

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, JUNE 9, 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
David J. Hutchins, Public Works Director
Michael L. Leonard, PE, City Engineer
Mark T. Lineberry, Police Chief
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Michael D. Rhoney, PE, Water Resources Director
Jeffrey C. Sugg, City Attorney
Willie Summers, Fire Chief
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. Public Comment Period

Mayor Smith welcomed everyone in attendance and opened the floor for public comment and participation.

Mr. Thomas Papas, owner of Leo’s Whiskey Bar, commented on his experiences with operating a business in downtown Asheboro.

Mr. David Poe, who resides at 637 Anns Court, commented on potential flooding issues in the area around his home.

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

4. Discussion of the *Regional Intercity Visit 2022* to Upstate South Carolina

Ms. Linda Brown, President of the Asheboro/Randolph Chamber of Commerce, and Community Development Director Trevor Nuttall reported that the Greensboro Chamber of Commerce organized a trip to the Upstate South Carolina area for

representatives of the triad community. The purpose of the trip was to allow the participants to see the impact of the BMW facility in South Carolina.

During the presentation, Mr. Nuttall highlighted that Greer, South Carolina, the closest municipality to the facility, grew significantly in population following the construction of the facility. Among other things, the trip highlighted the importance of updating land development plans/codes to account for the impact of large scale economic development projects such as the projects recently announced in our area.

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

5. City Fuel Conservation Efforts

Public Works Director David Hutchins discussed the measures taken to conserve the amount of fuel used by the city's fleet of vehicles. In addition to general sustainability goals, these enhanced conservation efforts have been undertaken in response to price increases and occasional difficulties in obtaining the desired supply of fuel.

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

6. Police Department Annual Report

Police Chief Mark Lineberry presented an overview of the Asheboro Police Department's activities during 2021. During his presentation, Chief Lineberry noted there were a total of 25,522 calls for service.

No council action was requested under this agenda item, and none was taken. A copy of the police department's annual report is on file in the city clerk's office.

7. Joint Training by the Asheboro Police and Fire Departments

Police Chief Mark Lineberry and Fire Chief Willie Summers discussed the ongoing critical incident training undertaken by the police and fire departments as a joint effort. This training includes developing plans for responding to events such as "active shooter" incidents. Both departments have embraced the importance of effective communication and teamwork when responding to such potentially tragic events.

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

8. Public Hearing on the Proposed Fiscal Year 2022-2023 Budget

Mayor Smith opened the public hearing on the proposed budget for fiscal year 2022-2023. The first and only speaker was City of Asheboro Finance Director Deborah Reaves.

Ms. Reaves reported that the proposed budget was initially presented to the Council during a special meeting on May 20, 2022. Notice of this public hearing was published in *The Courier-Tribune* on May 27, 2022, and posted on the city website.

In addition to posting the budget on the city's website, the budget is on file and available for public inspection in the city clerk's office. Ms. Reaves utilized a slide show presentation in order to discuss the details and highlights of the proposed budget. A copy of the presentation is on file in the city clerk's office.

The proposed fiscal year 2022-2023 budget is balanced at \$61,207,222.00. The property tax rate remains at \$0.665 cents per \$100.00 valuation, while increases in water and sewer rates are recommended.

During her presentation, the finance director highlighted certain expenses including, but not limited to:

- Two job reclassification for all current City of Asheboro employees.
- \$781,952 for workers compensation and property insurance.
- \$358,631 in capital outlay (re-budget from 2021-2022 that will be financed).
- \$1,206,300 for existing debt service.
- \$459,450 for utilities.
- \$605,299 for City of Asheboro Facility Maintenance and repairs.
- \$877,550 for fuel cost, etc.
- \$500,000 for Community Development and support – unallocated.
- \$200,000 for completion of the Land Development Plan, RCC sidewalk construction oversight, various support related to the Acme-McCrary building acquisition, grant administration support for ongoing projects, including grant matching funds.
- \$15,000 for annual support to the Family Crisis Center.
- \$132,000 for community development, including the partnership with Habitat for Humanity.
- \$60,000 for a City Hall generator.
- 6% COLA aimed at retention and attraction of new hires in Sworn Law Enforcement.
- 4 new positions created for new patrol officers focusing on the downtown business district.
- \$545,676 in contracted services area for various services including 911 in the Police Department.
- \$244,000 in programs at the Sunset Theatre including support of the Arts Guild and the Senior Adult Center.
- \$4,732,646 contribution to the Zoo City Sportsplex Fund.
- \$87,370 re-budgeted for golf carts.
- \$200,000 to replace the chiller and controls at the Randolph County Library.
- \$200,000 for equipment needed to maintain the grounds at the Zoo City Sportsplex.
- \$116,760 in matching funds for Airport Grants.

The annual budget adoption meeting is scheduled for June 28, 2022, at 7:00 p.m. in the council chamber in Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203.

When Ms. Reaves concluded her presentation, Mayor Smith asked if anyone would like to offer any comments on the city's proposed budget. No one asked to be heard. Additionally, no written comments were submitted in advance, during, or subsequent to the public hearing.

No action was requested of the Council in connection with this agenda item, and none was taken.

9. Consent Agenda

Prior to calling for a vote on the consent agenda, Mayor Smith asked if any item should be removed for individual consideration. City Attorney Jeff Sugg requested the withdrawal from the consent agenda of two resolutions pertaining to the electronic auction of surplus city-owned vehicles. These resolutions were identified on the meeting agenda as items 9(f) and 9(g).

With the exception and exclusion of meeting agenda items 9(f) and 9(g), Council Member Burks moved, and Council Member Heath seconded the motion, to approve/adopt the following consent agenda items. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

(a) City Council Meeting Minutes for May 5, 2022

The meeting minutes for the city council's regular meeting on May 5, 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 Meeting Minutes for May 20, 2022

The meeting minutes for the special city council meeting held on May 20, 2022, were approved and have been filed in the city clerk's office. An electronic copy of the approved minutes has been posted on the city's website.

(c) Asheboro ABC Board Meeting Minutes for April 4, 2022

The council acknowledged the receipt of the Asheboro ABC Board's approved meeting minutes for April 4, 2022. This document has been filed in the city clerk's office and distributed to the city's elected officials.

(d) Asheboro ABC Board Proposed Budget for Fiscal Year 2022-2023

The council acknowledged the receipt of a copy of the budget message and proposed budget for the Asheboro ABC Board for fiscal year 2022-2023. This document has been filed in the city clerk's office and distributed to the city's elected officials.

(e) Scheduling of Legislative Hearings for July 14, 2022

- (i) The council approved the scheduling and advertisement of a legislative hearing to be held during the council's regular meeting on July 14, 2022, on the question of an application to amend the RA6 (CZ) zoning on property at 3140 Zoo Parkway, inclusive of the lots within the Parkway South Townhomes subdivision as well as the city's sewer lift station, for the purpose of dedicating to the public the subdivision's private streets.
- (ii) The council approved the scheduling and advertisement of a legislative hearing to be held during the council's regular meeting on July 14, 2022, on the question of an application to rezone property on the west side of Zoo Parkway, located approximately 225 feet south of Ridge Avenue, (Randolph County Parcel Identification Number 7750943464) from R10 to R7.5 (CZ) zoning for a residential planned unit development.
- (iii) The council approved the scheduling and advertisement of a legislative hearing to be held during the council's regular meeting on July 14, 2022, on the question of an application to rezone property at 1352 East Salisbury Street (Randolph County Parcel Identification Number 7761510840) from OA6 to OA6 (CZ) for business, professional, and personal services and an overflow parking area; to rezone 342 Patton Avenue from R10 to OA6 (CZ) zoning for business, professional, and personal services; and to amend the I2 (CZ) property at 1420 East Salisbury Street and 358 Patton Avenue due to proposed changes to the motor vehicle repair (major) and rental/sales of domestic motor vehicle uses.

[As noted above, items 9(f) and 9(g) on the meeting agenda were withdrawn. The following consent agenda items, while numbered sequentially in accordance with the item numbers used for these meeting minutes, correspond to the item numbers listed on the meeting agenda as items 9(h), (i), (j), and (k).]

(f) **Approval of a Resolution Honoring Retired
Fire Inspector John Russell**

RESOLUTION NUMBER 14 RES 6-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION HONORING FIRE INSPECTOR JOHN WILLIAM RUSSELL
UPON HIS RETIREMENT FROM EMPLOYMENT
WITH THE CITY OF ASHEBORO**

WHEREAS, John William Russell (“Fire Inspector Russell”), who served as a Fire Lieutenant immediately prior to his appointment as a Fire Inspector on January 1, 2018, has provided honorable, skilled, and dedicated service to the City of Asheboro and its citizens since the date of his initial employment with the Asheboro Fire Department on January 1, 1997; and

WHEREAS, Fire Inspector Russell began his retirement from employment with the City of Asheboro on June 1, 2022; and

WHEREAS, pursuant to and in accordance with Section 160A-294.1 of the North Carolina General Statutes, the Asheboro City Council wishes to recognize and honor this dedicated public servant by awarding to Fire Inspector Russell, at a minimal monetary cost, the fire helmet most recently assigned to him by the city; and

WHEREAS, due to the extended use of the badge assigned to Fire Inspector Russell and the fact that this badge cannot be placed in the market place without posing a risk of facilitating the impersonation of a City of Asheboro fire official and thereby creating a threat to public safety, the Asheboro City Council has concluded, consistent with Section 160A-266(d) of the North Carolina General Statutes, that the city’s use of the referenced badge ceased at the end of the day on May 31, 2022.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, on behalf of the citizens of Asheboro, the governing board extends its sincere thanks and appreciation to Fire Inspector Russell for his public service; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that, in consideration and recognition of his dedicated service, Fire Inspector Russell is to be awarded, at less than fair market value, ownership of the fire helmet most recently issued to him by the City of Asheboro; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that, in furtherance of this recognition of a valued public servant, the city staff is hereby directed to convey to John William Russell, on or after June 1, 2022, his Asheboro Fire Department helmet for a purchase price of one dollar (\$1.00); and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the city staff is hereby directed to convey to John William Russell, on or after June 1, 2022, and without charge, the badge most recently assigned to him by the city.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 9th day of June, 2022.

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

ATTEST:

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

(g) **Approval of an Ordinance to Close the Water and Sewer
System Improvements Project Fund**

24 ORD 6-22

**ORDINANCE TO AMEND AND CLOSE
WATER & SEWER SYSTEMS IMPROVEMENT FUND (#70)
FY 2021-2022**

WHEREAS, the last ordinance to amend the Water & Sewer Systems Improvements Fund was approved December 10, 2015.

WHEREAS, this amendment aligned budgeted expenses for Filter improvements at the Water Treatment Plant with funding provided by the Division of Environmental Quality in the form of a DWSRF Loan.

WHEREAS, the City of Asheboro has completed the various improvements outlined for this project and have had no other large projects with expenses that need to be kept separate from the Water & Sewer Operating Fund.

WHEREAS, the City Council of the City of Asheboro desires to amend the budget as required by law to align revenue and expense budgetary allocations with actual expenses and remit unspent funds back to the Water & Sewer operating fund.

WHEREAS, the City Council of the City of Asheboro wants 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 changes are made and the Water & Sewer System Improvements Project (fund #70) is hereby closed.

Section 1: That the following revenues be increased / decreased:

<u>Account #</u>	<u>Revenue Description</u>	<u>Increase/ (Decrease)</u>
70-367-3002	W&S Fund Cont.- Tot Hill / Airport lift station	(208,697)
70-367-3005	W&S Fund Cont.- Tot Hill Farm Pump Sta.	400,000
70-380-0001	DWSRF Loan- Filter Project	(191,303)
	Total Revenues Increase / (Decrease)	(0)

Section 2: That the following Expenses be increased / (decreased):

<u>Account #</u>	<u>Expense Description</u>	<u>Increase/ (Decrease)</u>
70-850-0000	Tot Hill / Airport Lift Station Construction	(215,121)
70-850-0001	Tot Hill / Airport Lift Station Engineering	(126,240)
70-860-0001	Giles Chapel construction	(150,000)
70-880-0001	Filter Project – construction	106,670
70-880-0003	Filter Project – repair& painting	(87,197)
70-890-3000	Contribution to W&S Fund	471,888
	Total Expense Increase / (decrease)	(0)

Adopted this the 9th day of June, 2022.

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

ATTEST:

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

(h) Approval of an Ordinance to Amend the Water and Sewer Fund

25 ORD 6-22

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 revenues in comparison to the current fiscal year adopted budget as a result of the closure of the Water & Sewer Systems Improvement Fund (#70) and the transfer of surplus budget allocations in the project fund back to the Water & Sewer Fund.

WHEREAS, the City Council of the City of Asheboro wants 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 Revenue line item be increased / (decreased):

<u>Account #</u>	<u>Expense Description</u>	<u>increase/ (decrease)</u>
30-399-0000	Fund Balance Allocation	(471,888)
30-397-7000	Contribution from Capital Project	471,888
Total Increase / (Decrease)		0

Adopted this 9th day of June, 2022.

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

ATTEST:

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

(i) Audit Contract with William R. Huneycutt, CPA, PLLC

The council approved an audit contract with the firm of William R. Huneycutt, CPA, PLLC for the fiscal year ending June 30, 2022, with a cost for services in the amount of \$36,800.00. A copy of the approved audit contract is on file in the city clerk’s office and in the city finance department.

10. Legislative Hearing (Case No. RZ-22-05): Zoning Ordinance Text
Amendments

Mayor Smith opened the legislative hearing on a text amendment application filed by city staff members. The proposed text amendments pertain to sign regulations found in Chapter 7 of the city’s zoning ordinance.

Community Development Director Trevor Nuttall utilized a slide show to present the planning staff’s proposed text amendments. A copy of the slide show is on file in the city clerk’s office. This analysis included the following information.

- (1) The zoning ordinance’s sign regulations were last updated in 2021 in response to changes in federal case law (the evolution in the federal case

law can be traced to the United States Supreme Court case of Reed v. Town of Gilbert).

- (2) It was recently noted at a city council meeting that questions had arisen about permissible sign types, sizes, and illumination.
- (3) Sign regulations are for “ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens and encouraging economic development.”
- (4) After receiving feedback from the City of Asheboro Planning Board during its meeting on May 2, 2022, and considering legal and operational impacts of potential changes, staff has proposed draft text amendments. The amendments specifically alter the permissible amount of electronic changeable copy sign area and establish maximum daytime and nighttime brightness levels. Under the proposal, area allowances would be determined by the property’s zoning district instead of regulated uniformly across districts. The proposal also returns the maximum sign area for multi-use development from 300 square feet to 200 square feet. Only one permit request has been made utilizing the 300-square foot provision; reverting the maximum area to 200 square feet increases the likelihood that such signage will be utilized for on premise advertising and should accommodate the vast majority of permit requests given application history.
5. The proposal maintains the current code’s neutral stance with regard to utilizing content for determining on or off premise advertising allowances.

LDP Goals/Policies Supporting the Request:

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

3.2.3: The city will require signs that blend harmoniously with the surrounding streetscape and other architectural elements of a site, such as requiring monument style signs that match building architecture, landscaping around signs, and unified sign plans for large-scale developments.

Design Principle #1 (LDP Design Principles) states that commercial centers need to have “signs and buildings at a more human scale.”

The City of Asheboro Planning Board considered the proposed zoning ordinance text amendments and agreed with the staff’s proposal and the following analysis:

The Land Development Plan supports periodic review of zoning provisions to ensure that emerging issues, including those related to signs, reflect community expectations and that regulations are fair and align with state and federal law. Subsequent to the United States Supreme Court case that prompted the 2021 amendments, the Court issued a decision in April 2022 (City of Austin, Texas v Reagan National Advertising of Austin, LLC) clarifying constitutional issues relative to sign regulations and that decision also has informed the proposed amendments. In addition, the recommended amendments are presented following staff’s analysis of LDP goals and policies, review of codes from other jurisdictions, consideration of enforceability, and discussion that occurred at the May 2, 2022, Planning Board meeting.

In light of the above analysis, the city planning staff recommended adoption of the proposed text amendments.

During their discussion of the proposed text amendments, a consensus emerged among the governing board members as to their agreement with the staff and planning board analysis of the consistency of the proposed sign ordinance amendments with current case law and with the city's adopted comprehensive plans. Accordingly, Council Member Bell moved, and Council Member Redding seconded the 2-part motion, to (a) adopt the above-stated consistency statement that was initially draft by the planning staff and (b) to approve, effective immediately, the zoning ordinance text amendments as presented. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

The approved text amendments to Chapter 7 of the City of Asheboro Zoning Ordinance are as follows:

Table 7-1 is amended change the maximum area for "Multi-Use Development Freestanding or Monument" sign types in B2, TH, and Industrial zoning districts from 300 square feet to 200 square feet.

Section 7.07(D) (Supplemental Sign Regulations for Office, Neighborhood Business, Central Business, and Mercantile Districts) is amended to provide as follows:

Electronic Changeable Copy Signs. Electronic Changeable Copy Signs are allowed a maximum size of ~~up to 33 80~~ percent of the ~~amount of~~ sign face area and shall not exceed the maximum height of the sign type utilized. Electronic changeable copy signs shall operate on a five second minimum delay. Maximum brightness levels for electronic changeable copy signs shall not exceed 5,000 nits during daylight hours and shall not exceed 500 nits between dusk and dawn, as measured from the sign face.

Section 7.08(D) (Supplemental Sign Regulations for General Business and Tourism-Hospitality Districts) is amended to provide as follows:

Electronic Changeable Copy Signs. Electronic Changeable Copy Signs are allowed a maximum size of ~~up to 50 80~~ percent of the ~~amount of~~ sign face area or 100 square feet, whichever is less, and shall not exceed the maximum height of the sign type utilized. Electronic changeable copy signs shall operate on a five second minimum delay. Maximum brightness levels for electronic changeable copy signs shall not exceed 5,000 nits during daylight hours and shall not exceed 500 nits between dusk and dawn, as measured from the sign face.

Section 7.09(D) (Supplemental Sign Regulations for Industrial Districts) is amended to provide as follows:

Electronic Changeable Copy Signs. Electronic Changeable Copy Signs are allowed a maximum size of ~~up to 80 50~~ percent of the ~~amount of~~ sign face area or 100 square feet, whichever is less, and shall not exceed the maximum height of the sign type utilized. Electronic changeable copy signs shall operate on a five second minimum delay. Maximum brightness levels for electronic changeable copy signs shall not exceed 5,000 nits during daylight hours and shall not exceed 500 nits between dusk and dawn, as measured from the sign face.

11. Subdivision Cases

(a) **Case No. SUB-22-03:** Preliminary Plat Review – Timber Ridge Subdivision

Community Development Director Trevor Nuttall presented the planning staff's analysis of the preliminary plat for Timber Ridge subdivision. This subdivision is

located on the southern side of East Allred Street, approximately 200 feet east of Ingram Drive. The approximately 20.44-acre parcel of land is more specifically identified by Randolph County Parcel Identification Number 7762401107.

The Applicant, Davidson Land Development, LLC, has requested approval of a preliminary plat that shows thirty-six lots with an average lot size of approximately 0.47 acres +/- . The property to be subdivided is currently undeveloped and is subject to R10 and R15 zoning.

During his presentation, Mr. Nuttall noted the following information.

- (a) The subject property is located outside of the city limits. Access to city services (water/sewer) will require annexation of the property.
- (b) The subdivision plat does not include sidewalks. While the subdivision ordinance encourages sidewalks, it does not require them for a residential subdivision that is not a planned unit development.
- (c) The property includes one point of access from East Allred Street.
- (d) The physical characteristics and development patterns of the adjoining properties make having a future connection impractical.
- (e) This property was a part of a previously submitted and approved sketch in 2017, which included additional property to the north. A revised sketch design was approved by city council on April 7, 2022, and removed the property to the north.

The planning staff and planning board recommended approval of the preliminary plat with the following condition:

Connection to city utilities (water and sewer) requires annexation. After receiving approval from the North Carolina Department of Environmental Quality, grading and other state permitting can proceed, but utility work cannot begin until annexation is approved.

After discussion, a consensus emerged among the governing board members to concur with the staff and planning board recommendations. Council Member Bell moved, and Council Member Swiers seconded the motion, to approve, subject to the above-stated condition, the requested preliminary subdivision plat approval. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

(b) Case No. SUB-95-06: Final Plat Review – Windcrest Acres, Section 3

Community Development Director Trevor Nuttall presented the planning staff's analysis of the request for final subdivision plat certification for Windcrest Acres, Section 3. This section of the subdivision is located south of Oak Bend Drive and Central Falls Road.

The parcel identification number listed in the staff report is Randolph County Parcel Identification Number: 7762369298. Approximately 19.13 acres out of a total of 69.13 acres is at issue with this final certification request.

The Applicant, Davidson Land Development, LLC, has requested approval of a final plat showing 46 lots with an average lot size of approximately 14,434 square feet. The property is currently undeveloped and is located in an R10 zoning district.

During his presentation, Mr. Nuttall noted the following information.

- 1. The preliminary plat was approved in 2021. Changes proposed since the preliminary approval include the following:

- (a) Elimination of an optional future connection to the southeast. The development provides two connections: one to Central Falls Road via existing sections of the subdivision and another connection to Bennett Street;
 - (b) Relocation of future phase line and reduction of Phase 3 acreage from 21.47 acres +/- to 19.13 acres +/-; and
 - (c) The number of dwellings has been reduced from 47 to 46.
2. The first two sections of the development include 27 lots. Additional future development area on the property may be developed at a later time with a submittal of the required sketch design that meets the development requirements in effect at the time of submittal. However, neither the number of lots nor the design for a future phase has been identified at this time.
 3. When the sketch design plat was approved in 1995, curb and gutter streets were not required. The sketch plan did not indicate curb and gutter streets for any phases of the development. The first two phases do not have curb and gutter streets.
 4. A small portion of the property is within a Special Hazard Flood Area. Development around streams is also subject to North Carolina Department of Environmental Quality permitting requirements.
 5. A deceleration/turning lane was installed along Central Falls Road when the previous sections of the development were built.
 6. A written one-year warranty against improvement defects has been provided by the developer.

On the condition that any outstanding punch list items must be completed, the planning staff and the planning board recommended granting the requested final subdivision plat certification.

Mr. Bobby Kivett, who appeared as a representative for the developer, was available to answer questions.

After discussion, the governing board members concurred with the recommendation of the planning staff and planning board. Subject to and contingent upon the developer completing any outstanding punch list items, Council Member Bell moved, and Council Member Burks seconded the motion, to approve the requested final plat certification for Windcrest Acres, Section 3. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

(c) Case No. SUB-22-04: Sketch Design Review – Estates of Cedar Falls

Community Development Director Trevor Nuttall presented the planning staff's analysis of the subdivision sketch design review application submitted by Brian Thomas. The proposed subdivision is a conventional subdivision located east of 2513 Old Cedar Falls Road.

This subdivision consists of approximately 20.03 acres of land out of a total of approximately 56.73 acres. The land in question is a portion of a parcel identified by Randolph County Parcel Identification Number 7762369298.

The applicant's property is currently zoned R10 and, with the exception of a single-family dwelling on one of the larger tracts, is undeveloped. The developer is proposing to create 64 lots with an average lot size of approximately 0.30 of an acre (not including residual or future development areas).

During his presentation, Mr. Nuttall discussed the following planning staff analysis of the subdivision sketch design review application.

1. This is a conventional subdivision. While the subdivision ordinance encourages sidewalks, they are optional in a development that is not a planned unit development.
2. Unlike a planned unit development that was approved in Phase 1, a conventional residential subdivision is permitted by right in a residential zoning district, subject to meeting the requirements of the subdivision ordinance.
3. There is a small area of 100 year floodplain on the northwestern side of the development, affecting 3 lots. However, the floodplain is not within the footprint of where the residential structures would be constructed.
4. One entrance is proposed from Old Cedar Falls Road. The development does not include a connection to the previously approved Thomas Estates planned unit development.
5. The plan shows two separate locations for potential road connections to the “Future Development Area.”

At the conclusion of the community development director’s presentation, Mayor Smith opened the floor for citizen comments about the requested subdivision sketch design approval. In response, Mr. William Dula offered comments.

Subject to one comment, the sketch design presented to the city council received a favorable recommendation from the planning staff and planning board. The planning staff did comment that, depending on the proposed phasing, a temporary turnaround may be required.

The governing board members expressed their concurrence with the staff and planning board recommendations. Council Member Moffitt moved, and Council Member Heath seconded the motion, to approve, with the above-stated comment about the potential requirement for a temporary turnaround, the sketch design submitted to the city council for the Estates of Cedar Falls conventional subdivision. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

12. Industrial Park Avenue Sidewalk Improvements Project

Mayor Smith recognized Community Development Director Trevor Nuttall, who has been working with the North Carolina Department of Transportation (“NCDOT”) and other stakeholders on this project.

The sidewalk improvements project is also identified as NCDOT TIP Project EB-5862. In order to secure additional time for city staff to thoroughly analyze and consult with the NCDOT about the work proposals that have been received in connection with this project, Mr. Nuttall recommended the continuation of the governing board’s consideration of contract awards and associated budgetary amendments for the sidewalk improvements project to the special city council meeting scheduled for June 28, 2022.

In response, Council Member Heath moved, and Council Member Bell seconded the motion, to continue all business listed under meeting agenda item 12 (*i.e.*, the Industrial Park Avenue Sidewalk Improvements Project) to the city council’s special meeting on June 28, 2022. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

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

RESOLUTION NUMBER 15 RES 6-22

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 25 RES 11-21 on November 4, 2021, 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 2021-2022, to expend a maximum of \$2,207,000.00 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 25 RES 11-21, 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 2021-2022 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 16, 2022. The amount financed shall not exceed \$2,070,000.00, the annual interest rate (in the absence of a default or a change in tax status) shall not exceed 2.89%, 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 25 RES 11-21), 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 9, 2022.

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

ATTEST:

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

14. Corporate Hangar Construction at the Asheboro Regional Airport

City Engineer Michael Leonard, PE discussed and recommended approval of Work Authorization No. 1 under the contract for professional services that the city has with W. K. Dickson & Co., Inc. (the “Consultant”) in connection with the Asheboro Regional Airport. This work authorization pertains to the professional construction phase services needed for the proposed corporate hangar at the airport.

Under the proposed work authorization, the Consultant agrees to accept as full compensation for the professional services provided pursuant to Work Authorization No. 1 a fee of \$126,613.00. On the basis of the city staff recommendation to approve the requested work authorization, Council Member Bell moved, and Council Member Swiers seconded the motion, to approve the above-stated Work Authorization No. 1. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

A copy of Work Authorization No. 1 is on file in the city clerk’s office.

15. Contracted Legal Counsel

Pursuant to Resolution Number 16 RES 6-21, which was adopted on June 22, 2021, the Asheboro City Council authorized the engagement of the law firm of Cauley Pridgen, P.A. to provide legal representation for the City of Asheboro Board of Adjustment (the “Board”) when the Board heard an appeal from a final administrative decision filed under case number BOA-21-02. The utilization of outside counsel for this specific legal matter was necessary because of a conflict of interest for the city attorney, who provides legal advice to the zoning administrator who issued the final administrative decision under appeal.

In an order filed on April 21, 2022, the Honorable Gale M. Adams, the Presiding Superior Court Judge, affirmed the Board's decision that was made under City of Asheboro land use case no. BOA-21-02. The Board's action was, in turn, reviewed in the superior court division under file number 21-CVS-1831. The petitioners in the civil action have now given notice of appeal to the North Carolina Court of Appeals.

City Attorney Jeff Sugg stated that the law firm of Cauley Pridgen, P.A. has demonstrated professional skill and competence throughout the course of the litigation involving the above-referenced land use case, and he recommended the continued engagement of Cauley Pridgen, P.A. as this case makes its way through the appellate division. On the basis of this recommendation, Council Member Moffitt moved, and Council Member Bell seconded the motion, to authorize city staff to engage the law firm of Cauley Pridgen, P.A. represent the city as the above-referenced land use case progresses through the appellate division.

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

16. 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 10:30 p.m.

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

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