Resolution Approving Installment Financing Terms with Truist Bank

WHEREAS, the City of Asheboro (“Borrower”) decided at the beginning of the current fiscal year to undertake a project for the financing of vehicles and equipment (the “Project”); and

WHEREAS, Section 160A-20 of the North Carolina General Statutes authorizes the Borrower to finance the purchase of personal property by means of an installment financing contract that creates a security interest in the purchased property in favor of the entity supplying financing for the purchase transactions; and

WHEREAS, by means of adopting Resolution Number 18 RES 9-20 on September 17, 2020, the Asheboro City Council stated its intent, prior to the execution of any installment financing agreement and consistent with the city's budget ordinance for fiscal year 2020-2021, to expend a maximum of \$933,622.00 from the General Fund during the current fiscal year for certain vehicles and equipment referenced in the adopted Resolution of Intent; and

WHEREAS, with the adoption of Resolution Number 18 RES 9-20, the Asheboro City Council formally and explicitly declared the official intent of the City of Asheboro to fully reimburse, with loan proceeds from an installment financing agreement to be executed prior to the end of the 2020-2021 fiscal year, any and all expenditures from the General Fund for the purchase during the current fiscal year of the vehicles and equipment identified in the Resolution of Intent as necessary to the provision of essential municipal services; and

WHEREAS, after searching for favorable financing rates and terms, the city manager and the finance officer have presented a proposal for the financing of the above-referenced Project.

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

Section 1. The determination is hereby made that the Borrower will finance the Project through Truist Bank ("Lender") in accordance with the proposal dated May 11, 2021. The amount financed shall not exceed \$933,622.00, the annual interest rate (in the absence of a default or a change in tax status) shall not exceed 1.11%, and the financing term shall not exceed 59 months from closing.

Section 2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Borrower are hereby authorized and directed to execute and deliver any Financing Documents and to take all such further action as they may consider necessary or desirable to carry out the financing of the Project as contemplated by the proposal and this Resolution.

Section 3. The finance officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. To the extent authorized by law, the finance officer is authorized to approve changes to any Financing Documents previously signed by Borrower officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the finance officer shall approve, with the finance officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the document's final form.

Section 4. The Borrower shall not take or omit to take any action the taking or omission of which will cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Borrower hereby designates its obligations to make principal and interest payments under the Financing Documents

as “qualified tax-exempt obligations” for the purpose of Internal Revenue Code Section 265(b)(3).

Section 5. In addition to the above-referenced Resolution of Intent (Resolution Number 18 RES 9-20), the Borrower intends that the adoption of this Resolution will be a declaration of the Borrower’s official intent to reimburse expenditures for the Project that are to be financed from the proceeds of the Lender financing described above. The Borrower intends that funds that have been advanced, or that may be advanced, from the Borrower’s general fund or any other Borrower fund related to the Project for project costs may be reimbursed from the financing proceeds.

Section 6. All prior actions of Borrower officers in furtherance of the purposes of this Resolution are hereby ratified, approved, and confirmed. All other resolutions (or parts thereof) in conflict with this Resolution are hereby repealed to the extent of any such conflict. This Resolution shall take effect immediately.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on June 10, 2021.

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

ATTEST:

/s/Tammy M. Williams
Tammy M. Williams, Deputy City Clerk

(d) An Ordinance Amending the Airport Improvements Fund (#66).

Ms. Reaves presented and recommended adoption, by reference, of an ordinance amending the airport improvements fund (#66) for fiscal year 2020-2021.

Council Member Bell moved, and Council Member Redding seconded the motion, to approve/adopt, by reference, the following ordinance. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

19 ORD 6-21

**ORDINANCE TO AMEND
THE AIRPORT IMPROVEMENTS FUND (#66)
FY 2020-2021**

WHEREAS, the City of Asheboro has been advised of additional federal funding for the Asheboro Regional Airport to purchase a tractor for Airport Runway Clearing and mowing and;

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

THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina

Section 1: That the following revenue line items are increased / decreased:

<u>Account</u>	<u>Description</u>	<u>Increase</u>
66-350-0002	Grant proceeds- Tractor Purchase	90,000

Section 2: That the following expense line items are increased / decreased:

<u>Account</u>	<u>Description</u>	<u>Increase</u>
66-985-7400	Capital Outlay	90,000

Adopted this the 10th day of June 2021.

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

ATTEST:

/s/Tammy M. Williams
Tammy M. Williams, Deputy City Clerk

(e) American Rescue Plan Act of 2021 Fund Project Ordinance.

Ms. Reaves presented and recommended adoption, by reference, of a project ordinance pertaining to the American Rescue Plan Act of 2021.

Council Member Moffitt moved, and Council Member Burks seconded the motion, to approve/adopt the following ordinance by reference. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

20 ORD 6-21

**PROJECT ORDINANCE
AMERICAN RESCUE PLAN ACT 2021 FUND
FY 2020-2021**

WHEREAS, On March 11, 2021, the American Rescue Plan Act was signed into Law and the City of Asheboro is one of the Non-entitlement units that will be receiving funds, and;

WHEREAS, one of the allowable uses of the funds is to invest in water, sewer and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure and to expand access to broadband internet, and;

WHEREAS, another allowable use of the funds is to replace lost local government revenues due to the pandemic, according to a specified formula, and;

WHEREAS, the City of Asheboro will be receiving an estimated amount up to \$7.59 million dollars with half of the funds received in May 2021 and the other half May 2022;

WHEREAS, the City of Asheboro is still investigating how to spend the funds but does plan to use some of the funds for broadband internet expansion project already underway and planned water and wastewater infrastructure projects, and;

WHEREAS, the City of Asheboro desires to set up a Special Revenue Fund to account for the funding and the expenses related to this grant, and;

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

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

Section 1: The American Rescue Plan Act 2021 (is hereby authorized as a project with current revenues and expenditures projected as listed below.

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

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

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
64-300-0000	ARPA funds	\$7,590,000

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

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
64-400-0000	Zoo City Sportsplex Water & Sewer (TSF to fund)	700,000
64-410-0000	Commerce Drive Water & Sewer	1,250,000
64-420-0000	Highway 64 East Sewer	1,250,000
64-430-0000	Broadband Internet (tsf. to Economic Dev Fund)	319,000
	Distribution 1- Total	<u>\$3,519,000</u>
64-440-0000	Lake Lucas Intake Valve Replacement	1,500,000
64-800-0000	Unallocated	<u>2,571,000</u>
	Distribution 2 Total	<u>4,071,000</u>

Adopted this the 10th day of June 2021.

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

ATTEST:

/s/Tammy M. Williams
Tammy M. Williams, Deputy City Clerk

- (f) Public Hearing on the Proposed Fiscal Year 2021-2022 Budget, including the Required Hearing on Economic Development Appropriations.**

Mayor Smith opened the public hearing and asked the finance director to present the proposed budget for fiscal year 2021-2022. Ms. Reaves

utilized a slide show to present the details and highlights of the proposed budget.

Notice of the submittal of the budget to the governing board as well as the public hearing date and time were published in *The Courier Tribune* on May 28, 2021. In addition to posting the budget on the city's website, the budget has been on file and available for public inspection in the city clerk's office since the date on which the notice of the budget submittal was published.

The proposed budget for fiscal year 2021-2022 is balanced at \$55,103,792. The General Fund allocation is \$34,647,069, and the Water and Sewer Fund allocation is \$20,456,723.

The proposed budget recommends no change in the current property tax rate of \$0.665 cents per \$100.00 valuation. Additionally, no fee increases are proposed for water and sewer utility services.

In addition to discussing annual budget appropriations across multiple city departments and activities, Ms. Reaves noted the role of this public hearing as the required public hearing on economic development appropriations that are not for either property-related activities or business location incentives. The following list illustrates the activities funded by the economic development appropriations discussed during this public hearing.

- New industrial/manufacturing recruitment and site selection.
- State economic incentives information and assistance.
- Local youth and adult leadership training.
- Retail business development.
- Community and events promotion.
- Promotion of downtown through various media formats and public events.
- Creation and implementation of annual economic development plan through the Main Street America Four-Point approach to downtown revitalization.

The above-described services are provided through the combined activities of the Randolph County Economic Development Corporation, the Asheboro/Randolph Chamber of Commerce, and Downtown Asheboro, Inc. The appropriations proposed for these entities for fiscal year 2021-2022 are as follows:

- Randolph County Economic Development Corporation - \$55,000
- Asheboro/Randolph Chamber of Commerce - \$25,000
- Downtown Asheboro, Inc. - \$100,000 plus \$ 25,000 for Office Rental

Upon the conclusion of the finance director's presentation, Mayor Smith invited comments from the public. When no one asked to speak, Mayor Smith closed the public hearing. Written comments from the public could be submitted to the city clerk for distribution to the elected officials until 24 hours elapsed from the time of adjournment of this meeting.

The budget adoption meeting will be held on June 22, 2021 at 7:00 p.m. in the Municipal Building Council Chamber, 146 North Church Street, Asheboro North Carolina.

Copies of the proposed budget and the slide show utilized during the meeting are on file in the city clerk's office.

6. Consent Agenda.

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

(a) The meeting minutes for the city council's regular meeting on May 6, 2021.

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

(b) The meeting minutes for the city council's special meeting on June 3, 2021.

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

(c) A revision to page number 18 of the previously approved meeting minutes for the city council's meeting on April 8, 2021 for an incorrectly listed date.

The approved revision to page number 18 of the city council meeting minutes for April 8, 2021 corrected the meeting minutes to reflect that the date of enactment for the American Rescue Plan Act of 2021 was March 11, 2021 (not the date of May 11, 2021 incorrectly listed in the original meeting minutes). Additionally, the correction is on file in the city clerk's office.

(d) Acknowledgement of the receipt for Asheboro ABC Board Meeting Minutes for April 5, 2021.

The minutes of the meeting held by the Asheboro ABC Board on April 5, 2021, have been received by the city clerk, distributed to Mayor Smith and the council members for review, and have been filed in the city clerk's office.

(e) Acknowledgement of the receipt on May 24, 2021 of the Budget Message and Proposed Fiscal Year 2021-2022 Budget for the Asheboro ABC Board.

The Asheboro ABC Board's proposed fiscal year budget for 2021-2022 has been received by the city clerk, distributed to Mayor Smith and the council members for review, and has been filed in the city clerk's office.

(f) Community Development Division Request to Schedule for July 15, 2021 and to Advertise, Public Hearings on the Following Land Development Applications:

- (i) **An Application to Rezone a Parcel of Land (Randolph County Parcel Identification Number 7760373801) on the North Side of Mackie Road from R10 to OA6 Zoning; and**
- (ii) **An Application for a Planned Unit Development on a Parcel of Land (Randolph County Parcel Identification Number 7762740259) Located West of 1591 East Allred Street, Approximately 100 Feet East of Ridgewood Circle, inclusive of a subdivision sketch design.;**

The hearings concerning the applications for the above-referenced land use approvals will be scheduled and advertised in accordance with the applicable statutes/ordinances and then heard by the Asheboro City Council during its regular meeting on July 15, 2021.

- (g) **Work Authorization No. 6 for WK Dickson to Provide the Design Professional Work (Project and Grant Administration, Design, and Bidding Assistance) Needed to Construct an 80-Foot by 80-Foot Hangar as Recommended by the Asheboro Airport Authority.**

The approved work authorization is on file in the city's engineering department and is on file in the city clerk's office.

- (h) **A Mid-Block Crosswalk Designation on Greensboro Street between East Presnell Street and East Pritchard Street for Phase Change Energy Solutions.**

In response to a request from the safety manager at the business known as Phase Change Energy Solutions, the city engineering department developed a proposed mid-block crosswalk design to facilitate the safe movement of employees at the business across Greensboro Street to a company parking facility. The city council concurred with the crosswalk request from the business as well as the city staff's compliance review of the proposal.

Consequently, pursuant to Section 70.29 (I) of the Code of Asheboro, the Council approved the single mid-block crosswalk designation as designed by the city engineering department. The city manager will cause Greensboro Street to be marked accordingly.

7. Quasi-Judicial Hearings for Randolph County Historic Landmark Designation Applications.

Mayor Smith opened the quasi-judicial hearings for the following cases. The deputy city clerk placed Mr. Ross Holt, who is the Randolph County Library Director and a member of the Randolph County Historic Landmark Preservation Commission, under oath for both hearings.

Mr. Holt began his presentation with a brief introduction of the Randolph County Historic Landmark Preservation Commission and the purpose of the commission. The Commission was established in 2008 by ordinance to recognize and educate the public about potential historic landmarks in Randolph County. The historic landmark designation for property is a voluntary process with property owners.

(a) Hearing on the Question of the Exterior of the Henry Moring Robins House (1924) at 117 South Main Street.

With the aid of a slide show presentation, Mr. Holt reported that the Henry Moring Robins House, located at 117 South Main Street, served as the home of Henry Moring Robins who was a former Asheboro Mayor from 1907-1909. The historic landmark designation pertains only to the exterior of the home.

Mayor Smith invited public comments, but none were offered. Mayor Smith closed the hearing.

Council Member Bell moved, and Council Member Redding seconded the motion, to adopt the following ordinance by reference. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

**Ordinance Number 21 ORD 6-21
Ordinance Designating the Exterior of the Henry Moring Robins House,
1924, as a Local Historic Landmark in Asheboro, North Carolina**

WHEREAS, Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes provides for the designation of local historic landmarks; and

WHEREAS, the City of Asheboro designated the Randolph County Historic Landmark Preservation Commission as a joint historic preservation commission on September 4, 2008, having the authority to exercise, within the planning jurisdiction of the City of Asheboro, all powers and duties given it by the Randolph County Historic Preservation Ordinance; and

WHEREAS, the Randolph County Historic Landmark Preservation Commission has taken into consideration all information contained in the Historic Landmark Designation Application for the Henry Moring Robins House, 1924; and

WHEREAS, the North Carolina Department of Natural and Cultural Resources, State Historic Preservation Office, has been given the opportunity to review the Local Landmark designation report which contains the historical information necessary for the Randolph County Historic Landmark Preservation Commission to determine special historical significance and integrity; and

WHEREAS, the Randolph County Historic Landmark Preservation Commission and the Asheboro City Council conducted the require public hearings, and published legal notices with mailings to adjoining property owners; and

WHEREAS, the Randolph County Historic Landmark Preservation Commission has adopted a unanimous resolution requesting the City of Asheboro to designate the exterior of the Henry Moring Robins House, 1924, as a local historic landmark, and

WHEREAS the Randolph County Historic Landmark Preservation Commission finds that the Henry Moring Robins House, 1924, meets the following specific criteria outlined in the Ordinance establishing the Commission: (1) Critical part of the City of Asheboro's heritage by having value as an example of the cultural, historic and social heritage of City of Asheboro; (2) Its identification with persons who significantly contributed to the architectural, cultural, economic, historical, social or other aspect of the development of the City of Asheboro; (3) Its important architecture as an exemplification of an architectural type or style distinguished by innovation, rarity, uniqueness, or overall quality of design, detail, materials or craftsmanship; (4)

Its distinctive theme, representing an architectural, cultural, economic, historic or other theme expressed through a distinctive building.

WHEREAS, the property is more specifically described as follows:

The Henry Moring Robins House is located on approximately 1.14 acres at 117 S. Main Street, PIN 7751927411, Asheboro Township, Asheboro, N.C.

NOW, THEREFORE, BE IT ORDAINED, by the Asheboro City Council, North Carolina, that:

- 1: The property known as the exterior of the Henry Moring Robins House, 1924, located at 117 S. Main Street, Asheboro, N.C., within the planning jurisdiction of the City of Asheboro, North Carolina, is hereby designated as a Local Historic Landmark pursuant to Chapter 160A, Article 19, Part 3C, of the North Carolina General Statutes, and by inter-local agreement approved September 4, 2008, between the City of Asheboro and the County of Randolph.
- 2: That the exterior of the Henry Moring Robins House building may be materially altered, restored, remodeled, or demolished only following issuance of a Certificate of Appropriateness from the Historic Landmark Preservation Commission.
- 3: That nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material or outer appearance thereof, after obtaining the necessary permits and official approval for said stated repair. Nothing herein shall prevent the construction, alteration, restoration, demolition, or removal of such features when a building inspector or similar authorized official certifies to the Historic Landmark Preservation Commission that such action is required for the public safety because of an unsafe condition. Furthermore, nothing shall be construed to prevent the property owner from making any use of this property not prohibited by other statutes, ordinances or regulations.
- 4: That a suitable sign may be posted indicating the designation as a Local Historic Landmark and containing appropriate information.
- 5: That Dwain L. and Ann Clark, owners of the Henry Moring Robins House, hereby accept notice as required by the applicable law of this action, and directs that copies of this Ordinance be filed and indexed in the office of the Asheboro City Clerk, the Randolph County Register of Deeds, the Randolph County Tax Department, and both the City and County Planning and Inspections Departments as required by applicable law.

Upon the motion of Council Member Bell, and a second by Council Member Redding, the foregoing ordinance was passed upon its first reading by a vote of 7 Ayes; 0 Nays

**CITY OF ASHEBORO
NORTH CAROLINA**

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

June 10, 2021
Adoption Date

ATTEST:

/s/Tammy M. Williams
Tammy M. Williams, Deputy City Clerk

(b) Hearing on the Question of the Exterior of the Walter Anderson Bunch, Jr. House (1919) at 111 South Main Street; and

With the aid of a slide show presentation, Mr. Holt testified during this hearing that the home located at 111 South Main Street was the home of former Asheboro Mayor Walter Anderson Bunch, Jr. During his term, 1931-1941, the hospital, library and City Hall (municipal building) were established. The historic landmark designation pertains only to the exterior of the home.

Mayor Smith invited comments from the public, but none were offered. Mayor Smith then closed the hearing.

Council Member Bell moved, and Council Member Swiers seconded the motion, to adopt the following ordinance by reference. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

**Ordinance Number 22 ORD 6-21
Ordinance Designating the Exterior of the Walter Anderson Bunch Jr. House, 1919, as a Local Historic Landmark in Asheboro, North Carolina**

WHEREAS, Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes provides for the designation of local historic landmarks; and

WHEREAS, the City of Asheboro designated the Randolph County Historic Landmark Preservation Commission as a joint historic preservation commission on September 4, 2008, having the authority to exercise, within the planning jurisdiction of the City of Asheboro, all powers and duties given it by the Randolph County Historic Preservation Ordinance; and

WHEREAS, the Randolph County Historic Landmark Preservation Commission has taken into consideration all information contained in the Historic Landmark Designation Application for the Walter Anderson Bunch Jr. House, 1919; and

WHEREAS, the North Carolina Department of Natural and Cultural Resources, State Historic Preservation Office, has been given the opportunity to review the Local Landmark designation report which contains the historical information necessary for the Randolph County Historic Landmark Preservation Commission to determine special historical significance and integrity; and

WHEREAS, the Randolph County Historic Landmark Preservation Commission and the Asheboro City Council conducted the require public hearings, and published legal notices with mailings to adjoining property owners; and

WHEREAS, the Randolph County Historic Landmark Preservation Commission has adopted a unanimous resolution requesting the City of Asheboro to designate the exterior of the Walter Anderson Bunch Jr. House, 1919, as a local historic landmark, and

WHEREAS the Randolph County Historic Landmark Preservation Commission finds that the Walter Anderson Bunch Jr. House, 1919, meets the following specific

criteria outlined in the Ordinance establishing the Commission: (1) Critical part of the City of Asheboro's heritage by having value as an example of the cultural, historic and social heritage of City of Asheboro; (2) Its identification with persons who significantly contributed to the architectural, cultural, economic, historical, social or other aspect of the development of the City of Asheboro; (3) Its important architecture as an exemplification of an architectural type or style distinguished by innovation, rarity, uniqueness, or overall quality of design, detail, materials or craftsmanship; (4) Its distinctive theme, representing an architectural, cultural, economic, historic or other theme expressed through a distinctive building.

WHEREAS, the property is more specifically described as follows:

The Walter Anderson Bunch Jr. House is located on approximately 0.39 acres at 111 S. Main Street, PIN 7751926417, Asheboro Township, Asheboro, N.C.

NOW, THEREFORE, BE IT ORDAINED, by the Asheboro City Council, North Carolina, that:

- 1: The property known as the exterior of the Walter Anderson Bunch Jr. House, 1919, located at 111 S. Main Street, Asheboro, N.C., within the planning jurisdiction of the City of Asheboro, North Carolina, is hereby designated as a Local Historic Landmark pursuant to Chapter 160A, Article 19, Part 3C, of the North Carolina General Statutes, and by inter-local agreement approved September 4, 2008, between the City of Asheboro and the County of Randolph.
- 2: That the exterior of the Walter Anderson Bunch Jr. House building may be materially altered, restored, remodeled, or demolished only following issuance of a Certificate of Appropriateness from the Historic Landmark Preservation Commission.
- 3: That nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material or outer appearance thereof, after obtaining the necessary permits and official approval for said stated repair. Nothing herein shall prevent the construction, alteration, restoration, demolition, or removal of such features when a building inspector or similar authorized official certifies to the Historic Landmark Preservation Commission that such action is required for the public safety because of an unsafe condition. Furthermore, nothing shall be construed to prevent the property owner from making any use of this property not prohibited by other statutes, ordinances or regulations.
- 4: That a suitable sign may be posted indicating the designation as a Local Historic Landmark and containing appropriate information.
- 5: That Faron Russell Kestner and Brittany Powers Kestner, owners of the Walter Anderson Bunch Jr. House, hereby accept notice as required by the applicable law of this action, and directs that copies of this Ordinance be filed and indexed in the office of the Asheboro City Clerk, the Randolph County Register of Deeds, the Randolph County Tax Department, and both the City and County Planning and Inspections Departments as required by applicable law.

Upon the motion of Council Member Bell, and a second by Council Member Swiers, the foregoing ordinance was passed upon its first reading by a vote of 7 Ayes; 0 Nays.

**CITY OF ASHEBORO
NORTH CAROLINA**

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

June 10, 2021
Adoption Date

ATTEST:

/s/Tammy M. Williams
Tammy M. Williams, Deputy City Clerk

8. Community Development Items:

(a) Legislative Hearing (Case No. RZ-21-02): Proposed Zoning Ordinance Text Amendments.

Mayor Smith re-opened the legislative hearing for this text amendment case, which had been continued from the council's meetings on April 8, 2021 and May 6, 2021.

Community Development Director Trevor Nuttall utilized a slide show to provide an overview of the proposed text amendments. During his presentation, Mr. Nuttall noted the following:

1. Changes to state law concerning land use were adopted in 2019 (Senate Bill 355, NCGS 160D). The changes consolidated provisions for city and county land use regulations into one chapter (Chapter 160D of the North Carolina General Statutes). Many of the provisions were focused on reorganizing existing law and making primarily technical changes rather than sweeping policy changes. However, some provisions have a greater impact on how land use decisions are made.
2. One of the most significant mandated changes is the replacement of combined legislative rezoning and quasi-judicial conditional use permit applications with legislative conditional zoning, which places conditions on a property as part of a legislative rezoning process. Quasi-judicial proceedings for special use permits would continue to exist for sensitive land uses that already require a special use permit. The text amendments also propose amendments to the city's sign regulations.
3. Other changes include requiring an applicant/landowner's written consent to enforce conditional zoning district or special use permit conditions, prohibition of non-governmental third party "downzonings" (from commercial to residential, for example).
4. State law now also requires an adopted land use plan that is reasonably maintained. A land use plan's future land use map must be updated each time a rezoning that is not consistent with the current map is approved.

5. In order for a local development regulation ordinance to remain valid, amendments conforming local land use regulations to Chapter 160D must be adopted by July 1, 2021.
6. As noted above, a key goal of Chapter 160D of the North Carolina General Statutes was to consolidate and reorganize existing state law into a more coherent fashion. Similar reorganization of the format for Asheboro's zoning ordinance has been proposed by the city staff.

In reviewing this request, careful consideration was given to each Goal and Policy as outlined in the Land Development Plan.

LDP Goals/Policies Supporting the Request:

- 1.2.4 The city will promote its expedited permitting process and continue to make the land development process user- friendly for citizens and organizations.
- 2.1.1 The zoning ordinance will periodically be reviewed to ensure that the specific regulations for each zoning district are aligned with the desired character and focus of each district.
- 2.2.3 The city will periodically update maps in the Land Development Plan to ensure they accurately represent current conditions in our city and are consistent with the goals and policies.

No goals or policies were identified as unsupportive of the proposed text amendments.

The City of Asheboro Planning Board concurred with the following planning staff analysis and recommended approval of the proposed text amendments. In order to allow a transitional period for administrative processes, staff recommends that the amendments become effective on July 1, 2021.

These amendments are proposed primarily to comply with recent changes in state law. In addition, the proposed changes formalize many of staff's existing practices (ensuring that the Land Development Plan is regularly updated, ensuring consistency of zoning designation with the Land Development Plan or offering a rationale for why a decision was made that was contrary to the plan). Current practice offers citizens various procedural options to change a land use designation of their property, and legislative conditional zoning will provide a new option, replacing conditional use district permits. The proposal also reflects model language related to federal case law pertaining to signs. Also included are organizational changes to the zoning ordinance that offer improvements in how it is formatted and useable for the public and staff.

Considering these factors and state law requiring many of these changes, staff believes that the proposed text amendment is overall consistent with the Land Development Plan and is reasonable and in the public interest.

Mayor Smith invited comments from the public, but none were offered. Mayor Smith then transitioned to the deliberative phase of the hearing.

The city council concurred with the staff and planning board's analysis of the case. Council Member Moffitt moved, and Council Member Carter seconded the motion, to adopt the following plan consistency statement and to approve the text amendments with the following two-part motion:

1. The proposed text amendments comply with recent changes in state law. In addition, the proposed changes formalize many of the city staff's existing practices (ensuring that the Land Development Plan is regularly updated, ensuring consistency of zoning designation with the Land Development Plan or offering a rationale for why a decision was made that was contrary to the plan). Legislative conditional zoning will provide a new option, replacing conditional use district permits. The proposal also reflects model language related to federal case law pertaining to signs. The organizational changes to the zoning ordinance offer improvements in how the ordinance is formatted and make it more user-friendly.

Considering these factors, the requested text amendments maintain overall consistency with the Land Development Plan. Furthermore, the council finds the requested text amendments to be reasonable and in the public interest.

2. In light of the above-stated analysis, and looking at the totality of the evidence, the requested text amendments are approved without modification, effective on and after July 1, 2021, as consistent with the adopted plan.

Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

(b) Legislative Hearing (Case No. RZ-21-03): An Application to Rezone a Parcel of Land (Randolph County Parcel Identification Number 7761458800) on the North Side of Kidd Drive from R10 to R40 Zoning

Mayor Smith re-opened the legislative hearing on the above-referenced land use case, which was continued from the previous regular city council meeting on May 6, 2021.

The property of Jacqueline M. Cheek (the "Zoning Lot") is located on the north side of Kidd Drive, approximately 1100 ft. north of Old Cedar Falls Road and 375 feet west of Gold Hill Road. The Zoning Lot is approximately 1.99 acres in size and is more specifically identified by Randolph County Parcel Identification Number 7761458800.

The applicant is requesting the property be rezoned from R10 (Medium-Density Residential) to R40 (Low-Density Residential). Community Development Director Trevor Nuttall utilized a slide show to provide an overview of the proposed rezoning request and noted the following:

1. The property is outside of the city limits. The property is not served by city water or sewer.
2. Kidd Drive/Sunset Circle is platted as an unopened 50-foot right-of-way (PB, 164, PG57). During its meeting on June 7, 2021, the Board of Adjustment granted a variance from Section 106 of the zoning ordinance, requiring every lot to abut a public street. The written final decision document is scheduled for adoption by the Board of Adjustment on July 12, 2021.
3. The property is accessible from Old Cedar Falls Road. While Sunset Circle is platted as an unopened right-of-way that extends to Gold Hill Road, the Zoning Lot is not accessible from Gold Hill Road.
4. A manufactured home has been moved onto the property, but is not currently permitted or occupied because a manufactured home is not a permitted use in the current R10 zoning district. The R40 district allows manufactured homes that are built to "Class A" standards. Other manufactured homes are located in the area.
5. There are three additional single-family dwellings along Kidd Drive between the Zoning Lot and Old Cedar Falls Road. The property to the east has a major vehicle repair land use which was permitted by a Conditional Use Permit in 1977.
6. The closest R40 zoning designation is located at 1387 Old Cedar Falls Road, approximately 550 ft. south of the Zoning Lot.
7. The intent of the current R10 district is *to provide regulations which will produce a moderate intensity of residential uses, usually single family or two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living*. The intent of the requested R40 district is *to provide regulations which will produce a low intensity mixture of single family, duplex dwellings and Class A Mobile Home dwellings usually served by individual wells and/or sewage disposal systems, plus the necessary governmental and other support facilities to provide service to such suburban intensity living*.

Mr. Nuttall noted that, when evaluating a proposed rezoning request, careful consideration is given to each Goal and Policy as outlined in the Land Development Plan.

LDP Goals/Policies Supporting the Request:

Checklist Item 3.

The property on which the rezoning district is proposed fits the description of the Zoning Ordinance. (Article 200, Section 210, Schedule of Statements of Intent).

Checklist Item 6.

Existing infrastructure is adequate to support the desired zone (*water, sewer, roads, schools, etc.*) Note: This item was selected because there is currently no water and public sewer.

Checklist Items 12-15:

12.) Property is located outside of the watershed area, or the rezoning request will not impose a significant, negative environmental impact.

13.) The property is located outside of Special Hazard Flood Area.

14.) Rezoning is located on steep slopes (>20%). Note: Staff notes that a portion of the property is located on slopes exceeding 20%. However, an R40 designation may be more suitable to having more options to place a building footprint appropriately because of the larger minimum lot size.

15.) The rezoning is not located on poor soils or the rezoning district is unlikely to create additional problems caused by poor soil conditions. Note: The property is identified by the Land Development Plan Physical Limitations map as potentially poor soils. Approval of a private well and septic system at a density allowable by R10 standards is less likely than a private well and septic built to lower-density R40 standards.

LDP Goals/Policies Which Do Not Support the Request:

Checklist Item 1.

Rezoning is not compliant with the Proposed Land Use Map.

Checklist Item 5.

The proposed rezoning is not compliant with the objectives of the Growth Strategy Map.

Checklist Item 7.

The proposed rezoning is not compatible with the applicable Small Area Plan.

On behalf of the Applicant, Mr. Rodney C. Mason, Esq. presented comments in support of the requested rezoning. With no other comments from the public, Mayor Smith transitioned to the deliberative phase of the case.

The City of Asheboro Planning Board concurred with the following planning staff analysis and recommended approval of the request:

Although the property is designated as “neighborhood residential” by the proposed land use map and as an “economic development” area by the growth strategy map, infrastructure limitations of this property create challenges to develop the property with density envisioned by the Land Development Plan.

The zoning ordinance describes the R40 district as having the “necessary governmental and other support facilities to provide service to such suburban intensity living.” The R40 description more accurately characterizes the property than the existing R10 district. The property’s lack of access to public water/sewer, plus the lack of street frontage that is built to city or state standards limit the ability for the property to be developed at a density typically seen in an R10 Medium-Density district.

While the R40 district differs from the R10 district by allowing manufactured homes on individual lots, zoning ordinance standards require manufactured homes to have a base consisting of solid materials, such as masonry and minimum roof pitch requirements, which help create an appearance more similar to site-built homes.

Considering these factors, staff believes that the requested R40 district maintains overall consistency with the Land Development Plan and is reasonable and in the public interest.

The city council concurred with the staff and planning board’s analysis of the consistency of the request with the land development plan. Council Member Bell moved, and Council Member Burks seconded the motion, to adopt the following plan consistency statement and to approve the requested rezoning with the following two-part motion:

1. Although the Zoning Lot is subject to the “neighborhood residential” designation by the proposed land use map and the “economic development” designation area by the growth strategy map, infrastructure limitations of this property create challenges to develop the Zoning Lot with density envisioned by the Land Development Plan.

The zoning ordinance describes the R40 district as having the “necessary governmental and other support facilities to provide service to such suburban intensity living.” The R40 description more accurately characterizes the property than the existing R10 district. The lack of access to public water/sewer, plus the lack of street frontage that is built to city or state standards limit the ability for the Zoning Lot to be developed at a density typically seen in an R10 Medium-Density district.

While the R40 district differs from the R10 district by allowing manufactured homes on individual lots, zoning ordinance standards require manufactured homes to have a base consisting of solid materials, such as masonry and minimum roof pitch requirements, which help create an appearance more similar to site-built homes.

Considering these factors, the requested rezoning maintains overall consistency with the Land Development Plan. The council finds the requested rezoning to be reasonable and in the public interest.

2. In light of the above-stated analysis, and looking at the totality of the evidence, the requested rezoning is approved as consistent with the adopted plan.

Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

A copy of the slide show utilized by Mr. Nuttall is on file in the city clerk's office.

(c) Legislative Hearing (Case No. RZ-21-05): Application to Rezone a Parcel of Land (Randolph County Parcel Identification Number 7760066359) at the Southeastern Corner of Cliff Road and Emerson Drive from R15 to R10 Zoning.

Mayor Smith opened the legislative hearing on the application by DeShandra Woodle (the "Applicant") to rezone from R15 (Low-Density-Single-Family Residential) to R10 (Medium Density Residential) zoning the approximately 18,459-square foot parcel of land (the "Zoning Lot") identified by Randolph County Parcel Identification Number 7760066359 and owned by Timothy J. Woodle and DeShandra R. Woodle. The Zoning Lot is located at the southeastern corner of Cliff Road and Emerson Drive.

Mr. Nuttall utilized a slide show and presented the planning staff's analysis of the application. During his presentation, Mr. Nuttall noted the following:

1. The property is inside the city limits.
2. Cliff Road is a local city-maintained street at this location. North of East Dixie Drive (where there is a signalized intersection), Cliff Road becomes a minor thoroughfare. Emerson Drive is a local city-maintained street.
3. The area includes a mix of commercial uses to the north and west, with primarily single-family residential uses to the south and east. On the north side of Emerson Drive and on Shamrock Road, further northeast of the Zoning Lot are three two-family dwellings. These are legal non-conforming as they are located in an R15 district.
4. The zoning ordinance describes the existing R15 district as *intended to provide regulations which will produce a low intensity of single family residential use with the necessary governmental and other support facilities to service such suburban intensity living*. The intent of the requested R10 district is *to provide regulations which will produce a moderate intensity of residential uses, usually single family or two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living*.

5. The main differences between the R15 and R10 districts are that the R10 district allows two-family dwellings and has less stringent setbacks as shown on Table 200-1.

Mr. Nuttall noted that, when evaluating a rezoning application, careful consideration was given to each goal and policy as outlined in the Land Development Plan.

LDP Goals/Policies Supporting the Request:

<u>Checklist Item 3.</u>	The property on which the rezoning district is proposed fits the description of the Zoning Ordinance. (Article 200, Section 210, Schedule of Statements of Intent).
<u>Checklist Item 5.</u>	The proposed rezoning is compliant with the objectives of the Growth Strategy Map.
<u>Checklist Items #12 and #13:</u>	Property is located outside of watershed, special hazard flood area.
<u>2.1.5:</u>	The city will ensure development regulations provide appropriate transitional land uses, such as office and institutional, between high-intensity industrial/commercial and low-intensity residential uses.

LDP Goals/Policies Which Do Not Support the Request:

<u>Checklist Item 1:</u>	Rezoning is not compliant with the Proposed Land Use Map
<u>Checklist Item 14:</u>	Rezoning is located on steep slopes (>20%)

The City of Asheboro Planning Board considered the rezoning application and recommended placement of the Zoning Lot in the requested R10 zoning district. In making this recommendation, the planning concurred with the planning staff's consistency statement, which provided as follows:

While the Land Development Plan's "Neighborhood Residential" designation encourages neighborhoods of similar density for a greater sense of community, and the requested R10 district is at a slightly higher density compared to the R15 district, there are several factors supporting the request.

The Zoning Lot is in a transitional location between commercial uses (including two adjacent properties) and lower density single-family residential uses, other two-family dwellings are located in the area. In addition, nearby properties across Cliff Road to the south and west are currently zoned R10, making the requested

R10 similar to surrounding zoning and potential density and land uses of nearby properties.

The LDP also generally encourages opportunities for transitional uses, such as mixed housing types in transitional areas that are in close proximity to both commercial areas and lower-density single-family residential areas.

Considering these factors, staff believes that the requested R10 district is overall consistent with the Land Development Plan and is reasonable and in the public interest.

Mayor Smith invited comments from the public, but none were offered. Mayor Smith then transitioned to the deliberative phase of the process.

The city council concurred with the staff and planning board's analysis of the consistency of the request with the land development plan. Council Member Bell moved, and Council Member Carter seconded the motion, to adopt the plan consistency statement printed below and to approve the requested rezoning with the following two-part motion:

1. The Land Development Plan's "Neighborhood Residential" designation encourages neighborhoods of similar density for a greater sense of community. While the requested R10 district is at a slightly higher density compared to the R15 district, there are several factors supporting approval of the requested map amendment.

The Zoning Lot is in a transitional location between commercial uses (including two adjacent properties) and lower density single-family residential uses. Other two-family dwellings are located in the area. In addition, nearby properties across Cliff Road to the south and west are currently zoned R10, making the requested R10 similar to surrounding zoning and potential density and land uses of nearby properties.

The LDP also generally encourages opportunities for transitional uses. Such uses include mixed housing types in transitional areas that are in close proximity to both commercial areas and lower-density single-family residential areas.

Considering these factors, the requested R10 district maintains consistency with the Land Development Plan. Furthermore, the council finds the rezoning request reasonable and in the public interest.

2. In light of the above-stated analysis, and looking at the totality of the evidence, the requested zoning map amendment to place the Zoning Lot in an R10 zoning district is approved as consistent with the adopted plan.

Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

(c) Subdivision Case No. SUB-17-02: Final Plat Review for Robins Nest, Phase 3.

Mr. Nuttall presented the final plat for Phase 3 of Robins Nest. Davidson Land Development, LLC requested final certification for 20 lots with an average lot size of 24,470 square feet, more or less. The subdivision is located at the end of Finchley Court, west of Gold Hill Road.

During his presentation, Mr. Nuttall noted that the planning staff and the Planning Board recommended approval of the final subdivision plat with the following comments:

1. The property is located inside the city limits, and city services are available to each lot.
2. The proposal is for the extension of an existing conventional residential subdivision, Robins Nest, Phase 3.
3. Single-family and two-family dwellings are permitted in the R10 zoning district if lot size requirements are met.
4. Two existing entrances serve the development from the existing Phase 1.
5. This is the final phase of Robins Nest (Phase 3), which includes the extension of Robins Nest Drive, plus the addition of a new public street, Bobwhite Lane, ending in a cul-de-sac. City-maintained streets are proposed to be extended by approximately 1,038 linear feet. Robins Nest Drive's public right-of-way extends to the adjoining property to the north, which would allow a potential public street connection to that property.

During the council's discussion, two conditions emerged as necessary attachments to the requested approval. These conditions are as follows:

- (A) If a community mailbox is mandated by the United States Postal Service, such a mailbox shall be located outside of the public right-of-way. This condition is always subject to any subsequent explicit permission for an encroachment that might be granted by the city; and
- (B) The final subdivision plat must be revised to reflect and confirm the provision of sewer service, inclusive of the necessary easement(s), to all of the lots.

Council Member Bell moved to approve, with and subject to the above-stated conditions, the final plat certification requested for Phase 3 of the Robins Nest subdivision. Council Member Swiers seconded the motion. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

(e) An appointment to the Redevelopment Commission.

Mr. Nuttall reported that Ms. Jean Vollrath is interested in serving on the Redevelopment Commission. As Mr. Nuttall noted during the city council's regular May meeting, Cynthia Bailey has resigned from the commission. Ms. Vollrath would fill the vacancy.

Mr. Nuttall recommended the appointment of Ms. Vollrath to serve on the Redevelopment Commission. All of the elected officials were in agreement with this recommendation.

Council Member Bell moved, and Council Member Redding seconded the motion, to appoint Ms. Jean Vollrath to fill the above-stated vacancy on the Redevelopment Commission. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

9. Public Hearing on the Proposed Permanent Closure of Portions of the Public Right-of-Way for Sunset Avenue between Church Street and Davis Street:

Mayor Smith opened the public hearing on the proposed permanent closure of portions of the public right-of-way for Sunset Avenue between Church Street and Davis Street. Community Development Director Trevor Nuttall was the first person to speak.

In addition to discussing the proposed street closure ordinance, which is recommended by city staff for adoption, Mr. Nuttall provided an overview of the statutorily mandated process that led to this public hearing.

Mayor Smith then invited comments from the public, but none were offered. In the absence of any other testimony, Mayor Smith transitioned to the deliberative phase of the process.

Council Member Bell moved, and Council Member Burks seconded the motion, to adopt the following ordinance by reference. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

CITY OF ASHEBORO STREET CLOSURE ORDINANCE NO. 23 ORD 6-21

**STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH**

IN RE THE PERMANENT CLOSURE OF	)	<u>STREET CLOSURE</u>
PORTIONS OF THE PUBLIC RIGHT-OF-	)	<u>ORDER</u>
WAY FOR SUNSET AVENUE BETWEEN	)	
CHURCH STREET AND DAVIS STREET	)	
	)	

WHEREAS, pursuant to the provisions of Section 160A-299 of the North Carolina General Statutes, the City Council of the City of Asheboro adopted on the 8th day of April, 2021, during a regular meeting, a resolution of intent identified as Asheboro City Council Resolution No. 08 RES 4-21 (hereinafter the “Resolution”) declaring the intent of the city council to permanently close a combined total of approximately 4,737 square feet of public right-of-way on the northern and southern margins of Sunset Avenue between Church Street and Davis Street in order to reduce the public right-of-way for this section of Sunset Avenue from a 70-foot public right-of-way to a 56.67-foot public right-of-way; and

WHEREAS, the Resolution properly called for a public hearing to be held on the question of whether or not the proposed permanent street closure would be

detrimental to the public interest or the property rights of any individual, and the Resolution also scheduled the mandated public hearing for the city council's regular meeting on June 10, 2021, which has a scheduled beginning time of 7:00 p.m., in the Asheboro City Hall Council Chamber at 146 North Church Street in Asheboro; and

WHEREAS, pursuant to Section 160A-299 of the North Carolina General Statutes, the Resolution was published in *The Courier-Tribune*, a newspaper with general circulation in the City of Asheboro, once a week for four successive weeks prior to the above-referenced public hearing (Dates of Publication: May 12, 2021; May 19, 2021; May 26, 2021; and June 2, 2021); and

WHEREAS, a copy of the Resolution was sent by certified mail to the individuals/entities listed below, who were determined by reviewing the county tax records to be all of the owners of property adjoining the street closure areas on Sunset Avenue between Church Street and Davis Street:

1. Allergic Dermis Real Estate Holdings LLC;
2. Central Telephone Company;
3. First Baptist Church Asheboro;
4. Hoover, Tony Lee;
5. J and A Castlerock LLC;
6. K.A.C.S. Holdings LLC;
7. Mackey Properties Holdings LLC;
8. Morton, Frankie Lee;
9. Randolph County Partnership for Children;
10. Sunset Flowers & Gifts;
11. Sunset Medical Building LLC;
12. Trustees of Asheboro Masonic Lodge No. 699; and

WHEREAS, notice of the city council's intention to permanently close the described portions of Sunset Avenue, including the call for a public hearing on the question of the proposed street closure, was prominently posted in two (2) places on each side of Sunset Avenue between Church Street and Davis Street; and

WHEREAS, after holding the public hearing called by the Resolution, it appears to the satisfaction of the Asheboro City Council that the permanent closure of the below-described portions of the public right-of-way for Sunset Avenue between Church Street and Davis Street is not contrary to the public interest and that no individual or legal entity owning property in the vicinity of the portions of the public right-of-way proposed for closure would be deprived of a reasonable means of ingress and egress to the owner's property;

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

Section 1. The 2,522 square feet, more or less, of public right-of-way located on the north side of Sunset Avenue between Church Street and Davis Street, which is described below, is hereby permanently closed. The permanently closed portion of public right-of-way on the north side of Sunset Avenue between Church Street and Davis Street is located within the corporate limits of the City of Asheboro and is more particularly described by metes and bounds as follows:

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the north side of Sunset Avenue at a computed point where the proposed 56.67-foot right-of-way line for Sunset Avenue

intersects with the western margin of the public right-of-way for North Church Street (North Carolina Secondary Road 1707), this Beginning point is located North 43 degrees 29 minutes 58 seconds West 41.04 feet from a mag nail set in the centerline of the intersection of Sunset Avenue and Church Street and located by means of the North Carolina Coordinate System at the coordinates of North 712,821.21 Ground US Survey Feet and East 1,757,466.10 Ground US Survey Feet (NAD 83 (2011)); thence from the Beginning point running with the southern boundary line for the permanent street closure area proposed for the north side of Sunset Avenue ("Street Closure Area 1") North 87 degrees 18 minutes 04 seconds West 378.26 feet along a total of six parcels or tracts of land (these six parcels or tracts of land are, running east to west, the Frankie Lee Morton property described in the Office of the Register of Deeds for Randolph County, North Carolina (the "Randolph County Registry") in Deed Book 2506, Page 886; the First Baptist Church Asheboro property described in Deed Book 1534, Page 230, Randolph County Registry; the Tony Lee Hoover property described in Deed Book 1620, Page 1077, Randolph County Registry; the Mackey Properties Holdings LLC property described in Deed Book 2734, Page 2142, Randolph County Registry and in Plat Book 167, Page 4, Randolph County Registry; the Central Telephone Company property described in Deed Book 968, Page 261, Randolph County Registry; and the Central Telephone Company property described in Deed Book 968, Page 259, Randolph County Registry) by following the proposed 56.67-foot right-of-way line (subsequent to the Asheboro City Council's adoption of the permanent street closure order, this 56.67-foot right-of-way line will be the new northern margin of the public right-of-way for Sunset Avenue) to a computed point at the southwest corner of Street Closure Area 1 (this computed point is located North 82 degrees 42 minutes 36 seconds East 165.07 feet from a mag nail set in the centerline of the intersection of Sunset Avenue and Davis Street and located by means of the North Carolina Coordinate System at the coordinates of North 712,847.85 Ground US Survey Feet and East 1,756,896.28 Ground US Survey Feet (NAD 83 (2011)); thence departing from the southern boundary line for Street Closure Area 1, which is also the proposed 56.67-foot right-of-way line for the north side of Sunset Avenue, in order to follow the western boundary line for Street Closure Area 1 by running North 02 degrees 57 minutes 17 seconds East 6.67 feet across the portion of the existing public right-of-way for Sunset Avenue proposed for permanent closure to a computed point in the eastern margin of a 10-foot alley described in Deed Book 1070, Page 742, Randolph County Registry; thence departing from the western boundary line for Street Closure Area 1 and running along the northern boundary line for Street Closure Area 1 by following the existing 70-foot right-of-way line for the north side of Sunset Avenue the next bearing and distance: South 87 degrees 18 minutes 04 seconds East 378.37 feet to a computed point in the western margin of the public right-of-way for North Church Street; thence departing from the northern boundary line for Street Closure Area 1, which is the existing 70-foot right-of-way line, and following the eastern boundary line for Street Closure Area 1 the next bearing and distance along the western margin of the public right-of-way for North Church Street: South 03 degrees 52 minutes 37 seconds West 6.67 feet to the point and place of the BEGINNING, and being all of that certain 2,522 square feet of land, more or less, encompassed by the preceding metes and bounds description.

*The preceding description is in accordance with sheet 1 of a 2-sheet plat of survey titled "Survey For: **Sunset Avenue Street Closure From Church Street to Davis Street**" that was drawn under the supervision of Dan W. Tanner, II, a Professional Land Surveyor with license number L-4787. The referenced plat of survey, which is identified by Job # 12564 and lists in the title block the date of January 26, 2021, is hereby incorporated into this Ordinance by reference as if copied fully herein.*

The plat of survey referenced in the immediately preceding paragraph is recorded in Plat Book _____, Page _____, Randolph County Registry.

Section 2. The 2,215 square feet, more or less, of public right-of-way located on the south side of Sunset Avenue between Church Street and Davis Street, which is described below, is hereby permanently closed. The permanently closed portion of public right-of-way on the south side of Sunset Avenue between Church Street and Davis Street is located within the corporate limits of the City of Asheboro and is more particularly described by metes and bounds as follows:

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the south side of Sunset Avenue at a computed point where the proposed 56.67-foot right-of-way line for Sunset Avenue intersects with the western margin of the public right-of-way for South Church Street, this Beginning point is located South 47 degrees 39 minutes 52 seconds West 43.64 feet from a mag nail set in the centerline of the intersection of Sunset Avenue and Church Street and located by means of the North Carolina Coordinate System at the coordinates of North 712,821.21 Ground US Survey Feet and East 1,757,466.10 Ground US Survey Feet (NAD 83 (2011)); thence from the Beginning point running with the northern boundary line for the permanent street closure area proposed for the south side of Sunset Avenue ("Street Closure Area 2") along a total of six parcels or tracts of land (these six parcels or tracts of land are, running east to west, the J and A Castlerock LLC property described in Deed Book 2671, Page 23, Randolph County Registry; the Sunset Flowers & Gifts LLC property described in Deed Book 1960, Page 1775, Randolph County Registry; the Trustees of Asheboro Masonic Lodge No. 699 property described in Deed Book 1152, Page 330, Randolph County Registry; the Sunset Medical Building LLC property described in Deed Book 2125, Page 760, Randolph County Registry and in Plat Book 61, Page 91, Randolph County Registry; the Randolph County Partnership for Children property described in Deed Book 1636, Page 1316, Randolph County Registry and in Plat Book 61, Page 91, Randolph County Registry; and the K.A.C.S. Holdings LLC property described in Deed Book 2367, Page 596, Randolph County Registry) by following the proposed 56.67-foot right-of-way line (subsequent to the Asheboro City Council's adoption of the permanent street closure order, this 56.67-foot right-of-way line will be the new southern margin of the public right-of-way for Sunset Avenue) the next four bearings and distances: North 87 degrees 20 minutes 26 seconds West 266.55 feet to a 5/8-inch existing iron rod flush with the ground with a cap; thence North 87 degrees 19 minutes 29 seconds West 35.03 feet to a 3/4-inch existing iron pipe flush with the ground; thence North 87 degrees 21 minutes 59 seconds West 132.93 to a 1-inch existing iron pipe flush with the ground; thence North 87 degrees 19 minutes 45 seconds West 127.54 feet to a 5/8-inch existing iron rod flush with the

ground at the northwest corner of Street Closure Area 2 (this 5/8-inch existing iron rod is located South 38 degrees 32 minutes 21 seconds West 38.32 feet from a mag nail set in the centerline of the intersection of Sunset Avenue and Davis Street and located by means of the North Carolina Coordinate System at the coordinates of North 712,847.85 Ground US Survey Feet and East 1,756,896.28 Ground US Survey Feet (NAD 83 (2011)); thence departing from the northern boundary line for Street Closure Area 2, which is also the proposed 56.67-foot right-of-way line for the south side of Sunset Avenue, in order to follow the western boundary line for Street Closure Area 2 South 00 degrees 45 minutes 48 seconds West 3.93 feet across the portion of the existing public right-of-way for Sunset Avenue proposed for permanent closure to a computed point; thence departing from the western boundary line for Street Closure Area 2 and running along the southern boundary line for Street Closure Area 2 by following the existing 70-foot right-of-way line for the south side of Sunset Avenue the next two bearings and distances: South 87 degrees 20 minutes 26 seconds East 295.34 feet to a 3/4-inch existing iron pipe flush with the ground; thence South 87 degrees 20 minutes 26 seconds East 266.49 feet to a computed point in the western margin of the public right-of-way for South Church Street; thence departing from the southern boundary line for Street Closure Area 2, which is the existing 70-foot right-of-way line, and following the eastern boundary line for Street Closure Area 2 the next bearing and distance along the western margin for the public right-of-way for South Church Street: North 03 degrees 52 minutes 37 seconds East 3.95 feet to the point and place of the BEGINNING, and being all of that certain 2,215 square feet of land, more or less, encompassed by the preceding metes and bounds description.

*The preceding description is in accordance with sheet 2 of a 2-sheet plat of survey titled "Survey For: **Sunset Avenue Street Closure From Church Street to Davis Street**" that was drawn under the supervision of Dan W. Tanner, II, a Professional Land Surveyor with license number L-4787. This plat of survey, which is identified by Job # 12564 and lists in the title block the date of January 26, 2021, is hereby incorporated into this Ordinance by reference as if copied fully herein.*

The plat of survey referenced in the immediately preceding paragraph is recorded in Plat Book _____, Page _____, Randolph County Registry.

Section 3. This Ordinance shall take effect and be in force from and after the date of its adoption.

Section 4. Any person aggrieved by the permanent closure of the above-described portions of the public right-of-way for Sunset Avenue between Church Street and Davis Street may appeal the adoption of this Ordinance to the General Court of Justice of Randolph County, North Carolina within 30 days after the adoption of the Ordinance.

Section 5. In the event there is no appeal within thirty (30) days after the adoption of this Ordinance, a certified copy of the Ordinance shall be filed in the Office of the Register of Deeds of Randolph County, North Carolina as provided by law.

This Ordinance was approved by the Asheboro City Council in open session during a regular meeting held on June 10, 2021.

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

CITY SEAL

ATTEST:

/s/Tammy M. Williams
Tammy M Williams, Deputy City Clerk

10. Annexation Petitions.

(a) Property Owned by Robert and Kelly Link at 2835 Zoo Parkway

Mayor Smith opened the public hearing on the question of the annexation petition submitted by Robert and Kelly Link. The petition requested the non-contiguous annexation of land located at 2835 Zoo Parkway.

As part of the public hearing, City Engineer Michael Leonard, PE presented the staff's analysis of the annexation petition. Mayor Smith then invited comments from the public, but none were offered. In the absence of any additional testimony, Mayor Smith transitioned to the deliberative phase of the hearing.

Council Member Burks moved, and Council Member Swiers seconded the motion, to adopt the following annexation ordinance by reference. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

ORDINANCE NO. 24 ORD 6-21

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**AN ORDINANCE EXTENDING THE ASHEBORO CITY LIMITS BY
ANNEXING APPROXIMATELY 1.580 ACRES OF LAND AT 2835 ZOO
PARKWAY THAT ARE NOT CONTIGUOUS WITH THE
EXISTING PRIMARY CITY LIMITS**

WHEREAS, in accordance with Section 160A-58.1 of the North Carolina General Statutes, Robert Link and wife, Kelly Link (the "Petitioners") petitioned the Asheboro City Council (the "Council") to annex into the Asheboro satellite city limits two parcels of land (Randolph County Parcel Identification Numbers 7669386681 and 7669386710) owned by the Petitioners at 2835 Zoo Parkway; and

WHEREAS, the territory proposed for annexation is more specifically described by metes and bounds in Section 1 of this Ordinance; and

WHEREAS, on May 6, 2021, by means of a duly adopted resolution (Resolution Number 10 RES 5-21), the Council directed the city clerk to investigate the sufficiency of the petition submitted by Mr. and Ms. Link, and the city clerk has in fact certified the sufficiency of their annexation petition; and

WHEREAS, pursuant to Asheboro City Council Resolution Number 11 RES 5-21, a legal notice was published on May 20, 2021, in *The Courier-Tribune*, a newspaper with general circulation in the City of Asheboro, announcing that a public hearing to consider the adoption of an ordinance annexing the described territory into the City of Asheboro would be held during the Council's next regular meeting, which was scheduled to begin at 7:00 p.m. on June 10, 2021, in the council chamber on the second floor of Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203; and

WHEREAS, the public hearing was held, as advertised, on June 10, 2021; and

WHEREAS, the Council finds that the area described within the petition meets the standards of Section 160A-58.1(b) of the North Carolina General Statutes, to wit:

- (a) The nearest point on the proposed satellite corporate limits is not more than three miles from the primary corporate limits of the City of Asheboro;
- (b) No point on the proposed satellite corporate limits line is closer to the primary corporate limits of another municipality than to the primary corporate limits of the City of Asheboro;
- (c) The area for which annexation is requested is situated so that the City of Asheboro will be able to provide the same services within the proposed satellite corporate limits that are provided within the primary corporate limits; and
- (d) A subdivision will not be fragmented by the requested annexation; and

WHEREAS, the Council has concluded that all of the land owners, who are required by law to sign the annexation petition, have in fact signed the petition; and

WHEREAS, the Council further finds that the annexation petition is otherwise valid and that the public health, safety, and welfare of the City of Asheboro and the area proposed for annexation will be best served by annexing the territory described in Section 1 of this Ordinance.

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

Section 1. By virtue of the authority granted in Section 160A-58.2 of the North Carolina General Statutes, the following described non-contiguous territory is annexed, attached to, and hereby becomes a part of the City of Asheboro, North Carolina:

Grant Township, Randolph County, North Carolina:

BEGINNING on the proposed Asheboro satellite city limits line at a 3/4-inch existing iron pipe 8 inches below ground in the eastern margin of the 60-foot public right-of-way for Zoo Parkway (North Carolina Highway 159) at the shared corner of the Wade Through Minnie Creeks Properties, LLC property described in the Office of the Register

of Deeds for Randolph County, North Carolina (the "Randolph County Registry") in Deed Book 2366 at Page 457 and the Robert Link and wife, Kelly Link property described in Deed Book 2663, Page 544, Randolph County Registry (the Robert Link and wife, Kelly Link property described in Deed Book 2663, Page 544, Randolph County Registry is the property for which annexation has been requested and will be hereinafter referred to as the "Annexation Territory"), the described beginning point at the shared corner of the Wade Through Minnie Creeks Properties, LLC property and the Annexation Territory is located by means of the North Carolina Coordinate System at the coordinates of North 698,683.35 feet and East 1,763,551.87 feet (NAD 83 (2011)); thence from the beginning point departing from the eastern margin of the public right-of-way for Zoo Parkway and following the proposed Asheboro satellite city limits line along the Wade Through Minnie Creeks Properties, LLC property described in Deed Book 2366, Page 457, Randolph County Registry the next bearing and distance: North 52 degrees 43 minutes 27 seconds East 279.90 feet to a 1/2-inch existing iron rod 3 inches above ground at the northernmost corner of the Annexation Territory, this 1/2-inch existing iron rod is located by means of the North Carolina Coordinate System at the coordinates of North 698,852.87 feet and East 1,763,774.59 feet (NAD 83 (2011)); thence continuing to follow the proposed Asheboro satellite city limits line along the Wade Through Minnie Creeks Properties, LLC property described in Deed Book 2366, Page 457, Randolph County Registry by departing from the northernmost corner of the Annexation Territory and proceeding the next two bearings and distances: South 36 degrees 32 minutes 05 seconds East 45.70 feet to a 1/2-inch existing iron pipe 6 inches above ground; thence South 36 degrees 19 minutes 12 seconds East 199.72 feet to a 1-inch existing iron pipe 1 inch above ground at the corner shared by the Annexation Territory with the William E. Hunt, Jr. property described in Deed Book 1334, Page 300, Randolph County Registry, the 1-inch existing iron pipe at this shared corner is located by means of the North Carolina Coordinate System at the coordinates of North 698,654.64 feet and East 1,763,917.09 feet (NAD 83 (2011)); thence continuing to follow the proposed Asheboro satellite city limits line along the William E. Hunt, Jr. property described in Deed Book 1334, Page 300, Randolph County Registry the next bearing and distance: South 51 degrees 40 minutes 53 seconds West 274.77 feet to a 1/2-inch existing iron rod 3 inches below ground in the eastern margin of the public right-of-way for Zoo Parkway at the southernmost corner of the Annexation Territory; thence continuing to follow the proposed Asheboro satellite city limits line by departing from the southernmost corner of the Annexation Territory and following the eastern margin of the public right-of-way for Zoo Parkway the next two bearings and distances: North 37 degrees 44 minutes 27 seconds West 199.71 feet to a 1/2-inch existing iron rod flush with the ground, this 1/2-inch existing iron rod is located by means of the North Carolina Coordinate System at the coordinates of North 698,642.79 feet and East 1,763,582.27 feet (NAD 83 (2011)); thence North 36 degrees 51 minutes 21 seconds West 50.69 feet to the point and place of BEGINNING, and containing 1.580 acres of land, more or less, within the Annexation Territory that is proposed for annexation into the satellite corporate limits of the City of Asheboro.

The above-listed description is in accordance with a plat of survey identified as Project No. 5815 and titled "ANNEXATION SURVEY FOR ROBERT LINK and wife, KELLY LINK." The plat of survey was drawn under the supervision of William C. Burrow, Professional Land Surveyor with License Number L-2497.

The plat of survey referenced in the immediately preceding paragraph is recorded in Plat Book _____, Page _____, Randolph County Registry.

Section 2. Upon and after June 30, 2021, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. The above-described territory

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

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

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

Section 5. This Ordinance shall be in full force and effect upon and after June 30, 2021.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on June 10, 2021.

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

ATTEST:

/s/Tammy M. Williams
Tammy M. Williams, Deputy City Clerk

Approved as to form:

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

(b) Property Owned by Charles Ridley at 416 Patton Avenue

Mayor Smith opened the public hearing on the question of the annexation petition submitted by Charles Ridley. This petition requested the contiguous annexation of land located at 416 Patton Avenue.

As part of the public hearing, City Engineer Michael Leonard, PE presented the staff's analysis of the annexation petition. Mayor Smith then invited comments from the public, but none were offered. In the absence of any additional testimony, Mayor Smith transitioned to the deliberative phase of the hearing.

Council Member Burks moved, and Council Member Snuggs seconded the motion, to adopt the following annexation ordinance by reference. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**AN ORDINANCE EXTENDING THE ASHEBORO CITY LIMITS BY
ANNEXING APPROXIMATELY 0.470 ACRES OF LAND CONTIGUOUS TO
THE EXISTING PRIMARY CITY LIMITS AT 416 PATTON AVENUE**

WHEREAS, in accordance with Section 160A-31 of the North Carolina General Statutes, Charles Morris Ridley (the “Petitioner”) petitioned the Asheboro City Council (the “Council”) to annex into the Asheboro primary city limits a parcel of land (Randolph County Parcel Identification Number 7761522157) owned by the Petitioner at 416 Patton Avenue; and

WHEREAS, the territory proposed for annexation is more specifically described by metes and bounds in Section 1 of this Ordinance; and

WHEREAS, on May 6, 2021, by means of a duly adopted resolution (Resolution Number 12 RES 5-21), the Council directed the city clerk to investigate the sufficiency of the petition submitted by Mr. Ridley, and the city clerk has in fact certified the sufficiency of his annexation petition; and

WHEREAS, pursuant to Asheboro City Council Resolution Number 13 RES 5-21, a legal notice was published on May 25, 2021, in *The Courier-Tribune*, a newspaper with general circulation in the City of Asheboro, announcing that a public hearing to consider the adoption of an ordinance annexing the described territory into the City of Asheboro would be held during the Council’s next regular meeting, which was scheduled to begin at 7:00 p.m. on June 10, 2021, in the council chamber on the second floor of Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203; and

WHEREAS, the public hearing was held, as advertised, on June 10, 2021; and

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

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

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

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the existing Asheboro primary city limits line at a 5/8-inch new iron rod set flush with the ground in the northern margin of the 60-foot public right-of-way for East Salisbury Street (North Carolina Secondary Road 2237) at the southwest corner of the Charles Morris Ridley property described in the Office of the Register of Deeds for Randolph County, North Carolina (the “Randolph County Registry”) in Deed Book 2748 at Page 2762 (the real property described in Deed Book 2748, Page 2762, Randolph County Registry is the tract of land for which Charles Morris Ridley has requested annexation into the City of Asheboro, and this land will be hereinafter referred to as the “Ridley Tract”); thence from the beginning point, departing from the northern margin of the public right-of-way for East Salisbury Street and crossing the 30-foot public right-of-way for Patton Avenue (North Carolina Secondary Road 2192),

by proceeding along the existing Asheboro primary city limits line North 51 degrees 20 minutes 34 seconds West 38.47 feet to a 1/2-inch existing iron rod down 2 inches in the ground on the western margin of the public right-of-way for Patton Avenue; thence continuing to follow the existing Asheboro primary city limits line along the western margin of the public right-of-way for Patton Avenue the next bearing and distance: North 00 degrees 06 minutes 51 seconds West 174.74 feet to a 1/2-inch existing iron pipe flush with the ground at the northeast corner of the J-Mac Properties, LLC property described in Deed Book 2437, Page 770, Randolph County Registry; thence departing from the existing Asheboro primary city limits line and the western margin of the public right-of-way for Patton Avenue by proceeding across Patton Avenue in order to follow the proposed Asheboro primary city limits line the next bearing and distance: North 85 degrees 55 minutes 29 seconds East 29.23 feet to a 5/8-inch new iron rod set flush with the ground in the eastern margin of the public right-of-way for Patton Avenue at the northwest corner of the Ridley Tract; thence continuing to follow the proposed Asheboro primary city limits line along the northern boundary line of the Ridley Tract South 84 degrees 50 minutes 23 seconds East 74.26 feet to a 5/8-inch new iron rod set flush with the ground at the northeast corner of the Ridley Tract; thence departing from the northern boundary line of the Ridley Tract and running along the Crystal P. McClelland Coldiron and husband, Charles Coldiron property described in Deed Book 1633, Page 1074, Randolph County Registry in order to continue following the proposed Asheboro primary city limits line the next bearing and distance: South 00 degrees 33 minutes 27 seconds East 200.66 feet along the eastern boundary line of the Ridley Tract to an existing axle on the current Asheboro primary city limits line and in the northern margin of the public right-of-way for East Salisbury Street; thence following the existing Asheboro primary city limits line along the northern margin of the public right-of-way for East Salisbury Street the next bearing and distance: North 85 degrees 01 minute 57 seconds West 74.95 feet to the point and place of BEGINNING, and containing a total of 0.470 acres of land, more or less, to be annexed.

The above-stated legal description is in accordance with a plat of survey drawn under the supervision of Dan W. Tanner, II, Professional Land Surveyor with License Number L-4787. The plat of survey is titled "Annexation Survey For: Charles Morris Ridley."

The plat of survey referenced in the immediately preceding paragraph is recorded in Plat Book _____, Page _____, Randolph County Registry.

Section 2. Upon and after June 30, 2021, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. The above-described territory shall be subject to municipal taxes according to Section 160A-58.10 of the North Carolina General Statutes.

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

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

Section 5. This Ordinance shall be in full force and effect upon and after June 30, 2021.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the June 10, 2021.

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

ATTEST:

/s/Tammy M. Williams
Tammy M. Williams, Deputy City Clerk

Approved as to form:

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

11. Change Order Nos. 1 and 2 for the Wastewater Treatment Plant Clarifier Basins Painting and Rehabilitation Project.

Water Resources Director Michael Rhoney, PE reported that, after beginning the above-listed project, the condition of the concrete walls was found to be worse than thought at the time the project was advertised for bids. After Creative Resurfacing, LLC, which is the contractor on the project, completed pressure washing, it was discovered that a complete overlay of the structure with spray-on mortar will be needed in order to complete the project in accordance with the applicable specifications.

The third party coating inspector for the project confirmed the validity of this conclusion. Consequently, city staff recommended the approval of two change orders with Creative Resurfacing, LLC (one change order for each tank).

Change Order No. 1 increases the original contract price of \$242,550.00 by \$77,700.00 to a new contract price of \$320,250.00. The change order also increases the contract time by 12 calendar days with a new date for completion of all work of July 24, 2021.

Council Member Moffitt moved, and Council Member Redding seconded the motion, to approve Change Order No. 1. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

Change Order No. 2 increases the contract price by another \$77,700.00 to a new contract price, after accounting for both change orders, of \$397,950.00. This second change order increases the contract time by 7 calendar days with a new date for completion of all work of July 31, 2021.

Council Member Moffitt moved, and the motion was seconded by Council Member Snuggs, to approve Change Order No. 2. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

12. Electric Service Provider Resolution.

City Attorney Jeff Sugg presented and recommended adoption, by reference, of the resolution printed below that grants consent to Randolph Electric Membership Corporation (“REMC”) to serve as the exclusive provider of electric service within an area previously assigned to REMC by the North Carolina Utilities Commission. The elected officials concurred with this recommendation.

Consequently, Council Member Bell moved, and Council Member Redding seconded the motion, to approve the following resolution by reference. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes and the following resolution was approved/adopted by reference.

RESOLUTION NUMBER 15 RES 6-21

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION GRANTING CONSENT TO RANDOLPH ELECTRIC MEMBERSHIP CORPORATION TO SERVE AS THE EXCLUSIVE PROVIDER OF ELECTRIC SERVICE TO AREA PREVIOUSLY ASSIGNED TO RANDOLPH ELECTRIC MEMBERSHIP CORPORATION BY THE NORTH CAROLINA UTILITIES COMMISSION

WHEREAS, Section 160A-332(a)(6a) of the North Carolina General Statutes provides that, upon obtaining the prior written consent of a city, certain suppliers of electricity shall be the exclusive provider (hereinafter “Exclusive Provider” or “Exclusive Electric Provider”) of electric service within any area assigned to that supplier by the North Carolina Utilities Commission prior to the effective dates of annexation; and

WHEREAS, in approximately 1966, the North Carolina Utilities Commission assigned certain geographic areas (hereinafter the “Territory,” as set forth on **Attachment A**) located in the vicinity of the City of Asheboro to Randolph Electric Membership Corporation (hereinafter “Randolph EMC”); and

WHEREAS, Randolph EMC has constructed a safe, efficient, and reliable network of electric distribution lines and other facilities to serve that Territory and has continuously provided electric service in the Territory since approximately 1966; and

WHEREAS, allowing for Randolph EMC to continue serving as the Exclusive Provider of electricity in any annexed portions of the Territory will avoid the unnecessary duplication of electric lines and will promote safety and efficiencies in the delivery of service to the affected consumers and citizens; and

WHEREAS, as set forth on **Attachment B**, Duke Energy Carolinas, LLC, has consented to the City of Asheboro designating Randolph EMC as the Exclusive Electric Provider in the Territory and to Randolph EMC serving as the Exclusive Electric Provider in the Territory; and

WHEREAS, the Asheboro City Council (the “City Council”) deems it advisable to give its consent, as provided in Section 160A-332(a)(6a) of the North Carolina General Statutes, to designate Randolph EMC as the Exclusive Provider of electric service in the Territory.

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

Section 1. The City Council hereby consents, pursuant to Section 160A-332(a)(6a) of the North Carolina General Statutes, to the designation of Randolph EMC as the Exclusive Electric Provider within all of the Territory previously assigned to Randolph EMC by the North Carolina Utilities Commission, as set forth on **Attachment A**; and

Section 2. This Resolution shall be effective upon adoption.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on June 10, 2021.

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

ATTEST:

/s/Tammy M. Williams
Tammy M. Williams, Deputy City Clerk

[Attachment A and Attachment B referenced in the immediately preceding resolution are attached to the original resolution and are on file in the city clerk's office.]

13. Upcoming Events and Items Not on the Agenda.

Mayor Smith and City Manager John Ogburn led a discussion of upcoming events for the city government and within the community.

There was no council action taken during this portion of the meeting.

There being no further business, the meeting was adjourned at 9:28 p.m.

Tammy M. Williams, Deputy City Clerk

David H. Smith, Mayor