

**AMENDED AGENDA
REGULAR MEETING
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, FEBRUARY 9, 2023, 7:00 PM**

1. Call to order.
2. Silent prayer and pledge of allegiance.
3. Presentation to Representative Pat Hurley of a key to the city for her service in representing the 70th District in the North Carolina House of Representatives from 2007-2023.

OLD BUSINESS

4. Continuation of the Legislative Hearing for Case No. RZ-22-14: Community Development Director Trevor Nuttall will provide an overview of the application to rezone property located on Golda Avenue, east of 210 Golda Avenue, approximately 850 feet east of intersection of North Fayetteville Street, (Randolph County Parcel Identification No. 77631290760) from R10 to RA6 (CZ) zoning for a development with multiple family dwelling units having a floor area ratio of up to 17 percent. *This legislative public hearing was continued from the January 5, 2023, city council meeting.*

NEW BUSINESS

5. The firm of Huneycutt, Parsley & Taylor, CPAs, PLLC will provide the year-end audit report for fiscal year 2021-2022. *This presentation has been rescheduled for the special meeting on Friday, February 24, 2023.*
6. Public comment period.
7. Consent agenda:
 - (a) Approval of the meeting minutes for the regular city council meeting on January 5, 2023.
 - (b) Approval of the meeting minutes for the special city council meeting on January 20, 2023.
 - (c) Acknowledgment of the receipt from the Asheboro ABC Board of its meeting minutes for December 5, 2022.

(d) Approval of a resolution awarding to retiring Master Police Officer Troy Vincent his service side arm.

(e) Approval of the community development division's request to schedule for March 9, 2023, and to advertise, a legislative hearing on the following applications:

(i) Request to rezone property at 853 East Salisbury Street (Randolph County Parcel Identification Nos. 7761229556, 7761229618, 7761229996, and 7761227703) from OA6 to OA6 (CZ) zoning to allow a development with multiple family dwellings with a floor area ratio of up to 22 percent.

(ii) Request to rezone property at 133 Southway Road (Randolph County Parcel Identification No. 7751346551) from R7.5 (CZ) and R15 to O&I (CZ) zoning to allow business services with related/accessory enclosed storage.

(f) Approval of the community development division's request to schedule for March 9, 2023, and to advertise, a quasi-judicial hearing concerning an application to designate as Local Historic Landmarks the Parks Hosiery Mill/McCrary Hosiery Mill at 170 North Street (Randolph County Parcel Identification No. 7751736404) and the Acme-McCrary & Sapona Recreation Center (now the Asheboro Recreation Center) at 148 North Street (Randolph County Parcel Identification No. 7751831174).

(g) Acknowledgement of the receipt of a report detailing major subdivisions administratively approved since January 5, 2023. *There have been none approved.*

(h) Approval of a resolution supporting the city's application for North Carolina Department of Transportation funding available for paved trails and sidewalk feasibility study grants.

(i) Approval of a resolution authorizing the sale of a surplus 1998 John Deere 410E backhoe by means of electronic public auction.

8. Water Resources Director Michael Rhoney, PE will discuss and request authorization for the city to execute with the North Carolina Department of Commerce a memorandum of understanding pertaining to the extension of water infrastructure to the Chatham Advanced Manufacturing Site.

9. Zoo City Sportsplex Project

(a) City Manager John Ogburn will discuss and request approval of Change Order Number 6 from Terry's Plumbing and Utilities, Inc., which adds \$698,496.73 to the previously amended contract price, for work items that include additional rock removal, the addition of a retaining wall, grading for the inclusive playground, and fencing and final regrading around fields 5-8 from turf installation.

(b) City Manager John Ogburn will discuss and request approval of Change Order Number 7 from Terry's Plumbing and Utilities, Inc., which adds \$402,260.00 to the previously amended contract price, for the construction of seven picnic shelters.

(c) Finance Director Deborah Reaves will discuss and request approval of the following ordinances in order to account for the approved change orders listed above:

(i) An ordinance to amend the General Fund; and

(ii) An ordinance to amend the Zoo City Sportsplex Fund.

10. Finance Director Deborah Reaves will request approval of a General Fund budget amendment pertaining to the Downtown Asheboro Inc. concert series.
11. Upcoming events and items not on the agenda.
12. Adjournment.

Planning Board Recommendation & Comments to City Council

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

Case # RZ-22-14

Date 12/5/2022 PB

Applicant Darren Lucas

Legal Description

The property of Darren Lucas, located east of 210 Golda Ave., approximately 850' east of N. Fayetteville St. totaling approximately 8.593 acres +/- , and identified by Randolph County Parcel Identification No. 7763129076.

Requested Action Rezone from R10 Medium-Density Residential to RA6 (CZ) High-Density Residential Conditional Zoning for a development with multiple family dwellings having a floor area ratio of up to 17%

Existing Zone R10

Land Development Plan See rezoning staff report

Planning Board Recommendation

Approve.

Reason for Recommendation

The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # RZ-22-14

Date January 5, 2023 City Council
February 9, 2023 City Council

General Information

Applicant Darren Lucas

Address 3010 High Pine Church Road

City Asheboro NC 27205

Phone 336-669-7683

Location Golda Avenue

Requested Action Rezone from R10 Medium-Density Residential to RA6 (CZ) High-Density Residential Conditional Zoning for a development with multiple family dwellings having a floor area ratio of up to 17%

Existing Zone R10 **Existing Land Use** Undeveloped

Size 8.593 acres +/-

Pin # 7763129076

Applicant's Reasons as stated on application

Low density apartments

Surrounding Land Use

North Single-family residential

East Undeveloped

South Undeveloped

West Single-family residential

Zoning History N/A

Legal Description

The property of Darren Lucas, located east of 210 Golda Ave., approximately 850' east of N. Fayetteville St. totaling approximately 8.593 acres +/- , and identified by Randolph County Parcel Identification No. 7763129076.

Analysis

See Attachment 1

Attachment 1: Staff Analysis for Rezoning Case No. RZ-22-14

1. The property is inside of the city limits.
2. Golda Avenue is a local, city-maintained street, with an apparent pavement width of less than 20 feet in various locations between the subject property and North Fayetteville Street. The Public Works Department has indicated that improvements to Golda Avenue, including resurfacing that may result in additional roadway width between the subject property and N. Fayetteville Street, had already been expected to occur in the next few years. According to the engineering department, should the rezoning be approved, this improvement project will move up in priority status.
3. The application is for a multi-family development with a floor area ratio (a ratio of total conditioned building square footage to property square footage) of up to 17 percent. 44 units are proposed on one parcel of land, equaling approximately 5.1 dwellings per acre. The proposed floor area ratio is approximately 9.7 percent. Two dwelling units on the west side of the property (towards Lamar Drive) were removed from the proposed plan since Council's reviewed by Council on January 5, 2023. No new lots are proposed to be created by the project.
4. The area includes primarily single-family dwellings, with some two-family dwellings. Two multi-family developments, which access N. Fayetteville St., are in the vicinity of the subject property. Matthew Grande Apartments are located approximately 500' to the north and Summers Run Apartments are approximately 1200' to the west and across N. Fayetteville St.
5. One entrance is proposed to the development on Golda Avenue. Access will be via a privately maintained driveway. The proposed project layout, including private driveway, limits an opportunity for a future street connection between Golda Avenue and Eckerd Street. It is likely that the city would seek to preserve this opportunity for a project proposing to subdivide the property.
6. The proposed units are single-story duplex (two-family) style units with approximately 825 square feet in each unit. Parking is shown in front of each unit within a surface parking lot.
7. The applicant is proposing a 35' foot setback around the perimeter of the property. Within the first 10 feet of the setback, except for in the area of the city's existing sewer easement, the plan notes that "1 Evergreen tree every 20' & 1 shrub every 5' (Burford Holly & Leyland Cypress) or existing hardwood trees" will be provided on the north, west, and south sides of the property with an additional row of evergreen trees on the west side of the property (closest to Lamar Drive). 29 additional trees are shown dispersed throughout the parking lot.
8. The existing R10 zoning permits one single-family dwelling on a lot with at least 10,000 SF or one two-family dwelling on a lot with 15,000 SF. If a subdivision using public streets were proposed, a maximum of 18 lots with 36 dwellings could likely be accommodated.
9. The RA6 Residential District is "intended to produce a high intensity of residential uses in close proximity to major nodes of non-residential development, characterized primarily by group housing, plus the necessary governmental and other support facilities to service that level of development. Land designated RA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged."
10. The neighborhood residential designation of the property is described by the Land Development Plan's Land Category Description as intended "to accommodate existing medium-density, single family residential neighborhoods, while encouraging new neighborhoods of similar density to provide a greater sense of community."
11. 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. The only deviation from the city's standard requirements for a multi-family development is the applicant's request to not provide screened parking area for recreational vehicles. Typically, a project of this size would require approximately 3300 s.f. of screened recreational vehicle parking area; none is proposed. However, the plan does provide a total of 27 visitor spaces for the project; only 9 visitor spaces are required.
12. The plan has been routed to NCDOT, Asheboro City Schools, and the US Post Office. Asheboro City Schools indicated that it didn't have a concern with the plan. The US Post Office requested the ability to

Attachment 1: Staff Analysis for Rezoning Case No. RZ-22-14

number of units shown may require road improvements on North Fayetteville Street, but didn't raise an objection to the development as proposed.

13. Changes to the site plan since the January 5, 2023 meeting include the reduction in the number of units (from 46 to 44), the addition of an additional row of evergreen trees, planted at 20' intervals, on the west side of the property adjacent to the Lamar Avenue properties, and additional sidewalk connections on the south side of the property as discussed during the January Council meeting.

Rezoning Staff Report

RZ Case # RZ-22-14

Consistency with the 2020 LDP Growth Strategy designations

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

Proposed Land Use Map Designation Neighborhood Residential

Small Area Plan Northeast

Growth Strategy Map Designation Primary Growth

LDP Goals/Policies Which Support Request

Checklist Item 5: Complies with Growth Strategy Map.

Checklist Items 12, 13: 12.) Property is located outside of watershed

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

Rezoning Staff Report

RZ Case # RZ-22-14

LDP Goals/Policies Which Do Not Support Request

Checklist Item 1: Rezoning is not compliant with the Proposed Land Use Map.

Checklist Item 3: The property on which the rezoning district is proposed does not fit the description of the Zoning Ordinance. (*Article 200, Section 210, Schedule of Statements of Intent*)

Staff's Final Analysis Concerning Consistency with Adopted Comprehensive Plans, Reasonableness and Public Interest

The Land Development Plan designates the subject property for Neighborhood Residential development. This designation advocates for new residential projects to be of similar density to surrounding areas. Such designation traditionally has not supported new multi-family development; the Land Development Plan designates areas for multi-family development through the Urban Residential designation.

Yet, the Land Development Plan does envision property on the north side of Golda Avenue, across from the subject property, developing at Urban Residential densities similar to the Matthew Grande and Summers Run apartments. The primary distinction between those developments and the adjacent property identified for Urban Residential Development, are those properties direct access to N. Fayetteville Street, a major thoroughfare.

The application seeks to develop a relatively low-density multi-family project when compared to density typically permitted by the RA6 district (44-825 s.f. units proposed versus 77-825 s.f. units that a 17% FAR could otherwise accommodate on this property). The proposal to construct single-story duplex-style units, rather than multi-story units, is more consistent with the surrounding pattern of residential development.

The total number of units is the primary inconsistency related to the Land Development Plan that staff has identified. It is conceivable that the current zoning could accommodate a subdivision proposing two-family dwellings (duplexes) with approximately 40 units after accounting for expected land area necessary for street right-of-way. R10 does not permit multi-family development and the application requests approval for 44 multi-family units (a reduction from the 46 units previously presented to Council on 1-5-2023).

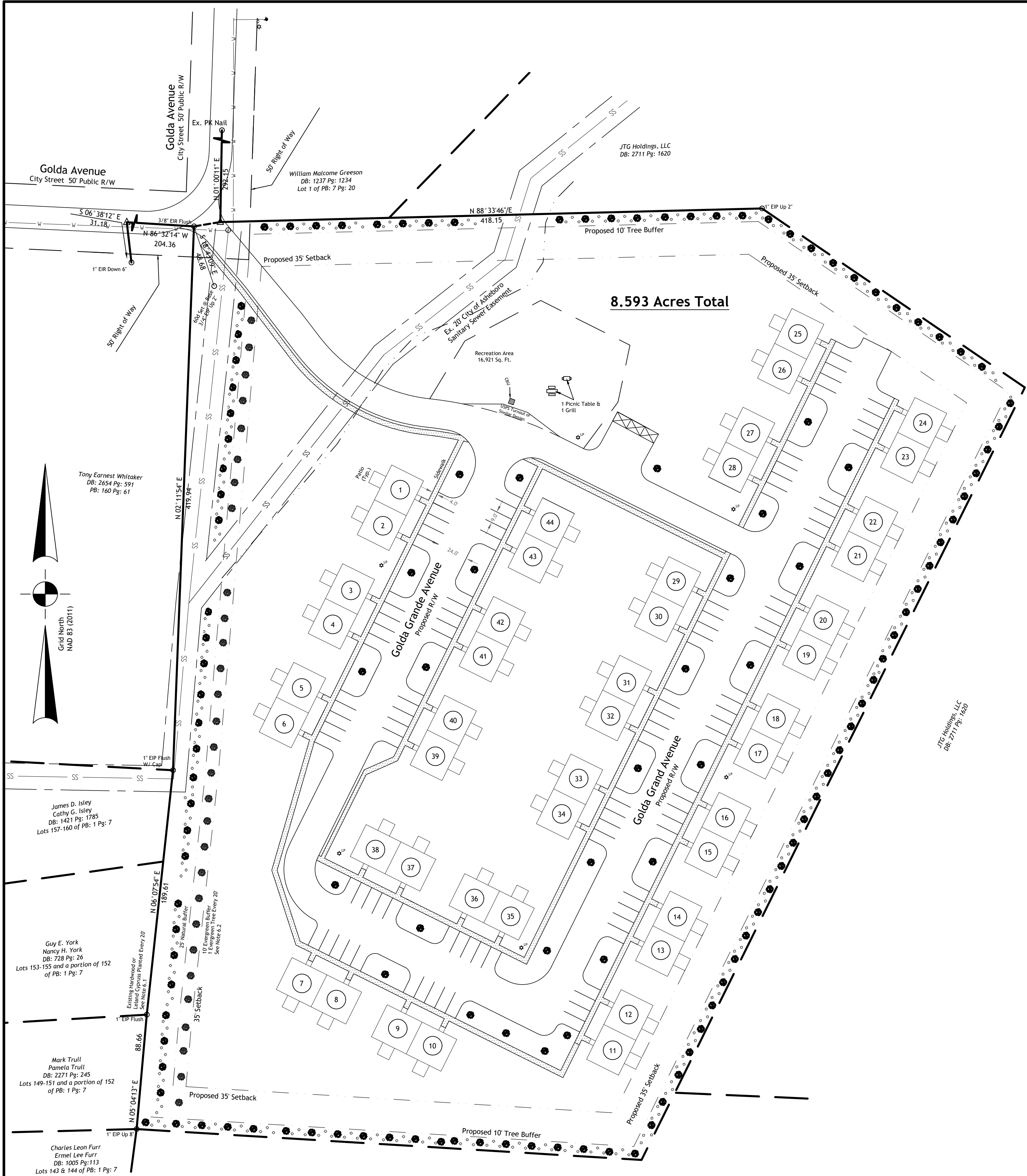
Other goals and policies of the Land Development Plan, however are advanced by the application. The community will possess sidewalks connecting all of the units (with additional sidewalks added based on Council feedback during its 1-5-2023 meeting), significant open space is proposed to be preserved, additional landscaping has been proposed based on comments offered during the 1-5-2023 Council meeting, and a limited amount of recreational amenities will be provided.

Recommendation In light of the above analysis, staff believes the request is generally consistent with the Land Development Plan and reasonable and recommends approval believing that such action serves the public interest.

Rezoning Staff Report

Suggested Conditions for Conditional Zoning applications (subject to change prior to final report)

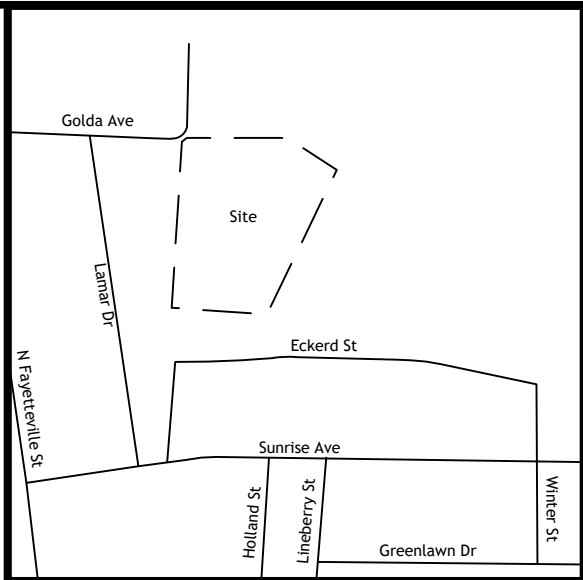
- (A) The use approved shall be a Development consisting of 44 Multiple Family Dwellings with a Floor Area Ratio of up to 17 percent.
- (B) All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.
- (C) Enclosure of concrete pads or other additions to the rear of dwellings shall not be considered a modification unless the cumulative additional square footage leads to a project Floor Area Ratio of more than 17%.
- (D) Maintenance of all recreation areas, any utilities not publicly maintained in accordance with city policies, roads, and drainage facilities that are not specifically labeled on the approved site plan as publicly maintained shall be the responsibility of the property owner and any successors in interest.
- (E) Installation of traffic and street signs within the development shall be the responsibility of the developer. Approval of any proposed name of the private road shall be obtained from Randolph County for E-911 purposes.
- (F) If solid waste disposal facilities as shown on the site plan are deemed to be inadequate, the property owner shall be responsible for ensuring that additional facilities or measures are installed. Any such facilities shall be consistent with city policies and codes.
- (G) No recreational vehicle storage or similar outdoor storage shall be permitted on the property.
- (H) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the applicant shall submit documentation detailing permitting from NC Department of Environmental Quality.
- (I) Prior to the issuance of a zoning compliance permit, construction plans concerning water, including provisions for fire hydrants determined to be required by Fire and Rescue, and sanitary sewage that complies with city policies, shall be submitted. Surveying of any required city easements shall be the responsibility of the property owner.
- (J) Prior to the issuance of a zoning compliance permit, the applicant shall submit a site plan reflecting any revisions necessary to comply with city codes and conditions of approval.
- (K) Any road name(s) proposed shall be subject to review and approval from the city engineering department. All required traffic control and road signs shall be erected by the developer.
- (L) 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.



- Notes:
- This project is not located within a special flood hazard area per NCFRIS. Map #: 371076300J Effective Date: 1/2/2008
 - Area calculated by coordinate geometry.
 - All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
 - No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
 - Tax PIN: 7763129076
 - Buffers:
 - 1' Evergreen tree every 20' & 1 shrub every 5' (Burford Holly & Leland Cypress) or existing hardwood trees.
 - 1' Evergreen Buffer Tree Every 20'
 - The use will meet all performance standards of the Asheboro Zoning Ordinance.
 - Required Parking Spaces: 88 + 9 Visitor = 97 Total
Shown: 88 + 21 Visitor = 115 Total
 - Current Zoning: R10
 - Proposed Zoning: RA6 (CZ)

- Property Line
Computed Property Line
Right of Way Line
Easement Line
Tie Lines
Setback Lines
Gas Line
Sanitary Sewer Line
Storm Sewer Line
Water Line
Fence
Overhead Utility Line
Overhead Power Line
Underground Electric Line
Underground Comm. Line
100-Year Flood Hazard Line
Floodway
C/L Railroad
- Hardwood Tree
Evergreen Tree
Stone
R/W - Right of Way Monument
RRS - Railroad Spike
NIP - New Iron Pipe
NCGS Monument
EN - Existing Nail
EIR - Existing Iron Rod
EIP - Existing Iron Pipe
Existing Concrete Monument
Bench Mark
Computed Point / Point Not Set
Well

- Catch Basin
Yard Inlet
Storm Sewer Manhole
Junction Box
Drop Inlet
Irrigation Control Valve
Back Flow Preventer
Water Valve
Water Manhole
Water Meter
Fire Dept. Connection
Fire Hydrant
Utility Pole
Telephone Pedestal
Telephone Pole
Transformer
Communications Manhole
SS - Sanitary Sewer
- SS Manhole
Cleanout
U/G Power Box
Power Pole
Light Pole
Guy Pole
Gas Valve
Guy Wire
Gas Manhole
Gas Meter
Electric Meter
Electric Manhole
Spot Elevation
- 2.00 Spot Elevation

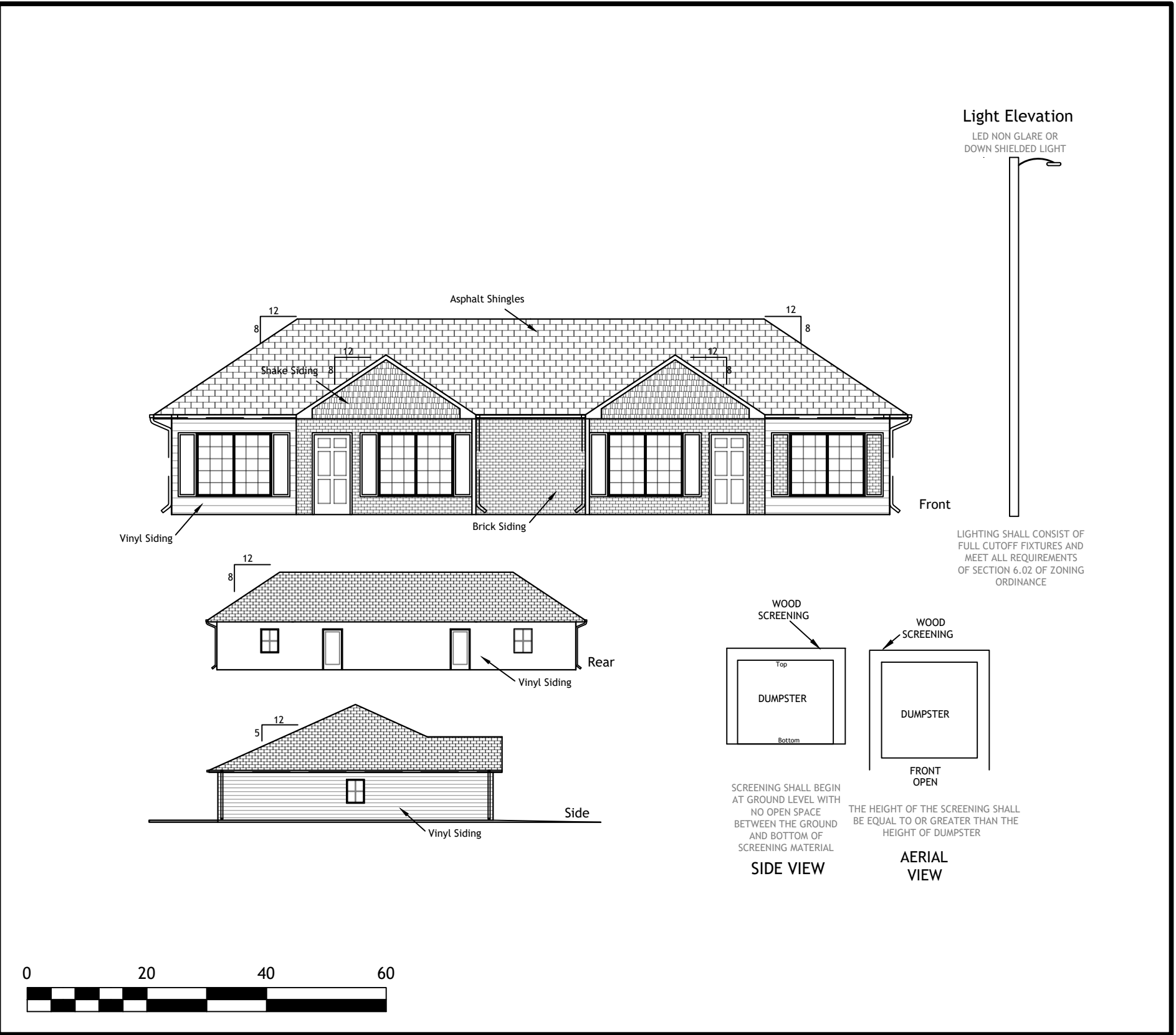


Location Map
(Not to Scale)

STATE OF NORTH CAROLINA

I, _____ Review Officer of Randolph County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date _____ Review Officer _____



Site Data Section

44- 1 Story Units @ 825 Sq. Ft Heated: 36,300 Sq. Ft.
Total Dwellings: 44
Average Dwelling Size: 825 Sq. Ft.
Patios: 116 Sq. Ft.
Zoning: R10
Proposed Zoning: RA6 (CZ)
Floor Area Ratio: 9.6%

OPEN SPACE CALCULATION

Concrete/Pavement: 71,932 Sq. Ft.
Buildings (Heated & Patios): 41,404 Sq. Ft.
Total Built Upon: 113,337 Sq. Ft.
Total Area in Tract: 374,311 Sq. Ft.
Open Space: 260,974 Sq. Ft. / 70%

Recreation Area

Required: 12,352 Sq. Ft. / 3.3%
Shown : 16,921 Sq. Ft.

Owners:

Darren K. Lucas
3010 High Pines Church Road
Asheboro, NC 27205

Sheet 1 of 2:

Survey For:

Golda Grande

City of Asheboro
Asheboro Township
North Carolina
Deed Book: 1167 Pg: 303
Scale: 1" = 50 US Survey Feet

Randolph County
November 9, 2022



SURVEY CAROLINA, PLLC

154 S. Fayetteville St, Suite B, Asheboro, NC 27203
Phone Number: 336 625-8000
Email: mail@surveycarolina.com

Firm #: P-1110
Dan W Tanner II L-4787
© 2022 Survey Carolina, PLLC

Job #: 14588

I, Dan W Tanner II, Professional Land Surveyor, certify:

In accordance with NC General Statute 47-30(f)11d
That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exemption or exception to the definition of subdivision.

I, Dan W Tanner II, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in:

Book 1167 , page 303 ;

that the boundaries not surveyed are clearly indicated as drawn from information found in Book See , page Notes ; that the ratio of precision or positional accuracy as calculated is 1:10000+; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this 9th day of November, A.D., 2022.

PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES

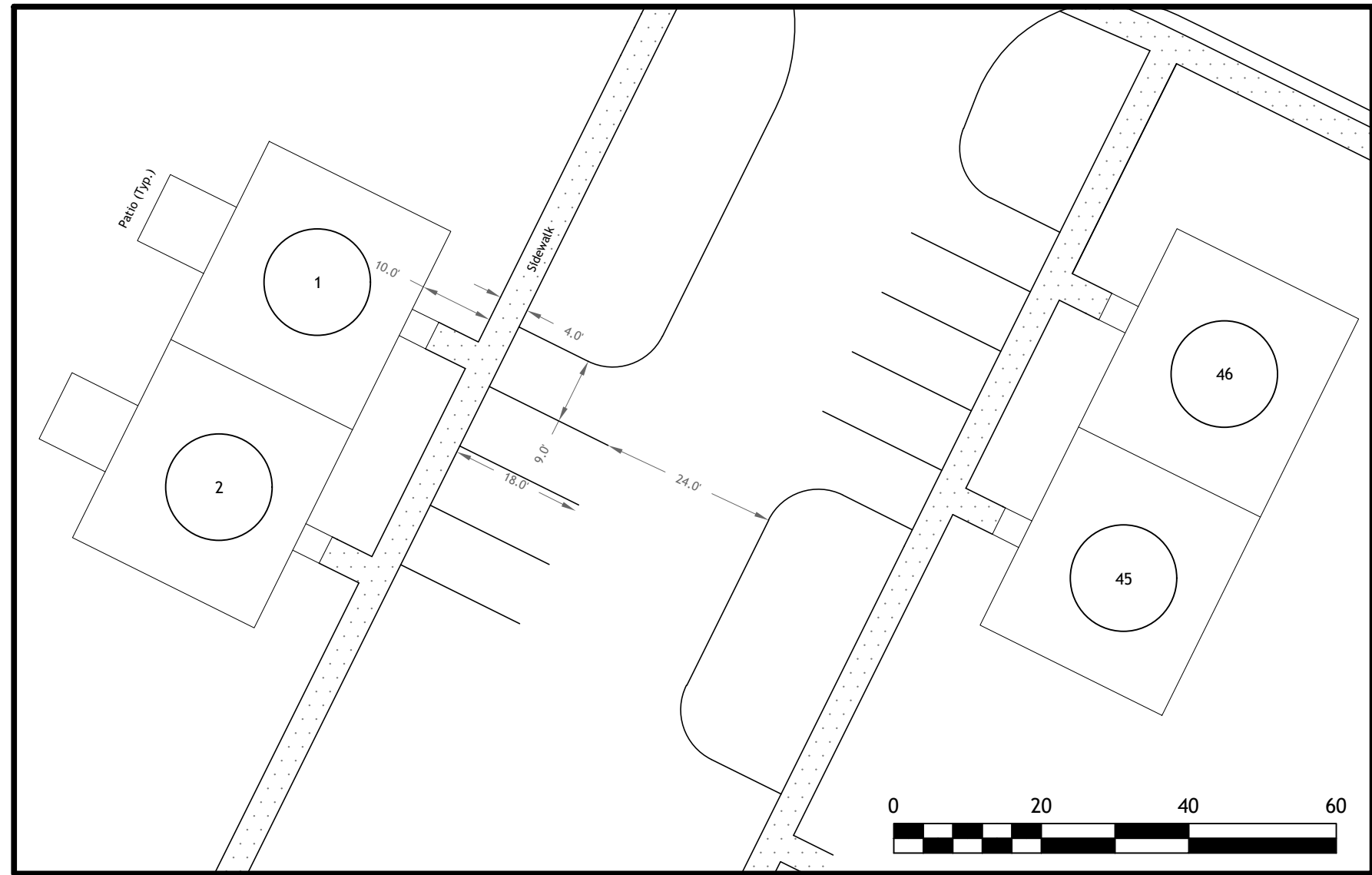
Professional Land Surveyor

L-4787

Mark T. Braswell
DB: 1582 Pg: 521
Lots 128-151 of PB: 5 Pg: 86



I, Dan W Tanner II, certify that this map was drawn under my supervision from an actual GPS/ GNSS survey made under my supervision and the following information was used to perform the survey:
(1) Class of survey: Class A
(2) Positional accuracy: <0.10'
(3) Type of GNSS field procedure: Real-Time Kinematic Networks
(4) Dates of survey: October 21, 2022
(5) Datum/Epoch: NAD83(2011) / 2010.00
(6) Published/Fixed-control use: North Carolina Real Time Network
(7) Geoid model: Geoid 12A
(8) Combined grid factor(s): 0.99988368
(9) GPS/GNSS Scale Point:
N: 732,455.22 E: 1,761,740.38 Z: 687.20
(10) Units: US Survey Feet

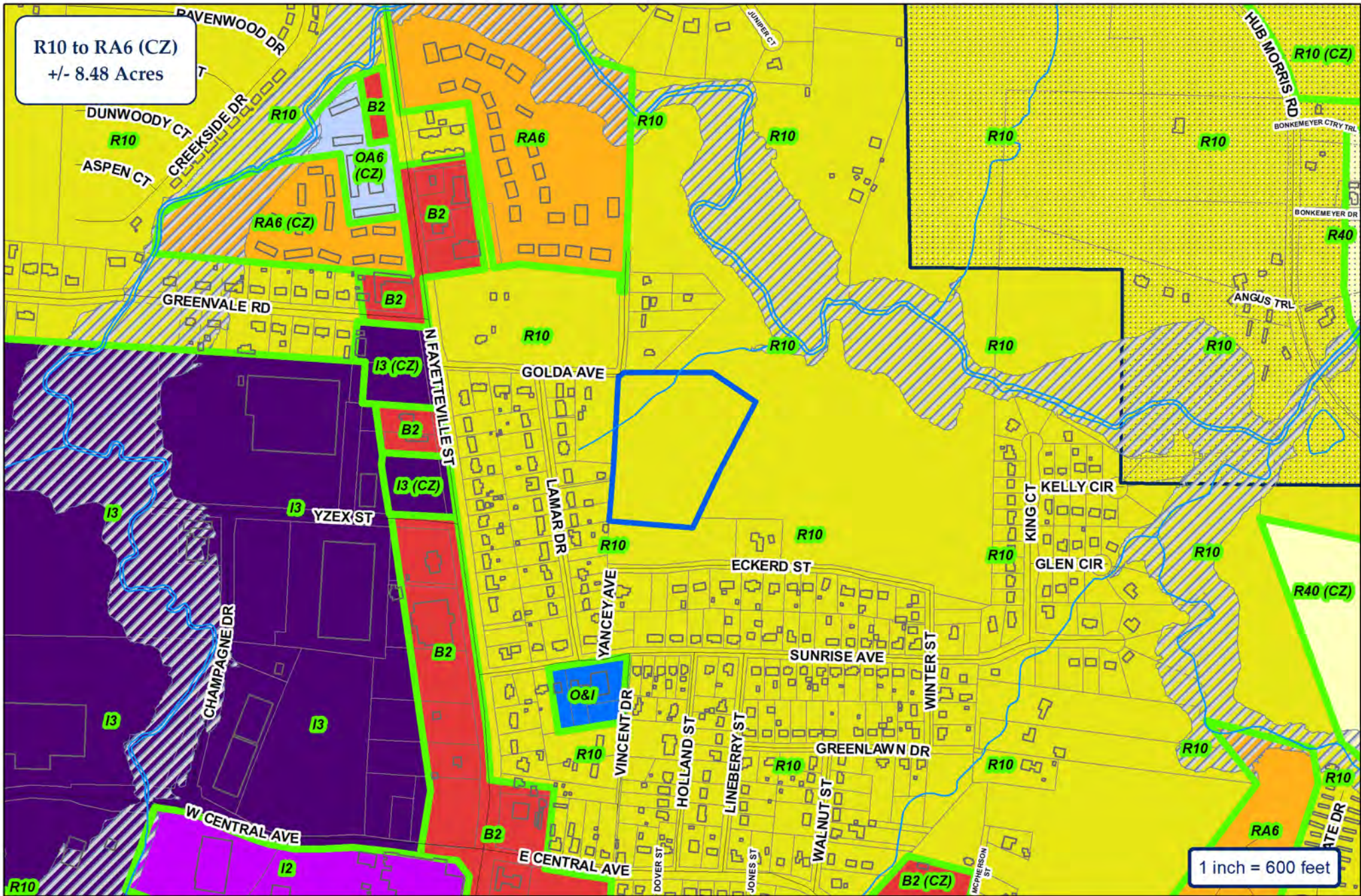


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|--|----------------------------|--|------------------------------------|
| | Property Line | | Hardwood Tree |
| | Computed Property Line | | Stone |
| | Right of Way Line | | R/W - Right of Way Monument |
| | Easement Line | | R/S - Railroad Spike |
| | Tie Lines | | NIR - New Iron Rod |
| | Setback Lines | | NIP - New Iron Pin |
| | Gas Line | | HCSS Monument |
| | Sanitary Sewer Line | | EN - Existing Nail |
| | Storm Sewer Line | | ER - Existing Iron Rod |
| | Water Line | | EP - Existing Iron Pin |
| | Fence | | EXIST - Existing Concrete Monument |
| | Overhead Utility Line | | Bench Mark |
| | Overhead Power Line | | Computed Point / Point Not Set |
| | Underground Electric Line | | |
| | Underground Comm. Line | | |
| | 100-Year Flood Hazard Line | | |
| | Floodway | | |
| | C/I, Railroad | | |

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Job #: 14588



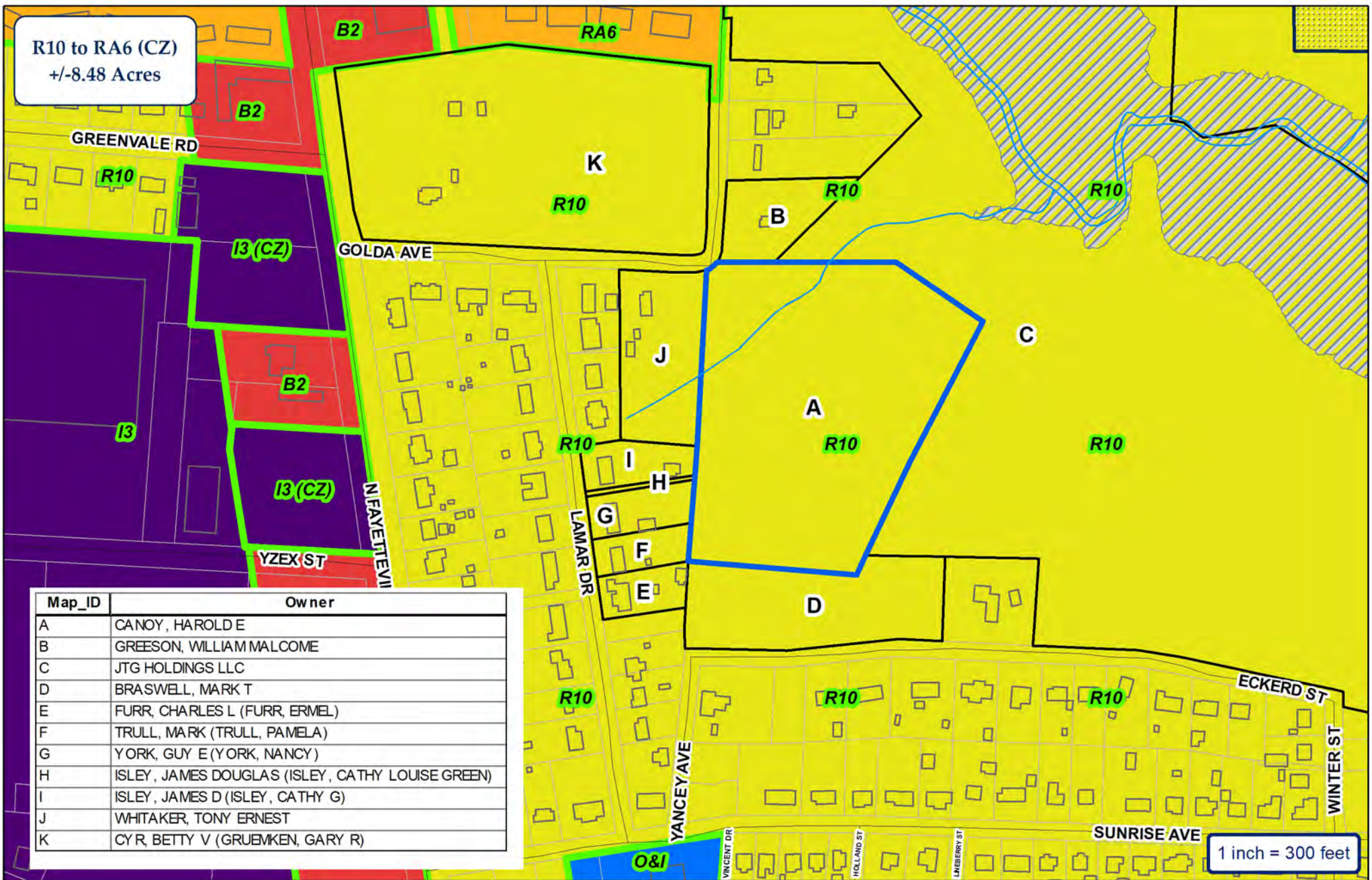
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-22-14

Parcels: 7763129076



R10 to RA6 (CZ)
+/-8.48 Acres



Map_ID	Owner
A	CANOY, HAROLD E
B	GREESON, WILLIAM MALCOME
C	JTG HOLDINGS LLC
D	BRASWELL, MARK T
E	FURR, CHARLES L (FURR, ERMEL)
F	TRULL, MARK (TRULL, PAMELA)
G	YORK, GUY E (YORK, NANCY)
H	ISLEY, JAMES DOUGLAS (ISLEY, CATHY LOUISE GREEN)
I	ISLEY, JAMES D (ISLEY, CATHY G)
J	WHITAKER, TONY ERNEST
K	CYR, BETTY V (GRUEMKEN, GARY R)

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-22-14

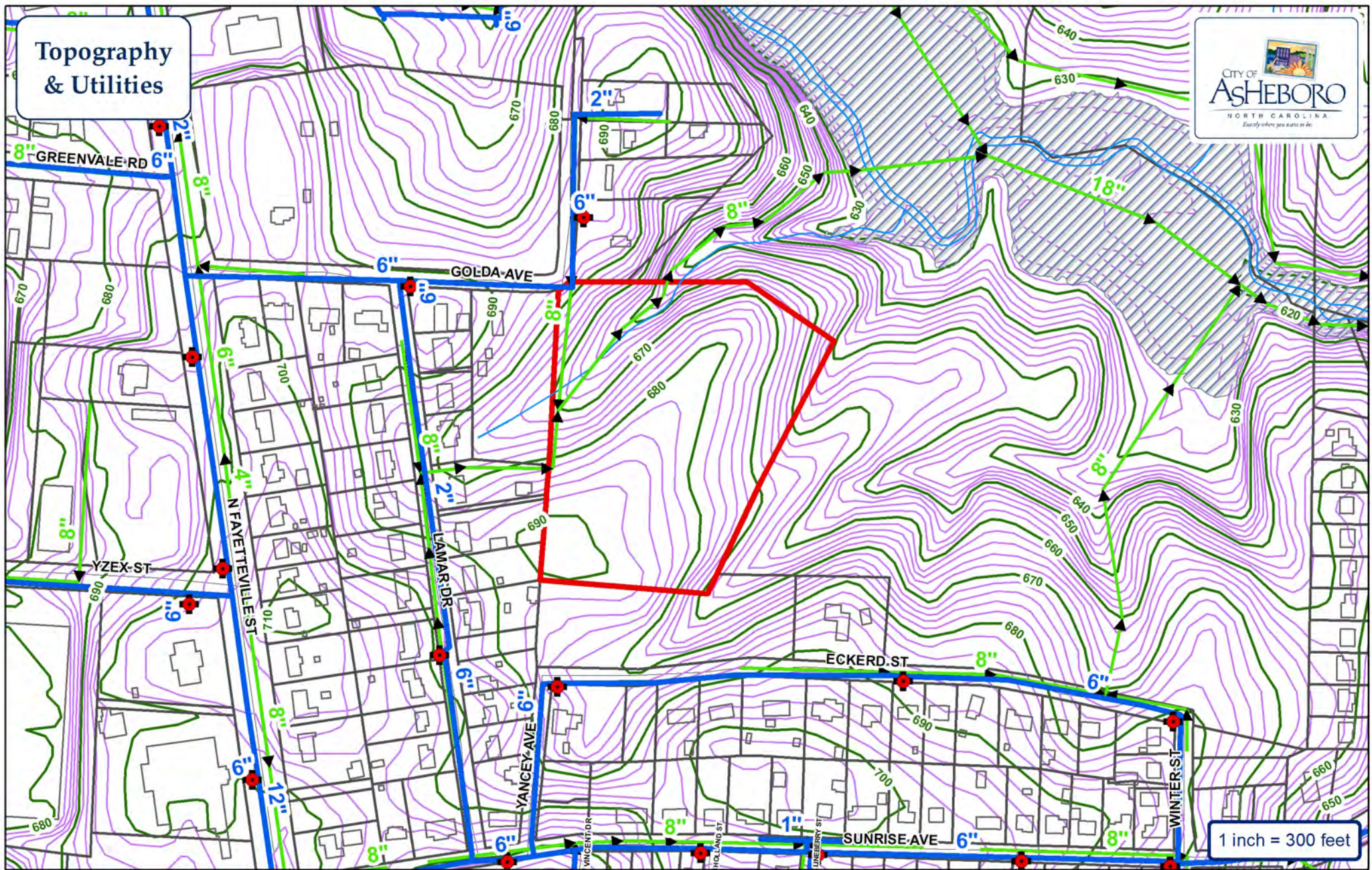
Parcels: 7763129076



- Subject Property
- Adjoining Properties
- City Zoning



Topography & Utilities



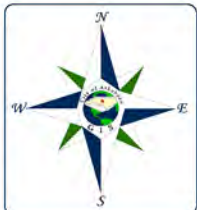
- | | |
|---|--|
|  Water Main |  Fire Hydrant |
|  Sewer Main |  Pump Station |
|  Force Main |  Watershed |

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-22-14

Parcels: 7763129076

 Subject Property

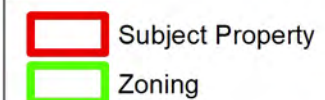


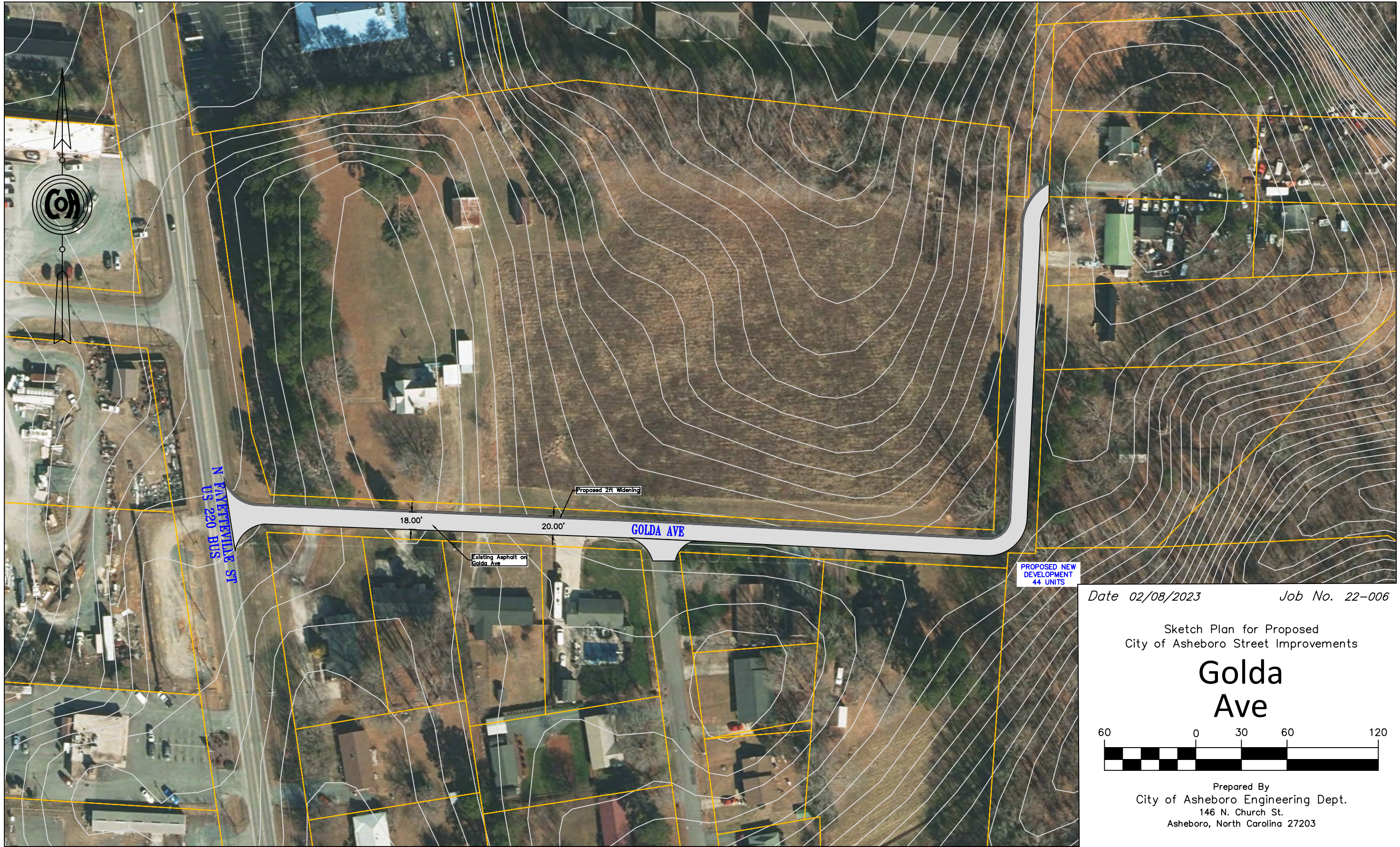


City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-22-14

Parcels: 7763129076

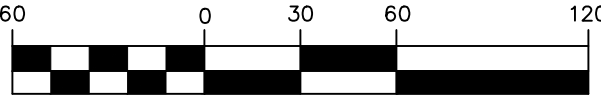




Date 02/08/2023 Job No. 22-006

Sketch Plan for Proposed
City of Asheboro Street Improvements

Golda Ave



Prepared By
City of Asheboro Engineering Dept.
146 N. Church St.
Asheboro, North Carolina 27203

limitation, the North Carolina Department of Transportation and the North Carolina Department of Environmental Quality.

APPLICANT INFORMATION

Applicant Darren Lucas Applicant's Phone # 336 669 7683
Applicant's Address 3010 High Pine Church Rd
Asheboro, N.C. 27205
Applicant email address Darren_Lucas@yahoo.com

PROPERTY INFORMATION

Property Owner's Name Darren Lucas
Location of Property Golda Ave Property Size (ac. or s.f.) 8.48 Acres
Randolph County Property Identification Number (PIN#) 7763129076
Current Zoning District R10 Requested Zoning District RA6 CZ
Date Property Title Acquired 2022 Deed Book _____ Page _____
Subdivision _____ Section _____ Lot # _____
Plat Book _____ Page _____

CONDITIONAL ZONING DISTRICT INFORMATION (Attach additional sheets if necessary)

1. Application is hereby made to the City of Asheboro for a Conditional Zoning District for the following purpose:

Low Density Apartments

APPLICATION SIGNATURES

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for a Conditional Zoning District rests with the applicant.

No application for a Conditional Zoning District will be advertised for public hearing until the Planning and Zoning Department has received all required materials. If all required materials are not received prior to the specified deadlines, hearings for the case may be delayed.

Per Section 4.05 of the zoning ordinance, it is intended that property will be reclassified to a Conditional Zoning District only in the event of firm plans to develop the property. Accordingly, subject to any specific durational limits imposed by the ordinance applying conditional zoning to the Zoning Lot, if no action has been taken to obtain a Zoning Compliance Permit in conformance with the conditional zoning ordinance within 36 months of the City Council's approval of conditional zoning for the Zoning Lot, the Community Development Director or his or her designee shall initiate appropriate action to rezone the Zoning Lot to a general zoning classification that is consistent with the adopted comprehensive plan.

Applicant Signature

Darren Lucas

Printed Name of Authorized Signatory (if different from Applicant)

Darren Lucas

Position/Relationship of Authorized Signatory to Applicant

Owner Signature (if different than Applicant)

Darren Lucas

Owner Address

3010 High Pine Church Rd
Asheboro N.C. 27205

Telephone Number

336-669-7683

Printed Name of Authorized Signatory (if different from Owner)

Darren Lucas

Position/Relationship of Authorized Signatory to Owner

STAFF USE

Received by: John Ewing Date: 11-4-22 Case Number: RZ-22-14
Fee Paid

Minutes of the meeting of the Asheboro Alcoholic Beverage Control Board held on December 5, 2022

The Asheboro ABC Board met on Monday, December 5, 2022, at 5:30 PM, in the Board office, 700 South Fayetteville Street, Asheboro, NC. Present at the meeting were Chairman Steve Knight, Board Member Bob Morrison, Board Member Curtis Shipley, and General Manager Rodney Johnson (GM). A quorum being present, the Chair called the meeting to order for the transaction of business and business transacted as follows:

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

Board Minutes from the November 7, 2022, meeting were reviewed and approved by the Board.

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

Monthly drafts and EFT payments from November 2022 were reviewed by the Board.

Sales statistics for the month of November 2022 were reviewed by the Board.

The Christmas Day 2022 Holiday, and New Year's Day 2023 Holiday, each fall on a Sunday. Upon motion by Board Member Bob Morrison, the Board approved closing the store for the holidays on Monday, December 26, 2022, and Monday, January 2, 2023. The regular board meeting set for Monday, January 2, 2023, was moved to Tuesday, January 3, 2023.

Asheboro ABC Policy Sections 35 and 38 determine vacation and sick leave hours for eligible employees. Upon motion by Board Member Curtis Shipley, the Board approved increasing vacation and sick leave time to match that provided by the City of Asheboro for its employees.

Upon motion by Board Member Curtis Shipley, the Board approved going into closed session to discuss a personnel matter.

After returning from the closed session, the Board heard reports from the General Manager concerning the following issues:

1. Asheboro ABC sales statistics comparing:
 - November 2022 sales with the previous month indicate:
 - An overall +9.3% change (all sales and tax collections)
 - November 2022 sales with sales from the same month last year indicate:
 - Retail Sales +2.1%
 - Mixed Beverage Sales: -3.0%
 - Sales Tax Collections: +2.1%
 - Overall Collections: +1.53%

- November 2022 bottle sales with bottle sales from the same month last year indicate:

- Retail Bottle Sales: same as last year
- Mixed Beverage Bottle Sales: +2.5%
- Overall Bottle Sales: +0.1%

The next regular Asheboro ABC Board meeting will be held Tuesday, January 3, 2023, at 5:30 p.m.

There being no further business, the meeting was adjourned.

Prepared by Rodney Johnson, GM, and Approved by the Board 1-3-23 
GM

Stephen R Knight
Chad [unclear]
Robert Johnson

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**RESOLUTION SUPPORTING THE APPLICATION FOR
NCDOT FEASIBILITY STUDY GRANT FUNDS BY THE CITY OF ASHEBORO**

WHEREAS, the Asheboro City Council is the duly recognized decision-making body for the City of Asheboro; and

WHEREAS, the North Carolina Department of Transportation – Integrated Mobility Division has funding available for Paved Trails and Sidewalk Feasibility Study Grants; and

WHEREAS, the City of Asheboro intends to apply for Paved Trails and Sidewalk Feasibility Study Grant funds; and

WHEREAS, the Asheboro City Council recognizes the benefits of bicycle and pedestrian transportation facilities, including economic development, safety, health, reduced vehicle congestion, improved water quality, reduced flooding, and preservation of natural areas; and

WHEREAS, feasibility studies for bicycle and pedestrian transportation facilities are vital to understanding the unique challenges, opportunities, alternatives, and cost of projects.

NOW, THEREFORE, to accomplish the above mentioned goals, it is **RESOLVED** as follows:

The City Council of Asheboro supports applying for the Integrated Mobility Division Paved Trails and Sidewalk Feasibility Study Grant funds.

This resolution was duly adopted by the Asheboro City Council in open session during a regular meeting held on the 9th day of February, 2023.

David H. Smith, Mayor

Holly H. Doerr, CMC, NCCMC, City Clerk

MEMORANDUM OF UNDERSTANDING BETWEEN
NORTH CAROLINA DEPARTMENT OF COMMERCE
AND
CITY OF ASHEBORO

This Memorandum of Understanding (MOU) between the North Carolina Department of Commerce (the “DOC”) and the City of Asheboro, North Carolina (the “City”) (hereinafter referenced collectively as the “Parties”), is hereby made effective as of the ___ day of _____, 2023 (“the Effective Date”), and shall remain in effect through the period described in Paragraph IV.

WHEREAS, the North Carolina General Assembly (the “General Assembly”) has determined that it is the policy of the State to stimulate economic activity and to create new jobs for the citizens of the State by encouraging and promoting the expansion of existing business and industry within the State and by recruiting and attracting new business and industry to the State;

WHEREAS, North Carolina Session Law (N.C.S.L.) 2021-180 § 2.2(m) established the Economic Development Project Reserve (the “Reserve”) within the General Fund for funding expenditures associated with economic development projects meeting or exceeding high-yield project metrics;

WHEREAS, pursuant to N.C.S.L. 2021-180 § 2.2(m), funds from the Reserve are made available only upon an act of appropriation by the General Assembly;

WHEREAS, in N.C.S.L. 2022-74 § 11.10(a), the General Assembly appropriated One Hundred Twelve Million Five Hundred Thousand Dollars (\$112,500,000) in nonrecurring funds from the Reserve for a qualifying project in Chatham County, provided such a project is awarded;

WHEREAS, the General Assembly directed the DOC to allocate the funds pursuant to N.C.S.L. 2022-74 § 11.10(a) (the “Authorizing Legislation”), including Fifty-Five Million Dollars (\$55,000,000) to the City for water infrastructure improvements provided a qualifying project is awarded;

WHEREAS, pursuant to the Authorizing Legislation, a qualifying project is a high-yield project for which the agreement requires that the business manufacture computer chips at the project site, invest at least Four Billion Eight Hundred Million Dollars (\$4,800,000,000) in private funds, and create at least Eighteen Hundred (1,800) Eligible Positions, as that term is defined in N.C.G.S. 143B-437.51;

WHEREAS, on September 9, 2022, the Economic Investment Committee awarded a Job Development Investment Grant (JDIG) to Wolfspeed, Inc. (“the Company”) for a qualifying project in Chatham County (“the Project”); and

WHEREAS, the requisite statutory conditions have been met.

NOW, THEREFORE, in consideration of the mutual promises and such other valuable consideration as set out herein, the Parties mutually agree to the following terms and conditions:

I. The City's Duties

The General Assembly has authorized nonrecurring funds to be appropriated from the Reserve to the City for water infrastructure improvements needed to support the Project. The City commits to use the funds solely for the purpose(s) allowed under the Authorizing Legislation.

No later than August 1 in each year this MOU is in effect the City will provide the DOC a detailed report of all the expenditures for which funds were utilized, a description of the current status of the infrastructure improvements, and any other information reasonably requested by the DOC. The City will provide a final report as described above within 30 days of the termination of this MOU.

II. The DOC's Duties

The DOC will pay the City as directed by the Authorizing Legislation. The total amount paid by the DOC to the City under this MOU will not exceed Fifty-Five Million Dollars (\$55,000,000). The Department will provide these funds to the City in quarterly disbursements or such other allotments as approved by the Office of State Budget Management. Prior to the disbursement of funds, the City will request the disbursement in the form required by the DOC along with documentation sufficient to show that prior disbursements have been expended or committed for eligible expenditures.

III. MOU Administrators

All notices permitted or required to be given by one Party to the other and all questions about the MOU from one Party to the other shall be addressed and delivered to the other Party's MOU Administrator. The name, post office address, street address, telephone number, fax number, and email address of the Parties' respective initial MOU Administrators are set out below. Either Party may change the name, post office address, street address, telephone number, fax number, or email address of its MOU Administrator by giving timely written notice to the other Party.

For the DOC	For the City
IF DELIVERED BY US POSTAL SERVICE	IF DELIVERED BY US POSTAL SERVICE
Mark N. Poole Director, Commerce Finance Center	John N. Ogburn, III City Manager

Department of Commerce 4318 Mail Service Center Raleigh, NC 27699-4300 Telephone: 919.814.4616 (o) 919.760.9542 (m) Email: mpoole@commerce.nc.gov	City of Asheboro PO Box 1106 146 N. Church St. Asheboro, NC 27204-1106 Telephone: 336.626.1201 Email: jogburn@ci.asheboro.nc.us
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IV. Term of MOU

This MOU will be effective as of the Effective Date, and will terminate on August 1, 2024, unless extended or terminated earlier pursuant to the terms of Paragraph V. The DOC may extend the term of this MOU upon written notice by the City, in the event the infrastructure improvements contemplated by the MOU have not been completed. The City will return to the DOC all unexpended funds within thirty (30) days of termination.

V. Termination of MOU

The DOC may terminate this MOU in the event the City fails to utilize the funds consistently with the Authorizing Legislation upon thirty (30) days written notice to the City.

VI. Availability of Funds

The awarding of funds under this MOU is dependent on the allocation and appropriation of funds to the DOC for the purpose(s) specified in this MOU.

VII. Audit of Funds

The records as they relate to this MOU shall be accessible to the DOC, to the North Carolina State Auditor's Office in accordance with N.C. Gen. Stat. §147-64.7, and to any other State or federal entity authorized to conduct audits with respect to activity performed pursuant to this MOU.

VIII. Execution of MOU

This MOU may be executed in one or more counterparts, each of which, when executed, shall be deemed an original, and such counterpart, together, shall constitute one and the same MOU which shall be sufficiently evidenced by one of such original counterparts.

Signature page follows.

THEREFORE, as a representative of my agency, I acknowledge that I have read the MOU, am authorized to agree to the MOU for my agency, and do agree that my agency will comply with this MOU between the City and DOC.

This MOU made and entered into this the _____ day of _____, 2023.

NORTH CAROLINA DEPARTMENT OF COMMERCE (DOC)

Signature

Printed Name

Title

Date

CITY OF ASHEBORO

Signature

Printed Name

Title

Date

Terry's Plumbing & Utilities, Inc

465 Lewallen Rd
Asheboro, NC 27205
336-625-1090
336-625-1440 Fax
tpuinc@triad.rr.com

January 4, 2023

City of Asheboro
146 North Church St.
Asheboro, NC 27203

Attn: Mr. Michael Leonard, PE

Ref: Zoo City Sportsplex Change Order Request 6

Dear Mr. Leonard,

Per your request, please find attached additional items added to the original contract.

1. Additional rock removal encountered 5000 CY @ 65.00	\$ 325,000.00
1. 4' Black fence at Building D	10,000.00
2. Retaining wall at playlot	35,000.00
3. Stone for wall at playlot	10,000.00
4. Build pad for food truck @ field 2	2,000.00
5. 2" conduit across rd. for food truck field 2	1,000.00
6. Build pad for bleachers field 1	10,000.00
7. 2" conduit for scoreboard field 2	1,000.00
8. Conduit under drives for column lights	2,000.00
9. Conduit to scoreboard for field 1	3,000.00
10. Regrade crowns in fields 5,6,7 and 8.	60,000.00
11. Clean up behind turf subcontractor fields 5-8.	60,000.00
12. Pickle ball court stone and paving.	35,000.00
13. Move boulders behind volleyball courts.	3,000.00
14. Install Guard railing.	23,000.00
15. Additional retaining wall Field 2.	30,000.00
16. Electrical for column lights.	6,000.00
17. 2" conduit under rd. for Pickleball courts.	1,000.00
18. Additional catch basin and 60' LF 15" HDPE @ end of wall 3.	5,500.00
19. 6' black fence at Playlot (material only).	8,000.00
20. Fine grading and cleanup for Turf subcontractor and volleyball ct.	30,000.00
21. CO for field turf fields 3 and 4.	36,996.73

Terry's Plumbing & Utilities, Inc

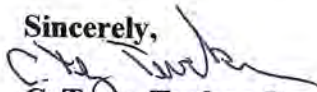
465 Lewallen Rd
Asheboro, NC 27205
336-625-1090
336-625-1440 Fax
tpuinc@triad.rr.com

Subtotal for additional rock removal	\$325,000.00
Subtotal for additional items	373,496.73
Total Change Order 6 request	\$ 698,496.73

Notes:

1. All unit pricing in the original contract apply.

Sincerely,



C. Terry Tucker, President
License 51103 Unlimited.

Terry's Plumbing & Utilities, Inc

465 Lewallen Rd
Asheboro, NC 27205
336-625-1090
336-625-1440 Fax
tpuinc@triad.rr.com

January 23, 2023

City of Asheboro
146 North Church St.
Asheboro, NC 27203

Attn: Mr. Michael Leonard, PE

Ref: Zoo City Sportsplex Change Order 7 Request.

Dear Mr. Leonard,

Per your request, we propose to construct (7) Picnic shelters per direction given onsite as follows;

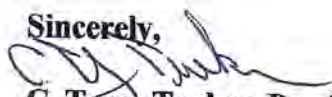
12' x 20' picnic shelter	2 ea.	\$39,700.00	\$ 79,400.00
16' x 28' picnic shelter	3 ea.	54,080.00	162,240.00
16' x 36' picnic shelter	1 ea.	65,900.00	65,900.00
24' x 48' picnic shelter	1 ea.	94,720.00	94,720.00

Total			\$ 402,260.00
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Notes:

1. All shelters to have concrete slab on grade, 8" x 8" post construction on block foundation and rock face, metal roofing, metal ceilings and boxed eaves and fascia to match existing structures.

Sincerely,



C. Terry Tucker, President
License 51103 Unlimited.

ORDINANCE TO AMEND THE GENERAL FUND FY 2022-2023

WHEREAS, the scope of work in change order #6 to the Zoo City Sportsplex contract with Terry's Plumbing & Utilities Inc. is for Terry's Plumbing and Utilities to remove additional rock in the amount of approximately \$325K, an additional retaining walls, additional grading, concrete work, conduit for electrical lines, final regrading around fields 5-8 from turf installation, additional change order work for fields 3 & 4, fencing and concrete work.

WHEREAS, the total change order cost for #6 is estimated at \$698,497.

WHEREAS, the scope of work in change order #7 to the Zoo City Sportsplex contract with Terry's Plumbing & Utilities Inc. is for Terry's Plumbing and Utilities to construct (7) picnic shelters of various sizes.

WHEREAS the total change order cost for #7 is estimated at \$402,260.

WHEREAS, the City of Asheboro wishes to appropriate fund balance for both change order #6 and change order #7, in the amount of \$1,100,757 to be transferred to the Zoo City Sportsplex project for this phase of work.

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.

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>
10-000-399.0000	Fund Balance Appropriation	\$1,100,757

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

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
10-620-574.7400	Contribution to Zoo City Sportsplex Fund	\$1,100,757

Adopted this 9th day of February, 2023.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

ORDINANCE TO AMEND
THE ZOO CITY SPORTSPLEX FUND
FY 2022-2023

WHEREAS, the scope of work in change order #6 to the Zoo City Sportsplex contract with Terry's Plumbing & Utilities Inc. is for Terry's Plumbing and Utilities to remove additional rock in the amount of approximately \$325K, an additional retaining walls, additional grading, concrete work, conduit for electrical lines, final regrading around fields 5-8 from turf installation, additional change order work for fields 3 &4, fencing and concrete work.

WHEREAS, the total change order cost for #6 is estimated at \$698,497.

WHEREAS, the scope of work in change order #7 to the Zoo City Sportsplex contract with Terry's Plumbing & Utilities Inc. is for Terry's Plumbing and Utilities to construct (7) picnic shelters of various sizes.

WHEREAS the total change order cost for #7 is estimated at \$402,260.

WHEREAS, the City of Asheboro wishes to appropriate fund balance for both change order #6 and change order #7, in the amount of \$1,100,757 to be transferred to the Zoo City Sportsplex project for this phase of work.

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.

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

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
74-000-370.0000-74	Contribution from General Fund	\$1,100,757

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

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
74-000-400.9001.74	Construction	1,100,757

Adopted this 9th day of February, 2023.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

ORDINANCE TO AMEND THE GENERAL FUND
FY 2022-2023

WHEREAS, in 2022, the City of Asheboro partnered with DAI to host a 4 band Friday night "Tribute Band" concert series.

WHEREAS the City of Asheboro would like to partner with DAI again to host a 4 band Friday night "Tribute Band" concert series in 2023.

WHEREAS, the musicians and dates selected for 2023 are 1964 (Beatles) 5/26/2023, Petty Breakers (Tom Petty) 7/14/23, On the Border (Eagles) 8/11/2023, and Boys in the Band (Alabama) 9/29/2023.

WHEREAS, the City of Asheboro would like to appropriate fund balance up to \$75,000 for this purpose.

WHEREAS, the City of Asheboro desires amend the 2022-2023 budget 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 items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-000-399.0000	Fund Balance Allocation	\$75,000

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-615-512.0100	Concert Series Partnership with DAI	\$75,000

Adopted this the 9th day of February 2022.

ATTEST:

David H. Smith, Mayor

Holly H Doerr, CMC, NCCMC, City Clerk