

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, MAY 5, 2022
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	)
Kelly L. Heath	)
William N. McCaskill	) – Council Members Present
Walker B. Moffitt	)
Jane H. Redding	)
Charles A. Swiers	)

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk
John L. Evans, Assistant Community Development Director
Michael L. Leonard, PE, City Engineer
Trevor L. Nuttall, Community Development Director
Jason A. Hanson, Police Major
Jonathan M. Sermon, Recreation Services Director
Jeffrey C. Sugg, City Attorney
Tammy M. Williams, CMC, 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.

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. GFWC-NC Asheboro Woman’s Club and the Gatekeeper’s House

For a number of years, the Asheboro Woman’s Club has preserved and made available to the community the Gatekeeper’s House, which is currently located on Lanier Avenue. In order to plan for the long-term preservation of this cultural asset for the city, the club has conveyed the historic venue to the City of Asheboro.

In recognition of the positive impact made by the club in preserving a piece of Asheboro’s history and improving the civic life of the community, Mayor Smith presented the Asheboro Pride Award to the GFWC-NC Asheboro Woman’s Club. Ms. Beverly Whitson, who is the president of the Asheboro Woman’s Club, accepted the award on the club’s behalf.

4. Key to the City Awarded to Van Rich

In recognition of Van Rich’s dedicated service to the city and its citizens, Mayor Smith awarded to Mr. Rich a Key to the City. Van Rich has made many contributions to the community through civic organizations such as the Lions Club and by serving on boards such as the City of Asheboro Planning Board. Mr. Rich’s years of service on the planning board included leading the board as chair for a significant period of time.

This civic service continues to this day. In addition to serving on the city's planning board, Mr. Rich has served on the Asheboro Housing Authority for a significant amount of time, including as chair of the housing authority.

In recognition of the difference that Mr. Rich has made in this community, Mayor Smith thanked Van Rich for his service to the citizens of Asheboro and presented to him the Key to the City.

5. Asheboro Pride Award Presented to Retired Asheboro High School Athletic Director Steve Luck

The city has enjoyed a sustained and mutually beneficial relationship with the Asheboro City Schools in general and with Blue Comet sports in particular. The success and strength of this partnership was encouraged and aided by the efforts of retired Asheboro High School Athletic Director Steve Luck.

In recognition and gratitude for Mr. Luck's service, Mayor Smith presented the Asheboro Pride Award to Steve Luck.

6. Old Business

(a) Case Nos. RZ-22-03 and SUB-22-02: Conditional Zoning and Subdivision Sketch Design Applications

Mayor Smith opened the legislative hearing, which had been continued from April 7, 2022, on the zoning map amendment application filed by Mr. Brian Thomas (the "Applicant"). The Applicant has requested conditional zoning, specifically R10 (CZ) zoning, for approximately 50.78 acres of his land (the "Zoning Lot") that is located west of 2513 Old Cedar Falls Road. The Zoning Lot is a portion of an approximately 106-acre parcel of land identified by Randolph County Parcel Identification Number 7772117810.

The Applicant has requested R10 (CZ) conditional zoning as part of his effort to obtain approval for a residential planned unit development. The Zoning Lot is currently zoned R10 Medium-Density Residential.

Community Development Director Trevor Nuttall summarized the staff analysis that had been discussed during the council's regular meeting in April 2022. As previously noted, the required legal notices for the above-referenced legislative hearing have been mailed, advertised and posted.

Mr. Nuttall utilized a slide show to provide an updated analysis by the planning staff of the Applicant's request. A copy of the slide show is on file in the city clerk's office. This analysis included the information listed below.

1. In response to an annexation petition, the Zoning Lot and the adjacent tract to the west were annexed into the city as a satellite annexation in 2006.
2. Old Cedar Falls Road is a state-maintained minor thoroughfare.
3. The Applicant submitted a revised site plan on April 28, 2022. Staff reviewed the changes and noted the following:
 - (a) The number of proposed units has been reduced from 160 to 145. 142 units (in 71 structures) are attached. Three units are detached.
 - (b) Units are proposed to be single-story dwellings with a two-car garage (previously a one-car garage), with two parking spaces in front of each unit (previously only one un-garaged space was proposed per unit).
 - (c) In addition to evergreen plantings identified on the previous plan, the landscaping plan specifies a berm is proposed on the west side of the Zoning Lot, adjacent to the Henley property.

4. The project proposes development with private streets with two entrances to the development from Old Cedar Falls Road. The second entrance is now proposed to be a gated, emergency entrance.
5. The developer would also be responsible for extending city water and sewer mains to serve the project as well as constructing a lift station.
6. The R10 residential zoning district is intended to provide regulation which will produce a moderate intensity of residential uses, usually single-family or two-family in character and served by a central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living.
7. Historically, conventional subdivision density within the R10 district averages around 3.8 units per acre. Revised plans were submitted on April 28, 2022, further reducing the number of lots. Overall net density has been recalculated using the latest data, and the proposed net density is now generally consistent with conventional R10 development.
8. The conditional zoning process allows an applicant to propose a project-specific zoning district that establishes permitted uses, development conditions, and site development requirements. The project-specific zoning district is allowed to diverge from the zoning ordinance’s predetermined land use requirements.
9. A portion of the property is located within a Special Hazard Flood Area. However, no development is proposed within this area.
10. On May 4, 2022, the North Carolina Department of Transportation (“NCDOT”) provided project comments indicating that the emergency access should be gated and not paved to order to prevent use other than in emergencies. Roadway improvements likely will be required in relation to the main entrance. Final location and stem length, including any necessary revisions, will be subject to NCDOT approval.

Mr. Nuttall noted that, when evaluating a rezoning application, careful consideration must be given to each goal and policy as outlined in the Land Development Plan. The following items describe the Zoning Lot in the context of the adopted comprehensive plan.

Proposed Land Use Map Designation:	Neighborhood Residential
Small Area Plan:	East
Growth Strategy Map Designation:	Primary Growth

LDP Goals/Policies Supporting the Request:

<u>Checklist Item 1:</u>	Complies with LDP proposed land use map.
<u>Checklist Item 5:</u>	The proposed rezoning is compliant with the objectives of the Growth Strategy Map.
<u>Checklist Item 7:</u>	The proposed rezoning is compatible with the East Small Area Plan.
<u>Checklist Item 12:</u>	Property is located outside of the watershed area.

LDP Goals/Policies Which Do Not Support the Request:

Checklist Item 10:

Proposed rezoning is not consistent with Land Category Descriptions.

Checklist Items 13-14:

13.) The property is located within Special Hazard Flood Area.
14.) Rezoning is located on steep slopes of greater than 20%.

As part of its analysis, the city planning staff also offered suggested conditions believed to be necessary to ensure Land Development Plan consistency and general conformity with city codes. City staff recommended approval of the request with the attachment of the following conditions.

Suggested Conditions from Planning Staff as of April 29, 2022

- (A) The approved use shall be a residential planned unit development that is compliant with the approved site plan.
- (B) All parties involved in the request, including the owner, successors, heirs, and assigns, shall agree to the conditions and approved site plan.
- (C) All required amenities in Phase One, as shown on the approved site plan, shall be built or guaranteed in compliance with the subdivision ordinance. This requirement pertains to, but is not limited to, the playground /picnic area and areas for small and large dogs shown on the site plan. Such areas shall be properly graded, stabilized, and seeded for the purpose so indicated.
- (D) Prior to recording a final plat for any phase of the development, homeowner association documents, which contain provisions consistent with this order, shall be recorded in the Office of the Randolph County Register of Deeds. Such homeowner association documents shall include, but not be limited to, maintenance responsibilities of the association, a release of the City of Asheboro from liability due to utility maintenance on private streets, indication that walls between units are party walls, and prohibition of parking recreational vehicles (boats, campers, travel trailers, etc.) outdoors.
- (E) Due to the proposed roadway width, on-street parking shall be prohibited.
- (F) Public infrastructure to be maintained by the city must be constructed to City of Asheboro standards and specifications and must receive the appropriate approvals from the North Carolina Department of Transportation ("NCDOT") and the North Carolina Department of Environmental Quality ("NCDEQ"). Maintenance easements shall be granted to the city for such infrastructure, including hydrants and meters. A lot containing the lift station shall be platted and conveyed to the city along with an access and maintenance easement. Surveying and construction drawings for state permitting and necessary legal instruments will be the developer's responsibility.
- (G) An engineering study of storm water runoff shall be made of the Zoning Lot. If this study indicates that post development runoff will exceed predevelopment conditions, plans for runoff control shall be designed and certified by a professional engineer. Such controls shall be designed to reduce the runoff during the occurrence of a 10-year storm to predevelopment volumes and rates. A professional engineer shall provide certification that the storm water controls were built according to the plans. Any open water retention or drainage areas shall be sprayed regularly for mosquito control. The continued maintenance of all runoff control measures shall be the responsibility of the property owner and any successors in interest.
- (H) Maintenance of all recreation areas, parking lots, roads, and drainage facilities that are not specifically labeled on the approved site plan as publicly owned

and maintained shall be the responsibility of the property owner and any successors in interest.

- (I) The site plan indicates that trash collection will be accomplished by means of mobile toters. Solid waste collection must be done by a private entity. The City of Asheboro will not pick up solid waste within the development. All final plats shall state that the City of Asheboro will no pick up individual cans for the development. Prior to issuing a certificate of occupancy for any unit, the developer shall provide evidence of an arrangement for private solid waste disposal service.
- (J) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the Applicant shall submit documentation detailing the following approvals:
 - (i) Driveway permit form NCDOT;
 - (ii) Erosion control approval from NCDEQ; and
 - (iii) Preliminary plat approval from the Asheboro City Council.
- (K) Pursuant to Section 4.05(C)(18) of the zoning ordinance, action to obtain a Zoning Compliance Permit shall have commenced for the proposed land use within 36 months of the city council's approval of the conditional zoning ordinance for the Zoning Lot.
- (L) A sealed survey plat shall be submitted from a professional land surveyor to city staff identifying the boundaries of the approved conditional zoning district.
- (M) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute and deliver to the zoning administrator for recordation in the Office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the city attorney for the purpose of placing notice of the conditions attached to this conditional zoning ordinance in the chain of title for the Zoning Lot.

The city's planning staff prepared the following analysis concerning the consistency of the proposed development with the adopted comprehensive plans as well as the reasonableness of the proposal.

Since the 2013 planned unit development approval, additional non-residential development has occurred within the East Small Area Plan boundaries and late last year Toyota announced plans to build a large manufacturing facility near Liberty, approximately 12 miles northeast of the subject property. Such growth likely will necessitate new housing opportunities, and the city's Land Development Plan ("LDP") advocates for different housing types, including townhome development, as part of the housing inventory.

The LDP's Neighborhood Residential Future Land Use Designation is generally supportive of PUD development at around 4 units per acre when adequate street connectivity and elements encouraged by the Plan, such as pedestrian amenities, project landscaping, recreation area, and open space, are incorporated in the project design.

The plans submitted are generally consistent with the city's predetermined land use requirements, including the construction of sidewalks, installation of project landscaping, preservation of open space, and the provision of recreational area.

At the conclusion of the community development director's presentation, Mayor Smith opened the floor for participation by other parties who wished to be heard on the question of the requested zoning map amendment. Mr. Robert Wilhoit, Esq., spoke on behalf of the Applicant and in support of the rezoning application.

There being no additional comments to supplement the public input received during the regular April 2022 city council meeting, Mayor Smith transitioned to the deliberative phase of the case.

After engaging in deliberations about the zoning map amendment application, Council Member Bell moved, and Council Member Moffitt seconded the motion, to adopt the plan consistency statement printed below and to approve the requested rezoning with the following multi-part motion.

1. The proposed zoning map amendment application is consistent with the City of Asheboro Land Development Plan, the objectives of the Growth Strategy Map, and is compatible with the East Small Area Plan. Furthermore, the proposed zoning map amendment is reasonable and in the public interest because:
 - (a) Non-residential development has occurred within the East Small Area Plan boundaries since 2013, and, late last year, Toyota announced plans to build a large manufacturing facility near Liberty, approximately 12 miles northeast of the Zoning Lot. Such growth will likely necessitate new housing opportunities, and the city's Land Development Plan (LDP) advocates for different housing types, including townhome development, as part of the housing inventory.
 - (b) The LDP's Neighborhood Residential Future Land Use Designation is generally supportive of planned unit development at around four units per acre when adequate street connectivity and elements encouraged by the Plan, such as pedestrian amenities, project landscaping, recreation area, and open space, are incorporated into the project design.
 - (c) The plans submitted by the Applicant are generally consistent with the city's predetermined land use requirements, including the construction of sidewalks, the installation of project landscaping, the preservation of open space, and the provision of recreational area.
2. In light of the above-stated analysis, the requested zoning ordinance map amendment application seeking the adoption of an ordinance granting R10 (CZ) conditional zoning with authorization for a residential planned unit development on the Zoning Lot is approved; provided, however, this approval is conditioned upon the Applicant accepting and agreeing to the above-printed conditions recommended by the city planning staff for attachment to the approved conditional zoning ordinance.

Council Members Bell, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. Council Member Burks voted no.

Subsequent to the adoption of the zoning map amendment, Mr. Nuttall utilized a slide show presentation to provide an overview of the planning staff's analysis of the Applicant's request for a subdivision sketch design review and approval for the Zoning Lot under file number SUB-22-02. As noted above, the proposed subdivision consists of 145 lots plus common area. The average lot size is approximately 3,826 square feet.

1. Two entrances are proposed from Old Cedar Falls Road. The second entrance is proposed as an emergency entrance.
2. The application is showing four phases, with recreational amenities located within the first phase.
3. The streets within the development are proposed to be privately maintained.
4. The developer will be extending water and sewer and constructing a lift (pump) station within the development.

5. The City of Asheboro Subdivision Ordinance requires planned unit developments to build sidewalks connecting all units with mail facilities, recreation facilities, other amenities, and public streets.

The subdivision sketch design plat has been circulated to city departments and the planning board for review. After considering the comments from city staff and the planning board, Council Member Moffitt moved, and Council Member Heath seconded the motion, to approve the subdivision sketch design plat with the following comments:

- (A) Fire hydrant locations for the development will be determined by the Asheboro Fire Department during the preliminary plat review; and
- (B) On May 4, 2022, NCDOT provided project comments indicating that the emergency access should be gated and not paved to prevent use other than in emergency situations. Roadway improvements will likely be required in relation to the main entrance. Final location and stem length, including any necessary revisions, will be subject to NCDOT approval.

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

(b) Alcoholic Beverage Consumption in a Designated “Social District”

During the regular April council meeting, the council members considered the designation, pursuant to Section 160A-205.4 of the North Carolina General Statutes, of a social district in downtown Asheboro. At the conclusion of the April 2022 deliberations, the council voted unanimously to make a modification to the initial draft of the proposed social district ordinance and to continue deliberating the issue during the council’s regular meeting in May 2022.

At the direction of Mayor Smith, City Attorney Jeff Sugg summarized the modification made to the initial draft of the proposed social district ordinance in compliance with the action taken by the council in April. Additionally, the city attorney discussed the most recent draft of the proposed social district ordinance that was prepared by the city attorney on the basis of comments received during the April meeting and with the benefit of subsequent comments communicated by community stakeholders to city staff members on an informal, one-on-one basis.

The most recent draft of the proposed social district ordinance, which had been distributed to the council members, served as a focal point for the governing board’s continuing deliberations. As part of these deliberations, Mayor Smith invited citizen comments and the following individuals addressed the elected officials: Barbara Gallimore, Thomas Papas, Rebekah McGee, Rebecca McCuiston, Al LaPrade, Mark Wilburn, John Serva, Brent Tysinger, William Dula, Boyd Byerly, Andrew Gregson, Jeff Joyce, Kevin Maddox, Neal Jackson, and H. Mack Summey.

At the conclusion of the deliberations, Council Member Bell moved, and Council Member Redding seconded the motion, to approve/adopt the following ordinance by reference. Council Members Bell, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. Council Member Burks voted no.

ORDINANCE NUMBER 10 ORD 5-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AN ORDINANCE TO AMEND CHAPTER 118 OF THE CODE OF ASHEBORO

WHEREAS, Chapter 118 of the Code of Asheboro pertains to local ABC licenses and business regulations; and

WHEREAS, Section 160A-205.4 of the North Carolina General Statutes authorizes a city to designate a social district for use in accordance with Section 18B-904.1 of the North Carolina General Statutes; and

WHEREAS, the Asheboro City Council has decided to exercise the authority to designate a social district in accordance with the applicable statutes and regulations.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro as stated in the next three sections of this Ordinance.

Section 1. A new section 118.05 of the Code of Asheboro is hereby enacted to provide as follows:

§ 118.05 **Zoo City Social District**

- (A) The Zoo City Social District is hereby created and is designated as shown on a map dated May 5, 2022, and titled “Boundaries of the Zoo City Social District.” The referenced map is available in the office of the city clerk. Signage and markings shall be posted in public rights-of-way in order to clearly delineate the boundaries of the social district established herein.
- (B) Within this section, the following words and terms shall be defined as stated in this subsection.
- (1) *Social district* means and refers to a defined outdoor area in which a citizen may consume alcoholic beverages sold by a permittee. This term does not include the permittee's licensed premises or an extended area allowed under G.S. § 18B-904(h).
- (2) *Permittee* means and refers to a person holding any of the following ABC permits issued by the North Carolina Alcoholic Beverage Control Commission:
- (a) An on-premises malt beverage permit issued pursuant to G.S. § 18B-1001(1);
- (b) An on-premises unfortified wine permit issued pursuant to G.S. § 18B-1001(3);
- (c) An on-premises fortified wine permit issued pursuant to G.S. § 18B-1001(5);
- (d) A mixed beverages permit issued pursuant to G.S. § 18B-1001(10); and
- (e) A distillery permit issued pursuant to G.S. § 18B-1100(5).
- (3) *Person* means and refers to an individual, firm, partnership, association, corporation, limited liability company, other organization or group, or other combination of individuals acting as a unit.
- (4) *Premises* means and refers to a fixed permanent establishment, including all areas inside or outside the permitted establishment, where the permittee has control through a lease, deed, or other legal process.

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- (C) The Zoo City Social District shall be managed in accordance with the requirements found in G.S. § 160A-205.4 and Chapter 18B of the North Carolina General Statutes.
- (D) Any person who violates this section, and any person who aids, abets, encourages, assists in, or contributes to a violation of this section shall be guilty of a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.
- (E) The days and hours during which alcoholic beverages may be consumed in the Zoo City Social District are Thursday, Friday, and Saturday between the hours of 11:00 a.m. and 11:00 p.m. on each of the listed days. At all other times, the provisions and terms contained in this section are not in effect, and all provisions of state and local laws concerning the possession and consumption of alcoholic beverages shall be in full force and effect.
- (F) Any alcoholic beverage purchased for consumption in the Zoo City Social District shall only be consumed in the Zoo City Social District, and, unless the person is reentering the licensed premises where the alcoholic beverage was purchased, the beverage shall be disposed of before the person in possession of the alcoholic beverage exits the Zoo City Social District.
- (G) A permittee located in or contiguous to the Zoo City Social District may sell alcoholic beverages for consumption within the social district in accordance with the following requirements:
 - (1) The permittee shall only sell and serve alcoholic beverages on its licensed premises;
 - (2) The permittee shall only sell alcoholic beverages for consumption in the social district in a container that meets all of the following requirements:
 - (a) The container clearly identifies the permittee from which the alcoholic beverage was purchased;
 - (b) The container clearly displays a logo or some other mark that is unique to the Zoo City Social District;
 - (c) The container is not comprised of glass;
 - (d) The container displays, in no less than 12-point font, the statement, "Drink Responsibly – Be 21;" and
 - (e) The container shall not hold more than sixteen (16) fluid ounces.
 - (3) The permittee shall not allow a person to enter or reenter its licensed premises with an alcoholic beverage not sold by the permittee.
- (H) The possession and consumption of an alcoholic beverage in the Zoo City Social District is subject to all of the following requirements:
 - (1) Only alcoholic beverages purchased from a permittee located in or contiguous to the Zoo City Social District may be possessed and consumed;

- (2) Alcoholic beverages shall only be in containers meeting the requirements set forth in subsection (G)(2);
 - (3) Alcoholic beverages shall only be possessed and consumed during the days and hours set forth in subsection (E);
 - (4) Nothing in this section shall be construed as authorizing the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in G.S. § 18B-1010; and
 - (5) A person shall dispose of any alcoholic beverage in the person's possession prior to exiting the Zoo City Social District unless the person is reentering the licensed premises where the alcoholic beverage was purchased.
- (I) Notwithstanding any other provision in this section, when a special event is held within the boundaries of the Zoo City Social District and the special event has been specifically authorized by the city council, the terms found within the council's legislative enactment authorizing the special event shall supersede the provisions of this section. In addition to events in the Bicentennial Park and Sunset Theatre facilities governed by the City of Asheboro Cultural and Recreation Services Policy Manual, the city council authorization for a special event may take the form of a public street, sidewalk, alley, and/or parking lot closure.
- (J) If any subsection, clause, phrase, sentence, or portion of this section of the Code of Asheboro is held void, invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, the portion of this Ordinance held to be invalid shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions of the Ordinance.

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

Section 3. This Ordinance shall be in full force and effect upon and after the 15th day of May, 2022.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 5th day of May, 2022.

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

ATTEST:

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

- (c) **Continuation from April 7, 2022, of the petition from residents of the Regency Square community, concerning safety matters.**

Ms. Georgia McCollom, president of the homeowner association, presented a petition signed by twenty of the twenty-two residents of the Regency Square community. Two additional stop signs were requested for the intersection of Dixon Avenue and Dixon Street. Furthermore, in addition to providing other information, the petition called for a safety study concerning drainage, lighting, and edge of street condition on the narrow portion of Dixon Avenue and all of Dixon Street. A copy of the petition is on file in the city clerk's office.

City Manager John Ogburn communicated that city staff will investigate the concerns raised in the petition and report to council as more information becomes available. No legislative action was taken by the council at this time.

7. Public Comment Period

Mayor Smith opened the floor for public comments.

Barry Stutts, who resides at 1313 Brookdale Drive, asked about the traffic calming study completed in Dixieland Acres and discussed during the regular meeting held in April 2022. After Mr. Stutts was updated about the action that had been taken at an earlier council meeting, no one else asked to speak. Mayor Smith then closed the public comment period and moved to the next item on the meeting agenda.

8. Consent Agenda

Council Member Redding moved, and Council Member Heath seconded the motion, to approve/adopt the consent agenda as presented. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes. Consequently, the following actions were unanimously approved/adopted by the city council.

(a) City Council Meeting Minutes for April 7, 2022

The meeting minutes for the city council's regular meeting on April 7, 2022, were approved and have been filed in the city clerk's office. An electronic copy of the approved document has been posted on the city's website.

(b) City Council Special Meeting Minutes for April 22, 2022

The meeting minutes for the city council's special meeting on April 22, 2022, were approved and have been filed in the city clerk's office. An electronic copy of the approved document has been posted on the city's website.

(c) Asheboro ABC Board Meeting Minutes for March 7, 2022

The council acknowledged the receipt of the Asheboro ABC Board's approved meeting minutes for February 7, 2022. This document has been filed in the city clerk's office and distributed to the city's elected officials.

(d) Scheduling of a Legislative Hearing for June 9, 2022

The council approved a request from the community development division to schedule for June 9, 2022, and to advertise, a legislative hearing on a text amendment application pertaining to zoning ordinance sign regulations.

(e) Annual Report from the City of Asheboro Planning Board

The council acknowledged the receipt of the Asheboro Planning Board's annual report. This document has been filed in the city clerk's office and distributed to the city's elected officials.

(f) Annual Report from the Asheboro Airport Authority

The council acknowledged the receipt of the Asheboro Airport Authority's annual report. This document has been filed in the city clerk's office and distributed to the city's elected officials.

(g) Approval of an ordinance to amend the Asheboro Cultural and Recreation Services Schedule of Deposits, Fees, and Charges

ORDINANCE NUMBER 11 ORD 5-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AN ORDINANCE AMENDING THE ASHEBORO CULTURAL AND RECREATION SERVICES SCHEDULE OF DEPOSITS, FEES, AND CHARGES

WHEREAS, the Asheboro Cultural and Recreation Services Schedule of Deposits, Fees, and Charges (the “Fee Schedule”) is used to determine the amount of money to be collected from individuals and organizations wishing to utilize various cultural and recreation services, including facility/equipment rentals, offered by the city; and

WHEREAS, the recreation services director and the city manager have recommended updating the Fee Schedule to specify additional services and rentals that, with the acquisition of the Gatekeeper’s House, are now available; and

WHEREAS, the proposed amendments to the Fee Schedule are attached to this Ordinance as EXHIBIT 1 and are hereby incorporated into this Ordinance by reference as if copied fully herein; and

WHEREAS, the Asheboro City Council concurs with the recommendations made by the recreation services director and the city manager.

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

Section 1. The Fee Schedule is hereby rewritten to provide as specified in EXHIBIT 1. The provisions of the Fee Schedule that are not expressly modified by the contents of EXHIBIT 1 shall continue in full force and effect without alteration.

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

Section 3. This Ordinance shall be in full force and effect upon and after May 9, 2022.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 5th day of May, 2022.

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

ATTEST:

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

[EXHIBIT 1, which was referenced in the immediately preceding resolution, is on file in the city clerk’s office. This exhibit reflected the following fees and charges in connection with the Gatekeeper’s House facility: A refundable security deposit of \$100.00; a non-profit/government rate (per hour) of \$15.00; and a daily rate (per hour) of \$25.00 with a Rec Card and \$35.00 for a non-resident.]

**(h) Approval of a General Fund Budget Amendment – Enhanced Services
Offered by the Building Inspections Department**

12 ORD 5-22

**ORDINANCE TO AMEND THE GENERAL FUND
FY 2021-2022**

WHEREAS, at the time of budget adoption for FY 2021-2022 in June 2021, the City of Asheboro offices were still essentially closed to the public due to the COVID pandemic and the budget allocated funding for one Chief Building Inspector in the Building Inspection Department within the Community Development Division.

WHEREAS, since opening the office to the public, the need for two building inspectors has been identified in order to keep up with the current demand for services in the area of permitting and inspections.

WHEREAS, the City of Asheboro desires amend the 2021-2022 budget to incorporate an allocation to fund a second building inspector position.

WHEREAS, the current budget for property insurance on vehicles and equipment in the building inspection needs to be increased to meet the current year expenses.

WHEREAS, the City Staff has identified an area where the current expenditure budget appropriation is not needed within the Community Development Division to cover these expenses for the remainder of the 2021-2022 fiscal year.

WHEREAS, the City of Asheboro desires to be in compliance with all generally accepted accounting principles.

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

That the following Expense line items be increased / decreased:

<u>Line Item</u>	<u>Description</u>	<u>Increase / Decrease</u>
10-490-5600	Community Development	(26,000)
10-540-0200	Salaries & Wages	17,000
10-540-0702	Fringe Benefits – FICA	1,000
10-540-0705	Fringe Benefits- Retirement	2,000
10-540-5400	Insurance	5,000
		<u>\$0</u>

Adopted this the 5th day of May 2022.

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

ATTEST:

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

**(i) Approval of a General Fund Budget Amendment - Reallocation of
Funding across Various Departments**

13 ORD 5-22

**ORDINANCE TO AMEND
THE GENERAL FUND
FY 2021-2022**

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

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

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

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

<u>Account #</u>	<u>Expense Description</u>	<u>increase / (decrease)</u>
10-490-7100	Capital Outlay Land	(568,000)
10-510-0200	Salaries	300,000
10-555-0200	Salaries	200,000
10-590-0600	Pay Plan Adjustments	(50,000)
10-620-0400	Prof Svcs	75,000
10-630-1500	Building Maint & Repair	23,000
10-650-0400	Professional Services	20,000
Total Increase / (Decrease)		0

Adopted this 5th day of May, 2022.

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

ATTEST:

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

**(j) Approval of a Water and Sewer Fund Budget Amendment –
Reallocation of Funding across Various Departments**

14 ORD 5-22

**ORDINANCE TO AMEND
THE WATER & SEWER FUND
FY 2021-2022**

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

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

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

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

<u>Account #</u>	<u>Expense Description</u>	<u>increase / (decrease)</u>
30-810-0200	Salaries	150,000
30-720-0600	Unallocated pay changes	(32,000)
30-830-4500	Contracted Services	150,000
30-820-4500	Contracted Services	(268,000)
Total Increase / (Decrease)		0

Adopted this 5th day of May, 2022.

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

ATTEST:

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

(k) Approval of a Water and Sewer Fund Budget Amendment – Water Infrastructure at the Zoo City Sportsplex

15 ORD 5-22

**ORDINANCE TO AMEND
THE WATER & SEWER FUND
FY 2021-2022**

WHEREAS, on September 17, 2020, change order #1 to the Zoo City Sportsplex contract with Terry’s Plumbing & Utilities Inc. was approved by City Council.

WHEREAS this change order had two items relating to water & sewer line infrastructure activities – 1) water line including meter vault and BFP per drawings for a total of \$240,790 and 2) 2” PVC force main, 4” PVC Sewer service and 4” Diameter Wet Wells with aluminum hatches in the amount of \$80,000.

WHEREAS, since these are water & sewer fund activities, the funding for these activities need to be recognized in the Water & Sewer Fund.

WHEREAS, the City Council of the City of Asheboro desires to be in compliance with all generally accepted accounting principles to incorporate new expenditures outline above, and

THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina that following revenue and expense line items are changed as follows:

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

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
30-399-0000	Fund Balance Appropriation	\$320,790

Section 2: That the following expense line item be increased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
30-820-7401	Contribution to ZCSP fund	280,790
30-830-7401	Contribution to ZCSP fund	40,000
		<u>\$320,790</u>

Adopted this 5th day of May, 2022.

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

ATTEST:

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

(l) Approval of a Zoo City Sportsplex Fund Amendment – Water Infrastructure at the Sportsplex

16 ORD 5-22

**ORDINANCE TO AMEND
THE ZOO CITY SPORTSPLEX FUND
FY 2021-2022**

WHEREAS, on September 17, 2020, change order #1 to the Zoo City Sportsplex contract with Terry’s Plumbing & Utilities Inc. was approved by City Council.

WHEREAS this change order had two items relating to water & sewer line infrastructure activities – 1) proposed water line including meter vault and BFP per drawings for a total of \$240,790 and 2) 2” PVC force main, 4” PVC Sewer service and 4” Diameter Wet Wells with aluminum hatches in the amount of \$80,000.

WHEREAS, since these are water & sewer fund activities, the funding for these activities need to be recognized in the Water & Sewer Fund.

WHEREAS, the Zoo City Sportsplex Fund needs to be amended to reflect the revenue and appropriation for the offsetting expense.

WHEREAS, the City Council of the City of Asheboro desires to be in compliance with all generally accepted accounting principles to incorporate new expenditures outline above, and

THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina that following revenue and expense line items are changed as follows:

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

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
74-300-3000	Contribution from Water & Sewer Fund	\$320,790

Section 2: That the following expense line item be increased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
74-400-0001	Construction	\$320,790

Adopted this 5th day of May, 2022.

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

ATTEST:

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

(m) Approval of an Economic Development and Tourism Development Fund Amendment

17 ORD 5-22

**ORDINANCE TO AMEND THE ECONOMIC DEVELOPMENT & TOURISM DEVELOPMENT FUND
FY 2021-2022**

WHEREAS, the annual expenditure appropriation for ongoing annual community support payments to various agencies that support and promote Economic Development and Quality of Life in Asheboro need to be amended to account for actual expenses in 2021-2022.

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

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

Section 1: That the following revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
72-350-0000	Budget contribution for Chamber of Commerce	25,000

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72-350-0000	Budget contribution for Chamber of Commerce- Main Street / DAI	25,000
72-351-0000	Budget Contribution for Economic Development Corp.	50,000
72-353-0000	Budget Contribution Downtown Asheboro Inc.	100,000
72-353-0000	Budget Contribution Downtown Asheboro Inc. (Trade Street Project)	12,000
72-384-0000	Budget Contribution for Downtown Redevelopment (fiber)	329,000
		541,000

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

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
72-840-2000	Chamber of Commerce	25,000
72-840-2010	Chamber of Commerce- Main Street / DAI	25,000
72-840-4000	Economic Development Corp.	50,000
72-840-5000	Downtown Asheboro Inc.	100,000
72-840-5000	Downtown Asheboro Inc- Trade Street Project	12,000
72-800-0003	Downtown Redevelopment (fiber)	329,000
		541,000

Adopted this the 5th day of May, 2022.

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

ATTEST:

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

(n) Award of a Service Side Arm to a Retiring Asheboro Police Officer

With the approval of the consent agenda, the governing board unanimously approved the following resolution.

RESOLUTION NUMBER 13 RES 5-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION AWARDING TO MICHAEL TODD DEHAVEN
HIS SERVICE SIDE ARM UPON RETIREMENT FROM THE
ASHEBORO POLICE DEPARTMENT**

WHEREAS, after rendering honorable and valuable service to the City of Asheboro and its citizens throughout the course of his Asheboro Police Department career, which began on January 1, 1995, Master Police Officer Michael Todd DeHaven will begin his retirement from employment with the city on June 1, 2022; and

WHEREAS, pursuant to and in accordance with Section 20-187.2 of the North Carolina General Statutes, the Asheboro City Council wishes to recognize and honor Officer DeHaven for his dedicated service to the city by awarding to him, at a minimal monetary cost, the service side arm that he carried at the time of his retirement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, effective June 1, 2022, in consideration of the combination of his dedicated service to the City of Asheboro and the payment to the city of \$1.00, Michael Todd DeHaven is to be awarded ownership of his city-issued service side arm (a Glock model 45 9mm with serial no. BLKC050 and three magazines) upon a determination by the police department

command staff that Mr. DeHaven is eligible under the applicable federal and state laws to receive, own, or possess a firearm.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 5th day of May, 2022.

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

ATTEST:

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

9. Asheboro Planned Transportation Survey

Community Development Director Trevor Nuttall communicated to council that the city will be partnering with both Piedmont Authority for Regional Transportation and Regional Coordinated Area Transportation System to collect important data on transportation needs from the public. A survey will be available in both print and electronic versions in May 2022 and should take less than ten minutes to complete.

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

10. Community Development Items

Legislative Hearing (Case No. RZ-22-04): Conditional Zoning Application – Whole Block Redevelopment for a Multi-Family Development for the Elderly

Mayor Smith opened the legislative hearing on a zoning map amendment application that requests the application of OA6 (CZ) zoning to a parcel of land (the “Zoning Lot”) with the following street addresses: 615 & 617 South Church Street; 233 West Kivett Street; and 616 and 622 Hammer Avenue. The parcel of land, which is currently owned by Andobar, Inc., is approximately 2.5 acres in size and is identified by Randolph County Parcel Identification No. 7751703525.

The Zoning Lot is currently zoned OA6 (Office-Apartment). Wynnefield Forward, LLC (the “Applicant”) has applied, with the written consent of the current property owner, to place the Zoning Lot into an OA6 (CZ) conditional zoning district. The Applicant is requesting the council’s adoption of a conditional zoning ordinance that will allow a whole block redevelopment of the Zoning Lot for a multi-family development for the elderly.

Community Development Director Trevor Nuttall utilized a slide show to present the planning staff’s analysis of the application. Mr. Nuttall noted the following:

1. The Zoning Lot is located within the city limits.
2. South Church Street is a state-maintained minor thoroughfare. West Kivett Street is a city-maintained minor thoroughfare. Lanier Avenue and Hammer Avenue are city-maintained local streets.
3. The Applicant is proposing a four-story structure with 60 residential dwelling units and associated off-street parking.
4. The OA6 zoning district is described as “intended to produce moderate intensity office and residential development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designated as OA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged.”

5. Multi-family development for the elderly is a permitted use within the OA6 zoning district.
6. The Zoning Lot is located within Tier 3 (Commercial and Employment Center) of the Center City Planning Area. Two properties with a B3 (Central Commercial) designation are within 300 feet of the Zoning Lot.
7. The application seeks approval of a Whole Block Redevelopment proposal. Whole Block Redevelopment is envisioned to help with the revitalization of neighborhoods, the removal of blighted and unsafe structures, encouragement of reinvestment into properties in the vicinity of the development, stabilization and enhancement of property values, improvement of the city's housing stock, enhancement of the historic integrity of neighborhoods, and improvement to public infrastructure.
8. The Applicant is requesting conditional zoning due to one deviation the project from the Asheboro Zoning Ordinance's predetermined standards. The deviation is in the form of a front yard setback along South Church Street that is less than the 25 feet stipulated by the Whole Block Redevelopment standards.
9. Currently, there are two single-family dwellings, one two-family (duplex) dwelling, and one multi-family structure with five residential dwelling units. The multi-family structure currently has a 0-foot setback from South Church Street.

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

Proposed Land Use Map Designation: City Activity Center

Small Area Plan: Central

Growth Strategy Map Designation: Primary Growth

LDP Goals/Policies Supporting the Request:

Checklist Item 1: Rezoning is compliant with the Proposed Land Use Map.

Checklist Item 3: The Zoning Lot fits the description of the Zoning Ordinance. (Article 200, Section 210, Schedule of Statements of Intent)

Checklist Item 5: The rezoning request complies with the Growth Strategy Map.

Checklist Item 7: The proposed rezoning is compatible with the applicable Small Area Plan.

Checklist Item 8: The request is an adaptive reuse of a vacant or unused lot, or is an infill lot.

Checklist Items 12-13: The property is located outside of the watershed and Special Hazard Flood Area.

2.1.5: 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:

Checklist Item 14: Rezoning is located on steep slopes of greater than 20%.

As part of its analysis, the city planning staff also offered suggested conditions believed to be necessary to ensure Land Development Plan consistency and general conformity with city codes.

Suggested Conditions from Planning Staff

- (A) The approved use shall be a Whole Block Redevelopment for a Multi-Family Development for the Elderly.
- (B) All parties involved in the request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.
- (C) Prior to the issuance of a zoning compliance permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute, and deliver to the zoning administrator for recordation in the Office of the Randolph County Register of Deeds, a Memorandum of Land Use Restrictions prepared by the city attorney for the purpose of placing notice of the conditions attached to this conditional zoning in the chain of title for the zoning lot.

The City of Asheboro Planning Board considered the rezoning application and recommended placement of the Zoning Lot into the requested OA6 (CZ) zoning district. In making this recommendation, the planning board concurred with the planning staff's analysis of the consistency of the proposed development with the adopted comprehensive plans as well as the reasonableness of the proposal

Whole Block Redevelopment options were incorporated into the zoning ordinance less than 15 years ago to facilitate large-scale revitalization projects that are consistent with city policy by streamlining the zoning approval of such proposals. The ordinance identifies specific development standards, and, if an applicant complies with the predetermined zoning requirements, project approval is administrative in nature and does not require city council review and action. Due to a deviation from these predetermined standards, the applicant is requesting accommodation through this conditional zoning application.

The primary reason for the proposal to reduce the building setback on South Church Street is to maximize separation between the proposed building and the railroad right-of-way. Reduced building setbacks are design characteristics encouraged, and in some areas of the city such as the central business district two blocks to the north, generally mandated by the development codes. When reviewing development proposals with lesser street setbacks, impacts to future right-of-way needs and transportation improvements should be considered. In this location, the South Church Street right-of-way is fifty to sixty foot in width and is designated as adequate in the city's Transportation Plan; no transportation improvements are proposed. In fact, the last improvement to South Church Street was a lane reduction project designed to reduce speeds on the roadway and improve safety.

In response to Mayor Smith inviting comments from the public, Mr. Davis Ray of Wynnefield Forward, LLC presented comments in support of the rezoning application. No other comments were offered from the public, and Mayor Smith then transitioned to the deliberative phase of the process.

After engaging in deliberations about the zoning map amendment application, Council Member Bell moved, and Council Member Burks seconded the motion, to adopt the plan consistency statement printed below and to approve the requested rezoning with the following multi-part motion.

1. The proposed zoning map amendment application is compliant with the Proposed Land Use Map and the Growth Strategy Map, the Zoning Lot fits the zoning ordinance's description of the requested zoning district, and the proposed rezoning is compatible with the Central Small Area Plan. Furthermore, the proposed zoning map amendment is reasonable and in the

public interest because the primary reason for the proposal to reduce the building setback on South Church Street is to maximize separation between the proposed building and the railroad right-of-way. Reduced building setbacks are design characteristics encouraged, and in some areas of the city such as the central business district two blocks to the north, generally mandated by the development codes. When reviewing development proposals with lesser street setbacks, impacts to future right-of-way needs and transportation improvements should be considered. In this location, the South Church Street right-of-way is fifty to sixty foot in width and is designated as adequate in the city's Transportation Plan; no transportation improvements are proposed. In fact, the last improvement to South Church Street was a lane reduction project designed to reduce speeds on the roadway and improve safety.

2. In light of the above-stated analysis, the requested zoning ordinance map amendment application seeking the adoption of an ordinance granting OA6 (CZ) conditional zoning with approval of a Whole Block Redevelopment on the Zoning Lot for a Multi-Family Development for the Elderly is approved; provided, however, this approval is conditioned upon the Applicant accepting and agreeing to the above-printed conditions recommended by the city planning staff for attachment to the approved conditional zoning ordinance.

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

11. Finance Items

(a) Award of an Audit Contract

Finance Director Deborah Reaves discussed the results of an RFP process that was undertaken as a consequence of the city receiving in excess of \$750,000.00 in federal American Rescue Plan Act funding. One responsive proposal was received, and that proposal came from the firm that currently provides audit services for the city.

The accounting firm of William R. Huneycutt, CPA, PLLC outlined in its proposal a cost of \$36,800.00 for FYE 06-30-2022. The estimated cost for services for FYE 2023 and FYE 2024 is estimated at \$37,250.00.

Finance Director Reaves recommended awarding the audit contract to the firm of William R. Huneycutt, CPA, PLLC as the lowest responsive, responsible bidder. In response, Council Member Moffitt moved, and Council Member Heath seconded the motion, to approve/award the audit contract to the above-listed firm. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

The actual contract will be prepared and transmitted for review and approval by the city council as part of its consent agenda on June 9, 2022.

(b) Ordinance Creating the State Capital Infrastructure Grant Fund

Finance Director Deborah Reaves presented and recommended approval by reference of the following ordinance creating the State Capital Infrastructure Grant Fund. In response to this recommendation, Council Member Burks moved, and Council Member Bell seconded the motion, to approve/adopt the referenced project ordinance. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

PROJECT ORDINANCE
State Capital Infrastructure Grant Fund
FY 2021-2022

WHEREAS, On January 4, 2022, the NC Office of State Budget and Management (OSBM) notified the City of Asheboro had been appropriated 4 State Capital Infrastructure Fund (SCIF) Directed Grants.

WHEREAS, the City of Asheboro received a grant in the amount of \$1,500,000 for the purchase and renovation of the historic Acme-McCrary Textile Mill.

WHEREAS, the City of Asheboro received a grant in the amount of \$1,900,000 for a new fire station.

WHEREAS, the City of Asheboro received a grant in the amount of \$200,000 for capital improvements.

WHEREAS, the City of Asheboro received a grant in the amount of \$1,500,000 for repairs and renovations of downtown facilities.

WHEREAS, the City of Asheboro desires to set up a Special Revenue Fund to account for the funding and the expenses related to these grants, 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 State Capital and Infrastructure Grant Fund 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>
67-300-0000	Grant- Acme-McCrary Textile Mill	\$1,500,000
67-301-0000	Grant- Fire Station	\$1,900,000
67-302-0000	Grant- Capital Improvements	\$200,000
67-303-0000	Grant- Downtown Facilities	\$1,500,000
		\$5,100,000

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>
67-400-0000	Acme-McCrary Textile Mill- Purchase	1,000,000
67-400-0001	Acme-McCrary Textile Mill- Miscellaneous	500,000
67-500-0000	Fire Station-Unassigned	1,900,000
67-600-0000	Capital Improvements-Unassigned	200,000
67-700-0000	Downtown Facilities-Unassigned	1,500,000
	Total	
		5,100,000

Adopted this the 5th day of May 2022.

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

ATTEST:

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

12. Update on city-wide projects

City Manager Ogburn provided a progress report on several of the major construction projects within the city, including but not limited to, the Zoo City Sportsplex, Trade Street Improvements, Fire Station 3, and McCrary Park.

In connection with the Zoo City Sportsplex, Mr. Ogburn presented and recommended approval of “Zoo City Sportsplex Change Order 4 – Soccer Fields” from Terry’s Plumbing and Utilities, Inc. Under this change order, the contractor proposed to prepare fields 2, 3, and 4 for turf by installing fabric, setting underdrain stone, and concrete curb ready for installation of turf. Under this change order, the proposed work would be completed for the sum of \$1,282,299.04. The city would provide all surveys and staking.

In response to the favorable staff recommendation, Council Member Bell moved, and Council Member Swiers seconded the motion, to approve Change Order 4. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

A copy of the approved Change Order 4 is on file in the city clerk’s office.

The following ordinances to amend the General Fund and the Zoo City Sportsplex Fund were prepared in anticipation of council approval of Change Order 4. Subsequent to the council’s approval of Change Order 4, the next two ordinances were adopted by reference with two separate motions and in the following order on the basis of recommendations from the city manager and the finance director.

Council Member Bell moved to approve/adopt the following General Fund amendment, and the motion was seconded by Council Member Heath. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

19 ORD 5-22

**ORDINANCE TO AMEND
THE GENERAL FUND
FY 2021-2022**

WHEREAS, the scope of work in change order #4 to the Zoo City Sportsplex contract with Terry’s Plumbing & Utilities Inc. is for Terry’s Plumbing and Utilities to prepare fields 2, 3, and 4 for turf by installing fabric, setting underdrain stone and concrete curb ready for installation of turf.

WHEREAS, the General Fund needs to be amended to appropriate fund balance to transfer to the Zoo City Sportsplex Fund.

WHEREAS, the City Council of the City of Asheboro desires to be in compliance with all generally accepted accounting principles to incorporate new expenditures outline above, and

THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina that following revenue and expense line items are changed as follows:

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

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
10-399-0000	Fund Balance Appropriation	\$1,282,300

Section 2: That the following expense line item be increased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
10-620-7474	Contribution to Zoo City Sportsplex Fund	\$1,282,300

Adopted this 5th day of May, 2022.

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

ATTEST:

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

Council Member Burks moved to approve/adopt the following Zoo City Sportsplex Fund amendment, and the motion was seconded by Council Member Redding. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

20 ORD 5-22

**ORDINANCE TO AMEND
THE ZOO CITY SPORTSPLEX FUND
FY 2021-2022**

WHEREAS, the scope of work in change order #4 to the Zoo City Sportsplex contract with Terry’s Plumbing & Utilities Inc. is for Terry’s Plumbing and Utilities to prepare fields 2, 3, and 4 for turf by installing fabric, setting underdrain stone and concrete curb ready for installation of turf.

WHEREAS, the Zoo City Sportsplex Fund needs to be amended to reflect the revenue and appropriation for the offsetting expense.

WHEREAS, the City Council of the City of Asheboro desires to be in compliance with all generally accepted accounting principles to incorporate new expenditures outline above, and

THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina that following revenue and expense line items are changed as follows:

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

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
74-300-1000	Contribution from General Fund	\$1,282,300

Section 2: That the following expense line item be increased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
74-400-0001	Construction	\$1,282,300

Adopted this 5th day of May, 2022.

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

ATTEST:

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

13. Annexation Petition

Mayor Smith opened the public hearing on the question of the annexation petition submitted by Stephen Bryant, Kevin Douthit, and Kathy Cavin in connection with their Sterling Street properties. 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. Mayor Smith transitioned to the deliberative phase of the hearing.

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

ORDINANCE NO. 21 ORD 5-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**AN ORDINANCE EXTENDING THE ASHEBORO CITY LIMITS BY ANNEXING
THREE PARCELS OF LAND CONTIGUOUS TO THE EXISTING PRIMARY CITY
LIMITS AT THE TERMINUS OF STERLING STREET**

WHEREAS, Stephen P. Bryant has submitted a petition requesting the annexation into Asheboro of a parcel of land (Randolph County Parcel Identification Number 7761070520) he owns at 208 Sterling Street, Asheboro, North Carolina 27203; and

WHEREAS, Kevin Lynn Douthit has submitted a petition requesting the annexation into Asheboro of a parcel of land (Randolph County Parcel Identification Number 7761071608) he owns at 209 Sterling Street, Asheboro, North Carolina 27203; and

WHEREAS, Kathy Cavin has submitted a petition requesting the annexation into Asheboro of a parcel of land (Randolph County Parcel Identification Number 7751979712) she owns at 205 Sterling Street, Asheboro, North Carolina 27203; and

WHEREAS, when evaluated as a consolidated annexation area, the above-listed petitioners' parcels of land are contiguous to Asheboro's primary city limits; and

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

WHEREAS, on April 7, 2022, by means of a duly adopted resolution (Resolution Number 011 RES 4-22), the Council directed the city clerk to investigate the sufficiency of the petitions submitted by the above-listed petitioners, and the city clerk has in fact certified the sufficiency of their annexation petitions; and

WHEREAS, pursuant to Asheboro City Council Resolution Number 12 RES 4-22, a legal notice was published on April 21, 2022, 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 May 5, 2022, 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 May 5, 2022; and

WHEREAS, the Council has determined that the annexation petitions meet 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 current Asheboro primary city limits line at a 1 and 3/4-inch existing iron rod flush with the ground at the southeastern corner of the Stephen P. Bryant property described in the Office of the Register of Deeds for Randolph County, North Carolina (the "Randolph County Registry") in Deed Book 2105 at Page 150 (the "Bryant Property"), the described beginning point is located by means of the North Carolina Coordinate System at the coordinates of North 717,490.32 Ground US Survey Feet and East 1,760,112.26 Ground US Survey Feet (NAD 83 (2011)); thence, from the beginning point, following the southern boundary line of the Bryant Property along the current Asheboro primary city limits line South 88 degrees 14 minutes 06 seconds West 49.36 feet to a 3/4-inch existing iron rod down 2 inches at the southwest corner of the Bryant Property; thence departing from the current Asheboro primary city limits line and the southern boundary line of the Bryant Property to follow the proposed Asheboro primary city limits line the following bearing and distance along the western boundary line of the Bryant Property that is shared with the Douglas L. Moore and Allison Moore property described in Deed Book 2663, Page 1808, Randolph County Registry: North 00 degrees 47 minutes 55 seconds West 124.10 feet to a 1-inch existing iron pipe flush with the ground at the northwestern corner of the Bryant Property and in the southern margin of the 50-foot public right-of-way for Sterling Street (North Carolina Secondary Road 2231); thence following the proposed Asheboro primary city limits line North 88 degrees 00 minutes 25 seconds West 153.66 feet along the southern margin of the public right-of-way for Sterling Street to a computed point/point not set on the current Asheboro primary city limits line; thence departing from the southern margin of the public right-of-way for Sterling Street and following the current Asheboro primary city limits line North 07 degrees 25 minutes 06 seconds East 49.40 feet across the public right-of-way for Sterling Street to a computed point/point not set in the northern margin of the public right-of-way for Sterling Street; thence departing from the current Asheboro primary city limits line in order to follow the proposed Asheboro primary city limits line South 87 degrees 39 minutes 23 seconds East 17.57 feet along the northern margin of the public right-of-way for Sterling Street to a 1-inch existing iron pipe flush with the ground at the southwestern corner of the Kathy Cavin property described in Deed Book 1775, Page 846, Randolph County Registry and shown as Lots 27-29 and 27A-29A in Plat Book 5, Page 87, Randolph County Registry (the "Cavin Property"); thence departing from the northern margin of the public right-of-way for Sterling Street in order to proceed North 09 degrees 07 minutes 09 seconds East 228.79 feet along the western boundary line of the Cavin Property and the proposed Asheboro primary city limits line to a 5/8-inch existing iron rod that is up 2 inches at the northwest corner of the Cavin Property; thence departing from the western boundary line for the Cavin Property and following the proposed Asheboro primary city limits line South 89 degrees 52 minutes 23 seconds East 67.32 feet along the northern boundary line for the Cavin Property to a 3/8-inch existing iron rod that is up 2 inches at a corner shared by the Cavin Property with the Glenn R. King property described in Deed Book 1679, Page 839, Randolph County Registry, this corner is located by means of the North Carolina Coordinate System at the coordinates of North 717,892.25 Ground US Survey Feet and East 1,760,035.16 Ground US Survey Feet (NAD 83 (2011)); thence departing from the northern boundary line of the Cavin Property and following the proposed Asheboro primary city line the next three bearings and distances along the boundary line shared by the Cavin Property with the Gregory Charles Holden and Sara Louise Holden property described in Deed Book 2394, Page 1197, Randolph County Registry (the "Holden Property"): South 07 degrees 11 minutes 15 seconds West 31.29 feet to a 3/4-inch existing iron pipe up 4 inches; thence South 87 degrees 10 minutes 01 second East 20.00 feet to a 3/4-inch existing iron pipe in a tree; thence South 06 degrees 33 minutes 50 seconds West 29.29 feet to a 1-inch existing iron pipe up 2 inches; thence departing from the Cavin Property and continuing to follow the proposed Asheboro primary city limits line South 87 degrees 21 minutes 34 seconds East

302.68 feet along the northern boundary line for the Kevin Lynn Douthit property described in Deed Book 2031, Page 698, Randolph County Registry (the “Douthit Property”) that is shared with the Holden Property to a 1-inch existing iron pipe that is bent; thence departing from the northern boundary line for the Douthit Property and continuing to follow the proposed Asheboro primary city limits line the next five bearings and distances along the boundary line shared by the Douthit Property with the Holden Property: South 30 degrees 05 minutes 17 seconds West 49.82 feet a 1-inch existing iron pipe that is flush with the ground; thence South 38 degrees 14 minutes 30 seconds West 53.51 feet to a 1-inch existing iron pipe that is flush with the ground; thence South 45 degrees 41 minutes 25 seconds West 49.71 feet to a 60d nail set at the base of a 1-inch existing iron pipe that is down 2 inches; thence South 47 degrees 17 minutes 35 seconds West 54.07 feet to a 5/8-inch new iron rod that is flush with the ground; thence South 54 degrees 28 minutes 23 seconds West 19.46 feet to a 60d nail set at the base of a 1-inch existing iron pipe that is flush with the ground in the northern margin of the public right-of-way for Sterling Street; thence continuing to follow the proposed Asheboro primary city limits line by proceeding South 42 degrees 43 minutes 17 seconds West 54.46 feet across Sterling Street to a 1-inch existing iron pipe that is flush with the ground in the southern margin of the public right-of-way for Sterling Street; thence departing from the southern margin of the public right-of-way for Sterling Street and continuing to follow the proposed Asheboro primary city limits line by running the next two bearings and distances along the eastern boundary line of the Bryant Property that is shared with the Holden Property: South 38 degrees 11 minutes 55 seconds West 42.96 feet to an existing angled iron that is down 2 inches; thence South 16 degrees 27 minutes 59 seconds West 88.88 feet to the point and place of BEGINNING, and containing a total of 1.942 acres, 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: **Kathy Cavin, Kevin L. Douthit, & Stephen P. Bryant.**”

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, 2022, 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, 2022.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on May 5, 2022.

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

ATTEST:

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

Approved as to form:

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

14. Asheboro Airport Items

City Engineer Michael Leonard, PE discussed and recommended approval, by reference, of the award of a contract for the construction of the proposed 80-foot by 80-foot corporate hangar at the Asheboro Regional Airport.

Two bid openings were held in an effort to obtain three bidders. At the second bid opening, there were two bids received for construction of the hangar. On the basis of the project manager's recommendation, the lowest responsive, responsible bid was received from Simcon Company, LLC in the amount of \$1,041,650.00.

After considering the recommendation from engineering, Council Member Bell moved, and Council Member Swiers seconded the motion, to approve/award the above-stated contract with Simcon Company, LLC. This contract award is predicated on approval from NCDOA and the FAA. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

A copy of the bid tabulation summary and contract agreement is on file in the city clerk's office.

15. Upcoming Events

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

There being no further business, the meeting was adjourned at 11:05 p.m.

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

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