

REGULAR MEETING
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, JUNE 8, 2023, 7:00 PM

1. Call to Order
2. Silent Prayer and Pledge of Allegiance
3. Public Comment Period
4. Police Chief Mark Lineberry will recognize and honor retired police MSgt. Charles Burrow.
5. Consent Agenda
 - (a) Approval of the meeting minutes for the city council's regular meeting on April 6, 2023.
 - (b) Approval of the meeting minutes for the city council's special meeting on April 17, 2023.
 - (c) Approval of the meeting minutes for the city council's regular meeting on May 4, 2023.
 - (d) Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for April 3, 2023.
 - (e) Acknowledgement of the receipt from the Asheboro ABC Board of its amended budget for fiscal year 2022-2023.
 - (f) Acknowledgement of the receipt from the Asheboro ABC Board of the budget message and the board's proposed budget for fiscal year 2023-2024.
 - (g) Acknowledgement of the receipt of a report detailing major subdivisions administratively approved since May 4, 2023.
There have been none approved.
 - (h) Approval of the community development division's request to schedule for July 13, 2023, and to advertise, legislative hearings on the following applications:

(i) Request to rezone property located at 207 East Pritchard Street (Randolph County Parcel Identification Number 7751966980) from B2 General Commercial to OA6 Office-Apartment;

(ii) Request to rezone property located at 3114 Zoo Parkway (Randolph County Parcel Identification Number 7669460864) from R40 Low-Density Residential to R10 Medium-Density Residential; and

(iii) Request to rezone property located at 615 & 617 South Church Street; 233 West Kivett Street; and 616 & 622 Hammer Avenue (Randolph County Parcel Identification Number 7751703525) to an amended Conditional Zoning Office-Apartment designation for the purpose of a Multi-Family Development for the Elderly that is a Whole Block Redevelopment project.

(i) Approval of a budget amendment to move funding across General Fund departments (Inspections, Street, and Facilities Maintenance).

(j) Approval of a budget amendment to move funding across Water and Sewer Fund departments (Meter Department, Water Maintenance, Sewer Maintenance, and System Maintenance).

(k) Approval of the temporary closure of portions of North McCrary Street and Southway Road for the fireworks display on July 7, 2023.

6. Community Development Director Trevor Nuttall will provide the initial testimony for the following cases:

(a) Legislative Hearing (Case No RZ-23-04): A request to amend Chapter 5 (Use Regulations) and Chapter 10 (Watershed Protection Regulations) of the Asheboro Zoning Ordinance to allow residential developments to request a Special Intensity Allocation within the Watershed Balance Area.

- (b) Legislative Hearing (Case No. RZ-23-05): Request to establish initial city zoning on properties located at the intersection of Old Cox Road and Old Humble Mill Road and on the west side of Old Cox Road (Randolph County Parcel Identification Numbers 7679024396, 7669905560, and 7679008885) from Randolph County zoning to R15 (CZ) Low-Density Single-Family Residential Conditional Zoning district to allow a Residential Planned Unit Development with commercial uses authorized.
 - (c) Legislative Hearing (Case No. RZ-23-06): Request to rezone property located south of 1195 Pineview Road (Randolph County Parcel Identification Number 7753354982) from B2 (CZ) General Commercial Conditional Zoning to R10 (CZ) Medium-Density Conditional Zoning for a Residential Planned Unit Development, including a special intensity allocation within the Back Creek Watershed (Balance).
 - (d) Legislative Hearing (Case No. RZ-23-07): Request to rezone property located at 379-1 and 379-2 South Cox Street from OA6 Office-Apartment to OA6 (CZ) Office-Apartment Conditional Zoning for a Congregate Living Facility for more than 6 residents.
[The applicant has requested a continuance of this request until the July 13, 2023 City Council meeting].
7. Community Development Director Trevor Nuttall will lead the discussion on the following items:
- (a) Request to adopt the David and Pauline Jarrell Center City Garden Master Plan.
 - (b) Update on discussions with Downtown Asheboro, Inc. on anticipated steps necessary to recommend conveyance of city property for historic preservation purposes.
8. Finance Director Deborah Reaves will request council action on a resolution to approve installment financing terms.

9. City Engineer Michael Leonard, PE will report on four annexation petitions.
 - (a) Petition for the satellite annexation of three parcels of land at the intersection of Old Cox Road and Old Humble Mill Road.
 - (i) Public Hearing
 - (ii) Consideration of an annexation ordinance.
 - (b) A petition from Duke Energy Progress LLC requesting the contiguous annexation of four parcels of land located across from the intersection of New Century Drive and Veterans Loop Road.
 - (i) Resolution to investigate the sufficiency of the petition.
 - (ii) Resolution setting the date for a public hearing.
 - (c) A petition requesting the contiguous annexation of approximately 1.820 acres of land at Kelly Circle.
 - (i) Resolution to investigate the sufficiency of the petition.
 - (ii) Resolution setting the date for a public hearing.
 - (d) A petition requesting the contiguous annexation of two parcels of land near the intersection of Patton Avenue and North Carolina Highway 42.
 - (i) Resolution to investigate the sufficiency of the petition.
 - (ii) Resolution setting the date for a public hearing.
10. Zoo City Sportsplex Project Update
 - (a) City Engineer Michael Leonard, PE will request approval of Change Order Number 8 with Terry's Plumbing and Utilities for additional construction items.

- (b) Finance Director Deborah Reaves will request approval of the following ordinances.
 - (i) An amendment of the General Fund in order to fund expenses at the Sportsplex; and
 - (ii) A corresponding amendment of the Zoo City Sportsplex Fund to receive funding from the General Fund and to make adjustments for change orders.

11. McCrary Ballpark Project Update

- (a) City Engineer Michael Leonard, PE will request approval of a change order with Rodgers for additional construction items.
- (b) Finance Director Deborah Reaves will request approval of the following ordinances.
 - (i) An amendment of the General Fund in order to fund expenses at the ballpark, including the change order with Rodgers; and
 - (ii) A corresponding amendment of the McCrary Ballpark Fund.

12. City Manager John Ogburn will discuss changes to the proposed 2023-2024 annual operating budget.

13. Mayor Smith will lead the discussion of upcoming events and items not on the agenda.

14. Adjournment

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, APRIL 6, 2023
7:00 P.M.**

This being the time and place for a regular meeting of the Asheboro City Council, a meeting was held with the following elected officials and city 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
Brad A. Dalke, Safety Manager
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Eddie L. Garner, Chief Building Inspector
Steven B. Hackett, Deputy Finance Director
P. Douglas Kemp, Human Resources Director
Mark T. Lineberry, Chief of Police
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Michael D. Rhoney, PE, Water Resources Director
Jeffrey C. Sugg, City Attorney
Kristen P. Terry, Human Resources Generalist

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 opened the floor for public comments, and none were offered.

Mayor Smith closed the public comment period.

4. Consent Agenda

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 February 24, 2023

The meeting minutes for the city council's special meeting on February 24, 2023, 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 March 9, 2023

The meeting minutes for the city council's regular meeting on March 9, 2023, were approved and have been filed in the city clerk's office. An electronic copy of the approved document has been posted on the city's website.

(C) Asheboro ABC Board Minutes for February 6, 2023

The council acknowledged the receipt of the Asheboro ABC Board's approved meeting minutes for February 6, 2023. This document has been filed in the city clerk's office and distributed to the city's elected officials.

(D) Acknowledgement of the Receipt of a Report Detailing Major Subdivisions Administratively Approved Since March 9, 2023.

There have been none approved.

(E) A Resolution Accepting the Dedication to the Public of Streets Within the Parkway South Townhomes Subdivision

RESOLUTION NUMBER 8 RES 4-23

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION ACCEPTING THE DEDICATION MADE TO THE PUBLIC OF STREETS WITHIN THE PARKWAY SOUTH TOWNHOMES SUBDIVISION

WHEREAS, when lands or facilities/infrastructure are located within the planning and development regulation jurisdiction of the city, Section 160D-806 of the North Carolina General Statutes authorizes the city's governing board to accept by resolution dedications made to the public of such lands or facilities/infrastructure; and

WHEREAS, consistent with a zoning map amendment application identified by file number RZ-22-06, which was approved by the Asheboro City Council on July 14, 2022, a subdivision plat showing the dedication of public right-of-way for streets within the Parkway South Townhomes Subdivision has been submitted for review in accordance with the applicable subdivision regulations; and

WHEREAS, city review officers have found the plat with the offer of dedication of land and infrastructure for public right-of-way to be in compliance with the Subdivision Ordinance of the City of Asheboro, North Carolina; and

WHEREAS, the Asheboro City Council finds that the public health, safety, and welfare of the citizens of the City of Asheboro will be advanced by accepting the dedication made to the public as shown on the subdivision plat described herein.

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

Section 1. The City of Asheboro hereby accepts the dedication made to the public of the lands or facilities/infrastructure for streets, specifically Easy Street and Parkway South Street, as shown on the subdivision plat titled "Right of Way Dedication For: Triangle Park Associates" that was drawn under the supervision of Dan W. Tanner, II, Professional Land Surveyor with License Number L-4787. The referenced plat of survey is identified as

Job # 13548 and is recorded in the Office of the Randolph County Register of Deeds in Plat Book 180, Page 41.

Section 2. The acceptance of the dedications specified herein shall be effective upon adoption of this Resolution.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 6th day of April, 2023.

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

ATTEST:

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

(F) Acknowledgement of the Receipt and Acceptance of the List Provided by the Recreation Services Director with the 2023 Downtown Farmers' Market Operational Days, Including Special Events

Consistent with the City of Asheboro Cultural and Recreation Services Policy Manual, Recreation Services Director Jonathan Sermon submitted for the governing board's review, written notification of the operational hours for the Downtown Farmers' Market during the upcoming season. The written notification provided by the recreation services director is on file in the city clerk's office and may also be obtained by directly contacting the city's cultural and recreation services department.

With the adoption of the consent agenda, the council acknowledged receiving the Downtown Farmers' Market schedule for 2023. No alterations in the proposed operational schedule were requested by the governing board.

(G) Acknowledgement of the Receipt and Acceptance of the List of Operational Hours Proposed by the Recreation Services Director for the City-Owned Pools During the 2023 Season

Consistent with the City of Asheboro Cultural and Recreation Services Policy Manual, Recreation Services Director Jonathan Sermon submitted for the governing board's review, written notification of the operational hours for the city-owned pool facilities during the upcoming season. The written notification provided by the recreation services director is on file in the city clerk's office and may also be obtained by directly contacting the city's cultural and recreation services department.

With the adoption of the consent agenda, the council acknowledged receiving the city-owned pool facilities schedule for 2023. No alterations in the proposed operational schedule were requested by the governing board.

(H) Approval of Ordinances Prepared by the Finance Department

(i) Ordinance to Amend the General Fund to Account for a Change in Pricing for Golf Carts

19 ORD 4-23

**ORDINANCE TO AMEND THE GENERAL FUND
FY 2022-2023**

WHEREAS, the City of Asheboro appropriated \$59,460 to purchase golf carts in the 2022-2023 adopted budget based on estimates obtained at that time.

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WHEREAS, the current cost of the same number of carts is now \$129,307 less a \$50,000 credit being given back to the City of Asheboro in the form of direct payment.

WHEREAS, the additional funding needed for the purchase of the approved golf carts is \$19,847.

WHEREAS, the City of Asheboro desires amend the 2022-2023 General Fund budget to as required by law to adjust for changes in revenues and expenditures in comparison to the current adopted budget.

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

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

That the following revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-000-336.0002	Sale of Fixed Assets	50,000
10-000-399.0000	Fund Balance Appropriated	19,847
		69,847

That the following expense line items be decreased / increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-625-574.0000	Capital Outlay	69,847

Adopted this the 6th day of April 2023.

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

ATTEST:

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

(ii) **Ordinance to Amend the General Fund for Fire Department Salaries and Benefits**

20 ORD 4-23

**ORDINANCE TO AMEND
THE GENERAL FUND
FY 2022-2023**

WHEREAS, the City of Asheboro has implemented various incentives for employees in the public safety departments to assist with recruitment and retention.

WHEREAS, the City of Asheboro authorized the implementation of a Fire Fighter Trainee Program and successfully hired seven recruits in this program after the adoption of the 2022-2023 budget.

WHEREAS, as a result of the trainee program and incentives, the Asheboro Fire and Rescue Department now meets the National Fire Protection Association 1710 staffing guidelines of that each engine company (fire truck) be staffed with at least four fire fighters to execute the various functions to manage a house fire effectively, efficiently and safely, i.e. command, rescue, suppression, ventilation and water supply.

WHEREAS, this staffing level has allowed the Asheboro Fire and Rescue Department to maintain effective response times and provide the ability to place sufficient personnel on the fire scene which in turn saves the community in property loss and has allowed fire fighters

to train and obtain certifications (Heavy Rescue, Confined Space Rescue and High Angle Rescue) that benefit the community and our fellow employees who work in trenches and confined spaces daily.

WHEREAS, current staffing levels, allowing a sufficient number of fire fighters placed on any given incident, has played a significant role in Asheboro Fire and Rescue department obtaining an ISO Rating of 1 which benefits the community concerning lowering insurance premiums, specifically commercial structures, and could be a factor in attracting new industries to the community in the future.

WHEREAS, the City of Asheboro desires to amend the 2022-2023 budget as required by law for changes in revenues and expenditures in comparison to the current adopted budget.

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:

Section 1: The following revenue line item be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-000-399.0000	Fund Balance Appropriated	765,600

Section 2: The following expense line item be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-530-502.0000	Salaries and Wages	699,000
10-530-502.0004	Salaries and Wages Incentive	40,200
10-530-507.0002	Fringe- FICA	47,200
10-530-507.0005	Fringe- Retirement	79,200
10-530-515.0000	Maintenance & Repair Bldg.	(100,000)
	Total	765,000

Adopted this the 6th day of April 2023.

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

ATTEST:

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

(iii) Ordinance to Amend and Close the ARPA Fund

21 ORD 4-23

**ORDINANCE TO AMEND AND CLOSE
AMERICAN RESCUE PLAN ACT 2021 FUND
FY 2022-2023**

WHEREAS, The American Rescue Plan Act 2021 fund was established June 10th, 2021

WHEREAS, the total allocation received by the City of Asheboro is \$8,267,011.69 and all these funds (ARPA funds) are currently unallocated.

WHEREAS, ARPA funds may be used for the following categories of expenditures, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;

- 2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
- 3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
- 4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
- 5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

WHEREAS, the City of Asheboro has elected to take the standard allowance, as authorized by 31 CFR Part 35.6(d)(1) and expend all its ARP/CSLFRF funds for the provision of government services.

WHEREAS, the City of Asheboro has spent \$3,534,800 in the areas of salaries in the police department budget during the period of July 1, 2022 to February 28, 2023

WHEREAS, the City of Asheboro has spent \$1,542,020 in the area of benefits in the Police Department during the period of July 1, 2022 and February 28, 2023.

WHEREAS, the City of Asheboro has spent \$2,690,651 in the areas of salaries in the Fire department budget during the period of July 1, 2022 to February 28, 2023

WHEREAS, the City of Asheboro has spent \$8,691,155 total in the area of salaries and benefits in the Police and Fire Department during the period of July 1, 2022 and February 28, 2023.

WHEREAS, this amount is greater than the ARPA allocated funds of \$8,267,011.69

WHEREAS, the following amounts are appropriate for the project and authorized for expenditure:

Project Description	Expenditure Category (EC)	Cost Object	Appropriation of ARP/CSLFRF Funds
Law Enforcement Services for period of July 1, 2022 through February 31, 2023	6.1	Salaries	3,534,800
		Benefits	1,542,020
Fire Protection Services for period of July 1, 2022 through February 31, 2023	6.1	Salaries	2,266,509
		Benefits	923,683
TOTAL			8,267,012

WHEREAS the City of Asheboro adopted the following policies as they related to the ARPA/CSLFRF Award in July and August 2022: Conflict of Interest Policy, Uniform Guidance Allowable Costs and Cost Principles Policy, Eligibility Determination Policy, Records Retention Policy and Civil Rights Compliance Policy.

WHEREAS, the Finance Director is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements, including payroll documentation, in accordance with 2 CFR 200.430 & 2 CFR 200.431 and the City’s Uniform Guidance Allowable Costs and Cost Principles Policy.

Whereas, with the adoption of this ordinance, all ARPA funds are obligated and expended by the City of Asheboro.

Whereas, the interest earned on the ARPA funds is \$197,200.21.

Whereas, the interest income needs to be recognized in the ARPA fund but does not need to be spent on ARPA eligible expenses but be transferred into the General Fund

Whereas, with there being no more activity for the ARPA fund, this project fund is now closed.

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

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 revenues be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
64-000-300.0000-64	APPA Funds	\$2
64-000-300.0100-64	Interest earned on investment	<u>197,200</u>

That the following Expense line item be increased / decreased:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
64-000-800.9000-64	Unallocated ARPA Funds	(8,267,010)
64-000-800.9001-64	Contribution to GF- ARPA funds	8,267,012
64-000-800.9001-64	Contribution to GF- Interest	<u>197,200</u>
		197,202

Adopted this the 6th day of April 2023.

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

ATTEST:

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

(iv) Ordinance to Amend the General Fund Allocating Funding for the Sound System at the McCrary Ballpark

22 ORD 4-23

WHEREAS, the City of Asheboro has been investigating options for a new sound system at McCrary Ballpark in anticipation of grandstand completion.

WHEREAS, the City of Asheboro expects installation of the new sound system to take place May 2023.

WHEREAS, the City of Asheboro estimates, based on quotes received, that approximately of \$100,000 will be needed for the system.

WHEREAS, the City of Asheboro desires to appropriate \$100,000 from the General Fund Balance for this purpose.

WHEREAS, the City of Asheboro desires amend the 2022-2023 General Fund operating budget to as required by law to adjust for changes in revenues and expenditures in comparison to the current adopted budget.

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

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

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	100,000

That the following expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-620-574.6500	Contribution to McCrary Ballpark Fund	100,000

Adopted this the 6th day of April 2023.

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

ATTEST:

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

(v) Ordinance to Amend the McCrary Ballpark Fund

23 ORD 4-23

**ORDINANCE TO AMEND
THE MCCRARY BALLPARK IMPROVEMENTS FUND
FY 2022-2023**

WHEREAS, The City of Asheboro is appropriating \$100,000 in General Fund balance to be transferred to the McCrary Ball park improvements fund for the sound system at McCrary Ballpark.

WHEREAS, the City of Asheboro desires amend the 2022-2023 McCrary Ballpark capital project fund budget to as required by law to adjust for changes in revenues and expenditures in comparison to the current adopted budget.

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

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

Section 1: The following revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
65-000-300.0001-65	Contribution from General Fund	100,000

Section 2: The following expense line item be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
65-000-407.0000-65	Sound System	100,000

Adopted this the 6th day of April 2023.

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

ATTEST:

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

(I) Approval of the Temporary Street Closure on April 29, 2023 from 9:30 AM to 4:00 PM, of South Cox Street (SR 2327) from East Academy Street to Worth Street for the David and Pauline Jarrell Center City Garden Ceremonial Groundbreaking and Work Day Jamboree Event

The council approved the temporary street closure order for the special event. A copy of the map is on file in the city clerk's office.

5. Legislative Hearing for Case No. RZ-23-03: An application to rezone property on US Highway 64 East, between 2307 US Highway 64 East and 2333 US Highway (Randolph County Parcel Identification Number 7771152373) from R40 Low-Density Residential to B2 General Commercial

Mayor Smith opened the legislative hearing on the application to rezone land located along US Highway 64 East from R40 Low-Density Residential to B2 General Commercial zoning.

Community Development Director Trevor Nuttall presented a written request from H.R. Gallimore, on behalf of Applicant Phillip Ragsdale, to continue the rezoning process to the council's regular May meeting.

Council Member Bell moved, and Council Member Swiers seconded the motion to continue the above-referenced rezoning to the council's regular May meeting. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

6. An Update on the Programs Offered by Keaton's Place and the Upcoming Events for May 2023, which is Mental Health Month

Ms. Susan Hunt reported on the programs offered by Keaton's Place. Certain programs include, but are not limited to, Alcoholics Anonymous and Narcotics Anonymous. Additionally, Ms. Hunt reminded the council members and those in attendance that May is Mental Health Awareness month.

No formal action was taken by the council during this portion of the meeting.

7. Presentation to the City of Asheboro Human Resources Department

Mayor Smith presented a plaque to members of the City of Asheboro's Human Resources Department in recognition of an award for Organizational Leadership and Development. The award was sponsored by the NC Chapter of the International Public Management Association-Human Resources.

No formal action was taken by the council during this portion of the meeting.

8. Report on the North Carolina Department of Labor Safety Awards for 2022

Safety Manager Brad Dalke reported the North Carolina Department of Labor presented safety awards to ten (10) city departments for 2022 calendar year.

No formal action was taken by the council during this portion of the meeting.

9. Discussion of the Results of the Requests for Proposals for Audit Services

Deputy Finance Director Steven Hackett reported that the city's finance department submitted requests for proposals for audit services. On March 13, six audit firms responded. Of the six (6) firms that responded, Thompson, Price, Scott, Adams & Co., CPA was the responsible, responsive bidder. The finance department recommended Thompson, Price, Scott, Adams & Co., CPA for the audit for the year ending 2023, 2024, and 2025.

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

10. FY 2023-2024 Budget Request from Downtown Asheboro, Inc.

Prior to the consideration of agenda item number 10, Council Member Bell moved, and Council Member Redding seconded the motion to excuse Mayor Smith and Council Member Heath from discussion and voting in regards to item number 10 and item number 12(A). Council Member Bell, Burks, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

Mayor Pro Tem Moffitt led a discussion regarding budget requests from Downtown Asheboro, Inc. Executive Director Addie Corder requested funding in the amount of \$550,000.00 that would be used to support the city's Trade Street Project by purchasing property located at 105 Fayetteville Street (Randolph County Parcel Identification Numbers 7751821859 and 7751821963) for additional parking space as well as sanitation and electrical system support space. The funding would be appropriated in the city's next fiscal year budget.

No formal action was taken by the council during this portion of the meeting.

11. Update on City Staff's Plan to Begin Outlining a Framework with Downtown Asheboro, Inc. for the Potential Conveyance of the North Mill Property for Historic Preservation Purposes under the North Carolina General Statutes (Agenda Item 12(A))

Mayor Pro Tem Moffitt and Community Development Director Trevor Nuttall initiated a discussion among the council members of the potential conveyance of the North Mill (Acme McCrary) property to Downtown Asheboro, Inc. During some discussion, Mr. Nuttall informed the council members that the city would potentially partner with the UNC School of Government for pre-development services for the property and presented a proposal for said services.

A consensus of the council emerged for city staff to coordinate with the UNC School of Government along with the collaboration of Downtown Asheboro Inc. in order to provide pre-development services for the property. Once more information is available, city staff will update the council.

No formal action was taken by the council during this portion of the meeting.

12. Presentation of Annual Reports (Agenda Item 11)

(A) Police Department Annual Report

Police Chief Mark Lineberry presented and overview of the Asheboro Police Department's activities during 2022. During his presentation, Chief Lineberry noted there were a total of 27,878 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.

(B) Inspections Department Annual Report

Chief Building Inspector Eddie Garner presented an overview of the building inspections department's activities during 2022. The department's report reflected the issuance of a total of 1,333 permits with a total of \$256,135.85 in revenue.

A copy of the annual report is on file in the city clerk's office. No formal action was asked of the council during this portion of the meeting, and none was taken.

13. Community Development Items (Agenda Item 12)

(A) Update on City Staff's Plan to Begin Outlining a Framework with Downtown Asheboro, Inc. for the Potential Conveyance of the North Street Mill Property for Historic Preservation Purposes Under the North Carolina General Statutes

This item was addressed as item 11 as referenced above.

(B) Consideration of Change Order No. 1 in the Amount of \$74,000 to add North Street (between Trade Street and Sunset Avenue) to the Wooten Company's Engineering Services Contract Related to the Proposed Trade Street Renovations

Mr. Nuttall presented amendment No. 1 to the Engineering Services Contract between the City of Asheboro and The Wooten Company for Trade Street Renovations dated December 13, 2022. This amendment would add the area of North Street (from Trade Street to Sunset Avenue) as part of the original scope of services. The additional fee for this amendment is \$74,000.00.

Council Member Moffitt moved, and Council Member Burks seconded the motion to approve the above-referenced amendment No. 1 to the Engineering Services Contract related to the proposed Trade Street Renovations. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

(C) Consideration of Change Order No. 1 in the Amount of \$3,436 for Additional Design Services by Prospect Landscape Architecture, PLLC Related to the Development of the David and Pauline Jarrell Center City Garden Project

Mr. Nuttall presented Change Order No. 1 in the amount of \$3,436.00 for additional design services by Prospect Landscape Architecture, PLLC related to the development of the David and Pauline Jarrell Center City Garden Project.

Council Member Heath moved, and Council Member Bell seconded the motion to approve the above-referenced change order. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

14. Finance Items (Agenda Item 13)

(A) An Ordinance to Amend the State Capital and Infrastructure Fund

Finance Director Debbie Reaves presented and recommended adoption, by reference, of the aforementioned ordinance.

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

**ORDINANCE TO AMEND
STATE CAPITAL INFRASTRUCTURE GRANT FUND
FY 2022-2023**

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

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

WHEREAS, on May 4, 2022, the City of Asheboro’s scope of work and grant agreement assigning the purpose of these funds to be for the trade street renovation project.

WHEREAS, on May 5, 2022, the City of Asheboro set up a Special Revenue Fund to account for the funding and the expenses (as unassigned) related to this grant.

WHEREAS, the contract for design services for the project was awarded to The Wooten Company in December 2022 for an amount not to exceed \$235,000.

WHEREAS, the City of Asheboro has requested to expand the description of work in the Wooten Company contract to include the addition of North Street (from Trade Street to Sunset) as part of the project scope.

WHEREAS, the cost of this change order (change order #1) is \$74,000.

WHEREAS, with the approval of change order #1, the total contract with The Wooten Company is \$309,000.

WHEREAS, the City of Asheboro would like to set up a unique expense line item for engineering services in the project fund to account for the Wooten Company contract.

WHEREAS, the City of Asheboro desires amend the State Capital Infrastructure Grant Fund as required by law to adjust for changes in revenues and expenditures in comparison to the current adopted budget.

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

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

That the following expense line items be decreased / increased:

<u>Line Item</u>	<u>Description</u>	<u>(Decrease)</u> <u>Increase</u>
67-700-500.0000-67	Downtown Facilities – Unassigned	(309,000)
67-700-500.0001-67	Downtown Facilities - Engineering	309,000
	Net Change	<u>0</u>

Adopted this the 6th day of April 2023.

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

ATTEST:

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

(B) An Ordinance to Amend the General Fund for Contribution to David and Pauline Jarrell Center City Garden Fund

Ms. Reaves presented and recommended adoption, by reference, of the aforementioned ordinance.

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

25 ORD 4-23

**ORDINANCE TO AMEND THE GENERAL FUND
FY 2022-2023**

WHEREAS, In February 2021, the City Council of the City of Asheboro authorized the execution of the contract with Prospect Landscape Architecture for programming, conceptual design, master planning and construction drawings for the David and Pauline Jarrell Center City Garden.

WHEREAS, the original proposal was for \$107,000.

WHEREAS, additional services were requested such as revisions to the Master Plan since final submittal in late 2021, including language and illustrations related to the visitor’s center and cost estimate updates.

WHEREAS, one additional public meeting and additional meetings with PTRC and the City were held to determine next steps and funding (including grant discussions, timeline, creek cleanup coordination and archaeology discussions.

WHEREAS, these changes required an additional 30 house of work and reimbursable expenses including printing and hotel.

WHEREAS, a contribution of \$3,436 from the General Fund is needed to cover these changes

WHEREAS, the City of Asheboro desires amend the 2022-2023 budget to as required by law to adjust for changes in revenues and expenditures in comparison to the current adopted budget.

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 items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
10-000-399.0000	Fund Balance Appropriation	\$3,436

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
10-620-575.0000	Contribution to David & Pauline Jarrell City Garden Fund	\$3,436

Adopted this the 6th day of April 2023.

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

ATTEST:

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

(C) An Ordinance to Amend the David and Pauline Jarrell Center City Garden Fund

Ms. Reaves presented and recommended adoption, by reference, of the aforementioned ordinance.

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

26 ORD 4-23

**ORDINANCE TO AMEND
DAVID AND PAULINE JARRELL CITY GARDEN FUND
FY 2022-2023**

WHEREAS, In February 2021, the City Council of the City of Asheboro authorized the execution of the contract with Prospect Landscape Architecture for programming, conceptual design, master planning and construction drawings for the David and Pauline Jarrell Center City Garden.

WHEREAS, the original proposal was approved for \$107,000.

WHEREAS, additional services were requested such as revisions to the Master Plan since final submittal in late 2021, including language and illustrations related to the visitor’s center and cost estimate updates.

WHEREAS, one additional public meeting and additional meetings with PTRC and the City were held to determine next steps and funding (including grant discussions, timeline, creek cleanup coordination and archaeology discussions.

WHEREAS, these changes required an additional 30 house of work and reimbursable expenses including printing and hotel.

WHEREAS, a contribution of \$3,436 from the General Fund is needed to cover these changes

WHEREAS, the City of Asheboro desires amend the 2022-2023 budget to as required by law to adjust for changes in revenues and expenditures in comparison to the current adopted budget.

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 revenues be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
75-000-300.1000-75	Contribution from General Fund	\$3,436

That the following Expense line item be increased:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
75-000-400-9000-75	Professional Services –Landscape Design	\$3,436

Adopted this the 6th day of April 2023.

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

ATTEST:

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

15. Water Resources Items (Agenda Item 14)

(A) A Resolution Authorizing an Application for a State Grant/Loan for the Lake Lucas Dam Intake Improvements Project

Water Resources Director Michael Rhoney, PE presented and recommended adoption, by reference, of the aforementioned resolution.

Council Member Bell moved, and Council Member Redding seconded the motion to approve/adopt the following resolution by reference.

RESOLUTION NUMBER 9 RES 4-23

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION SUPPORTING AND AUTHORIZING AN APPLICATION FOR A STATE GRANT/LOAN FOR THE LAKE LUCAS DAM INTAKE IMPROVEMENTS PROJECT

WHEREAS, the Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (codified in Chapter 159G of the North Carolina General Statutes) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction for a drinking water treatment works; and

WHEREAS, the City of Asheboro (hereafter referred to interchangeably as the “City” and the “Applicant”) needs and intends to construct water treatment works improvements described as the Lake Lucas Dam Intake Improvements Project (hereafter referred to as the “Project”); and

WHEREAS, the City intends to request state loan or grant assistance for the Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro (hereafter referred to as the “Council”) that the City, if approved for a State loan or grant award, will arrange financing for all remaining costs of the Project; and

BE IT FURTHER RESOLVED by the Council that the City will adopt and place into effect on or before completion of the Project a schedule of fees and charges, in addition to other available funds, that will provide adequate funding for the proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt; and

BE IT FURTHER RESOLVED by the Council that a provision will be included in the loan agreement authorizing the State Treasurer, upon failure of the City to make scheduled repayment(s) of the loan, to withhold from the City any State funds that would otherwise be distributed to the City in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan; and

BE IT FURTHER RESOLVED by the Council that the City will provide for the efficient operation and maintenance of the Project infrastructure upon completion of the construction thereof; and

BE IT FURTHER RESOLVED by the Council that John N. Ogburn, III, who is the city manager for the Applicant (the city manager will be hereafter referred to as the “Authorized Official”), and any successor so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a loan to aid in the construction of the Project described above; and

BE IT FURTHER RESOLVED by the Council that the Authorized Official, and any successor so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the Project, to make the assurances as contained above, and to execute such other documents as may be required in connection with the application; and

BE IT FURTHER RESOLVED by the Council that the City has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the Project and to Federal and State grants and loans pertaining thereto.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting that was held on the 6th day of April, 2023.

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

ATTEST:

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

(B) A Contract Award Decision for the Purchase of Seven Chemicals

Mr. Rhoney reported on the chemical procurement process undertaken for operations at the water and wastewater treatment plants. The apparent lowest responsive, responsible bidders who submitted offers to meet the requirements of the water and wastewater treatment plants for seven chemicals from April 16, 2023 to April 15, 2024, are listed below.

<u>Chemical</u>	<u>Company</u>	<u>Price</u>
Liquid Alum	C&S Chemicals	\$399.00/Ton
Liquid Caustic	Univar, USA, Inc.	\$938.00/Ton
Flousilicic Acid	Univar, USA, Inc.	\$498.00/Ton
Sodium Hypochlorite	Univar, USA, Inc.	\$1.71/Gal
Calcium Nitrate	Aulick Chemical Solutions	\$2.71/Gal
Sodium Permanganate	Amerochem Corporation	\$19.87/Gal
Calium Hydroxide/Magnesium Hydroxide Slurry Blend	Polytec, Inc.	\$1.70/Gal

Council Member Burks moved, and Council Member Heath seconded the motion, to accept the bids/offers listed above and to award to the above-listed chemical suppliers at the listed prices the contracts to supply the designated chemicals required by the

city's water and wastewater treatment plants from April 16, 2023 to April 15, 2024. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

(C) A Resolution Authorizing the Procurement of Professional Consulting Services

Mr. Rhoney presented and recommended adoption, by reference, of a resolution authorizing the procurement of professional consulting services to assist with the water resources division with the Wolfsped Water Line Extension Project.

Council Member Bell moved, and Council Member Swiers 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 10 RES 4-23

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION AUTHORIZING REQUESTS FOR PROPOSALS FOR AN OWNER'S ADVISOR FOR THE WOLFSPED WATER LINE EXTENSION PROJECT

WHEREAS, on February 9, 2023, the Asheboro City Council (hereafter referred to interchangeably as the "City") agreed to a Memorandum of Understanding between the North Carolina Department of Commerce and the City accepting direct allocated funds to make infrastructure improvements necessary to extend water service to the Wolfsped economic development project, and

WHEREAS, the City needs and intends to construct water line improvements described as the Wolfsped Water Line Extension Project (hereafter referred to as the "Project"); and

WHEREAS, the City desires to have the assistance of a professional consultant (hereafter referred to interchangeably as the "Consultant") to act as an extension of staff aligning the entire integrated project with the City's priorities throughout the course of the Project; and,

WHEREAS, the Consultant must be prepared to help the City develop a detailed Project Criteria designed specifically to meet the City's needs and to manage project risk; and,

WHEREAS, these services may include criteria development, design administration, review of equipment and material specifications, review of project costs, commissioning and other applicable support functions and services; and,

WHEREAS, the Consultant must work with the City to customize services to match the project's requirements and the City's needs, allowing the scope of work to be tailored to provide services that are necessary to supplement the City's existing project staff's availability; and,

WHEREAS, the Consultant shall have thorough knowledge and expertise with all components of linear pipeline installation, as well as have a vast understanding of Design-Build contracting.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro to proceed with a request for qualifications seeing a Consultant to represent the City's interests for the Project.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting that was held on the 6th day of April, 2023.

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

ATTEST:

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

16. Announcement of a Special Joint Meeting with the Randolph County Board of Commissioners (Agenda Item 15)

Mayor Smith announced that a special meeting will be held with the Randolph County Board of Commissioners on Monday, April 17, 2023 at 5:00 p.m. in order to hold a public hearing on a proposed economic development project.

No formal action was taken by the council during this portion of the meeting.

17. Upcoming Events and Items not on the Agenda

Mr. Ogburn presented and recommended adoption, by reference, of a resolution to adopt and allocate funds for an outdoor fitness court as part of the 2023 National Fitness Campaign.

Council Member Moffitt moved, and Council Member Burks seconded the motion to approve/adopt the following resolution by reference.

RESOLUTION NUMBER 11 RES 4-23

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION TO ADOPT AND ALLOCATE FUNDS FOR AN OUTDOOR FITNESS COURT® AS PART OF THE 2023 NATIONAL FITNESS CAMPAIGN

WHEREAS, the City of Asheboro has submitted a Grant Application to National Fitness Campaign (NFC) for participation in their 2023 initiative to install and activate outdoor Fitness Courts® in 200 cities and schools across the country, and;

WHEREAS, the City of Asheboro will accept a \$30,000 National Grant from our NFC Grant Committee and Statewide Partners, and provide a local match in the amount of \$160,000 to promote and implement a free-to-the-public outdoor Fitness Court®, and;

WHEREAS, the City of Asheboro will secure supplemental funding as needed through community sponsors, which will be made available and committed to this program for the purchase of the outdoor Fitness Court®, and;

WHEREAS, the City of Asheboro will commit to construction and launch of the outdoor Fitness Court® by the end of the 2023 calendar year, and;

WHEREAS, the City Council of the City of Asheboro believes the outdoor Fitness Court® is an important wellness ecosystem that supports healthier communities, commits to funding/fundraising to participate in NFC's 2023 Campaign, and will earn local and national recognition as a leader in providing affordable health and wellness.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Asheboro will collaborate with NFC to implement the outdoor Fitness Court® and make fitness free to community residents and visitors.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting that was held on the 6th day of April, 2023.

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

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

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

27 ORD 4-23

**ORDINANCE TO AMEND THE GENERAL FUND
FY 2022-2023**

WHEREAS, the City of Asheboro would like to add a “Fitness Court®” at the Zoo City Sportsplex.

WHEREAS, Fitness Court ® is an integrated outdoor gym experience that will allow for independent outdoor gym experience and will allow for a Studio where structured classes can be held.

WHEREAS, Fitness Court ® is designed to provide a full body work out incorporating movement through seven zones (core, squat, push, lunge, pull, agility, bend).

WHEREAS, the estimated cost for the Fitness Court ® is \$160,000.

WHEREAS, the City desires to appropriate fund balance to be transferred to the Zoo City Sportsplex project to properly account for this expense with the other project expenses.

WHEREAS, the City of Asheboro desires amend the 2022-2023 General Fund budget to as required by law to adjust for changes in revenues and expenditures in comparison to the current adopted budget.

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

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

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

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-000-399.0000	Fund Balance Appropriation	160,000

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

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-620-574.7400	Contribution to Zoo City Sportsplex Fund	160,000

Adopted this the 6th day of April 2023.

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

ATTEST:

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

After approving/adopting the ordinance to amend the general fund, Council Member Bell moved, and Council Member Heath seconded the motion to adopt the following ordinance by reference. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

28 ORD 4-23

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

WHEREAS, the City of Asheboro would like to add a “Fitness Court®” at the Zoo City Sportsplex.

WHEREAS, Fitness Court ® is an integrated outdoor gym experience that will allow for independent outdoor gym experience and will allow for a Studio where structured classes can be held.

WHEREAS, Fitness Court ® is designed to provide a full body work out incorporating movement through seven zones (core, squat, push, lunge, pull, agility, bend).

WHEREAS, the estimated cost for the Fitness Court ® is \$160,000.

WHEREAS, the City desires to recognize funding from the General Fund and appropriate for this expense in the Zoo City Sportsplex fund.

WHEREAS, the City of Asheboro desires amend the 2022-2023 capital project fund budget to as required by law to adjust for changes in revenues and expenditures in comparison to the current adopted budget.

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

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

That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
74-000-370.0000-74	Contribution from General Fund	160,000

That the following expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
74-000-400.9009-74	Fitness Court	160,000

Adopted this the 6th day of April 2023.

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

ATTEST:

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

There being no further business, the meeting was adjourned at 9:50 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor

**NOTICE OF A SPECIAL MEETING OF THE
CITY COUNCIL OF THE CITY OF ASHEBORO**

MEETING DATE: MONDAY, APRIL 17, 2023

MEETING TIME: 5:00 P.M.

LOCATION: 1909 RANDOLPH COUNTY HISTORIC
COURTHOUSE MEETING ROOM,
145-C WORTH STREET,
ASHEBORO, NORTH CAROLINA 27203

The City of Asheboro (the City) and the County of Randolph (the County) jointly propose to appropriate City and County funds for an economic development project pursuant to Section 158-7.1 of the North Carolina General Statutes. A company to be named at the public hearing described below is considering an expansion of the company’s existing operations. To aid in this development activity, the City and County are considering incentive payments totaling up to \$420,000.00, fifty percent (50%) from the City and fifty percent (50%) from the County, to be paid to or on behalf of the company over a 5-year period. In return for these economic development incentive payments, the company must create a total of 178 new full-time jobs and invest \$43,000,000.00 in personal property, machinery, and equipment at company facilities in the City and County.

During a special joint meeting of the Randolph County Board of Commissioners and the Asheboro City Council, which will begin at 5:00 p.m. on Monday, April 17, 2023, a joint public hearing on the proposal to appropriate funds for the above-described economic development project will be held in the 1909 Randolph County Historic Courthouse Meeting Room, 145-C Worth Street, Asheboro, North Carolina 27203. All interested persons are invited to attend and present their views. After the public hearing, the governing boards will consider acting on the proposal(s).

This special meeting notice has been issued on the 12th day of April, 2023.

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

#

**SPECIAL JOINT MEETING
ASHEBORO CITY COUNCIL
RANDOLPH COUNTY BOARD OF COMMISSIONERS
MONDAY, APRIL 17, 2023
1909 RANDOLPH COUNTY HISTORIC COURTHOUSE MEETING ROOM
145-C WORTH STREET, ASHEBORO, NORTH CAROLINA**

This being the time and place for a special joint meeting of the Asheboro City Council with the Randolph County Board of Commissioners, a meeting was held with the following elected city 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/Paralegal
Jeffrey C. Sugg, City Attorney

In addition to the above-listed officials and staff members for the City of Asheboro, the following members of the Randolph County Board of Commissioners were present: Chairman Darrell Frye, Vice-Chairman David Allen, Commissioner Hope Haywood, Commissioner Kenny Kidd, and Commissioner Maxton McDowell. The following county staff members were also present: Hal Johnson, County Manager; Will Massie, Assistant County Manager/Finance Officer; Dana Crisco, Clerk to the Board; Jenny Parks, Deputy Clerk to the Board; Ben Morgan, County Attorney; and Aimee Scotton, Associate County Attorney.

Subsequent to Chairman Frye calling the meeting to order for the Randolph County Board of Commissioners, Mayor Smith called the meeting to order for the city and opened the public hearing on behalf of the Asheboro City Council. The public hearing was opened in order to consider the economic incentives package proposed for Energizer Manufacturing, Inc.

During the public hearing, Mr. Kevin Franklin, who is the President of the Randolph County Economic Development Corporation (RCEDC), reported that Energizer Manufacturing, Inc. is considering an expansion with new job creation within Asheboro and Randolph County.

The company has been producing alkaline batteries in Asheboro, North Carolina for decades and has been a legacy employer within the community. Energizer batteries are a well-recognized household brand. Energizer Manufacturing, LLC is reviewing its production and packaging operations and considering the transfer of several production and packaging lines to Energizer's two (2) facilities in Asheboro. The transfer would begin in 2023 and implemented over the following three (3) years.

The investment associated with this project totals \$43,000,000.00 in real and personal property. With this project, a minimum of 178 new full-time jobs with the above-average wage of approximately \$54,000, will be created in Asheboro and Randolph County.

During his presentation, Mr. Franklin reported that an economic incentives package is proposed and recommended whereby the County and the City each contribute up to \$420,000 paid in five (5) annual installments. The proposed incentive amount is equivalent to fifty percent (50%) of the anticipated new tax revenue generated by the new investment over a five-year period. Energizer Manufacturing, Inc. is also eligible for a One NC grant through the North Carolina Department of Commerce.

On behalf of Energizer Manufacturing, Inc., Ms. Allyson Azar presented comments in support of the economic development project. After no one else from the public wanted to be heard during the public hearing, Chairman Frye inquired of the Board of Commissioners as to what action the Board Members would like to take. After some discussion, the Board of Commissioners adopted a resolution that followed Mr. Franklin's recommendations.

Subsequently, upon motion by Council Member Bell and seconded by Council Member Moffitt, the council voted unanimously to adopt/approve the following resolution by reference. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted in favor of the motion. There were no dissenting votes.

RESOLUTION NUMBER 12 RES 4-23

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**RESOLUTION AUTHORIZING THE CITY OF ASHEBORO TO ENTER INTO AN
ECONOMIC DEVELOPMENT INCENTIVES CONTRACT**

WHEREAS, Section 158-7.1 of the North Carolina General Statutes authorizes a city to undertake an economic development project by extending assistance to a company in order to cause the company to locate or expand its operations within the city; and

WHEREAS, the Asheboro City Council has held a public hearing to consider whether to participate in an economic development project that will result in the City of Asheboro (the

City), the County of Randolph (the County), and Energizer Manufacturing, Inc. (the Company) approving an economic development incentives package whereby the City and the County each contribute up to Two Hundred Ten Thousand and No Hundredths Dollars (\$210,000.00) for a total expenditure of up to Four Hundred Twenty Thousand and No Hundredths Dollars (\$420,000.00) to the Company to offset the costs of the Company's expansion in the City of Asheboro, Randolph County, North Carolina; and

WHEREAS, upon the completion by the Company of this expansion project, the Company will have generated new value/investment in personal property, machinery, and equipment associated with the project in an amount equal to or in excess of Forty-Three Million and No Hundredths Dollars (\$43,000,000.00) and created a minimum of one hundred seventy-eight (178) new full-time jobs in the City and the County; and

WHEREAS, this economic development project will stimulate and stabilize the local economy, promote business in the City and the County, and result in the creation of a significant number of jobs in the City and the County; and

WHEREAS, the City has in its General Fund available revenues sufficient to fund this economic development project.

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

Section 1. The City is authorized to expend up to Two Hundred Ten Thousand and No Hundredths Dollars (\$210,000.00) of City funds for the Energizer economic development project.

Section 2. The appropriation outlined in Section 1 above will be paid to or on behalf of the Company pursuant to a performance-based incentive contract, said contract to be inclusive of the local match requirements for any and all grant funding awarded to the project. In addition to the standard terms found in contracts that the City routinely executes in the ordinary course of business, the economic development incentives contract entered into by and between the City, the County, and the Company must contain the essential terms and conditions listed below.

- (a) The total payment made to or on behalf of the Company under this contract shall not exceed Four Hundred Twenty Thousand and No Hundredths Dollars (\$420,000.00).
- (b) Fifty-percent (50%) of the total contract amount will be paid by the City, and the other fifty-percent (50%) of the total contract amount will be paid by the County.
- (c) Payments made pursuant to the contract shall not begin until the Company has met certain performance requirements. These performance requirements include, but are not limited to, the following:
 - (i) The Company must deliver to the City and the County written certification that the actual value of new investment by the Company in personal property, machinery, and equipment in connection with this project equals or exceeds Ten Million and No Hundredths Dollars (\$10,000,000.00) and must provide Employment Security Reports to the City and the County evidencing the retention of four hundred eleven (411) full-time jobs and the creation of eleven (11) new full-time jobs located in the City of Asheboro, Randolph County. The written certification of the actual value of the new investment shall further certify that said new investment is located within the corporate limits of the City of Asheboro, Randolph County; and
 - (ii) The Company must deliver to the City and the County written certification that the actual value of additional new investment by the Company in personal property, machinery, and equipment in connection with this project equals or exceeds Thirteen Million and No Hundredths Dollars (\$13,000,000.00) and must provide Employment Security Reports to the City and the County evidencing the creation of an additional seventy-four (74) new full-time jobs located in the City of Asheboro, Randolph County. The written certification of

the actual value of the new investment shall further certify that said new investment is located within the corporate limits of the City of Asheboro, Randolph County. Additionally, the Company must provide written certification that the Company has not reduced its level of operations in the City and the County since the date of the immediately preceding installment payment. By way of illustration and without limitation, the Company shall be deemed to have reduced its level of operations in the City and the County if the Company fails to maintain the entirety of the retained and newly-created jobs referenced in Paragraph (i) above; and

- (iii) The Company must deliver to the City and the County written certification that the actual value of new investment by the Company in personal property, machinery, and equipment in connection with this project equals or exceeds an additional Ten Million and No Hundredths Dollars (\$10,000,000.00) and must provide Employment Security Reports to the City and the County evidencing the creation of an additional fifty-nine (59) new full-time jobs located in the City of Asheboro, Randolph County. The written certification of the actual value of the new investment shall further certify that said new investment is located within the corporate limits of the City of Asheboro, Randolph County. Additionally, the Company must provide written certification that the Company has not reduced its level of operations in the City and the County since the date of the immediately preceding installment payment. By way of illustration and without limitation, the Company shall be deemed to have reduced its level of operations in the City and the County if the Company fails to maintain the entirety of the jobs referenced in Paragraphs (i) and (ii) above; and
- (iv) The Company must deliver to the City and the County written certification that the actual value of new investment by the Company in personal property, machinery, and equipment in connection with this project equals or exceeds an additional Ten Million and No Hundredths Dollars (\$10,000,000.00) and must provide Employment Security Reports to the City and the County evidencing the creation of an additional thirty-four (34) new full-time jobs located in the City of Asheboro, Randolph County. The written certification of the actual value of the new investment shall further certify that said new investment is located within the corporate limits of the City of Asheboro, Randolph County. Additionally, the Company must provide written certification that the Company has not reduced its level of operations in the City and the County since the date of the immediately preceding installment payment. By way of illustration and without limitation, the Company shall be deemed to have reduced its level of operations in the City and the County if the Company fails to maintain the entirety of jobs referenced in Paragraphs (i), (ii), and (iii) above; and
- (v) The Company must provide written certification that the Company has not reduced its level of operations in the City and the County since the date of the immediately preceding installment payment. By way of illustration and without limitation, the Company shall be deemed to have reduced its level of operations in the City and the County if the Company fails to maintain the entirety of jobs referenced in Paragraphs (i), (ii), (iii), and (iv) above. Furthermore, the Company shall provide documentation certifying that the average annual wages of the one hundred seventy-eight (178) newly-created jobs is equal to or greater than Fifty-Four Thousand and No Hundredths Dollars (\$54,000.00).

The contract amount will be paid in equal installments over a period of five (5) years to coincide with the Company's satisfactory completion of the above-referenced performance requirements.

- (d) The contract must provide the City and the County with a means of recouping a portion of the contract amount if the Company's facilities, as expanded, do not remain in full operation, maintaining the retained and newly-created jobs referenced above,

for a period of five (5) years immediately following the date on which the final installment of the contract amount is paid to the Company.

- (e) If the Company does not remain in full operation during this 5-year period, a portion of the incentive money must be returned. The amount to be returned shall decrease on a pro-rated basis for each year of said period that the company remains in full operation in the City and County. Any amounts returned by the company in this manner shall be divided equally between the City and the County.

Section 3. The Mayor of the City of Asheboro is hereby authorized to execute on behalf of the City of Asheboro a contract drafted in accordance with Section 2 of this Resolution and any other documents necessary for the implementation of this economic development project.

This Resolution was adopted by the Asheboro City Council in open session during a special meeting held on the 17th day of April, 2023.

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

ATTEST:

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

After there was no further business to discuss, the meeting was adjourned at 5:14 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, MAY 4, 2023
7:00 P.M.**

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

Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
John L. Evans, Asst. Community Development Director
Jason A. Hanson, Police Major
Michael L. Leonard, PE, City Engineer
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jonathan M. Sermon, Recreation Services Director
Jeffrey C. Sugg, City Attorney

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 opened the floor for public comments.

Mr. James Armstrong expressed his concerns for the increase in the homeless population within Asheboro.

Mr. Alan Maldonado presented general concerns regarding certain city-owned facilities and city programs.

Former Mayor David Jarrell expressed his gratitude for the groundbreaking ceremony and program pertaining to the David and Pauline Jarrell Center City Garden that was initiated by city staff on Saturday, April 29, 2023.

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

4. Old Business – Legislative Hearing (Case No. RZ-23-03):

An application to rezone property located on US Highway 64 East, between 2307 US Highway 64 East and 2333 US Highway 64 East (Randolph County Parcel Identification Number 7771152373) from R40 Low-Density Residential to B2 General Commercial.

Mayor Smith recognized Community Development Director Trevor Nuttall in order to receive an overview of the zoning map amendment application received from Phillip M. Ragsdale. This legislative hearing was continued from April 6, 2023 regular council meeting. This application, which was assigned file number RZ-23-03, sought to rezone the applicant’s approximately 1.41 acres of land from R40 Low-Density Residential to B2 General Commercial.

The applicant’s land for which the above-stated zoning has been requested is identified by Randolph County Parcel Identification Number 7771152373 and will be referred to as the Zoning Lot. This lot is located between 2307 and 2333 US Highway 64 East.

The community development director utilized a slide show presentation in conjunction with the comments. The planning staff analysis noted the points of information listed below.

- 1. The Zoning Lot is located outside the city limits but in the city’s zoning jurisdiction. Public water is available to the Zoning Lot. Public sewer is approximately 4,300 feet west of the Zoning Lot.
- 2. US Highway 64 East is classified as a state-maintained boulevard, which is considered a category of major thoroughfare. The intersection with the US 64 Bypass is approximately ½ mile to the east.
- 3. The zoning ordinance describes the requested B2 General Zoning district as “intended to serve the convenience goods, shoppers goods retail and service needs of the motoring public, both local and transient. This district should always be located with access directly to minor thoroughfares or higher classification streets, but never local residential streets.”
- 4. The request is for a general zoning district. No specific use or site plan is reviewed with this application. If the request is approved, all uses permitted by-right in the B2 district will be allowed.
- 5. The Land Development Plan Proposed Land use map designates the property as an employment center. The LDP states the intent of this designation is “to integrate a mixture of commercial, office and institutional, industrial, and open space uses into the fabric of the community, with ample sidewalks, street trees, on-street parking, public amenities and open space.”
- 6. This property is designated as part of an “Economic Development area by the growth strategy map.” It also states that “areas with prime access to a major thoroughfare and/or highway interchange, with high potential for economic development expansion, but in need of public infrastructure investment.”
- 7. Along with other zoning requirements (including but not limited to paving of required parking, landscaping, etc.), new commercial construction requiring a Building Permit and located on a street with curb and gutter generally requires the owner or developer to construct a sidewalk along the property’s public street frontage.

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

Proposed Land Use Map Designation: Employment Center

Small Area Plan: East

LDP Goals/Policies Supporting the Request: Economic Development

Checklist Item 1: Complies with LDP Proposed land use map

- Checklist Item 3:** The property on which the rezoning district is proposed fits the description of the Zoning Ordinance. (*Article 200, Section 210, Schedule of Statements of Intent*)
- Checklist Item 5:** Complies with Growth Strategy Map
- Checklist Item 7:** The proposed rezoning is compatible with the applicable Small Area Plan
- Checklist Items 12-13:** 12.) Property is located outside of the watershed area, Special Hazard Flood Area.

LDP Goals/Policies Which Do Not Support the Request

- Checklist Item 14:** Rezoning is located on steep slopes of greater than 20%. (*towards rear/interior of property*)
- 2.1.5:** The city will ensure development regulations provide appropriate transitional land uses, such as office and institutional, between high-intensity industrial/commercial and low-intensity residential uses.

The City of Asheboro Planning Board considered the rezoning application and recommended placement of the Zoning Lot into the requested B2 General Commercial zoning district. In making this recommendation, the planning board concurred with the planning staff's analysis of the consistency of the proposed development with the adopted comprehensive plans as well as the reasonableness of the proposal. The planning staff's analysis is summarized in the following indented paragraphs.

Approval of this request would continue the US 64 corridor's transition from rural residential land uses to future non-residential development as envisioned by the Land Development Plan. The area continues to be prepped for development that would align with the plan's Employment Center and Economic Development recommendations, a trend that has been occurring for more than 20 years and is reinforced by the area's proximity to the US 64 bypass interchange. The East Small Area plan further supports expansion of commercial uses within the highway corridor.

While there still are residentially zoned properties and uses interspersed in the vicinity, the area of commercial and industrial zoning continues to expand. The dwelling to the east and the home across the highway to the south are both considered legal non-conforming uses as a result of prior rezoning requests by property owners.

One factor limiting economic development within the area in the short-term is the lack of public sewer. The city continues to evaluate options that may be available to bring city-maintained sewer to the area but there is no active utility extension project that has begun at this time.

Considering these factors, staff believes that the proposed zoning map amendment is reasonable and in the public interest.

In response to Mayor Smith inviting public participation in the legislative hearing, Mr. H.R. Gallimore presented comments in support of the rezoning application. No other comments were offered from the public, and Mayor Smith transitioned to the deliberative phase of the process.

After engaging in deliberations about the zoning map amendment application, Council Member Bell moved, and Council Member Burks seconded the motion,

to adopt the plan consistency statement printed below and to approve the requested rezoning with the following multi-part motion.

1. Approval of this request would continue the US 64 corridor's transition from rural residential land uses to future non-residential development as envisioned by the Land Development Plan. The area continues to be prepped for development that would align with the plan's Employment Center and Economic Development recommendations, a trend that has been occurring for more than 20 years and is reinforced by the area's proximity to the US 64 bypass interchange. The East Small Area plan further supports expansion of commercial uses within the highway corridor.

While there still are residentially zoned properties and uses interspersed in the vicinity, the area of commercial and industrial zoning continues to expand. The dwelling to the east and the home across the highway to the south are both considered legal non-conforming uses as a result of prior rezoning requests by property owners.

One factor limiting economic development within the area in the short-term is the lack of public sewer. The city continues to evaluate options that may be available to bring city-maintained sewer to the area but there is no active utility extension project that has begun at this time.

2. The zoning map amendment application seeking to place the Zoning Lot into a B2 General Commercial zoning district as shown on the site plan reviewed by the city council is hereby approved.

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

5. Consent Agenda

Council Member Burks moved, and Council Member Swiers 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) Asheboro ABC Board Minutes for March 6, 2023

The council acknowledged the receipt of the Asheboro ABC Board's approved meeting minutes for March 6, 2023. This document has been filed in the city clerk's office and distributed to the city's elected officials.

(b) A Resolution Awarding Retiring Police Master Sergeant Charles R. Burrow, Jr. his Service Side Arm

RESOLUTION NUMBER 12 RES 5-23

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION AWARDING TO CHARLES R. BURROW, JR. HIS SERVICE SIDE ARM UPON RETIREMENT FROM THE ASHEBORO POLICE DEPARTMENT

WHEREAS, after rendering honorable and valuable service to the City of Asheboro and its citizens throughout the course of his Asheboro Police Department career, which initially began on May 1, 1994, Police Master Sergeant Charles R. Burrow, Jr. will begin his retirement from employment with the city on June 1, 2023; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, effective June 1, 2023, in consideration of the combination of his dedicated service to the City of Asheboro and the payment to the city of \$1.00, Charles R. Burrow, Jr. is to be awarded ownership of his city-issued service side arm (a Glock model 45 9mm with serial no. BLKC052 and three magazines) upon a determination by the police department command staff that Mr. Burrow is eligible under the applicable federal and state laws to receive, own, or possess a firearm.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on May 4, 2023.

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

ATTEST:

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

(c) Acknowledgement of the Receipt of a Report Detailing Major Subdivisions Administratively Approved Since April 6, 2023

No major subdivisions have been administratively approved during the relevant time period.

(d) Budget Amendments for General Fund and Zoo City Sportsplex

29 ORD 5-23

**ORDINANCE TO AMEND
THE GENERAL FUND
FY 2022-2023**

WHEREAS, the City of Asheboro wishes to allocate funding for the contract with Field Turf USA for the construction / installation of the turf fields on Fields 2, 3 and 4 at the Zoo City Sportsplex in the amount of \$1,503,860.

WHEREAS, the City of Asheboro has a contract with Bliss Products for installation of the playground at Zoo City Sportsplex.

WHEREAS, the cost to complete the installation has changed from the original estimate due to the need to add additional stone to raise the base up to the proper elevation.

WHEREAS, the City of Asheboro wishes to appropriate funding for this additional cost in the amount of \$29,950.

WHEREAS, the City of Asheboro has a contact with Hicks Landscaping for grading at the ZCSP volleyball courts.

WHEREAS, additional grading was needed increasing the cost of the project by \$2,500.

WHEREAS, the City of Asheboro wishes to install trail bridges made out of fiber reinforced plastic for pedestrian and light vehicle traffic at the Zoo City Sportsplex.

WHEREAS, the estimated cost for the bridge materials that will be assembled by City forces on site is \$40,480.

WHEREAS, the City of Asheboro wishes to allocate additional funding for soil testing at Zoo City Sportsplex in the amount of an estimated cost of \$67,000.

WHEREAS, the General Fund needs to be amended to appropriate funding for all of the above referenced costs.

WHEREAS, funding for this will come as an appropriation of General Fund balance.

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

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

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

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
10-000-399.0000	Fund Balance Appropriation	\$1,643,790

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	\$1,643,790

Adopted this 4th day of May 2023.

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

ATTEST:

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

30 ORD 5-23

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

WHEREAS, the City of Asheboro wishes to allocate funding in the amount of \$1,503,860 coming from the General Operating fund for Field Turf USA’s installation of turf on Fields 2, 3 and 4.

WHEREAS, the City of Asheboro wishes to allocate funding in the amount of \$29,950 for additional costs with Bliss Products resulting from additional stone needed to raise and level the base of the playground.

WHEREAS, the City of Asheboro wishes to allocate funding in the amount of \$2,500 for additional grading by Hicks Landscaping at the Beach Volleyball courts.

WHEREAS, the City of Asheboro wishes to allocate funding in the amount of \$40,480 for fiber reinforced plastic bridges for pedestrians and light vehicle traffic at the Zoo City Sportsplex.

WHEREAS, the City of Asheboro wishes to allocate funding in the amount of \$67,000 for soil testing at the Zoo City Sportsplex.

WHEREAS, the City of Asheboro wishes to reclassify budget for field turf installation at Fields 5-8 at Zoo City Sportsplex from the Construction expense line item to Field Turf expense budget line item.

WHEREAS, the Zoo City Sportsplex fund needs to be amended to recognize and appropriate revenue and expenses relating to this 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, and

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

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

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
74-000-370.0000-74	Contribution from General Fund	\$1,643,790

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

<u>Account #</u>	<u>Expense Description</u>	<u>Increase / decrease</u>
74-000-400.9001-74	Construction	(3,897,217)
74-000-400.9004-74	Field Turf	3,897,217
74-000-400.9004-74	Field Turf	1,503,860
74-000-400.9006-74	Playground	29,950
74-000-400.9007-74	Beach Volleyball	2,500
74-000-400.9010-74	Bridges	40,480
74-000-400-9000-74	Professional Services	67,000

Adopted this 4th day of May 2023.

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

ATTEST:

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

- (e) **Scheduling and Advertising Legislative Hearings for June 8, 2023**
- (i) **Amendments of Chapter 5 (Use Regulations) and Chapter 10 (Watershed Protection Regulations) in the Asheboro Zoning Ordinance in Order to Allow Certain Residential Developments to be Eligible for a Special Intensity Allocation within Watershed Balance Areas**
- (ii) **Subject to the Approval of a Pending Annexation Petition, an Application to Establish City Zoning [R15 (CZ) Low-Density Single-Family Residential Conditional Zoning] on Properties Located at the Intersection of Old Cox Road and Old Humble Mill Road, and on the West Side of Old Cox Road, (Randolph County Parcel Identification Numbers 7679024396, 7669905560, and 7679008885) in order to Allow a Residential Planned Unit Development with Commercial Uses Authorized**
- (iii) **Request to Rezone Property Located South of 1195 Pineview Road (Randolph County Parcel Identification Number 7753354982) from B2 (CZ) General Commercial Conditional**

**Zoning to R10 (CZ) Medium-Density Conditional Zoning and
Grant a Special Intensity Allocation within the Back Creek
Watershed Area for a Residential Planned Unit Development**

- (iv) **Request to Rezone Property Located at 379-1 and 379-2 South
Cox Street from OA6 (Office-Apartment) to OA6 (CZ) Office-
Apartment Conditional Zoning for a Congregate Living Facility**

**6. An Ordinance Amending the Recreation Services Policy Manual to Allow
Zoo City Social District Regulations to Apply to Designated Events at the
Sunset Theatre**

Prior to the voting and discussion of the aforementioned agenda item, Council Member Burks expressed his concern for a possible conflict of interest and asked to be excused from any discussion and voting. Council Member Bell moved, and Council Member Heath seconded the motion to excuse Council Member Burks from discussion and voting on the aforementioned agenda item. Council Members Bell, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

Recreation Services Director Jonathan Sermon presented and recommended adoption, by reference, of an ordinance amending the Recreation Services Policy Manual.

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

ORDINANCE NUMBER 31 ORD 5-23

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**AN ORDINANCE AMENDING ARTICLE XIV AND ARTICLE XVIII IN THE
CULTURAL AND RECREATION SERVICES POLICY MANUAL**

WHEREAS, the City of Asheboro Cultural and Recreation Services Policy Manual contains the rules and regulations applicable to the city's cultural and recreational facilities; and

WHEREAS, Section 98.01 (Adoption by Reference) of the Code of Asheboro provides that the City of Asheboro Cultural and Recreation Services Policy Manual (the "Manual") has been adopted by the Asheboro City Council by reference and made a part of the Code of Asheboro; and

WHEREAS, within the Manual, Article XIV contains the regulatory provisions applicable to the Sunset Theatre, which is administered as part of the city's cultural and recreation services system, and Article XVIII contains miscellaneous provisions applicable to the cultural and recreation services system; and

WHEREAS, in order to modify certain provisions in the Manual and thereby allow, with certain limitations, the participation of the Sunset Theatre facility in the Zoo City Social District established by Section 118.05 of the Code of Asheboro; and

WHEREAS, the recommended amendments are specified in the attached exhibits (EXHIBIT 1 and EXHIBIT 2), which are hereby incorporated into this Ordinance by reference as if copied fully herein; and

WHEREAS, the Asheboro City Council has concluded that it is advisable to move forward with the recommended amendments.

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

Section 1. Article XIV of the City of Asheboro Cultural and Recreation Services Policy Manual is hereby rewritten to provide as specified in EXHIBIT 1.

Section 2. Article XVIII of the City of Asheboro Cultural and Recreation Services Policy Manual is hereby rewritten to provide as specified in EXHIBIT 2.

Section 3. All articles, sections, and provisions of the Manual that are not explicitly modified by the contents of EXHIBIT 1 and EXHIBIT 2 shall continue in full force and effect without alteration.

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

Section 5. This Ordinance shall be in full force and effect upon and after May 5, 2023.

The Asheboro City Council approved this Ordinance in open session during a regular meeting held on the 4th day of May, 2023.

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

ATTEST:

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

ARTICLE XIV. SUNSET THEATRE

SECTION 14.1 APPLICATION

The City of Asheboro Cultural Services Department (the “Department”) is responsible for administering the Sunset Theatre facility in a manner that will provide the citizens of Asheboro with an opportunity for a high-quality experience. Under the general supervision of the Recreation Services Director, designated city employees within the Department will operate the Sunset Theatre (the “Facility”) in the best interest of the City of Asheboro (the “City”).

Subject to the regulations prescribed herein, the Facility may be rented to individuals or other types of legal entities for events or activities that are consistent with the Department’s mission. The decision as to whether to rent the Facility on any specific occasion is within the ultimate discretion of the Recreation Services Director (the “Director”) as he or she evaluates the needs and priorities of the City. In order to use the Facility, an applicant must accurately complete in its entirety the rental form provided by the Department and receive written approval from the Director or the Director’s designee.

SECTION 14.2 RULES AND REGULATIONS – EVENTS WITHOUT THE SALE OF UNFORTIFIED WINE AND/OR MALT BEVERAGES

(A) Unless authorization for the possession and consumption of unfortified wine and/or malt beverages is explicitly noted by the Director on the approved rental form, alcoholic beverages are prohibited in the Facility. When authorization for the possession and consumption of unfortified wine and/or malt beverages within the Facility is granted, such an authorization is subject to the following rules and regulations:

- (1) Unfortified wines and/or malt beverages are the only types of alcoholic beverages that the Director may allow in the Facility. All other types of alcoholic beverages are prohibited.

- (2) The sale of wine and/or malt beverages within the Facility is subject to the rules and regulations found in Section 14.3. The possession and consumption of unfortified wine and/or malt beverages within the Facility is subject to strict regulation by the Director.
 - (3) The restrictions imposed by the City upon the possession and consumption of wine and/or malt beverages during an event held in the Facility will be specified in a distribution and consumption management plan attached to the approved rental agreement. The applicant requesting approval for the possession and consumption of wine and/or malt beverages must provide a proposed distribution and consumption management plan for review when the rental agreement is submitted to the Department.
 - (4) In addition to complying with the approved distribution and consumption management plan, the renter and the renter's agents, contractors, and any other type of representatives must strictly comply with all applicable laws and rules, specifically including without limitation all statutes, ordinances, and regulations pertaining to alcoholic beverage control.
- (B) Smoking and tobacco products are prohibited in the Facility.
- (C) Sponsorship and fee related regulations:
- (1) The Director reserves the right to co-sponsor an event.
 - (2) A \$100 security deposit must be paid at the time of reservation to secure an event date. The fee shall be submitted in the manner prescribed by the Department. Multiple dates will require multiple deposits.
 - (3) Violation of the rental agreement will result in the forfeiture of the security deposit to the City.
 - (4) If the user fees described in the Schedule of Deposits, Fees, and Charges Administered by the Cultural and Recreation Services Departments (the "Fee Schedule") are not paid at least 48 hours before the start of an event, the event will be cancelled.
 - (5) If advance tickets have been sold for a canceled event, the renter is responsible for either reimbursing ticket holders or honoring at a future event sponsored by the same renter the advance tickets that have already been sold. The renter is responsible for advertising the cancellation.
 - (6) Failure to pay the rental fee will result in the denial of access to the Facility.
 - (7) Unless otherwise noted in the Fee Schedule, the maximum daily rental period is one 8-hour period, including load-in and load-out. Unless specific provisions to the contrary are noted in the approved rental agreement, the latest closing time is Midnight. If an event exceeds the approved rental period, the security deposit shall be forfeited to the City.
- (D) Insurance and liability waivers:
- (1) When the Facility is rented for an event open to the public, or if a fee is charged for admission to the event, the renter shall pay for and maintain at all times during the individual or entity's use of the Facility comprehensive and general liability insurance coverage with primary limits of liability of no less than \$1,000,000 per occurrence for bodily injury and property damage. In order to prove the required insurance coverage is in effect, the renter shall furnish to the City a certificate of insurance in a form satisfactory to the City. The certificate of insurance must be in the Department's possession no later than 48 hours prior to the scheduled event. Failure to provide the required proof of insurance will result in the cancellation of the event. Furthermore, the applicant must agree to forever hold harmless and to fully indemnify the City

and its personnel, agents, officials, and city council, in both their official and individual capacities, from any and all judgments, liens, claims, assessments, demands, attorney fees, actions, and causes of action of any sort arising out of any damage or injury sustained by any person or entity by reason of any negligent or willful act or omission by the applicant or its officers, employees, agents, or contractors in connection with the applicant's use of the Facility.

- (2) If the event is closed to the general public, and no admission fee is charged, a liability waiver shall be required in lieu of liability insurance coverage.
- (E) The assignment of a rental agreement pertaining to the Facility, or the assignment of any right found within a Facility rental agreement, is strictly prohibited. Furthermore, the subletting of the Facility is strictly prohibited.
- (F) Facility operational issues:
- (1) The renter must designate with the Department a representative who will be responsible for all phases of the event and who will be on site the entire time the event is taking place.
 - (2) The maximum number of tickets sold for any one event shall be determined by the set-up of the Facility for the event and the total number of seats available under the chosen Facility set-up.
 - (3) By way of illustration and not limitation, the Department may deny to any potential renter the use of the Facility for the following reasons:
 - (a) The proposed event may result in damage to the Facility.
 - (b) The proposed event is inconsistent with the Department's policies and practices.
 - (c) The Director forms an articulable opinion that an event creates an environment conducive to the occurrence within the Facility of one or more identifiable unlawful activities.
 - (d) The proposed event has the articulable and realistic potential to be detrimental to the character of the theatre as a multi-purpose community facility.
 - (4) A City employee will be in attendance as the Department's representative to oversee and supervise all events held at the Facility. Such a staff member will be certified in first aid and cardiopulmonary resuscitation, will have the knowledge and ability to enforce the Facility's rules & regulations, and will have knowledge of the Facility's electrical, HVAC, and lighting systems. The Department's representative at the event has the authority to require anyone to leave the Facility at any time for violation of the Facility's rules and regulations and for engagement in any other form of unlawful or otherwise improper conduct.
 - (5) Prior to using the Facility, either the renter or an authorized representative of the renter must participate in a walk-through inspection of the Facility. Any damaged, broken, or malfunctioning equipment or furnishings present in the Facility shall be recorded at this time. A second walk-through shall be made at the completion of the event, and any variance in the condition of the Facility and its contents between the times of the respective walk-throughs shall be recorded. The renter will be billed for the recorded damages. Payment of this bill for damages is due within five business days of the date of the invoice.
 - (6) No rice or birdseed is to be thrown inside the Facility.
 - (7) If generally accepted best practices for a venue such as the Sunset Theatre indicate that on-site security should be deployed for a proposed event, the

renter is responsible for procuring and paying for the services of properly trained security/off-duty law enforcement personnel.

- (8) Department staff members, in addition to the Asheboro Police Department, shall have access to all areas of the Facility at all times before, during, and after the event.
- (9) The renter is responsible for cleaning the Facility after the event concludes. Before vacating the Facility's premises, the renter must ensure that the Facility is restored, with the exception of ordinary wear and tear, to the condition in which the Facility was found at the time of the pre-event walkthrough previously referenced in these rules and regulations.
- (10) If the renter fails to clean-up the facility as required by the rental agreement and these rules and regulations, the renter's security deposit will be forfeited to the City.
- (11) Cleaning supplies and trash can liners are available for use. Trash shall be deposited in the designated locations.
- (12) Items left in the Facility for disposition and/or disposal by the City will result in the forfeiture of the renter's security deposit to the City. Furthermore, any such items found in the Facility after the termination of the rental agreement will be deemed to be abandoned property that is subject to removal and disposition in the sole discretion of the City.
- (13) In the absence of explicit approval from Department personnel, no decorations, posters, pictures, banners, or other such items shall be fastened to the Facility's walls, windows, woodwork, doors, or curtains.
- (14) In the absence of explicit approval from Department personnel, no decorations, posters, pictures, banners, or other such items may be placed on stands in any area of the Facility.
- (15) No nails, tacks, staples, or screws of any kind may be applied to any part of the interior or exterior of the Facility.
- (16) Only approved tapes, such as blue painter's tape and gaff tape, may be applied to the stage floor. If an approved tape is applied to the stage floor, the tape must be completely removed by the renter prior to the termination of the rental agreement.
- (17) No painting, wood cutting, or drilling shall be done on the stage or in the adjacent support areas.
- (18) All scenery elements are to be flame retardant. The use of an open flame (candles, matches, lighters, etc.) is expressly prohibited.
- (19) No scenery, stage furniture, props, costumes, equipment, or other types of items may block any exits, loading doors, storage rooms, sidewalks, or parking areas at any time.
- (20) Any stage props that have power must meet current electrical codes. Such props are subject to inspection and approval. Any props that do not pass inspection are subject to immediate removal from the Facility.
- (21) The renter is encouraged to provide posters, banners, and promotional material for the "Coming Attractions" display board at the theatre's entrance. Any items to be displayed on the "Coming Attractions" board are subject to approval by the Department.
- (22) The renter shall not change the location or use of the lobby displays, easels, or signs without prior approval.

- (G) The renter shall ensure, and does warrant by executing the rental agreement, that all copyrighted material to be performed within the Facility has been duly licensed or consent has been obtained from the copyright owners or their representatives. Furthermore, the renter agrees to indemnify and hold the City harmless from any and all claims, losses, or expenses incurred as a result of intellectual property law compliance issues. By way of illustration and not limitation, the renter shall pay all of the City's costs and expenses, including reasonable attorney's fees, incurred in defense of or as a result of any claims respecting copyrights, trademarks, and intellectual property matters.
- (H) The renter shall be responsible for the payment of any and all taxes, permits, fees (including without limitation fees associated with intellectual property licensing rights), and other charges arising out of or connected with the renter's use of the Facility. Furthermore, the renter shall, and does agree by executing the rental agreement, to save and hold the City harmless from any and all obligations with respect to such taxes, permits, fees, and other charges.
- (I) Concessions:
 - (1) The Department reserves the right to sell any and all concessions during events held at the Facility.
 - (2) If the renter desires to sell in the Facility or on its associated premises any concession items, including without limitation CDs, DVDs, clothing, periodicals, etc., the renter must obtain written permission from the Director at least 48 hours prior to the event. The Director may refuse, with or without cause, to grant such permission.
 - (3) If permission is granted by the Department for the renter to sell concessions, the renter must pay to the City a 10% commission on any and all concession items sold. A joint inventory will be taken prior to and after the event.
 - (4) If permission is granted for the renter to sell its own concessions, the renter shall provide its own workers to conduct concessions operations and is responsible for obtaining all merchandise, concessions, and supplies, including food, candy, drinks, cups, napkins, condiments, popcorn supplies, bags, ice, etc. needed for the concessions operations. Chewing gum is not allowed for sale. If the renter utilizes city-owned equipment to conduct concessions operations, the equipment must be used in strict compliance with any and all operational guidelines issued by the Department for the use of such equipment.
- (J) If permission is granted by the Department for the renter to hold a catered event (food beyond normal concession products), the food must be served and consumed in areas designated by the Department.
- (K) The renter is responsible for providing the following at the renter's own expense:
 - (1) If the Facility's sound system is needed for an event, a responsible adult must be designated to operate the sound system.
 - (2) If the Facility's light system is needed for an event, a responsible adult must be designated to operate the light system.
 - (3) If needed, ushers for the event.
 - (4) If needed, ticket sellers /takers for the event.
 - (5) As needed, a money box and petty cash.

- (L) Fire extinguishers and exits:
 - (1) All renters and any persons/groups acting for or on behalf of a renter are responsible for knowing the location of all fire extinguishers and exits. A location map will be provided by the Department.
 - (2) Prior to each event or each performance, the renter or an individual acting on behalf of the renter must make an announcement stating the location of restrooms and emergency exits.
- (M) Only City employees may adjust the Facility's thermostats.
- (N) The City reserves the right to cancel any event, at any time, on the basis of rental agreement violations.
- (O) For an additional fee, the following items/services are available from the Department:
 - (1) Ticket Sellers/Takers (hourly charge)
 - (2) Ushers (hourly charge)
 - (3) Ticket Design Service (\$75.00 for up to 390, tickets printed on one side)
 - (4) One Poster for Display Case (\$25.00 per poster)

SECTION 14.3 RULES AND REGULATIONS – EVENTS WITH THE SALE OF UNFORTIFIED WINE AND/OR MALT BEVERAGES

- (A) Unless authorization for the sale, possession, and consumption of unfortified wine and/or malt beverages is explicitly noted by the Director on the approved rental form, alcoholic beverages are prohibited in the Facility. When authorization for the sale, possession, and consumption of unfortified wine and/or malt beverages within the Facility is granted, such an authorization is subject to the following rules and regulations:
 - (1) Unfortified wines and/or malt beverages are the only types of alcoholic beverages that may be sold, possessed, and consumed in the Facility. All other types of alcoholic beverages are prohibited.
 - (2) The sale of wine and/or malt beverages within the Facility can occur under the following conditions:
 - (a) The renter responsible for the sale of wine and/or malt beverages must be a nonprofit organization that has obtained a Special One-Time permit from the North Carolina Alcoholic Beverage Control Commission. No other type of renter is eligible to hold an event that includes the sale of wine and/or malt beverages in the Facility.
 - (b) The approved Special One-Time permit from the North Carolina Alcoholic Beverage Control Commission shall also function as the sale plan referenced by Section 130.03(E)(3) in the Code of Asheboro.
 - (c) The renter must agree to rent the Facility as the sole and exclusive renter of the premises for the duration of the one-day or multi-day event listed on the Department-approved rental form for events involving the sale of wine and/or malt beverages. Subject to inspections conducted in a manner and at time(s) in the sole discretion of City employees, including without limitation Asheboro Police Department officers, to ensure compliance with the terms of the rental agreement and compliance with all applicable laws and regulations, the nonprofit organization as the approved renter will be exclusively in charge of and responsible for the event throughout the term of the approved rental agreement.

- (d) Utilizing a diagram available from the City showing the Facility premises, specifically including all entrances and exits, the renter must identify where the sale and/or consumption of beverages will take place.
 - (e) The renter must assume full responsibility for all operational aspects of the event, specifically including without limitation staffing and supplies for any and all concession operations conducted during the event. City employees will not conduct any concession operations. If available at the time of an event, City-owned concession equipment may be rented in accordance with the applicable regulations specified herein, including an additional fee.
 - (f) Strict compliance with all applicable laws and rules, specifically including without limitation all statutes, ordinances, and regulations pertaining to alcoholic beverage control, is required.
- (B) Smoking and tobacco products are prohibited in the Facility.
- (C) Fee related regulations:
 - (1) The security deposit listed in the Fee Schedule for this type of event must be paid at the time the rental agreement is submitted for approval. The fee shall be submitted in the manner prescribed by the Department.
 - (2) Violation of the rental agreement will result in the forfeiture of the security deposit to the City.
 - (3) If the rental fee listed in the Fee Schedule is not paid at least 48 hours before the start of an event, the event will be cancelled. If advance tickets have been sold for a canceled event, the renter is responsible for either reimbursing ticket holders or honoring at a future event sponsored by the same renter the advance tickets that have already been sold. The renter is responsible for advertising the cancellation.
 - (4) Failure to pay the rental fee will result in the denial of access to the Facility.
 - (5) Unless specific provisions to the contrary are noted in the approved rental agreement, the latest closing time is Midnight. If an event exceeds the approved rental period, the security deposit shall be forfeited to the City.
- (D) Insurance and hold harmless provisions:
 - (1) The renter shall pay for and maintain, at all times during the nonprofit organization's use of the Facility, comprehensive and general liability insurance coverage with primary limits of liability of no less than \$1,000,000 per occurrence for bodily injury and property damage. Furthermore, the renter shall furnish to the City a certificate of insurance in a form satisfactory to the City. The certificate of insurance must be in the Department's possession no later than 48 hours prior to the scheduled event. Failure to provide the required proof of insurance will result in the cancellation of the event.
 - (2) The renter must agree to forever hold harmless and to fully indemnify the City and its personnel, agents, officials, and city council, in both their official and individual capacities, from any and all judgments, liens, claims, assessments, demands, attorney fees, actions, and causes of action of any sort arising out of any damage or injury sustained by any person or entity by reason of any negligent or willful act or omission by the renter or its officers, employees, agents, or contractors in connection with the renter's use of the Facility.
- (E) The assignment of a rental agreement pertaining to the Facility, or the assignment of any right found within a Facility rental agreement, is strictly prohibited. Furthermore, the subletting of the Facility is strictly prohibited.

(F) Facility operational issues:

- (1) The renter must designate with the Department a representative who will be responsible for all phases of the event and who will be on site the entire time the event is taking place.
- (2) The maximum number of tickets sold for any one event shall be determined by the set-up of the Facility for the event and the total number of seats available under the chosen Facility set-up.
- (3) By way of illustration and not limitation, the Department may deny to any potential renter the use of the Facility for the following reasons:
 - (a) The proposed event may result in damage to the Facility.
 - (b) The proposed event is inconsistent with the Department's policies and practices.
 - (c) The Director forms an articulable opinion that an event creates an environment conducive to the occurrence within the Facility of one or more identifiable unlawful activities.
 - (d) The proposed event has the articulable and realistic potential to be detrimental to the character of the theatre as a multi-purpose community facility.
- (4) At least 48 hours prior to the commencement of an event, the renter's designated representative must meet with a City employee who will provide to the renter's representative operational instruction pertaining to the Facility's electrical, HVAC, and lighting systems.
- (5) Prior to using the Facility, an authorized representative of the renter must participate in a walk-through inspection of the Facility. Any damaged, broken, or malfunctioning equipment or furnishings present in the Facility shall be recorded at this time. A second walk-through shall be made at the completion of the event, and any variance in the condition of the Facility and its contents between the times of the respective walk-throughs shall be recorded. The renter will be billed for the recorded damages. Payment of this bill for damages is due within five business days of the date of the invoice.
- (6) If generally accepted best practices for a venue such as the Sunset Theatre indicate that on-site security should be deployed for a proposed event, the renter is responsible for procuring and paying for the services of properly trained security/off-duty law enforcement personnel.
- (7) No rice or birdseed is to be thrown inside the Facility.
- (8) No chewing gum is to be offered for sale.
- (9) The renter is responsible for maintaining the cleanliness and sanitary conditions of the Facility during the event. Before vacating the Facility's premises, the renter must ensure that the Facility is restored, with the exception of ordinary wear and tear, to the condition in which the Facility was found at the time of the pre-event walkthrough previously referenced in these rules and regulations.
- (10) If the renter fails to clean-up the facility as required by the rental agreement and these rules and regulations, the renter's security deposit will be forfeited to the City.
- (11) Cleaning supplies and trash can liners are available for use. Trash shall be deposited in the designated locations.

- (12) Items left in the Facility for disposition and/or disposal by the City will result in the forfeiture of the renter's security deposit to the City. Furthermore, any such items found in the Facility after the termination of the rental agreement shall be deemed to be abandoned property that is subject to removal and disposition in the sole discretion of the City.
- (13) In the absence of explicit approval from Department personnel, no decorations, posters, pictures, banners, or other such items shall be fastened to the Facility's walls, windows, woodwork, doors, or curtains.
- (14) In the absence of explicit approval from Department personnel, no decorations, posters, pictures, banners, or other such items may be placed on stands in any area of the Facility.
- (15) No nails, tacks, staples, or screws of any kind may be applied to any part of the interior or exterior of the Facility.
- (16) Only approved tapes, such as blue painter's tape and gaff tape, may be applied to the stage floor. If an approved tape is applied to the stage floor, the tape must be completely removed by the renter prior to the termination of the rental agreement.
- (17) No painting, wood cutting, or drilling shall be done on the stage or in the adjacent support areas.
- (18) All scenery elements are to be flame retardant. The use of an open flame (candles, matches, lighters, etc.) is expressly prohibited.
- (19) No scenery, stage furniture, props, costumes, equipment, or other types of items may block any exits, loading doors, storage rooms, sidewalks, or parking areas at any time.
- (20) Any stage props that have power must meet current electrical codes. Such props are subject to inspection and approval. Any props that do not pass inspection are subject to immediate removal from the Facility.
- (21) The renter is encouraged to provide posters, banners, and promotional material for the "Coming Attractions" display board at the theatre's entrance. Any items to be displayed on the "Coming Attractions" board are subject to approval by the Department.
- (22) The renter shall not change the location or use of the lobby displays, easels, or signs without prior approval.
- (23) If the renter avails itself of the option to pay the additional rental fee specified herein and utilizes city-owned equipment such as the popcorn machine as part of the renter's concessions operations, the city-owned equipment must be used in strict compliance with any and all operational guidelines issued by the Department for the use of such equipment.
- (G) The renter shall ensure, and does warrant by executing the rental agreement, that all copyrighted material to be performed within the Facility has been duly licensed or consent has been obtained from the copyright owners or their representatives. Furthermore, the renter agrees to indemnify and hold the City of Asheboro harmless from any and all claims, losses, or expenses incurred as a result of intellectual property law compliance issues. By way of illustration and not limitation, the renter shall pay all of the City's costs and expenses, including reasonable attorney's fees, incurred in defense of or as a result of any claims respecting copyrights, trademarks, and intellectual property matters.
- (H) The renter shall be responsible for the payment of any and all taxes, permits, fees (including without limitation alcoholic beverage control permit fees and fees

associated with intellectual property licensing rights), and other charges arising out of or connected with the renter's use of the Facility. Furthermore, the renter shall, and does agree by executing the rental agreement, to save and hold the City harmless from any and all obligations with respect to such taxes, permits, fees, and other charges.

- (I) If permission is granted by the Department for the renter to hold a catered event (food beyond normal concession products), the food must be served and consumed in areas approved by the Department during the rental agreement review and approval process.
- (J) The renter is responsible for providing the following at the renter's own expense:
 - (1) If the Facility's sound system is needed for an event, a responsible adult must be designated to operate the sound system.
 - (2) If the Facility's light system is needed for an event, a responsible adult must be designated to operate the light system.
 - (3) If needed, ushers for the event.
 - (4) If needed, ticket sellers /takers for the event.
 - (5) As needed, a money box and petty cash.
- (K) Fire extinguishers and exits:
 - (1) All persons/groups acting for or on behalf of a renter are responsible for knowing the location of all fire extinguishers and exits. A location map will be provided by the Department.
 - (2) Prior to each event or each performance, an individual acting on behalf of the renter must make an announcement stating the location of restrooms and emergency exits.
- (L) The City reserves the right to cancel any event, at any time, on the basis of rental agreement violations.
- (M) For the listed fees, the following items/services are available:
 - (1) Ticket Design Service (\$75.00 for up to 390, tickets printed on one side)
 - (2) One Poster for Display Case (\$25.00 per poster)
 - (3) Concession Equipment, e.g., the Popcorn Machine (\$25.00 per day of usage; provided, however, if the drink cooler is the only piece of equipment used, no fee will be charged.)

SECTION 14.4

FACILITY RENTALS AND THE ZOO CITY SOCIAL DISTRICT

The Facility regulated by Article XIV of the Manual is located within the Zoo City Social District. Notwithstanding any other provision in the Manual, specifically including without limitation the above-stated restrictions limiting the types of alcoholic beverages possessed and consumed in the Facility, individuals can possess and consume alcoholic beverages within the confines of the Facility regulated by Article XIV so long as such possession and consumption of alcoholic beverages is conducted (a) in strict compliance with the social district ordinance found in Section 118.05 of the Code of Asheboro and (b) compliance is maintained with the following supplemental regulations for the Facility as a city-owned and operated venue:

- (1) Authorization for the possession and consumption of alcoholic beverages in the Facility on the basis of and in compliance with Section 118.05 of the Code of Asheboro must be requested from the Department on the prescribed Facility rental application:

- (2) Approval of a request to integrate the social district regulations with an event held in the Facility must be obtained in writing from the Recreation Services Director or the Recreation Services Director's designee in advance of the scheduled event. The required approval will be noted on the approved rental form. Any signage and/or operational mandates imposed by the City in connection with the possession and consumption of alcoholic beverages during an event held in the Facility will be specified in a possession and consumption management plan attached to the approved rental agreement; and
- (3) In addition to complying with the approved possession and consumption management plan, the renter and the renter's agents, contractors, and any other type of representatives must strictly comply with all applicable laws and rules, specifically including without limitation all statutes, ordinances, and regulations pertaining to alcoholic beverage control.

EXHIBIT 2

ARTICLE XVIII. MISCELLANEOUS PROVISIONS

SECTION 18.1 RETURNED CHECKS

When a check for payment of deposits, fees, and/or charges owed to the Cultural and Recreation Services Departments are returned for insufficient funds or other reasons, there will be a charge of \$25.00 added to the amount due.

SECTION 18.2 SCHEDULE OF DEPOSITS, FEES, AND CHARGES

The amount of a deposit, fee, or any other type of charge to be collected by the Cultural and Recreation Services Departments shall be set in accordance with this manual and/or the Schedule of Deposits, Fees, and Charges Administered by the Cultural and Recreation Services Departments. This schedule shall be approved by the Asheboro City Council and maintained in the offices of the City Clerk and the Recreation Services Superintendent. In the event of a conflict between the provisions of this manual and the Schedule of Deposits, Fees, and Charges Administered by the Cultural and Recreation Services Departments, the provisions of the City of Asheboro Cultural and Recreation Services Policy Manual shall control and be determinative of the monetary sum to be collected in good funds by the Cultural and Recreation Services Departments.

SECTION 18.3 COORDINATED SAFETY MEASURES IN THE CITY'S CULTURAL AND RECREATIONAL FACILITIES

As part of its efforts to support a high quality of life for the citizens of Asheboro, the city strives to provide cultural and recreational opportunities through programming and facilities that are open and inviting to everyone. If prompt action is not taken when a crime is committed within or on the premises of a city cultural or recreational facility, individuals and their families can develop safety and security concerns that prevent the beneficial use of the services offered by the city.

The creation of such fear and trepidation about the use of city cultural or recreational facilities creates an impediment to the use of these services and facilities as real as any physical barrier. The following safety measures are designed to remove, in a measured and balanced manner, any such barriers to the full use of the city's cultural and recreational programming:

- (A) *Violations of the criminal law are prohibited.* A violation of the criminal law, whether the crime is labeled a felony or misdemeanor, within the city's cultural or recreational facilities undermines the sense of safety and well-being that is needed to create a positive and supportive environment that is welcoming to everyone. A violator of the criminal law is subject to the suspension of his or her privilege to use the cultural or

recreational facility where the offense occurred. When a sworn law enforcement officer develops probable cause to believe that an individual has committed a crime, whether a felonious or misdemeanor offense, on or within the premises of a city cultural or recreational facility and the individual is in fact arrested, such an offender shall be banned from the facility/premises where the offense occurred in accordance with the banning procedures provided herein.

- (B) *Banning procedures.* The city manager, recreation services director, and chief of police, and their designees, are authorized to ban individuals from specific city cultural or recreational facilities/premises when, and only when, a sworn law enforcement officer has developed probable cause to believe that the individual to be banned from the facilities/premises has committed a criminal offense in or on the facilities/premises in question and has in fact been arrested.
- (1) The ban will commence upon the violator's receipt of the city's standardized banning notice, which is also referred to as a No Entry Order/No Trespass Notice.
 - (2) The ban will only be applicable to the facilities or premises where the criminal offense(s) that caused the issuance of the ban notice(s) occurred. The banned individual will be able to use other city cultural or recreational facilities/premises in accordance with the terms of usage in place for all citizens.
 - (3) The duration of the ban indicated on the banning notice will be one of the following three periods of time: 90 days, 180 days, or 365 days.
 - (a) The city official who completes the banning notice will indicate on the form that the duration of the ban is 90 days if the banned individual is not currently subject to an active No Entry Order/No Trespass Notice.
 - (b) If the banned individual is subsequently arrested for a criminal offense at a city cultural or recreational facility/premises before the expiration of the initial 90-day ban period, a new No Entry Order/No Trespass Notice will be issued for the facilities/premises where the new offense occurred along with, if different from the location of the new offense, the facilities/premises previously listed in the active No Entry Order/No Trespass Notice. The duration of the new No Entry Order/No Trespass Notice for the listed location(s) will be 180 days.
 - (c) If another arrest for a criminal offense at a city cultural or recreational facility/premises is made before the 180-day ban period is completed, a new No Entry Order/No Trespass Notice will be issued to indicate that the duration of the ban is 365 days for all of the listed city cultural or recreational facilities/premises where the banned individual has been arrested. The maximum duration of any single ban notice is 365 days. Each subsequent arrest for a crime committed by the banned individual at a city cultural or recreational facility/premises while such an individual is subject to an active 365-day banning notice will result in the issuance of a new No Entry Order/No Trespass Notice banning the individual for another 365 days from the listed cultural and recreational facilities where he or she has been arrested.
 - (d) Regardless of the number of No Entry Orders/No Trespass Notices previously issued to an individual, the duration of a ban starts at 90 days if there are no active banning notices associated with an individual at the time of his or her arrest.
- (C) *Enforcement of banning notices.* An individual who is banned from specified cultural or recreational facilities/premises for a stated period of time by means of the issuance of a No Entry Order/No Trespass Notice will be prosecuted to the fullest extent of the law for criminal trespass if such an individual enters into or onto the

facilities/premises from which he or she has been banned prior to the expiration of the No Entry Order/No Trespass Notice.

- (D) *Appeals.* Any individual who receives a No Entry Order/No Trespass Notice may request a review of such action by filing a written notice of appeal with the city's recreation services director. The following procedures will be followed in connection with such appeals:
- (1) An appeal must be made in writing and filed within 10 business days of the date of the No Entry Order/No Trespass Notice. The written appeal must be filed with the Office of the City of Asheboro Recreation Services Director at 241 Sunset Avenue, Asheboro, North Carolina 27203.
 - (2) Notice of the appeal must be filed on a form provided by the recreation services director's office. On this form, the appellant must state with particularity the grounds for the appeal, reasons for removing the ban, and an explanation of how the appellant will avoid future criminal actions at the city's cultural or recreational facilities/premises.
 - (3) The notice of appeal will be processed by the recreation services director, but the appeal will be decided by the city manager.
 - (4) Once the notice of appeal is properly filed with the recreation services director, an appeal hearing will be scheduled and conducted by the city manager as soon as is practicable. Written notice of the date, time, and location of such a hearing will be mailed to the address listed by the appellant on the notice of appeal.
 - (5) After conducting the hearing and considering the available evidence, the city manager may reverse, modify, or affirm the action taken to ban the appellant from city cultural or recreational facilities/premises. The city manager's decision is final, and there shall be no appeal from the decision of the city manager to the city council.
 - (6) The city manager shall render a decision within 5 business days of the conclusion of the hearing. The decision shall be mailed to the appellant at the address listed by the appellant in the notice of appeal.
 - (7) An appeal of a ban to the city manager stays all proceedings and actions by city officials, specifically including the filing of any trespass charges, in furtherance of the No Entry Order/No Trespass Notice. Such a stay shall be effective from the time the written notice of appeal is formally accepted by personnel within the recreation services director's office until three business days after the city manager's written decision is placed in the custody of the United States Postal Service for delivery to the appellant.
 - (8) The only exceptions to this right of appeal to the city manager are attempts to appeal an action taken by sworn law enforcement officers in compliance with a court order or to appeal an action that is pending in the criminal courts. Any appeal pertaining to a criminal case or an order from a judicial official must be addressed in accordance with laws and rules applicable to the court with jurisdiction to consider the matter for which judicial review is sought.
 - (9) A decision rendered by the city manager applies only to the specific No Entry Order/No Trespass Notice from which an appeal was taken.
 - (10) *Non-exclusivity.* Nothing in this section shall limit the use by the city or any other governmental entity of any or all applicable criminal sanctions and/or civil remedies for violations of the rules applicable to a facility or for violations of federal, state, or local laws and regulations.

SECTION 18.4 ZOO CITY SOCIAL DISTRICT

Certain facilities administered by the cultural and recreation services departments are either in or contiguous to the Zoo City Social District. The city does not hold an ABC permit that would authorize the sale by the city of an alcoholic beverage for consumption in the social district. With the exception of Bicentennial Park and the Sunset Theatre, no alcoholic beverages may be brought into facilities administered by the cultural and recreation services departments. The controlling regulations within this Manual for the consumption and possession of alcoholic beverages in the Bicentennial Park facility are found in Article XII of the Manual, and the controlling regulations for the consumption and possession of alcoholic beverages in the Sunset Theatre facility are found in Article XIV of the Manual.

7. Presentation of a Zoo City Sportsplex Logo

YMCA Executive Director Patrick O'Hara presented a Zoo City Sportsplex Logo for the soccer games and other events that will be held at the Zoo City Sportsplex.

No formal action was taken by the council during this portion of the meeting.

8. Community Development Items

(a) A Resolution Approving, for Purposes of Satisfying Internal Revenue Code Section 147(f), the Issuance of Multifamily Housing Revenue Bonds by the Asheboro Housing Authority

Community Development Director Trevor Nuttall presented and recommended the adoption by reference of the aforementioned resolution. 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.

13 RES 5-23

**RESOLUTION APPROVING THE ISSUANCE OF UP TO
\$10,790,000 MULTIFAMILY HOUSING REVENUE
BONDS TO PROVIDE FINANCING FOR ASHEBORO
SUMMIT APARTMENTS TO SATISFY SECTION 147(f)
OF THE INTERNAL REVENUE CODE**

WHEREAS, the City Council (the "City Council") of the City of Asheboro, North Carolina (the "City") met in Asheboro, North Carolina at 7:00 p.m. on the 4th day of May, 2023; and

WHEREAS, the Asheboro Housing Authority (the "Issuer") has tentatively agreed to issue its multifamily housing revenue bonds in an amount not to exceed \$10,790,000 (the "Bonds"), for the purpose of financing the acquisition, rehabilitation and equipping by Asheboro Summit, LP, a North Carolina limited partnership, or an affiliated or related entity (the "Borrower"), of a qualified residential rental project for seniors known as Asheboro Summit Apartments (the "Development"); and

WHEREAS, the Development consists of approximately 101 units located at 156 East Academy Street, Asheboro, North Carolina; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that any bonds issued by the Issuer for the Development may only be issued following a public hearing with respect to such bonds and after approval of the plan of financing by the City Council of the City; and

WHEREAS, on April 19, 2023, the Issuer held a public hearing with respect to the issuance of the Bonds to finance, in part, the Development (as evidenced by the Certificate

and Summary of Public Hearing attached hereto) and has requested the City to approve the issuance of the Bonds as required by the Code; and

WHEREAS, the City has determined that approval of the issuance of the Bonds is solely to satisfy the requirement of Section 147(f) of the Code and shall in no event constitute an endorsement of the Bonds or the Development or the creditworthiness of the Borrower, nor shall such approval in any event be construed to obligate the City for the payment of the principal of or premium or interest on the Bonds or for the performance of any pledge, mortgage or obligation or agreement of any kind whatsoever which may be undertaken by the Issuer, or to constitute the Bonds or any of the agreements or obligations of the Issuer an indebtedness of the City, within the meaning of any constitutional or statutory provision whatsoever;

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

1. The proposed issuance by the Asheboro Housing Authority of its multifamily housing revenue bonds in an amount not to exceed \$10,790,000 to finance, in part, the costs of the acquisition, rehabilitation and equipping of the Development described above by the Borrower is hereby approved for purposes of Section 147(f) of the Code.
2. This resolution shall take effect immediately.

* * * * *

CERTIFICATION

I, Holly Doerr, City Clerk of the City of Asheboro, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the City Council for the City of Asheboro, North Carolina, at a regular meeting duly called and held on May 4, 2023 as it relates in any way to the resolution hereinabove set forth, and that such proceedings are recorded in the minutes of the City Council.

WITNESS my hand and the seal of the City of Asheboro, North Carolina, this the 4th day of May, 2023.

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

City of Asheboro, North Carolina (SEAL)

(b) Report on the Proposed David and Pauline Jarrell Center City Garden

Mr. Nuttall reported that Summey Engineering Associates, PLLC evaluated the existing structure located at 205 South Cox Street. The members of the Asheboro Redevelopment Commission hope that the structure could be used for restrooms and other facilities to serve the David and Pauline Jarrell Center City Garden. According to the engineering report, extensive modifications would need to be made in order for the facility to meet commercial code standards. A master plan for the Center City Garden will be presented at the council's regular June meeting.

During his presentation, Mr. Nuttall also reported that the groundbreaking for the Center City Garden took place on April 29, 2023, and it was successful with approximately 60 attendees attending.

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

(c) City of Asheboro Planning Board Annual Report

Mr. Nuttall reported that as of May 1, 2023, the Asheboro Planning Board has reviewed a total of 16 cases. These cases consisted of four (4) major subdivisions, one (1) quasi-judicial subdivision variance, five (5) conditional rezoning requests, three (3)

genera district rezoning requests, two (2) zoning ordinance text amendments, and one (1) subdivision ordinance amendment.

The board's only expenditure during the current fiscal year was related to the members' stipends, which was increased from \$100 per month to \$150 per month.

Mr. Mike O'Kelley, Chairperson for the Asheboro Planning Board was available for questions. A copy of the written annual report is on file in the city clerk's office.

9. Asheboro Regional Airport Authority Annual Report

City Engineer Michael Leonard, PE presented the Asheboro Regional Airport Authority Annual Report. During his presentation, Mr. Leonard reported on the authority's activities during the 2022-2023 fiscal year. The board's activities included, but are not limited to, reviewing and discussing quarterly safety committee reports and reviewing and discussing the status of FBO operations, aircraft maintenance, and hangar rentals.

A copy of the written annual report is on file in the city clerk's office.

10. An Annexation Petition Requesting the Satellite Annexation of Three Parcels of Land Located at the Intersection of Old Cox Road and Old Humble Mill Road

(a) Resolution Directing the City Clerk to Investigate the Annexation Petition

Mr. Leonard provided an overview of the annexation petition submitted by the owners of the Barbara P. Marsh property described in Deed Book 2663, Page 1409 of the Randolph County Registry.

After reviewing the information provided by city staff, Council Member Heath moved, and Council Member Swiers 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 14 RES 5-23

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**RESOLUTION DIRECTING THE CITY CLERK TO
INVESTIGATE AN ANNEXATION PETITION SUBMITTED BY
THE OWNERS OF THE BARBARA PUGH MARSH PROPERTY DESCRIBED IN
DEED BOOK 2663, PAGE 1409, RANDOLPH COUNTY REGISTRY**

WHEREAS, Mary Ella Beeson Pugh, Susan P. Hash and T.R. Hash, Jr., Barbara P. Marsh and Christopher Marsh, and Joyce P. Morgan (collectively, the "Petitioners") have submitted a petition requesting the annexation into Asheboro of three parcels of land (Randolph County Parcel Identification Numbers 7679024396, 7669905560, and 7679008885) they own at the intersection of Old Cox Road and Old Humble Mill Road; and

WHEREAS, the Petitioners' land at Old Cox Road and Old Humble Mill Road is not contiguous to Asheboro's primary city limits; and

WHEREAS, Section 160A-58.2 of the North Carolina General Statutes provides that the sufficiency of such a petition shall be investigated by the city clerk before further annexation proceedings take place; and

WHEREAS, the Asheboro City Council has decided to proceed with the statutorily prescribed voluntary annexation process.

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

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on May 4, 2023.

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

ATTEST:

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

In anticipation of the council's above-stated action, the city clerk conducted an investigation of the annexation petition in advance of the council meeting and prepared the following certificate for the council's review.

CERTIFICATE OF SUFFICIENCY

**(Annexation Petition Requesting the Annexation of the Barbara Pugh Marsh
Property Described in Deed Book 2663,
Page 1409, Randolph County Registry)**

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

I, Holly H. Doerr, am the City Clerk for the City of Asheboro. I hereby certify that, with the assistance of staff members in various city departments, I have investigated the annexation petition submitted by Mary Ella Beeson Pugh, Susan P. Hash and T.R. Hash, Jr., Barbara P. Marsh and Christopher Marsh, and Joyce P. Morgan (collectively, the "Petitioners"). I further certify that the following paragraphs accurately state the information obtained during the course of my investigation of the annexation petition.

The Petitioners have requested the annexation into Asheboro of three parcels of land (Randolph County Parcel Identification Numbers 7679024396, 7669905560, and 7679008885) owned by the Petitioners at the intersection of Old Cox Road and Old Humble Mill Road (this land will be hereinafter referred to as the "Annexation Area"). This Annexation Area is not contiguous to the primary corporate limits of the City of Asheboro.

On the basis of my investigation, I have concluded that all of the owners of the real property lying in the Annexation Area have signed the prescribed petition. The petition appears to be sufficient to satisfy the provisions of Section 160A-58.1 of the North Carolina General Statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro in order to make this certification effective as of May 4, 2023.

(CITY SEAL)

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

(b) Resolution Setting the Date for a Public Hearing

In light of the preceding council action and the submittal of the certification from the office of the city clerk, Mr. Leonard then recommended adoption of a resolution setting the date for a public hearing on the question of the requested annexation. Council Member Bell moved, and Council Member Heath 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 5-23

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**RESOLUTION SETTING THE DATE FOR A PUBLIC HEARING
ON THE QUESTION OF ANNEXING THE BARBARA PUGH MARSH PROPERTY
DESCRIBED IN DEED BOOK 2663, PAGE 1409, RANDOLPH COUNTY REGISTRY**

WHEREAS, Mary Ella Beeson Pugh, Susan P. Hash and T.R. Hash, Jr., Barbara P. Marsh and Christopher Marsh, and Joyce P. Morgan (collectively, the “Petitioners”) have submitted a petition requesting the annexation into Asheboro of three parcels of land (Randolph County Parcel Identification Numbers 7679024396, 7669905560, and 7679008885) they own at the intersection of Old Cox Road and Old Humble Mill Road; and

WHEREAS, the Petitioners’ above-identified parcels of land are not contiguous to the primary corporate limits of the City of Asheboro; and

WHEREAS, pursuant to a previously adopted resolution, the city clerk has investigated the sufficiency of the annexation petition; and

WHEREAS, the city clerk has certified the sufficiency of the petition for proceeding with setting the date for a public hearing on the question of the requested annexation in accordance with Section 160A-58.2 of the North Carolina General Statutes.

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

Section 1. A public hearing on the question of annexing the non-contiguous territory described herein will be held in the council chamber on the second floor of Asheboro City Hall at 146 North Church Street, Asheboro, North Carolina 27203 during a regular meeting of the Asheboro City Council that will begin at 7:00 p.m. on June 8, 2023.

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

Grant Township, Randolph County, North Carolina:

BEGINNING on the proposed Asheboro satellite city limits line at a 5/8-inch existing iron rod that is up 4 inches and is located by means of the North Carolina Coordinate System at the coordinates of North 688,493.43 ground US survey feet and East 1,769,896.39 ground US survey feet (NAD 83 (2011), this beginning point is at the southeastern most corner of the area for which satellite annexation into the City of Asheboro has been requested by means of an annexation petition (the area for which annexation has been requested will be hereinafter referred to as the “Annexation Area”) that was executed by all of the owners of the Barbara Pugh Marsh property described in the Office of the Register of Deeds for Randolph County, North Carolina (the “Randolph County Registry”) in Deed Book 2663, Page 1409 and further identified as Tracts 1, 2, and 3 on a plat of survey recorded in Plat Book 71, Page 46, Randolph County Registry; thence, from the described beginning point, proceeding the next two bearings and distances along the southern boundary line of the Annexation Area: South 77 degrees 24 minutes 04 seconds West 1050.53 feet to an existing nail down 4-inches with flagging; thence South 77 degrees 24 minutes 04 seconds West 18.35 feet to a computed point/point not set; thence departing from the southern boundary line of the Annexation Area in order to follow the proposed satellite Asheboro city limits line along the western boundary line of the Annexation Area by running with the shared property line between the Barbara Pugh Marsh property and the Lester Wayne Young and Vickie J. Young property described in Deed Book 2066, Page 78, Randolph County Registry (this shared property line follows the center line of Richland Creek) the following three bearings and distances: North 07 degrees 49 minutes 49 seconds East 109.45 feet to a computed point/point not set; thence North 48 degrees 31 minutes 40 seconds West 55.34 feet to a computed point/point not set; thence North 21 degrees 40 minutes 00 seconds West 63.27 feet to a computed point/point not set; thence continuing to

follow the proposed satellite Asheboro city limits line by running along the Bonnie Lee Perry property described in Deed Book 2724, Page 1865, Randolph County registry the next five bearings and distances: North 03 degrees 24 minutes 59 seconds West 36.08 feet to a computed point/point not set; thence North 54 degrees 07 minutes 27 seconds West 59.49 feet to a computed point/point not set; thence North 05 degrees 06 minutes 31 seconds West 62.63 feet to a computed point/point not set; thence North 27 degrees 58 minutes 42 seconds West 45.23 feet to a computed point/point not set; thence North 18 degrees 41 minutes 34 seconds East 55.47 feet to a computed point/point not set; thence North 03 degrees 45 minutes 01 second West 181.22 feet along the Walter Timothy Ward property described in Deed Book 2819, Page 197, Randolph County Registry to a computed point/point not set; thence continuing to follow the proposed satellite Asheboro city limits line along the western boundary of the Annexation Area by running with the Derek Douglas McKee and Gina Allen McKee property described in Deed Book 2773, Page 434, Randolph County Registry and further identified in Plat Book 171, Page 77, Randolph County Registry the next twelve bearings and distances North 18 degrees 13 minutes 23 seconds West 119.77 feet to a computed point/point not set; thence North 13 degrees 01 minute 23 seconds West 92.52 feet to a computed point/point not set; thence North 49 degrees 18 minutes 10 seconds West 80.26 feet to a computed point/point not set; thence North 16 degrees 42 minutes 16 seconds West 57.78 feet to a computed point/point not set; thence North 14 degrees 12 minutes 46 seconds East 101.81 feet to a computed point/point not set; thence North 46 degrees 56 minutes 47 seconds West 70.61 feet to a computed point/point not set; thence L16 (to be verified by the surveyor) to a computed point/point not set at the intersection of the creek and a ditch; thence following the ditch the next five bearings and distances to a Walnut tree on the west bank of the creek : L17 (to be verified by the surveyor) to a computed point/point not set; thence North 82 degrees 16 minutes 48 seconds West 67.05 feet to a computed point/point not set; thence L19 (to be verified by the surveyor) to a computed point/point not set; thence North 62 degrees 50 minutes 00 seconds West 101.09 feet to a computed point/point not set; thence North 79 degrees 12 minutes 07 seconds West 104.02 feet to a Walnut tree on the west bank of the creek; thence the next four bearings and distances along the Robert John Haas property described in Deed Book 1825, Page 2089, Randolph County Registry: North 23 degrees 01 minute 24 seconds East 25.00 feet to a 5/8-inch new iron rod; thence North 23 degrees 01 minute 24 seconds East 750.48 feet to an existing stone that is up 6 inches; thence North 52 degrees 53 minutes 36 seconds West 242.63 feet to a 5/8 - inch new iron rod set flush with the ground; thence North 52 degrees 53 minutes 36 seconds West 36.38 feet to a computed point/point not set; thence the next two bearings and distances along the Thomas W. Mayer and Teresa L. Mayer property described in Deed Book 2536, Page 794, Randolph County Registry and identified as Lot 11 in Plat Book 48, Page 63, Randolph County Registry: North 03 degrees 58 minutes 51 seconds West 30.65 feet to a computed point/point not set; thence North 40 degrees 14 minutes 18 seconds East 91.86 feet to a computed point/point not set; thence the next eleven bearings and distances along the Roberta Ann Gasper property described in Deed Book 2651, Page 253, Randolph County Registry and identified as Lot 10 in Plat Book 52, Page 97, Randolph County Registry: North 66 degrees 03 minutes 04 seconds East 98.85 feet to a computed point/point not set; thence South 60 degrees 00 minutes 41 seconds East 102.66 feet to a computed point/point not set; thence South 88 degrees 38 minutes 06 seconds East 74.06 feet to a computed point/point not set; thence South 60 degrees 04 minutes 51 seconds East 106.69 feet to a computed point/point not set; thence South 54 degrees 26 minutes 38 seconds East 90.95 feet to a computed point/point not set; thence South 44 degrees 57 minutes 51 seconds East 95.23 feet to a computed point/point not set; thence South 58 degrees 39 minutes 01 second East 70.25 feet to a computed point/point not set; thence North 75 degrees 20 minutes 56 seconds East 60.86 feet to a computed point/point not set; thence North 07 degrees 07 minutes 48 seconds East 85.03 feet to a computed point/point not set; thence North 10 degrees 00 minutes 33 seconds East 72.48 feet to a computed point/point not set; thence North 03 degrees 16 minutes 31 seconds East 121.75 feet to a computed point/point not set; thence the following nine bearings and distances along the Mark Dewayne Reed and Kathleen Ann Riley property described in Deed Book 1550, Page 388, Randolph County Registry and identified as Lot 9 in Plat Book 52, Page 97, Randolph County Registry: North 49 degrees 02 minutes 35 seconds East 53.86 feet to a computed point/point not set; thence North 06 degrees 18 minutes 58 seconds West 48.69 feet to a computed point/point not set; thence North 24 degrees 35 minutes 29 seconds West 26.77 feet to a computed point/point not set; thence South 76 degrees 01 minute 27 seconds West 29.18 feet to a computed point/point not set; thence L41 (to be verified by the surveyor) to a computed point/point not set; thence L42 (to be verified by the surveyor) to a computed point/point not set; thence North 07 degrees 37 minutes 29 seconds West 50.02 feet to a computed point/point not set; thence North 32 degrees 40 minutes 33 seconds West 60.02 feet to a computed

point/point not set; thence North 14 degrees 44 minutes 03 seconds West 66.87 feet to a computed point/point not set; thence North 09 degrees 20 minutes 53 seconds East 83.94 feet along the Traci Gilliam and Matt Gilliam property described in Deed Book 2680, Page 1461 Randolph County Registry and identified as Lot 8 in Plat Book 94, Page 35, Randolph County Registry to a computed point/point not set; thence the next ten bearings and distances along the Arturo Hernandez Flores property described in Deed Book 2777, Page 2663, Randolph County Registry and identified as Lot 9 in Plat Book 94, Page 35, Randolph County Registry: North 25 degrees 51 minutes 34 seconds East 60.30 feet to a computed point/point not set; thence North 84 degrees 25 minutes 34 seconds East 36.96 feet to a computed point/point not set; thence South 61 degrees 14 minutes 24 seconds East 79.35 feet to a computed point/point not set; thence South 80 degrees 38 minutes 01 second East 49.62 feet to a computed point/point not set; thence L51 (to be verified by the surveyor) to a computed point/point not set; thence L52 (to be verified by the surveyor) to a computed point/point not set; thence North 38 degrees 50 minutes 14 seconds West 46.59 feet to a computed point/point not set; thence North 26 degrees 27 minutes 15 seconds West 90.92 feet to a computed point/point not set; thence North 10 degrees 25 minutes 36 seconds West 75.94 feet to a computed point/point not set; thence North 27 degrees 16 minutes 32 seconds West 118.94 feet to a computed point/point not set; thence continuing to follow the proposed satellite Asheboro city limits line by running with the center line of Richland Creek the next eight bearings and distances along the Jennifer L. Auman property described in Deed Book 2007, Page 2027, Randolph County Registry and identified as Lot 21 in Plat Book 94, Page 36, Randolph County Registry: North 36 degrees 23 minutes 59 seconds West 143.31 feet to a computed point/point not set; thence North 04 degrees 29 minutes 51 seconds West 56.80 feet to a computed point/point not set; thence North 54 degrees 31 minutes 20 seconds West 49.75 feet to a computed point/point not set; thence South 74 degrees 27 minutes 48 seconds West 40.00 feet to a computed point/point not set; Line 61 (to be verified by the surveyor) to a computed point/point not set; thence North 20 degrees 21 minutes 11 seconds East 65.57 feet to a computed point/point not set; thence North 27 degrees 01 minute 14 seconds West 38.86 feet to a computed point/point not set; thence North 06 degrees 01 minute 27 seconds West 108.04 feet to a computed point/point not set at the northern boundary line of the Bryan T. Lones and Alicia M. Lones property described in Deed Book 2276, Page 854, Randolph County Registry and identified as New Lot 20 in Plat Book 129, Page 63, Randolph County Registry; thence the next eight bearings and distances along the Martin T. Mullings and Elizabeth A. Lindsey property described in Deed Book 2638, Page 1423, Randolph County Registry and further identified in Plat Book 129, Page 63, Randolph County Registry: North 02 degrees 59 minutes 12 seconds West 66.99 feet to a computed point/point not set; thence North 15 degrees 22 minutes 59 seconds West 65.00 feet to a computed point/point not set; thence North 27 degrees 12 minutes 14 seconds West 88.25 feet to a computed point/point not set; thence North 10 degrees 54 minutes 44 seconds West 39.42 feet to a computed point/point not set; thence North 02 degrees 23 minutes 57 seconds East 38.74 feet to a computed point/point not set; thence North 14 degrees 08 minutes 29 seconds West 85.10 feet to a computed point/point not set; thence North 37 degrees 20 minutes 49 seconds West 94.01 feet to a computed point/point not set; thence North 21 degrees 11 minutes 51 seconds West 55.05 feet to a computed point/point not set; thence the next five bearings and distances along the Nancy Lou G. Kiessler property described in Deed Book 1529, Page 379, Randolph County Registry and further identified as a portion of Lot 24 in Plat Book 29, Page 72 and all of Lot 11 in Plat Book 29, Page 71, Randolph County Registry: North 01 degree 00 minutes 38 seconds East 78.41 feet to a computed point/point not set; thence North 45 degrees 33 minutes 45 seconds East 44.52 feet to a computed point/point not set; thence North 77 degrees 27 minutes 48 seconds East 99.75 feet to a computed point/point not set; thence North 54 degrees 06 minutes 23 seconds East 70.04 feet to a computed point/point not set; thence North 62 degrees 07 minutes 17 seconds East 100.39 feet to a computed point/point not set; thence continuing along the Nancy Lou G. Kiessler property, inclusive of the Kiessler property described in Deed Book 1591, Page 664, Randolph County Registry and further identified as a portion of Lot 23 in Plat Book 29, Page 72, Randolph County Registry, the next two bearings and distances: North 43 degrees 28 minutes 00 seconds East 93.63 feet to a computed point/point not set; thence North 37 degrees 40 minutes 18 seconds East 79.85 feet to a computed point/point not set (this computed point is South 40 degrees 42 minutes 42 seconds East 8775.85 feet from a point that is in the western margin of the 60-foot public right-of-way for Zoo Parkway (North Carolina Highway 159) and is on the current primary Asheboro city limits line, this point on the existing primary Asheboro city limits line is located by means of the North Carolina Coordinate System at the coordinates of North 699,145.62 ground US survey feet and East 1,763,246.81 ground US survey feet (NAD 83 (2011)); thence continuing to follow the proposed satellite Asheboro city limits line by crossing the public right-of-way for

Old Cox Road (North Carolina Secondary Road 2834) North 36 degrees 26 minutes 28 seconds East 164.04 feet to a computed point/point not set in the eastern margin of the public right-of-way for Old Cox Road; thence along the proposed satellite Asheboro city limits line by following the northern boundary of the Annexation Area the next 43 bearings and distances along the Dennis McDonald Garner property described in the Office of the Randolph County Clerk of Superior Court in Estate File 93E-356 (this property line follows the center line of Richland Creek): North 35 degrees 16 minutes 14 seconds East 67.59 feet to a computed point/point not set; thence North 16 degrees 52 minutes 44 seconds West 111.96 feet to a computed point/point not set; thence North 13 degrees 41 minutes 33 seconds East 48.08 feet to a computed point/point not set; thence North 37 degrees 06 minutes 20 seconds East 60.07 feet to a computed point/point not set; thence North 42 degrees 58 minutes 39 seconds East 92.89 feet to a computed point/point not set; thence North 39 degrees 27 minutes 43 seconds East 97.58 feet to a computed point/point not set; thence North 36 degrees 07 minutes 10 seconds East 89.94 feet to a computed point/point not set; thence North 49 degrees 36 minutes 49 seconds East 90.09 feet to a computed point/point not set; thence North 58 degrees 33 minutes 24 seconds East 74.36 feet to a computed point/point not set; thence South 86 degrees 23 minutes 10 seconds East 63.49 feet to a computed point/point not set; thence South 67 degrees 37 minutes 58 seconds East 67.24 feet to a computed point/point not set; thence South 61 degrees 46 minutes 33 seconds East 57.53 feet to a computed point/point not set; thence South 78 degrees 43 minutes 12 seconds East 77.57 feet to a computed point/point not set; thence South 57 degrees 57 minutes 48 seconds East 56.59 feet to a computed point/point not set; thence South 33 degrees 08 minutes 59 seconds East 75.25 feet to a computed point/point not set; thence South 16 degrees 37 minutes 48 seconds East 50.02 feet to a computed point/point not set; thence South 12 degrees 55 minutes 22 seconds West 29.31 feet to a computed point/point not set; thence South 59 degrees 28 minutes 09 seconds East 24.21 feet to a computed point/point not set; thence North 66 degrees 09 minutes 14 seconds East 88.82 feet to a computed point/point not set; thence North 66 degrees 52 minutes 48 seconds East 76.55 feet to a computed point/point not set; thence South 81 degrees 20 minutes 29 seconds East 44.81 feet to a computed point/point not set; thence South 54 degrees 55 minutes 07 seconds East 109.35 feet to a computed point/point not set; thence South 65 degrees 34 minutes 19 seconds East 101.93 feet to a computed point/point not set; thence South 73 degrees 08 minutes 33 seconds East 126.79 feet to a computed point/point not set; thence South 68 degrees 30 minutes 57 seconds East 84.08 feet to a computed point/point not set; thence North 63 degrees 25 minutes 51 seconds East 58.29 feet to a computed point/point not set; thence North 50 degrees 53 minutes 42 seconds East 56.69 feet to a computed point/point not set; thence North 42 degrees 16 minutes 45 seconds East 77.95 feet to a computed point/point not set; thence North 56 degrees 43 minutes 00 seconds East 99.58 feet to a computed point/point not set; thence North 55 degrees 28 minutes 57 seconds East 56.58 feet to a computed point/point not set; thence North 88 degrees 52 minutes 20 seconds East 50.53 feet to a computed point/point not set; thence South 87 degrees 33 minutes 43 seconds East 83.12 feet to a computed point/point not set; thence North 20 degrees 42 minutes 15 seconds East 80.77 feet to a computed point/point not set; thence North 11 degrees 16 minutes 37 seconds East 83.05 feet to a computed point/point not set; thence North 13 degrees 49 minutes 43 seconds East 87.42 feet to a computed point/point not set; thence North 28 degrees 42 minutes 12 seconds East 128.28 feet to a computed point/point not set; thence North 26 degrees 03 minutes 04 seconds East 101.06 feet to a computed point/point not set; thence North 29 degrees 18 minutes 10 seconds East 84.75 feet to a computed point/point not set; thence North 33 degrees 22 minutes 17 seconds East 102.18 feet to a computed point/point not set; thence North 28 degrees 42 minutes 14 seconds East 81.94 feet to a computed point/point not set; thence North 18 degrees 11 minutes 06 seconds East 105.84 feet to a computed point/point not set; thence North 10 degrees 37 minutes 32 seconds East 148.56 feet to a computed point/point not set; thence North 24 degrees 45 minutes 29 seconds East 69.23 feet to a computed point/point not set; thence continuing to follow the proposed satellite Asheboro city limits line the next three bearings and distances along Parcel 3 of the Moffitts, Inc. property described in Deed Book 2761, Page 1406, Randolph County Registry: North 68 degrees 44 minutes 13 seconds East 105.01 feet to a computed point/point not set; thence North 88 degrees 26 minutes 06 seconds East 118.98 feet to a computed point/point not set; thence South 78 degrees 14 minutes 43 seconds East 124.62 feet to a computed point/point not set; thence continuing the next two bearings and distances along the City of Asheboro property described in Deed Book 1409, Page 1215, Randolph County Registry: South 73 degrees 25 minutes 05 seconds East 192.78 feet to a computed point/point not set; thence South 69 degrees 44 minutes 13 seconds East 98.69 feet to a computed point/point not set in the centerline of the creek; thence departing from the center line of the creek and the northern boundary of the Annexation Area by following the

proposed satellite Asheboro city limits line down the eastern boundary of the Annexation Area the next three bearings and distances along the Hallelujah Taro Fenburg et al. property described in Deed Book 1513, Page 556, Randolph County Registry: South 02 degrees 14 minutes 34 seconds East 45.55 feet to a 5/8-inch existing iron rod that is up 8-inches and is located by means of the North Carolina Coordinate System at the coordinates of North 693,899.59 ground US survey feet and East 1,771,808.79 ground US survey feet (NAD 83 (2011)); thence South 02 degrees 14 minutes 34 seconds East 1097.88 feet to a 5/8-inch existing iron rod that is up 8-inches with stones; thence South 36 degrees 45 minutes 31 seconds West 45.62 feet to a 5/8-inch existing iron rod that is up 4-inches; thence continuing to follow the proposed satellite Asheboro city limits line by running the next three bearings and distances along the Gordon Van Coburn and Patsy Coburn property described in Deed Book 2691, Page 1955, Randolph County Registry and further identified as Tract 1 in Plat Book 87, Page 16, Randolph County Registry: Line 130 (to be verified by the surveyor) to a 5/8-inch existing iron rod that is up 4-inches; thence South 40 degrees 14 minutes 59 seconds West 39.63 feet to a 5/8-inch existing iron rod that is up 4-inches; thence Line 132 (to be verified by the surveyor) to a 5/8-inch existing iron rod that is up 4-inches; thence the next seven bearings and distances along the property line, which follows an old road bed, for the Schwarz Properties, LLC property described as Parcel 8 in Deed Book 2729, Page 922, Randolph County Registry and further identified as Tract 1 in Plat Book 89, Page 27, Randolph County Registry: South 25 degrees 52 minutes 53 seconds West 18.95 feet to an existing nail that is up 4-inches; [Line 134 to be verified by surveyor.] thence South 06 degrees 52 minutes 39 seconds West 0.45 feet to a computed point/point not set; thence South 06 degrees 52 minutes 39 seconds West 139.83 feet to a 5/8-inch existing iron rod that is up 6-inches; thence South 10 degrees 41 minutes 20 seconds West 142.69 feet to a 5/8-inch existing iron rod that is up 6-inches; thence South 10 degrees 34 minutes 55 seconds West 84.00 feet to a 5/8-inch existing iron rod that is up 6-inches; thence South 14 degrees 22 minutes 42 seconds West 139.04 feet to a 5/8-inch existing iron rod that is up 6-inches; thence South 00 degrees 25 minutes 32 seconds East 82.25 feet to a 5/8-inch new iron rod that is flush with the ground in the northern margin of the public right-of-way for Old Humble Mill Road (North Carolina Secondary Road 2830); thence following the northern margin of the public right-of-way for Old Humble Mill Road in a southwesterly direction along the arc of a curve with a radius of 2059.31 feet and an arc length of 360.94 feet (delta angle 10 degrees 02 minutes 33 seconds) a chord bearing and distance of South 37 degrees 50 minutes 11 seconds West 360.48 feet to a computed point/point not set; thence departing from the northern margin of the public right-of-way for Old Humble Mill Road and proceeding South 57 degrees 16 minutes 35 seconds East 30.00 feet to a computed point/point not set; thence South 09 degrees 29 minutes 08 seconds West 72.70 feet to a 5/8-inch existing iron rod that is down 4-inches in the southern margin of the public right-of-way for Old Humble Mill Road; thence departing from the public right-of-way for Old Humble Mill Road and running the next two bearings and distances along the proposed satellite Asheboro city limits line beside the James T. Rich and Donna L. Rich property described in Deed Book 931, Page 303, Randolph County Registry: South 09 degrees 29 minutes 08 seconds West 259.51 feet to a 5/8-inch existing iron rod that is up 4-inches; thence South 21 degrees 45 minutes 51 seconds West 74.95 feet to a 5/8-inch existing iron rod that is up 6-inches; thence the next six bearings and distances along the Jessie Dwayne Deaton property described in Deed Book 1495, Page 1051, Randolph County Registry and further identified as Tracts 1 and 2 in Plat Book 26, Page 70, Randolph County Registry: South 00 degrees 10 minutes 22 seconds West 133.17 feet to a 5/8-inch existing iron rod that is up 8-inches; thence South 21 degrees 01 minute 15 seconds West 212.63 feet to a 5/8-inch existing iron rod that is up 6-inches; thence South 25 degrees 08 minutes 30 seconds West 112.31 feet to a 5/8-inch existing iron rod that is up 8-inches; thence South 45 degrees 07 minutes 31 seconds West 177.84 feet to a 5/8-inch existing iron rod that is up 6-inches with stones; thence South 39 degrees 26 minutes 36 seconds West 100.55 feet to a 5/8-inch existing iron rod that is up 6-inches with stones; thence South 43 degrees 00 minutes 04 seconds West 76.72 feet to a 1 and 1/4-inch existing iron pipe that is up 4-inches with a cap and stones; thence the next two bearings and distances along the Sammy Beane property described in Deed Book 1203, Page 1190, Randolph County Registry: South 45 degrees 55 minutes 58 seconds West 171.18 feet to a 5/8-inch existing iron rod that is up 10-inches; thence South 75 degrees 17 minutes 54 seconds West 177.97 feet to a 60d nail set at the base of a 5/8-inch existing iron rod that is down 2-inches; thence South 69 degrees 04 minutes 17 seconds West 312.58 feet along the Danny Ray Thomas property described in Deed Book 2672, Page 1229, Randolph County Registry to a 60d nail set at the base of a 5/8-inch existing iron rod that is bent and up 2-inches; thence continuing to follow the proposed satellite Asheboro city limits line the next five bearings and distances along the Sergio Alvarez Ruiz property described in Deed Book 1981, Page 906,

Randolph County Registry: South 56 degrees 51 minutes 43 seconds West 50.21 feet to a 60d nail set at the base of a 5/8-inch existing iron rod that is bent and up 4-inches; thence South 39 degrees 56 minutes 33 seconds West 100.13 feet to a 5/8-inch existing iron rod that is down 2-inches; thence South 35 degrees 11 minutes 08 seconds West 57.51 feet to a 5/8-inch existing iron rod that is down 4-inches; thence North 79 degrees 08 minutes 24 seconds West 103.87 feet to a 1 and 1/4-inch existing iron pipe that is down 2-inches; thence North 79 degrees 08 minutes 24 seconds West 60.17 feet to a computed point/point not set in the western margin of the public right-of-way for Old Cox Road; thence continuing to follow the proposed satellite Asheboro city limits line by proceeding in a southwesterly direction along the western margin of the public right-of-way for Old Cox Road by following the arc of a curve with a radius of 594.75 feet and an arc length of 92.32 feet (delta angle 08 degrees 53 minutes 36 seconds) a chord bearing and distance of South 10 degrees 32 minutes 22 seconds West 92.22 feet to a computed point/point not set; thence continuing to follow the western margin of the public right-of-way for Old Cox Road the next two bearings and distances: South 04 degrees 45 minutes 27 seconds West 209.76 feet to a computed point/point not set; thence South 03 degrees 25 minutes 38 seconds West 596.05 feet to a computed point/point not set; thence South 06 degrees 09 minutes 02 seconds West 177.85 feet to a 1-inch existing iron pipe that is up 12 inches at a point on the proposed satellite Asheboro city limits line that is off of the western margin of the public right-of-way for Old Cox Road and is on the shared boundary line for the Annexation Area and the James H. Murray and Martha C. Murray property described in Deed Book 2172, Page 567, Randolph County Registry and further identified in Plat Book 106, Page 69, Randolph County Registry; thence continuing along the James H. Murray and Martha C. Murray property South 10 degrees 41 minutes 47 seconds West 716.19 feet to the point and place of BEGINNING, and containing a total of 241.401 acres, more or less, to be annexed.

*The above-stated legal description is in accordance with a plat of survey drawn under the supervision of Dan W. Tanner, II, Professional Land Surveyor with License Number L-4787. The plat of survey is titled "Annexation Survey For: **Bill Turner** On The Property of: **Barbara Pugh Marsh**."*

Section 3. Notice of the public hearing on the question of the proposed annexation of the above-described territory into Asheboro's satellite corporate limits shall be published in *The Courier-Tribune*, a newspaper having general circulation in the City of Asheboro, at least 10 days prior to the date of the public hearing.

This Resolution was adopted in open session during a regular meeting of the Asheboro City Council held on May 4, 2023.

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

ATTEST:

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

11. Construction Progress Update on the McCrary Park Project

Assistant City Engineer, Spencer Patton utilized a visual presentation in order to update the council members on the construction progress at McCrary Park. During his presentation, Mr. Patton presented pictures of the updated restroom facilities along with the updated concession stand, and grandstand structure.

A copy of the visual presentation utilized by Mr. Patton is on file in the city clerk's office.

12. A Contract to Purchase a North McCrary Street Parcel of Land

Mr. Patton presented and recommended the approval of a contract to purchase a parcel of land located along North McCrary Street (Randolph County Parcel Identification Number 7751451050) to use for the placement of signage for McCrary Park. The property tax value for the parcel of land is approximately \$13,500.00

Council Member Bell moved, and Council Member Burks seconded the motion to approve the contract to purchase the parcel of land located along North McCrary Street. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

13. **Budget Amendments to Allocate Funds for the Purchase of the North McCrary Street Parcel**

Finance Director Debbie Reaves presented and recommended adoption, by reference of an ordinance to amend the general fund FY 2022-2023.

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

32 ORD 5-23

**ORDINANCE TO AMEND THE GENERAL FUND
FY 2022-2023**

WHEREAS, the City of Asheboro has an opportunity to purchase a small parcel of land along Highway 220 ideal for the installation of signage for McCrary Ballpark.

WHEREAS, the cost to the City of Asheboro for the land is \$13,500 and the estimated closing costs are estimated not to exceed \$2,500.

WHEREAS, the City of Asheboro desires to appropriate \$16,000 from the General Fund Balance for this purpose.

WHEREAS, the City of Asheboro desires amend the 2022-2023 General Fund operating budget to as required by law to adjust for changes in revenues and expenditures in comparison to the current adopted budget.

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

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

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	16,000

That the following expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-620-574.6500	Contribution to McCrary Ballpark Fund	16,000

Adopted this the 4th day of May 2023.

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

ATTEST:

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

Subsequent to the approval/adoption of the above ordinance, Ms. Reaves presented and recommended adoption, by reference, of an ordinance to amend the McCrary Ballpark Improvements Fund FY 2022-2023. Council Member Bell moved, and Council Member Burks seconded the motion to approve/adopt the following ordinance by reference.

33 ORD 5-23

**ORDINANCE TO AMEND
THE MCCRARY BALLPARK IMPROVEMENTS FUND
FY 2022-2023**

WHEREAS, The City of Asheboro is appropriating \$16,000 in General Fund balance to be transferred to the McCrary Ball Park Improvements Fund for purchase of land along Highway 200.

WHEREAS, the City of Asheboro desires amend the 2022-2023 McCrary Ballpark capital project fund budget to as required by law to adjust for changes in revenues and expenditures in comparison to the current adopted budget.

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

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

Section 1: The following revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
65-000-300.0001-65	Contribution from General Fund	16,000

Section 2: The following expense line item be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
65-000-408.0000-65	Land	16,000

Adopted this the 4th day of May 2023.

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

ATTEST:

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

14. Potential Designs for the McCrary Park Interstate signage

Assistant Community Development Director John Evans utilized a visual presentation in order to give examples of potential designs for the McCrary Park interstate signage. Some examples included, but not limited to, free standing signs or signs with brick foundations. City staff will update the council once more information becomes available.

15. Upcoming Events and Items not on the Agenda

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

There being no further business, the meeting was adjourned at 9:32 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor

Minutes of the meeting of the Asheboro Alcoholic Beverage Control Board held on April 3, 2023

185

The Asheboro ABC Board met on Monday, April 3, 2023, 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 March 6, 2023, 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 March 2023 were reviewed by the Board.

The GM reviewed the Board's financial accounts and liability issues related to such accounts. The balance of the Board's checking account is guaranteed because all funds are collateralized as required by state law. Funds invested in the NC Capital Management Trust are not FDIC insured, but all funds are invested in US Government Bonds, thus allowing the Board, by law, to invest public funds with the NC Capital Management Trust.

The Board heard reports from the General Manager concerning the following issues:

1. Asheboro ABC sales statistics comparing:
 - March 2023 sales with the previous month indicate:
 - An overall +14.8% change (all sales and tax collections)
 - March 2023 sales with sales from the same month last year indicate:
 - Retail Sales +4.8%
 - Mixed Beverage Sales: +18.3%
 - Sales Tax Collections: +4.8%
 - Overall Collections: +6.56%
 - March 2023 bottle sales with bottle sales from the same month last year indicate:
 - Retail Bottle Sales: +4%
 - Mixed Beverage Bottle Sales: +15.8%
 - Overall Bottle Sales: +4.9%

The next regular Asheboro ABC Board meeting will be held Monday, May 1, 2023, at 5:30 p.m.

There being no further business, the meeting was adjourned.

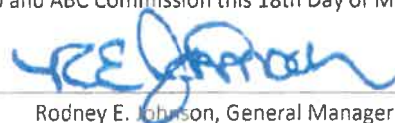
Prepared by Rodney Johnson, GM, and Approved by the Board 5-1-23 
GM

Stephen R Knight
Curtis J. Ray

ASHEBORO ABC BOARD
AMENDED Budget for Fiscal Year 2022-2023

Sales		5,975,000.00
Other Income		-
	Gross Sales	<u>5,975,000.00</u>
Less Taxes		1,418,372.00
	Net Sales	<u>4,556,628.00</u>
Less Cost of Sales		3,099,867.00
	Gross Profit	<u>1,456,761.00</u>
Less		
Salaries, benefits and fees		454,000.00
Payroll taxes		36,320.00
Rent		64,800.00
Repairs and maintenance		10,300.00
Utilities		15,180.00
Insurance - general and bonds		15,500.00
Supplies and janitorial		25,500.00
Travel and training		2,600.00
Professional services		15,000.00
Dues and subscriptions		550.00
Bank fees and charges		70,000.00
Miscellaneous & Contingencies		250.00
	Total Operating Expenses	<u>710,000.00</u>
	Operating Income	<u>746,761.00</u>
Less:		
<u>Capital Expenditures</u>		
	Capital Improvements	<u>-</u>
		<u>-</u>
	Net Income before Distributions	<u>746,761.00</u>
Less:		
<u>Distributions</u>		
Law Enforcement		37,338.05
Alcohol Education and Rehab		52,273.27
City of Asheboro General Fund		567,149.68
	Total Distributions	<u>656,761.00</u>
	Net Income after Distributions	<u>90,000.00</u>
Less:		
Retained Working Capital (Future Facility Fund)		40,000.00
Retained for Capital Improvements		50,000.00
	Total Retained	<u>90,000.00</u>
	Net Income	<u><u>-</u></u>

Amdended and submitted to the City of Asheboro and ABC Commission this 18th Day of May, 2023


 Rodney E. Johnson, General Manager



Phone (336) 629-2530 • Fax (336) 629-2704

700 South Fayetteville Street, Asheboro, NC 27203

BUDGET MESSAGE FOR FISCAL YEAR 2023-2024

North Carolina General Statute § 18B-702 “Financial operations of local boards” requires the Asheboro ABC Board Finance Officer prepare for the Board’s consideration an annual budget applicable for fiscal years. Upon adoption, no monies may be expended except as provided by the budget or as authorized by specific statute.

Retail operation of the Board’s single store commenced with its first sale on November 18, 2008. During the first full fiscal year of sales (FY Ending June 30, 2010) the single store located at 700 South Fayetteville Street collected \$2,666,203.80 in sales and tax revenues. Last fiscal year, ending June 30, 2022, the store collected \$5,506,241. Revenues for fiscal year ending June 30, 2023, are expected to exceed \$5.9 million dollars. The Board currently employs seven full-time and four part-time employees.

Finding and retaining qualified employees continues to be a challenge and based on revenue growth records for the past several months, sales growth is expected to slow (not decline) in the coming fiscal year. This creates a unique situation where the availability of qualified employees continues to be limited while at the same time revenues from sales may slow. In sum, it is becoming increasingly necessary to increase pay and benefits, despite expectations that sales revenues may slow. To remain competitive in the labor market, the budget includes a 5% maximum merit increase while continuing the \$20,000 monthly distribution to the City of Asheboro. This provides the Board with more financial flexibility to address employment challenges while addressing the uncertainty of sales growth. Additional distributions are expected and will continue as excess operating capital permits.

On-going goals include continuation of the Board’s mission of responsibly controlling the sale and distribution of alcoholic beverages, superior customer service, and operational efficiency designed to increase profit margins.

The Asheboro ABC Board Budget Ordinance for fiscal year July 1, 2023, through June 30, 2024, prepared in accordance with governing laws and the Board’s stated desire to continue a responsibly sound fiscal policy, is hereby presented to the Board for consideration.

Respectfully submitted this 19th day of May 2023.

Rodney E. Johnson
General Manager
Budget Officer

Attachment: Proposed Budget Ordinance for Fiscal Year 2023-2024

cc: Jeff Sugg, City of Asheboro
NC ABC Commission

ASHEBORO ABC BOARD
Budget for Fiscal Year 2023-2024

Sales		6,154,250.00
Other Income		-
	Gross Sales	<u>6,154,250.00</u>
Less Taxes		1,415,477.50
	Net Sales	<u>4,738,772.50</u>
Less Cost of Sales		3,222,365.30
	Gross Profit	<u>1,516,407.20</u>
Less:		
Salaries, benefits and fees		476,700.00
Payroll taxes		38,136.00
Rent		64,800.00
Repairs and maintenance		10,300.00
Utilities		15,550.00
Insurance - general and bonds		17,000.00
Supplies and janitorial		26,000.00
Travel and training		2,600.00
Professional services		15,000.00
Dues and subscriptions		550.00
Bank fees and charges		73,500.00
Miscellaneous & Contingencies		5,000.00
	Total Operating Expenses	<u>745,136.00</u>
	Operating Income	<u>771,271.20</u>
Less:		
<u>Capital Expenditures</u>		
	Capital Improvements	<u>-</u>
		<u>-</u>
Net Income before Distributions		<u>771,271.20</u>
Less:		
<u>Distributions</u>		
Law Enforcement		38,563.56
Alcohol Education and Rehab		53,988.98
City of Asheboro General Fund		588,718.66
	Total Distributions	<u>681,271.20</u>
Net Income after Distributions		<u>90,000.00</u>
Less:		
Retained Working Capital (Future Facility Fund)		40,000.00
Retained for Capital Improvements		50,000.00
	Total Retained	<u>90,000.00</u>
Net Income		<u><u>-</u></u>

Submitted to the Asheboro ABC Board this 19th Day of May 2023.



Rodney E. Johnson, General Manager

**ORDINANCE TO AMEND
THE GENERAL FUND
FY 2022-2023**

WHEREAS, the budget ordinance adopted on June 28, 2022 authorizes the City Manager, who is the Budget Officer, to transfer appropriations between departments within the same fund with an official report to the Governing board at the next scheduled council meeting.

WHEREAS, a budget amendment satisfies the requirement of an official report to the Governing board.

WHEREAS, The Facilities Maintenance department is assigned a variety of tasks that are outside the scope of the contract with Rogers Builders Inc. for the McCrary Ballpark renovation and has needed resources to address those tasks.

WHEREAS, the scope of the tasks assigned and the corresponding funding need is continuously evolving as the Facilities Maintenance Department works toward completion of the current phase of the renovation.

WHEREAS, The City Manager has authorized the budget allocation movement between the Street department and the Facilities Maintenance department to cover costs associated with the McCrary Ballpark Project as documented in internal amendment JE 2340 and JE 2410.

WHEREAS, The City Manager has authorized the budget allocation movement between the Street department and the Inspections department to cover cost changes from the original adopted budget as documented in internal amendment JE 2410.

WHEREAS, the City of Asheboro is presenting these changes to the City Council for their approval.

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

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

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

<u>Account #</u>	<u>Expense Description</u>	<u>increase / (decrease)</u>
10-565-534.0004	Other Supplies – Asphalt	(150,400)
10-640-515.0700	Maintenance & Repair- McCrary Ball Park	150,400
10-565-534.0004	Other Supplies- Sidewalks	(49,000)
10-640-515.0700	Maintenance & Repair- McCrary Ball Park	45,000
10-565-534-0500	Other Supplies – Snow removal	(20,000)
10-540-502.0000	Salaries	18,000
10-540-507.0002	Fringe FICA	400
10-540-507.0005	Fringe Retirement	2,200
10-540-514.0000	Travel	(2,200)
10-540-574.0000	Capital Outlay	5,600
	Total Increase / (Decrease)	0

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2022-2023

Adopted this 8th day of June, 2023

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

**ORDINANCE TO AMEND
THE WATER & SEWER FUND
FY 2022-2023**

WHEREAS, the budget ordinance adopted on June 28, 2022 authorizes the City Manager, who is the Budget Officer, to transfer appropriations between departments within the same fund with an official report to the Governing board at the next scheduled council meeting.

WHEREAS, a budget amendment satisfies the requirement of an official report to the Governing board.

WHEREAS, The City Manager has authorized the budget allocation movement between the System Maintenance Department and the Meter Department, Water Maintenance Department and Sewer Maintenance department to cover materials cost increases and salary cost changes associated with staffing adjustments as planned for in the original adopted budget as documented in internal amendment JE 2180.

WHEREAS, the City of Asheboro is presenting these changes to the City Council for their approval.

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

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

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

<u>Account #</u>	<u>Expense Description</u>	<u>increase / (decrease)</u>
30-870-545.0000	Contracted Services	(405,500)
30-810-534.0001	Meter Replacement	35,000
30-840-574.0000	Capital Outlay	5,500
30-840-502.0000	Salaries and Wages	10,000
30-840-534.0000	Supplies and Materials	70,000
30-840-534.0001	Supplies and Materials- stone	12,000
30-840-534.0002	Supplies and Materials- Asphalt	5,000
30-840-534.0003	Supplies and materials Hydrant Parts	11,000
30-840-546.0000	Contracted Construction	100,000
30-850-516.0000	Maintenance & Repair Equipment	16,000
30-850-534.0000	Other Supplies and Materials	30,000
30-850-545.0000	Contracted Construction- Sewer line	50,000
30-850-546.0000	Contracted Maintenance	40,000
30-850-574.0000	Capital Outlay	21,000
Total Increase / (Decrease)		0

ORDINANCE TO AMEND
THE WATER & SEWER FUND
FY 2022-2023

Adopted this 8th day of June, 2023

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk



RZ-23-04: An application to amend Article 5 (Use Regulations) and Article 10 (Watershed Protection Regulations) of the Asheboro Zoning Ordinance to allow for residential developments to request a Special Intensity Allocation within the Watershed Balance Area.

Planning Board Recommendation and Staff Report

Planning Board Recommendation & Comments to City Council

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

Case # **RZ-23**
 -04

Date 6-5-23

Applicant Terry Tucker

Legal Description

Amend Chapters 5 and 10 of the Asheboro Zoning Ordinance to allow certain residential development to be eligible for Special Intensity Allocations within Watershed Balance Areas

Requested Action See Legal
Description

Existing Zone N/A

Land Development Plan See Land Development
Plan

Planning Board Recommendation

On May 1, 2023, the Planning Board continued its consideration of the request until its June 5, 2023 meeting. On June 5, 2023, the Planning Board recommended approval of the request.

Reason for Recommendation

The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # RZ-23-04

Date June 8, 2023 City Council

General Information

Applicant

Terry Tucker

Address 465 Lewallen Road

City Asheboro NC 27203

Phone 336-669-6427

Location N/A

Requested

Action

Amend the Asheboro Zoning Ordinance to allow certain residential development to be eligible for Special Intensity Allocations within Watershed Balance Areas

Existing Zone N/A

Existing Land Use N/A

Size N/A

Pin # N/A

Applicant's Reasons as stated on application

The intended project will provide needed affordable housing for citizens of Asheboro. The requested amendment will allow the project to go forward and confirm to the City's development plan. Without amendment its likely site would not be developed. We would like to amend Chapter 5 of the ordinance to allow a special intensity allocation for a residential development. [Staff note: the amendment, if approved, would permit residential development throughout the city's jurisdictional watershed area to seek a SIA; the request is not for authorization of a single project.]

Surrounding Land Use

North N/A

East N/A

South N/A

West N/A

Zoning History Watershed requirements were last amended in 2014 (Case No. RZ-14-12) to match state law.

Legal Description

Amend Chapters 5 and 10 of the Asheboro Zoning Ordinance to allow certain residential development to be eligible for Special Intensity Allocations within Watershed Balance Areas

Analysis

1. The Zoning Ordinance contains watershed protection standards that are designed to protect surface water supplies (water-supply reservoirs) within the city's jurisdiction. The standards were adopted in the 1990s.
2. Asheboro has watershed protection jurisdiction within the Back Creek (Lake Lucas) and Cedar Creek (Lake McCrary). Each watershed contains a critical and non-critical (or balance) area; the proximity from the water supply determines critical and non-critical areas.
3. The Planning Board serves as the Watershed Review Board and is responsible for reviewing and making a recommendation when an amendment to the watershed protection standards is proposed. With this application, both watershed protection and non-watershed protection standards are requested to be modified. Only watershed protection standards applicable to non-critical areas are requested to be amended.
4. Watershed protection standards seek to protect surface water quality by restricting development intensity. Single-family residential development is limited to 1 dwelling unit per acre in non-critical areas; all other development is limited to 12% built-upon or impervious area (building, pavement, other hard surfaces, etc.) unless a special intensity allocation (SIA) is requested and approved by the City Council. Under state rules and the city code, up to 10% of the city's non-critical jurisdictional area within city watersheds may be granted a SIA allowing a project to construct built-upon area of up to 70%.
5. State rules permit residential projects to seek a special intensity allocation (SIA); the city code, however, only identifies non-residential projects as eligible. The amendment proposes to make both residential and non-residential projects eligible for a SIA.
6. When evaluating requests for a special intensity allocation, the city code directs the City Council to ensure a project minimizes built-upon surface area, directs stormwater away from surface waters, incorporates best management practices related to water quality protection, connects to water and sewer, and provides the public with a positive economic benefit.
7. The city's Back Creek (Lake Lucas) jurisdictional watershed area is approximately 1500 acres in size; the city has approximately 45.8 acres of remaining allocation it can grant to projects (a calculation error was identified in the previous report and approximately 8 more acres of allocatable area exists than was reported with the May, 2023 report). The city's Cedar Creek (Lake McCrary) jurisdictional watershed area is approximately 82 acres; the city has approximately 8 acres of remaining allocation it can grant to projects.
8. State rules allows interlocal transfer of jurisdictional area between local governments. Since the May 1, 2023 Planning Board meeting, staff has discussed the potential for such a transfer with both Randolph County and the NC Department of Environmental Quality (DEQ). City staff expect to present a proposal seeking recognition of additional allocatable area within the next 60 days. That proposal will be subject to Randolph County and DEQ approval.
9. In response to the application, staff has provided proposed text attached to this report.

Rezoning Staff Report

RZ Case # RZ-23-04

Consistency with the 2020 LDP Growth Strategy designations

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

Proposed Land Use Map Designation N/A

Small Area Plan N/A

Growth Strategy Map Designation N/A

LDP Goals/Policies Which Support Request

4.1.2 The City will strongly enforce Watershed Protection regulations and ensure that state storm water runoff and water quality regulations are followed.

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

Design Principle #3 – Move from “Separation of Uses” toward “Mixed Use Development”

Rezoning Staff Report

RZ Case # RZ-23-04

LDP Goals/Policies Which Do Not Support Request

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

Staff believes that there are compelling reasons to allow residential development to apply for a special intensity allocation (SIA) as permitted by state rules. The inability of the city to consider residential projects for a SIA leaves land owners with fewer choices when contemplating the reasonable use of their property. This limitation may eventually lead to a non-residential project being pursued in a predominantly residential area because a landowner doesn't have the option to put forward a viable proposal for housing. Properties that are within both the city limits and jurisdictional watershed area and which also possess access to city and sewer should be encouraged to develop residentially if consistent with the surrounding pattern of development and Land Development Plan recommendations.

Further, a significant amount of Asheboro's watershed balance areas are near major transportation corridors, such as I-73/74 and NC Hwy. 49 South, that produce considerable economic development and employment activity. Supporting the potential for new housing options in close proximity to these areas generally is advocated by the Land Development Plan. Approval of the amendment only would allow the city to consider more residential projects within watershed areas on the merits of the proposal and prevent development ideas from being dismissed due to an inflexible code. Incompatible or unreasonable requests for a SIA to permit a residential projects still could be denied.

It is important to restate, however, that the ability to consider and grant a special intensity allocation (SIA) is finite. A SIA request, whether for residential or non-residential development, must be carefully evaluated and should only be granted when doing so clearly is in the public's interest. Making residential projects eligible for a special intensity allocation likely will more quickly diminish the amount of allocation available over time. That said, staff has begun the process to pursue recognition of additional allocatable area.

Considering these factors, staff believes that the proposed zoning text amendment is reasonable and in the public's interest, noting that the City currently possesses adequate allocatable area based on historical action and still will retain the ability to evaluate each application.

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

Chapter 5 Use Regulations

Table of Contents

...(24) Place of Assembly, Non-Commercial in Residential Districts~~53~~ 52

(34) Whole Block Redevelopment~~63~~ 62

....

Section 5.05 (Special Use Regulations)

Subsection 30 (Watershed S~~N~~IA)

(30) Watershed S~~N~~IA

All applications for a SIA shall include the following:

- (1)** Projects must minimize built upon surface area.
- (2)** Projects must direct stormwater away from surface waters.
- (3)** Projects must incorporate Best Management Practices to minimize quality impacts.
- (4)** Projects must be connected to City of Asheboro water and sewer.
- (5)** Projects must provide a positive economic benefit and/or housing opportunities to the community

UT to Cedar Creek WS-II-CA (Critical Area)

UT to Cedar Creek WS-II-BW (Balance of Watershed)

(B) Back Creek Lake WS-II-CA (Critical Area) UT to Cedar Creek WS-II-CA (Critical Area)

(1) Intent.

In order to maintain a predominantly undeveloped land use intensity pattern, single family residential uses shall be allowed at a maximum of one dwelling unit per 2 acres. All other residential and nonresidential development shall be allowed a maximum of 6% built-upon area.

(2) Allowed Uses

(a) All uses allowed in the underlying zoning districts where the watershed is located, subject to the modifications noted below unless specifically excluded in ~~2~~(3) Prohibited Uses.

(b) Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990. Agricultural activities conducted after January 1, 1993 shall maintain a minimum ten (10) foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of USGS 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Animal operations greater than 100 animal units shall employ Best Management Practices by July 1, 1994 recommended by the Soil and Water Conservation Commission.

(c) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).

(3) Prohibited Uses

(a) Storage of hazardous materials.

(b) landfills or incinerators

(c) sites for land application of sludge/residuals or petroleum contaminated soils

(d) commercial uses which sell, store or distribute motor fuels or other hazardous materials

(e) airports

(f) industrial uses

(g) metal salvage facilities including junkyards

- (h) manufacture, use or storage of any hazardous materials including waste as listed on the EPA hazards material list or determined by the City Council of the City of Asheboro.
- (i) private sewage disposal systems except for subsurface septic tanks. Public community sewage treatment facilities may only be allowed if the Health Department determines that an existing public health problem can be alleviated by constructing sewage facilities.

(4) Density and Built-upon Limits:

- (a) Single family Residential -- development shall not exceed one dwelling unit per two (2) acres on a project by project basis. No residential lot shall be less than two acres, except within an approved cluster development.
- (b) All other residential and nonresidential development shall not exceed six (6%) percent built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

(C) Back Creek Lake Watershed -- Balance of Watershed UT to Cedar Creek -- Balance of Watershed WS-II-BW

(1) Intent.

In order to maintain a predominantly undeveloped land use intensity pattern, single family residential uses shall be allowed at a maximum of one dwelling unit per acre. All other residential and nonresidential development shall be allowed a maximum of 12% built-upon area. In addition, ~~non-residential uses~~ new development may occupy ten percent (10%) of the balance of the watershed which is outside the critical area, with a seventy percent (70%) built upon area when approved as a special ~~non-residential~~ intensity allocation (SNIA).

The City Council is authorized to consider a Special Use Permit for SNIAs consistent with the provisions of this Ordinance.

(2) Allowed Uses

- (a) All uses allowed in the underlying zoning districts where the watershed is located, subject to the modifications noted below unless specifically excluded in (2) Prohibited Uses.
- (b) Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.
- (c) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).

needed improvements and the date by which the corrective action is to be completed. All corrective action or improvements shall be made consistent with the plans and specifications and the operation and maintenance plan or manual. After notification by the owning entity, the Watershed Administrator shall inspect and approve the completed corrective action or improvements.

(5) Density and Built-upon Limits

- (a) Single family Residential -- development shall not exceed one dwelling unit per acre on a project by project basis. No residential lot shall be less than one acre, except within an approved cluster development.
- (b) All other residential and nonresidential development shall not exceed twelve (12%) percent built-upon area on a project by project basis except that up to ten percent (10%) of the balance of the watershed may be developed ~~for nonresidential uses at up~~ to seventy percent (70%) built upon area on a project by project basis. For the purpose calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

10.11 CLUSTER DEVELOPMENT

Clustering of development is allowed in all Watershed Areas except WS-I under the following conditions:

- (A) Minimum lot sizes are not applicable to single family cluster development projects; however the total number of lots shall not exceed the number of lots allowed for single family detached developments in Section 10.10 Development Regulations. Built-upon area or stormwater control requirements of the project shall not exceed that allowed for the critical area or balance of watershed, whichever applies.
- (B) All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.
- (C) The remainder of the tract shall remain in a vegetated or natural state. Where the development has an incorporated property owners association, the title of the open space area shall be conveyed to the association for management. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.
- (D) Cluster development shall comply with all requirements of Article X of the Asheboro Subdivision Ordinance, and Section 5.05(16) of the Asheboro Zoning Ordinance except as modified above.

materials; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.

(B) Abatement

The Watershed Administrator shall monitor land use activities within the watershed areas to identify situations that may pose a threat to water quality.

(C) The Watershed Administrator shall report all findings to the Watershed Review Board. The Watershed Administrator may consult with any public agency or official and request recommendations.

(D) Where the Watershed Review Board finds a threat to water quality and the public health, safety and welfare, the Board shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation.

10.20 ADMINISTRATION, ENFORCEMENT AND APPEALS

The City of Asheboro's Zoning Administrator shall serve as the Watershed Administrator, who shall be duly sworn in. It shall be the duty of the Watershed Administrator to administer and enforce the provisions of this ordinance as follows:

(A) The Watershed Administrator shall issue Watershed Protection Permits and Watershed Protection Occupancy Permits as prescribed herein. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours of the Administrator.

(B) The Watershed Administrator shall serve as clerk to the Board of Adjustment which sits as the Watershed Review Board.

(C) The Watershed Administrator shall keep records of all amendments to the local Water Supply Watershed Protection Ordinance and shall provide copies of all amendments upon adoption to the Supervisor of the Classification and Standards Group, Water Quality Section, Division of Environmental Management.

(D) The Watershed Administrator shall keep records of the jurisdiction's utilization of the provision that a maximum of ten percent (10%) of the noncritical area of WS-II-BW may be developed ~~with nonresidential development~~ to a maximum of seventy percent built upon surface area. Records for each watershed shall include the total acres of noncritical watershed area, total acres eligible to be developed under this option, total acres approved for this development option, and individual records for each project with the following information: location, acres, site plan, use, stormwater management plan as applicable and inventory of hazardous materials as applicable. As of July 1, 1993 there are 3,500.8 acres in the Back Creek BW and ~~175.04~~ 350.08 acres eligible for the ~~10~~ 5% provision; in the UT to Cedar Creek there are 940.8 acres in the BW and ~~47.04~~ 94.08 acres eligible for the ~~10~~ 5% provision in the City of Asheboro's jurisdiction.

APPLICANT INFORMATION

Applicant Terry Tucker
Applicant's Phone # 336-669-6427
Applicant's Address 465 Lewallen Rd.
Ashboro, NC 27205
Applicant Email Address doublet@triad.rr.com

PROPERTY INFORMATION FOR MAP AMENDMENTS

Property Owner's Name _____
Location of Property _____
Property Size (ac. or s.f.) _____
Randolph County Property Identification Number (PIN#) _____
Current Zoning District _____
Requested Zoning District _____
Date Property Title Acquired _____
Deed Book _____ Page _____
Subdivision _____ Section _____ Lot # _____
Plat Book _____ Page _____

ORDINANCE AMENDMENT INFORMATION

1. In what manner will the proposed amendment carry out the intent of the Land Development Plan?

The intended project will provide needed affordable housing for citizens of Ashboro. The requested amendment will allow the project to go forward and conform to the City's development plan. Without amendment its likely site would not be developed

For questions (2) and (3), if either of these questions apply, please state a reason. If you believe these do not apply, please check "does not apply".

2. Are there alleged errors in this Ordinance that would be corrected by the proposed amendment? If so, give a detailed explanation of such error and detailed reasons how the proposed amendment will correct the errors.

Does not apply ☒

3. What are the changed or changing conditions, if any, in the jurisdiction of the City of Asheboro generally, which would make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare?

Does not apply ☒

4. Are there any other circumstances, factors, or reasons that the applicant offers in support of the proposed amendment?

We would like to amend Chapter 10 and Chapter 5 of the ordinance to allow a special intensity allocation for a residential development.

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 the proposed amendment rests with the applicant. The applicant for rezoning to any district other than a conditional use district shall be prohibited from offering any testimony or evidence concerning the specific manner in which he or she intends to use or develop the property.

Applicant Signature

Clayton Tucker

*Printed Name of Authorized Signatory (if
different from Applicant)*

*Position/Relationship of Authorized
Signatory to Applicant*

Owner Signature (if different than Applicant)

Owner Address

*465 Lewallen Rd.
Asheboro, NC 27205*

Telephone Number

336-669-6427

*Printed Name of Authorized Signatory (if
different from Owner)*

*Position/Relationship of Authorized
Signatory to Owner*

STAFF USE

Received by:

3/27/23

Date:

TWITAN

Case Number:

RZ-23-04



RZ-23-05: An application to rezone property located at the intersection of Old Cox Road and Old Humble Mill Roads (Randolph County Parcel Identification Numbers 7679024396, 7669905560 7679008885) from Randolph County zoning to R15 (CZ) Low-Density Single-Family Residential Conditional Zoning district to allow a Residential Planned Unit Development with Commercial Uses
Authorized

Planning Board Recommendation and Staff Report

Planning Board Recommendation & Comments to City Council

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

Case # **RZ-23**
 -05

Date 6-5-23

Applicant William L. Turner

Legal Description

Establish City of Asheboro R15 (CZ) Low-Density Single-Family Residential (Conditional) zoning for a planned unit development consisting of single-family-detached, single-family-attached, including commercial development

Requested Action Establish city zoning, following annexation, on properties located at the intersection of Old Cox Road and Old Humble Mill Roads and on the west side of Old Cox Road, (Randolph County Parcel Identification Numbers 7679024396 addressed as 2159 Old Cox Road, 7669905560 7679008885), consisting of approximately 233.53 acres +/-, more specifically a R15 (CZ) Low-Density Single-Family Residential Conditional Zoning district that would allow a Residential Planned Unit Development with Commercial Uses Authorized.

Existing Zone Randolph County Zoning (E-1)

Land Development Plan See Land Development Plan

Planning Board Recommendation

On May 1, 2023, the Planning Board continued its consideration of the request until its June 5, 2023 meeting. On June 5, 2023, the Planning Board made a recommendation to approve the request.

Reason for Recommendation

In a 6-1 vote, the Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # RZ-23-05

Date June 8, 2023 City Council

General Information

Applicant William L. Turner

Address 410 Lakestone Drive

City Raleigh NC 27609

Phone 919-369-3254

Location Old Cox Road and Old Humble Mill Road

Requested Action Establish City of Asheboro R15 (CZ) Low-Density Single-Family Residential (Conditional) zoning for a planned unit development consisting of single-family-detached, single-family-attached, with commercial uses authorized.

Existing Zone E-1 (Randolph County)

Existing Land Use Undeveloped

Size 233.53 acres +/-

Pin # 7679024396, 7669905560 7679008885

Applicant's Reasons as stated on application

Constructing a development of a residential subdivision of various types of residences and a small commercial area

Surrounding Land Use

North Low-Density Res./agricultural/undeveloped

East Low-Density Res./agricultural/undeveloped

South Low-Density Res./agricultural/undeveloped

West Low-Density Res./agricultural/undeveloped

Zoning History N/A related to City of Asheboro

Legal Description

Properties of Mary Ella Beeson Pugh, Barbara Pugh Marsh, and others, located on the northern and southern corners of Old Cox Road and Humble Mill Road, and along the west side of Old Cox Rd., totaling approximately 233.53 acres +/- , more specifically identified by Randolph County Parcel Numbers 7679024396, 7669905560, and 7679008885 and Tracts 1, 2, and 3 in Plat Book 71 PG 46.

Analysis

See attachment 1.

Attachment 1: Staff Analysis of RZ-23-05 (Richlands Cree Dev.): Old Cox Road and Old Humble Mill Road

1. The property is currently outside the city limits. An annexation petition has been filed by the property owners; if annexed, the owner seeks approval of this proposal. Prior to final action on the requested zoning action, the City Council will need to decide on the question of annexation after holding a separate public hearing.
2. The property currently is under Randolph County planning and land use jurisdiction and is zoned E-1 (Environmental). All development, other than single-family residential homes, is regulated through Conditional District or Special Use Permit review under the County code.
3. The request is for a Residential Planned Unit Development, including a commercial element. The request includes the potential for 415 dwelling units to be constructed in several phases over 5-plus years. The residential units include a mixture of single-family detached lots of various sizes and townhouse style attached single-family dwellings on individual lots. Approximately 14 acres is designated for future commercial development, but approval of the commercial element is not requested with this application; details concerning proposed commercial uses and development standards would have to be submitted, reviewed, and approved by City Council following a future public hearing. Development plans identify an interconnected street network, sidewalks throughout the project, a private trail, and a recreational clubhouse for residents along with play fields/courts. A mixture of preserved vegetation and planted landscaping is proposed along the perimeter of the project; a vegetative buffer is shown to be retained along Old Cox Road and Old Humble Mill Road.
4. Old Cox Road and Old Humble Mill Road are state maintained. Two new intersections, including one roundabout, on Old Cox Rd. are proposed with a third connection possible to serve future commercial development. One driveway from Old Humble Mill Road is proposed. A Traffic Impact Analysis has been submitted by the applicant and presented to the city and NCDOT. The applicant is working to address NCDOT feedback; left-turn lanes are expected to be provided at the proposed connections to Old Cox Rd. and Old Humble Mill Rd. Right-turn lanes also may be directed by NCDOT.
5. The zoning ordinance describes the R15 district as "intended to provide regulations which will produce a low intensity of single-family residential use with the necessary governmental and other support facilities to service such suburban intensity living." The overall residential density for the project is about 2.13 units per acre, which is consistent with an R15 designation.
6. The property is approximately 1 mile south of the US 64 Bypass. Access to the bypass at the Zoo Connector is about 3.3 travel miles; access via NC 42 is a similar distance. The property is approximately 1.3 miles south of the Zoo City Sportsplex and, at the closest point, is about 900 feet from the NC Zoological Park property; the closest Zoo-related activity appears to be approximately 2,500 feet away. Non-contiguous city limits, encompassing the Richland Village manufactured home park, are adjacent to the property and also are 1 mile south (272 acres owned by the NC Zoo Society).
7. Plan revisions were requested by staff to clarify the proposal. Revised plans were received June 1, 2023, and currently are under review. The results of that review will be discussed at the Planning Board and City Council meetings.
8. Included with this report is a projection of revenue and expenses, prepared by the applicant, that presents expected public revenues and expenses to be generated by the development. Staff is preparing a separate summary detailing anticipated operational impacts should the property be annexed and developed as proposed.

Rezoning Staff Report

RZ Case # RZ-23-05

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	Does not designate beyond current land use jurisdiction
Small Area Plan	Does not include area beyond current land use jurisdiction
Growth Strategy Map Designation	Does not designate beyond current land use jurisdiction

LDP Goals/Policies Which Support Request

Checklist Item 11: Rezoning will promote the type of development described in Design Principles. Specifically, Design Principles #3 and #4 – Move from “Separation of Uses” toward “Mixed Use Development; and Move from “Conventional Development” toward “Cluster Development”

Checklist Item 3: The property on which the rezoning district is proposed fits the description of the Zoning Ordinance. *(Article 200, Section 210, Schedule of Statements of Intent)*

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

Rezoning Staff Report

RZ Case # RZ-23-05

LDP Goals/Policies Which Do Not Support Request

Checklist Item 5: The proposed rezoning is compliant with the objectives of the Growth Strategy Map.

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

Since the property involved in this request is outside of the City's Extraterritorial Zoning Jurisdiction, the adopted Land Development Plan (LDP) does not provide specific growth strategy and land use recommendations for the property and surrounding area. The proposal can, however, be reviewed against general goals and policies advocated by the LDP.

The LDP's Southeast Small Area Plan recognized that the US Hwy 64 Bypass likely would change development patterns in the vicinity of the highway but recommended balancing growth with the preservation of rural character and protecting gateways leading to the NC Zoo. The Plan's prediction has proven true; improved access provided by the Bypass, combined with recent economic development announcements and the availability of municipal water and sewer service, has generated consistent development interest in the area.

One way to accomplish seemingly competing LDP goals is through a conditional zoning district that proposes the clustering of homes on property in areas most suitable for development, preserving significant natural areas for open space, and coordinating development in a manner that considers unique land features and area context. New land development should strike a balance between well-planned growth and honoring the uniqueness of the area afforded by the NC Zoo. Overall, staff believes the application attempts to find that balance and further advances the public's interest to promote diversified home-ownership options for people.

Recommendation While generally supportive of the concept presented, city staff currently is reviewing the latest draft of the plan and expects to present a recommendation at the board's meeting.

(A) The use approved shall be a Residential Planned Unit Development with no more than 413 dwelling units on 413 lots and development shall be per the approved site plan and materials submitted in support of the application.

(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 within Phase 1 of the development shall not be considered a modification requiring City Council review provided such additions are located on a recorded lot.

(D) Maintenance of all recreation areas, any utilities not publicly maintained, roads, and drainage facilities that are not specifically labeled on the approved site plan as publicly owned and maintained shall be the responsibility of the property owner and any successors in interest.

(E) Any utility infrastructure indicated by the city as required to be publicly maintained shall be located within a City of Asheboro utility easement. Surveying of any required easements shall be the responsibility of the property owner.

(F) Solid waste disposal for the project shall be consistent with city policies and codes.

(G) Landscaping, including street trees, front yard landscaping, tree preservation, and perimeter buffering shall be installed or retained consistent with the details and specifications shown on the site plan and as modified by these conditions.

(H) Prior to the recording of Memorandum of Land Use Restrictions outlined in (Z), the applicant shall submit a site plan reflecting any revisions necessary to comply with city codes and conditions of approval.

(I) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the applicant shall submit documentation detailing the following approvals:

i) Driveway permit from NCDOT

ii.) Permitting from NC Department of Environmental Quality

iii.) Subdivision Sketch Design and Preliminary Plat

(J) Prior to the preliminary plat approval, plans concerning water, including provisions for fire hydrants, street lights, and sanitary sewage that comply with city policies, shall be submitted and approved.

(K) All dwellings shall be located on a subdivided lot and recorded in the public registry in accordance with the city's land development requirements.

(L) All setbacks shall be no less than as provided by the site plan except that corner lots within phases 2 and 3 shall only be required to comply with one front yard setback; the other yard(s) adjacent to a street shall be considered a side yard setback or shall abide by any buffer yard provided. Within phases 2 and 3, side yard setbacks shall be no less than 10' and rear yard setbacks shall be no less than 20'. Front yard averaging provisions shall not be applicable within any phase of the development.

(M) Open space shall be created and recorded consistent with the conditional zoning district site plan.

(N) Recreational elements proposed within each phase shall be constructed and available for use prior to the recording of subdivision plats resulting in the creation of more than 75% of the lots approved for that phase as ultimately shown on the preliminary plats to be presented.

(O) Recreational vehicle (RV) parking shall either be prohibited throughout the development by the homeowners' association documents or areas compliant with city regulatory requirements shall be provided. Phase 3 lots 126-155 shall be permitted to store RVs provided it is done in a manner that complies with the city requirements.

(P) Sidewalks that meet ADA standards shall be provided along streets to connect all units and lots, parking areas, recreation vehicle storage (if provided), recreation facilities, trash facilities, community mailbox(s), and shall extend to intersections with existing streets, and along existing public streets where new curb and gutter is added.

(Q) Within the 30 ft. buffer areas, shown along Old Cox Road and Old Humble Mill Road, existing vegetation shall be retained where present; where no vegetation present, a street yard equivalent to 1 evergreen shrub per 10 linear feet and 1 canopy tree per 20 linear feet shall be provided within the buffer area.

(R) The 20 ft. Type B buffers identified on the site plan may use existing vegetation when located within the buffer area and providing equivalent or greater buffering than the zoning ordinance requirements for a Type B buffer. Otherwise, new plantings shall be provided.

(S) Stormwater control measures designed by a licensed professional in accordance with the current North Carolina Department of Environmental Quality Stormwater BMP Manual shall be provided. Measures shall control the ten-year post-development peak discharge rates to pre-development peak flow rates. Prior to a Certificate of Occupancy, a licensed professional shall provide certification that the storm water control measures were built according to the plans. Any open water retention or drainage areas shall be managed to control mosquitos. The maintenance of all runoff control measures shall be the responsibility of the property owner.

(T) No uses are permitted within the "Future Development" portion of the property. Approval of a separate rezoning application shall occur prior to the city's issuance of any building permits for this area.

(U) All terminations of public streets, whether permanent or temporary, shall comply with city ordinances and policies pertaining to turnaround and maneuvering area.

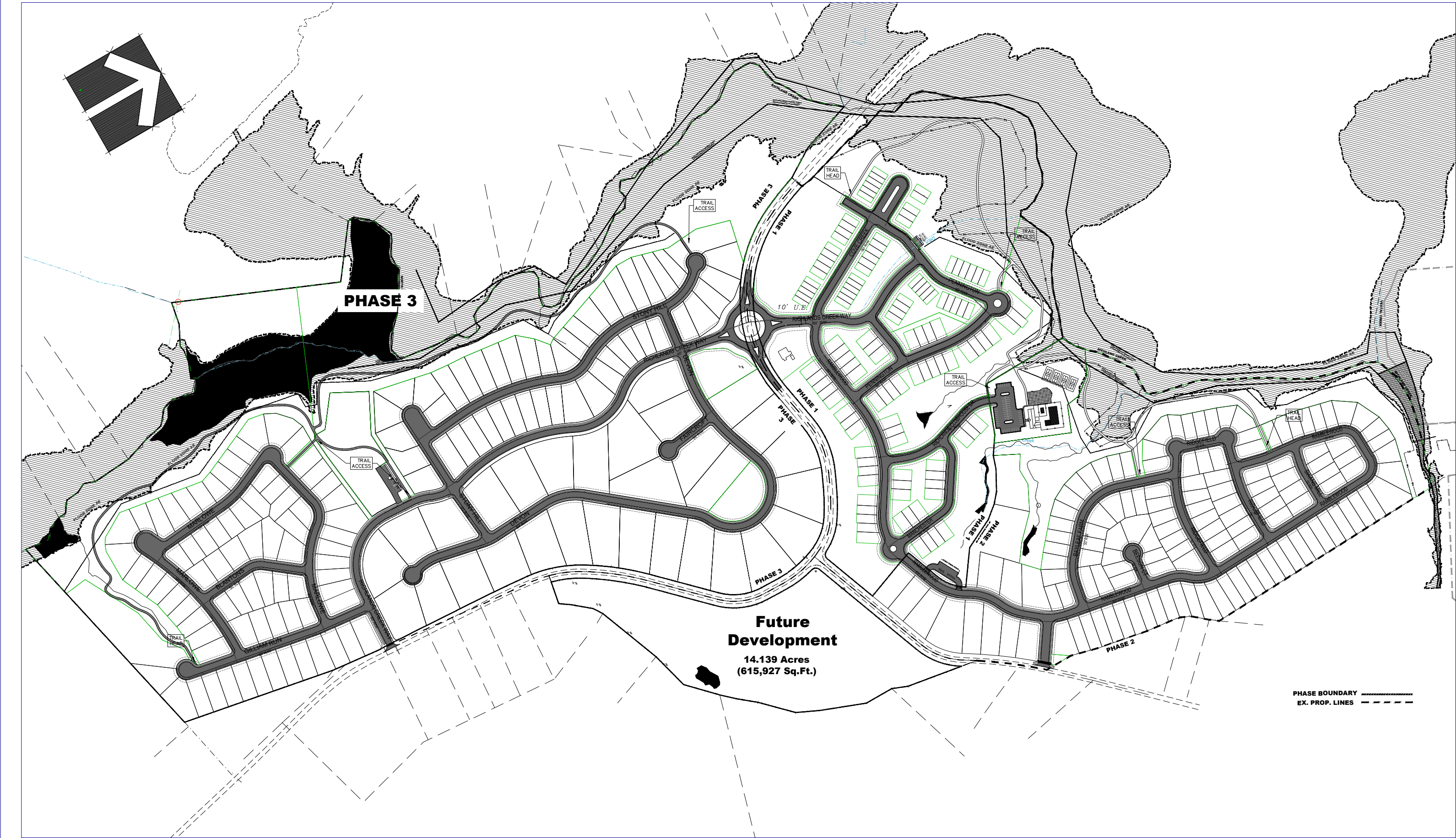
(V) No new driveways or roadway connections shall be made to Old Cox Road or Old Humble Mill Road except for those shown on the submitted site plan unless determined by zoning administrator to be necessary for public or emergency service response(s).

(W) Final roadway names shall be subject to city and Randolph County approval.

(X) Floodplain development permits shall be issued by the city prior to any construction within regulated floodplain areas.

(Y) Prior to recording a final plat for any phase of the development, homeowners' association documents, which contain provisions consistent with this order, shall be recorded in the office of the Randolph County Register of Deeds. Such homeowners' documents shall include, but not be limited to, maintenance responsibilities of the association, a release of City of Asheboro from liability due to utility maintenance on any streets, indication that walls between units are party walls, and prohibition of parking recreational vehicles (boats, campers, travel trailers, etc.) outdoors.

(Z) 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.



PROJECT DATA

1. Subdivision Name: Richlands Creek
2. Developer: The Turner Group, Inc.
Attn: Mr Bill Turner
410 Lakeshore Drive
Raleigh, NC 27609
(919) 369-3254
3. Current Owner: Barbara Pugh Marsh
1105 16th Street
Port Royal, SC 29935
4. Engineering By: Hiram J Marziano, PE
P.O. Box 278, Asheboro, NC 27204
(336) 493-4450
5. Environmental Consulting: Pilot Enviromental, Inc.
PO Box 128
Kernersville, NC 27285
(336) 310-4527
6. Traffic Study: Steven Epley, PE | Traffic Project Manager
DAVENPORT
4600 Marriott Drive, Suite 340
Raleigh, NC 27612
(919) 809-7006
7. Landscape Architect: Tim Knowles, PLA
Landscape Architect
202 Cross Vine Lane
Greensboro, NC 27455
- 8 Project Surveyor: Survey Carolina PLLC
154 S. Fayetteville Street, Suite B
Asheboro, NC 27203
(336) 625-8000

THESE PLANS (SHEETS 1-8) ARE FOR REVIEW ONLY
THEY ARE NOT FOR CONSTRUCTION

REVISIONS			
BY	DATE	DESCRIPTION	SYM.



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HIRAM J. ARZIANO, PE
PO Box 278, Asheboro, NC 27204 - (336)493-4450
hmarziano@triadbiz.rr.com

Data Sheet for Rezoning
SITE DATA SHEET

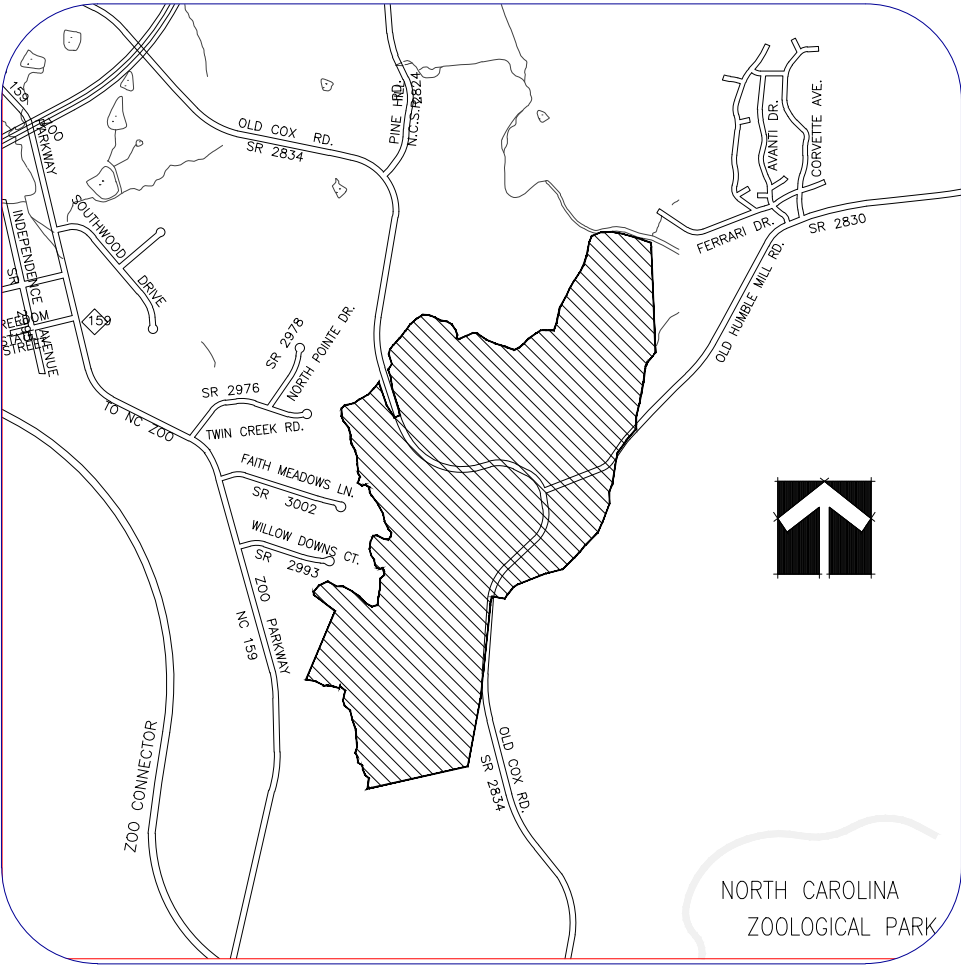
RICHLANDS CREEK DEVELOPMENT
CITY OF ASHEBORO
Randolph County, North Carolina

Scale: 1" = 200'
Date: 04/13/2023
Drawn: TS
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Job No.:

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1
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SITE DATA

1. Total Area = 240.921 Acres (10,494,516 Sq.Ft.)
Area in Existing R/W = 6.191 Acres (269,688 Sq.Ft.)
Area Net of Existing R/W: 234.730 Ac. (10,228,828 Sq.Ft.)
Area in Future Development = 14.139 Acres (615,927 Sq.Ft.)
Net Area in Development = 220.591 Acres (9,612,901 Sq.Ft.)
2. Total Number of Lots - 413 Total
3. Lots per Acre - 1.87
4. Total Area in Lots - 104.197 Acres
5. Total Area in Parks & Open Space - 85.647 Acres
6. Area in Proposed R/W - 30.747 Acres
7. Linear Feet in Proposed Streets - 21,556
8. Deed Reference - D.B. 2663, Pg. 1409
9. Plat Reference - P.B. 71, Pg. 46
10. Tax Map No. - 7679024396, 7669905560, 7679008885
11. Existing Zoning - Randolph County Zone E-1,
Zoo Environmental Area
12. Proposed Zoning - City of Asheboro Zone - R15 - CZ
13. Parcel Location - Randolph County, Grant Township
14. Fire District - Eastside
15. Voting Districts: County Commissioner: District 5
NC Senate: District 29
NC House: District 78
US House: District 7
16. Water and Wastewater Services by the City of Asheboro
17. Portions of this site along Richland Creek and Vestal Creek are within Flood Zone AE (1% Annual Chance Flood Plain).
Refer to FIRM Community Panel No. 3710767900J, DATED 1/12/08.
18. Detailed construction plans will be prepared to include:
- Site grading, Erosion Control & Drainage Plans.
 - Street Plan & Profiles.
 - Water & Wastewater System Plans.
 - All supporting, appurtenant details & specifications necessary to meet regulatory requirements.
19. Water & Wastewater system plans will be submitted to regulatory agencies for obtaining necessary permits prior to construction.
20. Permits Include but may not be Limited to:
- Asheboro planning, engineering & fire marshal
 - City of Asheboro relative to water & wastewater systems
 - NCDEQ- WS land quality for E&SC permitting
 - NCDEQ- WS for water system permitting
 - NCDOT for driveway permit and State Road design approval
 - US COE & NCDEQ for Wetland Mitigation
21. Infrastructure: Streets, Water, & Wastewater Systems to be public and maintained by the City of Asheboro.
22. Topographic data was obtained for NC One Map, DEM20 data.
Topography shown represents existing terrain.
Street grading plans will be prepared to meet NCDOT & Vity of Asheboro approval and standards.



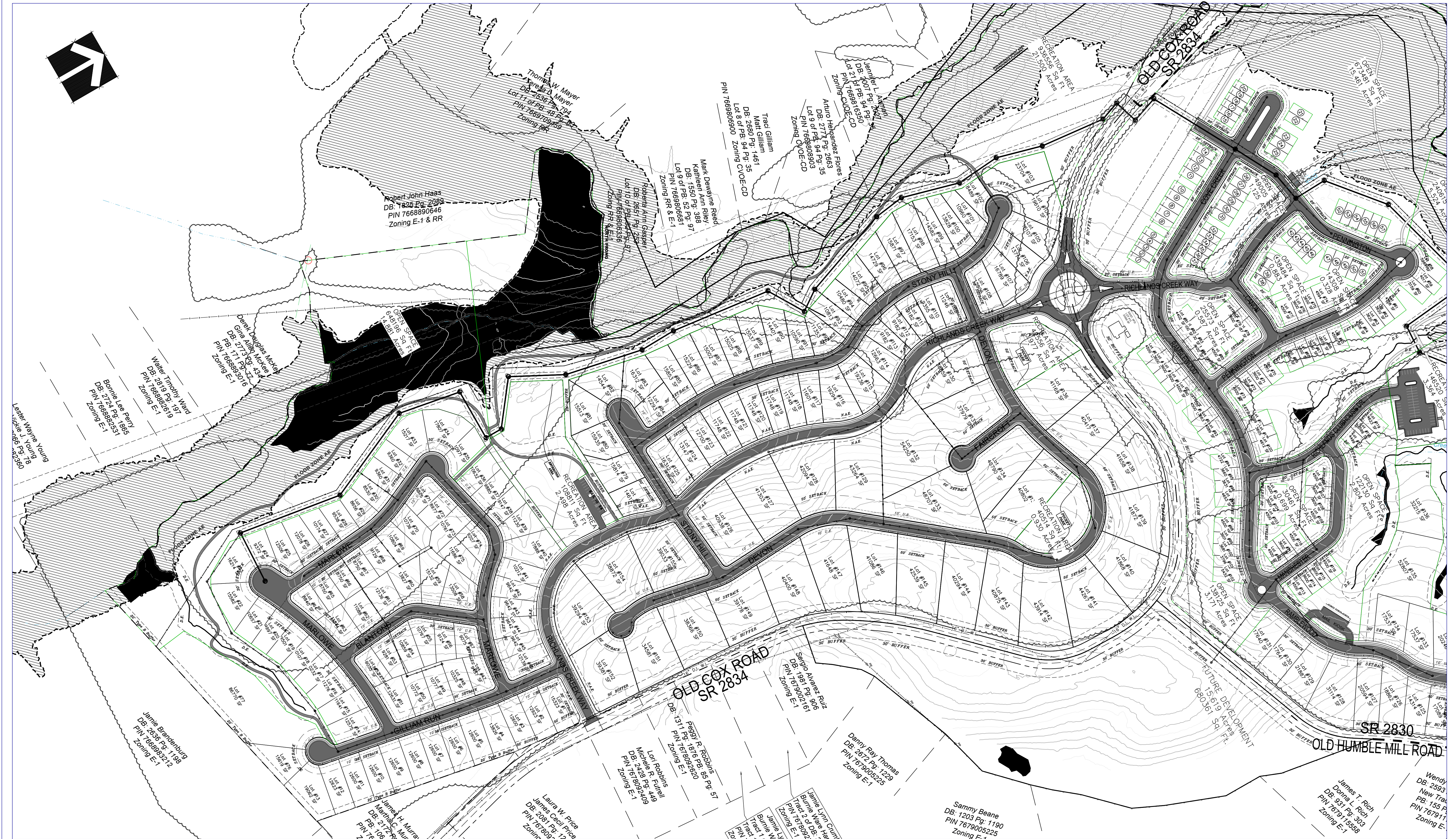
Vicinity Map
Not to Scale

AMENITIES NOTES:

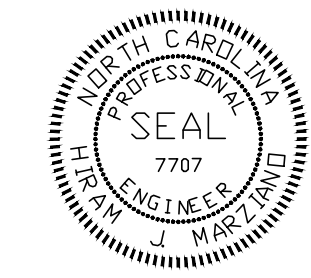
1. The main amenities area to be constructed as part of Phase 2 will consist of a Clubhouse Building (±3,000 Sq.Ft), Pool, Playground, and picnic areas.
2. The large recreation area in Phase 3 will consist of Swings / Play equipment, Firepit / Picnic area with benches, along with open space for recreation,
3. The smaller "Pocket Parks" in Phase 3 will consist of Open areas with landscaping and bench / sitting areas.
4. The Large open area between Old Cox Road and the proposed townhomes is being reserved for a future community garden space.
5. The existing dwelling located directly northeast of the planned roundabout is intended to be platted as its own lot and retained by the developer for future use, pending evaluation of its condition and potential uses. Access to and utilities for this parcel are to be from the proposed development.
6. Other areas and facilities not in lots or Rights of Way are considered as the open space of this project, and are to be held and maintained by the Homeowners Association for the benefit the residents of this project.

SKETCH PLAN SHEET INDEX

SHEET NO.	DESCRIPTION
1	PROJECT DATA & KEY MAP
2	OVERALL SITE MAP
3	AREA WEST OF OLD COX ROAD
4	AREA EAST OF OLD COX ROAD
5	PHASE 1 SKETCH PLAN
6	PHASE 2 SKETCH PLAN
7	PHASE 3 SKETCH PLAN
8	TYPICAL LOT LAYOUT AND ROAD SECTIONS



REVISIONS			
BY	DATE	DESCRIPTION	SYM.



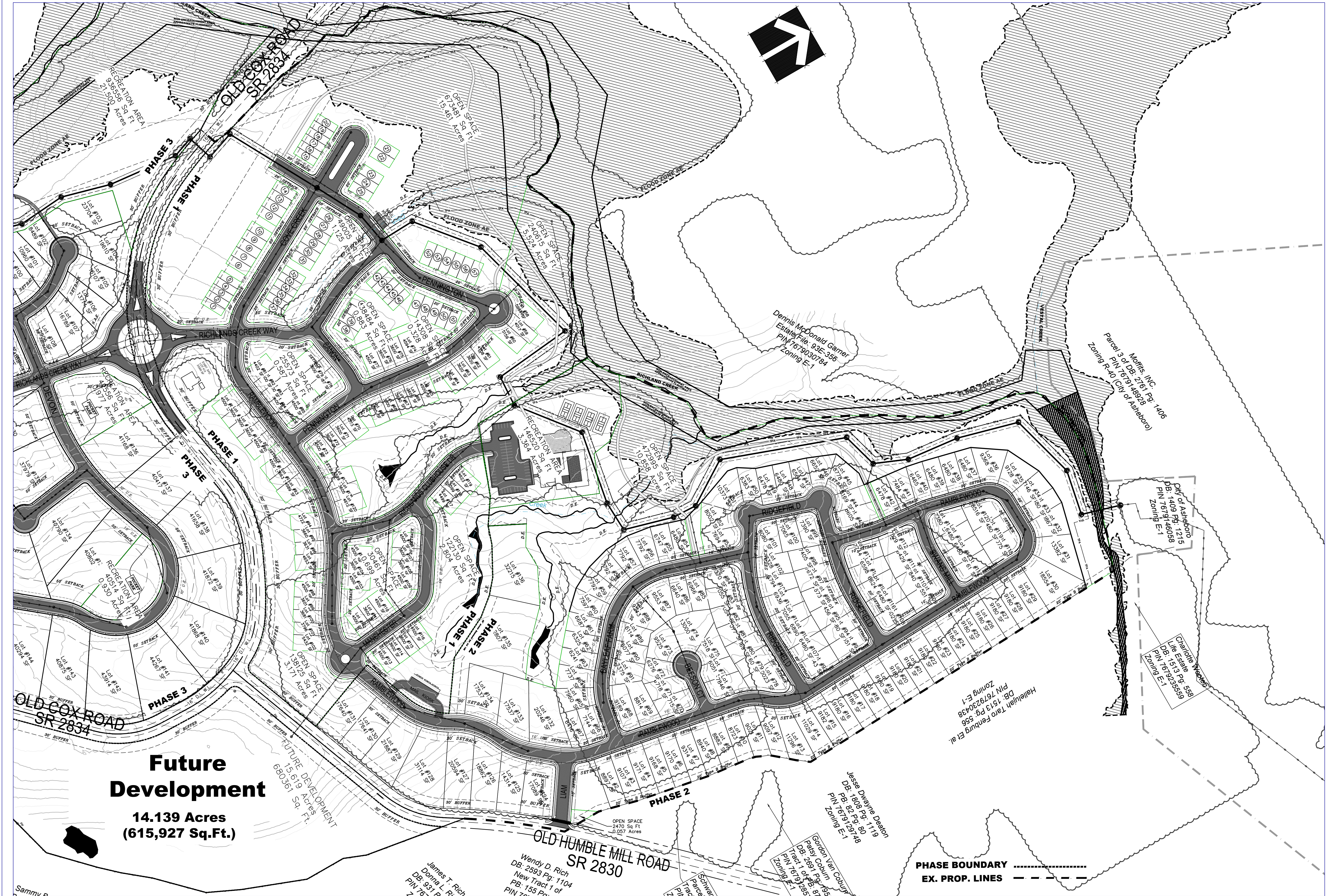
CONSULTING, CIVIL ENGINEER
HIRAM J. ARZIANO, PE
PO Box 278, Asheboro, NC 27204 - (336)493-4450
hmarziano@triadbiz.rr.com

SITE LAYOUT PHASE 3

RICHLANDS CREEK DEVELOPMENT
CITY OF ASHEBORO
Randolph County, North Carolina

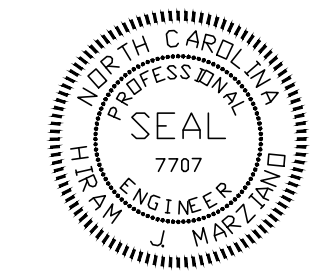
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Sheet No.:
3
Of: 8 Version: 1



**Future
Development**
14.139 Acres
(615,927 Sq.Ft.)

REVISIONS		
BY	DATE	DESCRIPTION



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PO Box 278, Asheboro, NC 27204 - (336)493-4450
hmarziano@triadbiz.rr.com

SITE LAYOUT PHASES 1 & 2

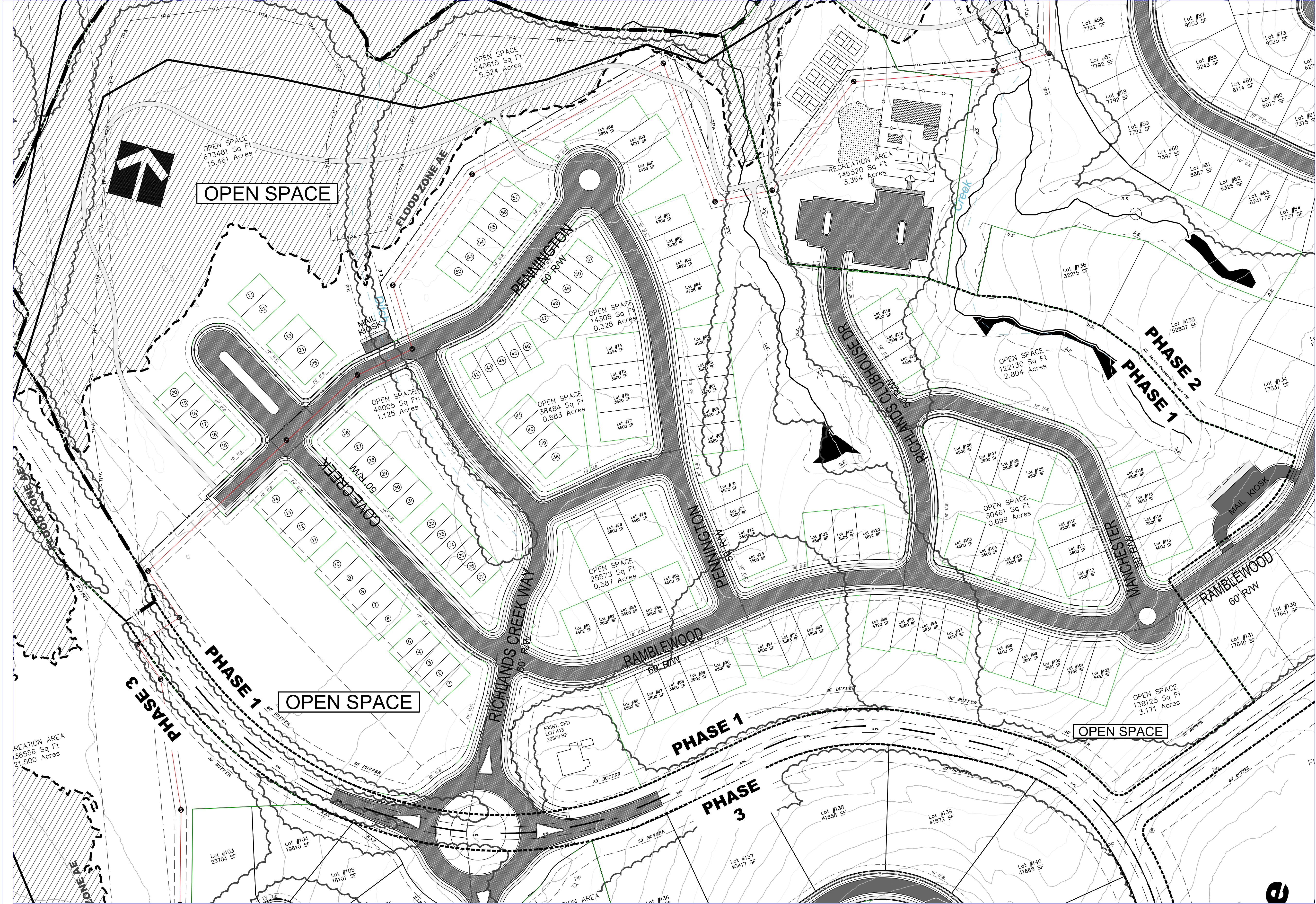
RICHLANDS CREEK DEVELOPMENT
CITY OF ASHEBORO
Randolph County, North Carolina

Scale:	1" = 150'
Date:	04/13/2023
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Sheet No.:

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Phase 1 Site Data:	
Total Area =	48.354 Acres
Area in Townhome Lots: 2.871 Acres (125,250 Sq.Ft)	
Number of Townhome Lots: 57	
Average Townhome Lot Size: 2,197 Sq.Ft.	
Area in SFA Lots: 6.197 Acres (269,927 Sq.Ft)	
Number of SFA Lots: 65	
Average SFA Lot Size: 4,153 Sq.Ft.	
Open Space =	30.582 Acres (1,332,189 Sq.Ft.)
Area in R/W =	8.704 Acres (379,146 Sq.Ft.)
Linear Feet in Streets = 5,969	
Phase 1 Totals:	
Average Lot Size is 3,239 Sq. Ft.	
2.52 Lots per Acre	
Area In Lots is 9.068 Acres (±18.9% of Total)	
Open Space is 30.582 Acres (±63.2% of Total)	

REVISIONS			
BY	DATE	DESCRIPTION	SYM.

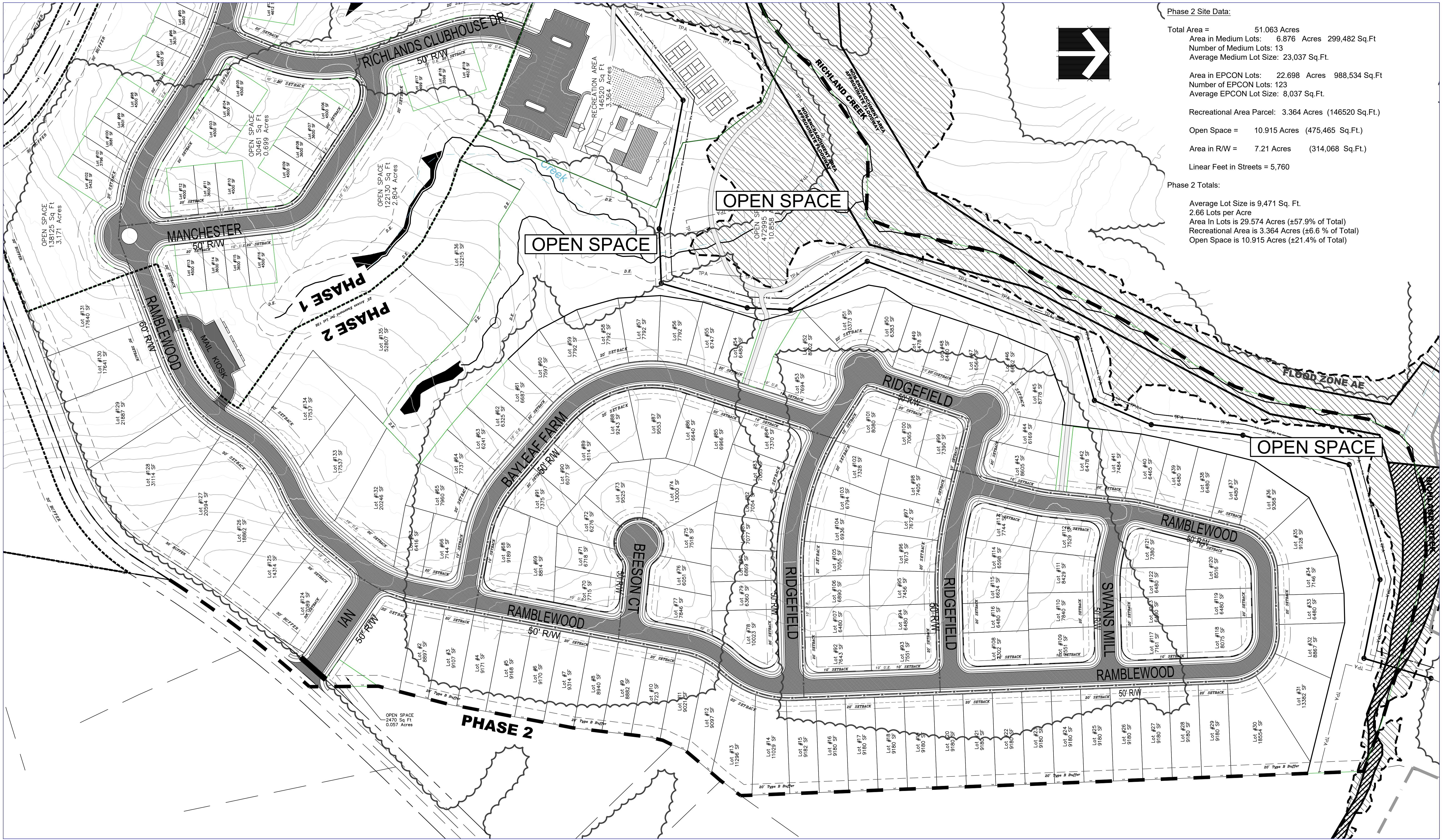


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hmarziano@triadbiz.rr.com

PHASE 1
SKETCH PLAN

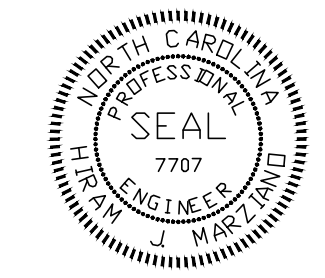
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CITY OF ASHEBORO
Randolph County, North Carolina

Scale:	1" = 80'
Date:	04/13/2023
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Phase 2 Site Data:	
Total Area =	51.063 Acres
Area in Medium Lots:	6.876 Acres 299,482 Sq.Ft
Number of Medium Lots:	13
Average Medium Lot Size:	23,037 Sq.Ft.
Area in EPCON Lots:	22.698 Acres 988,534 Sq.Ft
Number of EPCON Lots:	123
Average EPCON Lot Size:	8,037 Sq.Ft.
Recreational Area Parcel:	3.364 Acres (146520 Sq.Ft.)
Open Space =	10.915 Acres (475,465 Sq.Ft.)
Area in R/W =	7.21 Acres (314,068 Sq.Ft.)
Linear Feet in Streets =	5,760
Phase 2 Totals:	
Average Lot Size is	9,471 Sq. Ft.
2.66 Lots per Acre	
Area In Lots is	29.574 Acres (±57.9% of Total)
Recreational Area is	3.364 Acres (±6.6 % of Total)
Open Space is	10.915 Acres (±21.4% of Total)

REVISIONS			
BY	DATE	DESCRIPTION	SYM.



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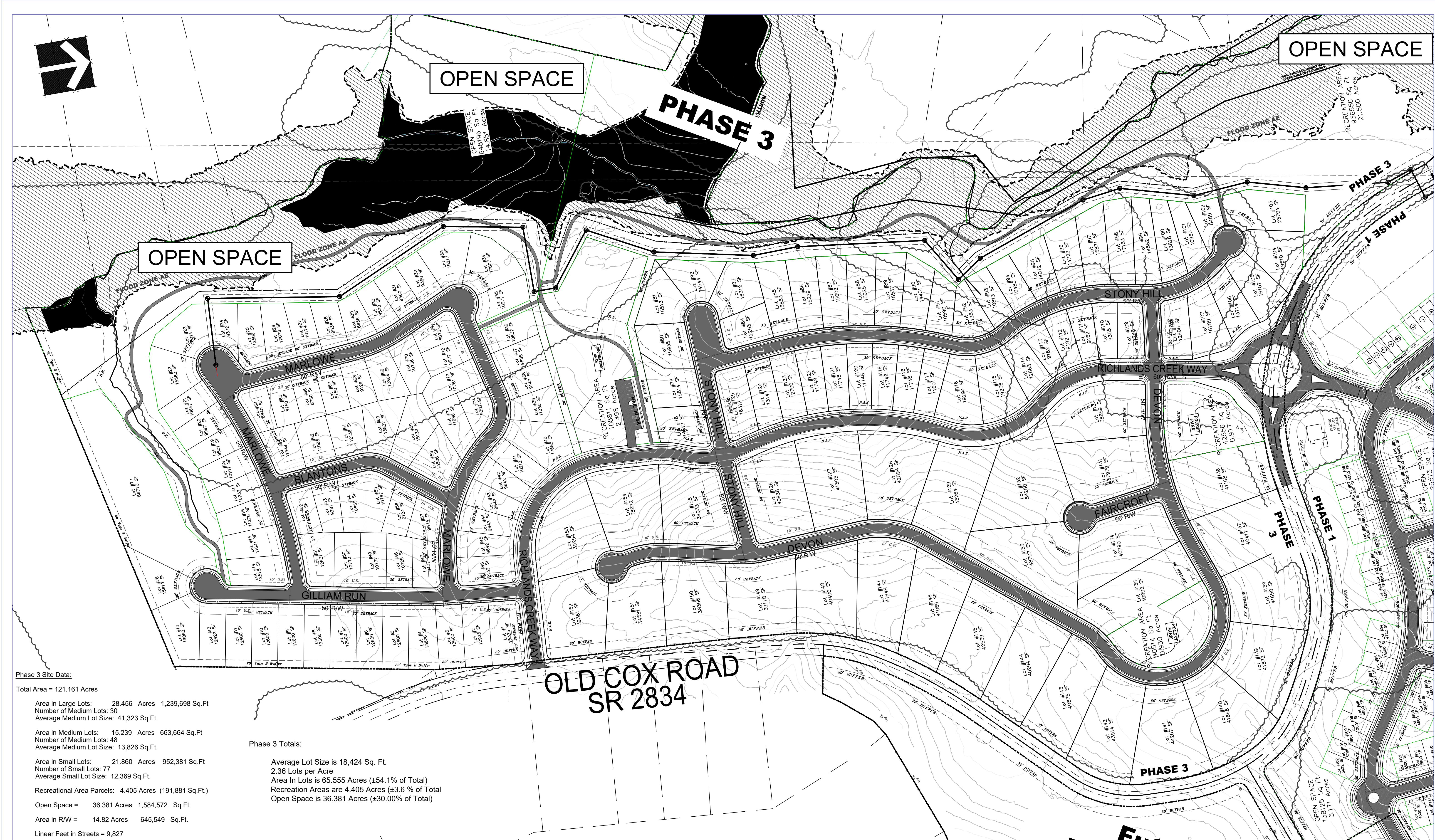
PO Box 278, Asheboro, NC 27204 - (336)493-4450
hmarziano@triadbiz.rr.com

PHASE 2
SKETCH PLAN

RICHLANDS CREEK DEVELOPMENT
CITY OF ASHEBORO
Randolph County, North Carolina

Scale:	1" = 80'
Date:	04/13/2023
Drawn:	TS
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Job No.:	

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Phase 3 Site Data:

Total Area = 121.161 Acres

Area in Large Lots: 28.456 Acres 1,239,698 Sq.Ft
Number of Medium Lots: 30
Average Medium Lot Size: 41,323 Sq.Ft.

Area in Medium Lots: 15.239 Acres 663,664 Sq.Ft
Number of Medium Lots: 48
Average Medium Lot Size: 13,826 Sq.Ft.

Area in Small Lots: 21.860 Acres 952,381 Sq.Ft
Number of Small Lots: 77
Average Small Lot Size: 12,369 Sq.Ft.

Recreational Area Parcels: 4.405 Acres (191,881 Sq.Ft.)

Open Space = 36.381 Acres 1,584,572 Sq.Ft.

Area in R/W = 14.82 Acres 645,549 Sq.Ft.

Linear Feet in Streets = 9,827

Phase 3 Totals:

Average Lot Size is 18,424 Sq. Ft.
2.36 Lots per Acre
Area in Lots is 65.555 Acres (±54.1% of Total)
Recreation Areas are 4.405 Acres (±3.6 % of Total)
Open Space is 36.381 Acres (±30.00% of Total)

REVISIONS			
BY	DATE	DESCRIPTION	SYM.



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PHASE 3 SKETCH PLAN

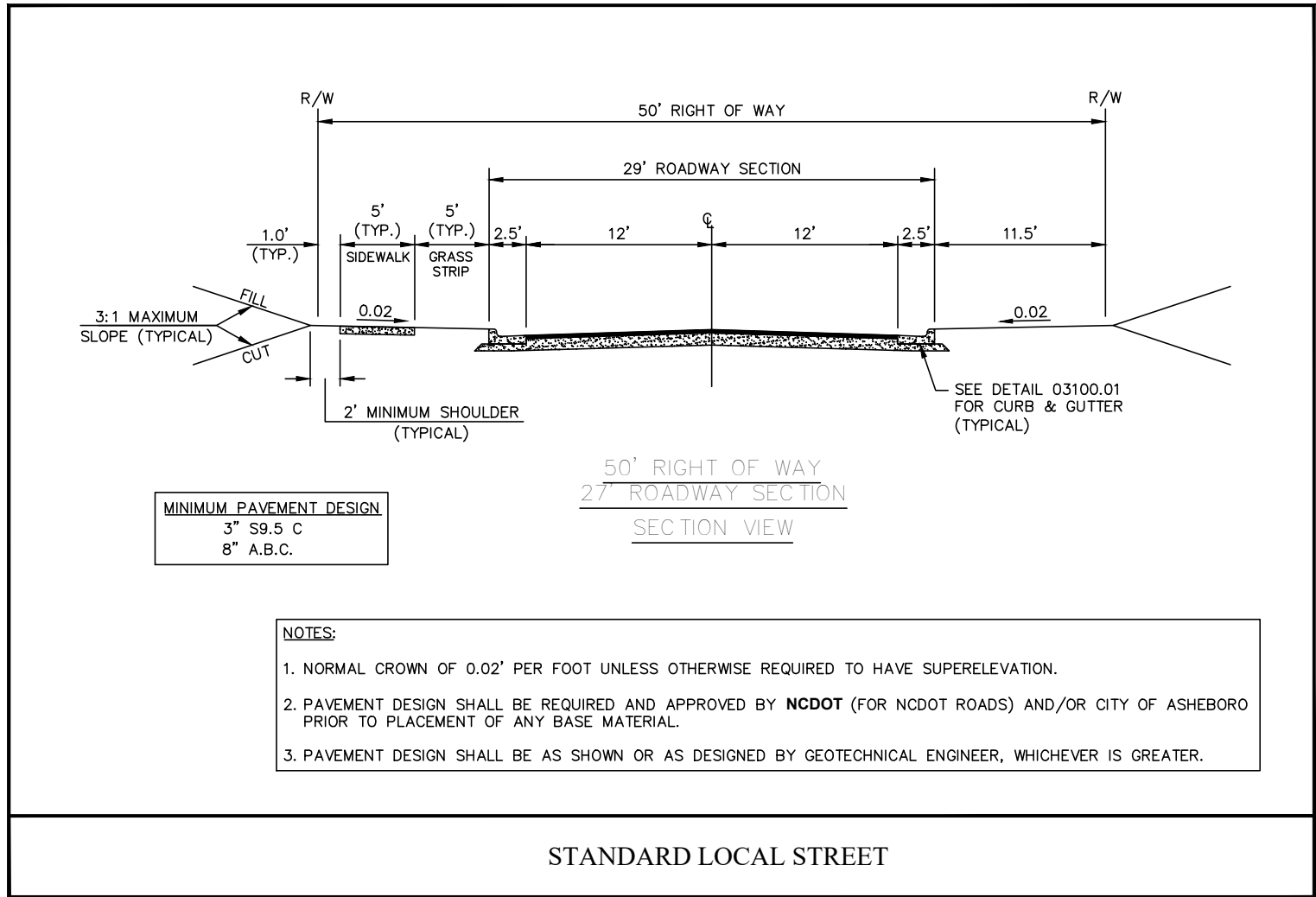
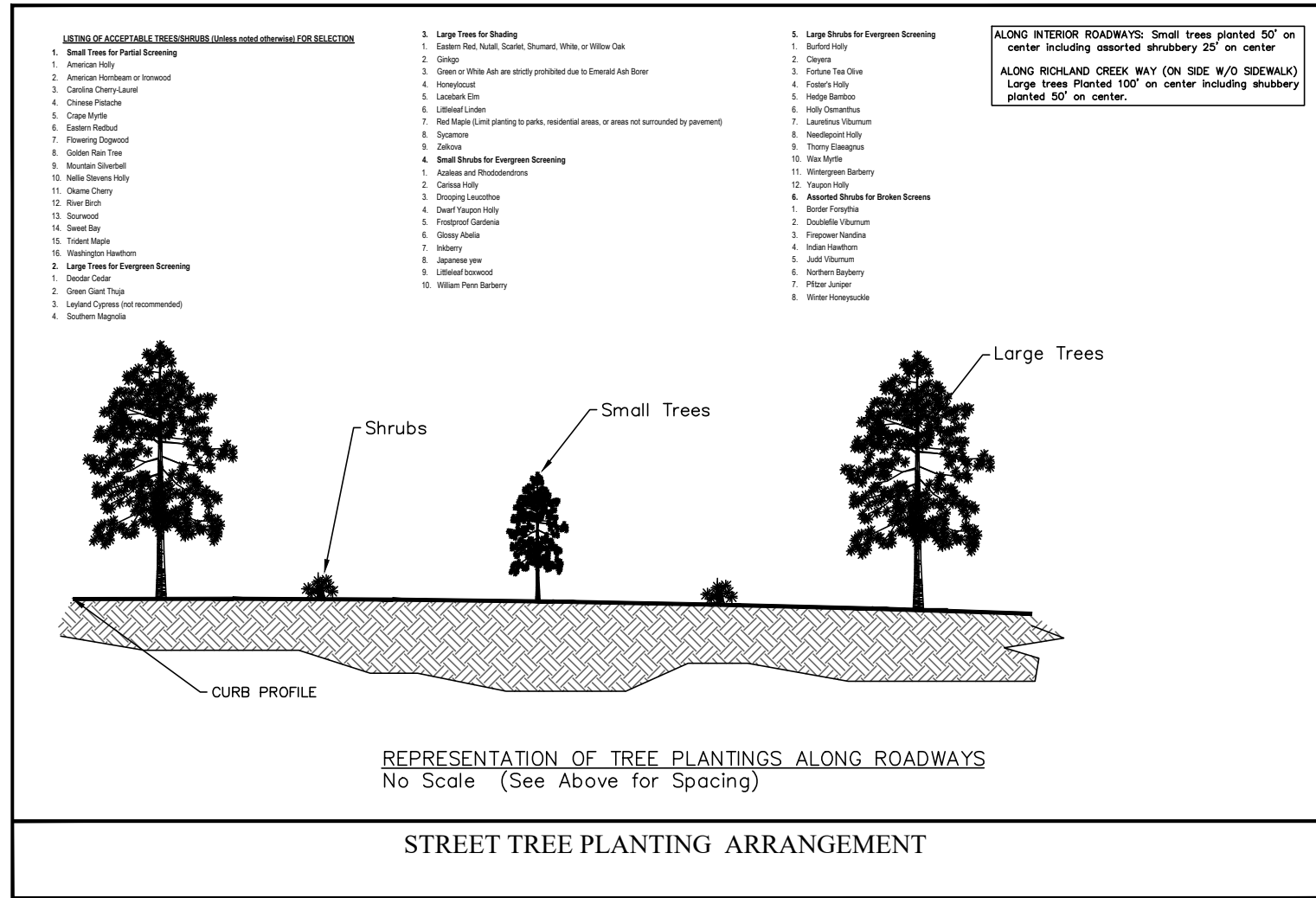
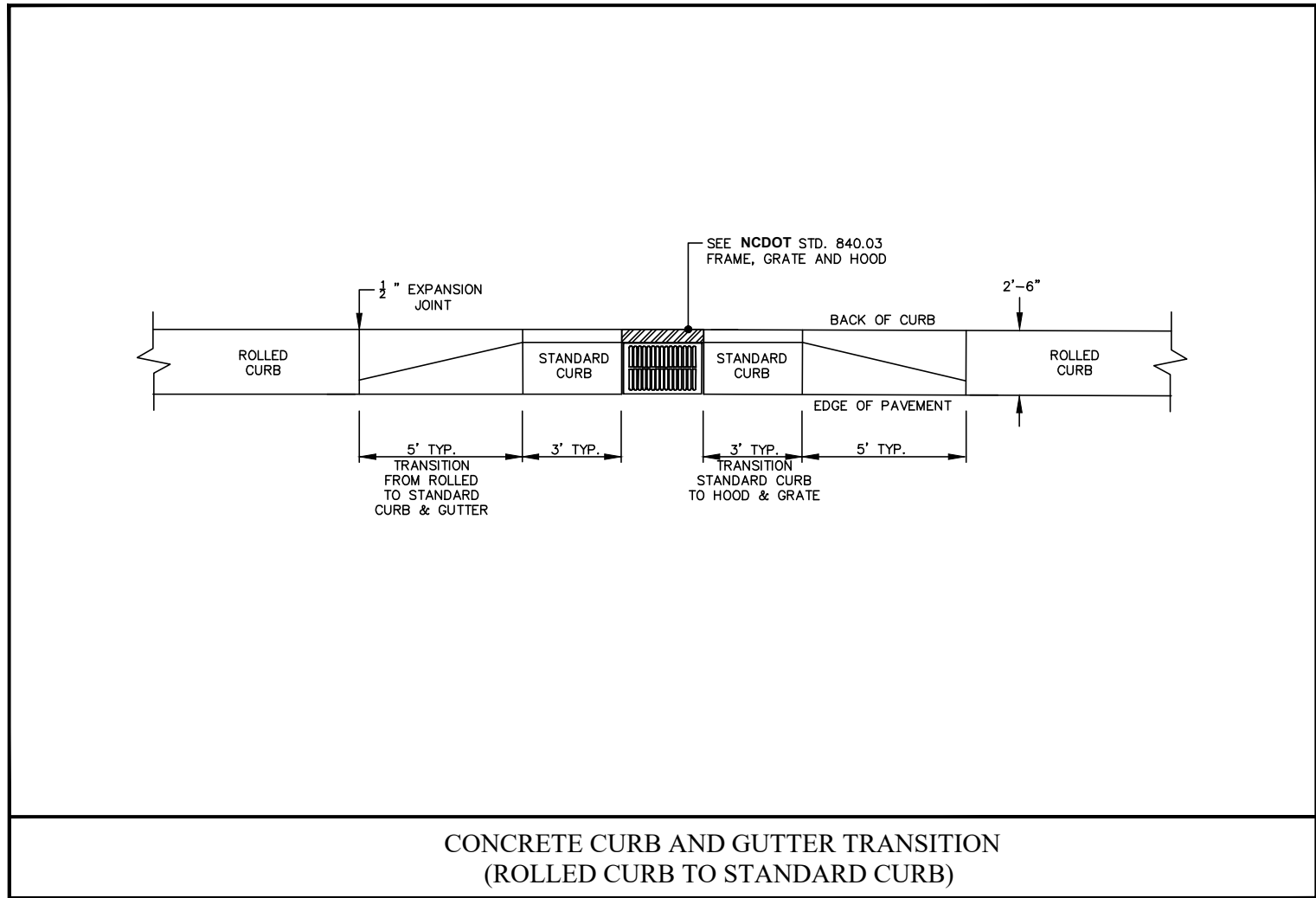
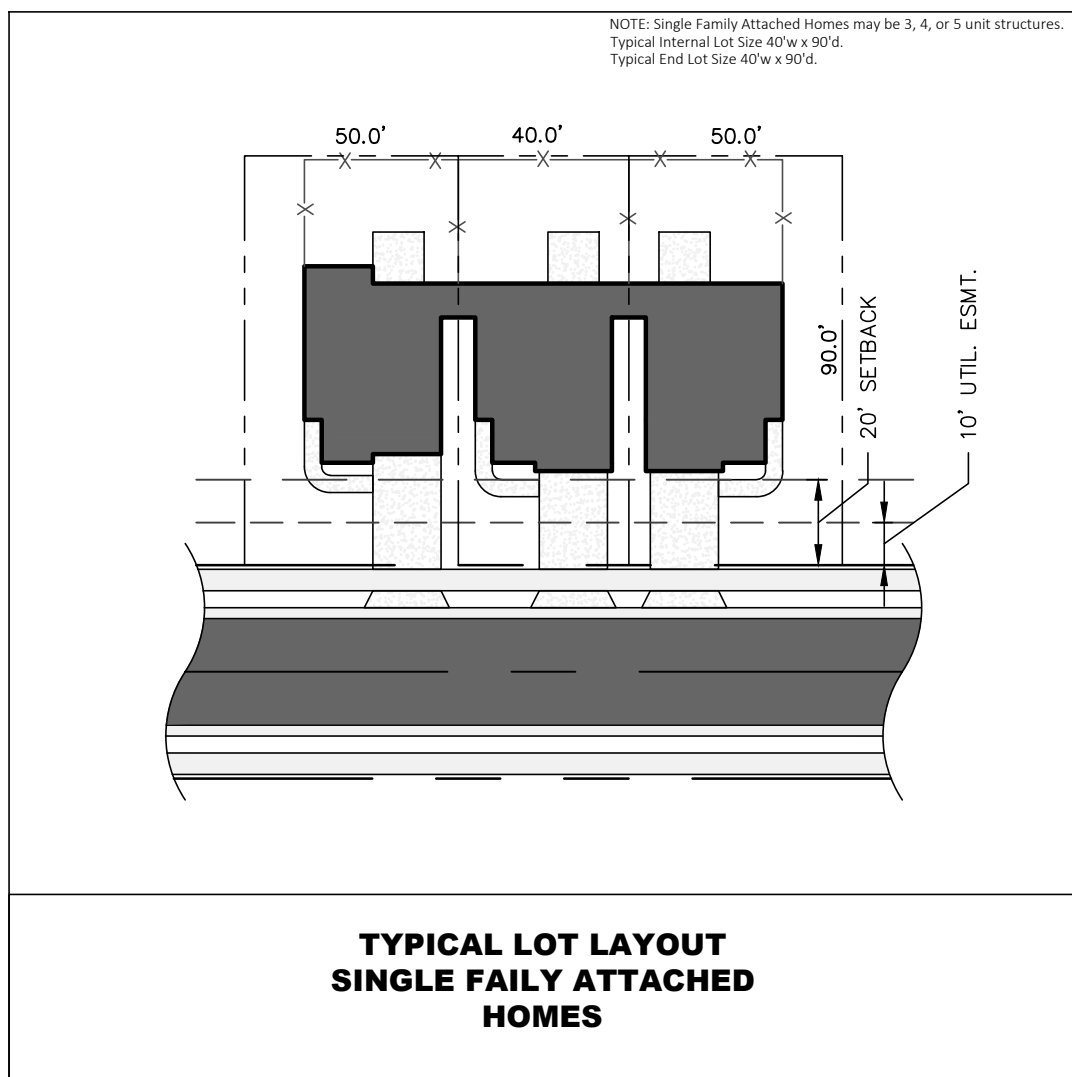
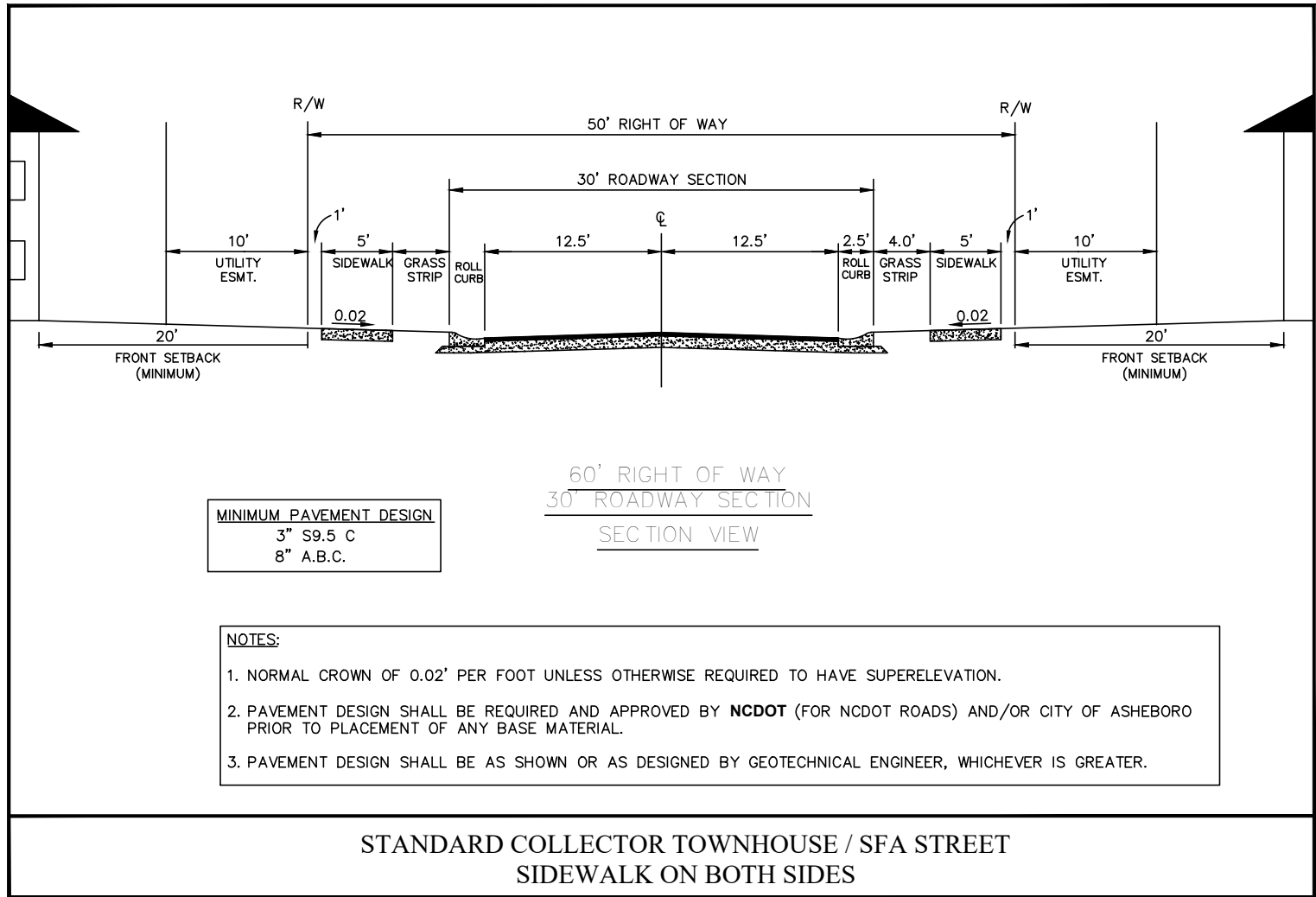
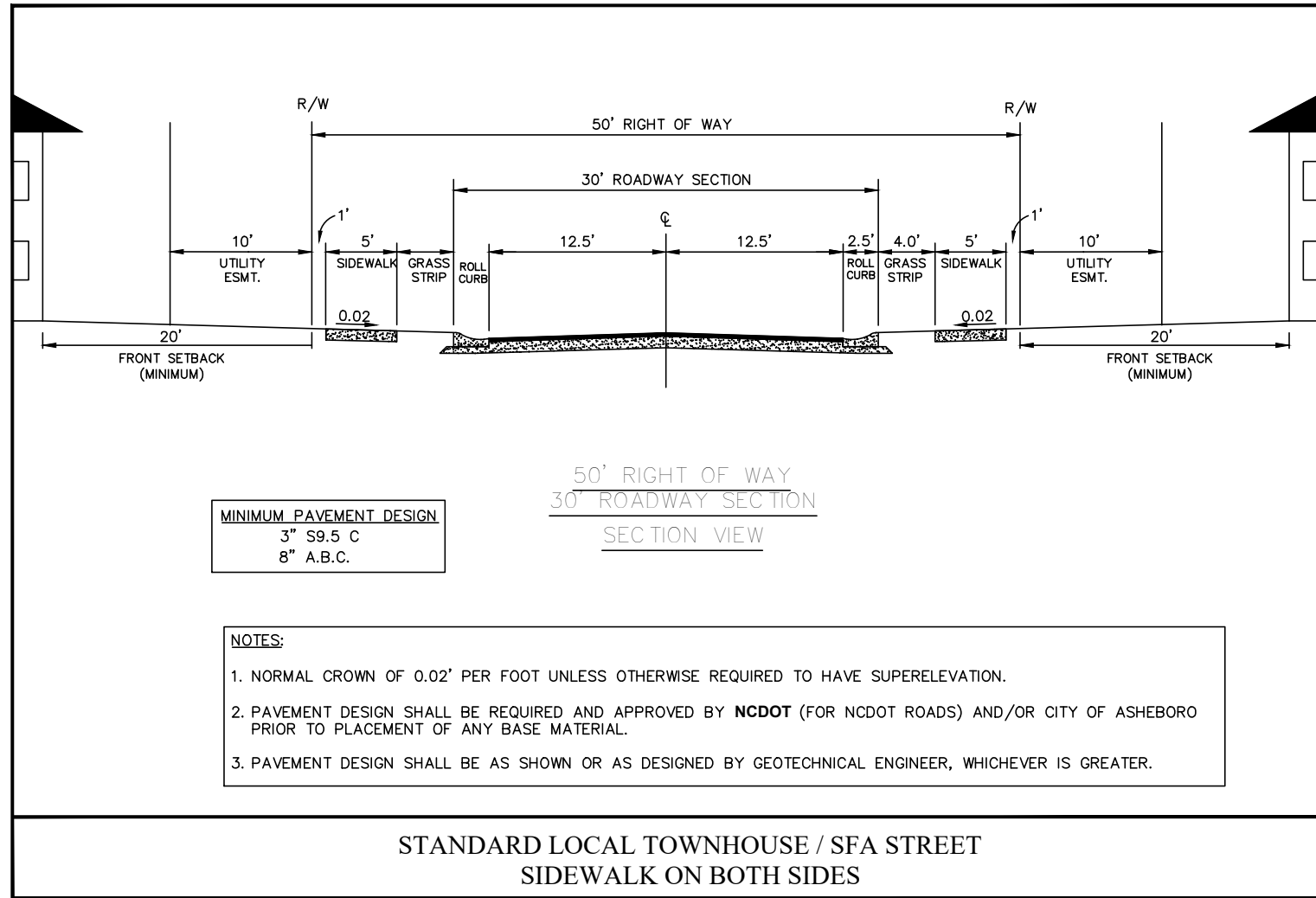
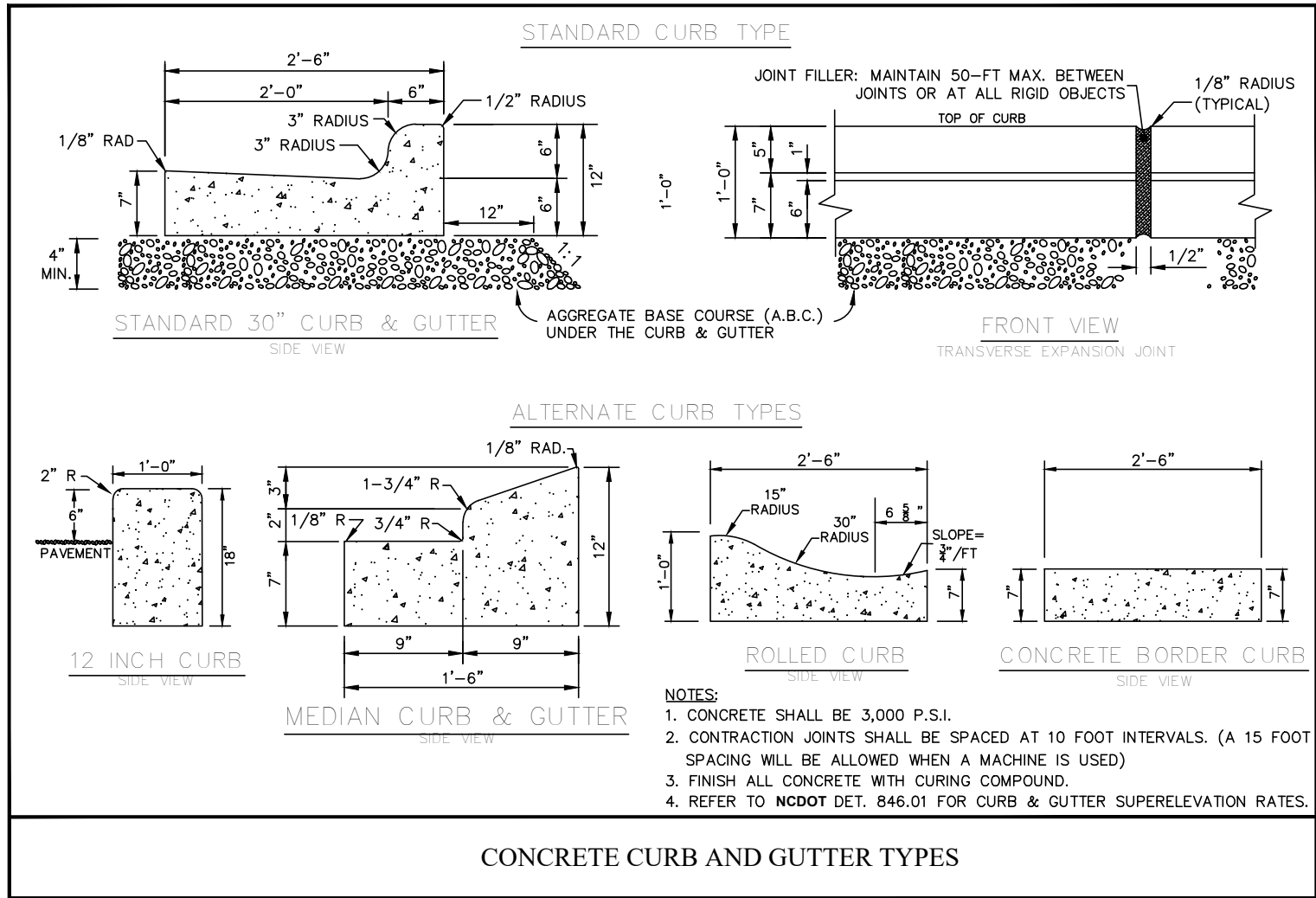
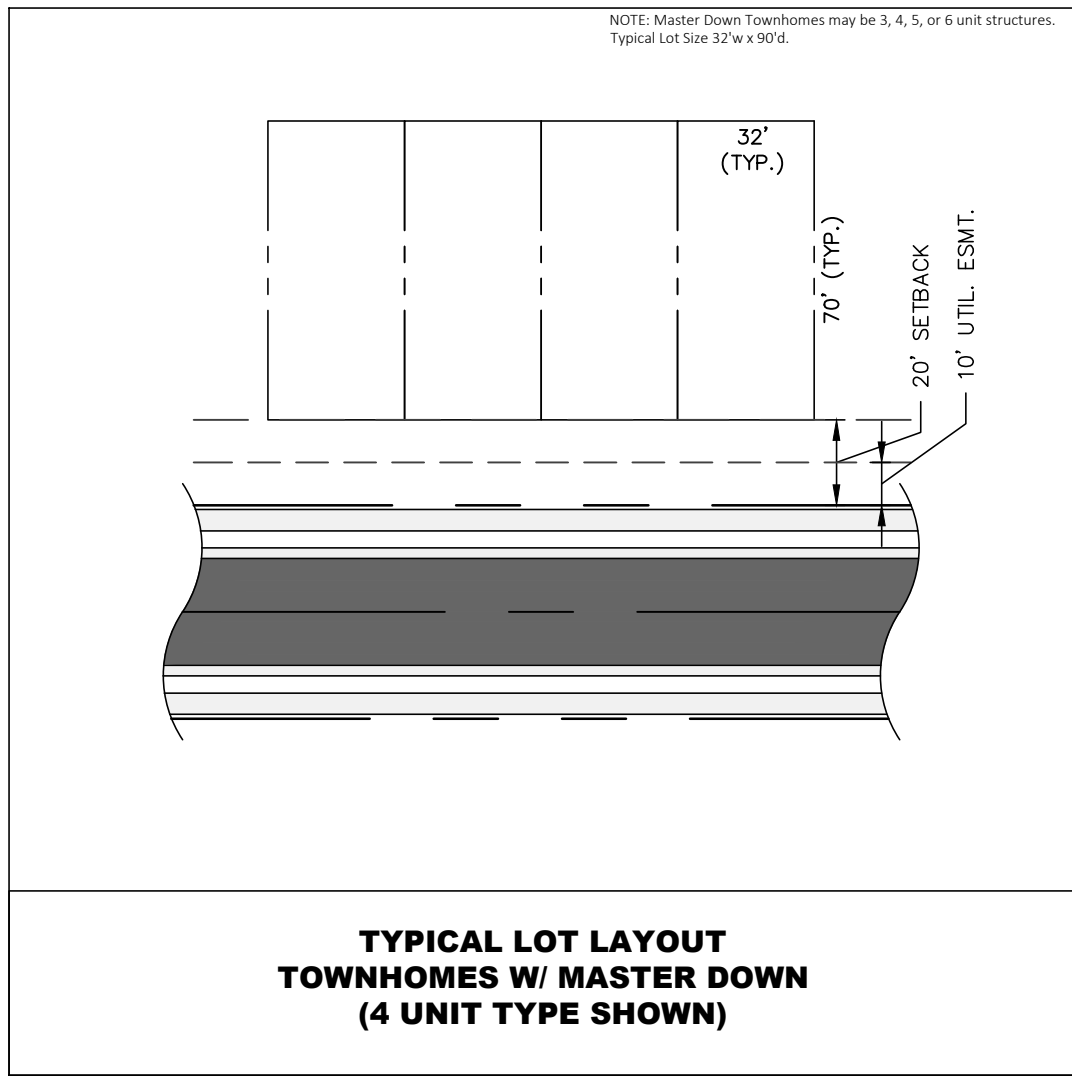
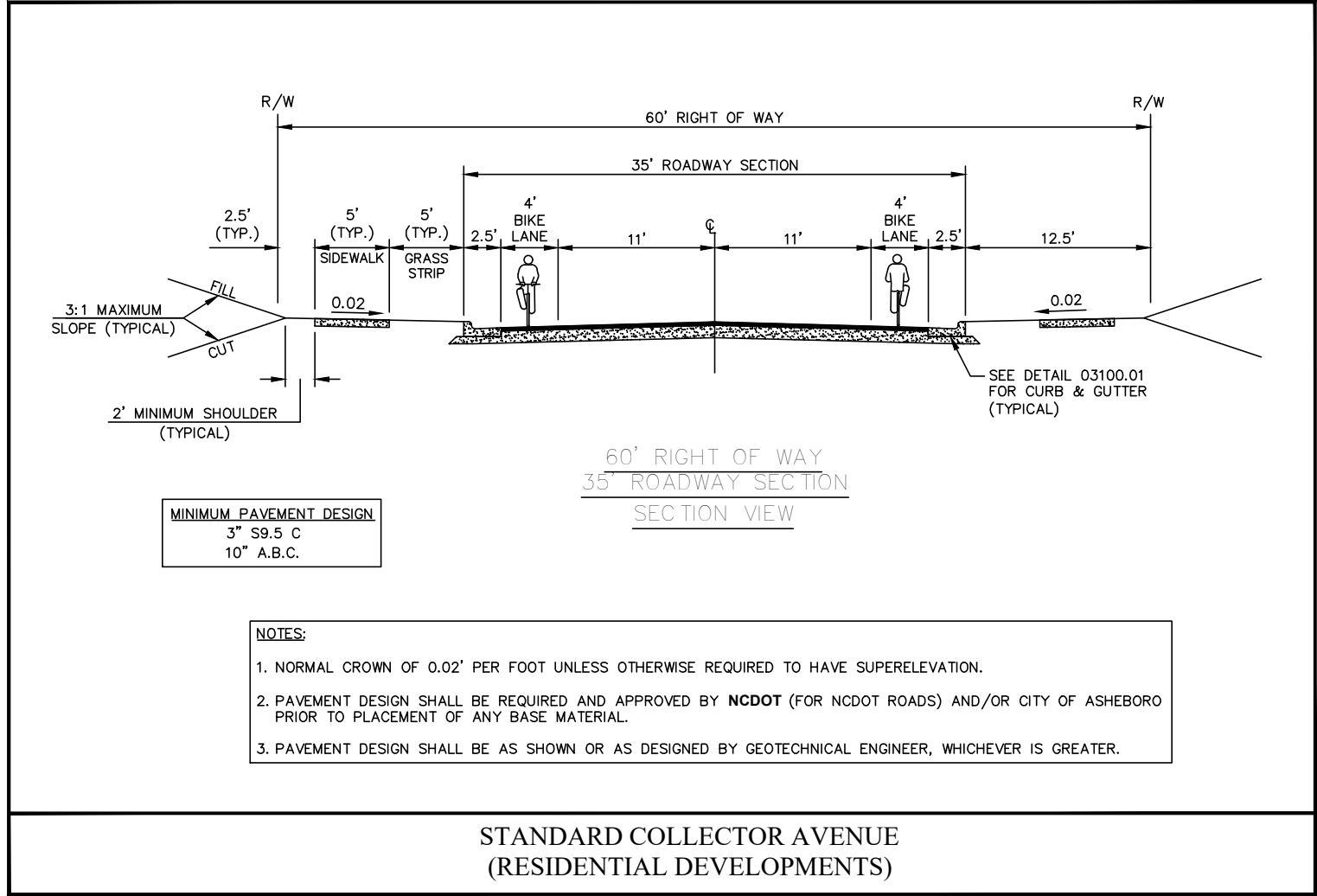
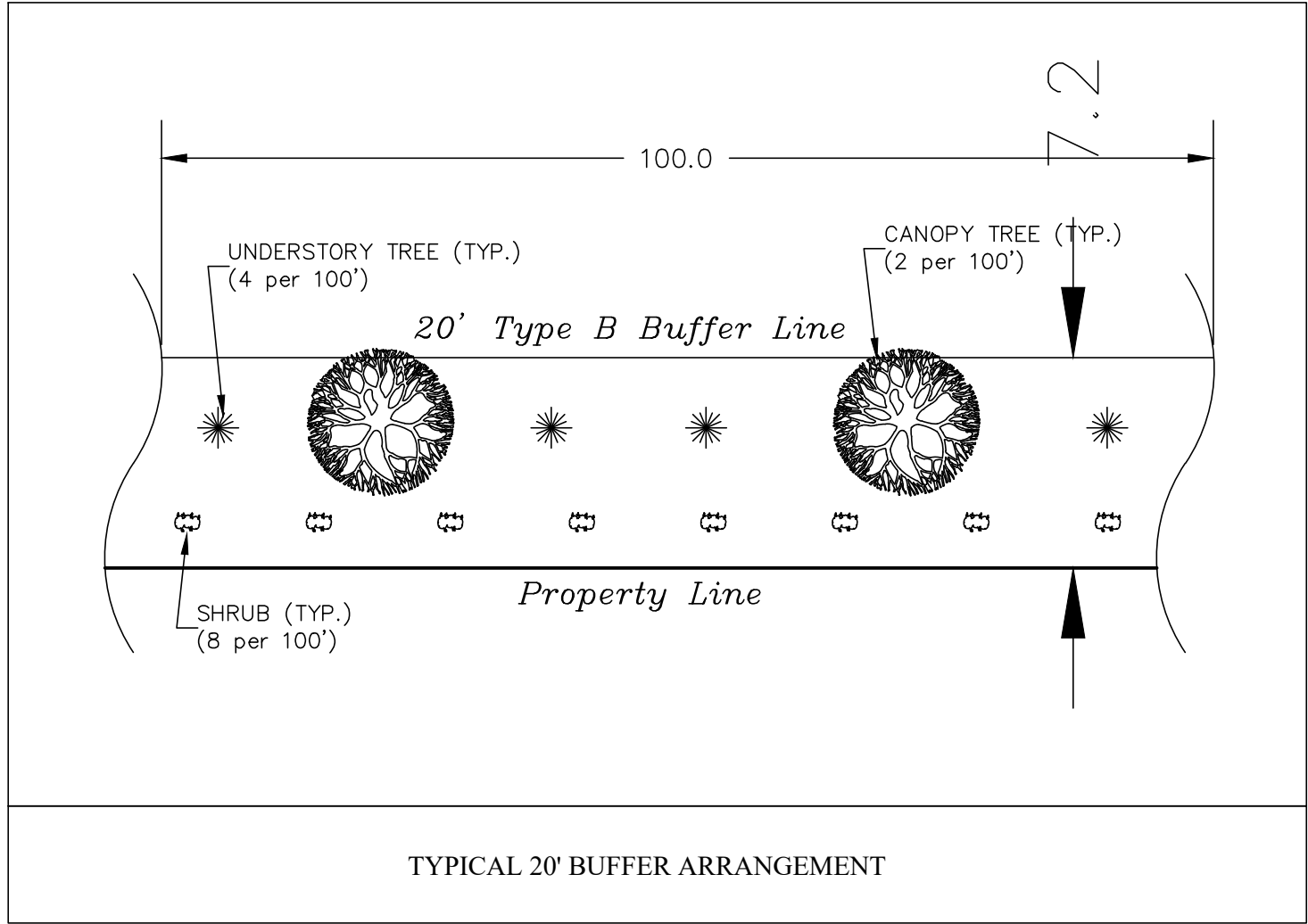
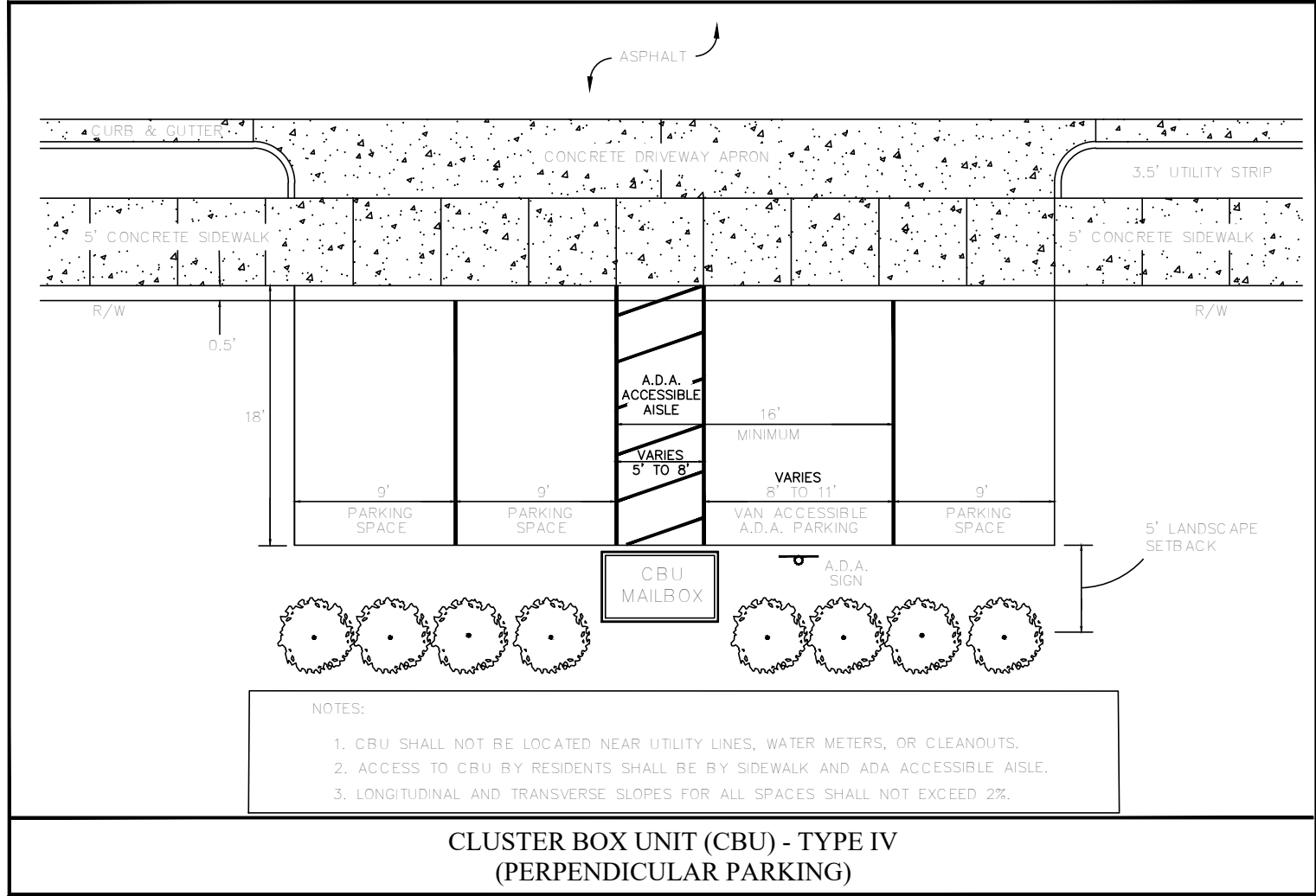
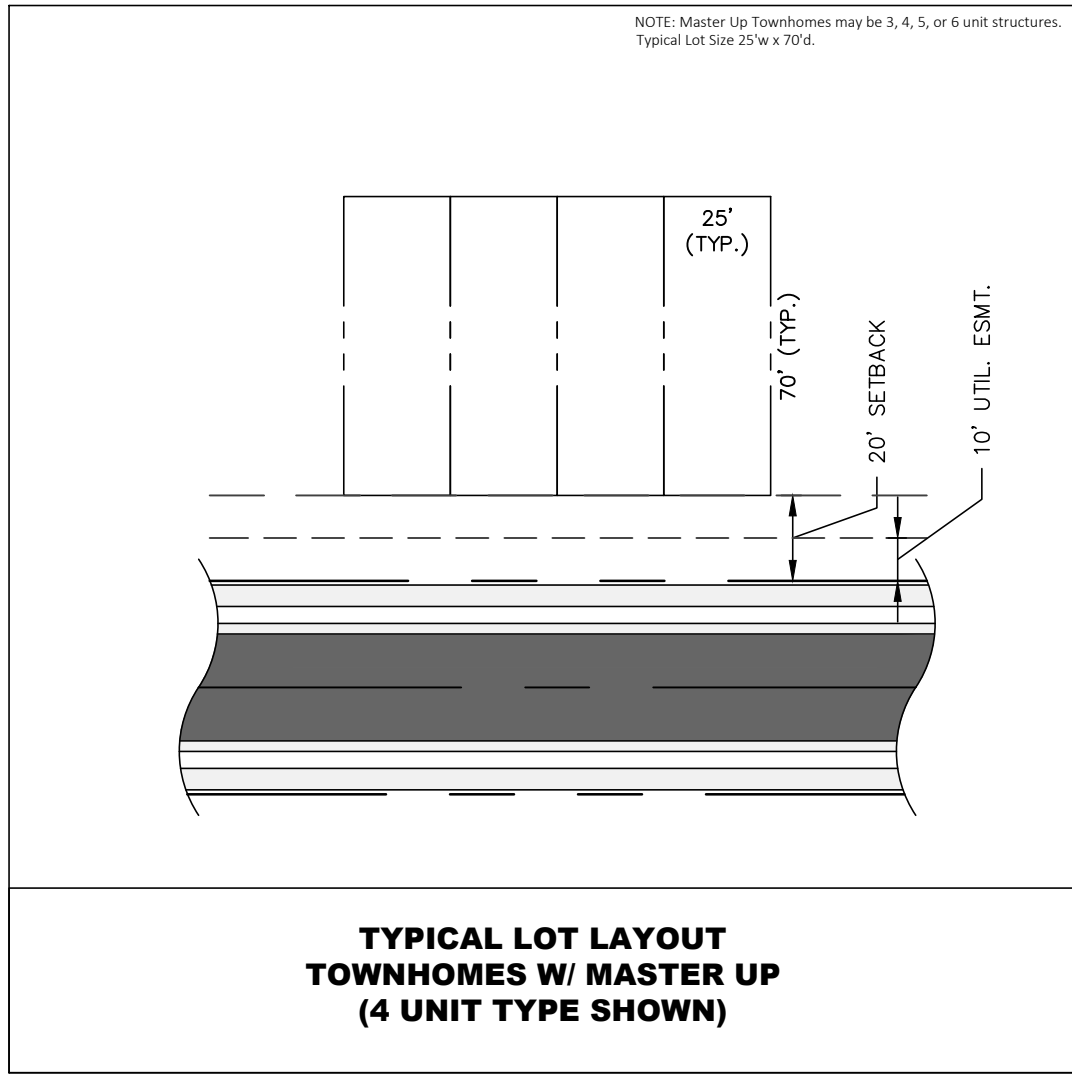
RICHLANDS CREEK DEVELOPMENT
CITY OF ASHEBORO
Randolph County, North Carolina

Scale: 1" = 120'
Date: 04/13/2023
Drawn: TS
Checked: ---
Job No.:

Sheet No.:

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HIRAM J. ARZIANO, PE
PO Box 278, Asheboro, NC 27204 - (336)493-4450
hmarziano@triadbiz.rr.com

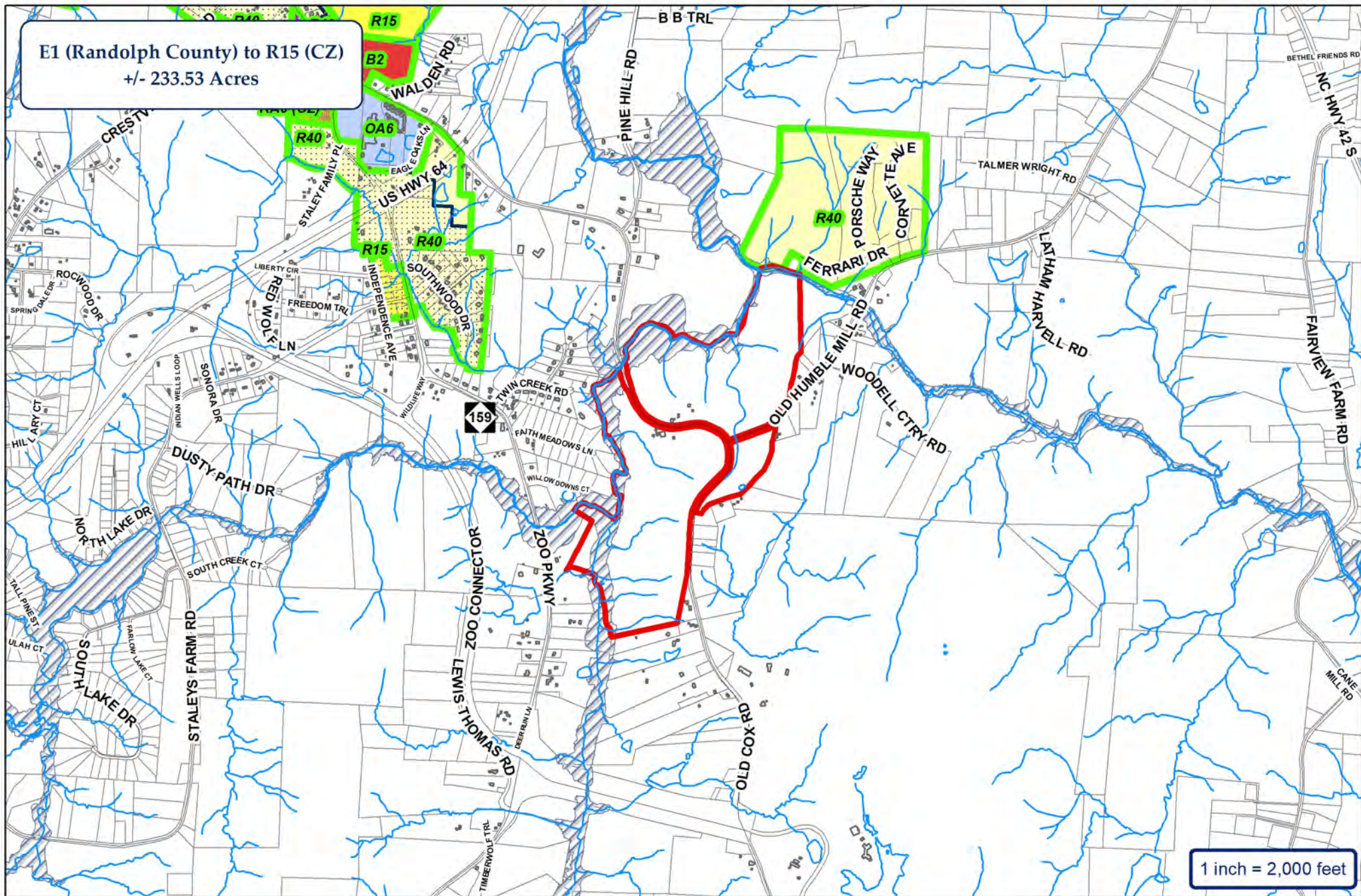
TYPICAL LOT LAYOUTS STREET TYPICAL SECTIONS

RICHLANDS CREEK DEVELOPMENT CITY OF ASHEBORO Randolph County, North Carolina

Scale: N/A
Date: 04/13/2023
Drawn: TS
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Job No.:

Sheet No.:
8
Of: 8 Version: 1

E1 (Randolph County) to R15 (CZ)
+/- 233.53 Acres



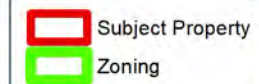
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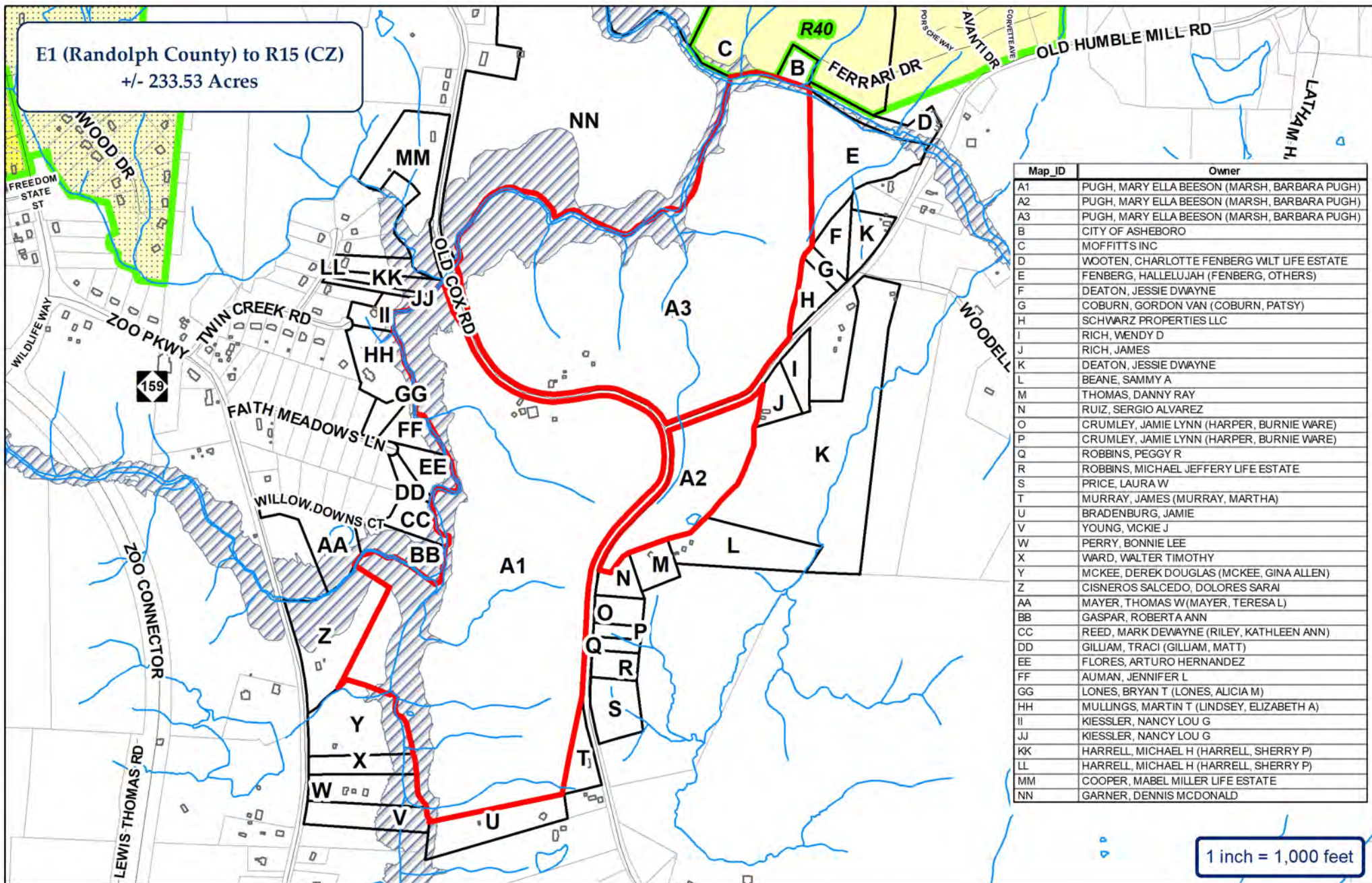
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-23-05

Parcels: 7669905560, 7679024396 & 7679008885



E1 (Randolph County) to R15 (CZ)
+/- 233.53 Acres



Map_ID	Owner
A1	PUGH, MARY ELLA BEESON (MARSH, BARBARA PUGH)
A2	PUGH, MARY ELLA BEESON (MARSH, BARBARA PUGH)
A3	PUGH, MARY ELLA BEESON (MARSH, BARBARA PUGH)
B	CITY OF ASHEBORO
C	MOFFITT INC
D	WOOTEN, CHARLOTTE FENBERG WLT LIFE ESTATE
E	FENBERG, HALLELUJAH (FENBERG, OTHERS)
F	DEATON, JESSIE DWAYNE
G	COBURN, GORDON VAN (COBURN, PATSY)
H	SCHWARZ PROPERTIES LLC
I	RICH, WENDY D
J	RICH, JAMES
K	DEATON, JESSIE DWAYNE
L	BEANE, SAMMY A
M	THOMAS, DANNY RAY
N	RUIZ, SERGIO ALVAREZ
O	CRUMLEY, JAMIE LYNN (HARPER, BURNIE WARE)
P	CRUMLEY, JAMIE LYNN (HARPER, BURNIE WARE)
Q	ROBBINS, PEGGY R
R	ROBBINS, MICHAEL JEFFERY LIFE ESTATE
S	PRICE, LAURA W
T	MURRAY, JAMES (MURRAY, MARTHA)
U	BRADENBURG, JAMIE
V	YOUNG, VICKIE J
W	PERRY, BONNIE LEE
X	WARD, WALTER TIMOTHY
Y	MCKEE, DEREK DOUGLAS (MCKEE, GINA ALLEN)
Z	CISNEROS SALCEDO, DOLORES SARA
AA	MAYER, THOMAS W (MAYER, TERESA L)
BB	GASPAR, ROBERTA ANN
CC	REED, MARK DEWAYNE (RILEY, KATHLEEN ANN)
DD	GILLIAM, TRACI (GILLIAM, MATT)
EE	FLORES, ARTURO HERNANDEZ
FF	AUMAN, JENNIFER L
GG	LONES, BRYAN T (LONES, ALICIA M)
HH	MULINGS, MARTIN T (LINDSEY, ELIZABETH A)
II	KIESSLER, NANCY LOU G
JJ	KIESSLER, NANCY LOU G
KK	HARRELL, MICHAEL H (HARRELL, SHERRY P)
LL	HARRELL, MICHAEL H (HARRELL, SHERRY P)
MM	COOPER, MABEL MILLER LIFE ESTATE
NN	GARNER, DENNIS McDONALD

1 inch = 1,000 feet



ETJ

City of Asheboro Planning & Zoning Department

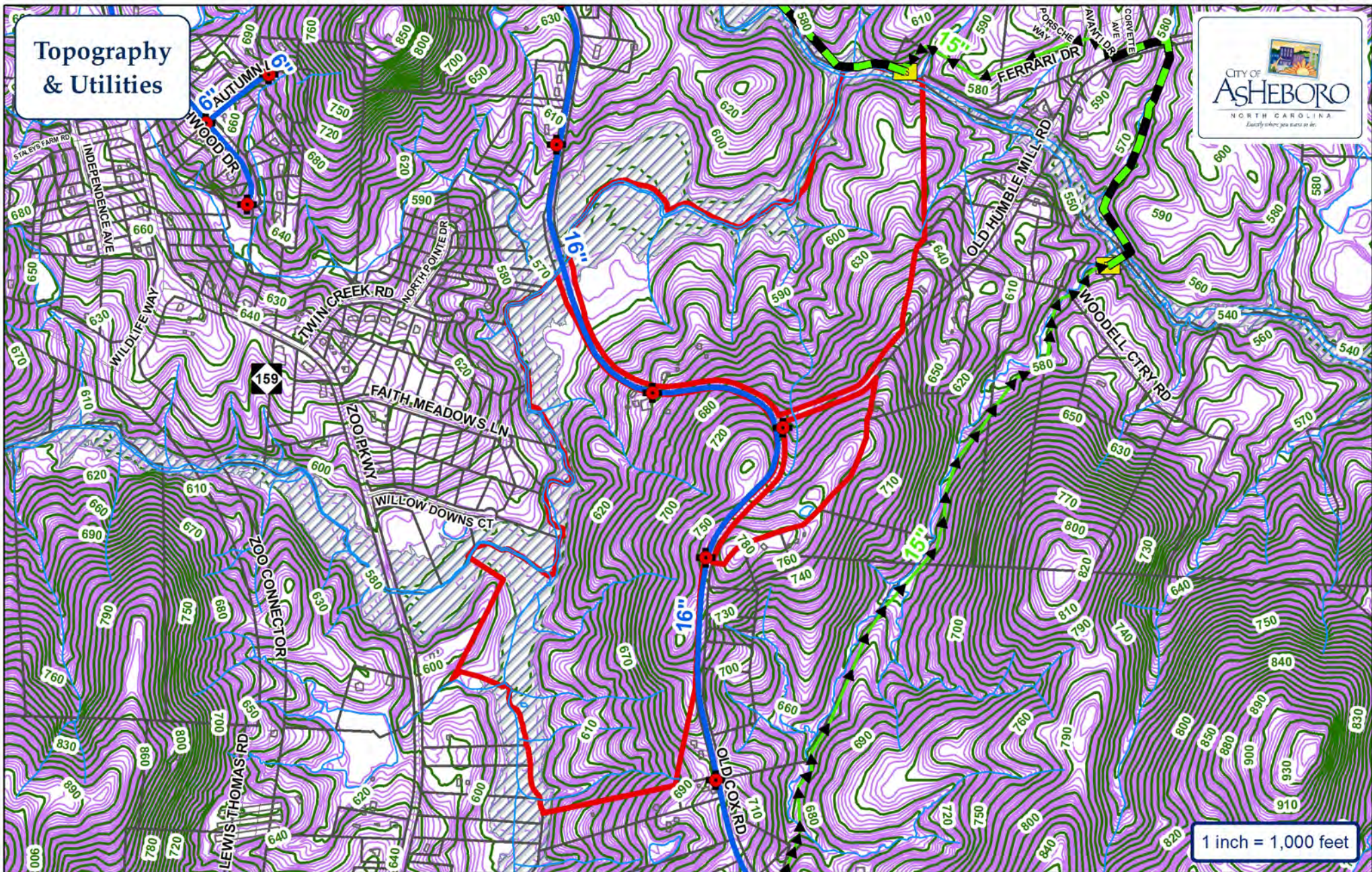
Rezoning Case: RZ-23-05

Parcels: 7669905560, 7679024396 & 7679008885

- Subject Property
- Adjoining Properties
- City Zoning



Topography & Utilities



1 inch = 1,000 feet

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

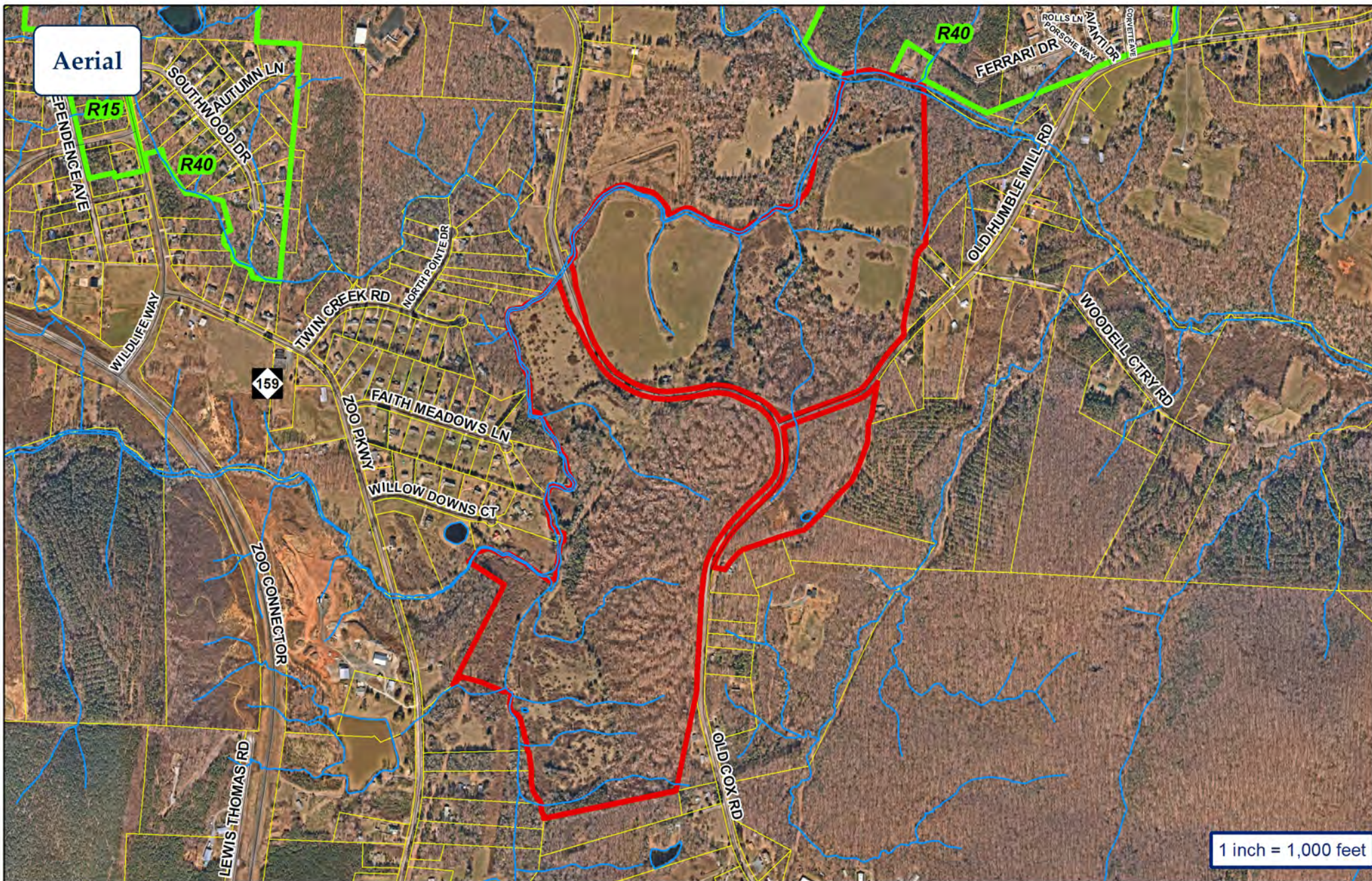
City of Asheboro Planning & Zoning Department

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Parcels: 7669905560, 7679024396 & 7679008885

Subject Property

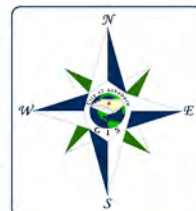
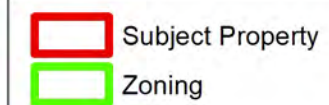




City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-23-05

Parcels: 7669905560, 7679024396 & 7679008885



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

APPLICANT INFORMATION

Applicant William L. Turner III Applicant's Phone # 919-369-3254

Applicant's Address 410 Lakestone Dr.
Raleigh, NC 27609

Applicant email address bturner@robuckhomes.com

PROPERTY INFORMATION

Property Owner's Name Mary Ella Pugh, Barbara Marsh, Susan Hash, Joyce Morgan

Location of Property Old Cox Rd/Old Humble Mt Property Size (ac) or s.f.) 233.53

Randolph County Property Identification Number (PIN#) 7679024396, 766905560, 767900885

Current Zoning District E-1-CVOE-CD Requested Zoning District R1SC7

Date Property Title Acquired 8/22/19 Deed Book 2663 Page 1409
2663 1411

Subdivision _____ Section _____ Lot # _____

Plat Book 71 Page 46

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:

Constructing a development of a residential
subdivision of various types of residences and a
small commercial area.

2. In what manner will the proposed amendment carry out the intent of the Land Development Plan?

The development is being done in accordance with the Land Development as may be modified by the CZ suffix.

For questions (3) and (4), if either of these questions apply, please state a reason. If you believe these do not apply, please check "does not apply".

3. Are there alleged errors in this Ordinance that would be corrected by the proposed amendment? If so, give a detailed explanation of such error and detailed reasons how the proposed amendment will correct the errors.

Does not apply ☒

4. What are the changed or changing conditions, if any, in the jurisdiction of the City of Asheboro generally, which would make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare?

Does not apply ☒

5. Are there any other circumstances, factors, or reasons that the applicant offers in support of the proposed amendment?

The current prospect for the City of Asheboro for their current environs is expected to receive residential growth in the foreseeable future that require projects such as this to help meet that growth.

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

Wallis I Turner III
President

Printed Name of Authorized Signatory (if
different from Applicant)

Position/Relationship of Authorized
Signatory to Applicant

Owner Signature (if different than Applicant)

Mary Elle Brown Pugh

Owner Address

1038 Redding Rd.
Asheboro NC 27203

Telephone Number

Printed Name of Authorized Signatory (if
different from Owner)

Position/Relationship of Authorized
Signatory to Owner

STAFF USE

Received by: TLE Date: 4-14 Case Number: RZ-23-05

APPLICATION SIGNATURES

Owners Signature Page Extended

Susan Pugh Hash

Barbara P. Marsh

Barbara Pugh Marsh

Joyce Pugh Morgan

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Susan Pugh Hark
Susan Pugh Hark

Joyce Pugh Morgan

APPLICATION SIGNATURES

Owners Signature Page Extended

Susan Pugh Nash

Barbara Pugh Marsh

Joyce Pugh Morgan
Joyce Pugh Morgan



Case No. RZ-23-05: Engineer's Responses to City Comments

RESPONSE to City comments dated 5-15-23

GENERAL RESPONSE: (By: Hiram J. Marziano, PE Date: 016-01-2023)

The responses to the comments received from the City as listed above are presented below in italics. Additionally, and in order to be concise, we offer the following information about our comments:

- a. We have endeavored to respond to each comment by revision to the plan drawings insofar as possible at this time and as written below. Many of the responses are based on very preliminary data since no practical design of the facilities has occurred at this time.*
- b. The plans have been edited to print more legibly as requested.*
- c. The sheet-by-sheet comments have been used to revise the plans. Individual responses have not been prepared due to the urgency to submit the documents. Again, the intent has been to provide some type of response to the plans.*
- d. Any City comments regarding the “commercial” area are no longer applicable to this submittal and will be addressed in future project development once conditions have been determined. The Revenue Proforma however will still contain an allowance for commercial development during project years 4 & 5 to act as a place holder.*

RESPONCES:

1. General layout of water of proposed public water and sewer mains required.

Schematic layout of water & sewer lines has been placed on the plans. Final design will comply with City & NCDEQ requirements.

2. Provide sheet with topo and rough grading if available. At the very least, some idea of existing areas of significant trees that may be able to be preserved should be shown and identified (treeline noted as preservation area). All sheets should reflect tree save areas if any.

Laser topo is shown on the plans and woods lines are also shown on the plans. Primarily the areas on the north side of old Cox Rd. Will receive the major grading on this project.

The reason being is that area will have the smallest lots along with the townhome development and the proposed recreational amenity center. That particular area also has the most open space due to its current use as pastureland. The South side of old Cox Rd. (Phase three) has larger lots; it only requires that grading be performed for the proposed roadways to include slope ties to the existing grade. The limits of the trees cannot be determined until proper surveys are performed. Additionally, the amount of rock near the surface of that area does not provide a proper growth area for significant trees. Surveys will identify major trees during the design phase.

RESPONSE to City comments dated 5-15-23

3. Recommend including preliminary details on a stormwater management plan for the development. It is up to the developer how much detail to provide but stormwater issues likely will be identified, and plans should reflect the quantity of stormwater to be managed.
The roadways will include curbing and will require a storm water system consisting of pipes, catch basins and discharge out falls to Richland Creek. The design of the stormwater system will be in conformance with city and NCDOT requirements. The primary hurdle to overcome will be to design a proper discharge system(s) into Richland Creek. This may include retention basins, rain gardens and other methods to retain and spread the discharge into the Creek in such a manner that erosion can be controlled and reduce pollution. Again, surveys to identify the discharge points will be required during the design phase.
4. Suggest plans reflect an inventory of unique built and natural features that are to be proposed/incorporated into the project.
Field surveys have already been performed to identify some of the major rock outcrops within the project limits. The primary area of the surveys were performed along Cox Rd. During the design phase additional surveys will identify if any unique or natural features That might be encountered. The intent will be to avoid these features if practical.
5. IF RV parking is not prohibited by developer zoning condition and HOA documents, Code requires an area with capacity for 42 12' x 30' RV spaces be provided and screened from view.
No RV parking is intended to be provided for this development.
6. If phasing is chronological by number, note that (i.e. Phase 1A, 1B, 2A, etc.). The traffic study's phasing plan does a good job of presenting the order of construction — it would be helpful for the zoning site plan to similarly communicate this info.
 - a. Ensure consistent phasing with the traffic report — it appears traffic shows community recreational amenities in phase 1 while zoning plan is unclear:
 - i. Community recreational amenity must be included in a phase.

RESPONSE to City comments dated 5-15-23

- ii. Phases of proposed roadway improvements need to be identified — conditions will be proposed to implement traffic study recommendations re: timing.

The project phasing has been modified as shown on the revised plan submittal. No A or B designations are proposed. Additionally, the traffic report is being modified currently to comply with the NCDOT requirements. When completed, the report will be used along with the project phasing to include the recommendations on a phase-by-phase basis. To do otherwise would probably be disallowed by the DOT.

- 6. Is the proposed trail proposed to be offered for public use? Trailheads may need a few parking spaces provided to prevent parking in cul-de-sacs.

They proposed walking trail it's not intended and will not be offered for public use. The trail will not be designed such that it intersects with old Cox Rd.

- 7. Proposed building setbacks from front property lines or r/w, side, and rear lines need to be stipulated for each section.

Set back lines have been placed on the plans.

- 8. General plans for project landscaping need to be provided (street trees, common areas, etch).

General detail of buffer landscaping has been added to typical details along with a listing of trees & shrubs common to this area.

- 9. Catalog of building styles/elevations for each section needs to be provided.

The developer will be providing those examples inside their PowerPoint presentation and a copy will be submitted to the City Planning Department.

- 11. Proposed Street names did not print — ensure printed versions of plan included proposed street names. Approval will be subject to Randolph County E-911 review. Clear

Many comments from the city relate to clarity of the printed documents. The plans have been revised to allow for better printing on the final document. All street names will be submitted to Randolph County as required for 911 approval.

RESPONSE to City comments dated 5-15-23

12. Description of buffers and permitted activities within proposed buffers need to be identified. Details both along the perimeter and general internal landscaping are needed. The terminology needs to distinguish between setbacks and buffers/screens consisting of plantings, fences, berms, etc. For instance, parking for the retail lot is encroaching into the 100' buffer, but the building may be just outside of this area. Suggest berm be labeled on sheets as indicated in Typical Sections. Spacing of plantings on top and behind of berm need to be stipulated.

Buffers shown along old Cox Rd. and Humble Mill Rd. are to be left in a natural condition and no disturbance is intended. Buffers within the development will be landscaped as may be practical and in accordance with City requirements. No brms will be constructed along the existing roadways are interior lots.

13. If stream buffers or private drainage easements (i.e. ditch) are proposed, please label.

Complied

14. Ensure all lots have a lot number.

Complied

15. Show all reverse access easements where intention is to prohibit driveway connection to public street.

Complied

16. All mail kiosks standards will need to be approved by city during engineering plan review and are subject to USPS review and approval.

Understood

17. Throughout plan and section sheets, provide a total acreage and percentage of open space and recreation area within each section and clearly delineate the boundary of each or what is counting towards those categories. It is unclear what is being counted currently in many sections.

Generally, any area that is not in a Lot or right-of-way is included in Open Space. Plans have attempted to better clarify those areas.

RESPONSE to City comments dated 5-15-23

18. Any street temporary termination at phase lines shall be approved by the city. Segments exceeding 150' in length shall have properly constructed and approved turnarounds.

Understood

See GENERAL RESPONSES relative to the sheet-by-sheet comments. The revised submittal should clarify most if not all of the following:

Sheet 1 and 2 Comments

- Please indicate how many lots are in each phase for quick reference.
- Ensure any roads proposed to be private are labeled. It is unclear if the commercial element roads are proposed to be public or private.
- Site Data Note 3: staff recommends providing a residential lots per acre and a commercial lots per acre in addition to the overall lots per acre.
 - o Staff has calculated residential lots per acre at 2.13 dwelling units per acre after accounting for/deducting existing/new public right-of-way and removing commercial acreage.
 - o Please provide a similar calculation for commercial element — this will be affected by whether proposed roads serving the commercial area are proposed to be public.
- On Note 5, what is the acreage in parks/recreation space alone?
 - PUDs typically require a minimum of 52 percent of land area to be open space. Open space is typically calculated as the area that is not contained within lots or that is impervious (buildings, parking, streets/sidewalks, etc.) and is owned in a uniform manner that can be continuously controlled as open space.
 - A min. of 3.3% of the required open space area must be defined as a recreational area.
 - Each phase needs to clearly provide total area of open space and recreational space provided.
 - Through plan and section sheets, provide a total acreage and percentage of open space and recreation area and clearly delineate the boundary of each. It is unclear what is being counted as open space.
- Note 16: add "following annexation".
- On Note 20, correct sp. of "fire marshal".
- On Note 21, add the following to the end (within public R/W or COA easements).
- On Note, 22, make clerical correction (spelling of "City")
- On Sketch Plan Sheet Index, Sheet No. 10 is Phase 4C, not 4B. Sheet 11 is 4C. Sheet 12 is Typical Sections.

RESPONSE to City comments dated 5-15-23

- The number of lots in Phase 1A and 1B and 2B with a single means of access may not be recommended for approval as is. 1A and 1B may need to be phased differently and Phase 2B's density reduced or additional access provided.
- Identify street sections consist with street typically throughout.
- Plans need to clearly label common areas proposed to be maintained by HOA, such as, but not limited to, clubhouse/private recreation areas, parking areas for residents, etc.,
- Label Lots 12 and 13 in Section 4A; Lot 1 in Phase 2B.
- The commercial drive goes right up to the property line of Danny Ray Thomas. It is likely that buffering/screening will be required along that boundary.
- Need more information on the retail area on outparcel 6, such as permitted/prohibited uses, maximum unit sizes, architectural standards and sign standards, buffering/landscaping/screening against adjoining properties, street trees, interior landscaping (typically requiring a minimum of 1 canopy tree per 20 parking spaces distributed throughout the development), front yard landscaping, sidewalk construction and pedestrian connection to the rest of the development, signage details and any other conditions or restrictions that may be proposed. Without additional detail on the outparcels contained in Lots 1-5 of the commercial area, it is likely these lots will have to be resubmitted for Planning Board and Council zoning district approval at a later date when the uses and site plans are known prior to permits for construction. As such, how access will be provided for outparcel 6 needs to be shown —from Old Humble Mill or Old Cox? (i.e. sections need to be identified for commercial area).
- Is there a buffer of any kind proposed along the side of Section 2B that faces adjoining parcels (Lots 3 through 30)? Floodplain provides a natural buffer along most other perimeter boundaries and/or a buffer is shown in those areas.
- Please indicate setbacks for each section for all lots, including the townhomes (this can be done on the individual sheets for each residential section, and for the commercial section not to interfere with buffering and screening). Setbacks include perimeter setbacks adjacent to adjoining properties, setbacks on existing rights-of-way (Old Cox Road and Old Humble Mill Roads), and new streets within the development.
- Advisory Note: It was brought to our attention that there may be an access easement from Old Cox Road to 2377 Old Cox Road (see aerial photo below). While not a zoning matter, the status of this access and any easements should be evaluated.

Sheet 3:

- Show phase lines clearly. Show and label Flood BFEs if known.
- Is negative access for new arterial proposed? If yes, label.
- Include sidewalk along all newly constructed curb and gutter associated with the roundabout
- Trail in this section should not dump one at Old Cox Rd. Align it with sidewalk note in preceding bullet.

Sheet 4:

- Show phase lines clearly.
- Show outline of 6' trail darker for clarity.

RESPONSE to City comments dated 5-15-23

- What are solid waste disposal plans for the townhome section?
- Some of the lots, such as Lots 6 through 8, look challenging from a buildability standpoint given the 100' buffer along Old Cox Road, and a fairly small footprint on the internal street. This illustrates the importance of defining setbacks and buffer use.

Sheet 5:

- Show phase lines clearly.
- Show outline of 6' trail darker for clarity.
- Please label the amenities in the recreation area (clubhouse, pickleball courts, etc.) and the size of the structure to determine parking adequacy.
- Label improved paved area in ditch — appears to be mail kiosk.
- Label structure in NE quadrant of roundabout — purpose and use?
- What is the difference between SFA and townhome lots? Label each clearly and use typical sheet to provide details.

Sheet 6:

- Show phase lines clearly.
- Show outline of 6' trail darker for clarity.
- What is use and how is access to lot 13 provided?

Sheet 7:

- Show phase lines clearly.
- Show outline of 6' trail darker for clarity.
- Is there a buffer of any kind proposed along the side of Section 2B that faces adjoining parcels (Lots 3 through 30)? Floodplain provides a natural buffer along most other perimeter boundaries and/or a buffer is shown in those areas.

Sheet 8:

- Label existing public roads
- Identify if road serving commercial lots are public or private.
- Identify if reverse easement will exist along Old Cox Rd. If so, show.
- Identify stormwater management plan for this element.
- Advisory Note: It was brought to our attention that there may be an access easement from Old Cox Road to 2377 Old Cox Road (see aerial photo below). While not a zoning matter, the status of this access and any easements should be evaluated.
- Need more information on proposed outparcels such as permitted/prohibited uses, maximum unit sizes, architectural standards and sign standards, buffering/landscaping/screening against adjoining properties, street trees, interior landscaping (typically requiring a minimum of 1 canopy tree per 20 parking spaces distributed throughout the development), front yard landscaping, sidewalk construction

RESPONSE to City comments dated 5-15-23

and pedestrian connection to the rest of the development, signage details and any other conditions or restrictions that may be proposed. Without additional detail on the outparcels contained in Lots 1-5 of the commercial area, these lots likely will have to be resubmitted for Planning Board and Council zoning district approval at a later date when the uses and site plans are known prior to permits for construction. As such, how access will be provided for outparcel 6 needs to be shown — from Old Humble Mill or Old Cox? (i.e. sections need to be identified for commercial area).

- Clarify how buffer will be used through phase. If 100' Buffer should instead be setback along Old Humble Mill Rd., relabel.
- Sidewalks are required to connect commercial areas internally and to existing right-of-ways/other portions of the development. Effort needs to be made to connect commercial area with residential lots with pedestrian connections in some manner — If area to be cleared along Old Cox Rd. for outparcels, a sidewalk likely will be recommended to be built on the lots at the ROW.
- The city will likely propose conditions designed to ensure commercial element is consistent with a neighborhood commercial and not general commercial scale. Uses and max. s.f. per use may be recommended.
- Plans for landscaping and buffering and screening for outparcel 6 need to be provided.
- Does the area in new public r/w need to be indicated?
- What comprises open space for this section? An open space lot is identified but is only 1.3 acres. Section site data calls for open space of 2.3 acres. What is being considered as open space needs to be delineated and must remain controllable as open space,

Sheet 9:

- Show phase lines clearly.
- Is negative access for new arterial proposed? If yes, label.
- Correct Site Data Label in top right — Section **1** identified.
- Number of lots noted is 77 — highest lot number shown is 75.

Sheet 10:

- Show phase lines clearly.

Sheet 11:

- Is negative access for new arterial proposed? If yes, label.
- Include sidewalk along all newly constructed curb and gutter associated with the roundabout

Sheet 12:

- Provide dimensional details of typical townhome/SFA lots — each lot must be able to accommodate 2 9' x18' off-street parking spaces. Garaged space can count.
- Update typical berm and buffer detail to indicate spacing of plantings and avg. height of berm.
- Typical townhome lot with Master down note states depth of 90' — drawing shows 70'. Will townhome completely cover lot? Can a typical footprint be added?

RESPONSE to City comments dated 5-15-23

- Provide city accepted cul-de-sac typical section with dimensions and ensure all cul-de-sacs meet this standard.
- Standard local street roadway section width is 28', not 27'.
- Indicate the streets to utilize each section provided.
- If utility easements proposed within the first 10' of lots as shown on some of the street sections, such easements should be shown on the plan sheets.

General comments/questions and review processes from other departments:

- Awaiting comments from NCDOT on amended TIA that is to be submitted.
- Remember, written conditions can be proposed by the applicant and could be used to attempt to address feedback received by staff or the public. For instance, a prohibition of commercial operations on any outparcel between the hours of 11 pm and 5 am could be offered.
- The plan was shared with Randolph County Schools on 4-18-23. No comments have been received from RCS as of 5-11-23.
- The plan was shared with USPS on 4-18-23. The representative at USPS who handles community mailbox locations is Jennifer Way. Her email address is jennifer.l.way@usps.gov
- The plan was shared by John Ogburn, Asheboro City Manager, to Hal Johnson, Randolph County Manager, on 4-26-23.
- In addition to county manager, the plan was shared with Randolph County Planning & Zoning on 5-10-23. They had comments, as of 5-11-23, related to street naming for the 9-1-1 Center, which are contained in a separate attachment. The contact person with Randolph County who coordinates road naming with the 9-1-1 Center/Emergency Services is Tim Mangum. His contact information is below.

Tim Mangum, GISP; GIS Planner; Randolph County Planning & Zoning
Phone: 336-318-6552; Email : Tim.Mangum@randolphcountync.gov



Case No. RZ-23-05: Revenues and Expenses Projections by Applicant

RICHLANDS CREEK - DEVELOPMENT PLAN				Note: Current plan is to develop 413+/- units. This revenue projection conservatively assumes about a 5% loss in units after design												
OPINION OF REVENUES vs. EXPENDITURES				Table 1: PHASE 1				Table 2: PHASE 2				Table 3: PHASE 3				
(As Applies to the City of Asheboro Annexation)								Phase 2 (Includes 136 Low-Med Density Lots & Opening of								
				Phase 1 (Includes 57 Townhomes & 65 SFA's)				Commercial Area) + Amenity Center				Phase3 (Includes 155 Single Family Detached Homes)				
DEVELOPMENT PERIOD				Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year10	Year 11	Year 12	TOT. YR. 1-12
Townhomes Constructed (by year)				30	27	0	0									
Total Townhomes (Year End)				30	57	57	57									57
SFA's Constructed (by year)				25	15	15	5									
Total SFA's (Year End)				25	40	55	60									60
Low-Med Density Units								35	35	35	20					
Low-Med Density Units (Year End)								35	70	105	125					125
Single Family-Detached (By Year)												40	40	40	30	
Single Family-Detached (Year End)												40	80	120	150	150
Est. Tax Value/Townhome				\$ 285,000.00	\$ 295,000.00	\$ 300,000.00	\$ 315,000.00							Tot. Units Included		392
Est. Tax Value/SFA's				\$ 375,000.00	\$ 385,000.00	\$ 395,000.00	\$ 405,000.00									
Est. Tax Value/ Low-Med. Density								\$ 285,000.00	\$ 295,000.00	\$ 300,000.00	\$ 315,000.00					
Est. Tax Value/Amenity Center									\$ 1,500,000.00							
Est. Tax Value/Commercial								\$ 1,000,000.00	\$ 1,500,000.00							
Est. Tax Value/Single Family Detached												\$ 400,000.00	\$ 405,000.00	\$ 410,000.00	\$ 420,000.00	
Total Estimated Tax Value (by year)				\$ 17,925,000.00	\$ 13,740,000.00	\$ 5,925,000.00	\$ 2,025,000.00	\$ 10,975,000.00	\$ 13,325,000.00	\$ 10,500,000.00	\$ 6,300,000.00	\$ 16,000,000.00	\$ 16,200,000.00	\$ 16,400,000.00	\$ 12,600,000.00	
Cumulative Tax Value (Year End)				\$ 17,925,000.00	\$ 31,665,000.00	\$ 37,590,000.00	\$ 39,615,000.00	\$ 50,590,000.00	\$ 63,915,000.00	\$ 74,415,000.00	\$ 80,715,000.00	\$ 96,715,000.00	\$ 112,915,000.00	\$ 129,315,000.00	\$ 141,915,000.00	\$ 141,915,000.00
REVENUES (City Only)																
	Advalorum Taxes		\$ 0.665	\$ 119,201.25	\$ 210,572.25	\$ 249,973.50	\$ 263,439.75	\$ 336,423.50	\$ 425,034.75	\$ 494,859.75	\$ 536,754.75	\$ 643,154.75	\$ 750,884.75	\$ 859,944.75	\$ 943,734.75	\$ 943,734.75
	Sanitation Fees		\$ 18.00	\$ 11,880.00	\$ 20,952.00	\$ 24,192.00	\$ 25,272.00	\$ 7,560.00	\$ 15,120.00	\$ 22,680.00	\$ 27,000.00	\$ 8,640.00	\$ 17,280.00	\$ 25,920.00	\$ 32,400.00	\$ 32,400.00
	Water/Sewer Billings		\$ 38.95	\$ 25,707.00	\$ 45,337.80	\$ 52,348.80	\$ 54,685.80	\$ 16,359.00	\$ 32,718.00	\$ 49,077.00	\$ 58,425.00	\$ 18,696.00	\$ 37,392.00	\$ 56,088.00	\$ 70,110.00	\$ 70,110.00
	Water Conn. Fees		\$ 250.00	\$ 13,750.00	\$ 10,500.00	\$ 3,750.00	\$ 1,250.00	\$ 8,750.00	\$ 8,750.00	\$ 8,750.00	\$ 5,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 7,500.00	\$ 7,500.00
	Sewer Conn. Fees		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	Beer & Wine Tax															
	Intangibles Tax															
	Local Sales Tax															
	Franchise Tax															
	Rand. Co. Fire Tax															
	Powell Bill															
Subtotal				\$ 170,538.25	\$ 287,362.05	\$ 330,264.30	\$ 344,647.55	\$ 369,092.50	\$ 481,622.75	\$ 575,366.75	\$ 627,179.75	\$ 680,490.75	\$ 815,556.75	\$ 951,952.75	\$ 1,053,744.75	\$ 1,053,744.75
CITY EXPENDITURES (Assumed)																
	Administration			\$ 1,000.00	\$ 2,000.00	\$ 3,500.00	\$ 5,000.00	\$ 5,000.00	\$ 6,000.00	\$ 7,000.00	\$ 8,000.00	\$ 8,000.00	\$ 9,000.00	\$ 10,000.00	\$ 12,000.00	\$ 12,000.00
	Police Protection			\$ 2,000.00	\$ 4,000.00	\$ 6,000.00	\$ 8,000.00	\$ 4,000.00	\$ 5,000.00	\$ 8,000.00	\$ 9,000.00	\$ 9,000.00	\$ 10,000.00	\$ 10,000.00	\$ 11,000.00	\$ 11,000.00
	Fire Protection			\$ 5,000.00	\$ 7,000.00	\$ 9,000.00	\$ 11,000.00	\$ 6,000.00	\$ 7,000.00	\$ 9,000.00	\$ 10,000.00	\$ 10,000.00	\$ 11,000.00	\$ 11,000.00	\$ 12,000.00	\$ 12,000.00
	Street/Lights Maint.			\$ 400.00	\$ 500.00	\$ 600.00	\$ 700.00	\$ 500.00	\$ 600.00	\$ 700.00	\$ 800.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
	Sanitation Service (% of Revenue)	85%		\$ 10,098.00	\$ 17,809.20	\$ 20,563.20	\$ 21,481.20	\$ 6,426.00	\$ 12,852.00	\$ 19,278.00	\$ 22,950.00	\$ 7,344.00	\$ 14,688.00	\$ 22,032.00	\$ 27,540.00	\$ 27,540.00
	Water/Sewer Serv. (% of Revenue)	85%		\$ 21,850.95	\$ 38,537.13	\$ 44,496.48	\$ 46,482.93	\$ 13,905.15	\$ 27,810.30	\$ 41,715.45	\$ 49,661.25	\$ 15,891.60	\$ 31,783.20	\$ 47,674.80	\$ 59,593.50	\$ 59,593.50
	Roadway Maintenance			\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00
	Electrical Serv. Inc.			\$ 3,000.00	\$ 2,800.00	\$ 3,200.00	\$ 4,300.00	\$ 3,000.00	\$ 2,800.00	\$ 3,200.00	\$ 4,300.00	\$ 3,000.00	\$ 2,800.00	\$ 3,200.00	\$ 4,300.00	\$ 4,300.00
	Debt Service (W&S)	0		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	Subtotal			\$ 45,848.95	\$ 75,146.33	\$ 89,859.68	\$ 99,464.13	\$ 41,331.15	\$ 64,562.30	\$ 91,393.45	\$ 107,211.25	\$ 56,735.60	\$ 82,771.20	\$ 107,406.80	\$ 129,933.50	\$ 129,933.50
			BALANCE	\$ 124,689.30	\$ 212,215.72	\$ 240,404.62	\$ 245,183.42	\$ 327,761.35	\$ 417,060.45	\$ 483,973.30	\$ 519,968.50	\$ 623,755.15	\$ 732,785.55	\$ 844,545.95	\$ 923,811.25	\$ 923,811.25
	By: Hiram J. Marziano, PE	May 29, 2023														



**Case No. RZ-23-05: Information Related to
Traffic Impact Analysis (provided by applicant).**

**Note: Potential Future Commercial Uses are included for evaluation purpose.
The zoning application has been amended to not include a commercial element
with the current request.**



NCDOT Traffic Impact Analysis Need Screening / Scoping Request



TIA Need
Screening



TIA
Scoping



TIA
Submittal

A Traffic Impact Analysis (TIA) may be required for developments based on the site trip generation estimates, site context, or at the discretion of the NCDOT District Engineer. The Applicant or the TIA Consultant shall submit this form along with the site plan to the District Engineer to determine the TIA need and, if a TIA is required, initiate the TIA scoping process. Without an approved scope, the TIA is incomplete and will be rejected until the study is revised to conform to NCDOT's TIA requirements.

Project Name: Richland Creek Subdivision Previous Name: If Applicable Beeson Farm

Location: Old Cox Rd at Old Humble Mill Rd Intersectio County: Randolph Municipality:

Project Description: 3-Phase mixed-use development consisting of a total of single-family homes, townhomes, fast-food restaurants, high-turnover restaurant, coffee shop, coffee shop, veterinary clinic and a hardware store.

Project Contact:	Applicant	TIA Consultant
Company Name	<u>The Turner Group, Inc</u>	<u>DAVENPORT</u>
Contact Person	<u>Bill Turner</u>	<u>Steven Epley</u>
Phone Number	<u>919-369-3254</u>	<u>(919) 809-7006</u>
Email	<u>bturner@robuckhomes.com</u>	<u>sepley@davenportworld.com</u>
Mailing Address	<u>410 Lakestone Drive</u>	<u>4600 Marriott Drive, Suite 340</u>
	<u>Raleigh, NC 27609</u>	<u>Raleigh, NC 27612</u>

Site Plan Prepared By: Hiram J. Arziano, PE

Site Plan Date: 01/22/2023

See site plan/vicinity map requirements on page 2.

Parcel Size: 233.53 Acre(s)

Anticipated Build-Out Year: 25,29,32

Weekday Site Trip Generation - Do NOT adjust for mode split, pass-by, internal capture, or diverted trips.

ITE LUC	Proposed Land Use	Size	Unit	Daily Trips	Peak Hour Type	AM Peak Hour Trips			PM Peak Hour Trips			Data Source
						Enter	Exit	Total	Enter	Exit	Total	
	See attached table				Please Select							Please Select
Total												

Refer to the current [NCDOT Congestion Management Capacity Analysis Guidelines](#) for acceptable trip calculation methods and data sources.

**Explain local or other data sources, if used:

☒ The estimated site trips meet NCDOT's TIA trip threshold of 3,000 daily trips.

☐ The estimated site trips meet the municipal TIA trip threshold of

☐ This project is located in a known [STIP](#) and/ or local CIP project #

☐ This project includes a rezoning request.

☐ The proposed site access is located within 1,000 feet of an interchange.

☐ The Applicant requests for a new or modified control-of-access break.

☐ The Applicant requests for a new or modified median break.

Applicant's Signature

Print Name

Date

Effective Date: 10/01/2017 (Version 17-721)

Page 1 of 2



NCDOT Traffic Impact Analysis Need Screening / Scoping Request



Site Plan/Vicinity Map Requirement for TIA Need Screening: While the site plan may not be finalized during the TIA scoping stage, the graphic representation of the proposed development shall provide adequate details on the development scope and context. More specifically, the site plan/map shall clearly show the location and type of each access point, spacing to adjacent and opposing driveways or intersections, internal street network, proposed buildings/parcels with their anticipated uses and sizes at full build-out and, if applicable, any nearby interstate, US, NC or Secondary Roads (SR).

Project Name: Richland Creek Subdivision

Project Reference Number: 220089

- ☐ **A TIA is Required by the Local Government.** In addition, the study area is expected to include NCDOT maintained transportation facilities.
- ☒ **A TIA is Required by NCDOT,** per the [Policy on Street and Driveway Access to North Carolina Highways](#).

If either or both of the boxes above are checked, the Applicant/TIA Consultant is hereby requested to fill out as much as possible of the following TIA scoping checklist, and return it along with the supporting documents to NCDOT prior to the scoping meeting.

- ☐ **A TIA is NOT required.** This decision is based on the development information presented above. Changes in the development plan will require re-evaluation of the TIA need, and may necessitate a TIA. The Applicant should inform the District Engineer of any significant changes in a timely fashion to avoid delays or rejections of the driveway permit / encroachment agreement applications.

Additional Comments:

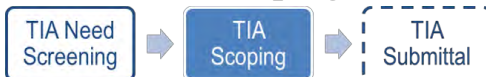
The TIA need decision is made by the NCDOT Division _____ District _____ on _____.

NCDOT District Representative's Signature
Email concurrence may be used in lieu of the signature.

Print Name



NCDOT TIA Scoping Checklist



Project Name: Richland Creek Subdivision

TIA Scoping Date: 05/11/23

☒ **TIA Need Screening Forms are Attached.** Project Reference #: 220089 Decision Date: _____

☒ **Site Plan and Access**

☒ Provide a site plan illustrating site access, internal and external roadways, buildings and land uses.

Refer to NCDOT's [Policy on Street and Driveway Access to North Carolina Highways](#) pages 14 and 15 for site plan requirements.

☒ Identify site access.

New Access	On Road	Access Type		Driveway Spacing		
	Road Name	Permitted Movements	Traffic Control	Distance (ft)	Direction	Nearest Intersection / Access
Access A	Old Humble Rd	Conventional Full-Mvmt	2-Way Stop	1180	NE	Old Cox Rd
Access B	Old Cox Rd	Roundabout	2-Way Stop	1175	NW	Old Humble Rd
Access D	Old Cox Rd	Roundabout	2-Way Stop	1175	NW	Old Humble Rd
Access F	Old Cox Rd	Conventional Full-Mvmt	2-Way Stop	2040	South	Old Humble Rd
Access G	Old Cox Rd	Conventional Full-Mvmt	2-Way Stop	340	South	Old Humble Rd
Access H	Old Humble Rd	Conventional Full-Mvmt	2-Way Stop	270	NE	Old Cox Rd
Access J	Old Cox Rd	Conventional Full-Mvmt	2-Way Stop	760	South	Old Humble Rd
Access K	Old Humble Rd	Conventional Full-Mvmt	2-Way Stop	630	NE	Old Cox Rd
Existing Access	Existing Intersection of		Access Modification	Proposed Interconnectivity (If Applicable)		
	Road A	Road B		Connector #	Road Connected	Adjacent Development
Access 1			Please Select	Connector 1		
Access 2				Connector 2		
Access 3				Connector 3		
Access 4				Connector 4		

☐ Additional access clarifications and provisions (e.g., proposed control-of-access or median breaks, modifications of existing access, loading/unloading area access, bike/pedestrian accommodation).

☐ **Proposed K-12 School Site**

☐ NCDOT [MSTA School Traffic Calculator](#) for Select School Type shall be used.

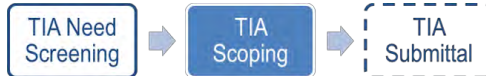
☐ Peak Hour Factors (PHFs) shall be adjusted/weighted for new school trips (0.5 PHF by default).

☐ Internal school circulation analysis is required, and should be submitted in advance or concurrent with the TIA submittal.

☐ Clarify traffic operation plans (e.g. traffic circulation pattern, pedestrian access, drop-off/pick-up zone location and configuration, queue storage area and, if applicable, staggered start times).



NCDOT TIA Scoping Checklist



☒ Trip Generation

The TIA Consultant shall prepare trip generation estimates following the current [NCDOT Congestion Management Capacity Analysis Guidelines](#), and submit the calculation sheets and supporting information to the District Engineer for approval prior to capacity analysis.

ITE LUC	Proposed Land Use	Size	Unit	Daily Trips	Peak Hour Type	AM Peak Hour Trips			PM Peak Hour Trips			Data Source
						Enter	Exit	Total	Enter	Exit	Total	
	See attached table				Please Select							Please Select
Unadjusted Site Trips												
Internal Capture Trips (Attach Calculation Sheets)												Please Select
Internal Capture % of Unadjusted Site Trips				%		%			%			
LUC	Proposed Land Use	Any Internal Trips?		Pass-By % of External Trips								
		Please Select		%		%			%			Please Select
				%		%			%			
				%		%			%			
				%		%			%			
				%		%			%			
Pass-By Trips (Attach Calculation Sheets)												
Adjacent Street Volumes												Please Select
Non-Pass-By Primary Trips												
Diverted Trips, if Applicable and Justifiable												Please Select

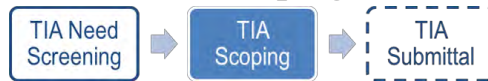
**Explain local or other data sources, if used:

☐ Existing Site Trip Information for Redevelopment Projects (Attach separate sheets as needed)

ITE LUC	Existing Land Use	Size	Unit	Daily Trips	Peak Hour Type	AM Peak Hour Trips			PM Peak Hour Trips			Data Source
						Enter	Exit	Total	Enter	Exit	Total	
					Please Select							Please Select
Total Existing Site Trips												



NCDOT TIA Scoping Checklist



☒ Trip Distribution

- ☒ Trip distribution diagrams are submitted concurrently with this document (attach separate sheets).
- ☐ Trip distribution diagrams will be submitted separately, along with supporting information, to the District Engineer for review and approval prior to capacity analysis. The trip distribution shall be based on the current and anticipated traffic patterns, as well as instructions noted below.

If required by the District Engineer, the following additional diagrams shall also be submitted:

- ☐ Mixed-Use Developments (separate diagrams for residential, commercial, and office trips)
- ☐ Inter-Development Trips (if 'internal' trips cross public streets)
- ☒ Pass-By Trips
- ☐ Diverted Trips
- ☐ Each Analysis Period

☐ Mode Split

- ☐ Provide Data Source and Justification

Mode Period	Auto		
AM Peak	%	%	%
PM Peak	%	%	%
Daily	%	%	%
	%	%	%

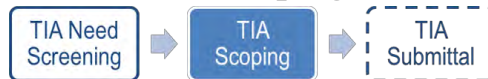
- ☐ Identify proper infrastructure and accommodation for other modes of travel.

☒ Analysis Peak Periods:

- ☒ Weekday AM Peak 7-9AM
- ☒ Weekday PM Peak 4-6 PM
- ☐ Weekday Midday Peak _____
- ☐ Weekday PM School Peak _____
- ☐ Weekend _____ Peak _____
- ☐ Other _____



NCDOT TIA Scoping Checklist



☒ Study Area Intersections and Data Collection

The study area shall include the site access intersections (both new and existing) identified under “Site Plan and Access” on page 1, as well as the following external and, if applicable, internal intersections.

External Intersection	Intersection of		Traffic Control	Intersection Turning Movement Counts			Notes
	Road A	Road B		New / Existing	Date of Counts	Growth Adjustment	
#1	Old Cox Road	Old Humble Mill	2-Way Stop	Require New Counts	10/19/22		
#2	Old Cox Road	Pine Hill Road	2-Way Stop	Require New Counts	10/19/22		
#3	Zoo Parkway	Old Cox Road	2-Way Stop	Require New Counts	10/19/22		
#4							
#5							
#6							
#7							
#8							
#9							
#10							
#11							
#12							

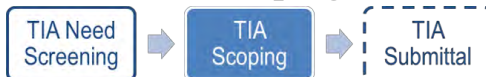
Internal Intersection	Intersection of		Access Type		Intersection Spacing		
	Road A	Road B	Traffic Control	Permitted Movements	Distance (ft)	Direction	Nearest Intersection
#101			Please Select	Please Select		Please Select	
#102							
#103							
#104							
#105							

The following data will be collected:

- ☒ New traffic turning movement counts in ☒ 15-min intervals ☐ 5-min intervals (near schools)
Unless otherwise noted above, new traffic counts shall be collected at the existing study intersections during the analysis periods. Weekday counts shall avoid Mondays, Fridays, holidays, school breaks, road closures, and major weather events.
- ☐ To account for the impact of existing and/or proposed school traffic, PHFs will be adjusted for:
intersections numbered: _____
and access points numbered: _____
- ☐ Traffic Forecast Data for TIP: _____
- ☒ Roadway/Intersection Configuration & Traffic Control
- ☐ Traffic Signal Phasing & Timing Data
- ☐ Crash Data: _____ Period: _____
- ☐ Other: _____



NCDOT TIA Scoping Checklist



☒ Future Year Conditions

☒ Project Build-Out Year: Ph 1: 2025, Ph 2: 2029 and Ph 3/Full Build: 2032

☒ Future Analysis Year(s): Ph 1: 2025, Ph 2: 2029 and Ph 3/Full Build: 2032

☒ Identify below any funded/committed future transportation improvements, as well as any approved but incomplete developments near the site.

Funded STIP / Local CIP Project	Project Description		Year Complete
Zoo City Sportsplex	Intersection of Zoo Parkway at Old Cox Road Imps		TBD
Committed Imps			
Nearby Approved Development	Location	Future Land Use (exclude any completed phases)	Committed Improvements
Zoo City Sportsplex	NE corner Zoo Pkwy/Old Cox	Sports complex	
NC Zoo Expansion	4401 Zoo Pkwy	Zoo	Please advise
Pkwy South	3140 Zoo Pkwy	Subdivision	
Zoocrest Townhomes	1223 Crestview Church Rd	Subdivision	

☒ Annual Growth Factor: 1 %

Justification/Data Source: City of Asheboro Land Use Plan

☐ Local Comprehensive Transportation Plan Compliance

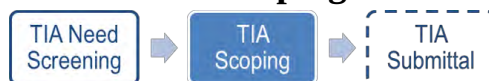
☐ Identify Applicable Local Transportation Planning Documents

☐ Identify Applicable Roadways inside the Study Area

Road Name	Classification	Speed Limit	Proposed Cross-Section	Proposed Right-of-Way	Compliance Requirements	Affect Study Intersection #



NCDOT TIA Scoping Checklist



☒ Study Method

The traffic analysis shall follow the current [NCDOT Congestion Management Capacity Analysis Guidelines](#), [Policy on Street and Driveway Access to North Carolina Highways](#), and use the current approved version of analysis software (e.g. Synchro/SimTraffic, HCS, Sidra Intersection, TransModeler).

The study shall include the following analysis scenarios for each analysis period.

1. Existing Conditions
2. Future No-Build Conditions (existing + background growth + approved developments + committed or funded improvements)
3. Future Build Conditions (future no-build + site trips)
4. Future Build with Improvements Conditions (future build traffic with improvements to mitigate the proposed development's impacts) and, if applicable:
- ☐ 5. TIP Design Year Analysis _____
- ☐ 6. Alternative Access Scenario (without proposed control-of-access or median break / modification)

The following additional analysis/outputs should be provided as warranted:

- ☐ Signal Warrant Analysis for accesses/intersections _____
- ☐ Multi-Modal Level of Service Analysis
- ☐ School Loading Zone Traffic Simulation
- ☒ Phasing Analysis (scope separately as needed)
- ☐ Safety/Crash Analysis
- ☐ Control-of-Access Modification Justification
- ☐ Median Break / Modification Justification
- ☐ Other _____

☒ Submittals

In addition to the hardcopies required below, the TIA Consultant shall provide the District Engineer and, if required, the local government an electronic copy of the study documents, including the latest site plan, figures and appendices, in searchable PDF files and the original traffic analysis files (e.g., Synchro, HCS). To expedite review, the NCDOT electronic submittals shall also be delivered concurrently to:

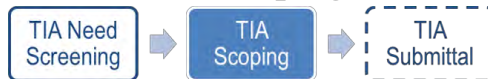
☐ Div. Traffic Engr ☐ Regional Traffic Engr ☐ Congestion Management ☒ Other District Eng

Submittals	NCDOT		Local Government	
	Electronic	Hardcopy	Electronic	Hardcopy
Trip Generation & Distribution	Required		Please Select	
Draft TIA Report	Required			
Final Sealed TIA Report	Required			

☐ **Additional Comments** (municipal TIA requirements, approved variations from NCDOT guidelines)



NCDOT TIA Scoping Checklist



Agreement by All Parties

The undersigned agree to the contents and methodology described above for completing the required traffic impact analysis for the proposed development identified herein. Any changes to the above methodology contemplated by the Applicant or the TIA Consultant must be submitted to the District Engineer in writing. If approved by NCDOT, then such changes may be accepted for the TIA report. Subsequent revisions to the development plan (e.g. land use, density, site access, or schedule) may require additional scoping and analysis, and may modify the TIA requirements.

This agreement shall become effective on the date approved by NCDOT, and shall expire ____ months after the effective date or upon significant changes to the roadway network and/or development assumptions, whichever occurs first. Once expired, renewal or re-scoping will be required for subsequent TIA submittals.

APPLICANT

_____ Signature	_____ Print Name	_____ Date
--------------------	---------------------	---------------

TIA CONSULTANT

_____ Signature	Steven Epley, PE _____ Print Name	05/11/2023 _____ Date
--------------------	---	-----------------------------

LOCAL GOVERNMENT REPRESENTATIVE (If Applicable)

_____ Signature	_____ Print Name	_____ Date
--------------------	---------------------	---------------

Email concurrence may be used in lieu of the signature.

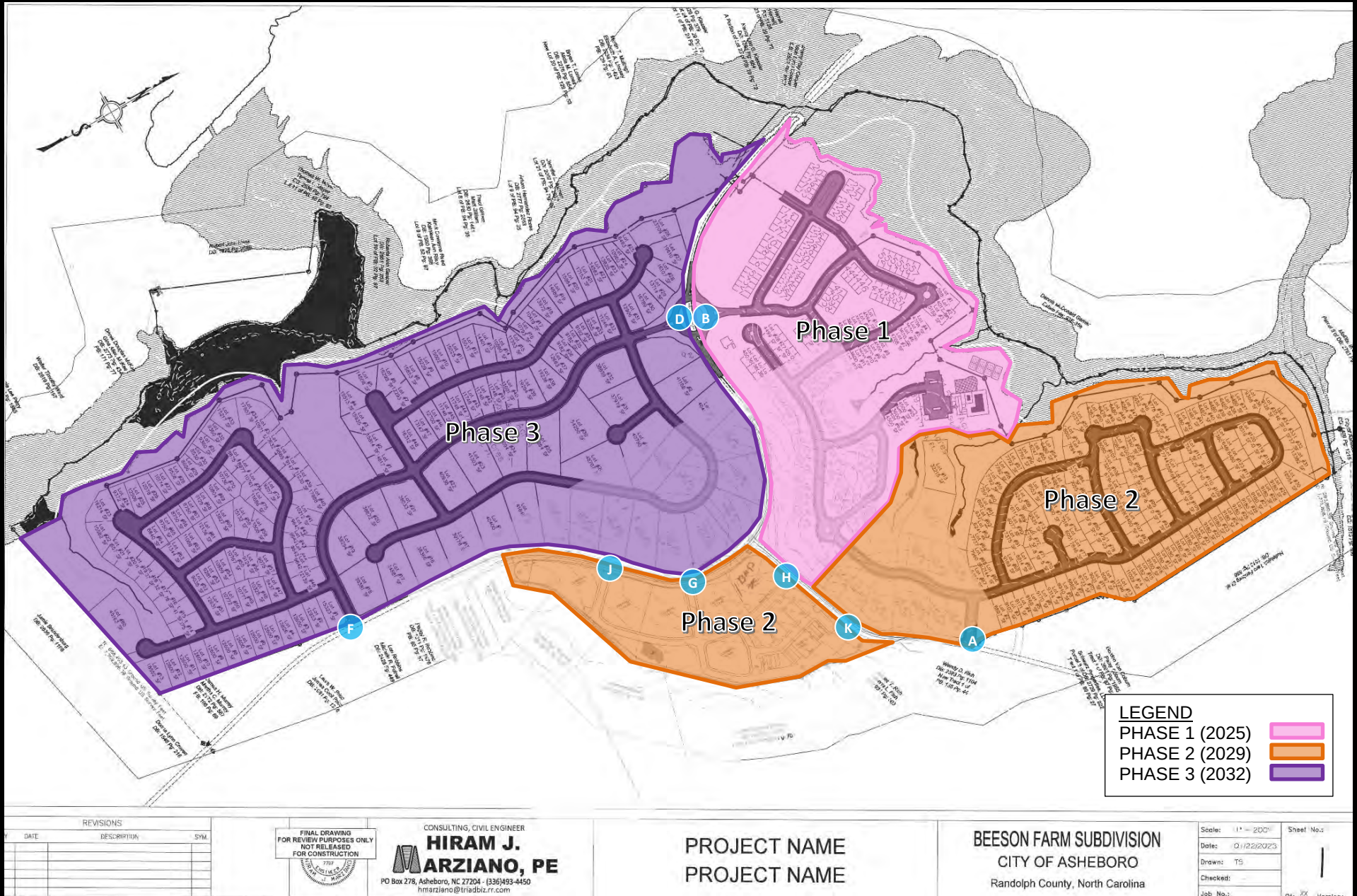
NCDOT DISTRICT REPRESENTATIVE

Reviewed and approved by the NCDOT Division ____ District ____ on _____.

_____ Signature	_____ Print Name
--------------------	---------------------

Email concurrence may be used in lieu of the signature.

Table A - Weekday Site Trip Generation											
Richland Creek Subdivision, Randolph County, NC											
Average Weekday Driveway Volumes					Weekday 24 Hour	AM Peak Hour			PM Peak Hour		
Proposed Land Use	LU Code	Size	Unit	Type	Two-Way	Enter	Exit	Total	Enter	Exit	Total
Phase 1 Build											
Single-Family Attached Homes	215	122	Dwelling Units	Adjacent - Equation	879	14	44	58	41	28	69
Phase 1 Total Trips					879	14	44	58	41	28	69
Phase 2 Build											
Single-Family Detached Homes	210	136	Dwelling Units	Adjacent - Equation	1,339	25	74	99	84	49	133
Fast-Food Restaurant with Drive- Through Window	934	3.5	Th.Sq.Ft. GLA	Adjacent - Rate	1636	80	76	156	60	56	116
Fast-Food Restaurant with Drive- Through Window	934	3.5	Th.Sq.Ft. GLA	Adjacent - Rate	1636	80	76	156	60	56	116
High-Turnover (Sit-Down) Restaurant	932	6.0	Th.Sq.Ft. GLA	Adjacent - Rate	643	32	25	57	33	21	54
Hardware Store	816	5.0	Th.Sq.Ft. GLA	Generator - Rate	40	4	3	7	3	3	6
Pharmacy with Drive-Through Window	881	6.0	Th.Sq.Ft. GLA	Adjacent - Rate	650	12	10	22	31	31	62
Coffee Shop with Drive-Through Window	937	3.5	Th.Sq.Ft. GLA	Adjacent - Rate	1867	153	148	301	68	68	136
Veterinary Clinic	640	10.0	Th.Sq.Ft. GLA	Adjacent - Equation	215	26	12	38	16	25	41
Phase 2 Total Trips					8,026	412	424	836	355	309	664
Phase 3 Build											
Single-Family Detached Homes	210	155	Dwelling Units	Adjacent - Equation	1510	28	83	111	95	55	150
Phase 3 Total Trips					1,510	28	83	111	95	55	150
Full Build Total Trips					10,415	454	551	1,005	491	392	883
Pass-By					--	--	--	--	--	--	--
Pass-by Fast-Food			50% AM, 55% PM		--	117	117	234	95	95	190
Pass-by High-Turnover			43% PM		--	0	0	0	11	11	22
Pass-by Pharmacy			49% PM		--	0	0	0	15	15	30
Total Pass-by Reduction					--	117	117	234	121	121	242
Limited to 10% of Adjacent Street Traffic ⁽²⁾					--	-14	-14	-27	-14	-14	-27
Phase 2 Adjusted Trips					--	399	411	809	342	296	637
Total Adjusted (Primary) Trips					--	441	538	978	478	379	856
Notes: ⁽²⁾ Pass-by limited to 10% of Adjacent Street Traffic (approx. 2,700 veh/day)											



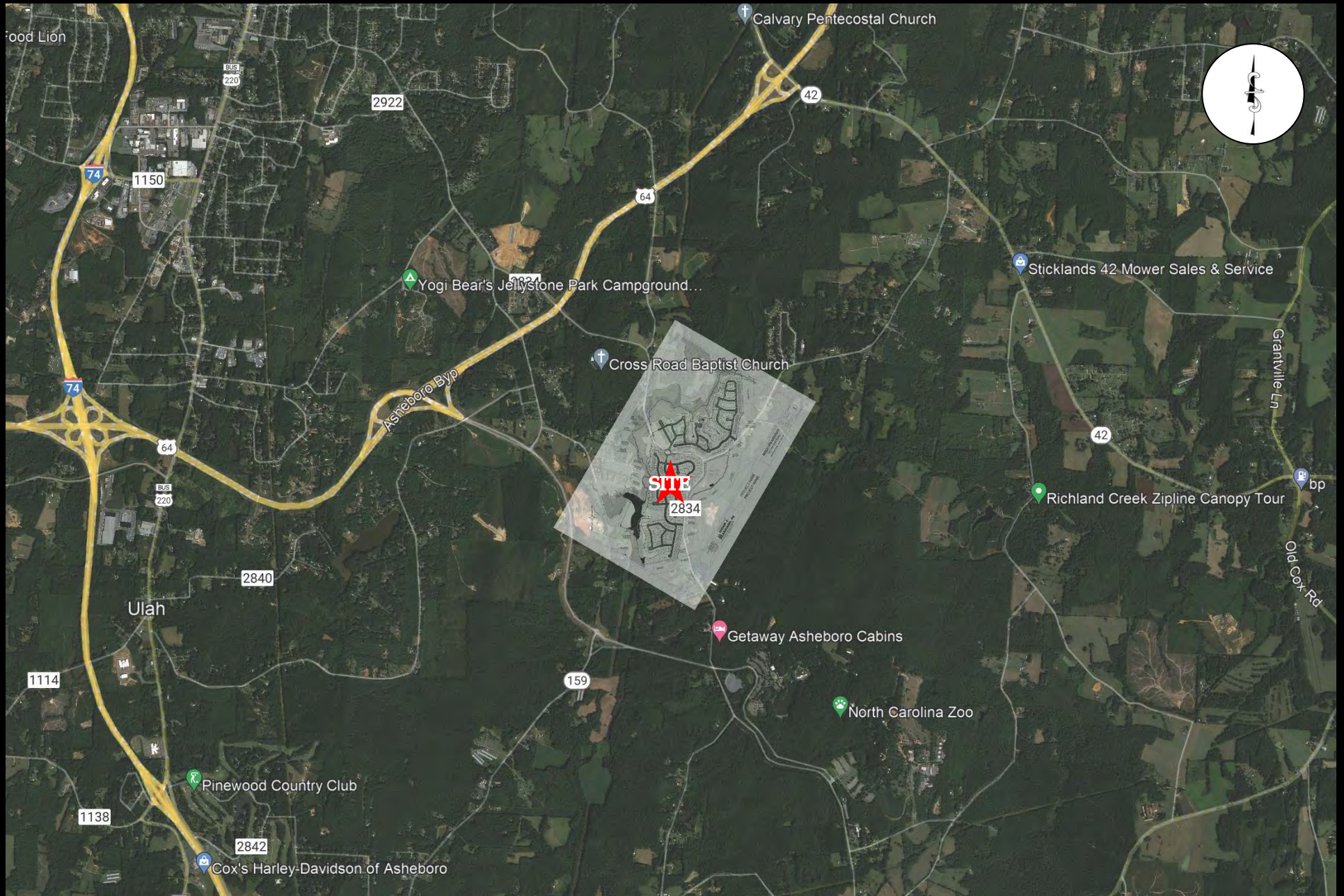
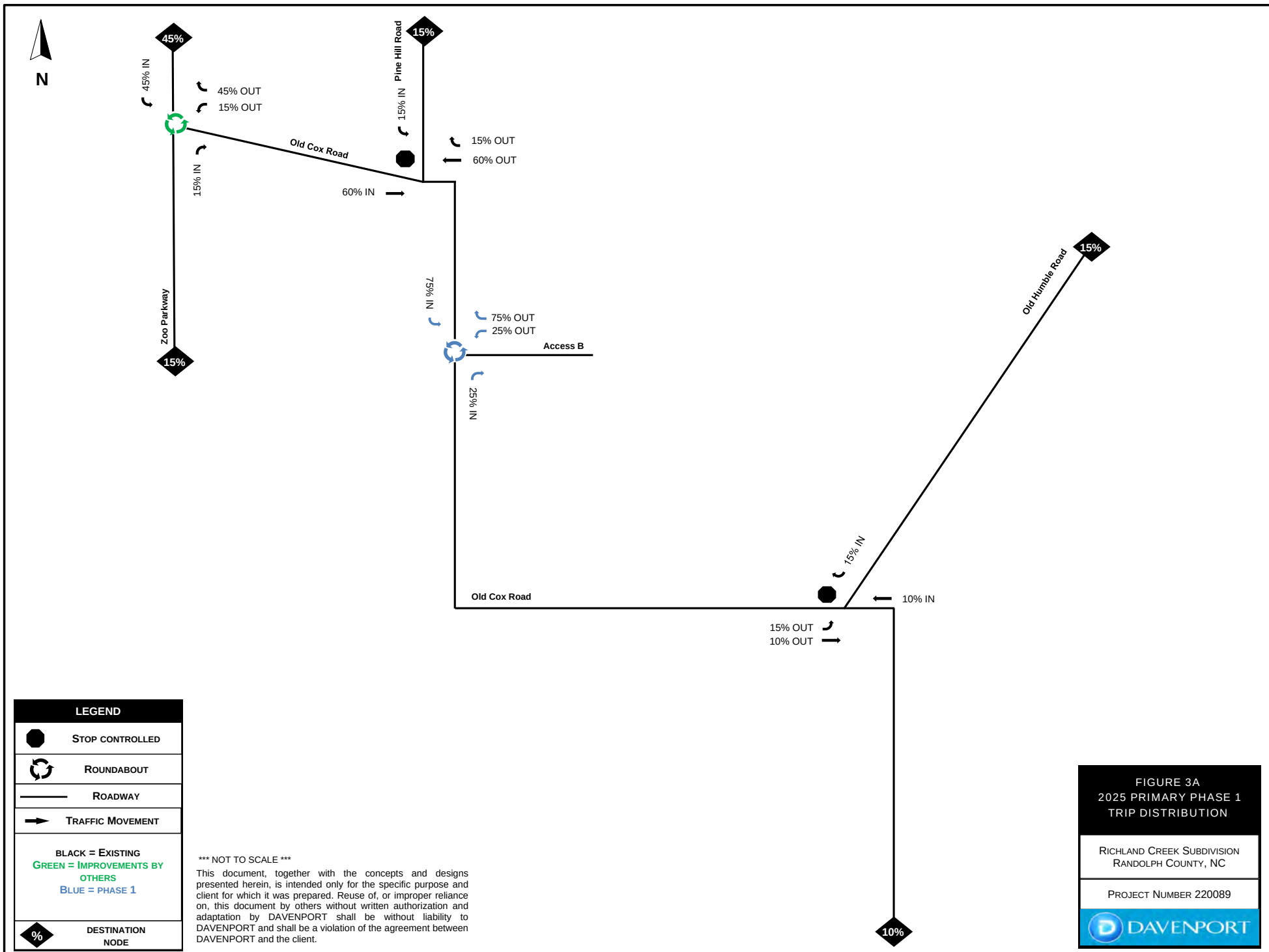


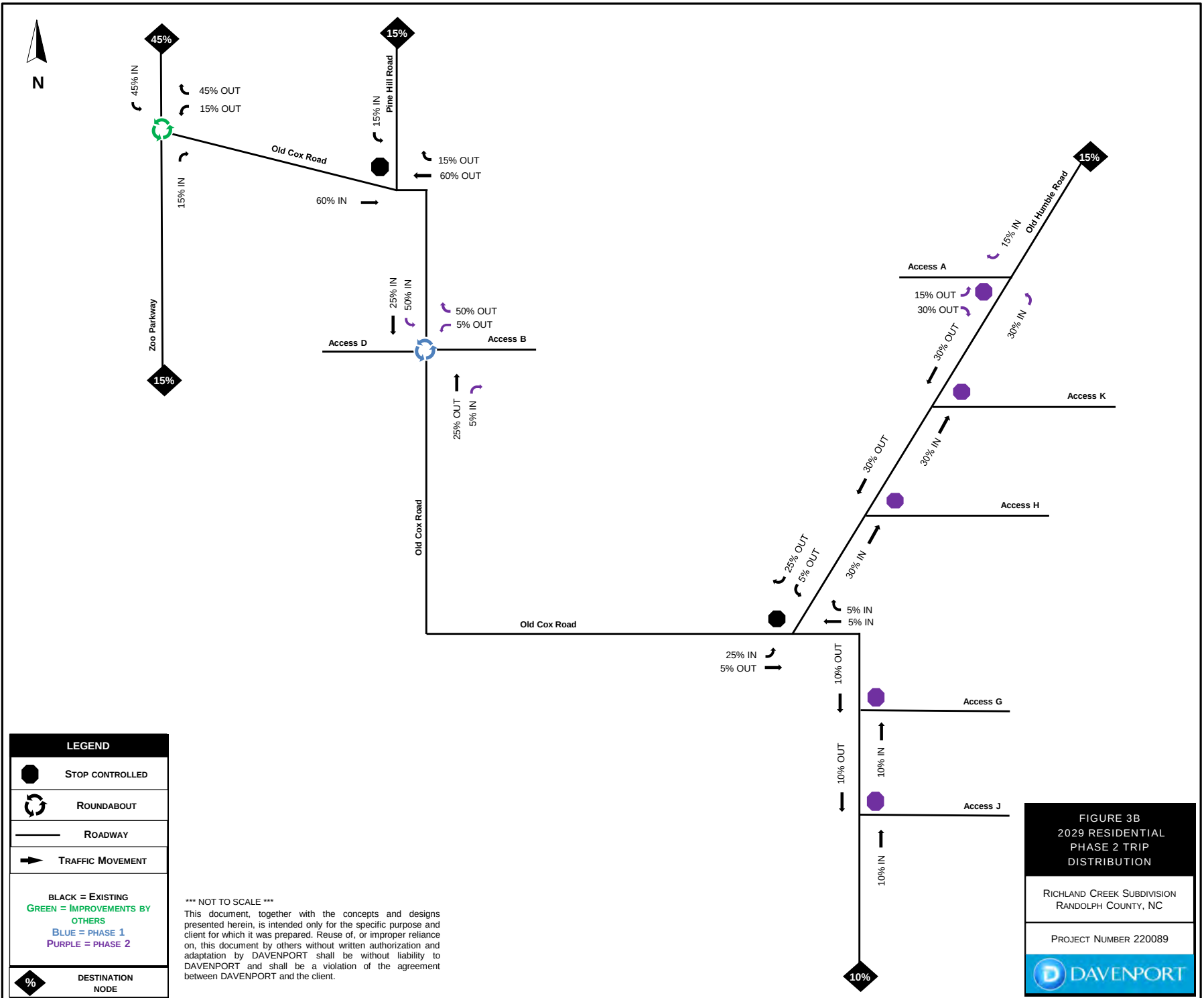


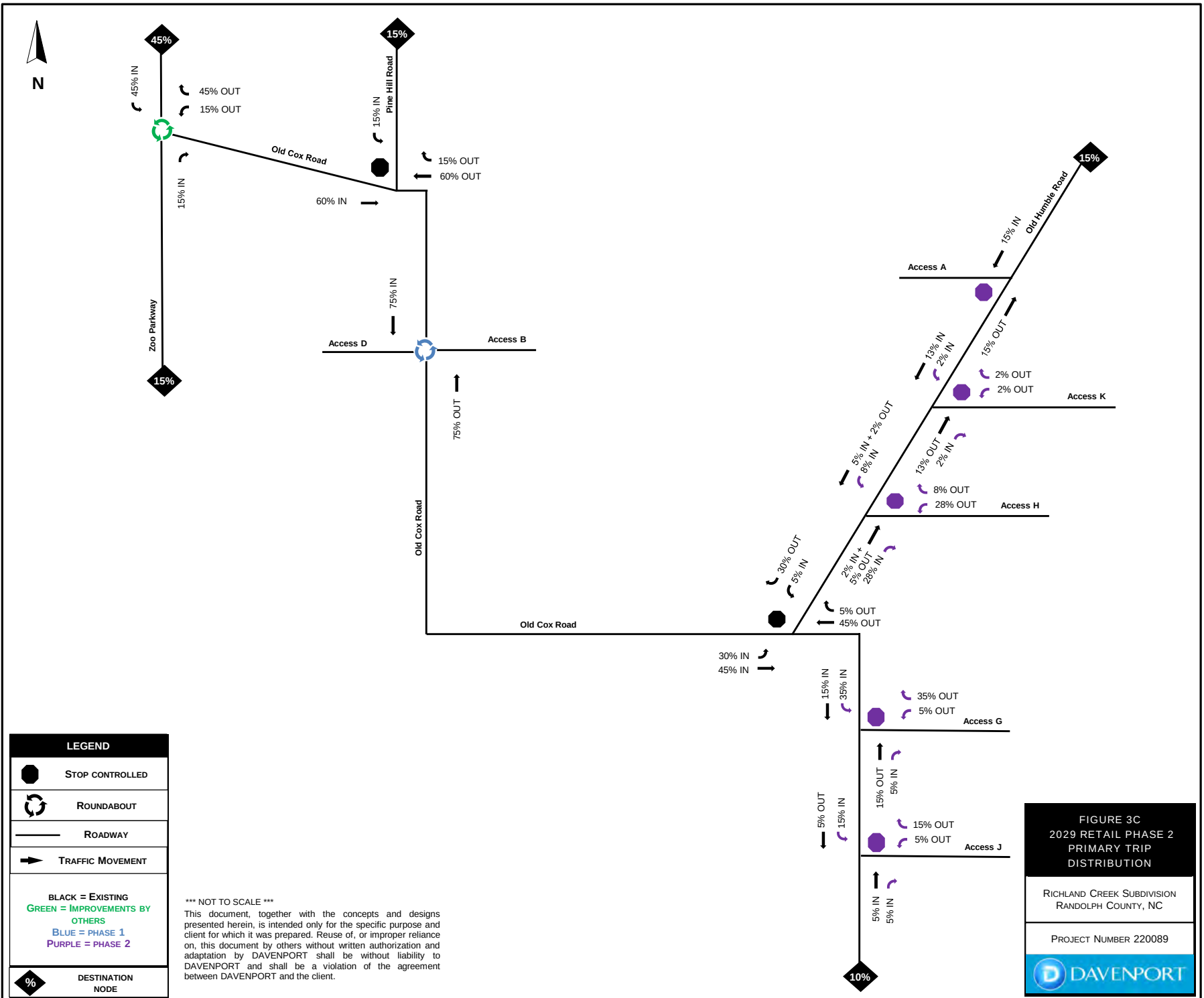
FIGURE 2B
VICINITY MAP

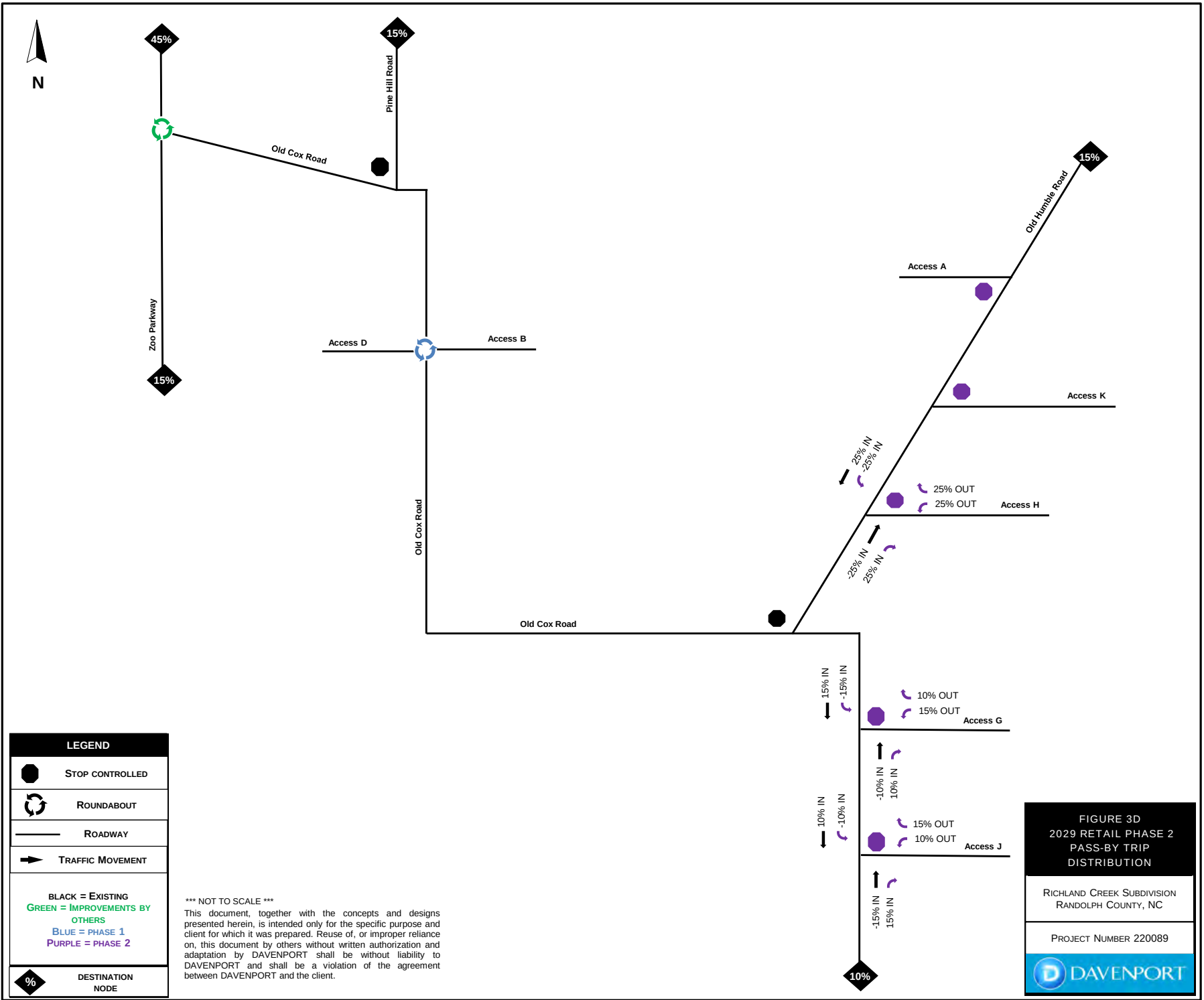
STUDY INTERSECTIONS
 2022 EXISTING
 2025 PHASE 1 (PROPOSED)
 2029 PHASE 2 (PROPOSED)
 2032 PHASE 3 (PROPOSED)

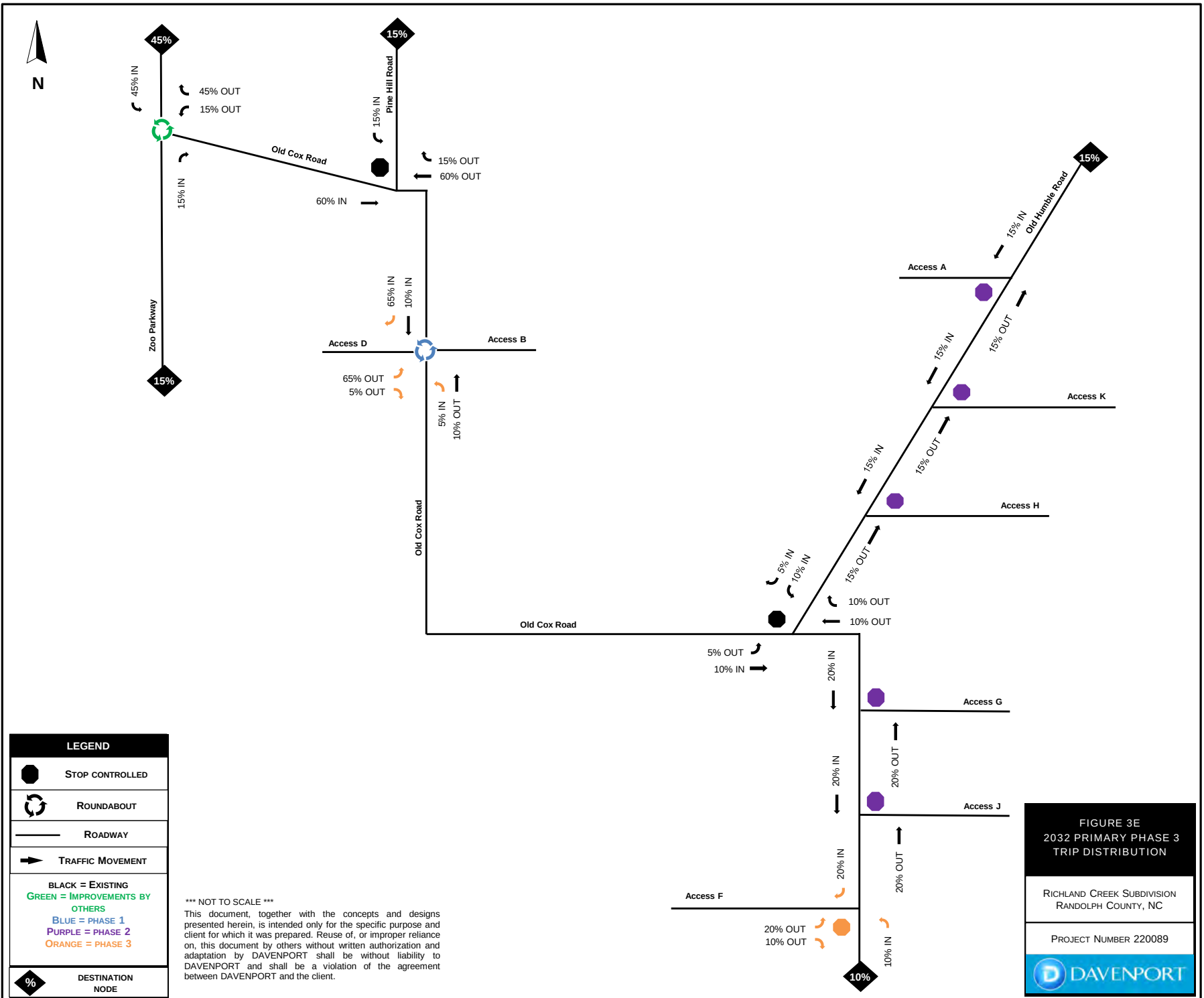












COMPONENTS OF GROWTH

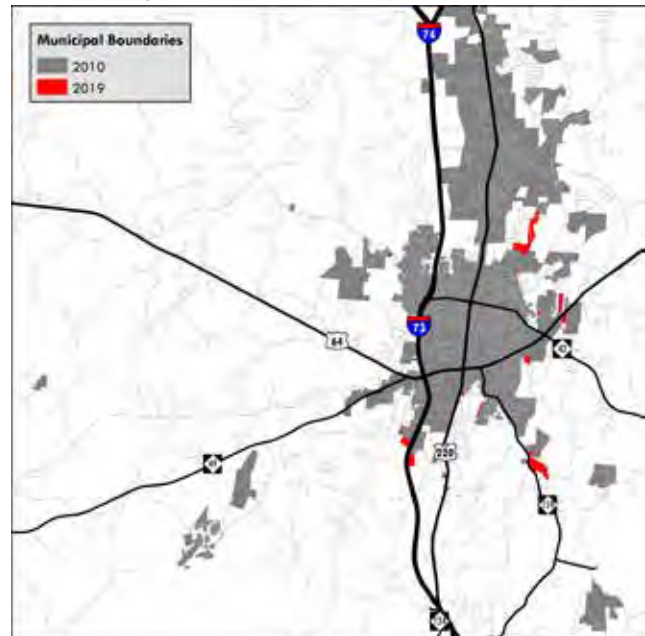
Between 2010 and 2018, Asheboro's population grew by 838 residents to the total population. Some of this increase was due to growth in the City's municipal limits due to annexations. During this time, the City annexed 0.35 square miles and added 263 residents in this newly annexed area. The remaining population growth occurred from an increase in population within the City's 2010 municipal limit area. Both Lexington and Reidsville annexed a very small area during this same time, and actually lost population within their original 2010 municipal limits. Salisbury's increase in population was almost solely due to an increase within its 2010 municipal limits. (Source: NC Demographer, Aspects of Municipal Change)

POPULATION PROJECTIONS

The average annual growth rate for the City of Asheboro between 2000 and 2018 was 1.0%, meaning the City's population grew 1.0% each year on average during that time frame. In comparison, Randolph County's average annual growth rate was 0.6% during the same time, meaning the City's population grew faster than the County as a whole.

The North Carolina State Demographer estimates population projections 20 years out at the County level, but not the municipal level. The average annual growth rate over the past few years can be used to project the City of Asheboro's total population out to year 2040. Using 1.0% as the average annual growth rate, Asheboro can expect a total population of 32,065 by the year 2040. That is an increase of 6,215 people between 2018 and 2040 (a 24% increase).

Figure 4: City Limits (2010 to 2019)



Source: Randolph County GIS

The State Demographer projects Randolph County will grow by 13.0%, adding 18,692 people to its population, growing to a total population of 162,777 by the year 2039. The majority of this increase will be due to an increase in the older adult population, ages 65 years and older. The older adult population will grow by 47.0%, while the children population (ages 0 to 17) will grow by 11.1%, and the working adult population (ages 18-64) will only grow by 3.8%. The City of Asheboro can expect a similar change in population dynamics, as the older adult population grows at an increase rate compared to the younger population.

RACE & ETHNICITY

Asheboro's population remains predominantly white, non-Hispanic (60%) in 2018. The white population grew very little between 2000 and 2010 (only a 2% change) while the Hispanic population grew 56% during the same time frame (see Figure 5). Between 2010 and 2018 however, the white population grew by 7% and the Hispanic population decreased by 6%.



Walden Rd
SPR 2931

REGISTRATION AREA TITLE:

- 1. **Field-Based Instruction** (Field studies by teachers, students, or students in the field can be completed as well as in a classroom or grade school environment)
- 2. **Use of grade school resources**
- 3. **Student involvement issues**
- 4. **Resource issues**
- 5. **Other** (e.g., Environment, Program and School Quality, community activities or traditions)

15. Item Key Part

17. Office of Sustainable Planning Team

1. Office of Sustainable Planning Officers, Team

Buildings	
1	Maintenance (1) 4-story
2	Garage/Stores
3	Conference (1) 2-story
4	Reception (1) 2-story
5	Reception (1) 2-story +
CONCRETE	
Track (4) Bldgs.	40,000 \$1,400
Water Lines	17' 2" 27,000-90
Sanitary Service Lines (27")	
Sanitary Water Mains (27")	

Phase 1 - Life 1 (L)
 (0-9) **Chaperon Squares** = 10 x completed
Phase 2 - Life 2 (L)
 (0-9) **Chaperon Squares** = 10 x completed
 NUMBER OF CHAPERON SQUARES TO COMPLETE:

City of Asheboro
Claimed Access and
Utility Easements A-F

Existing City of
Asheboro Access &
Sewer Force Main
Easement Per
PB 113 Pg. 14 & 15

City of Asheboro
Proposed Sign Easement

Area Table
Public R/W: 31,845.85 Sq. Ft.
City of Asheboro Claimed Access
and Utility Easements
Easement A: 18,209.54 Sq. Ft.
Easement B: 194.62 Sq. Ft.
Easement C: 256.07 Sq. Ft.
Easement D: 15,741.12 Sq. Ft.
Easement E: 9,655.12 Sq. Ft.
Easement F: 1,120.80 Sq. Ft.
Easement G: 120.49 Sq. Ft.
Easement H: 139 Sq. Ft.

Ricky Eugene Spencer
Clarissa Spencer
DB 2565 Pg 1174

Ex Concrete Monument "Z" Round Up "Z"
Ex 496,468.33 Ground US Survey Feet
E: 1,763,821.70 Ground US Survey Feet

LINE	BEARING	DISTANCE
E1	N 57°45'11"E	188.34
E2	N 60°10'14"E	189.30
E3	N 75°18'51"E	21.71
E4	S 48°10'37"E	14.50
E5	S 30°51'54"E	40.62
E6	S 53°43'53"E	26.74
E7	S 20°07'19"E	22.67
E8	S 60°52'41"W	19.75
E9	S 32°12'16"E	36.01
E10	N 60°53'41"E	13.81
E11	S 29°07'19"E	10.00
E12	N 54°34'22"E	23.16
E13	S 32°29'40"E	5.94
E14	N 57°31'09"E	44.78
E15	N 32°26'52"W	8.31
E16	N 54°34'22"E	52.49
E17	N 87°49'29"E	17.29
E18	N 04°15'31"E	9.93
E19	N 60°51'03"E	12.85
E20	S 03°24'57"E	10.32
E21	N 87°49'29"E	1.96
E22	S 78°33'04"E	65.27
E23	S 74°22'23"E	63.54
E24	S 24°43'51"E	6.62
E25	N 74°32'23"W	13.14
E26	S 50°09'14"W	3.31
E27	N 50°09'14"E	3.32
E28	N 78°31'08"W	27.70
E29	S 89°19'08"W	7.75
E30	S 89°19'10"W	6.32
E31	S 52°21'04"W	9.07
E32	S 52°21'04"W	74.55
E33	S 52°15'11"W	8.88
E34	S 11°12'05"E	12.05
E35	S 24°43'51"E	33.79
E36	S 85°16'43"E	4.78
E37	N 68°16'43"W	16.86
E38	N 24°43'51"W	57.71
E39	S 1°14'53"W	18.52
E40	N 72°55'25"W	18.74
E41	N 38°57'01"W	25.73
E42	S 1°14'53"W	18.52
E43	N 77°03'18"W	82.52
E44	S 32°30'34"W	125.47
E45	S 32°30'34"E	111.93
E46	N 08°45'00"E	9.08
E47	S 01°15'00"E	21.48
E48	S 03°44'30"W	6.30
E49	S 89°07'21"E	45.20
E50	S 86°15'30"E	12.01
E51	N 00°44'30"E	12.01
E52	S 78°23'57"E	10.69
E53	S 03°44'30"W	11.59
E54	S 86°08'01"E	26.39
E55	S 03°07'59"W	14.17
E56	S 32°53'21"E	5.37
E57	N 32°30'34"E	21.11
E58	S 51°52'10"E	6.20
E59	N 1°10'48"E	6.20
E60	S 03°04'56"W	10.66
E61	S 31°43'28"W	4.96
E62	N 78°16'02"E	10.07
E63	N 83°03'46"W	39.68
E64	S 03°38'50"W	9.23
E65	N 60°21'10"W	16.89
E66	N 03°38'50"E	9.07
E67	N 86°55'04"W	100.86
E68	N 50°46'14"W	23.52
E69	N 38°11'26"W	40.35
E70	S 36°15'25"W	6.57
E71	N 49°51'03"E	22.23
E72	N 56°15'25"E	7.75
E73	N 40°56'55"W	18.58
E74	N 45°22'10"W	7.01
E75	S 50°27'58"W	96.15
E76	S 30°53'50"W	87.27
E77	N 30°52'53"E	39.58
E78	N 28°08'51"W	139.69
E79	N 63°07'48"E	3.68
E80	N 26°50'39"W	48.50
E81	S 51°51'09"W	4.86
E82	N 28°08'51"W	15.02
E83	S 64°20'01"W	31.86
E84	S 28°20'52"E	13.33
E85	S 28°53'10"W	16.62
E86	N 72°53'59"W	13.73
E87	S 54°20'01"W	38.35
E88	S 21°49'14"E	6.40
E89	S 65°10'46"W	25.37
E90	N 24°49'14"W	8.74
E91	S 30°53'02"W	31.83
E92	S 28°13'38"W	11.34
E93	N 64°46'22"E	20.73
E94	S 33°54'18"E	19.36
E95	N 54°07'14"E	38.07
E96	S 34°10'54"W	19.36
E97	N 29°08'10"W	7.08
E98	S 50°53'50"W	44.40
E99	S 20°07'19"E	4.30
E100	S 64°19'54"W	36.48
E101	S 28°08'51"E	27.51
E102	N 61°51'09"E	28.87
E103	S 28°08'51"E	10.00
E104	S 51°51'09"W	28.87
E105	S 28°08'51"E	34.59
E106	N 61°51'09"E	29.62
E107	S 29°06'10"E	10.00
E108	S 61°51'09"W	29.19
E109	S 28°08'51"E	10.27
E110	N 61°51'09"E	29.55
E111	S 29°06'10"E	10.00
E112	S 61°51'09"W	30.12
E113	S 28°08'51"E	38.04
E114	N 61°51'09"E	31.17
E115	S 28°08'51"E	10.00

LINE	BEARING	DISTANCE
E116	S 61°51'30"W	31.17
E117	S 28°08'51"E	26.72
E118	N 50°52'45"E	33.33
E119	N 51°28'30"E	96.98
E120	N 31°22'32"W	15.12
E121	N 57°19'41"E	19.35
E122	S 60°53'38"W	19.46
E123	N 29°06'22"W	10.00
E124	N 60°53'38"E	19.46
E125	S 60°53'38"W	18.37
E126	N 29°06'22"W	13.90
E127	N 60°53'38"E	18.37

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1061.33	206.21	207.87	S 62°45'00"E	11°20'49"
C2	18.40	12.62	12.62	N 73°20'30"W	36°35'21"
C3	103.45	12.62	12.62	N 73°20'30"W	36°35'21"
C4	103.45	23.50	23.45	N 83°14'40"W	13°01'05"
C5	103.45	6.86	6.86	N 74°49'46"W	3°48'43"
C6	61.51	30.87	30.55	N 87°18'04"W	28°45'19"
C7	18.43	13.38	13.09	S 57°31'33"W	41°35'27"
C8	136.83	29.26	29.34	S 30°38'49"W	12°16'00"
C9	66.31	29.05	28.82	S 37°01'00"W	25°06'21"
C10	27.50	6.02	6.01	S 45°17'42"W	12°32'56"
C11	27.50	13.91	13.90	S 01°41'41"W	70°30'05"
C12	59.72	54.85	52.95	S 59°56'41"E	62°37'59"
C13	49.01	7.69	7.68	N 89°14'52"E	8°59'16"
C14	49.01	18.48	18.41	N 84°00'51"E	41°28'46"
C15	25.76	33.10	30.87	S 01°45'16"E	73°37'46"
C16	37.55	16.31	16.18	N 38°40'36"W	24°53'06"
C17	57.45	9.66	9.66	N 78°40'12"W	14°46'07"
C18	85.79	76.78	76.04	N 60°02'53"W	52°36'35"
C19	122.82	117.67	117.67	S 33°02'34"W	1°24'04"
C20	122.82	40.82	40.82	N 30°43'07"W	3°14'07"
C21	39.93	13.42	13.35	N 38°43'52"W	19°15'02"
C22	39.93	30.35	47.08	N 84°28'36"W	12°14'25"
C23	750.83	12.57	12.54	S 65°17'29"W	3°46'34"
C24	27.70	9.04	9.00	N 84°11'13"W	18°41'13"
C25	27.70	15.31	15.12	S 30°39'40"W	31°39'45"
C26	27.70	7.50	7.41	S 01°04'53"W	15°20'09"
C27	11.08	16.65	15.13	S 71°52'24"E	86°05'50"
C28	448.47	44.81	44.79	N 65°13'00"E	5°42'44"
C29	29.62	21.19	21.01	S 42°09'00"E	42°09'00"
C30	29.62	20.49	20.09	N 88°54'02"E	39°38'19"
C31	29.62	17.88	17.04	S 27°01'00"E	33°21'00"
C32	13.94	17.48	17.11	N 56°25'28"E	31°17'51"
C33	34.04	21.97	21.59	N 48°42'04"E	36°56'32"
C34	29.45	11.12	11.00	N 30°01'36"E	21°38'16"
C35	68.54	9.14	9.13	N 57°38'11"E	7°38'14"
C36	68.54	22.11	22.01	N 66°43'41"E	18°28'46"
C37	68.54	37.44	36.98	S 89°22'37"E	31°17'51"
C38	77.23	7.81	7.81	S 75°37'59"E	6°47'52"
C39	77.23	15.89	15.86	N 84°29'27"E	11°47'11"
C40	77.23	4.80	4.80	N 84°16'46"E	14°46'52"
C41	57.59	2.88	2.88	N 71°37'31"E	2°38'05"
C42	57.59	21.14	21.03	N 88°21'43"E	21°02'07"
C43	21.18	21.86	20.90	N 69°18'05"E	59°02'22"

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 1639 , page 175 ;

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
the 3rd day of February, A.D., 2021.

PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES

Professional Land Surveyor

L-4787



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: December 09, 2021
- (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): 0.99987290
- (9) GPS/GNSS Scale Point(s):
N:696,965.48 E:1,764,507.38 Z:721.42
- (10) Units: US Survey Feet

Notes:

1. This project is not located within a special flood hazard area.
2. Area calculated by coordinate geometry.
3. 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.
4. No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
5. Tax PIN: 7669460570 & 7669462663
6. City of Asheboro claims easements on any existing public water and sewer line and appurtenant that has been under the city's maintenance authority.
7. The city shall not issue to or collect from residents individual garbage or recyclable solid waste containers.
8. Front setback as 5' from each lot's property line that is closest to the proposed public r/w. Proposed Building Setbacks for Lots:
Front Setback: 5'
Side Setback: 0'
Rear Setback: 0'

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 _____

I hereby certify that the street, utility, and other required improvements
have been installed or provisions have been made for installation in an
acceptable manner and according to City specifications and standards in the
subdivision.

_____(Date) _____ City Engineer

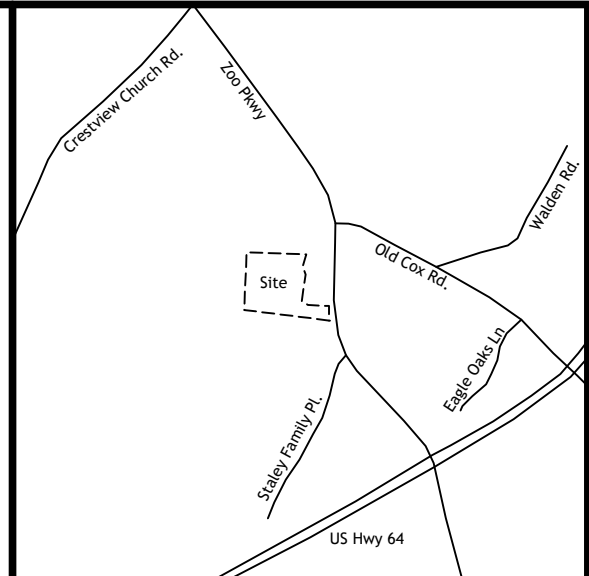
I (We) hereby certify that I am (we are) the owner(s) of the property shown and
described herein and that I (we) hereby adopt this plan of subdivision and dedicate
any right-of-way or easements as shown on the plat with my (our) free consent.

Date _____

_____(Owner) _____(Owner)

Date _____

_____(Owner) _____(Owner)



Location Map
(Not to Scale)

Pin	Owner	Deed/Page
1	7669463259 Peggy T. Myers & Timothy V. Myers	2391/548
2	7669463300 Clay C. Flackterly & Hilarie Flackterly	2777/2085
3	7669462370 Betty K. Shackelford	2072/906
4	7669461382 Pearl Elizabeth Albright	2730/609
5	7669461355 Peggy M. Bowman	2316/1098
6	7669461318 Mary Phillips Cox	2506/845
7	7669460475 Jong Kun Woo	2033/679
8	7669460439 Denise M. Summerell	2327/457
9	7669460513 Elizabeth S. Buchanan	2181/285
10	7669460507 Troy D. Danner & Deanna Lynn Danner	2569/164
11	7669369540 Ella Corrine Sheen	2539/326
12	7669368498 Billie Gaynell Dunning	2456/968
13	7669368457 Janet S. Young & Richard A. Young	2774/1952
14	7669368424 Fayetteville RE, LLC	2692/42
15	7669367599 Anthony Z. Dickow	2500/274
16	7669368631 Eugenia M. Thomas	1948/1359
17	7669368673 Martha C. Kinney & Amy R. Kinney	1943/1361
18	7669369637 Margaret Davis	2496/451
19	7669369669 Darwin Thomas Smith	2780/980
20	7669460701 Barbara L. Lassiter	2099/762
21	7669460699 Tammy R. Swaim & Randall S. Swaim	2602/1011
22	7669461615 Gina F. Webster & Carla F. McBee	2268/430
23	7669461642 Clifford R. Richardson	2637/676
24	7669463452 Peggy Hill Moore	2513/582
26	7669463413 Michael Bryant Patram	1858/3715
27	7669462483 Roger G. Sweeney	2640/1375
28	7669462454 Frances Winslow	1797/1656
29	7669463553 Rebecca L. Yow	2460/423
30	7669463524 Laverne B. Yarborough	2419/1012
31	7669462595 Tina Baker Everhart	2649/178
32	7669462566 Kendria L. Eckard	2125/1431
33	7669463676 Peggy Hancock	2180/1104
34	7669463648 Grace Dew Phillips	2710/1293
35	7669463609 Rodrigo A. Velez & Elizabeth Zapata	2662/851
36	7669462770 Kasey Lynn Cain	21E/743

Owners:
Triangle Park Associates
235 E Presnell St
Asheboro, NC 27203

Owners:
Parkway South
Homeowner's Association
3140 Zoo Pkwy
Asheboro, NC 27205

Right of Way Dedication For:

Triangle Park Associates

City of Asheboro Randolph County
Grant Township February 3, 2022
North Carolina
Deed Book:1639 Pg:175
Plat Book:57 Pg:60
Scale: 1" = 40 US Survey Feet

Bar Scale:
0' 40' 80' 120'

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

© 2021 Survey Carolina, PLLC

Job #: 13548

Notes:

- This project is not located within a special flood hazard area per NCFRIS.
- Map #: 3710766900 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: 7669289834
- All roads, driveways, parking areas, storm sewer system, dumpsters and sanitary sewer system within the development will be maintained by the property owner or Homeowner's Association.
- Water Lines will be maintained by City of Asheboro
- NO RV or boat parking will be permitted.
- All Trees should be a minimum of 10' from city waterlines.
- Lighting Standards: Maximum foot candles are 0.5 at Residential property lines and 2.0 at public R/W line.
- Buffers: 1 Evergreen tree every 20' & 1 shrub every 5' (Burford Holly & Leland Cypress) or existing hardwood trees.
- Setbacks: Proposed 25' Building Setbacks on all sides; Setbacks on subdivided lots within development are 0.
- Proposed Use: Residential Planned Unit Development
- Use will meet all City of Asheboro performance standards

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1750.67	260.88	260.64	S 13.3809° E	8.3217°
C2	1712.07	120.53	120.39	S 22.3631° E	9.4194°
C3	712.07	80.62	80.57	S 30.4227° E	6.2912°

Steven H. Hailey, Sr.
Alexis L. Hailey
2797 - 1661

Donna R Brown Hiers Et. Al.
14E - 367
Zoning: R15

N: 699,063.16 Ground US Survey Feet
E: 1,762,303.19 Ground US Survey Feet
1-114° Axle Up 6'

Terrence Lanier Et Al
1251, 1255
PB 59 PG 93
Zoning: R40

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 _____

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for Randolph County, North Carolina, and that such plat has been approved according to the procedures for approval of minor subdivisions

Date _____ Randolph County Planning Director _____

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent.

Date _____ Owner _____

I hereby certify that the street, utility, and other required improvements have been installed or provisions have been made for installation in an acceptable manner and according to City specifications and standards in the _____ subdivision.

_____(Date) _____ City Engineer _____

This subdivision plat has been found to comply with the provisions of the Subdivision Ordinance of the City of Asheboro, provided that it is recorded in the Office of the Register of Deeds within sixty (60) days of the final approval of the Community Development Director.

_____(Date) _____ Community Development Director _____

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

In accordance with NC General Statute 47-30(f)11a
That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

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 2607 , page 737 ;

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 29th day of July, A.D., 2022.

PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES

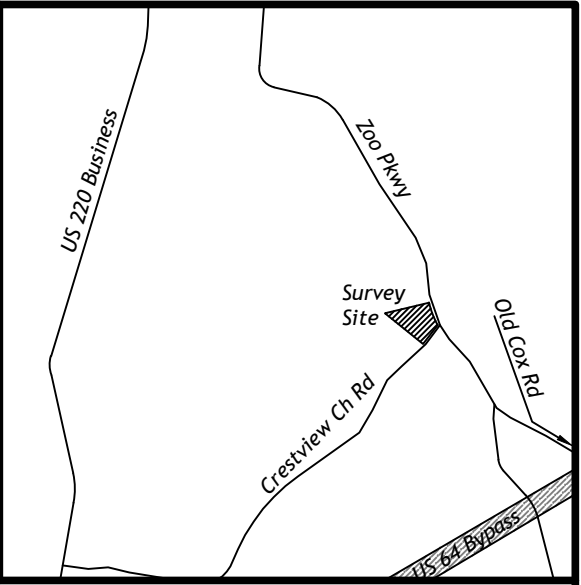
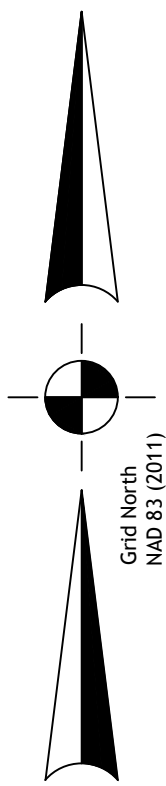
Professional Land Surveyor

L-4787

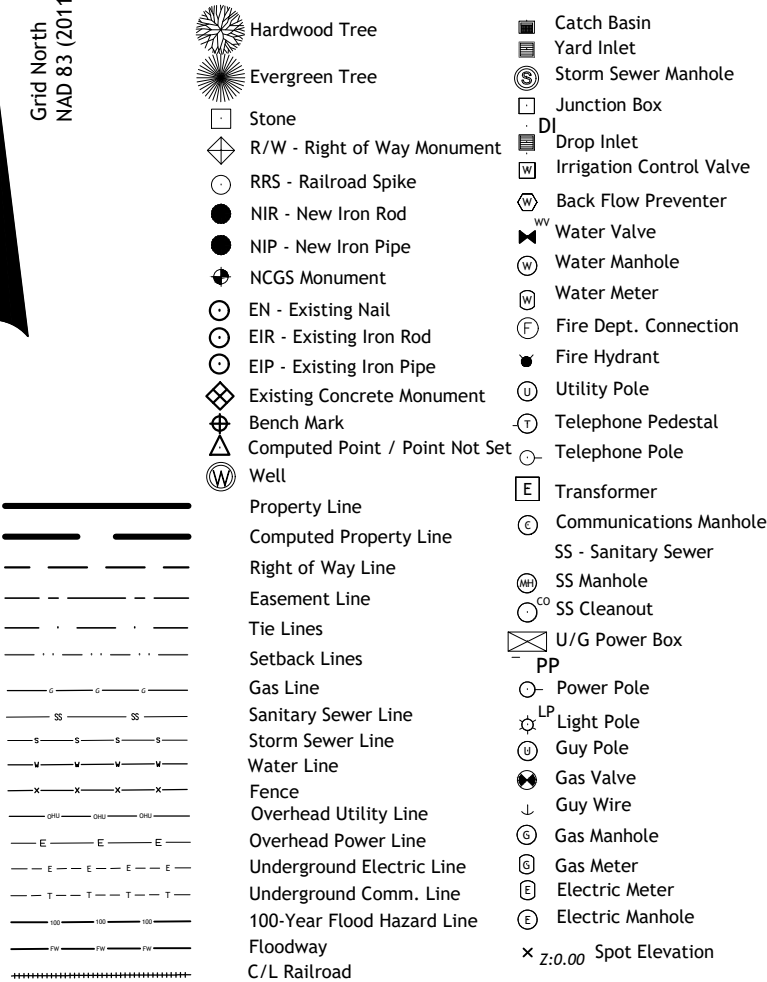


I, Dan W Tanner II, certify that this map was drawn under my supervision from an actual GPS/ GNSS survey made under my supervision and the following information was used to perform the survey:
(1) Class of survey: Class A
(2) Positional accuracy: <0.10'
(3) Type of GNSS field procedure: Real-Time Kinematic Networks
(4) Dates of survey: June 19, 2017
(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): 0.99986939
(9) GPS/GNSS Scale Point:
N: 699,308.50 E: 1,763,226.72 Z: 724.26
(10) Units: US Survey Feet

N: 698,494.08 Ground US Survey Feet
E: 1,763,058.55 Ground US Survey Feet



Location Map
(Not to Scale)



0.074 Acres / 3,227 Sq. Ft. in 150x150' Sight Triangle
Deed Book: 1011 Page: 431

Owners:
Falling Oak Investments, LLC
5491 NC Hwy 8
Lexington, NC 27292
Phone #: (336) 242-9820

Sheet 1 of 2:
Survey For:

Zoocrest Townhomes

Grant Township Randolph County
North Carolina July 29, 2022

Deed Book: 2607 Pg: 737

Plat Book: 156 Pg: 100

Scale: 1" = 40 US Survey Feet

Bar Scale:



SURVEY CAROLINA, PLLC

154 S. Fayetteville St., Suite B, Asheboro, NC 27203

Phone Number: 336 625-8000

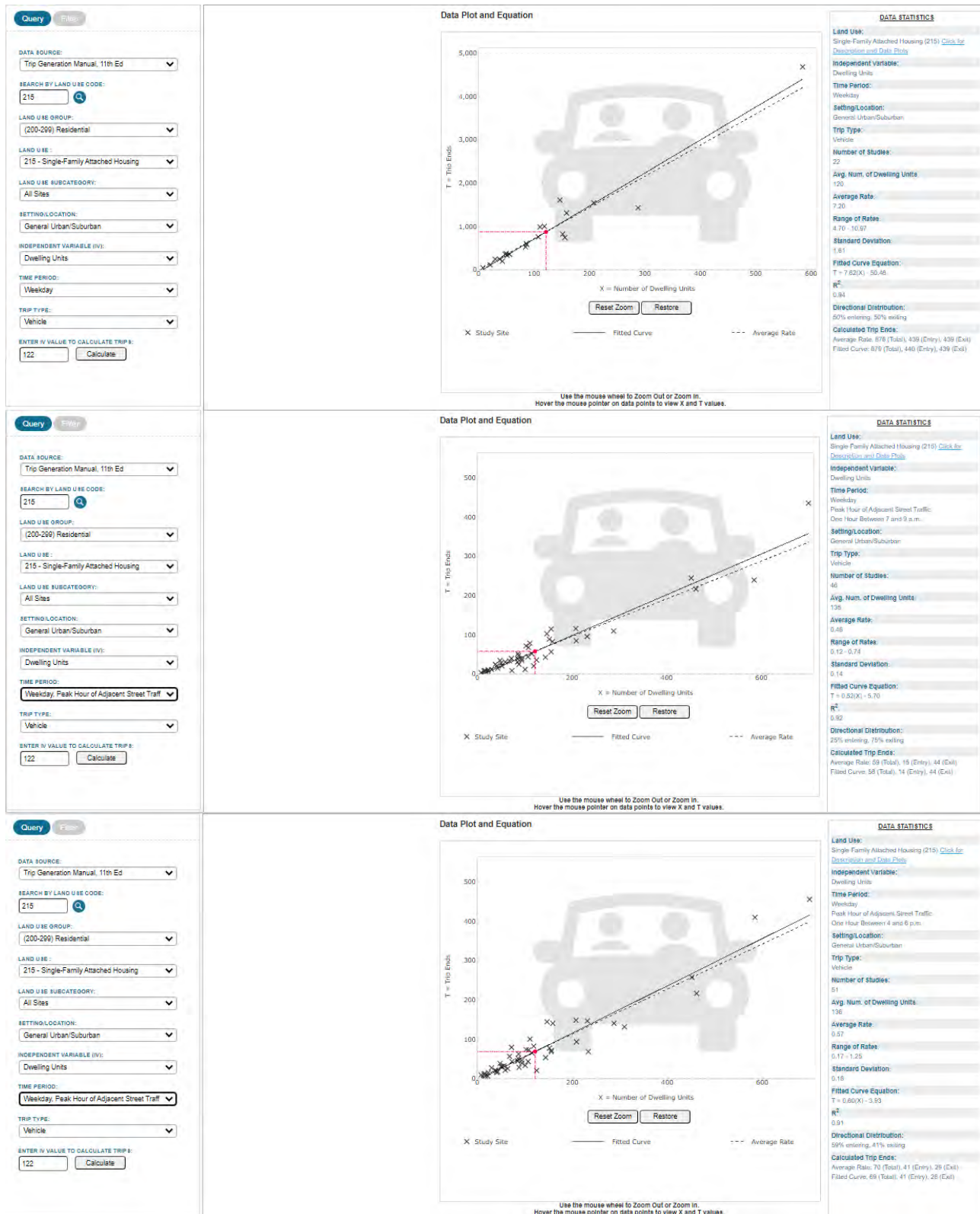
Email: mail@surveycarolina.com

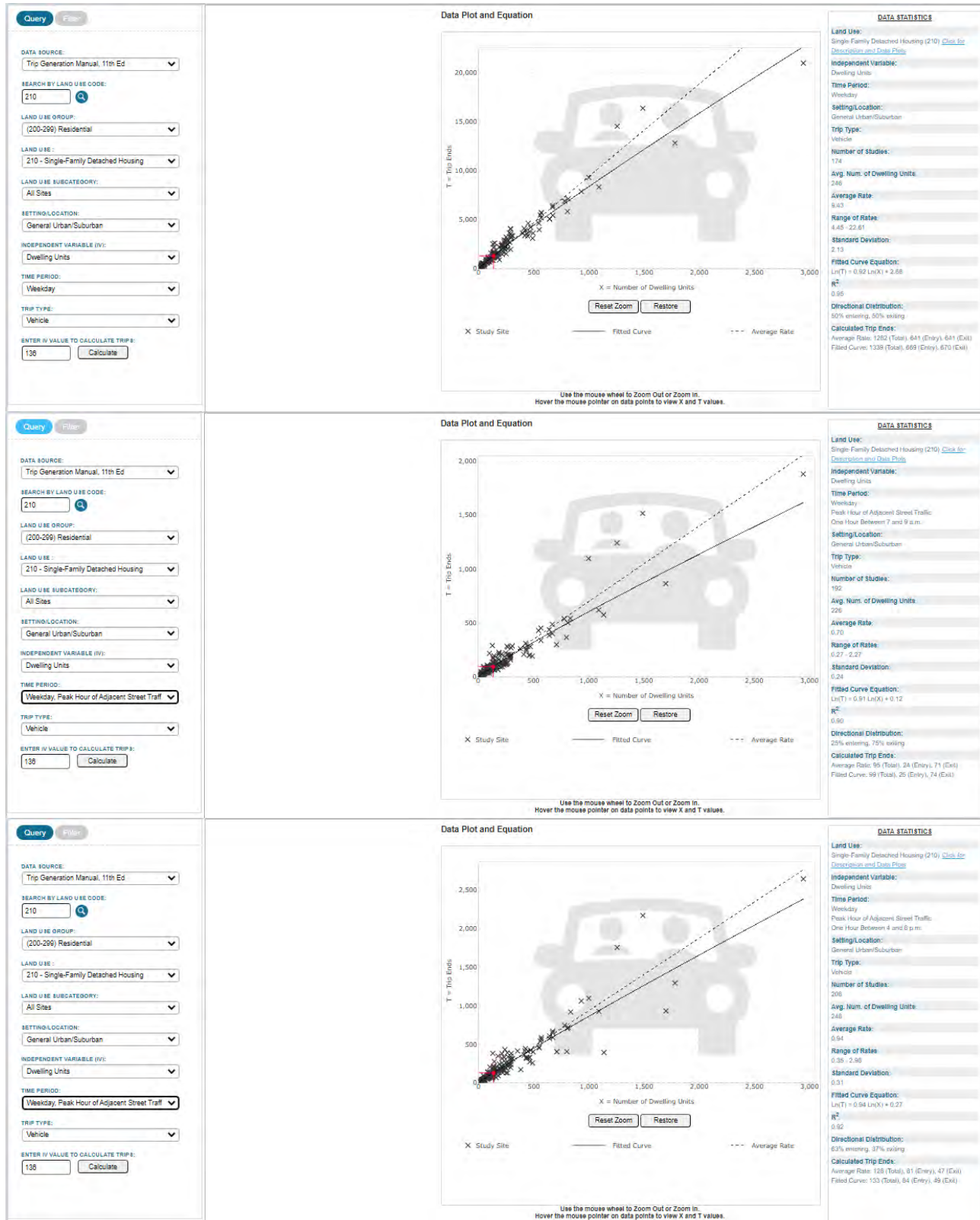
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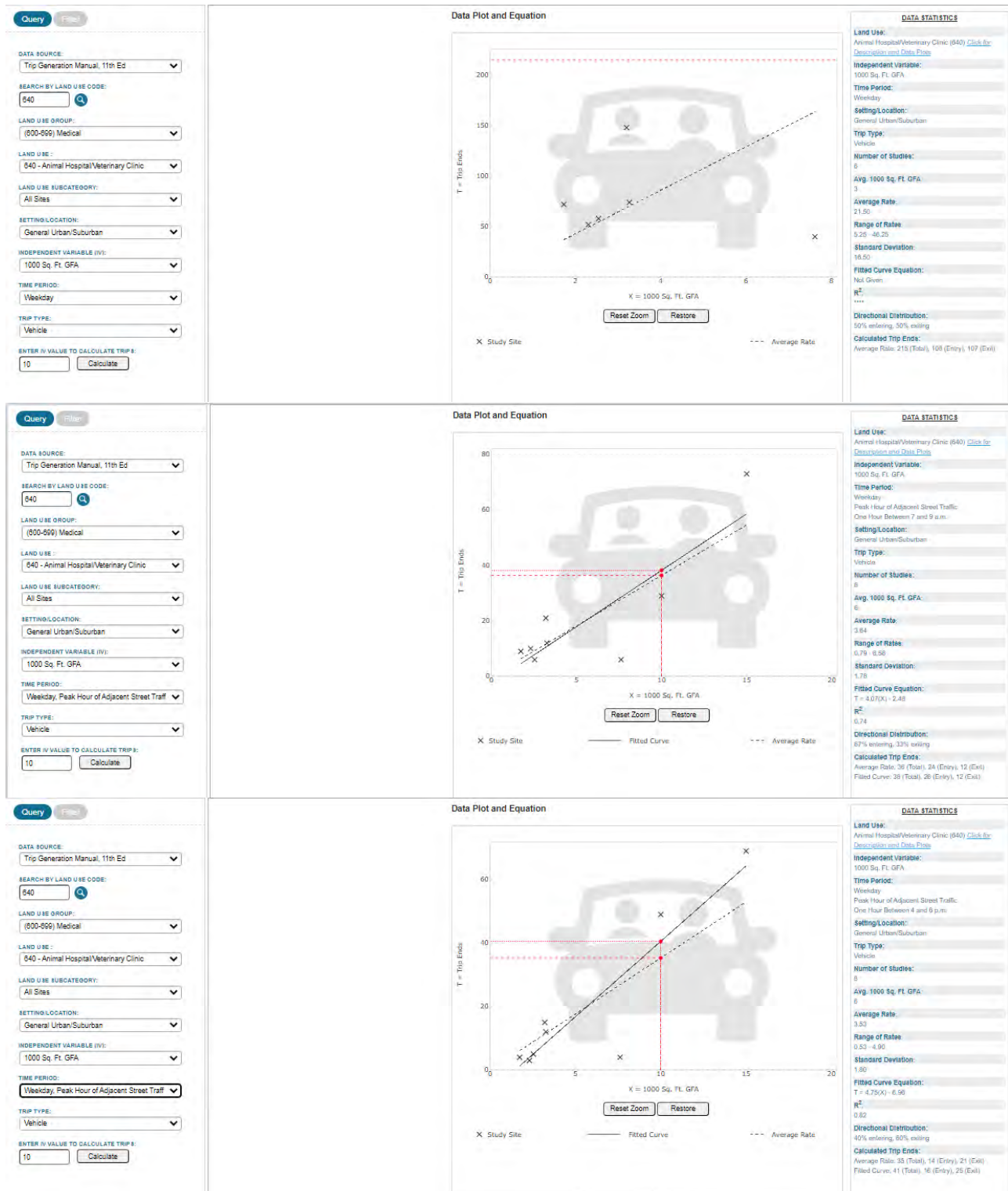
Dan W Tanner II L-4787

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Job #: 14342





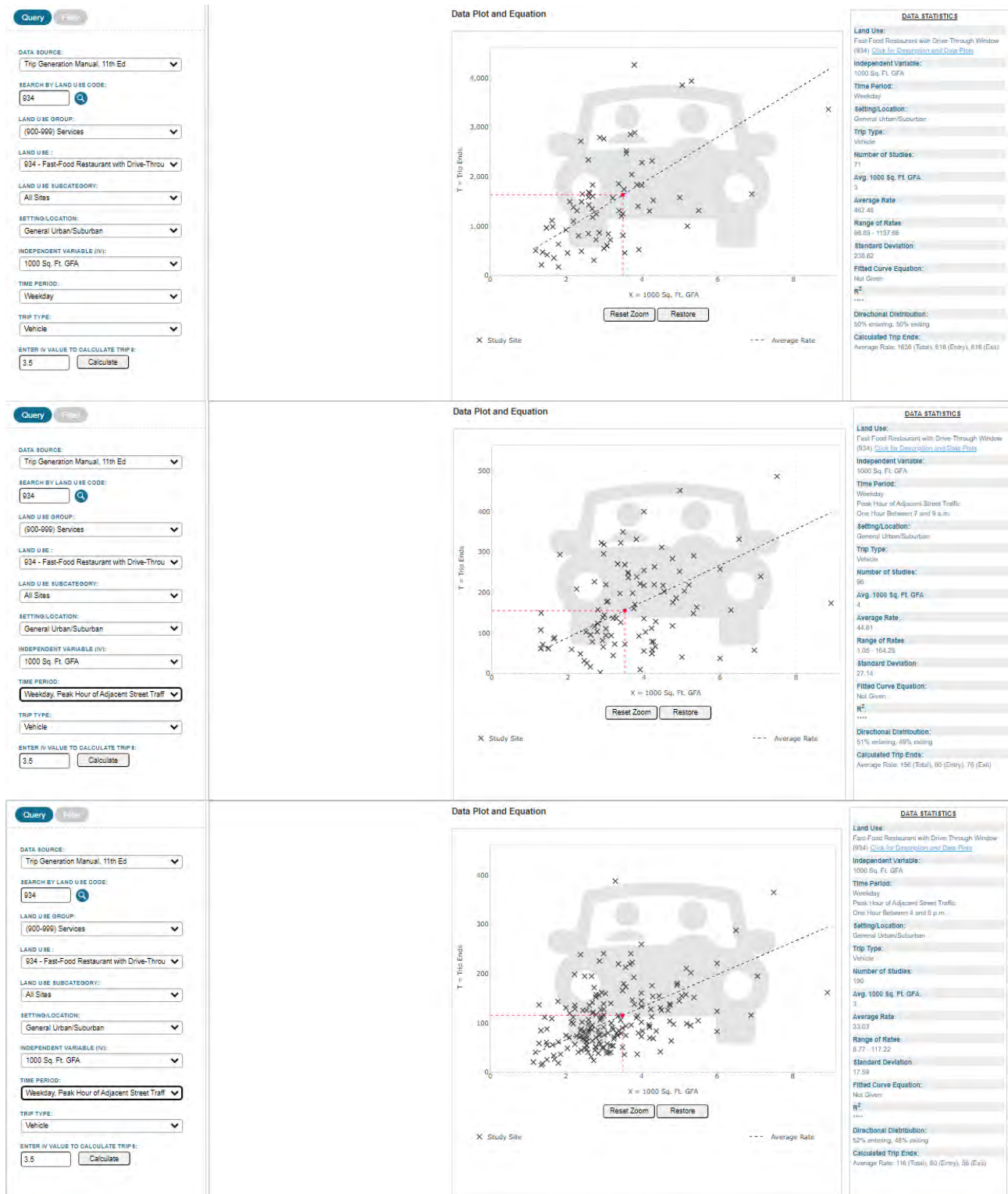




05/11/2023

Richland Creek Subdivision

DAVENPORT Project No. 220089



Home Office:
119 Brookstown Ave. Suite PH1
Winston-Salem, NC 27101
Main: 336.744.1636; Fax: 336.458.9377

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Richland Creek Subdivision

05/11/2023
DAVENPORT Project No. 220089

Query Filter

DATA SOURCE:
Trip Generation Manual, 11th Ed

SEARCH BY LAND USE CODE:
932

LAND USE GROUP:
(900-999) Services

LAND USE:
932 - High-Turnover (Sit-Down) Restaurant

LAND USE SUBCATEGORY:
All Sites

SETTING/LOCATION:
General Urban/Suburban

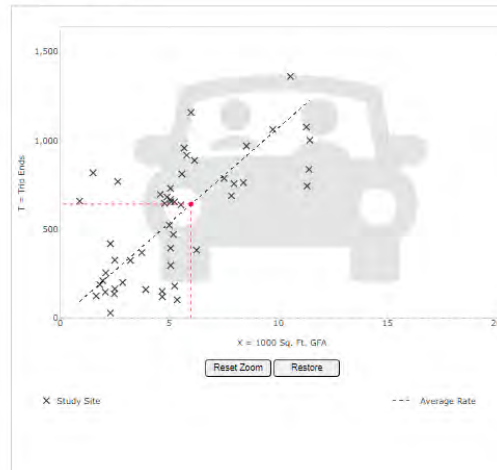
INDEPENDENT VARIABLE (IV):
1000 Sq. Ft. GFA

TIME PERIOD:
Weekday

TRIP TYPE:
Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:
5 Calculate

Data Plot and Equation



DATA STATISTICS

Land Use:
High-Turnover (Sit-Down) Restaurant (932) [Click for Description and Data Plot](#)

Independent Variable:
1000 Sq. Ft. GFA

Time Period:
Weekday

Setting/Location:
General Urban/Suburban

Trip Type:
Vehicle

Number of Studies:
50

Avg. 1000 sq. Ft. GFA:
5

Average Rate:
107.20

Range of Rates:
13.04 - 742.41

Standard Deviation:
65.72

Fitted Curve Equation:
Not Given

R²:

Directional Distribution:
50% entering, 50% exiting

Calculated Trip Ends:
Average Rate: 643 (Total), 322 (Entry), 321 (Exit)

Query Filter

DATA SOURCE:
Trip Generation Manual, 11th Ed

SEARCH BY LAND USE CODE:
932

LAND USE GROUP:
(900-999) Services

LAND USE:
932 - High-Turnover (Sit-Down) Restaurant

LAND USE SUBCATEGORY:
All Sites

SETTING/LOCATION:
General Urban/Suburban

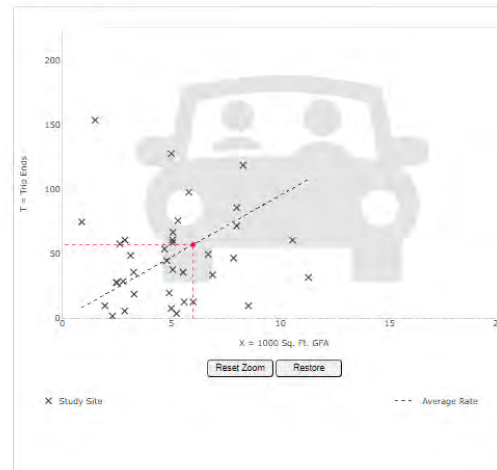
INDEPENDENT VARIABLE (IV):
1000 Sq. Ft. GFA

TIME PERIOD:
Weekday, Peak Hour of Adjacent Street Traffic

TRIP TYPE:
Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:
5 Calculate

Data Plot and Equation



DATA STATISTICS

Land Use:
High-Turnover (Sit-Down) Restaurant (932) [Click for Description and Data Plot](#)

Independent Variable:
1000 Sq. Ft. GFA

Time Period:
Weekday
Peak Hour of Adjacent Street Traffic:
One Hour Between 7 and 9 a.m.

Setting/Location:
General Urban/Suburban

Trip Type:
Vehicle

Number of Studies:
37

Avg. 1000 sq. Ft. GFA:
5

Average Rate:
9.57

Range of Rates:
0.76 - 102.39

Standard Deviation:
11.61

Fitted Curve Equation:
Not Given

R²:

Directional Distribution:
55% entering, 45% exiting

Calculated Trip Ends:
Average Rate: 57 (Total), 32 (Entry), 25 (Exit)

Query Filter

DATA SOURCE:
Trip Generation Manual, 11th Ed

SEARCH BY LAND USE CODE:
932

LAND USE GROUP:
(900-999) Services

LAND USE:
932 - High-Turnover (Sit-Down) Restaurant

LAND USE SUBCATEGORY:
All Sites

SETTING/LOCATION:
General Urban/Suburban

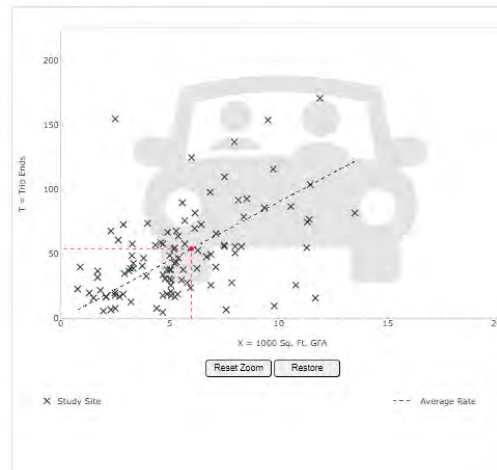
INDEPENDENT VARIABLE (IV):
1000 Sq. Ft. GFA

TIME PERIOD:
Weekday, Peak Hour of Adjacent Street Traffic

TRIP TYPE:
Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:
5 Calculate

Data Plot and Equation



DATA STATISTICS

Land Use:
High-Turnover (Sit-Down) Restaurant (932) [Click for Description and Data Plot](#)

Independent Variable:
1000 Sq. Ft. GFA

Time Period:
Weekday
Peak Hour of Adjacent Street Traffic:
One Hour Between 4 and 6 p.m.

Setting/Location:
General Urban/Suburban

Trip Type:
Vehicle

Number of Studies:
104

Avg. 1000 sq. Ft. GFA:
5

Average Rate:
9.05

Range of Rates:
0.92 - 62.00

Standard Deviation:
6.18

Fitted Curve Equation:
Not Given

R²:

Directional Distribution:
61% entering, 39% exiting

Calculated Trip Ends:
Average Rate: 54 (Total), 33 (Entry), 21 (Exit)

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05/11/2023

Richland Creek Subdivision

DAVENPORT Project No. 220089

Query **Filter**

DATA SOURCE:
Trip Generation Manual, 11th Ed

SEARCH BY LAND USE CODE:
816

LAND USE GROUP:
(800-899) Retail

LAND USE:
816 - Hardware/Paint Store

LAND USE SUBCATEGORY:
All Sites

SETTING/LOCATION:
General Urban/Suburban

INDEPENDENT VARIABLE (IV):
1000 Sq. Ft. GFA

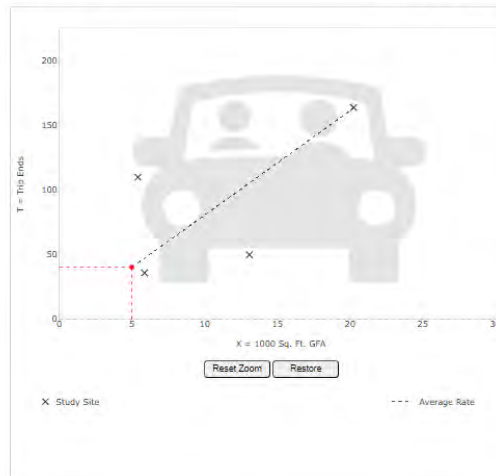
TIME PERIOD:
Weekday

TRIP TYPE:
Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:
5 **Calculate**

Data Plot and Equation

Caution - Small Sample Size



DATA STATISTICS

Land Use:
Hardware/Paint Store (816) [Click for Description and Data Plot](#)

Independent Variable:
1000 Sq. Ft. GFA

Time Period:
Weekday

Setting/Location:
General Urban/Suburban

Trip Type:
Vehicle

Number of Studies:
4

Avg. 1000 Sq. Ft. GFA:
11

Average Rate:
8.07

Range of Rates:
3.82 - 20.33

Standard Deviation:
5.66

Fitted Curve Equation:
Not Given

R²:

Directional Distribution:
50% entering, 50% exiting

Calculated Trip Ends:
Average Rate: 40 (Total), 20 (Entry), 20 (Exit)

Query **Filter**

DATA SOURCE:
Trip Generation Manual, 11th Ed

SEARCH BY LAND USE CODE:
816

LAND USE GROUP:
(800-899) Retail

LAND USE:
816 - Hardware/Paint Store

LAND USE SUBCATEGORY:
All Sites

SETTING/LOCATION:
General Urban/Suburban

INDEPENDENT VARIABLE (IV):
1000 Sq. Ft. GFA

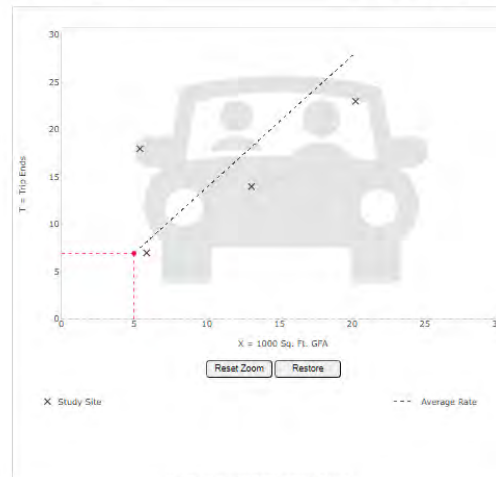
TIME PERIOD:
Weekday AM Peak Hour of Generator

TRIP TYPE:
Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:
5 **Calculate**

Data Plot and Equation

Caution - Small Sample Size



DATA STATISTICS

Land Use:
Hardware/Paint Store (816) [Click for Description and Data Plot](#)

Independent Variable:
1000 Sq. Ft. GFA

Time Period:
Weekday
AM Peak Hour of Generator

Setting/Location:
General Urban/Suburban

Trip Type:
Vehicle

Number of Studies:
4

Avg. 1000 Sq. Ft. GFA:
11

Average Rate:
1.39

Range of Rates:
1.07 - 3.33

Standard Deviation:
0.83

Fitted Curve Equation:
Not Given

R²:

Directional Distribution:
52% entering, 48% exiting

Calculated Trip Ends:
Average Rate: 7 (Total), 4 (Entry), 3 (Exit)

Query **Filter**

DATA SOURCE:
Trip Generation Manual, 11th Ed

SEARCH BY LAND USE CODE:
816

LAND USE GROUP:
(800-899) Retail

LAND USE:
816 - Hardware/Paint Store

LAND USE SUBCATEGORY:
All Sites

SETTING/LOCATION:
General Urban/Suburban

INDEPENDENT VARIABLE (IV):
1000 Sq. Ft. GFA

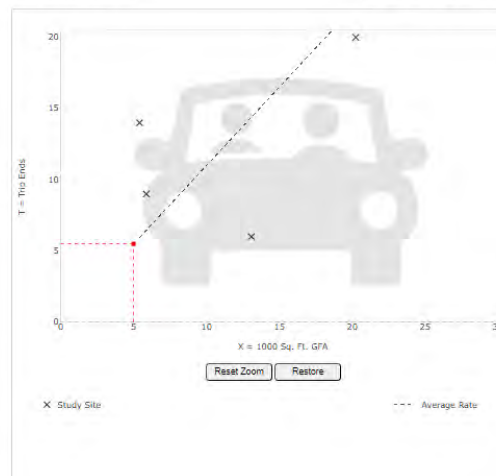
TIME PERIOD:
Weekday PM Peak Hour of Generator

TRIP TYPE:
Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:
5 **Calculate**

Data Plot and Equation

Caution - Small Sample Size



DATA STATISTICS

Land Use:
Hardware/Paint Store (816) [Click for Description and Data Plot](#)

Independent Variable:
1000 Sq. Ft. GFA

Time Period:
Weekday
PM Peak Hour of Generator

Setting/Location:
General Urban/Suburban

Trip Type:
Vehicle

Number of Studies:
4

Avg. 1000 Sq. Ft. GFA:
11

Average Rate:
1.10

Range of Rates:
0.48 - 2.58

Standard Deviation:
0.75

Fitted Curve Equation:
Not Given

R²:

Directional Distribution:
45% entering, 55% exiting

Calculated Trip Ends:
Average Rate: 6 (Total), 3 (Entry), 3 (Exit)

Home Office:
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Winston-Salem, NC 27101
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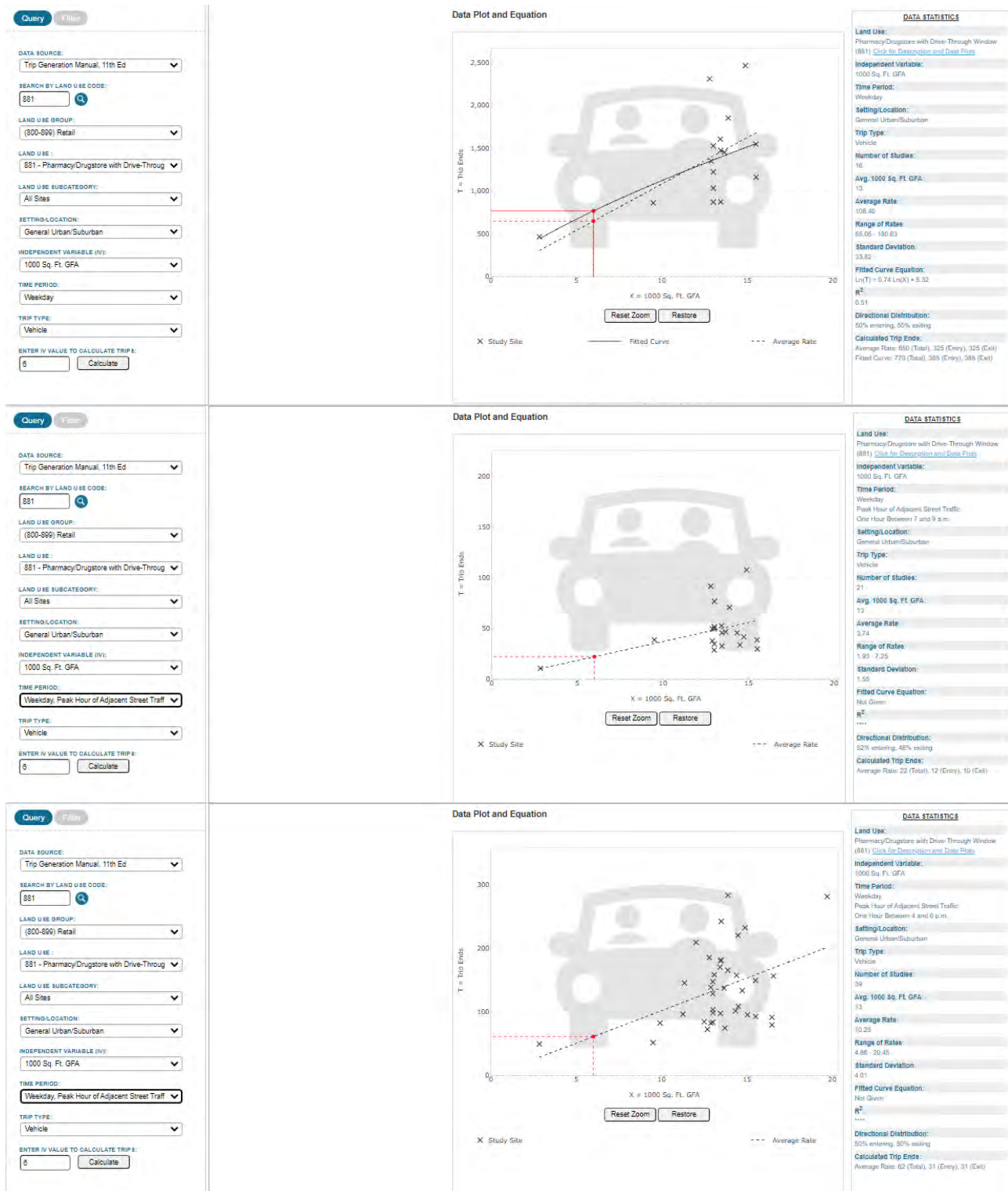
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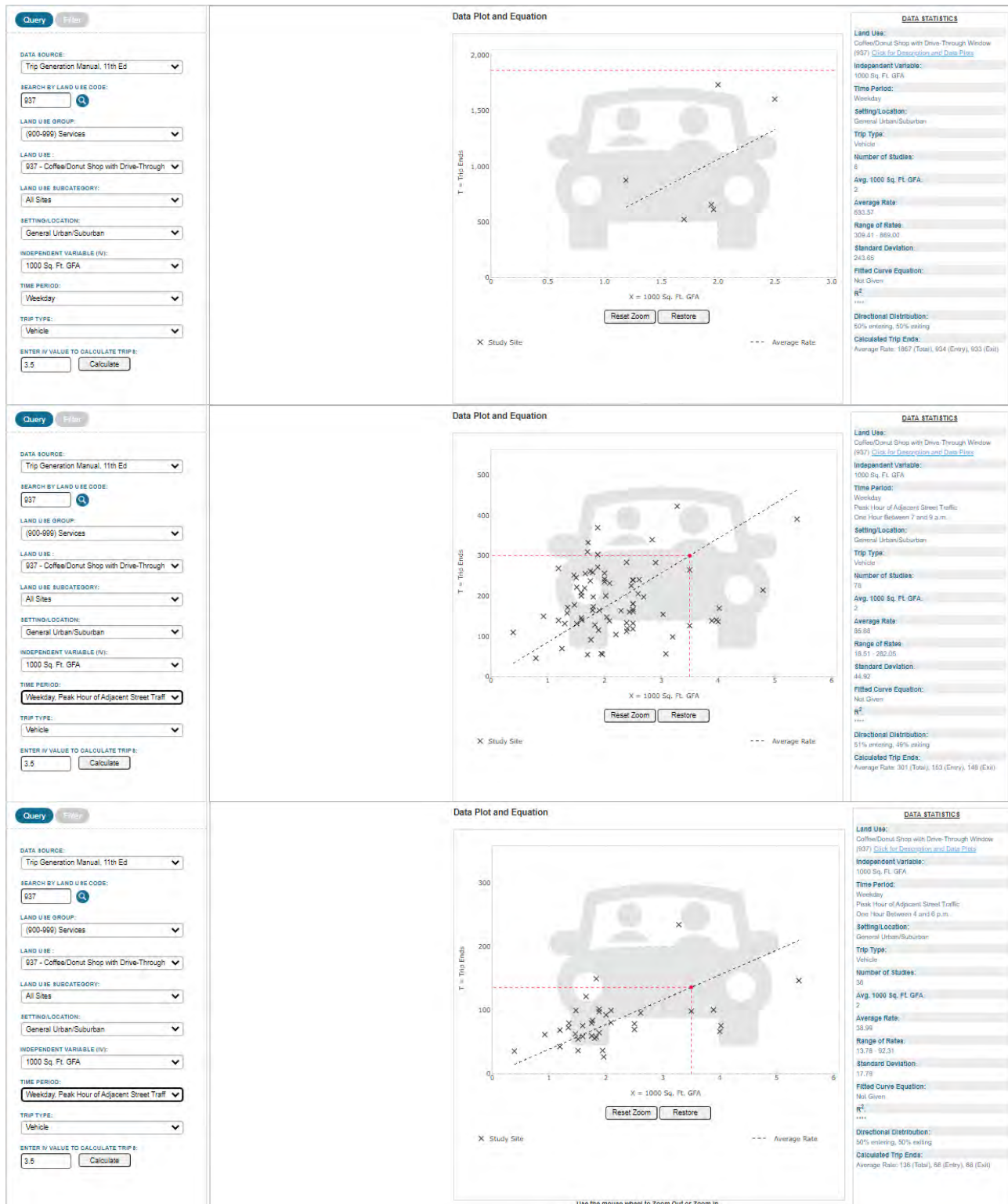


05/11/2023

Richland Creek Subdivision

DAVENPORT Project No. 220089





Query **Filter**

DATA SOURCE:
Trip Generation Manual, 11th Ed

SEARCH BY LAND USE CODE:
210

LAND USE GROUP:
(200-299) Residential

LAND USE:
210 - Single-Family Detached Housing

LAND USE SUBCATEGORY:
All Sites

SETTING/LOCATION:
General Urban/Suburban

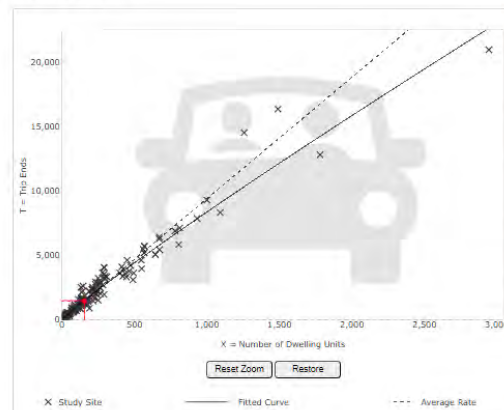
INDEPENDENT VARIABLE (IV):
Dwelling Units

TIME PERIOD:
Weekday

TRIP TYPE:
Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:
155 **Calculate**

Data Plot and Equation



DATA STATISTICS

Land Use:	Single-Family Detached Housing (210) Click for Description and Data Plot
Independent Variable:	Dwelling Units
Time Period:	Weekday
Setting/Location:	General Urban/Suburban
Trip Type:	Vehicle
Number of Studies:	174
Avg. Num. of Dwelling Units:	246
Average Rate:	9.43
Range of Rates:	4.45 - 22.81
Standard Deviation:	2.15
Fitted Curve Equation:	$Ln(T) = 0.92 Ln(X) + 3.68$
R ² :	0.95
Directional Distribution:	50% entering, 50% exiting
Calculated Trip Ends:	Average Rate: 1462 (Total), 731 (Entry), 731 (Exit) Fitted Curve: 1510 (Total), 755 (Entry), 755 (Exit)

Query **Filter**

DATA SOURCE:
Trip Generation Manual, 11th Ed

SEARCH BY LAND USE CODE:
210

LAND USE GROUP:
(200-299) Residential

LAND USE:
210 - Single-Family Detached Housing

LAND USE SUBCATEGORY:
All Sites

SETTING/LOCATION:
General Urban/Suburban

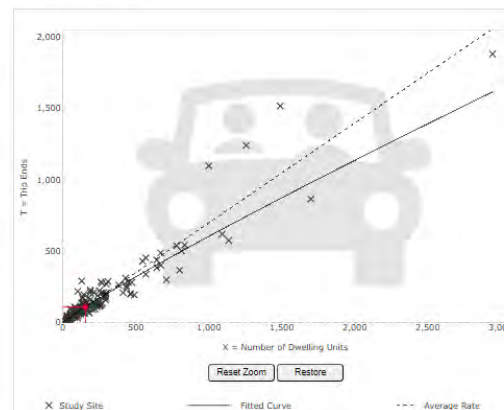
INDEPENDENT VARIABLE (IV):
Dwelling Units

TIME PERIOD:
Weekday, Peak Hour of Adjacent Street Traffic

TRIP TYPE:
Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:
155 **Calculate**

Data Plot and Equation



DATA STATISTICS

Land Use:	Single-Family Detached Housing (210) Click for Description and Data Plot
Independent Variable:	Dwelling Units
Time Period:	Weekday Peak Hour of Adjacent Street Traffic: One Hour Between 7 and 9 a.m.
Setting/Location:	General Urban/Suburban
Trip Type:	Vehicle
Number of Studies:	192
Avg. Num. of Dwelling Units:	226
Average Rate:	0.70
Range of Rates:	0.27 - 2.27
Standard Deviation:	0.24
Fitted Curve Equation:	$Ln(T) = 0.51 Ln(X) + 0.12$
R ² :	0.80
Directional Distribution:	25% entering, 75% exiting
Calculated Trip Ends:	Average Rate: 109 (Total), 27 (Entry), 82 (Exit) Fitted Curve: 111 (Total), 28 (Entry), 83 (Exit)

Query **Filter**

DATA SOURCE:
Trip Generation Manual, 11th Ed

SEARCH BY LAND USE CODE:
210

LAND USE GROUP:
(200-299) Residential

LAND USE:
210 - Single-Family Detached Housing

LAND USE SUBCATEGORY:
All Sites

SETTING/LOCATION:
General Urban/Suburban

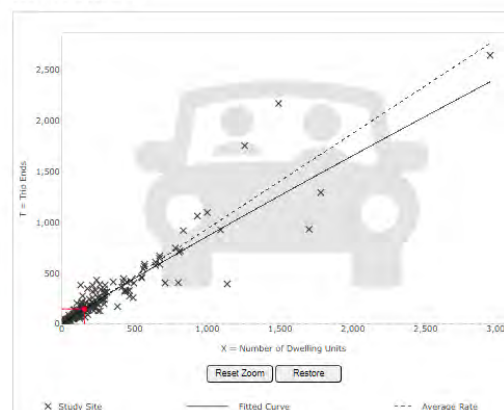
INDEPENDENT VARIABLE (IV):
Dwelling Units

TIME PERIOD:
Weekday, Peak Hour of Adjacent Street Traffic

TRIP TYPE:
Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:
155 **Calculate**

Data Plot and Equation



DATA STATISTICS

Land Use:	Single-Family Detached Housing (210) Click for Description and Data Plot
Independent Variable:	Dwelling Units
Time Period:	Weekday Peak Hour of Adjacent Street Traffic: One Hour Between 4 and 6 p.m.
Setting/Location:	General Urban/Suburban
Trip Type:	Vehicle
Number of Studies:	206
Avg. Num. of Dwelling Units:	248
Average Rate:	0.94
Range of Rates:	0.35 - 2.98
Standard Deviation:	0.31
Fitted Curve Equation:	$Ln(T) = 0.54 Ln(X) + 0.27$
R ² :	0.92
Directional Distribution:	63% entering, 37% exiting
Calculated Trip Ends:	Average Rate: 146 (Total), 92 (Entry), 54 (Exit) Fitted Curve: 150 (Total), 95 (Entry), 55 (Exit)



Case No. RZ-23-05: Staff Summary of Anticipated Operational Impacts



Summary of Anticipated Operational Impacts to City Services

As part of the city's review of the rezoning application, departments were given an opportunity to provide comments on how the proposed development is likely to affect service provision should the property be annexed. The following information was received;

Fire and Rescue Department: See included memorandum.

Public Works: Recent growth and development has stretched the city's ability to pickup garbage and recycling utilizing current routes. The proposed development will necessitate an additional route and truck along with one operator if not funded before Phase 1. Public Services also is close to needing an additional position to maintain street right-of-ways; those impacts will be evaluated as the project builds out.

Building Inspections: Inspections continues to see more activity, and growth throughout the city is expected to persist. The project is likely to contribute to the need for an additional multi-trade building official at the time of construction to ensure that state requirements for 48-hour inspection turnarounds for single-family residential permits can be met.

Police Department: See included memorandum.



ASHEBORO FIRE AND RESCUE DEPARTMENT

Asheboro Fire and Rescue Department Richlands Creek Development Assessment

Per our conversation on May 15, 2023, concerning the potential Richlands Creek Development annexation into the City of Asheboro, the Asheboro Fire and Rescue Department (AFRD) has identified some possible challenges and solutions related to emergency service delivery should the property come into the city limits.

The proposed Richlands Creek Development falls outside the recommended 5-mile service area by the Insurance Service Office (ISO) based on current AFRD facility locations. Being outside the 5-mile service area could result in increased response times and decreased effectiveness and efficiency for emergency services and likely would negatively affect our current Classification 1 ISO rating; any area outside of a 5-mile service area can be considered to have an ISO rating Classification of 10 (essentially, no fire protection).

Insurance companies use ISO ratings to determine insurance rates; poor ratings can lead to higher insurance premiums. However, provided the planned AFRD Station #3 is constructed and operational prior to residences being built and occupied in the development, adequate service will be provided. We are planning to have Station #3 constructed and operational within 30 months.

Mutual aid agreements also can be used to address challenges related to emergency service delivery, but such agreements should seek to ensure covered areas receive a level of service comparable to other parts of the city's jurisdiction. It is not always feasible for mutual aid agreements to satisfy that recommended level of service. The capacity of any partner agency to meet this standard should be evaluated if this option is pursued.

Ultimately, service delivery will depend on various factors, including existing and planned emergency services infrastructure and capabilities and measures taken by the city and development to address service needs.

Below are measures that the City of Asheboro, AFRD, and the Richland Creek developer can take to address concerns related to the property's location outside the recommended 5-mile service area by ISO. These measures may include:

- **Fire and Emergency Medical Services (EMS) infrastructure:** The City of Asheboro should work diligently to build and staff Station #3 within the next 30 months. In addition, the developer may be required to build additional fire suppression infrastructure, such as increased hydrants, or invest in other measures, such as additional fire access roadways, to improve service delivery as a part of the project.
- **Mutual Aid Agreements:** The city can explore the possibility of entering into mutual aid agreements with neighboring departments to ensure that emergency services are available during a natural disaster or other emergency. The mutual aid department should be able to provide the same level of service that AFRD provides, i.e., the number of personnel and fire apparatus placed on the initial alarm.

It's worth noting that if future annexations in the vicinity fall outside of the 5-mile service area of future Station #3, additional measures and investment may be necessary to ensure adequate emergency service response. Resource availability and the willingness of the community to work together will be essential as the city continues to grow.

Sincerely,

Willie Summers | Fire Chief
Asheboro Fire and Rescue



Asheboro Police Department

205 E. Academy Street
Asheboro, North Carolina 27203



Mark T. Lineberry
CHIEF OF POLICE

Telephone
(336) 626-1300

Date: June 6, 2023
To: Trevor Nuttall, Michael Leonard
From: Mark Lineberry, Chief of Police *MTL*
Subject: Potential Impact of Police Services (Richland Creek)

This memo is in reference to the proposed annexation of the Richland Creek development plan. Naturally, the police department has no opinion whether to re-zone or annex Richland Creek so we are only pointing out potential impacts to police services.

Under our current staffing levels, especially regarding patrol response times, we have consistently maintained over the last 3.5 years an average 5-minute response time, city wide: 2020 – 5:05, 2021 – 4:58, 2022 – 5:05, 2023 – 4:57. The location of this development, under current staffing levels, makes this a challenge to maintain. A normal drive from the intersection of Dixie Drive and Hwy 42 is 6:30 – 7:00 minutes and from the intersection of Dixie Drive and Zoo Parkway is 6:00 – 6:30 minutes. A drive from the police department would easily be over 9 minutes to the Richland Creek area. Under our current zone system, this development will fall within our South Zone, which is our second busiest zone in call volume. The average 2023 response for calls in the South Zone is 5:28. Richland MHP is already in the city; 64 calls for service there in 2023 are included in that average. The highest volume of calls for service in the South Zone would occur at Wal-Mart with over 300 calls for service so far in 2023. Also located in the South Zone with higher calls for service would include both Food Lion locations, E. Dixie Dr. and NC Hwy 49, with a combined total of 90+ calls. Randolph Mall is located in the South Zone with over 160 calls for service in 2023.

I believe, as do many, in a high level of professional police service. All our communities, citizens, and businesses within the city, no matter which area of the city they are in, should receive exceptional service. To provide this high level of professional police service I would propose staffing increase to patrol teams and the

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creation of a new police zone, which would encompass areas south of Dixie Drive like the Sportsplex, Richland Mobile Home Park, the proposed Richland Creek Community, and property near the NC Zoo, which is currently undeveloped inside the city limits. This would require hiring four new officers, one for each patrol team. It may be possible to phase these positions in over a period of time depending on the rate of growth in the area and the demand.

The addition of License Plate Readers (LPR) or cameras, such as FLOCK or other companies, could be installed by the developer, which would assist in policing efforts especially in solving criminal offenses that occur within the development. Large developments, such as this, are often a target for vehicle B&Es and package thefts (porch pirates). Surveillance equipment installed by developers and/or homeowners will help deter and solve criminal offenses. Criminals tend to avoid areas or businesses that have advanced surveillance equipment installed. The logic behind LPRs and surveillance cameras are more tools for patrol to be able to solve crimes which would minimize impact to Criminal Investigation Division as far as case load. The increase in traffic will naturally increase the risk of traffic collisions, which I'm sure has been addressed in traffic studies to minimize those risks.

Naturally everyone, regardless of where you live, wants to feel safe in their own community and home; I am no different. If you are a citizen of Asheboro, the Asheboro Police Department will always do its very best to meet the needs of the citizens we serve.



RZ-23-06: An application to rezone property located south of 1195 Pineview Road (Randolph County Parcel Identification Number 7753354982) from B2 (CZ) General Commercial Conditional Zoning to R10 (CZ) Medium-Density Conditional Zoning for a Residential Planned Unit Development, including a special intensity allocation within the Back Creek Watershed (Balance).

Planning Board Recommendation and Staff Report

Planning Board Recommendation & Comments to City Council

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

Case # **RZ-23**
 -06

Date 6-5-2023

Applicant Terry Tucker

Legal Description

The property of Clayton Terry Tucker, located immediately south of 1195 Pineview Road, approximately 950 feet south of Pineview Road, along the west side of I-73/74, totaling approximately 13.37 acres +/-, more specifically identified by Randolph County Parcel Identification Number 7753354982.

Requested Action Rezone from B2 (CZ) General Commercial Conditional Zoning to R10 (CZ) Conditional Zoning for the purpose of a Residential Planned Unit Development, including a special intensity allocation within the Back Creek Watershed (Balance)

Existing Zone N/A

Land Development Plan See Land Development
Plan

Planning Board Recommendation

On May 1, 2023, the Planning Board continued its consideration of the request until its June 5, 2023 meeting. On June 5, 2023, the Planning Board recommended approval, with additional buffering along the southern and western property boundaries. Specifically, the Board recommended increasing the buffer on these two boundaries from a Type B buffer (minimum 20 ft. wide strip with two canopy trees, 4 understory trees, and 8 shrubs per 100 LF), to a Type C buffer (minimum 25 ft. wide strip with two canopy trees, 6 understory trees, and 10 shrubs per 100 LF).

Reason for Recommendation

The Planning Board concurred with staff reasoning, noting the above proposed condition.

Planning Board Comments

Rezoning Staff Report

RZ Case # **RZ-23-06**

Date June 5, 2023 Planning Board
(updated 6-6-23)

General Information

Applicant

Terry Tucker

Address 465 Lewallen Road

City Asheboro NC 27205

Phone 336-669-6427

Location Pineview Road at I-73/74

Requested

Action

Rezone from B2 (CZ) General Commercial Conditional Zoning to R10 (CZ) Conditional Zoning for the purpose of a Residential Planned Unit Development, including a special intensity allocation within the Back Creek Watershed (Balance)

Existing Zone B2 (CZ)

Existing Land Use Undeveloped

Size 13.37 acres +/-

Pin # 7753354982

Applicant's Reasons as stated on application

Construction of 21 residential duplexes. Project will provide affordable housing for citizens of Asheboro.[Staff note: The units are proposed to sit on subdivided lots and are considered attached single-family dwellings. A total of 44 units are proposed].

Surrounding Land Use

North Congregate Living Facility

East I-73/74

South Undeveloped

West Low-Density Residential

Zoning History Case No. CUP-00-11: The property was rezoned from I-2 to B2 (CZ) in 1999. This included approval of the adjoining assisted living facility but no corresponding approved use on the subject property.

Legal Description

The property of Clayton Terry Tucker, located immediately south of 1195 Pineview Road, approximately 950 feet south of Pineview Road, along the west side of I-73/74, totaling approximately 13.37 acres +/-, more specifically identified by Randolph County Parcel Identification Number 7753354982.

Analysis

1. The property is located south of Pineview Rd., a minor thoroughfare adjacent to the interchange of I-73/74. Access to the property is provided via a private driveway that extends from Pineview Rd. and also provides access to the adjacent assisted living facility.
2. The property is currently inside the city limits. City services are available to serve the site.
3. 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. A primary deviation identified is that the property does not have direct access to a public street. The project is proposed to be served via a private paved drive that is approximately 20 feet in width and which currently provides primary access to the adjacent institutional facility. Plans submitted, however, show an intent to offer for public dedication the private driveway.
4. The property is within the Back Creek Watershed Balance (non-critical) area.
5. This type of residential project is limited to a total built-upon area of 12% under existing regulations. The project proposes a built-upon area of approximately 27% based on data presented by the applicant's engineer on 6-5-23.
6. Under the current code, non-residential projects are eligible to seek a special intensity allocation (SIA) that can authorize development with built-upon areas of up to 70% if certain criteria are met. The ability to grant a SIA, though, is limited to no more than 10% of the city's jurisdictional watershed area.
7. The applicant has filed a text amendment (RZ-23-04) seeking to allow residential projects to apply for a SIA within non-critical watershed areas. This rezoning application is not approvable, as presently proposed, unless that text amendment is approved.
8. The R10 Residential District is intended to provide regulations which will produce a moderate intensity of residential uses, usually single family or two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living.
9. The requested R10 (CZ) district would allow 44 attached single-family dwellings contained in 22 structures and grant a special intensity allocation for any proposed built-upon area exceeding 12%. An SIA of approximately 2 acres for this project would utilize approximately 4% of the remaining allocatable acreage. The project density equals approximately 3.39 dwellings per acre when accounting for right-of-way area, a density that is consistent with the proposed R10 district.
10. As designed, the potential for future access to serve adjacent property under a separate proposal, is preserved. This is important as the code requires consideration of future development and how a proposed street network may be able to be extended over time.

Rezoning Staff Report

RZ Case # RZ-23-06

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 Commercial
Small Area Plan Northwest
Growth Strategy Map Designation Primary Growth

LDP Goals/Policies Which Support Request

2.1.5 The City will ensure development regulations provide appropriate transitional land uses, such as office and institutional, between high-intensity industrial/commercial and low-intensity residential uses.

Checklist Item 3: The property on which the rezoning district is proposed fits the description of the Zoning Ordinance.

Checklist Item 5: Complies with Growth Strategy Map

Checklist Item 13: The property is located outside of Special Hazard Flood Area.

Rezoning Staff Report

RZ Case # **RZ-23-06**

LDP Goals/Policies Which Do Not Support Request

Checklist Item 1: Does not comply with LDP proposed land use map

Checklist Item 12: Rezoning is located within watershed.

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

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

While the property is designated for Commercial Use by the Land Development Plan, it is surrounded by residential uses. The proposed residential use and density provides a more appropriate transition between the adjacent institutional use and rural residential development than what could be allowed under the current general commercial zoning designation. Further, the lack of direct frontage on and visibility from Pineview Road likely limits viable commercial options for the property.

The Land Development Plan generally supports appropriately planned and designed residential development that can provide new housing opportunities for the city's large employment sectors, such as the one that exists on Pineview Street east of I -73/74. The conditional zoning district can ensure important design elements are considered and provided to help achieve city-adopted goals and policies.

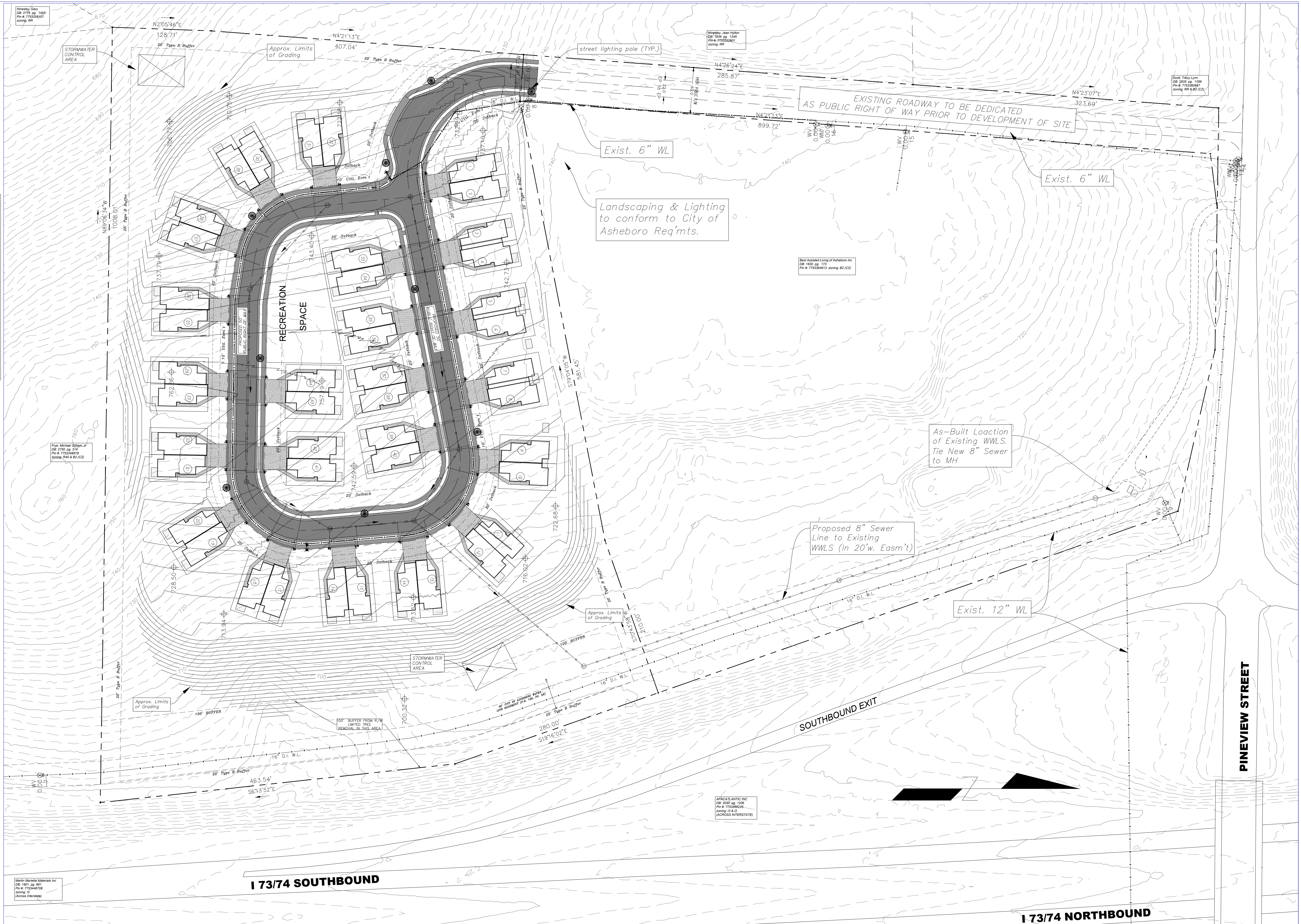
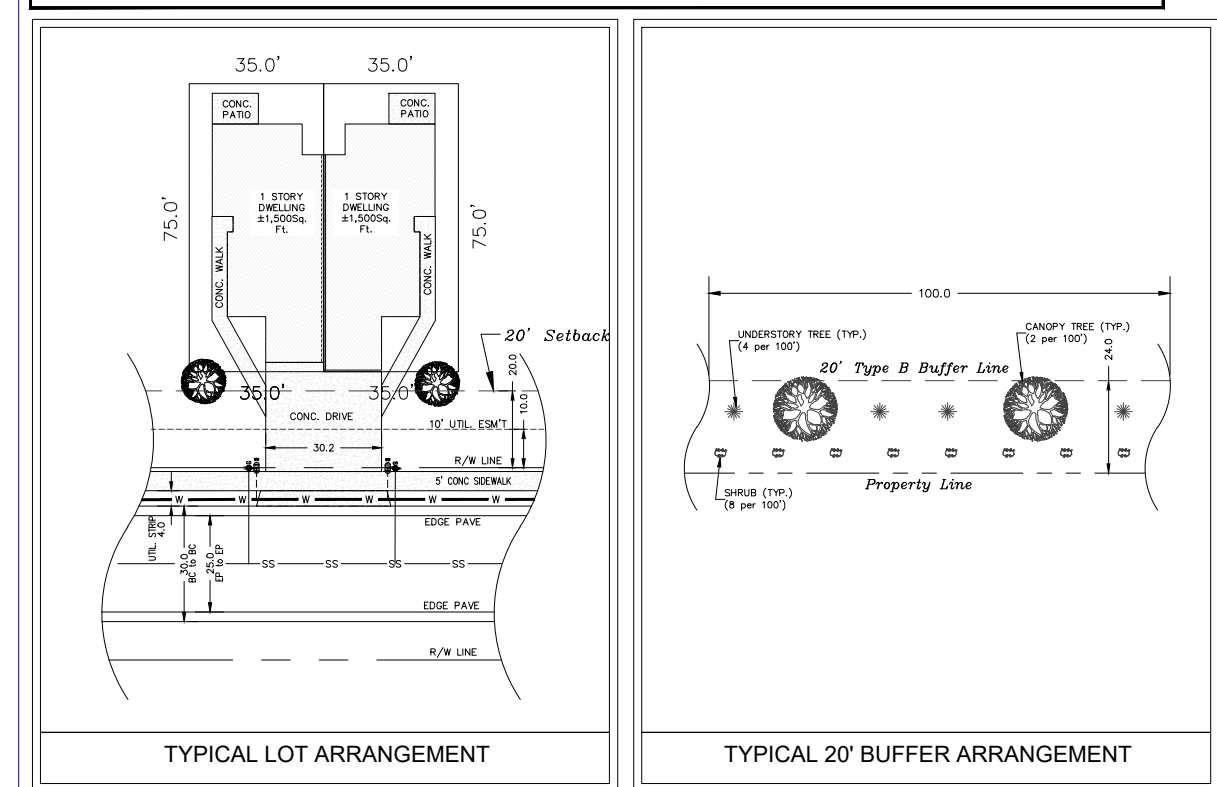
While approval of the district would reduce the amount of acreage available for special intensity allocations to other projects, staff believes that it is reasonable to grant the minimal allocation needed for this project. Such action will result in residential development that likely is more compatible with adjoining properties than what could be proposed under the current commercial designation.

Recommendation Approve, finding the request is reasonable and in the public interest if RZ-23-04 (watershed text amendment) is approved.

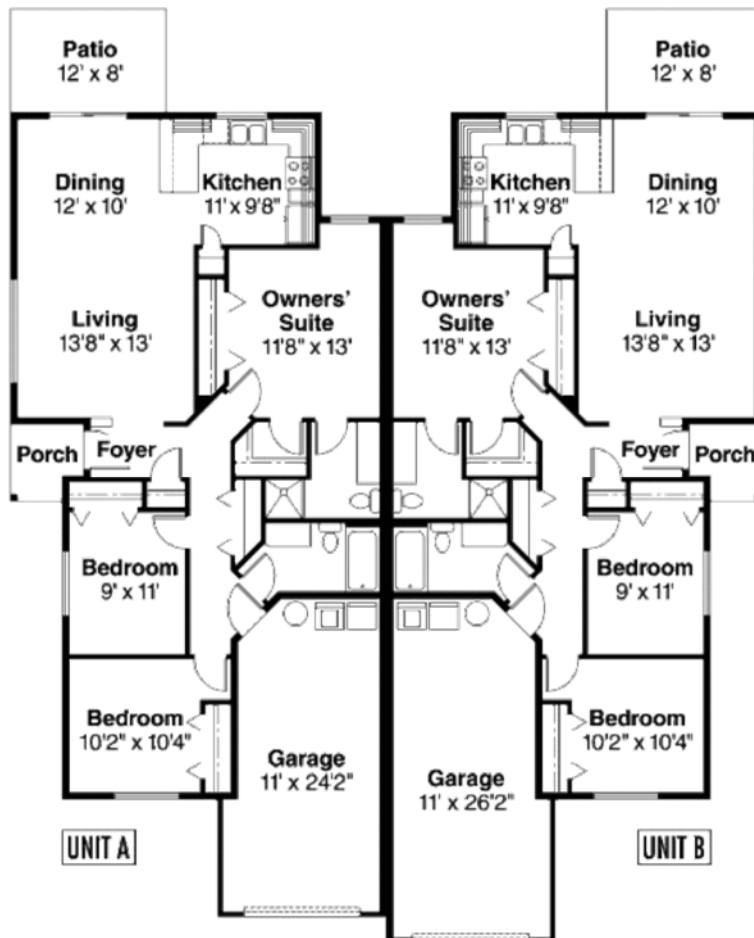
Rezoning Staff Report

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

- (A) The use approved shall be a Residential Planned Unit Development with a total of 44 dwelling units on 44 lots.
- (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 requiring City Council review provided such additions are located on a recorded lot, provided no additional built-upon area results.
- (D) Maintenance of all recreation areas, any utilities not publicly maintained, roads, and drainage facilities that are not specifically labeled on the approved site plan as publicly owned and maintained shall be the responsibility of the property owner and any successors in interest.
- (E) Any utility infrastructure indicated by the city as required to be publicly maintained shall be located within a City of Asheboro utility easement. Surveying of any required easements shall be the responsibility of the property owner.
- (F) If the approval needed for the street(s) to be public is not obtained, the property owner shall be responsible for ensuring that solid waste facilities are installed consistent with city policies and codes. Correspondingly, a change in proposed street maintenance from public to private shall not be considered a modification requiring re-hearing.
- (G) Landscaping, including street trees, front yard landscaping, and perimeter buffering shall be installed consistent with the details and specifications shown on the site plan.
- (H) Stormwater control measures designed by a licensed professional in accordance with the current North Carolina Department of Environmental Quality Stormwater BMP Manual shall be provided. Measures shall control the ten-year post-development peak discharge rates to pre-development peak flow rates. Prior to a Certificate of Occupancy, a licensed professional shall provide certification that the storm water control measures were built according to the plans. Any open water retention or drainage areas shall be managed to control mosquitos. The maintenance of all runoff control measures shall be the responsibility of the property owner.
- (I) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the applicant shall submit documentation detailing the following approvals:
 - i) Driveway permit from NCDOT
 - ii.) Permitting from NC Department of Environmental Quality
 - iii.) Subdivision Sketch Design and Preliminary Plat
 - iv.) Acceptance of the offer of dedication by the city for public maintenance of the currently privately maintained driveway that provides the subject property access to Pineview Road, unless new streets are ultimately privately maintained. .
- (J) Prior to preliminary plat approval, plans concerning water, including provisions for fire hydrants, street lights, and sanitary sewage that comply with city policies, shall be submitted and approved.
- (K) 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.
- (L) All dwellings shall be located on a subdivided lot and recorded in the public registry in accordance with the city's land development requirements.
- (M) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute, and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this Conditional Zoning in the chain of title for the Zoning Lot.
- (N) A Type "C" buffer or screen shall be provided along with the southern and western property boundaries consistent with the recommendation of the Planning Board.



Of: 1 Version: 1



Note

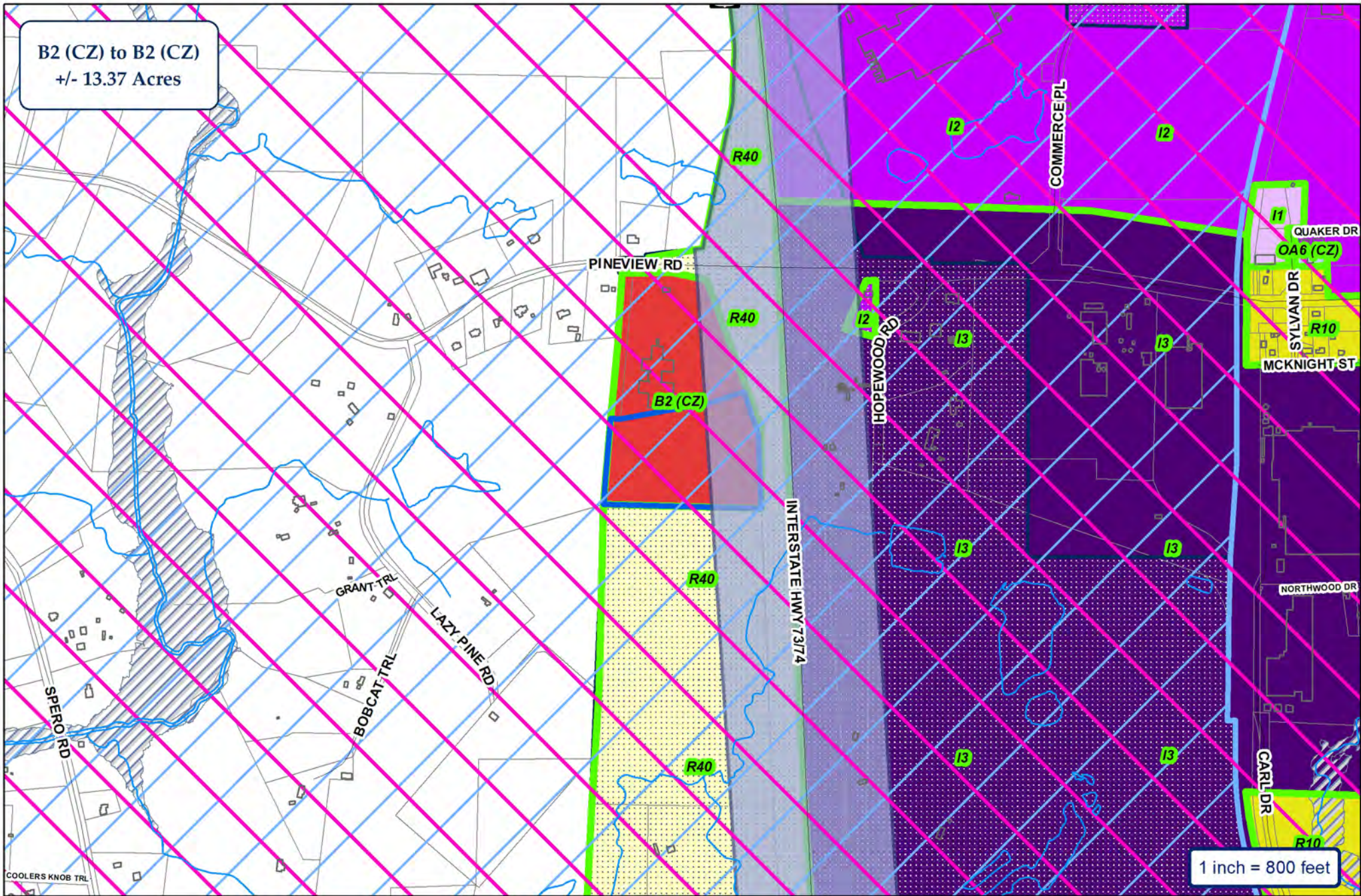
The exterior façades will be varied to create contrast in unit appearances

EXAMPLE CONDO

**PINEVIEW HOMES
DEVELOPMENT**

Terry Tucker, Owner

B2 (CZ) to B2 (CZ)
+/- 13.37 Acres



- Airport Overlay
- Watershed Critical Area
- Watershed Balance
- I-73/I-74 Overlay

City of Asheboro Planning & Zoning Department

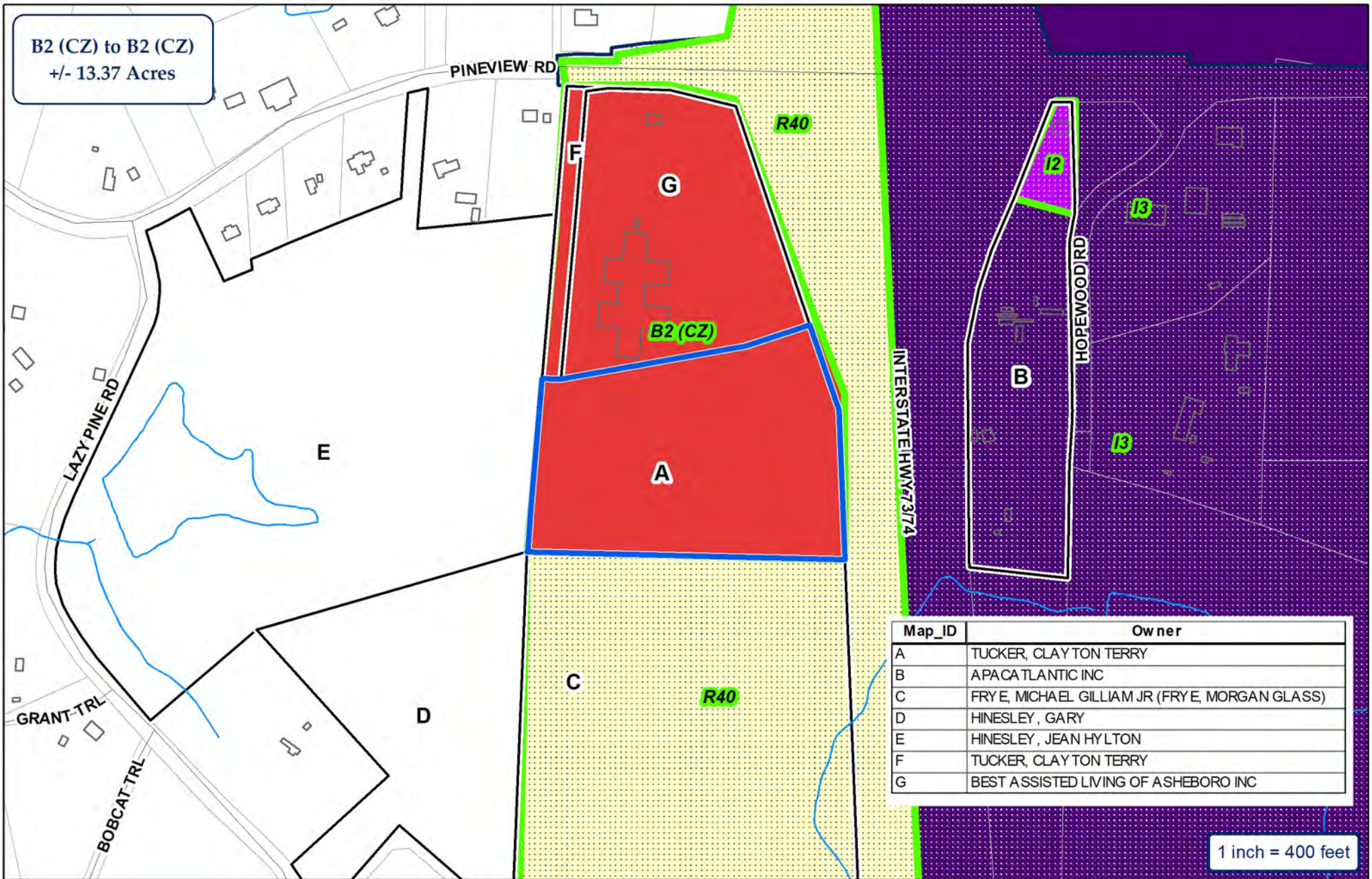
Rezoning Case: RZ-23-06

Parcels: 7758354982

- Subject Property
- Zoning
- ETJ



B2 (CZ) to B2 (CZ)
+/- 13.37 Acres



Map_ID	Owner
A	TUCKER, CLAYTON TERRY
B	APACA TLANTIC INC
C	FRYE, MICHAEL GILLIAM JR (FRYE, MORGAN GLASS)
D	HINESLEY, GARY
E	HINESLEY, JEAN HYLTON
F	TUCKER, CLAYTON TERRY
G	BEST ASSISTED LIVING OF ASHEBORO INC

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-23-06

Parcels: 7753354982

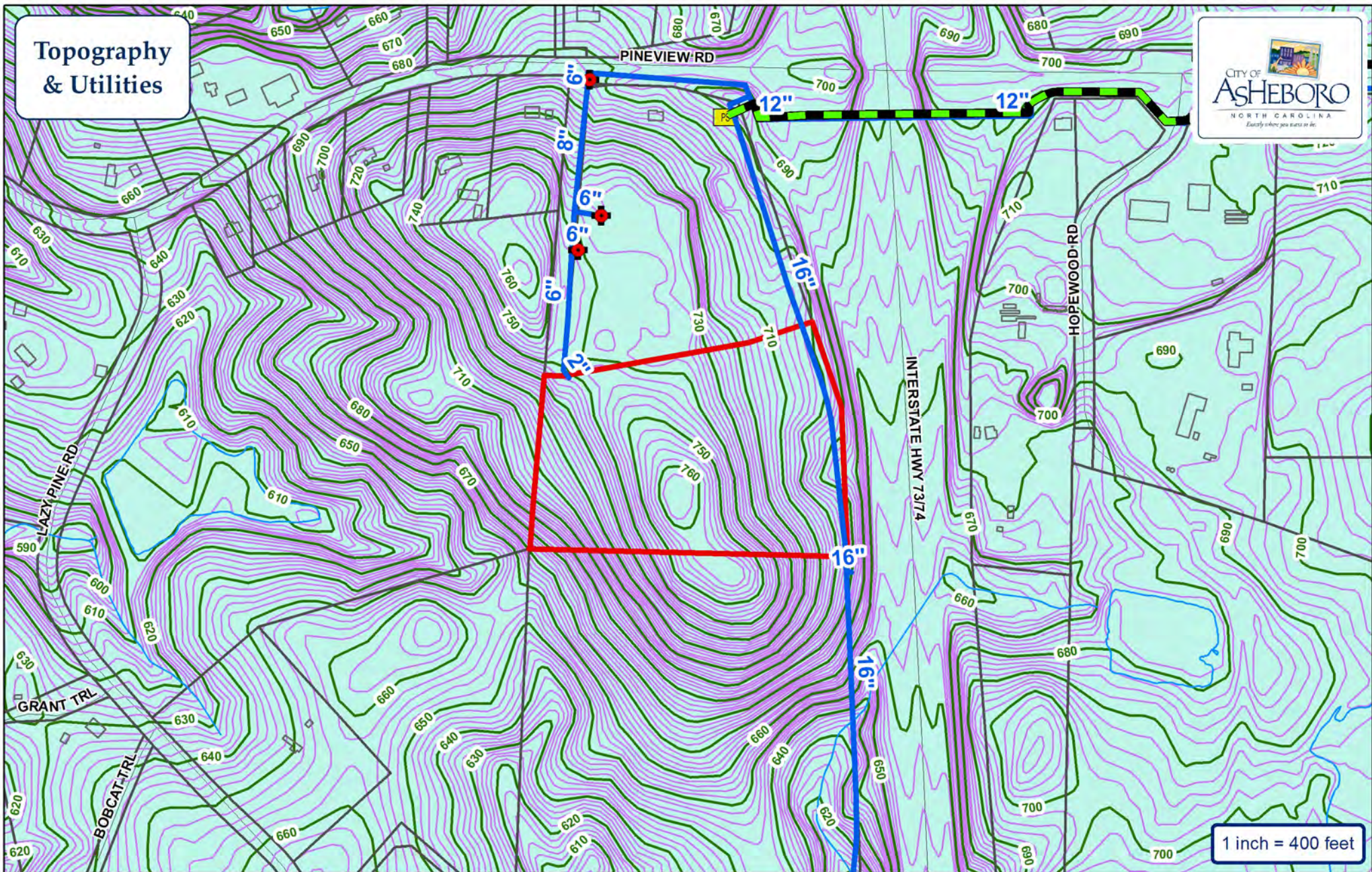


ETJ

- Subject Property
- Adjoining Properties
- City Zoning



Topography & Utilities

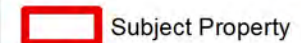


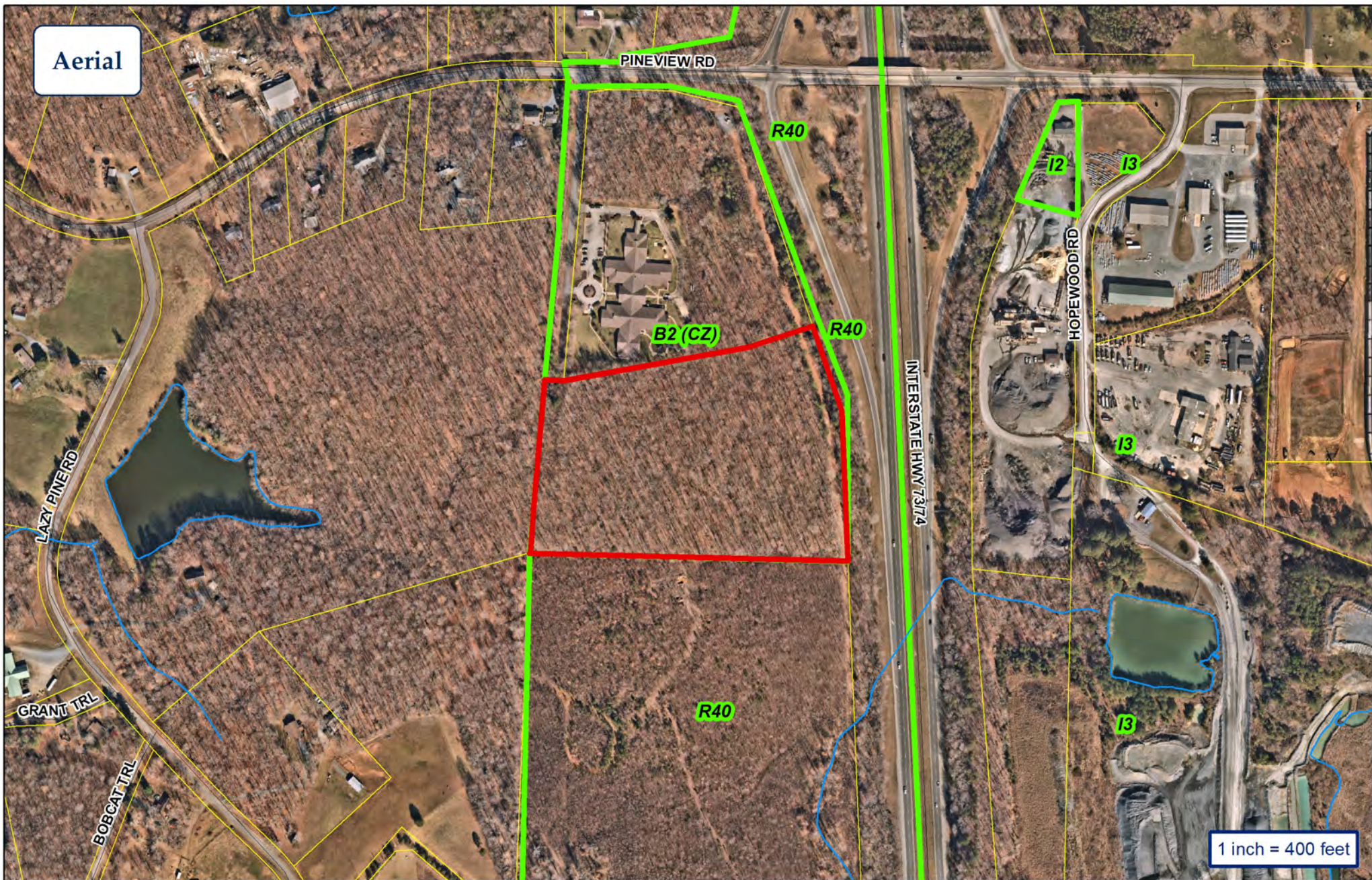
- | | |
|---|--|
|  Water Main |  Fire Hydrant |
|  Sewer Main |  Pump Station |
|  Force Main |  Watershed |

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-23-06

Parcels: 7753354982

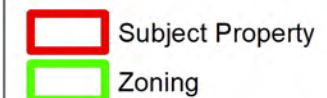




City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-23-06

Parcels: 7753354982



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

APPLICANT INFORMATION

Applicant C. Terry Tucker Applicant's Phone # 336-669-6427

Applicant's Address 465 Lewallen Rd.
Asheboro, NC 27205

Applicant email address doublet@triad.rr.com

PROPERTY INFORMATION

Property Owner's Name C. Terry Tucker

Location of Property Pineview St. Property Size (ac. or s.f.) 14,637.6 acres

Randolph County Property Identification Number (PIN#) 7753354982

Current Zoning District B2 (CZ) Requested Zoning District R10 (CZ)

Date Property Title Acquired 8/8/2000 Deed Book 1672 Page 0387

Subdivision _____ Section _____ Lot # _____

Plat Book 61 Page 8

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:

Construction of 21 residential duplex units.

2. In what manner will the proposed amendment carry out the intent of the Land Development Plan?

Project will provide affordable housing for citizens of Asheboro.

For questions (3) and (4), if either of these questions apply, please state a reason. If you believe these do not apply, please check "does not apply".

3. Are there alleged errors in this Ordinance that would be corrected by the proposed amendment? If so, give a detailed explanation of such error and detailed reasons how the proposed amendment will correct the errors.

Does not apply ☒

4. What are the changed or changing conditions, if any, in the jurisdiction of the City of Asheboro generally, which would make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare?

Does not apply ☒

5. Are there any other circumstances, factors, or reasons that the applicant offers in support of the proposed amendment?

N/A

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

*Printed Name of Authorized Signatory (if
different from Applicant)*

*Position/Relationship of Authorized
Signatory to Applicant*

Owner Signature (if different than Applicant)



Owner Address

465 Lewallen Rd.

Asheboro, NC 27205

Telephone Number

336-669-6427

*Printed Name of Authorized Signatory (if
different from Owner)*

*Position/Relationship of Authorized
Signatory to Owner*

STAFF USE

Received by: _____ **Date:** _____ **Case Number:** _____



RZ-23-07: An application to rezone property located at 379-1 and 379-2 South Cox Street from OA6 (Office-Apartment) to OA6 (CZ) Office-Apartment Conditional Zoning for a Congregate Living Facility.

A continuance until the July 13, 2023 City Council meeting has been requested by the applicant.

Planning Board Recommendation and Staff Report

John Evans

Subject: FW: [External Sender] Request from Keaton's Place for continuation of zoning request

From: Chip Womick <chip@keatonsplace.org>

Sent: Tuesday, May 16, 2023 4:29 PM

To: Trevor Nuttall <tnuttall@ci.asheboro.nc.us>

Subject: [External Sender] Request from Keaton's Place for continuation of zoning request

Trevor,

We request to continue consideration of our application for conditional zoning of property at 379 S. Cox St. in Asheboro from the planning board's June 5 meeting to the board's July 10 meeting and to be on the agenda for the July 13 city council meeting (instead of the June 8 meeting).

Before the planning board meeting, we want to have an informational meeting for the adjoining property owners and neighbors.

We are waiting on preliminary drawings of our plans to share at the informational meeting, as well as at the planning board and city council meetings.

Susan Hunt
Executive Director
Keaton's Place

336-628-0070

Planning Board Recommendation & Comments to City Council

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

Case # **RZ-23**
 -07

Date 6-5-2023

Applicant Susan Hunt (Keaton's Place)

Legal Description

The property of Maxton C. McDowell, located at 379-1 and 379-2 South Cox Street, totaling approximately 0.27 acres +/- and more specifically identified by Randolph County Parcel Identification Number 7751816243.

Requested Action Rezone from B2 (CZ) General Commercial Conditional Zoning to R10 (CZ) Conditional Zoning for the purpose of a Residential Planned Unit Development, including a special intensity allocation within the Back Creek Watershed (Balance)

Existing Zone N/A

Land Development Plan See Land Development Plan

Planning Board Recommendation

On May 1, 2023, the Planning Board voted to continue its request until the June 5, 2023 meeting.

On June 5, 2023, the Planning Board granted a second continuance.

Both continuance requests were made by the applicant.

Reason for Recommendation

Planning Board Comments

Rezoning Staff Report

RZ Case # RZ-23-07

Date June 8, 2023 City Council

General Information

Applicant Keaton's Place

Address 120 Worth Street

City Asheboro NC 27203

Phone 336-628-0070

Location 379-1 and 379-2 South Cox Street

Requested Action Rezone from OA6 (Office-Apartment) to OA6 (CZ) (Office-Apartment Conditional Zoning) to permit a congregate living facility

Existing Zone OA6

Existing Land Use Formerly business services (accountant) office

Size 0.27 acres +/-

Pin # 7751816243

Applicant's Reasons as stated on application

Congregate Living Facility. The proposed application for Conditional Zoning is consistent with the Center City Applicable Goals, including large scale, mixed use activity center serving the entire community. The existing infrastructure is adequate to support the desired zone. The proposed rezoning is compatible with the applicable small-area plan and surrounding land uses. The purpose of this conditional rezoning application is to offer a bridgeway temporary residency, for example, between Daymark and a rehab placement. The conditional use conditions would address public safety general welfare, and public welfare. This application is not for a detox or rehab unit. It will be temporary housing for residents in recovery who will be subject to drug testing with staff on-site day and night.

Surrounding Land Use

North Multi-use office development

East Office/residential

South Office

West Office

Zoning History N/A

Legal Description

The property of Maxton C. McDowell, located at 379-1 and 379-2 South Cox Street, totaling approximately 0.27 acres +/- and more specifically identified by Randolph County Parcel Identification Number 7751816243.

Analysis

See attachment 1.

The Planning Board continued this matter at the applicant's request at its May 1 meeting. The applicant now requests continuances by both Planning Board and City Council for the purpose of allowing more community conversation and hosting a community meeting with neighboring property owners; if granted, Planning Board would hear the matter July 10, 2023 and City Council on July 13, 2023.

1. The property is inside the city limits.
2. South Cox Street is a state-maintained minor thoroughfare. East Wainman Avenue is a local, city-maintained street.
3. The requested conditional zoning is for a Congregate Living Facility. Either a Special Use Permit or Conditional Zoning request is required when the number of residents in such a facility exceeds 6. Congregate Living for six or fewer residents can be considered a "Family Care Home" which, under state law, must be regulated as a single-family residential use with the exception that permitted homes can be required to provide separation between from one another.
4. A Congregate Living Facility is defined as: *any building, buildings, section of a building, or distinct part of a dwelling unit, home for the aged or other place, whether operated for profit or not, which undertakes through its ownership or management to provide to individuals, for a period exceeding twenty-four hours, housing, food services, and one or more personal care services. For purposes of this definition "Personal Care Services," means services, in addition to housing and food service which include, but are not limited to, personal assistance with bathing, dressing, ambulation, supervision of self-administered medication, transportation, emotional security, and other related service. Furthermore, personal care services are deemed to include on-site ancillary services to mentor and provide personal support and improve life skills of residents, including but not limited to, job training, homemaking skills, personal budgeting, parenting, personal counseling and GED programs. Personal care services do not include nursing or medical treatment. Such facilities shall contain congregate kitchen, dining and living areas only, with separate sleeping rooms. Further, such facilities shall not be used for those persons in need of a structured environment, as it is defined herein. For purposes of this Ordinance, Congregate Living Facilities shall not be deemed to include boarding/rooming houses; fraternities/sororities; monasteries; convents; hotels/motels; professional recovery facilities; or nursing, convalescent and extended care facilities. A congregate living facility is synonymous with a family care home as defined by NCGS § 168, Article 3.*
5. Typical development standards for congregate living facilities are as follows:
 - (1) Such facilities may be developed, provided the development is located on a minimum of 2 acres.
 - (2) Evidence of ongoing discussion with the Division of Facility Services of the Department of Human Resources of the State of North Carolina shall be provided to the City Council prior to permit approval. Evidence shall be submitted to the City prior to issuance of a Certificate of Zoning Compliance that the requirements and standards of the Division of Facility Services of the Department of Human Resources of the State of North Carolina have been and shall continue to be met.
 - (3) All facilities permitted under this section shall be planned and constructed to be harmonious with the area in which they are located. In addition to site plans required, elevations shall be submitted indicating final appearance.
 - (4) The Performance Standards established in Chapter 6 for commercial uses shall be met by the proposed facility. All other Ordinance requirements such as but not limited to parking, buffers

and screens, signs etc. shall be met. Plans required to be submitted shall detail how all applicable requirements are met.

6. 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 applicant seeks to deviate from the Ordinance's standard that a congregate living facility to serve more than 6 residents be located on at least 2 acres of property; if the district is approved, the facility will sit on 0.27 acre.

7. A Congregate Living Facility differs from an Emergency Shelter and also from a Professional Recovery Facility. The former provides temporary accommodations due to emergencies or circumstances that threaten the safety or well-being of those assisted. The latter provides board and lodging as well as professionally administered treatment, under state license, to overcome various conditions that will enable full participation in community life.

8. No building additions are proposed; the use would occur within the existing structure. Building upfits, however, would be required under the state building code. The site plan submitted does not indicate any exterior site improvements except a 6' wooden privacy fence along the northern and eastern property boundaries.

9. The property is within Tier 2 of the Center City Planning Area (Central Business District Fringe). As described by the zoning ordinance: "This planning area encompasses blocks adjacent to Tier 1, the core Central Business Area. Properties in this planning area, unlike those in Tier 1, are not readily accessible to public downtown parking. Coordinated development of a variety of mixed uses is encouraged."

10. Staff has requested more project details related to landscaping, the number of residents to be housed, the location of outdoor recreation area, and proposed lighting

11. Staff has confirmed with the NC Department of Health and Human Services that the use, as proposed, would not require state licensing.

Rezoning Staff Report

RZ Case # RZ-23-07

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	City Activity Center
Small Area Plan	Central
Growth Strategy Map Designation	Primary Growth

LDP Goals/Policies Which Support Request

Rezoning Staff Report

RZ Case # RZ-23-07

LDP Goals/Policies Which Do Not Support Request

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

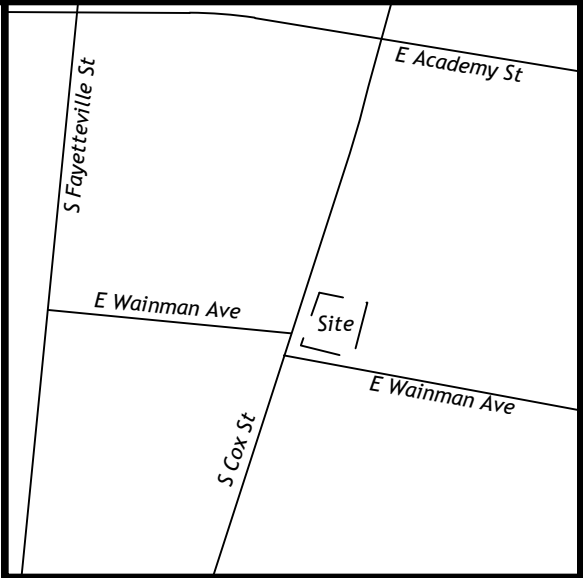
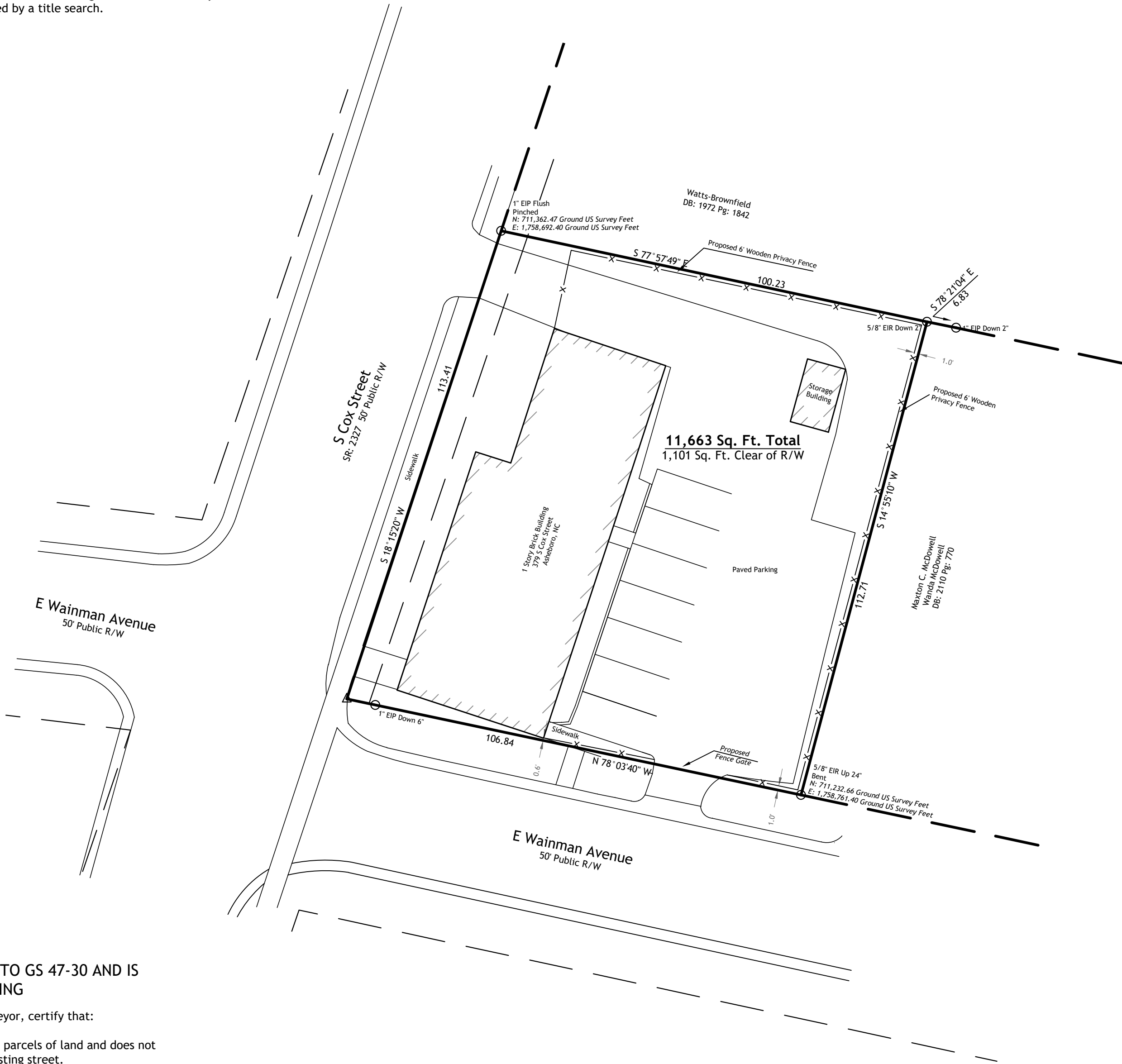
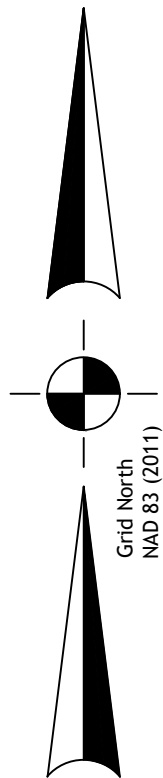
Recommendation The applicant has provided a written request to continue the request until the July 10, 2023 Planning Board meeting. Staff supports the applicant's continuance request.

Rezoning Staff Report

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

Any conditions will be proposed prior to the July 10, 2023 Planning Board meeting.

- Notes:
1. This project is not located within a special flood hazard area per NCFRIS.
Map #: 3710775100J Effective Date: 1/2/2008
 2. Area calculated by coordinate geometry.
 3. 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.
 4. No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
 5. Tax PIN: 7751816243



Location Map
(Not to Scale)

	Hardwood Tree		Catch Basin
	Evergreen Tree		Yard Inlet
	Stone		Storm Sewer Manhole
	R/W - Right of Way Monument		Junction Box
	RRS - Railroad Spike		Drop Inlet
	NIR - New Iron Rod		Irrigation Control Valve
	NIP - New Iron Pipe		Back Flow Preventer
	NCGS Monument		Water Valve
	EN - Existing Nail		Water Manhole
	EIR - Existing Iron Rod		Water Meter
	EIP - Existing Iron Pipe		Fire Dept. Connection
	Existing Concrete Monument		Fire Hydrant
	Bench Mark		Utility Pole
	Computed Point / Point Not Set		Telephone Pedestal
	Well		Telephone Pole
	Property Line		Transformer
	Computed Property Line		Communications Manhole
	Right of Way Line		SS - Sanitary Sewer
	Easement Line		SS Manhole
	Tie Lines		SS Cleanout
	Setback Lines		U/G Power Box
	Gas Line		PP
	Sanitary Sewer Line		Power Pole
	Storm Sewer Line		LP - Light Pole
	Water Line		Guy Pole
	Fence		Gas Valve
	Overhead Utility Line		Guy Wire
	Overhead Power Line		Gas Manhole
	Underground Electric Line		Gas Meter
	Underground Comm. Line		Electric Meter
	100-Year Flood Hazard Line		Electric Manhole
	Floodway		Spot Elevation
	C/L Railroad		

Owners:
Mahan Properties, LLC
955 S Cox Street
Asheboro, NC 27205

THIS SURVEY IS NOT SUBJECT TO GS 47-30 AND IS NOT TO BE USED FOR RECORDING

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

This survey is of an existing parcel or parcels of land and does not create a new street or change an existing street.

I Dan W Tanner II certify that this map was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 2854, page 1663; that the boundaries not surveyed are indicated as drawn from information in Book See, page Notes or other reference source); that the ratio of precision or positional accuracy is 1:10,000 +; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600)."

This 26th day of April, 2023.

Seal

PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES

Professional Land Surveyor



Survey For:

Keaton's Place

City of Asheboro

Asheboro Township

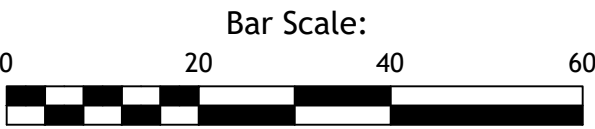
North Carolina

Deed Book:2854 Pg:1663

Scale: 1" = 20 US Survey Feet

Randolph County

April 26, 2023



SURVEY CAROLINA, PLLC

154 S. Fayetteville St, Suite B, Asheboro, NC 27203

Phone Number: 336 625-8000

Email: mail@surveycarolina.com

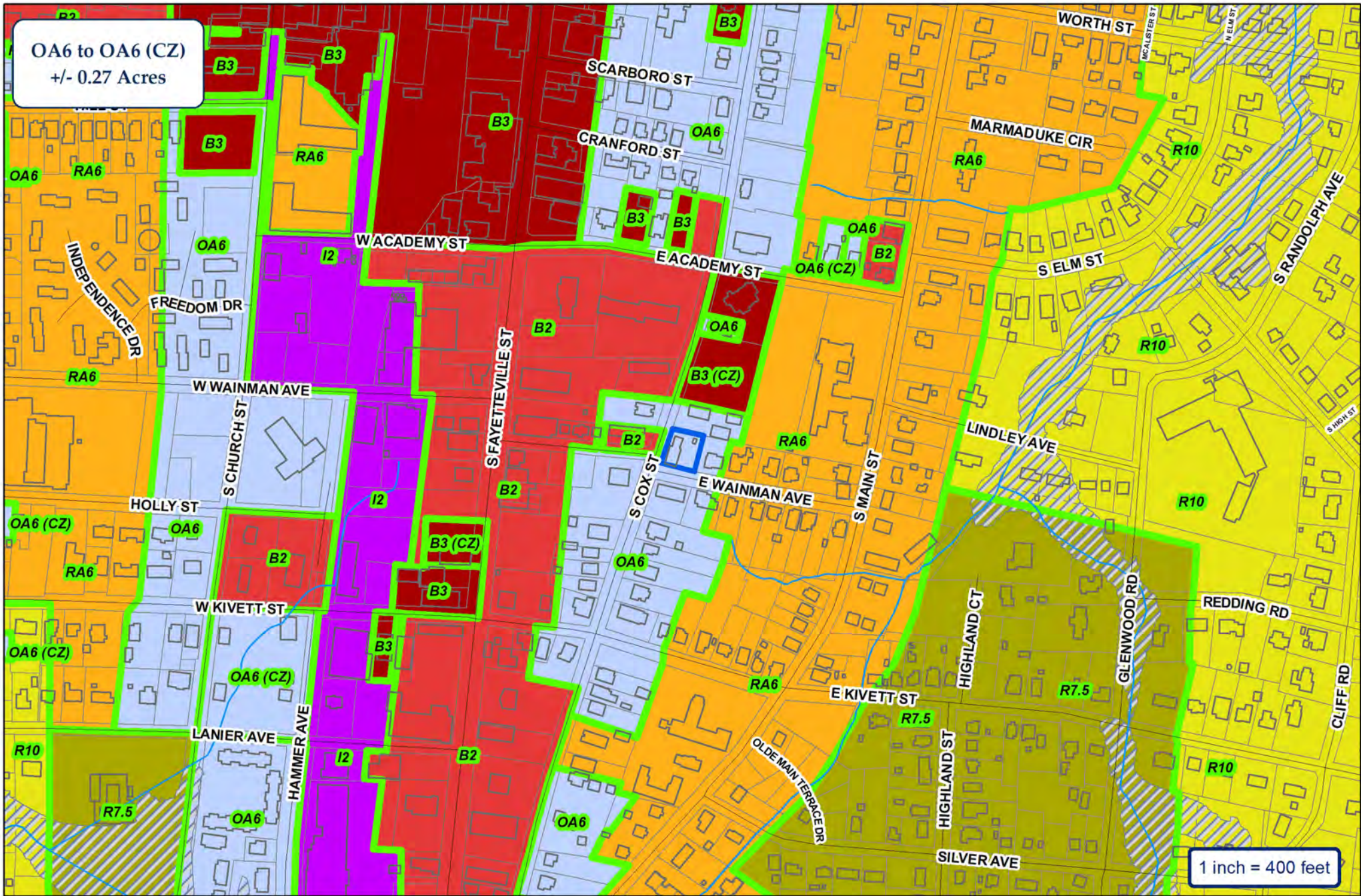
Firm #: P-1110

Dan W Tanner II L-4787

© 2023 Survey Carolina, Plc

Job #: 15079

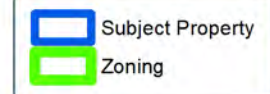
OA6 to OA6 (CZ)
+/- 0.27 Acres



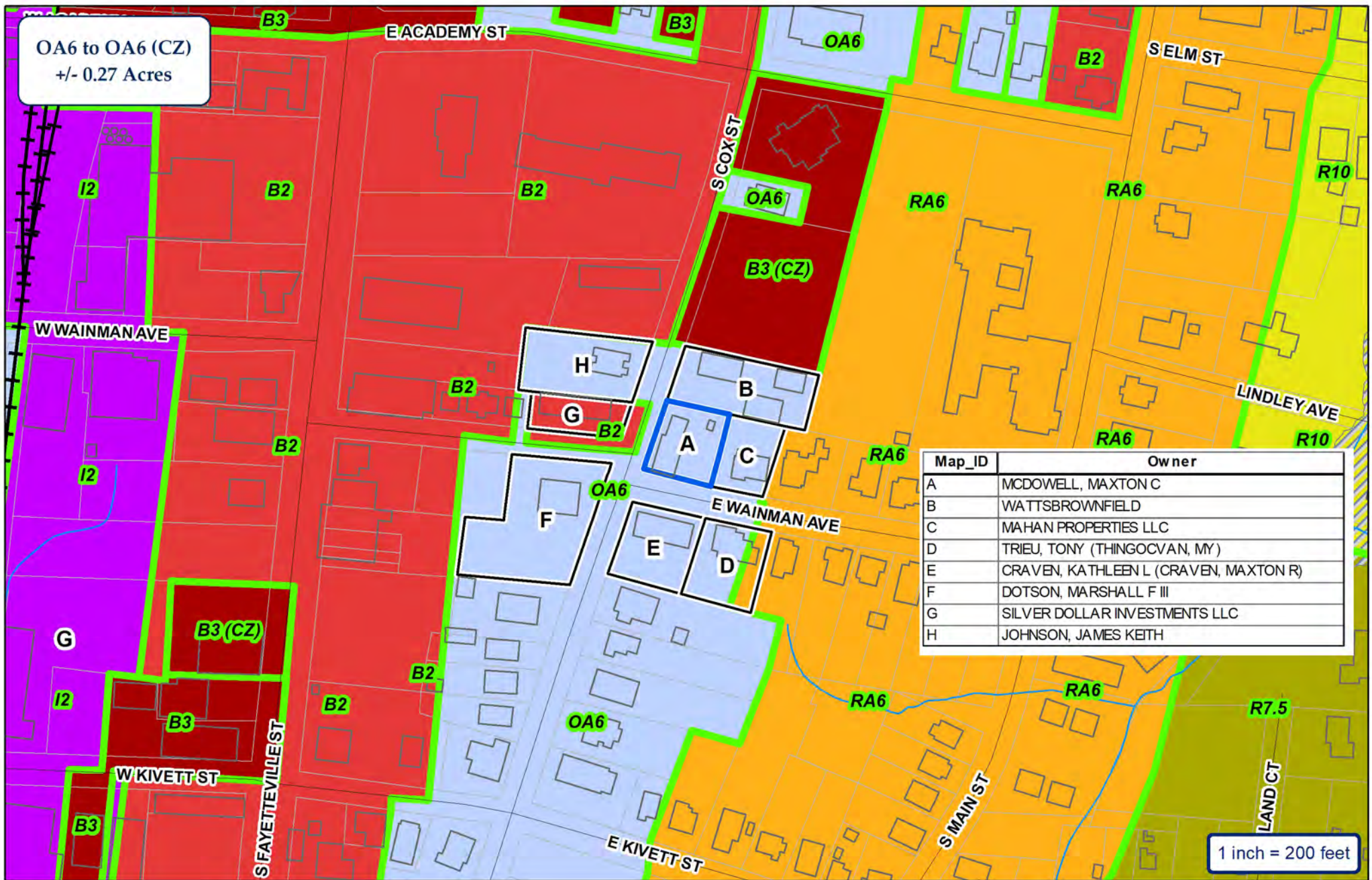
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-23-07

Parcels: 751816243



OA6 to OA6 (CZ)
+/- 0.27 Acres



Map_ID	Owner
A	MCDOWELL, MAXTON C
B	WATTSBROWNFIELD
C	MAHAN PROPERTIES LLC
D	TRIEU, TONY (THINGOCVAN, MY)
E	CRAVEN, KATHLEEN L (CRAVEN, MAXTON R)
F	DOTSON, MARSHALL F III
G	SILVER DOLLAR INVESTMENTS LLC
H	JOHNSON, JAMES KEITH

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-23-07

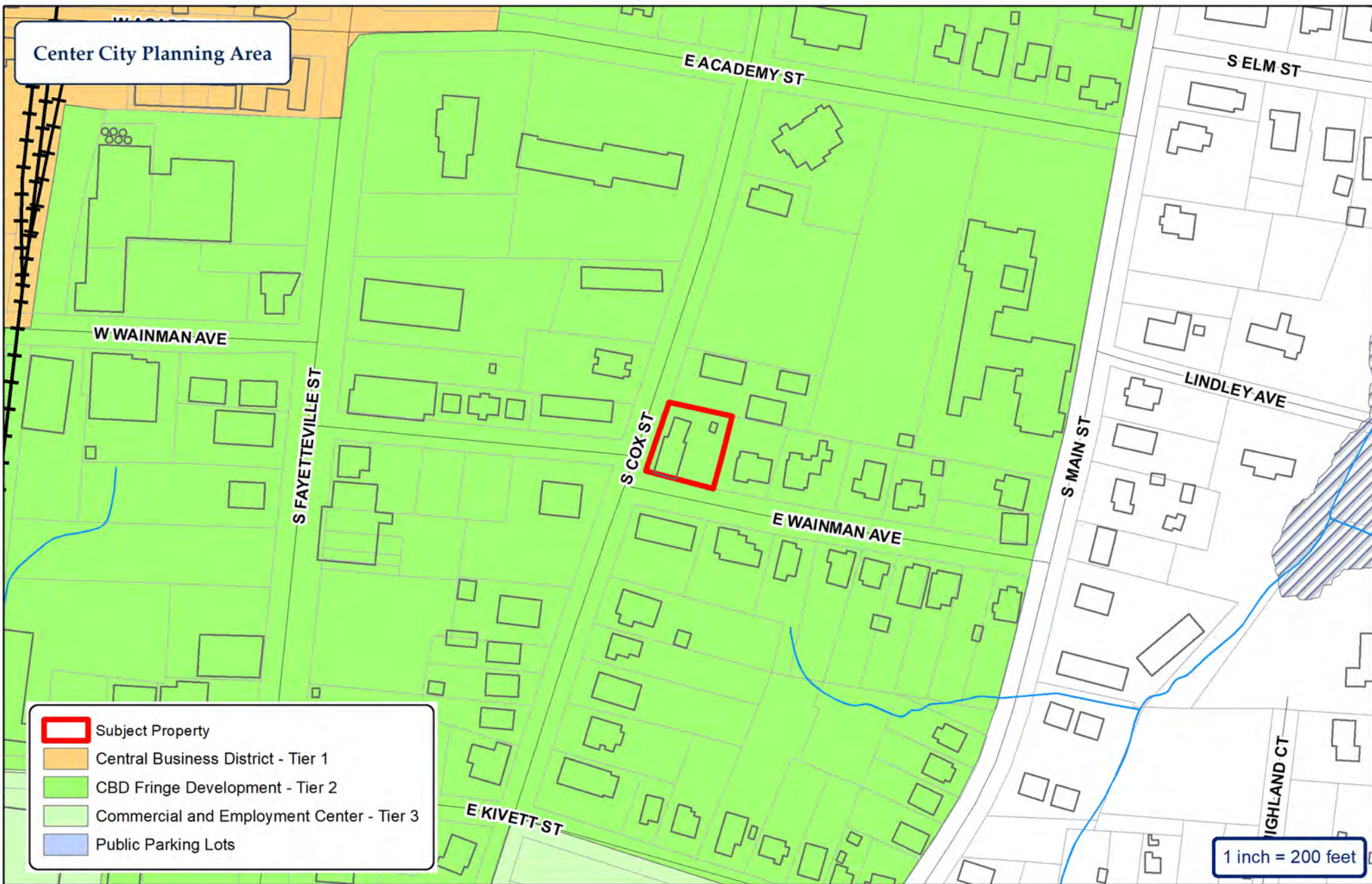
Parcels: 7751816243



ETJ

- Subject Property
- Adjoining Properties
- City Zoning





City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-23-07

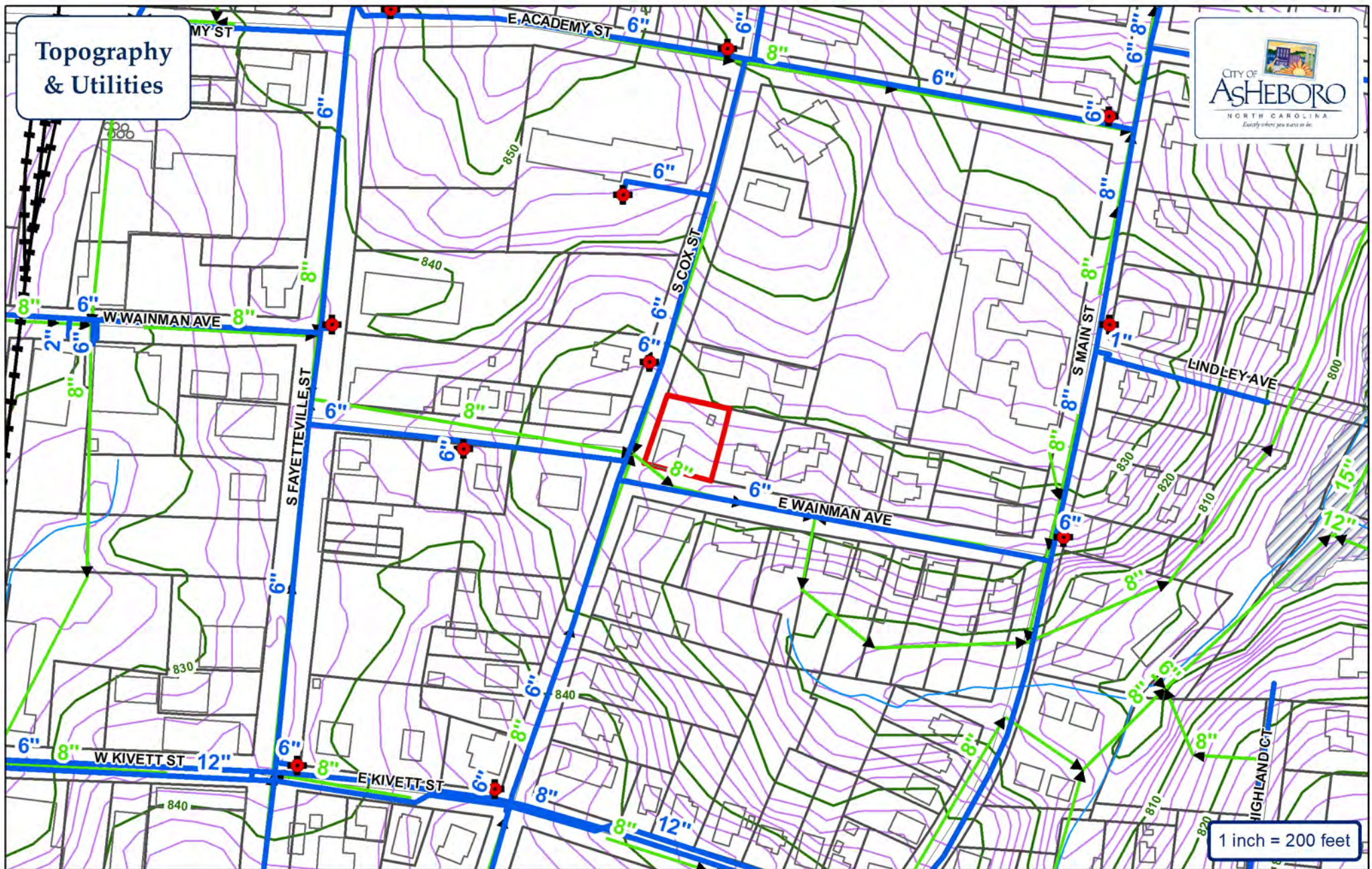
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ETJ



Topography & Utilities



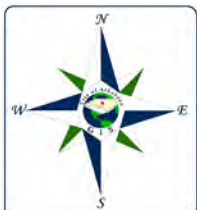
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|---|--|
|  Water Main |  Fire Hydrant |
|  Sewer Main |  Pump Station |
|  Force Main |  Watershed |

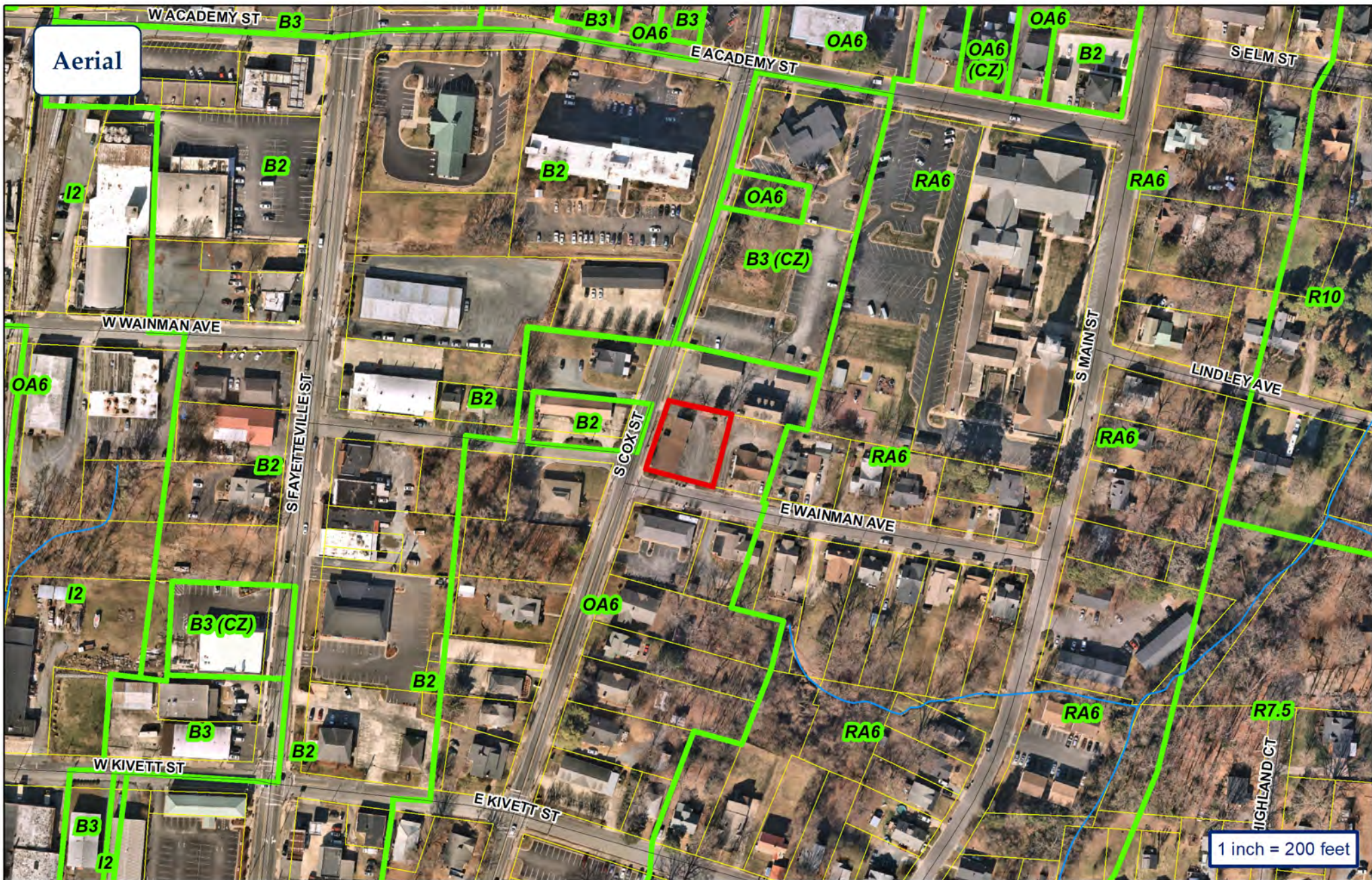
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-23-07

Parcels: 751816243

 Subject Property

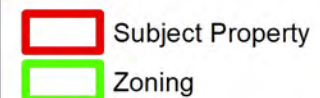




City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-23-07

Parcels: 751816243



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

APPLICANT INFORMATION

Applicant Keaton's Place *Applicant's Phone #* 336-628-0070

Applicant's Address 120 Worth St.
Asheboro, N.C. 27203

Applicant email address susan@keatonsplace.org

PROPERTY INFORMATION

Property Owner's Name Maxton C. McDowell

Location of Property 379 S. Cox St. *Property Size (ac. or s.f.)* 0.27 acre

Randolph County Property Identification Number (PIN#) 7751816243

Current Zoning District OA-6 *Requested Zoning District* OA-6 (CZ)

Date Property Title Acquired 9/29/1995 *Deed Book* 001434 *Page* 01038

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:

Congregate living facility

2. In what manner will the proposed amendment carry out the intent of the Land Development Plan?

The proposed Application for Conditional Zoning is consistent with the Center City Applicable Goals, including large-scale, mixed use activity center serving the entire community.

* The existing infrastructure is adequate to support the desired zone.

* The proposed rezoning is compatible with the applicable small-area plan and surrounding land uses.

For questions (3) and (4), if either of these questions apply, please state a reason. If you believe these do not apply, please check "does not apply".

3. Are there alleged errors in this Ordinance that would be corrected by the proposed amendment? If so, give a detailed explanation of such error and detailed reasons how the proposed amendment will correct the errors.

Does not apply ☒

4. What are the changed or changing conditions, if any, in the jurisdiction of the City of Asheboro generally, which would make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare?

The purpose of this conditional rezoning application is to offer a bridgeway temporary residency, for example between Daymark and a rehab placement. The conditional use conditions would address public safety general welfare, and public welfare.

Does not apply ☐

5. Are there any other circumstances, factors, or reasons that the applicant offers in support of the proposed amendment?

This application is not for a detox or rehab unit. It will be temporary housing for residents in recovery, who will be subject to drug testing, with staff on site day and night.

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

[Signature]

Printed Name of Authorized Signatory (if different from Applicant)

Susan E. Hunt

Position/Relationship of Authorized Signatory to Applicant

Exec. Director

Owner Signature (if different than Applicant)

Maxton C. McDowell

Owner Address

3354 Old Hwy 49
Asheboro, NC 27205

Telephone Number

336-241-2256

Printed Name of Authorized Signatory (if different from Owner)

MAXTON C McDowell

Position/Relationship of Authorized Signatory to Owner

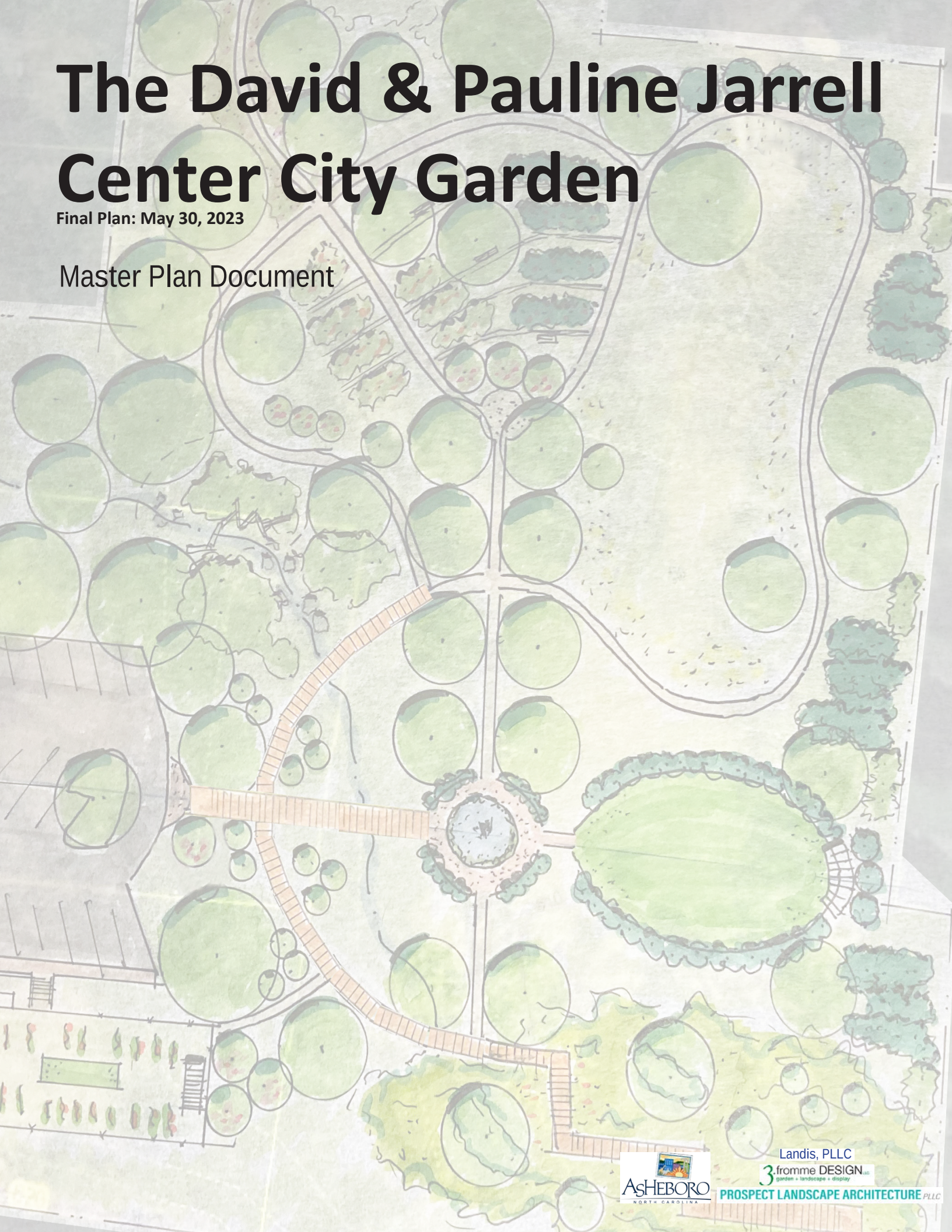
Self

Received by: <u>JLE</u>	STAFF USE Date: <u>4-14-23</u>	Case Number: <u>R2-23-07</u>
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The David & Pauline Jarrell Center City Garden

Final Plan: May 30, 2023

Master Plan Document



Acknowledgments

Thanks to the City of Asheboro for their vision and dedication in creating a beautiful and historically respectful public park for its community.

City Staff

John Ogburn, City Manager
Michael Leonard, City Engineer
Wayne Smith, Assistant City Engineer
Tom Scaramastra, City Surveyor
Jonathan Sermon, Recreation Services Director
David Hutchins, Public Works Director
Andrew Connor, Assistant Public Works Director
Justin Luck, Planning & Zoning Administrator
Jimmy Cagle, Facilities Maintenance Director

Elected Officials

Mayor David Smith
Mayor Pro Tempore Walker Moffitt
Council member Clark Bell
Council member Eddie Burks
Council member Linda Carter (former)
Council member Kelly Heath
Council member Jane Redding
Council member Bill McCaskill
Council member Katie Snuggs (former)
Council member Charles Swiers

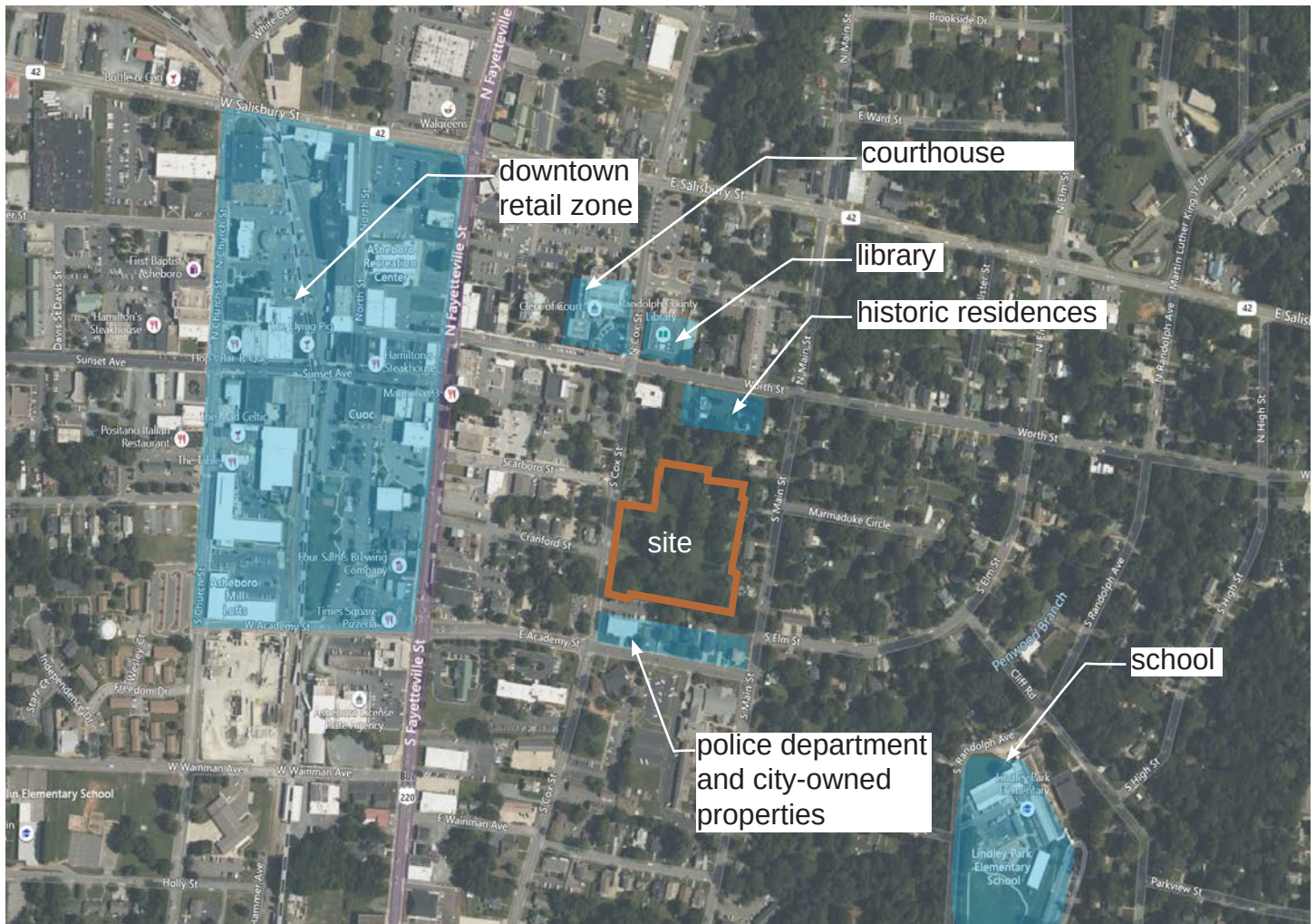
Community Groups

Fundraising Committee
NC State Cooperative County Extension Office
Native Plant Habitat Certification
Neighbors and Community members

Design Consultants

Jennifer Wagner, Prospect Landscape Architecture
Tres Fromme, 3.Fromme Design
Patrick Larkin, 3.Fromme Design
Barrett Kays, Landis Design





Project Introduction & Executive Summary

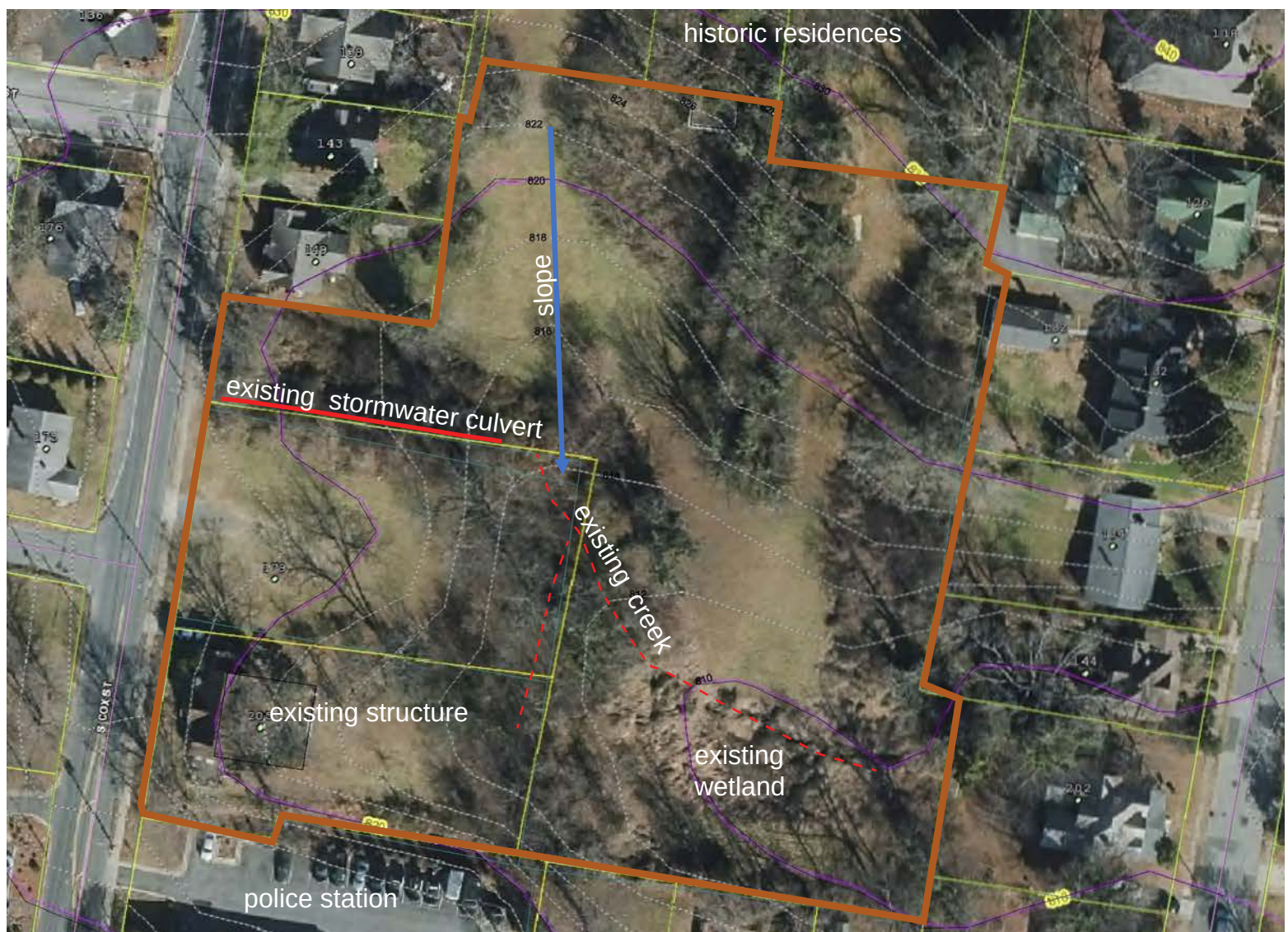
The location for the David & Pauline Jarrell Center City Garden is walkable to downtown businesses, and tucked in a historic neighborhood. An elementary school is in walking distance and the public library is nearby. This ideal location makes for a centrally located park that will become a valuable amenity for residents and visitors alike. The park's namesakes are the former Mayor of Asheboro Mr. David Jarrell and his wife Pauline. The couple were instrumental in creating a place for the park by purchasing much of the land and selling it to the City at an affordable price. With the land secured, the community rallied around the idea of a public park and garden in this location and were able to have a successful fundraiser to kick-off the project.

The land was formerly owned by Governor Jonathan Worth in the mid-1800's. The estate originally consisted of several lots, containing about 10 acres total, with an orchard of more than 200 fruit trees and a meadow. The city's intent is to have a public open space that will include gardens, parking, a visitor center, and references to the historic site.

Project Information

The public garden site is approximately three-acres and includes pockets of mature trees, an expansive meadow, wetlands, a creek, and remnants of previous built objects. With its location near downtown, the site is very walkable to shops and restaurants, a local school, the public library, the police department, and many residences.

The aerial image below indicates how the topography slopes from the north to the south of the site, culminating in a wetland at the southern end of the parcel. A creek and a culvert capture stormwater from surrounding streets and convey the water to the wetland.



VALUABLE PROPERTY FOR SALE.

THE undersigned having recently undertaken public duties, incompatible with proper attention to the property hereinafter described, will sell at Auction, for Cash, (currency,) at 12 o'clock M., on the 29th Jan'y next, (unless sooner disposed of at private sale,) his Tract of LAND in Moore County, on the Fayetteville and Western Plank Road, about half way between Carthage and Asheboro', containing about 607 Acres, of which some 60 or 65 acres is probably cleared, and well fenced, and some four acres good Meadow. It has on it a comfortable DWELLING, Kitchen, Smoke House, Barn, Store House, spacious Stables, &c.

The sale will be made at the premises, and immediate possession will be given to the purchaser.

He will also sell, at private sale, his Lots and Residence in the town of Asheboro', with, or without Two Farms, near the village. One of the farms about a mile from the village, contains about 100 acres, 80 acres of which is in cultivation. It has on it some 8 or 10 acres of good meadow. About 40 acres is seeded, in good order, with a superior variety of wheat, and with rye and winter oats. The remainder is in good condition for a corn crop. Three-fourths of the outside fence of this place is built of stone. The other tract, about 3 miles from the village, contains 305 acres; about 60 acres in cultivation—some 15 acres of which is seeded in winter oats—the rest intended for corn next year.

The property in Asheboro' consists of several contiguous lots, containing about 10 acres, all of which is in excellent condition; has on it an orchard of more than 200 trees, in bearing condition—consisting of choice varieties of apple, peach, pear, cherry and other fruit trees;—about 3 acres of highly fertilized and productive meadow.

The dwelling is 52 x 20 feet, with a wing 18 x 26 feet, both two stories high. The rooms of the main building are all plastered in plain hard finish style; four of them spacious and with good fire places; one a dormitory, without fire place, and one a library room, fitted up with moveable shelves, &c. The wing has two rooms with fire places, a dining room and one room without a fire place, with fixed wardrobes, and a spacious and dry cellar under the building. The out-buildings consist of a kitchen, three negro houses with two rooms in each of them, four of the rooms having each a fire place, and one of them a stove; well house with pantry, a large smoke house, carriage house, wood house, two offices, each with two rooms and one fire place; a framed barn 54 x 30 feet, with stable room for 8 horses, space for sheaf wheat enough to produce 500 bushels; two ceiled garner capable of holding each 600 bushels of grain, with a basement story to shelter cattle; and also separate cow houses; a stone milk house supplied with a constant stream of cool spring water. The buildings are all in excellent condition, and have been recently painted.

Persons desirous to make further inquiries, can apply to me at Raleigh, to my son or brother residing in Wilmington, my brother in Fayetteville, or to my son-in-law S. S. Jackson in Asheboro', who is duly empowered to make a sale.

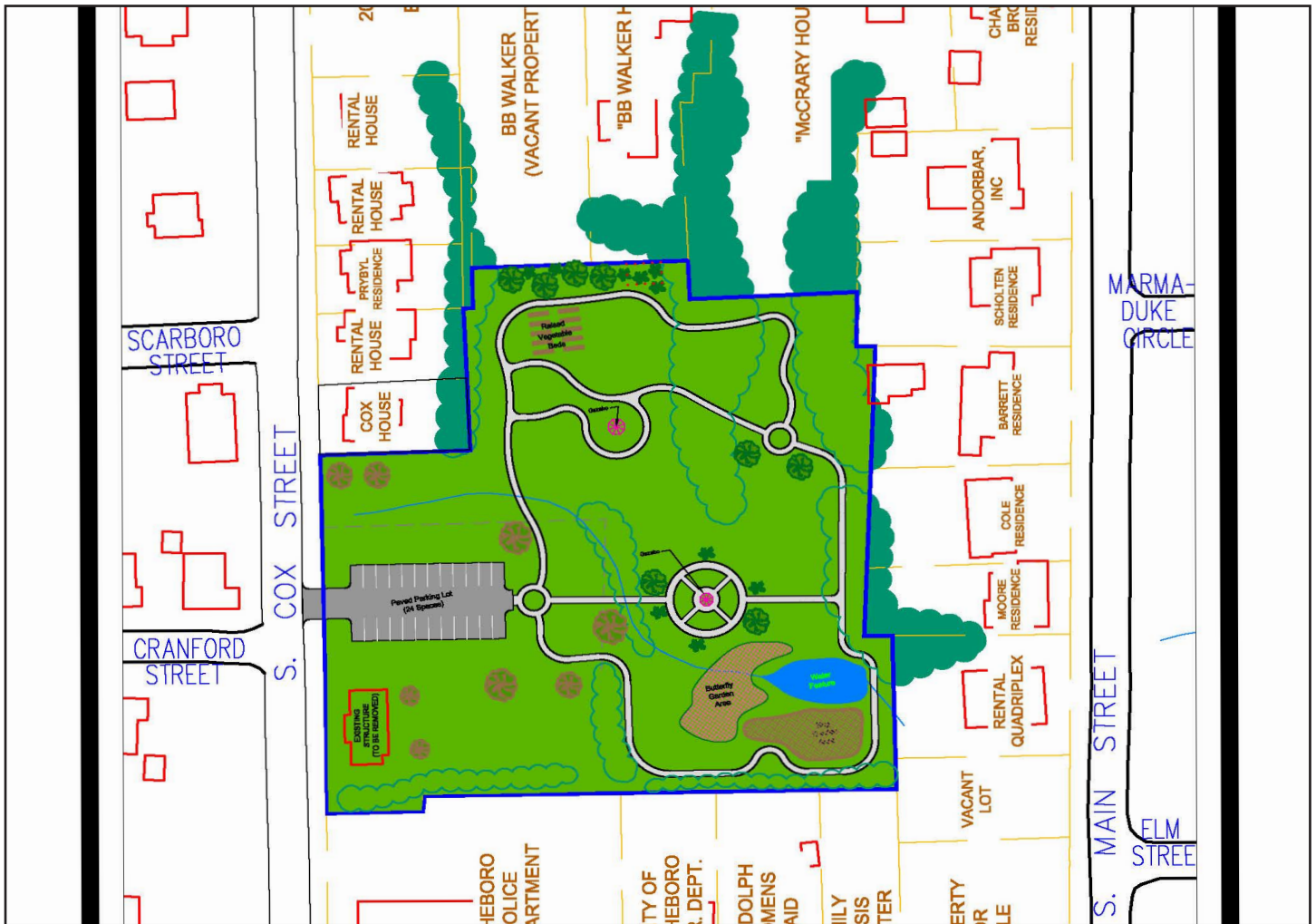
As I am about to remove to Raleigh I can give immediate possession.
JONATHAN WORTH.
Dec'r 27, 1862. 90-129J

The property in Asheboro' consists of several contiguous lots, containing about 10 acres, all of which is in excellent condition; has on it an orchard of more than 200 trees, in bearing condition—consisting of choice varieties of apple, peach, pear, cherry and other fruit trees;—about 3 acres of highly fertilized and productive meadow.

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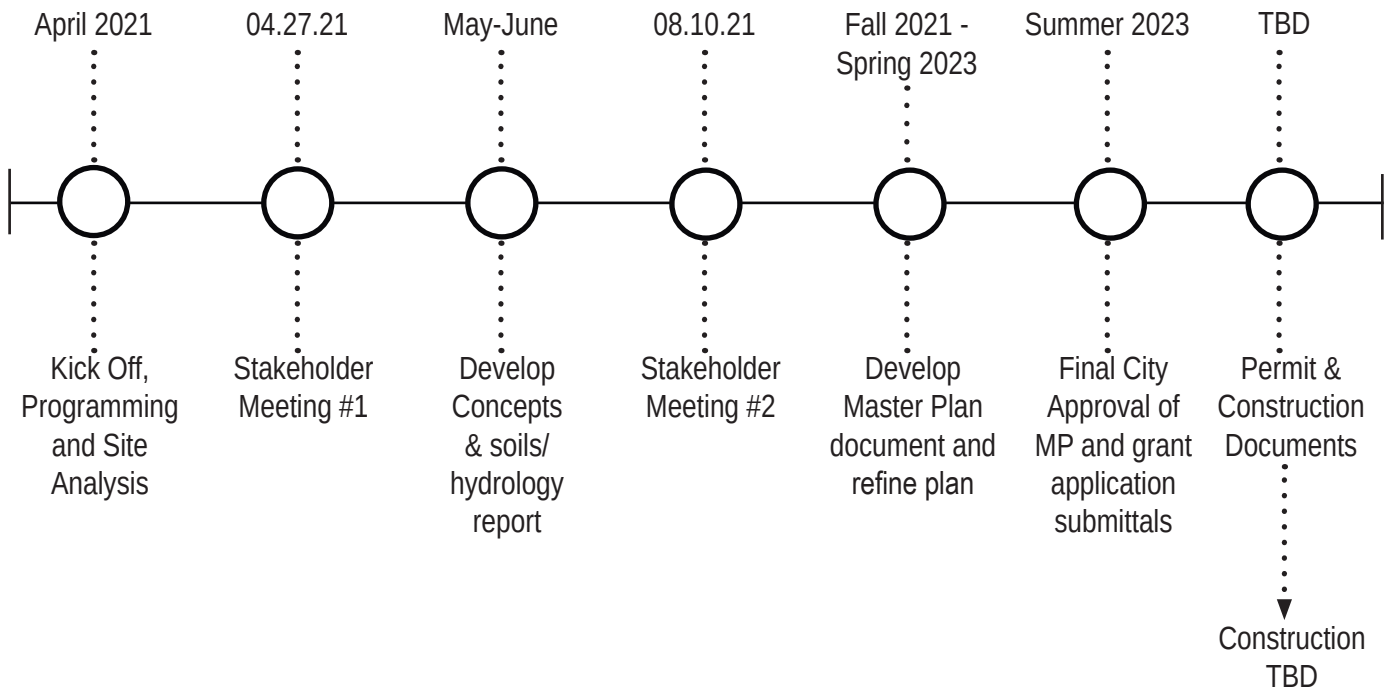
This 1862 ad ran in the newspaper by Jonathan Worth to sell his properties when he was moving to the Governor's mansion in Raleigh. The portion in the red box (enlarged) describes some of the property where this park will reside.

Source: Asheboro Public Library



In an effort to gain community support, the City created an early concept plan for the site, shown here. The concept includes different types of gardens, including a bog/wetland, walking paths, a gazebo and parking. This concept was used as a starting point in the master planning process.

Source: City of Asheboro



Project Process

The project includes opportunities for input by stakeholders, including city staff and engaged citizens. These periodic check-ins allow for a more comprehensive and thorough design that incorporates aspects of the site's history and the community's desires. The master planning design and documentation process was complete by the end of Fall 2021. Additional refinements related to land acquisition, grant research, survey development and archaeological review were completed in 2023.

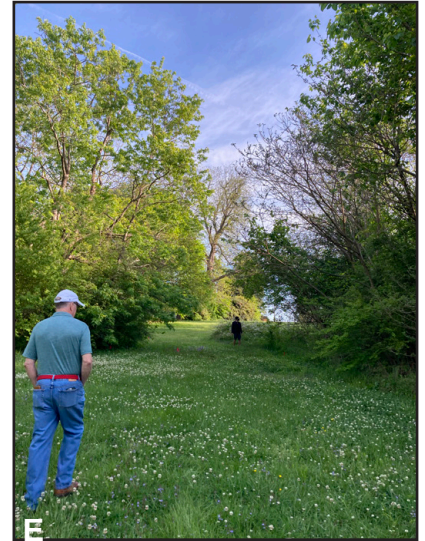
An additional public meeting to obtain final master plan approval from the Asheboro City Council is planned prior to Summer 2023. After final City approval and budget determination, the design team will move quickly into detailed design for permit and construction documents.

Site Inventory & Analysis

Site Photos/Plant Inventory

To begin the design process, a thorough site inventory was conducted of the three-acre site to understand existing conditions and help determine the best places to build the program elements to reduce impact to the environment, maximize the City's project budget, and to preserve existing vegetation. The following diagrams and photos illustrate the inventory and analysis conducted.

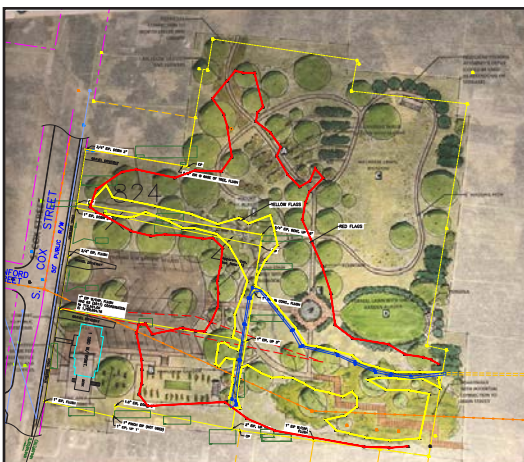
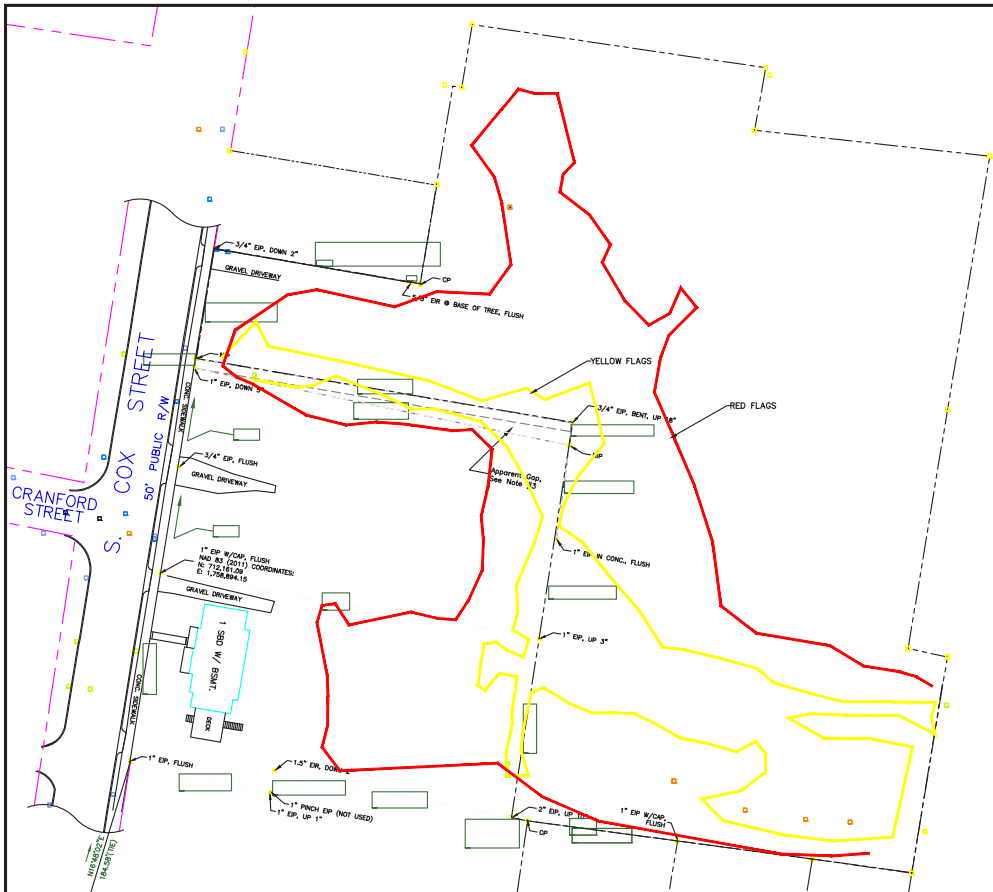
The site slopes from the northwest to the southeast, ending in a creek (A) and wet area (C). The panoramic views across the site create beautiful vistas framed by mature trees. The grouping of trees is a remnant of the previous golf course the owner had created onsite.



Hydrology

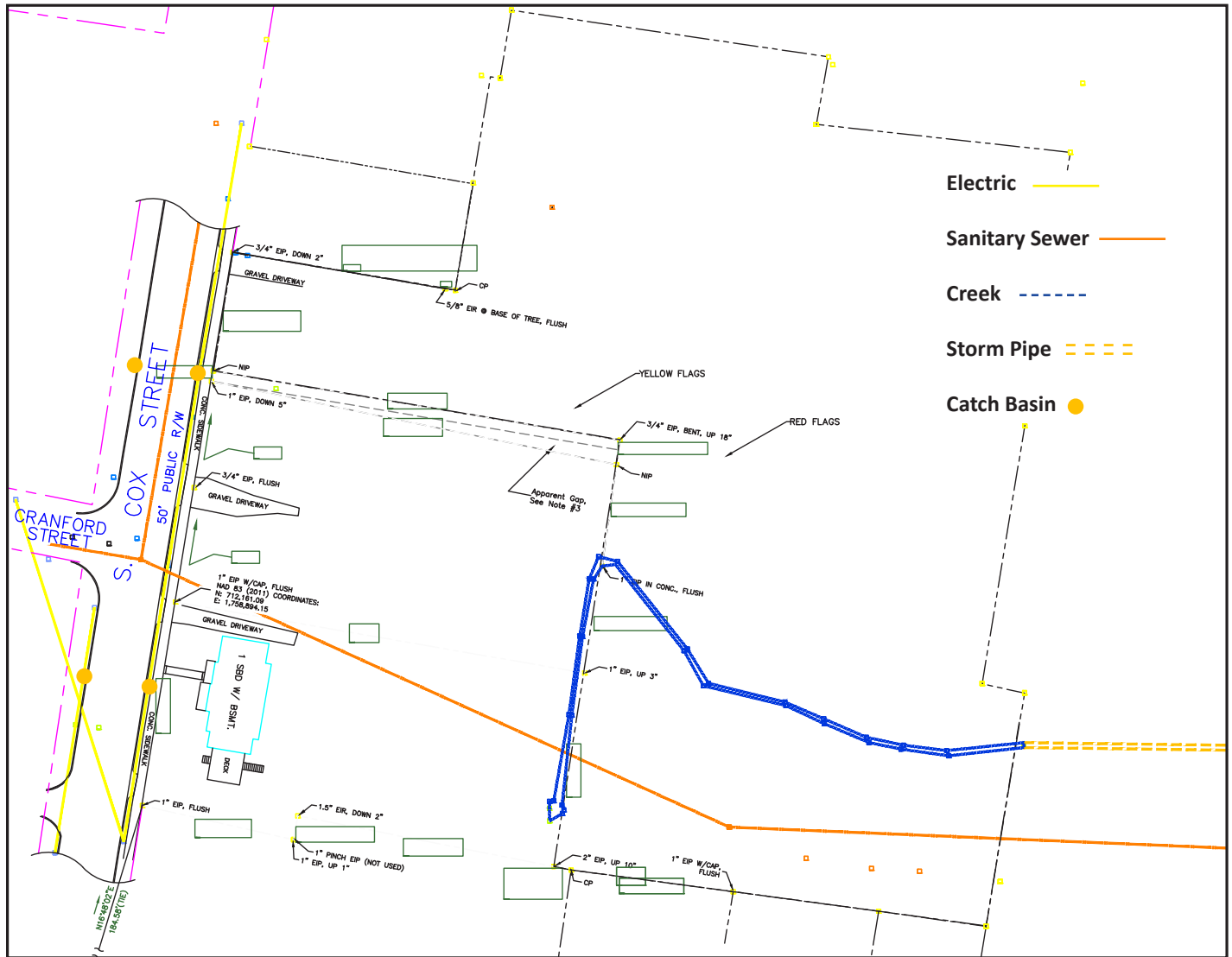
The site was walked by the soils and hydrology consultant to determine floodprone areas (red line) and potential wetland areas (yellow line). The City's surveyor picked up these red and yellow flags to help the design team determine where features and built elements can be placed. The floodprone areas will affect planting typologies and what types of built elements are introduced, but the yellow wetlands area will greatly affect the overall layout of the garden. A large portion of the site will need to be built above a certain elevation and wetland crossings will need to be limited in order to meet state guidelines.

As the design team worked through early concepts, overlaying the wetlands on the drawing was critical to its success.



Utility & Easement Access

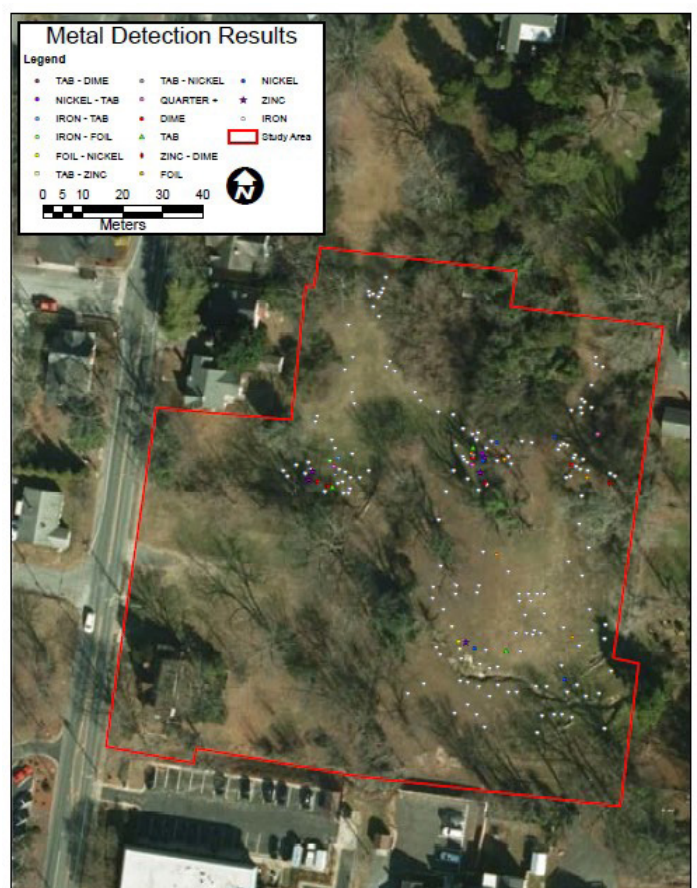
The below image shows utility access for the parcel. Due to its proximity to downtown and its location in a built neighborhood, water, sanitary sewer and power are all readily available. The image at the bottom shows an easement that will be required for the adjacent property to continue use of their driveway that is located along the property line.



Archaeological Investigation

In 2023, the city commissioned an archaeological survey of the property to determine if, given the history of the property, intact and significant historical or cultural artifacts may be present. The city's consultant excavated 47 shovel tests and conducted a comprehensive metal detection survey of the lot (see below). Ten positive shovel tests were excavated. All 10 shovel tests contained historic artifacts dating to the early to late twentieth century. The artifacts included wire nails, bolts, whiteware, container glass, and modern refuse. The metal detection survey resulted in 185 locations, 52 of which were excavated. Artifacts recovered from the metal detection survey included modern soda cans, bottle caps, bolts, miscellaneous metal hardware, zinc squeeze tubes, iron wire, iron piping, and other modern refuse.

There is no evidence to suggest that intact significant archaeological sites are present, and no additional investigation is planned.





Stakeholder Meeting #1

The first stakeholder meeting was held on April 27, 2021 with city staff. Staff represented Planning & Zoning, Engineering, Recreation & Parks, Public Works, and Survey departments. The City Manager and Mayor were also in attendance. The meeting was held onsite and the design consultants ran a workshop to gather the following from those present:

- Establish a guiding philosophy for the garden.
What are the garden's core functions?
What are the goals for the garden?
What are the garden's goals in the community?
- Describe the "ideal" visitor experience.
List the anticipated garden audiences.
Envision the ideal visitor experience.
Brainstorm gardens, amenities, features to support the visitor experience.
- Define the garden's identity.
Describe the garden's ideal "look and feel".
Identify the garden's unique characteristics on which to build.

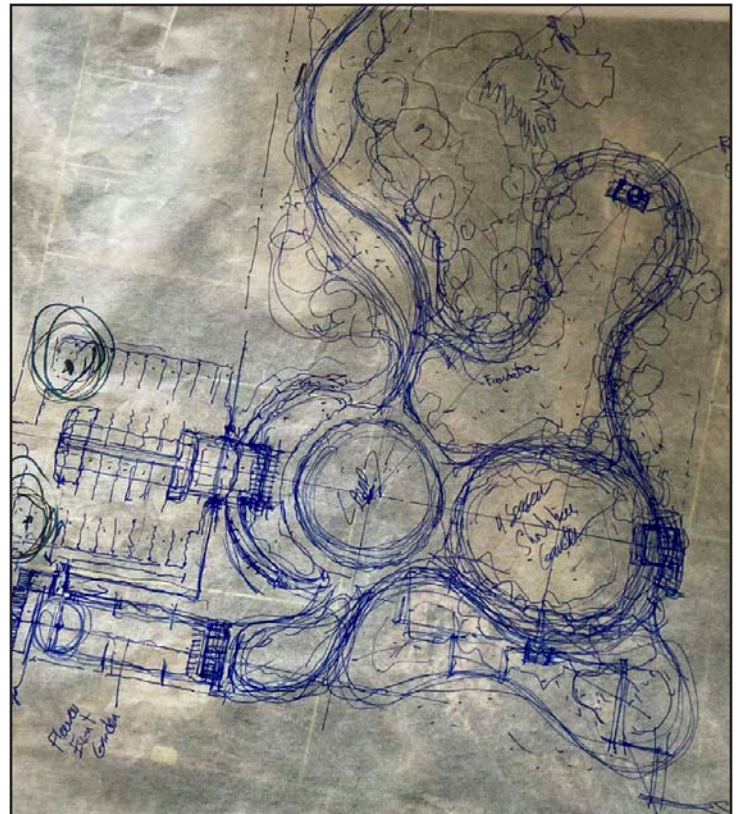
After gaining insight from the stakeholders, the design team walked the site to review site conditions and test ideas. The design team then developed site diagrams and concepts while onsite.

Programming and Initial Park Concepts

From conversations with the city, site analysis and the first stakeholder meeting, the following program for the garden was developed.

- Bird and wildlife attracting plants
- Fragrant plants
- Gardens: apiary, bog, butterfly, rose, shade
- ADA path system
- Places to sit
- Water features
- Gazebo or pavilion – possible small wedding venue
- Amenities: restrooms, hydration stations, emergency call box
- Parking for approx. 24-30
- Power for events and possible holiday light show
- Lighting for safety, path, parking
- Water for drinking and irrigation
- Use existing home onsite for visitor center
- Be mindful of the wetlands on site.

The design team developed the below initial concept studies to capture initial ideas and programmatic elements.





Refined Concepts

The above refined concepts were developed from the initial concept diagramming onsite with the design team. These concepts contain the program items that were gained from the stakeholder meeting, along with additional site analysis, particularly considering potential wetland locations and constraints.

The two concepts were presented to city staff for input.

Option A includes an axis with a grand stair entry, a central fountain feature, and a formal lawn with a pergola. Native plant gardens are off of winding paths elsewhere in the garden, a small perennial garden is located near the visitor's center and a boardwalk takes visitors through the wetlands. Connections to the north and east are shown to provide better connectivity, but would require the purchase of additional parcels. The historic attorney's office is proposed as a "folly" in the landscape.

Option B provides a skewed axis that allows visitors to view the overall garden from a lookout toward the formal lawn in the upper corner of the parcel. Terraced shrub gardens flank the walkway to the lawn, a bridge crosses the enhanced creek and a pond is shown for potential water collection. The garden near the visitors center allows for heirloom plantings and provides a place for the historic attorney's office. Additional data about the onsite wetland determined the pond was likely not feasible in this scenario.

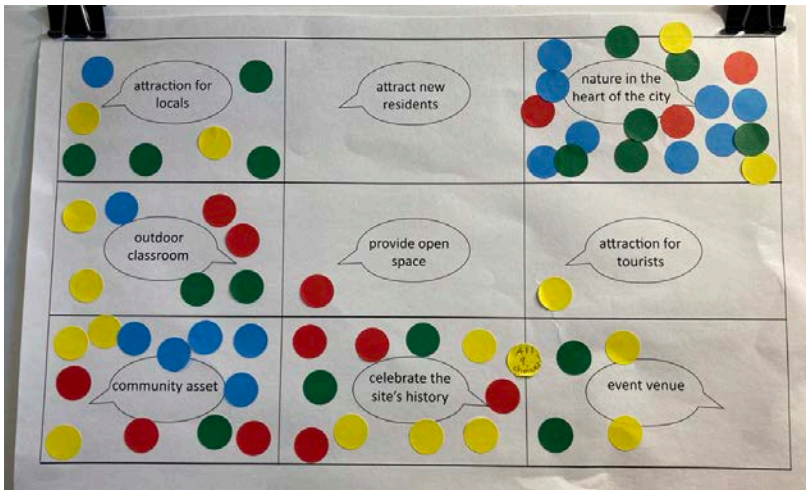
Both options allow for approximately 30 parking spaces and the location of a visitor's center with restrooms, per City staff direction.

Stakeholder Meeting #2

The design team received input from the City on the refined concepts, with a preference for Option A. The design team studied the layout, especially with regard to potential wetlands ramifications and made adjustments and refinements for the next public meeting. The final concept, along with precedent images, were shown at the public stakeholder meeting to receive input.

The stakeholder meeting was held on August 10, 2021 and included invited members of the public who were instrumental in raising funds for their park and showing their interest and support. A great crowd turned out with approximately 30 people in attendance and another 5-10 City staff.

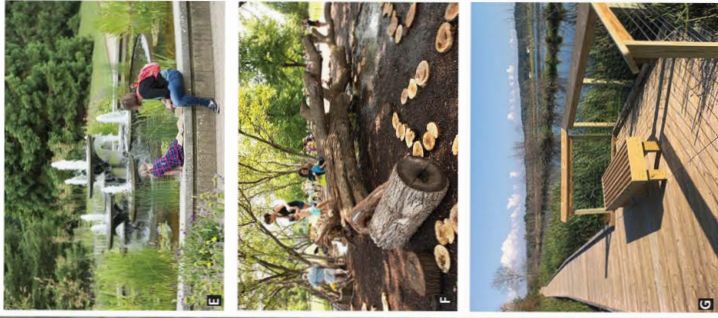




Stakeholders expressed support for the refined concept presented and offered their preferences on the proposed elements, including the fountain, pergola and walkways. Members of the stakeholder meeting offered their assistance with identifying and maintaining native plant materials, raising monetary and in-kind donations and providing input on the history of the site.

As noted in the dot preference studies above (colors have no bearing, only quantity of dots), the top three statements preferred by stakeholders as guiding principles for the park were:

- “nature in the heart of the city”
- “community asset”
- “celebrate the site’s history”



Final Concept Plan with precedent imagery

South Cox Street
Asheboro, NC
February 2023

FINAL MASTER PLAN
The David & Pauline Jarrell Center City Garden

PROSPECT LANDSCAPE ARCHITECTURE PLLC





Final Concept Plan with zones

A revised concept plan received comments at the second stakeholder building, resulting in moving the historic attorney's office to the heirloom garden. Stakeholders also preferred plenty of seating opportunities and a simple, low-maintenance fountain.

Three types of spaces comprise the overall David and Pauline Jarrell Center City Garden:

A - The Welcome Gardens lie to the west off of South Cox Street, offering amenities and orienting visitors to the property;

B - The Display Gardens sit within the central portion of the property, providing Classical outdoor spaces and manicured plantings of native and adapted non-invasive species; and

C - The Naturalistic Gardens occupy the southeastern, northeastern, and northwestern areas, offering relaxed landscape scale plantings of southeastern native plants.

WELCOME GARDENS

Welcome Center & Entry

The main entry to the gardens is from Cox Street with a parking lot and appropriately scaled visitor center with public restrooms, small staff office, flex/educational space, and storage. The generous tree-shaded Entry Plaza fronts the restrooms. An ADA accessible ramp and stairs lead from the Plaza down into the Heirloom Garden.

There are a few possibilities for the visitor's center. The former home along Cox Street or a new building built in the same location could serve this purpose. Public sentiment, however, is strong that the former home should be preserved. Many citizens believe that the house reflects the neighborhood's architecture, and perceive it is of adequate size to meet the minimum public needs for the Garden. Recognizing the community's support for repurposing this structure, the city hired an engineering firm to perform a non-invasive visual inspection. The results of that inspection reveal that, while feasible, a conversion will be costly, and the layout may limit optimal functionality. This plan recommends that the city secure the services of an architect to evaluate options and prepare plans to meet public space needs.

Parking & Entry

Conveniently located adjacent to South Cox Street the paved lot accommodates 30 cars and two planter islands with shade trees. Parking is at the same elevation as the Welcome Center Plaza, making access easy and convenient.

The Grand Entry and Overlook sit on the parking lot's eastern edge as a dramatic entrance to the Garden. A terrace (at the lot's elevation) and boardwalk entry lie on the centerline of both the lot and the Formal Lawn and Shrub Border to the east. The boardwalk system keeps the sidewalk out of the floodzone and wetland area, while providing views and access to the garden. The boardwalk will ramp down to create accessible entry to the gardens. This vista encompasses a fountain in the middle distance and an elliptical lawn terminated with a vine covered pergola as a focal point – an irresistible destination - in the background. Groves of asymmetrically placed small flowering trees subtly emphasize the axis while canopy trees shade the Overlook.

Picnic Area

East of the Welcome Center a majestic existing canopy tree shades groupings of moveable furniture, an appealing place to rest and refresh on the way into or out of the Garden. The paving design reduces pressure on the Tree's root zone to preserves its health and longevity. Ideally, the Picnic Area contains a hydration station, in addition to trash cans.



Heirloom Garden

East of and on the same east-west axis as the Picnic Area lies a wall or hedge enclosed rectangular garden room subdivided into smaller rectangular beds. A lawn on the central axis supports small events and programs. The overall design intent is of a crisply designed but exuberant cottage garden visitors will relate to immediately.

Plantings showcase heirloom and traditional southern species with ornamental value, cultural associations, and edible parts (although the edible plants are all perennials or woody plants to reduce maintenance).¹ Something is in bloom or showing interest every day of the year.

¹ Local gardeners might consider adopting some of the beds and showcasing annual edible crops or herbs.

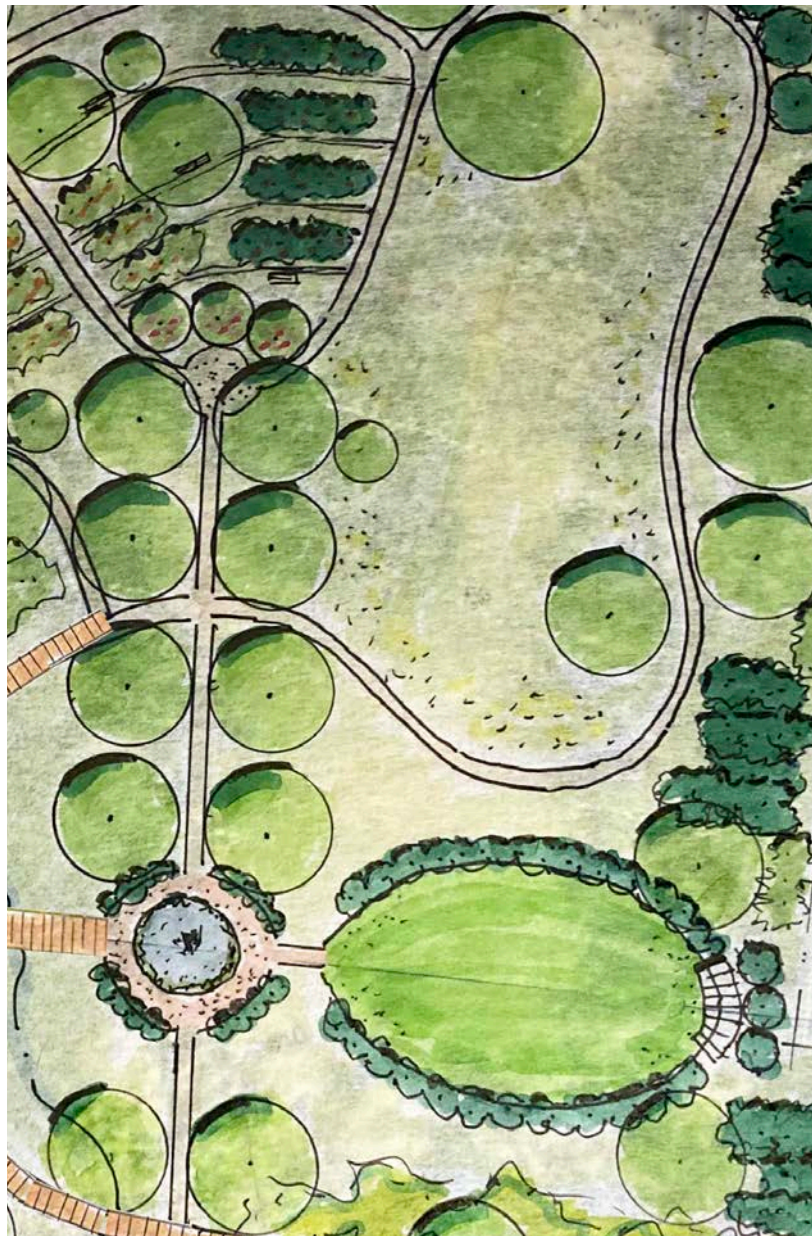
DISPLAY GARDENS

Formal Lawn and Shrub Garden Border

A central east-west axis connects the Welcome Gardens' Overlook and boardwalk with a large circular fountain, spacious turf ellipse, and borders of ornamental shrubs and small ornamental trees. These spaces are the heart of the overall Garden.

The Fountain sits at the intersection of four major paths leading into and through the property on the four cardinal directions. A wide plaza backed with small trees, ornamental shrubs, evergreens, and bulbs encircles the water feature. The water source might be as simple as one to several vertical jets or as grand as a sculpture or group of sculptures within the basin. The intent is to use a minimal amount of water to create the optimal effect to assure safety.

The elliptical Formal Lawn's long axis runs east-west, creating a perfect space for al fresco events, programs, and rentals. The Shrub Garden Border encloses the Lawn's north and south sides, providing interest from flowers, fragrance, foliage, fruit, and twigs year-round. The intent is to provide a horticultural showpiece of adapted non-invasive species capable of delighting, inspiring, and educating visitors to use the plants on their own properties.



Small ornamental trees reinforce the elliptical space, adding vertical interest and horticultural variety to the shrub palette. Evergreens generate a year-round backbone to the other plantings. Perennializing bulbs emerge in various seasons from beneath the shrubs, particularly in spring.

The arcing Pergola wraps around the Lawn's eastern end and showcases flowering vines. The structure is an ideal "stage" for wedding parties, small performances, and visitors who want to linger in the shade and enjoy the gardens. Large evergreens back the Pergola and screen views east to the neighbors. Canopy trees symmetrically flank the Pergola to the north and south.

Flowering Shrub Garden

An ascending northward path passes under an allee of shade trees with ornamental trees between them, connecting the Fountain with the Flowering Shrub Garden. Several native stone walls form a series of level terraces from which the most ornamental of Southeastern native shrubs grow. The species also have wildlife value as sustenance or shelter.

Benches nestle amongst the foliage, encouraging people to stop, linger, and rest. Native small ornamental trees add seasonal accents; native canopy trees offer shade for both people and plants in the long term.

Meadow Grasses and Flowers in large-scale

designed drifts and sweeps surround the continuation of the path through the Flowering Shrub Garden as it moves north. If possible, this path should continue to Worth Street in order to create a strong connection between civic properties of the library and the garden.² The plant species along the path are southeastern natives, water-wise, and provide a mosaic of colors and textures in as many seasons as possible. The plants also are of use to pollinating insects and birds.

Native evergreen shrubs and ornamental trees spill over from the Flowering Shrub Garden and create loose walls enclosing the Meadow. A few strategically-placed native shade trees stand as sentinels within the space but have sufficiently open canopies to let the grasses and forbs thrive.

NATURALISTIC GARDENS

Nature Play

Southwest of the Flowering Shrub Garden nestled among shade trees are areas for children to discover and manipulate their environment. Log balance beams, tree trunk section steppers, rope bridges, and other rustic constructions encourage active exploration. Loose parts of natural materials – branches, bark, et al. – invite youngsters to build loose structures in which to play.



Benches and clear site lines assure adults are comfortable as their children play. Ideally a hydration station satisfies the inevitable thirst from various activities.

Wetland Garden

An expansive low lying moist to wet area supports a diversity of southeastern native wetland herbaceous vegetation planted in large drifts and sweeps to emphasize the species' ornamental value – flower, fruit, twig, and foliage. Masses of water loving shrubs form smaller rooms within the larger space. Small hillocks create varying planting depths, allowing for trees to help shade the walkway. Ornamental trees create vertical interest as do solitary specimen canopy trees. The intent is to maintain the area for sun-loving species.



A path leads directly south from the Fountain to the beginning of the Boardwalk. The rectilinearly zigzagging walk immerses people within the wetland environment and includes built-in seating. Ideally this elevated path links with a path leading to Main Street.³ This would create an ideal connection to the nearby elementary school.

² It is recommended that the City work with property owners to acquire land or an easement for a pedestrian connection to the north on Worth Street.

³ It is recommended that the City work with property owners to acquire land or an easement for a pedestrian connection to the east on Main Street.

Informal Lawn/Meadow

A rolling hill slopes from north to south above the Formal Lawn and Shrub Garden Border. A gently winding path wraps the space's perimeter, weaving through canopy and ornamental trees. An arbor or pergola at the top may invite people to linger and enjoy the spectacular vista to the south. This is also a great photo opportunity. Large evergreens screen the property's edges, softening the transition between the Garden and adjacent neighborhoods.

Seasonally mown "casual" turf covers the hillside in rolling waves. This could include clover and masses of naturalizing Daffodils that emerge in the spring to create a bejeweled tapestry. The City might also mow a creative maze or labyrinth patterns in the long turf to create a yearly changing experience for the public.



This informal meadow will be the perfect place to spread a blanket for a picnic or toss a frisbee with friends.

Maintenance & Operations Recommendations

The purpose of this section is to guide the City’s leadership and staff in implementing the Masterplan and understanding some of the operational considerations before construction even begins. These recommendations and suggestions should be reviewed and updated by leadership as implementation begins because conditions may have changed, impacting the recommendations presented.

Visitor Experience

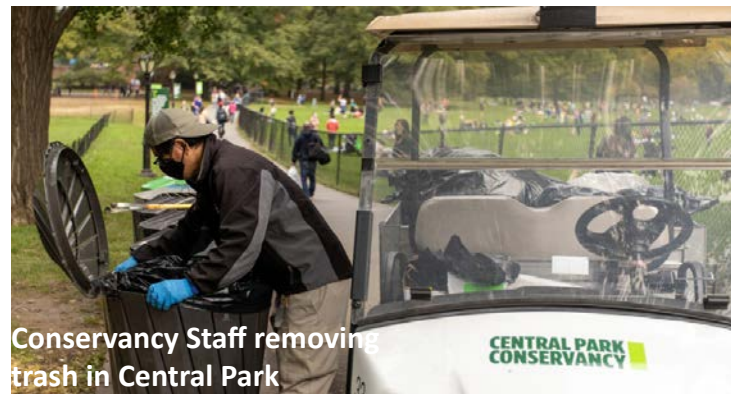
At its core the Garden is envisioned as a destination. As such, keeping the guest experience front and center will be critically important to ensuring repeat visitation and ongoing use and support by the community. Additionally, being a destination implies that someone is making an informed and conscious choice to visit, as opposed to serendipitously discovering the property and then choosing to go. To that end, ensuring that there is the support with regard to awareness-raising will be critically important to ensuring the Garden is meeting its mission.

Being a destination also means that there is something compelling to see and experience. The Master Plan develops captivating garden spaces and event facilities and provides for additional activities that will keep visitors and community members engaged and encourages them to return. Investments by the city in the spaces and staffing necessary to establish and maintain these investments properly ensures ongoing engagement.

A garden requires gardeners and tending of plants. The Garden is positioning itself as horticultural and educational displays for the public. Providing visitors with an attractive landscape is central to the mission. Being able to manage gardens and landscapes – from trimming lawns and hedges to installing perennials and pruning woody plants – are all necessary skills and capacities. As both an art and a science, horticultural expertise is acquired through many years of training and experience. Staff should be hired or trained specifically to maintain the gardens through proper techniques.



City of Raleigh electric mowers



Conservancy Staff removing trash in Central Park



Staff pruning at the Des Moines Garden



Staff removing trash at a Fort Collins park

Source: Google Images

As the Garden is planned and developed, trained staff should be planned as part of an overall function of the operation. The recommendations below are based on the level of intensity of gardens that are installed. It does not take into account additional curatorial nor plant records needs.

Creating and formalizing a volunteer gardening program will be very helpful to assist City staff with some of the particular pruning, mulching and weeding needs of the more maintenance-heavy portions of the garden. These volunteers can also be advocates for the park to help fundraise, spread awareness and create enthusiasm for the gardens.

WELCOME GARDENS

The Welcome Gardens are primarily higher input gardens and park spaces, which, once established require regular care and attention on a daily basis. Because these garden spaces are the first ones that visitors encounter, are designed to be intensively planted, and contain event spaces, they will need to look presentable at the highest level year-round. Additionally, daily maintenance and attention to the visitor amenities, including the trash cans and restrooms is a priority. The fruits from edible plants should be removed in a timely basis to reduce attracting pests.

DISPLAY GARDENS

These will be the most heavily used spaces on both a formal and informal basis. As such, prompt attention to areas of regular wear by the visiting public will ensure that the gardens remain looking attractive year-round, reducing the need for disruptive renovations or interventions later. Developing an annual lawn maintenance schedule that includes aerating and over-seeding of the formal lawns reduces compaction from foot traffic and maintains the desired well-kept aesthetic.

Mulching the garden beds annually to ensure 2-3 inches of organic mulch reduces the growth of weeds and the associated labor necessary to remove them. The mulch also provides a more formal definition between the garden beds and the lawn. Mulching and weeding perennial and display gardens is a perfect activity to engage volunteer gardeners. The skill level is low for these activities, but the time and effort is high.



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volunteer gardeners at the Toronto Botanical Gardens

Source: Google Images

The native and meadow plants maintenance should keep with the intent of having these plants to attract pollinating insects and birds. That is, unlike other areas of the Garden, these plants should be allowed to go to seed rather than being cut back once flowers fade. This differentiation of maintenance allows for visitor understanding of how various maintenance regimes will impact attracting and supporting wildlife throughout the year. Educational signage and events to raise awareness of the purpose and benefit of the gardening techniques should be promoted.

NATURALISTIC GARDENS

Care in these spaces present the unique challenge of looking naturalistic and informal while still requiring care to prevent nature from overtaking them and allowing them to continue as cultivated spaces.

Staff will need to regularly collect the natural building materials and re-stock the branches, bark and other objects necessary to ensure a quality experience for the young visitors. While ideally these materials would be gathered from on-site, a more efficient use of staff time would be to stockpile the materials from other park sites in a central location, and then occasionally bring materials to the Garden, ensuring there is ready availability of objects.

The wetland garden should seasonally be checked for invasive or undesirable species. Removal of these plants can either be by hand-weeding or appropriate application of herbicides labeled for use in a wetland situation. Regular monitoring of the boardwalk will be necessary to ensure there are no loose planks from use by pedestrians nor vandalism to the building materials from carving or etching. Annual maintenance will help reduce degradation due to UV light and water damage.

The informal lawn should be kept at a height taller than the more formal areas of the Garden, and should be mown less frequently. If bulbs are naturalized into the lawn, care should be taken to ensure that mowing does not begin for the season in the spaces until after the foliage of the bulbs begins turning yellow and senescing.



City of Raleigh staff raising environmental awareness at a park.

Source: City of Raleigh

Funding Sources and Preliminary Estimate of Probable Costs

Preliminary Concept Estimate of Cost

At this time, the City is expecting to need at least \$1 Million to build the David & Pauline Jarrell Center City Garden. Local funds, grants and other funding sources will be utilized. Depending on the final details, materials and plant material, this should be adequate to build the garden, especially if some of the construction is completed in-house. In addition, construction costs have escalated in the past few months due to material and staffing shortages but may change by the time the park is under construction. As the design is refined and detailed during permitting and construction documents, the design team will fine-tune a more detailed cost estimate. In particular, the layout, materials and extents of the boardwalk system will be refined and updated during permitting. The extents of the jurisdictional floodplain and wetlands will determine the final boardwalk design and placement.

The below cost estimate is a preliminary estimate based upon assumptions at this time (costs as of February 2023), but may change considerably as we move into detailed design. The cost estimate is using typical construction and material prices and rough order of magnitude costs based upon the preliminary design at this time. The estimated construction costs are in line with the City's expectations, but as the design progresses, the estimate will be updated and refined to ensure the project stays within the City's budget. Phasing or additional funding sources can be discussed more as the project is refined through construction documents.

Concept Estimate of Probable Cost Summary	
City Budget	\$ 1,000,000.00
Grading/Earthmoving	\$ 75,000.00
Site Clearing & Grubbing	\$ 25,000.00
Perimeter fence and brick wall estimate	\$ 200,000.00
sidewalk paving + plaza area	\$ 85,000.00
boardwalk	\$ 240,000.00
stream & wetland restoration	\$ 160,000.00
parking	\$ 75,000.00
stairs & railings	\$ 10,000.00
Site furnishings (allowance)	\$ 15,000.00
drinking fountains (3)	\$ 10,500.00
concrete retaining/seat walls (allowance)	\$ 20,000.00
irrigation - estimate	\$ 15,000.00
Plantings & soil amendments	\$ 150,000.00
erosion control & drainage (allowance)	\$ 50,000.00
educational signage (5)	\$ 15,000.00
Utilities - light, water (allowance)	\$ 15,000.00
Visitor Center/Restroom/Maintenance Bldg	TBD
subtotal	\$ 1,160,500.00
Mobilization (5%)	\$ 58,025.00
Contingency (20%)	\$ 232,100.00
Total estimated for concept plan	\$ 1,450,625.00

Potential Funding Sources

As a public park and a place to provide horticultural and native plant education, as well as a site with historically significant resources, there are various sources for funding that can be explored.

These potential funding sources include:

- North Carolina Parks and Recreation Trust Fund (PARTF)
- Federal Land and Water Conservation Fund (LWCF)
- EPA Environmental Education Grants
- The Stanley Smith Horticultural Trust
- Urban Agriculture Resilience Program (US Botanic Garden and American Public Gardens Association)
- Institute of Museum and Library Services (IMLS) - numerous grants
- American Academy of Dermatology Shade Structure Grant
- Annie's Grants for Gardens
- Garden Club of America
- Herb Society of America Grants for Educators
- National Science Foundation (NSF) Grants
- National Trust Preservation Funds
- Therapeutic Garden Grants (the National Garden Bureau)
- U.S. Bank Community Possible Grants
- National Park Service: *Save America's Treasures Grant Program*



National
Science
Foundation



Conclusion

The David & Pauline Jarrell Center City Garden has the opportunity to be a first-class botanical garden/arboretum/public park destination for both residents and visitors alike. Its location near downtown businesses, a residential neighborhood, a public library, the courthouse, and an elementary school provides an ideal site to provide a respite in the midst of the city. This park will provide unique garden spaces with opportunities for natives, adapted plants, wildlife habitats, pollinator species, a nature play area, and wetland plants. The garden will be a perfect place for children to learn about nature and the history of the site. Educational signage throughout the garden will provide plant and historical information for visitors. Winding paths will provide lovely places for families and friends to stroll, expansive meadows will provide places to picnic and linger, and more formal gardens and lawns will provide places for small events.



Tulsa Botanical Gardens



Cleveland Botanical Garden



Coastal Maine Botanical Gardens



Casa de Herrero, Santa Barbara

Precedent Images that resonated with the stakeholders at the public meeting show seating within a perennial garden, a smaller scale fountain with plantings, wetland plants with a small fountain, and a formal lawn with a pergola and shrubs.

RESOLUTION NUMBER _____

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 36 RES 10-22 on October 6, 2022, 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 2022-2023, to expend a maximum of \$759,931.00 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 36 RES 10-22, 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 2022-2023 fiscal year, any and all expenditures from the General Fund for the purchase during the current fiscal year of the vehicles and equipment identified in the Resolution of Intent as necessary to the provision of essential municipal services; and

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

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

Section 1. The determination is hereby made that the Borrower will finance the Project through Truist Bank (“Lender”) in accordance with the proposal dated May 11, 2023. The amount financed shall not exceed \$387,635.00, the annual interest

rate (in the absence of a default or a change in tax status) shall not exceed 3.87%, 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 36 RES 10-22), 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 8, 2023.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

ORDINANCE NO. _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**AN ORDINANCE EXTENDING THE ASHEBORO CITY LIMITS BY
ANNEXING TERRITORY IN THE VICINITY OF THE OLD COX ROAD
AND OLD HUMBLE MILL ROAD INTERSECTION THAT IS NOT
CONTIGUOUS WITH THE EXISTING PRIMARY CITY LIMITS AND
CONSISTS OF APPROXIMATELY 241 ACRES OF LAND**

WHEREAS, in accordance with Section 160A-58.1 of the North Carolina General Statutes, Mary Ella Beeson Pugh, Susan P. Hash and T.R. Hash, Jr., Barbara P. Marsh and Christopher Marsh, and Joyce P. Morgan (collectively, the “Petitioners”) have submitted a petition requesting the annexation into Asheboro of three parcels of land (Randolph County Parcel Identification Numbers 7679024396, 7669905560, and 7679008885) the Petitioners own near the intersection of Old Cox Road and Old Humble Mill Road; and

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

WHEREAS, on May 4, 2023, by means of a duly adopted resolution (Resolution Number 14 RES 5-23), the Asheboro City Council directed the city clerk to investigate the sufficiency of the petition submitted by the above-listed Petitioners, and the city clerk has in fact certified the sufficiency of their annexation petition; and

WHEREAS, pursuant to Asheboro City Council Resolution Number 15 RES 5-23, a legal notice was published on May 25, 2023, in *The Courier-Tribune*, a newspaper with general circulation in the City of Asheboro, announcing that a public hearing to consider the adoption of an ordinance annexing the described territory into the City of Asheboro would be held during the city council’s next regular meeting, which was scheduled to begin at 7:00 p.m. on June 8, 2023, in the council chamber on

the second floor of Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203; and

WHEREAS, the public hearing was held, as advertised, on June 8, 2023; and

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

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

WHEREAS, the city council has concluded that all the landowners, who are required by law to sign the annexation petition, have in fact signed the petition; and

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

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

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

Grant Township, Randolph County, North Carolina:

BEGINNING on the proposed Asheboro satellite city limits line at a 5/8-inch existing iron rod that is up 4 inches and is located by means of the North Carolina Coordinate

System at the coordinates of North 688,493.43 ground US survey feet and East 1,769,896.39 ground US survey feet (NAD 83 (2011)), this beginning point is at the southeastern most corner of the area for which satellite annexation into the City of Asheboro has been requested by means of an annexation petition (the area for which annexation has been requested will be hereinafter referred to as the "Annexation Area") that was executed by all of the owners of the Barbara Pugh Marsh property described in the Office of the Register of Deeds for Randolph County, North Carolina (the "Randolph County Registry") in Deed Book 2663, Page 1409 and further identified as Tracts 1, 2, and 3 on a plat of survey recorded in Plat Book 71, Page 46, Randolph County Registry; thence, from the described beginning point, proceeding the next two bearings and distances along the southern boundary line of the Annexation Area: South 77 degrees 24 minutes 04 seconds West 1050.53 feet to an existing nail down 4-inches with flagging; thence South 77 degrees 24 minutes 04 seconds West 18.35 feet to a computed point/point not set; thence departing from the southern boundary line of the Annexation Area in order to follow the proposed satellite Asheboro city limits line along the western boundary line of the Annexation Area by running with the shared property line between the Barbara Pugh Marsh property and the Lester Wayne Young and Vickie J. Young property described in Deed Book 2066, Page 78, Randolph County Registry (this shared property line follows the center line of Richland Creek) the following three bearings and distances: North 07 degrees 49 minutes 49 seconds East 109.45 feet to a computed point/point not set; thence North 48 degrees 31 minutes 40 seconds West 55.34 feet to a computed point/point not set; thence North 21 degrees 40 minutes 00 seconds West 63.27 feet to a computed point/point not set; thence continuing to follow the proposed satellite Asheboro city limits line by running along the Bonnie Lee Perry property described in Deed Book 2724, Page 1865, Randolph County registry the next five bearings and distances: North 03 degrees 24 minutes 59 seconds West 36.08 feet to a computed point/point not set; thence North 54 degrees 07 minutes 27 seconds West 59.49 feet to a computed point/point not set; thence North 05 degrees 06 minutes 31 seconds West 62.63 feet to a computed point/point not set; thence North 27 degrees 58 minutes 42 seconds West 45.23 feet to a computed point/point not set; thence North 18 degrees 41 minutes 34 seconds East 55.47 feet to a computed point/point not set; thence North 03 degrees 45 minutes 01 second West 181.22 feet along the Walter Timothy Ward property described in Deed Book 2819, Page 197, Randolph County Registry to a computed point/point not set; thence continuing to follow the proposed satellite Asheboro city limits line along the western boundary of the Annexation Area by running with the Derek Douglas McKee and Gina Allen McKee property described in Deed Book 2773, Page 434, Randolph County Registry and further identified in Plat Book 171, Page 77, Randolph County Registry the next twelve bearings and distances North 18 degrees 13 minutes 23 seconds West 119.77 feet to a computed point/point not set; thence North 13 degrees 01 minute 23 seconds West 92.52 feet to a computed point/point not set; thence North 49 degrees 18 minutes 10 seconds West 80.26 feet to a computed point/point not set; thence North 16 degrees 42 minutes 16 seconds West 57.78 feet to a computed point/point not set; thence North 14 degrees 12 minutes 46 seconds East 101.81 feet to a computed

point/point not set; thence North 46 degrees 56 minutes 47 seconds West 70.61 feet to a computed point/point not set; thence South 30 degrees 17 minutes 11 seconds West 24.94 feet to a computed point/point not set at the intersection of a creek and a ditch; thence following the ditch the next five bearings and distances to a Walnut tree on the west bank of the creek : North 71 degrees 48 minutes 27 seconds West 64.11 feet to a computed point/point not set; thence North 82 degrees 16 minutes 48 seconds West 67.05 feet to a computed point/point not set; thence South 78 degrees 23 minutes 57 seconds West 25.41 feet to a computed point/point not set; thence North 62 degrees 50 minutes 00 seconds West 101.09 feet to a computed point/point not set; thence North 79 degrees 12 minutes 07 seconds West 104.02 feet to a Walnut tree on the west bank of the creek; thence the next four bearings and distances along the Robert John Haas property described in Deed Book 1825, Page 2089, Randolph County Registry: North 23 degrees 01 minute 24 seconds East 25.00 feet to a 5/8-inch new iron rod; thence North 23 degrees 01 minute 24 seconds East 750.48 feet to an existing stone that is up 6 inches; thence North 52 degrees 53 minutes 36 seconds West 242.63 feet to a 5/8 - inch new iron rod set flush with the ground; thence North 52 degrees 53 minutes 36 seconds West 36.38 feet to a computed point/point not set; thence the next two bearings and distances along the Thomas W. Mayer and Teresa L. Mayer property described in Deed Book 2536, Page 794, Randolph County Registry and identified as Lot 11 in Plat Book 48, Page 63, Randolph County Registry: North 03 degrees 58 minutes 51 seconds West 30.65 feet to a computed point/point not set; thence North 40 degrees 14 minutes 18 seconds East 91.86 feet to a computed point/point not set; thence the next eleven bearings and distances along the Roberta Ann Gasper property described in Deed Book 2651, Page 253, Randolph County Registry and identified as Lot 10 in Plat Book 52, Page 97, Randolph County Registry: North 66 degrees 03 minutes 04 seconds East 98.85 feet to a computed point/point not set; thence South 60 degrees 00 minutes 41 seconds East 102.66 feet to a computed point/point not set; thence South 88 degrees 38 minutes 06 seconds East 74.06 feet to a computed point/point not set; thence South 60 degrees 04 minutes 51 seconds East 106.69 feet to a computed point/point not set; thence South 54 degrees 26 minutes 38 seconds East 90.95 feet to a computed point/point not set; thence South 44 degrees 57 minutes 51 seconds East 95.23 feet to a computed point/point not set; thence South 58 degrees 39 minutes 01 second East 70.25 feet to a computed point/point not set; thence North 75 degrees 20 minutes 56 seconds East 60.86 feet to a computed point/point not set; thence North 07 degrees 07 minutes 48 seconds East 85.03 feet to a computed point/point not set; thence North 10 degrees 00 minutes 33 seconds East 72.48 feet to a computed point/point not set; thence North 03 degrees 16 minutes 31 seconds East 121.75 feet to a computed point/point not set; thence the following nine bearings and distances along the Mark Dwayne Reed and Kathleen Ann Riley property described in Deed Book 1550, Page 388, Randolph County Registry and identified as Lot 9 in Plat Book 52, Page 97, Randolph County Registry: North 49 degrees 02 minutes 35 seconds East 53.86 feet to a computed point/point not set; thence North 06 degrees 18 minutes 58 seconds West 48.69 feet to a computed point/point not set; thence North 24 degrees 35 minutes 29 seconds West 26.77 feet to a computed point/point not set; thence South 76 degrees 01 minute 27

seconds West 29.18 feet to a computed point/point not set; thence North 75 degrees 17 minutes 15 seconds West 31.05 feet to a computed point/point not set; thence North 31 degrees 50 minutes 29 seconds West 41.88 feet to a computed point/point not set; thence North 07 degrees 37 minutes 29 seconds West 50.02 feet to a computed point/point not set; thence North 32 degrees 40 minutes 33 seconds West 60.02 feet to a computed point/point not set; thence North 14 degrees 44 minutes 03 seconds West 66.87 feet to a computed point/point not set; thence North 09 degrees 20 minutes 53 seconds East 83.94 feet along the Traci Gilliam and Matt Gilliam property described in Deed Book 2680, Page 1461 Randolph County Registry and identified as Lot 8 in Plat Book 94, Page 35, Randolph County Registry to a computed point/point not set; thence the next ten bearings and distances along the Arturo Hernandez Flores property described in Deed Book 2777, Page 2663, Randolph County Registry and identified as Lot 9 in Plat Book 94, Page 35, Randolph County Registry: North 25 degrees 51 minutes 34 seconds East 60.30 feet to a computed point/point not set; thence North 84 degrees 25 minutes 34 seconds East 36.96 feet to a computed point/point not set; thence South 61 degrees 14 minutes 24 seconds East 79.35 feet to a computed point/point not set; thence South 80 degrees 38 minutes 01 second East 49.62 feet to a computed point/point not set; thence North 39 degrees 51 minutes 58 seconds East 38.29 feet to a computed point/point not set; thence North 06 degrees 38 minutes 57 seconds East 46.21 feet to a computed point/point not set; thence North 38 degrees 50 minutes 14 seconds West 46.59 feet to a computed point/point not set; thence North 26 degrees 27 minutes 15 seconds West 90.92 feet to a computed point/point not set; thence North 10 degrees 25 minutes 36 seconds West 75.94 feet to a computed point/point not set; thence North 27 degrees 16 minutes 32 seconds West 118.94 feet to a computed point/point not set; thence continuing to follow the proposed satellite Asheboro city limits line by running with the center line of Richland Creek the next eight bearings and distances along the Jennifer L. Auman property described in Deed Book 2007, Page 2027, Randolph County Registry and identified as Lot 21 in Plat Book 94, Page 36, Randolph County Registry: North 36 degrees 23 minutes 59 seconds West 143.31 feet to a computed point/point not set; thence North 04 degrees 29 minutes 51 seconds West 56.80 feet to a computed point/point not set; thence North 54 degrees 31 minutes 20 seconds West 49.75 feet to a computed point/point not set; thence South 74 degrees 27 minutes 48 seconds West 40.00 feet to a computed point/point not set; thence North 54 degrees 19 minutes 44 seconds West 50.06 feet to a computed point/point not set; thence North 20 degrees 21 minutes 11 seconds East 65.57 feet to a computed point/point not set; thence North 27 degrees 01 minute 14 seconds West 38.86 feet to a computed point/point not set; thence North 06 degrees 01 minute 27 seconds West 108.04 feet to a computed point/point not set at the northern boundary line of the Bryan T. Lones and Alicia M. Lones property described in Deed Book 2276, Page 854, Randolph County Registry and identified as New Lot 20 in Plat Book 129, Page 63, Randolph County Registry; thence the next eight bearings and distances along the Martin T. Mullings and Elizabeth A. Lindsey property described in Deed Book 2638, Page 1423, Randolph County Registry and further identified in Plat Book 129, Page 63, Randolph County Registry: North 02 degrees 59 minutes 12 seconds West 66.99

feet to a computed point/point not set; thence North 15 degrees 22 minutes 59 seconds West 65.00 feet to a computed point/point not set; thence North 27 degrees 12 minutes 14 seconds West 88.25 feet to a computed point/point not set; thence North 10 degrees 54 minutes 44 seconds West 39.42 feet to a computed point/point not set; thence North 02 degrees 23 minutes 57 seconds East 38.74 feet to a computed point/point not set; thence North 14 degrees 08 minutes 29 seconds West 85.10 feet to a computed point/point not set; thence North 37 degrees 20 minutes 49 seconds West 94.01 feet to a computed point/point not set; thence North 21 degrees 11 minutes 51 seconds West 55.05 feet to a computed point/point not set; thence the next five bearings and distances along the Nancy Lou G. Kiessler property described in Deed Book 1529, Page 379, Randolph County Registry and further identified as a portion of Lot 24 in Plat Book 29, Page 72 and all of Lot 11 in Plat Book 29, Page 71, Randolph County Registry: North 01 degree 00 minutes 38 seconds East 78.41 feet to a computed point/point not set; thence North 45 degrees 33 minutes 45 seconds East 44.52 feet to a computed point/point not set; thence North 77 degrees 27 minutes 48 seconds East 99.75 feet to a computed point/point not set; thence North 54 degrees 06 minutes 23 seconds East 70.04 feet to a computed point/point not set; thence North 62 degrees 07 minutes 17 seconds East 100.39 feet to a computed point/point not set; thence continuing along the Nancy Lou G. Kiessler property, inclusive of the Kiessler property described in Deed Book 1591, Page 664, Randolph County Registry and further identified as a portion of Lot 23 in Plat Book 29, Page 72, Randolph County Registry, the next two bearings and distances: North 43 degrees 28 minutes 00 seconds East 93.63 feet to a computed point/point not set; thence North 37 degrees 40 minutes 18 seconds East 79.85 feet to a computed point/point not set (this computed point is South 40 degrees 42 minutes 42 seconds East 8775.85 feet from a point that is in the western margin of the 60-foot public right-of-way for Zoo Parkway (North Carolina Highway 159) and is on the current primary Asheboro city limits line, this point on the existing primary Asheboro city limits line is located by means of the North Carolina Coordinate System at the coordinates of North 699,145.62 ground US survey feet and East 1,763,246.81 ground US survey feet (NAD 83 (2011)); thence continuing to follow the proposed satellite Asheboro city limits line by crossing the public right-of-way for Old Cox Road (North Carolina Secondary Road 2834) North 36 degrees 26 minutes 28 seconds East 164.04 feet to a computed point/point not set in the eastern margin of the public right-of-way for Old Cox Road; thence along the proposed satellite Asheboro city limits line by following the northern boundary of the Annexation Area the next 43 bearings and distances along the Dennis McDonald Garner property described in the Office of the Randolph County Clerk of Superior Court in Estate File 93E-356 (this property line follows the center line of Richland Creek): North 35 degrees 16 minutes 14 seconds East 67.59 feet to a computed point/point not set; thence North 16 degrees 52 minutes 44 seconds West 111.96 feet to a computed point/point not set; thence North 13 degrees 41 minutes 33 seconds East 48.08 feet to a computed point/point not set; thence North 37 degrees 06 minutes 20 seconds East 60.07 feet to a computed point/point not set; thence North 42 degrees 58 minutes 39 seconds East 92.89 feet to a computed point/point not set; thence North 39 degrees 27 minutes 43 seconds East

97.58 feet to a computed point/point not set; thence North 36 degrees 07 minutes 10 seconds East 89.94 feet to a computed point/point not set; thence North 49 degrees 36 minutes 49 seconds East 90.09 feet to a computed point/point not set; thence North 58 degrees 33 minutes 24 seconds East 74.36 feet to a computed point/point not set; thence South 86 degrees 23 minutes 10 seconds East 63.49 feet to a computed point/point not set; thence South 67 degrees 37 minutes 58 seconds East 67.24 feet to a computed point/point not set; thence South 61 degrees 46 minutes 33 seconds East 57.53 feet to a computed point/point not set; thence South 78 degrees 43 minutes 12 seconds East 77.57 feet to a computed point/point not set; thence South 57 degrees 57 minutes 48 seconds East 56.59 feet to a computed point/point not set; thence South 33 degrees 08 minutes 59 seconds East 75.25 feet to a computed point/point not set; thence South 16 degrees 37 minutes 48 seconds East 50.02 feet to a computed point/point not set; thence South 12 degrees 55 minutes 22 seconds West 29.31 feet to a computed point/point not set; thence South 59 degrees 28 minutes 09 seconds East 24.21 feet to a computed point/point not set; thence North 66 degrees 09 minutes 14 seconds East 88.82 feet to a computed point/point not set; thence North 66 degrees 52 minutes 48 seconds East 76.55 feet to a computed point/point not set; thence South 81 degrees 20 minutes 29 seconds East 44.81 feet to a computed point/point not set; thence South 54 degrees 55 minutes 07 seconds East 109.35 feet to a computed point/point not set; thence South 65 degrees 34 minutes 19 seconds East 101.93 feet to a computed point/point not set; thence South 73 degrees 08 minutes 33 seconds East 126.79 feet to a computed point/point not set; thence South 68 degrees 30 minutes 57 seconds East 84.08 feet to a computed point/point not set; thence North 63 degrees 25 minutes 51 seconds East 58.29 feet to a computed point/point not set; thence North 50 degrees 53 minutes 42 seconds East 56.69 feet to a computed point/point not set; thence North 42 degrees 16 minutes 45 seconds East 77.95 feet to a computed point/point not set; thence North 56 degrees 43 minutes 00 seconds East 99.58 feet to a computed point/point not set; thence North 55 degrees 28 minutes 57 seconds East 56.58 feet to a computed point/point not set; thence North 88 degrees 52 minutes 20 seconds East 50.53 feet to a computed point/point not set; thence South 87 degrees 33 minutes 43 seconds East 83.12 feet to a computed point/point not set; thence North 20 degrees 42 minutes 15 seconds East 80.77 feet to a computed point/point not set; thence North 11 degrees 16 minutes 37 seconds East 83.05 feet to a computed point/point not set; thence North 13 degrees 49 minutes 43 seconds East 87.42 feet to a computed point/point not set; thence North 28 degrees 42 minutes 12 seconds East 128.28 feet to a computed point/point not set; thence North 26 degrees 03 minutes 04 seconds East 101.06 feet to a computed point/point not set; thence North 29 degrees 18 minutes 10 seconds East 84.75 feet to a computed point/point not set; thence North 33 degrees 22 minutes 17 seconds East 102.18 feet to a computed point/point not set; thence North 28 degrees 42 minutes 14 seconds East 81.94 feet to a computed point/point not set; thence North 18 degrees 11 minutes 06 seconds East 105.84 feet to a computed point/point not set; thence North 10 degrees 37 minutes 32 seconds East 148.56 feet to a computed point/point not set; thence North 24 degrees 45 minutes 29 seconds East 69.23 feet to a computed point/point not set; thence continuing to follow the proposed satellite Asheboro city

limits line the next three bearings and distances along Parcel 3 of the Moffitts, Inc. property described in Deed Book 2761, Page 1406, Randolph County Registry: North 68 degrees 44 minutes 13 seconds East 105.01 feet to a computed point/point not set; thence North 88 degrees 26 minutes 06 seconds East 118.98 feet to a computed point/point not set; thence South 78 degrees 14 minutes 43 seconds East 124.62 feet to a computed point/point not set; thence continuing the next two bearings and distances along the City of Asheboro property described in Deed Book 1409, Page 1215, Randolph County Registry: South 73 degrees 25 minutes 05 seconds East 192.78 feet to a computed point/point not set; thence South 69 degrees 44 minutes 13 seconds East 98.69 feet to a computed point/point not set in the centerline of the creek; thence departing from the center line of the creek and the northern boundary of the Annexation Area by following the proposed satellite Asheboro city limits line down the eastern boundary of the Annexation Area the next three bearings and distances along the Hallelujah Taro Fenburg et al. property described in Deed Book 1513, Page 556, Randolph County Registry: South 02 degrees 14 minutes 34 seconds East 45.55 feet to a 5/8-inch existing iron rod that is up 8-inches and is located by means of the North Carolina Coordinate System at the coordinates of North 693,899.59 ground US survey feet and East 1,771,808.79 ground US survey feet (NAD 83 (2011)); thence South 02 degrees 14 minutes 34 seconds East 1097.88 feet to a 5/8-inch existing iron rod that is up 8-inches with stones; thence South 36 degrees 45 minutes 31 seconds West 45.62 feet to a 5/8-inch existing iron rod that is up 4-inches; thence continuing to follow the proposed satellite Asheboro city limits line by running the next five bearings and distances along the Gordon Van Coburn and Patsy Coburn property described in Deed Book 2691, Page 1955, Randolph County Registry (further identified as Tract 1 in Plat Book 87, Page 16, Randolph County Registry) as well as the Schwarz Properties, LLC property described as Parcel 8 in Deed Book 2729, Page 922, Randolph County Registry and further identified as Tract 1 in Plat Book 89, Page 27, Randolph County Registry: South 40 degrees 51 minutes 25 seconds West 47.51 feet to a 5/8-inch existing iron rod that is up 4-inches; thence South 40 degrees 14 minutes 59 seconds West 39.63 feet to a 5/8-inch existing iron rod that is up 4-inches; thence South 21 degrees 57 minutes 49 seconds West 24.39 feet to a point; thence South 25 degrees 52 minutes 53 seconds West 18.95 feet to a point; thence South 13 degrees 26 minutes 00 seconds West 26.27 feet to a computed point/point not set; thence continuing along the Schwarz Properties, LLC line by running with an old road bed the following five bearings and distances: South 06 degrees 52 minutes 39 seconds West 139.83 feet to a 5/8-inch existing iron rod that is up 6-inches; thence South 10 degrees 41 minutes 20 seconds West 142.69 feet to a 5/8-inch existing iron rod that is up 6-inches; thence South 10 degrees 34 minutes 55 seconds West 84.00 feet to a 5/8-inch existing iron rod that is up 6-inches; thence South 14 degrees 22 minutes 42 seconds West 139.04 feet to a 5/8-inch existing iron rod that is up 6-inches; thence South 00 degrees 25 minutes 32 seconds East 82.25 feet to a 5/8-inch new iron rod that is flush with the ground in the northern margin of the public right-of-way for Old Humble Mill Road (North Carolina Secondary Road 2830); thence following the northern margin of the public right-of-way for Old Humble Mill Road in a southwesterly direction along the arc of a curve

with a radius of 2059.31 feet and an arc length of 360.94 feet (delta angle 10 degrees 02 minutes 33 seconds) a chord bearing and distance of South 37 degrees 50 minutes 11 seconds West 360.48 feet to a computed point/point not set; thence departing from the northern margin of the public right-of-way for Old Humble Mill Road and proceeding South 57 degrees 16 minutes 35 seconds East 30.00 feet to a computed point/point not set; thence South 09 degrees 29 minutes 08 seconds West 72.70 feet to a 5/8-inch existing iron rod that is down 4-inches in the southern margin of the public right-of-way for Old Humble Mill Road; thence departing from the public right-of-way for Old Humble Mill Road and running the next two bearings and distances along the proposed satellite Asheboro city limits line beside the James T. Rich and Donna L. Rich property described in Deed Book 931, Page 303, Randolph County Registry: South 09 degrees 29 minutes 08 seconds West 259.51 feet to a 5/8-inch existing iron rod that is up 4-inches; thence South 21 degrees 45 minutes 51 seconds West 74.95 feet to a 5/8-inch existing iron rod that is up 6-inches; thence the next six bearings and distances along the Jessie Dwayne Deaton property described in Deed Book 1495, Page 1051, Randolph County Registry and further identified as Tracts 1 and 2 in Plat Book 26, Page 70, Randolph County Registry: South 00 degrees 10 minutes 22 seconds West 133.17 feet to a 5/8-inch existing iron rod that is up 8-inches; thence South 21 degrees 01 minute 15 seconds West 212.63 feet to a 5/8-inch existing iron rod that is up 6-inches; thence South 25 degrees 08 minutes 30 seconds West 112.31 feet to a 5/8-inch existing iron rod that is up 8-inches; thence South 45 degrees 07 minutes 31 seconds West 177.84 feet to a 5/8-inch existing iron rod that is up 6-inches with stones; thence South 39 degrees 26 minutes 36 seconds West 100.55 feet to a 5/8-inch existing iron rod that is up 6-inches with stones; thence South 43 degrees 00 minutes 04 seconds West 76.72 feet to a 1 and 1/4-inch existing iron pipe that is up 4-inches with a cap and stones; thence the next two bearings and distances along the Sammy Beane property described in Deed Book 1203, Page 1190, Randolph County Registry: South 45 degrees 55 minutes 58 seconds West 171.18 feet to a 5/8-inch existing iron rod that is up 10-inches; thence South 75 degrees 17 minutes 54 seconds West 177.97 feet to a 60d nail set at the base of a 5/8-inch existing iron rod that is down 2-inches; thence South 69 degrees 04 minutes 17 seconds West 312.58 feet along the Danny Ray Thomas property described in Deed Book 2672, Page 1229, Randolph County Registry to a 60d nail set at the base of a 5/8-inch existing iron rod that is bent and up 2-inches; thence continuing to follow the proposed satellite Asheboro city limits line the next five bearings and distances along the Sergio Alvarez Ruiz property described in Deed Book 1981, Page 906, Randolph County Registry: South 56 degrees 51 minutes 43 seconds West 50.21 feet to a 60d nail set at the base of a 5/8-inch existing iron rod that is bent and up 4-inches; thence South 39 degrees 56 minutes 33 seconds West 100.13 feet to a 5/8-inch existing iron rod that is down 2-inches; thence South 35 degrees 11 minutes 08 seconds West 57.51 feet to a 5/8-inch existing iron rod that is down 4-inches; thence North 79 degrees 08 minutes 24 seconds West 103.87 feet to a 1 and 1/4-inch existing iron pipe that is down 2-inches; thence North 79 degrees 08 minutes 24 seconds West 60.17 feet to a computed point/point not set in the western margin of the public right-of-way for Old Cox Road; thence continuing to follow the proposed satellite Asheboro

city limits line by proceeding in a southwesterly direction along the western margin of the public right-of-way for Old Cox Road by following the arc of a curve with a radius of 594.75 feet and an arc length of 92.32 feet (delta angle 08 degrees 53 minutes 36 seconds) a chord bearing and distance of South 10 degrees 32 minutes 22 seconds West 92.22 feet to a computed point/point not set; thence continuing to follow the western margin of the public right-of-way for Old Cox Road the next two bearings and distances: South 04 degrees 45 minutes 27 seconds West 209.76 feet to a computed point/point not set; thence South 03 degrees 25 minutes 38 seconds West 596.05 feet to a computed point/point not set; thence South 06 degrees 09 minutes 02 seconds West 177.85 feet to a 1-inch existing iron pipe that is up 12 inches at a point on the proposed satellite Asheboro city limits line that is off of the western margin of the public right-of-way for Old Cox Road and is on the shared boundary line for the Annexation Area and the James H. Murray and Martha C. Murray property described in Deed Book 2172, Page 567, Randolph County Registry and further identified in Plat Book 106, Page 69, Randolph County Registry; thence continuing along the James H. Murray and Martha C. Murray property South 10 degrees 41 minutes 47 seconds West 716.19 feet to the point and place of BEGINNING, and containing a total of 241.401 acres, more or less, to be annexed.

*The above-stated legal description is in accordance with a plat of survey drawn under the supervision of Dan W. Tanner, II, Professional Land Surveyor with License Number L-4787. The plat of survey is titled "Annexation Survey For: **Bill Turner On The Property of: Barbara Pugh Marsh.**"*

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

Section 2. Upon and after June 30, 2023, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. The above-described territory shall be subject to municipal taxes according to Section 160A-58.10 of the North Carolina General Statutes.

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

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

Section 5. This Ordinance shall be in full force and effect upon and after June 30, 2023.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on June 8, 2023.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

Approved as to form:

Jeffrey C. Sugg, City Attorney

CERTIFICATE OF SUFFICIENCY
(Annexation Petition Submitted by
Duke Energy Progress, LLC)

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

I, Holly H. Doerr, am the City Clerk for the City of Asheboro. I hereby certify that, with the assistance of staff members in various city departments, I have investigated the annexation petition submitted by Duke Energy Progress, LLC (the "Petitioner"). I further certify that the following paragraphs accurately state the information obtained during the course of my investigation of the annexation petition.

The Petitioner has requested the annexation into Asheboro of four parcels of land (Randolph County Parcel Identification Numbers 7659276429, 7659268704, 7659374126, and 7659370575) owned by the company across from the intersection of New Century Drive and Veterans Loop Road. The Petitioner's real property is contiguous to the primary corporate limits of the City of Asheboro.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro in order to make this certification effective as of June 8, 2023.

(CITY SEAL)

Holly H. Doerr, CMC, NCCMC, City Clerk

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE
THE SUFFICIENCY OF THE ANNEXATION PETITION SUBMITTED
BY DUKE ENERGY PROGRESS, LLC**

WHEREAS, Duke Energy Progress, LLC (the “Petitioner”) has submitted a petition requesting the annexation into Asheboro of four parcels of land (Randolph County Parcel Identification Numbers 7659276429, 7659268704, 7659374126, and 7659370575) owned by the company across from the intersection of New Century Drive and Veterans Loop Road; and

WHEREAS, the Petitioner’s above-referenced land is contiguous to Asheboro’s primary city limits; and

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

WHEREAS, the Asheboro City Council has decided to proceed with the statutorily prescribed voluntary annexation process.

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

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on June 8, 2023.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**RESOLUTION SETTING THE DATE FOR A PUBLIC HEARING ON
THE QUESTION OF THE REQUESTED ANNEXATION OF LAND
OWNED BY DUKE ENERGY PROGRESS, LLC**

WHEREAS, Duke Energy Progress, LLC has submitted a petition requesting the annexation into Asheboro of four parcels of land located across from the intersection of New Century Drive and Veterans Loop Road (the land in question is identified by the following Randolph County Parcel Identification Numbers: 7659276429, 7659268704, 7659374126, and 7659370575); and

WHEREAS, pursuant to a previously adopted resolution, the city clerk has investigated the sufficiency of the annexation petition; and

WHEREAS, the city clerk has certified the sufficiency of the petition for proceeding with setting the date for a public hearing on the question of the requested annexation pursuant to Section 160A-31 of the General Statutes of North Carolina.

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

Section 1. A public hearing on the question of annexing the territory described herein will be held in the council chamber on the second floor of Asheboro City Hall at 146 North Church Street, Asheboro, North Carolina 27203 during a regular meeting of the Asheboro City Council that will begin at 7:00 p.m. on July 13, 2023.

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

Cedar Grove Township, Randolph County, North Carolina:

BEGINNING on the existing Asheboro primary city limits line at a 3/4-inch rebar found in the southern margin of the 60-foot public right-of-way for Veterans Loop Road (North Carolina Secondary Road 1149), the described beginning point is located by means of the North Carolina Coordinate System at the coordinates of North 697,461.746 feet and East 1,752,400.489 feet (NAD 83 (2011)); thence following the existing Asheboro primary city limits line North 01 degree 20 minutes 01 second West 68.68 feet across Veterans Loop Road to a point in the northern margin of the public right-of-way for Veterans Loop Road; thence continuing to follow the existing Asheboro

primary city limits line by running the next seven bearings and distances along the northern margin of the public right-of-way for Veterans Loop Road: North 60 degrees 30 minutes 19 seconds East 306.13 feet to a point; thence North 60 degrees 00 minutes 00 seconds East 2.40 feet to a point; thence in a northeasterly direction along the arc of a curve with a radius of 984.93 feet and an arc length of 90.06 feet a chord bearing and distance of North 63 degrees 07 minutes 15 seconds East 90.03 feet to a point; thence North 65 degrees 44 minutes 26 seconds East 174.92 feet to a point; thence in a northeasterly direction along the arc of a curve with a radius of 602.93 feet and an arc length of 267.55 feet a chord bearing and distance of North 78 degrees 27 minutes 11 seconds East 265.36 feet to a point; thence in a southeasterly direction along the arc of a curve with a radius of 604.30 feet and an arc length of 249.56 feet a chord bearing and distance of South 77 degrees 02 minutes 03 seconds East 247.79 feet to a point; thence beginning the departure from the existing Asheboro primary city limits line by crossing Veterans Loop Road and proceeding South 15 degrees 32 minutes 05 seconds West 60.00 feet to a point in the southern margin of the public right-of-way for Veterans Loop Road; thence continuing with the proposed Asheboro primary city limits line by following the next two curves in southeasterly directions along the southern margin of the public right-of-way for Veterans Loop Road: (a) the initial curve follows an arc with a radius of 544.30 feet and an arc length of 18.14 feet a chord bearing and distance of North 73 degrees 30 minutes 38 seconds East 18.14 feet to a point; (b) the second curve follows an arc with a radius of 544.30 feet and an arc length of 69.84 feet a chord bearing and distance of South 68 degrees 52 minutes 48 seconds East 69.79 feet to a right-of-way disk; thence South 65 degrees 11 minutes 43 seconds East 189.14 feet along the proposed Asheboro primary city limits line to a right-of-way disk in the southern margin of the public right-of-way for Veterans Loop Road; thence continuing to follow the proposed Asheboro primary city limits line as it turns along the eastern boundary of the area for which annexation has been requested by following in a southeasterly direction the arc of a curve with a radius of 113.24 feet and an arc length of 131.58 feet a chord bearing and distance of South 31 degrees 52 minutes 19 seconds East 124.30 feet to a right-of-way disk; thence continuing to run with the proposed Asheboro primary city limits along the eastern boundary of the area for which annexation has been requested by following what is now the western margin of the public right-of-way for Veterans Loop Road the next three bearings and distances: South 01 degree 23 minutes 16 seconds West 213.70 feet to 3/4-inch rebar found in the right-of-way line; thence South 01 degree 23 minutes 19 seconds West 371.42 feet to a right-of-way disk; thence in a southeasterly direction along the arc of a curve with a radius of 144.85 feet and an arc length of 117.04 feet a chord bearing and distance of South 21 degrees 37 minutes 11 seconds East 113.88 feet to a point; thence departing from the margin of the public right-of-way for Veterans Loop Road, but continuing to follow the proposed Asheboro primary city limits line, South 26 degrees 29 minutes 36 seconds West 25.98 feet to 3/4-inch rebar found at the northeastern corner for the now or formerly David Lee Luther property described in the Office of the Register of Deeds for Randolph County, North Carolina ("Randolph County Registry") in Deed Book 1845, Page 642; thence North 78 degrees 46 minutes 29 seconds West 361.48 feet along

the shared line that is the northern boundary of the David Lee Luther property and is also the proposed Asheboro primary city limits line to a 2-inch existing iron pipe/pin found at the northwest corner of the David Lee Luther property; thence South 01 degree 28 minutes 03 seconds East 699.24 feet in order to continue along the proposed Asheboro primary city limits line by running with the western boundaries of the above-described Luther property and the now or formerly Barbara Walker Luther property described in Deed Book 2374, Page 466, Randolph County Registry to 3/4-inch rebar found in white stone at the southeast corner of the area for which annexation has been requested; thence continuing along the proposed Asheboro primary city limits line, but departing from the eastern boundary of the requested annexation area, in order to run with the southern boundary of the requested annexation area the next two bearings and distances: South 87 degrees 51 minutes 03 seconds West 466.57 feet along the Lawrence B. Cranford, Sr. and Cora W. Cranford property described in Deed Book 2205, Page 242, Randolph County Registry and further identified in Plat Book 125, Page 8, Randolph County Registry to 3/4-inch rebar found in the northern boundary line of the Cranford property; thence South 87 degrees 44 minutes 16 seconds West 472.88 feet to 1/2-inch rebar found in a rock pile on the existing Asheboro primary city limits line; thence departing from the proposed Asheboro primary city limits line and following the existing Asheboro primary city limits line along the western boundary of the area for which annexation has been requested by proceeding along the now or formerly Pemm, LLC property described in Deed Book 2216, Page 1240, Randolph County Registry and further identified in Plat Book 128, Page 60, Randolph County Registry the next two bearings and distances: North 01 degree 19 minutes 48 seconds West 1,219.59 feet to a nail found in a stone pile; thence North 01 degree 20 minutes 01 second West 69.74 feet to the point and place of BEGINNING, and containing a total of 40.07 acres, more or less, to be annexed.

The above-stated legal description is in accordance with a plat of survey drawn under the supervision of John R. Pickens, P.L.S., L-3297. The plat of survey is titled "ANNEXATION PLAT FOR THE PROPERTIES OF DUKE ENERGY PROGRESS LLC ASHEBORO OPERATIONS CENTER" and is further identified by Project No. 2021110330.

Section 3. Notice of the public hearing scheduled pursuant to this Resolution shall be published in *The Courier-Tribune*, which is a newspaper having general circulation in the City of Asheboro, at least 10 days prior to the date of the public hearing.

**[The remainder of this page has been intentionally left blank.
The signature blocks are on the next page.]**

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on June 8, 2023.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

CERTIFICATE OF SUFFICIENCY
**(Annexation Petitions Submitted by Ardani Adulfo Nolasco along
with Burnis Wilbern Spoon and Janice Breedlove Spoon)**

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

I, Holly H. Doerr, am the City Clerk for the City of Asheboro. I hereby certify that, with the assistance of staff members in various city departments, I have investigated the annexation petitions submitted by Ardani Adulfo Nolasco along with Burnis Wilbern Spoon and Janice Breedlove Spoon (collectively, the “Petitioners”). I further certify that the following paragraphs accurately state the information obtained during the course of my investigation of the annexation petitions.

The Petitioners have requested the annexation into Asheboro of two parcels of land (Randolph County Parcel Identification Number 7761408892 identifies the Nolasco property and Randolph County Parcel Identification Number 7761409758 identifies the Spoon property) owned by the Petitioners near the intersection of Patton Avenue and North Carolina Highway 42. The Petitioners’ real property is contiguous to the primary corporate limits of the City of Asheboro.

Based on my investigation, I have concluded that all owners of the real property lying in the area for which annexation has been requested have signed the prescribed petitions. The petitions appear to be sufficient to satisfy the provisions of Section 160A-31 of the General Statutes of North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro in order to make this certification effective as of June 8, 2023.

(CITY SEAL)

Holly H. Doerr, CMC, NCCMC, City Clerk

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE
THE SUFFICIENCY OF ANNEXATION PETITIONS SUBMITTED
FOR TWO PARCELS OF LAND NEAR THE INTERSECTION OF
PATTON AVENUE WITH NORTH CAROLINA HIGHWAY 42**

WHEREAS, Ardani Adulfo Nolasco along with Burnis Wilbern Spoon and Janice Breedlove Spoon (collectively, the “Petitioners”) have submitted petitions requesting the annexation into Asheboro of two parcels of land (Randolph County Parcel Identification Number 7761408892 identifies the Nolasco property and Randolph County Parcel Identification Number 7761409758 identifies the Spoon property) owned by the Petitioners near the intersection of Patton Avenue and North Carolina Highway 42; and

WHEREAS, the territory for which the Petitioners have requested annexation is contiguous to Asheboro’s primary city limits; and

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

WHEREAS, the Asheboro City Council has decided to proceed with the statutorily prescribed voluntary annexation process.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the city clerk is hereby directed to investigate the sufficiency of the above-described annexation petitions and to certify to the council the results of her investigation.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on June 8, 2023.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**RESOLUTION SETTING THE DATE FOR A PUBLIC HEARING ON
THE QUESTION OF THE REQUESTED ANNEXATION OF LAND
OWNED BY ARDANI ADULFO NOLASCO AS WELL AS BURNIS
WILBERN SPOON AND JANICE BREEDLOVE SPOON**

WHEREAS, Ardani Adulfo Nolasco along with Burnis Wilbern Spoon and Janice Breedlove Spoon submitted petitions requesting the annexation into Asheboro of two parcels of land located near the intersection of Patton Avenue and North Carolina Highway 42 (Randolph County Parcel Identification Number 7761408892 identifies the Nolasco property and Randolph County Parcel Identification Number 7761409758 identifies the Spoon property); and

WHEREAS, pursuant to a previously adopted resolution, the city clerk has investigated the sufficiency of the annexation petitions; and

WHEREAS, the city clerk has certified the sufficiency of the petitions for proceeding with setting the date for a public hearing on the question of the requested annexation pursuant to Section 160A-31 of the General Statutes of North Carolina.

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

Section 1. A public hearing on the question of annexing the territory described herein will be held in the council chamber on the second floor of Asheboro City Hall at 146 North Church Street, Asheboro, North Carolina 27203 during a regular meeting of the Asheboro City Council that will begin at 7:00 p.m. on July 13, 2023.

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

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the proposed Asheboro primary city limits line at a 1 and 1/4-inch iron pipe found on the northern boundary of the territory for which annexation has been requested, this beginning point is the northeast corner of the Ardani Adulfo Nolasco property described in the Office of the Register of Deeds for Randolph County, North Carolina (the "Randolph County Registry") in Deed Book 2840, Page 964 and further identified in Plat Book 4, Page 16, Randolph County Registry that is shared

with the Burnis Wilbern Spoon and Janice Breedlove Spoon property described in Deed Book 852, Page 597, Randolph County Registry and further identified in Plat Book 4, Page 16, Randolph County Registry (the described beginning point is located by means of the North Carolina Coordinate System at the coordinates of North 710,948.20 feet and East 1,765,021.67 feet (NAD 83 (2011))); thence following the proposed Asheboro primary city limits line South 59 degrees 51 minutes 28 seconds East 65.04 feet along the northern boundary of the Spoon property to an iron set at the northeast corner of the Spoon property in the western margin of the 30-foot public right-of-way for Patton Avenue (North Carolina Secondary Road 2192); thence continuing to follow the proposed Asheboro primary city limits line by running South 14 degrees 02 minutes 05 seconds West 114.77 feet along the western margin of the public right-of-way for Patton Avenue to a right-of-way monument; thence departing from the boundary line for the Spoon property, but continuing to follow the proposed Asheboro primary city limits line, South 29 degrees 09 minutes 23 seconds West 140.69 feet across North Carolina Highway 42 to a computed point that is in the southern margin of the 100-foot public right-of-way for North Carolina Highway 42 and on the existing Asheboro primary city limits line; thence following the existing Asheboro primary city limits line North 60 degrees 50 minutes 37 seconds West 153.40 feet along the southern margin of the public right-of-way line for North Carolina Highway 42 to a computed point; thence departing from the existing Asheboro primary city limits line and following the proposed Asheboro primary city limits line by crossing North Carolina Highway 42 and proceeding North 29 degrees 09 minutes 23 seconds East 100.00 feet to a computed point in the northern margin of the public right-of-way for North Carolina Highway 42 at the southwest corner of the Nolasco property; thence continuing to follow the proposed Asheboro primary city limits line along the western boundary of the Nolasco property by running North 21 degrees 12 minutes 41 seconds East 155.47 feet to a 1-inch iron pipe found at the northwest corner of the Nolasco property; thence continuing to follow the proposed Asheboro primary city limits line by running with the northern boundary of the Nolasco property South 59 degrees 51 minutes 28 seconds East 79.94 feet to the point and place of BEGINNING, and containing a total of 0.889 of an acre (38,701 square feet), more or less, to be annexed.

The above-stated legal description is in accordance with a plat of survey drawn under the supervision of Theodore C. Benbow, L-5368. The plat of survey is titled "ANNEXATION SURVEY PREPARED FOR: ARDANI ADULFO NOLASCO AND BURNIS WILBERN SPOON & JANICE BREEDLOVE SPOON" and is further identified by Job No. 30900972.021.

Section 3. Notice of the public hearing scheduled pursuant to this Resolution shall be published in *The Courier-Tribune*, which is a newspaper having general circulation in the City of Asheboro, at least 10 days prior to the date of the public hearing.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on June 8, 2023.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2022-2023

WHEREAS, the City of Asheboro wishes to allocate funding for Change order 8 in the amount of \$1,457,158 between the City of Asheboro and Terry's Plumbing and Utilities for work that includes the addition of Police and Fire UTV storage building, paving of roads and parking areas along with the installation of sidewalks in phase 2 and the installation of the walking trails.

WHEREAS, the City of Asheboro wishes to allocate funding in the amount of \$435,000 for networking, telecommunication and security at the Zoo City Sportsplex Facility.

WHEREAS, the City of Asheboro wishes to allocate funding for additional ball control netting and additional site work done on Field 8 estimated at \$14,000

WHEREAS, the City of Asheboro wishes to allocate funding, estimated at \$600,000 for additional work being performed by the City of Asheboro at the Sportsplex that is outside the scope of contracts including but not limited to installation of footers for the bridges on the walking trails, surfacing the pickleball courts, building the pad for the Fitness Court, installation of nets at both the pickleball and volleyball courts, installation of trash cans throughout, bathroom fixtures and amenities as well as other "punch list" type of items not yet identified but necessary for the final stages of the construction.

WHEREAS, the General Fund needs to be amended to appropriate funding for all of the above referenced costs.

WHEREAS, funding for this will come as an appropriation of General Fund balance.

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

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

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

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
10-000-399.0000	Fund Balance Appropriation	\$2,506,158

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2022-2023

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	\$2,506,158

Adopted this 8th day of June 2023.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

Terry's Plumbing & Utilities, Inc

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

May 17, 2023

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

Attn: Mr. Michael Leonard, PE

Ref: Change Order 8-Zoo City Sportsplex

Dear Mr. Leonard,

Per your request, please find below items that have been added or requested at the above project.

1. Construct UTV storage at the existing Maintenance Building.	\$ 320,000.00
2. Landscaping, Mulch and topsoil	76,449.04
3. Retaining wall at Pickleball court	9,272.00
4. Retaining wall at fields 5,6 and 7	24,000.00
5. Conduit for power and communications to picnic shelter	1,500.00
6. New storm box and 100 LF 15" HDPE at field 3	7,000.00
7. New storm box at parking lot at pickleball court	5,500.00
8. Construct pad for outdoor Gym	32,000.00
9. Grading for playlot	10,000.00
10. Reconstruct wall 3 due to changes	28,254.00
11. Add 12" storm pipe at volleyball court	5,500.00
12. 193 LF asphalt curb added at playlot	7,720.00
13. 276 LF concrete curb added to playlot	11,040.00
14. 380 LF 6' Black fence and 3 gates	14,440.00

Total **\$ 552,675.04**

Revised unit costs for Phase 2

Stone Base	112218 SF	\$1.50	\$ 168,327.00
Asphalt binder & Paving	68925 SF	LS	406,948.00
Concrete Flat work	10061 SF	12.00	120,732.00
8' Gravel Dust Trail	28717 SF	5.00	143,585.00
6' Black Chain Link Fence	575 LF	38.00	21,850.00
4' Chain Link Fence	720 LF	32.00	23,040.00
Underbrush and clearing	7.5 acres	LS	20,000.00

Terry's Plumbing & Utilities, Inc

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

Total	\$ 904,482.00
Total for added items and units cost revisions.	\$ 1,457,157.04

Notes;

- 1. Please add 180 days for completion.**

Sincerely,


C. Terry Tucker, President
License 51103 Unlimited

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

WHEREAS, the City of Asheboro wishes to allocate funding for Change order 8 in the amount of \$1,457,158 between the City of Asheboro and Terry's Plumbing and Utilities for work that includes the addition of Police and Fire UTV storage building, paving of roads and parking areas along with the installation of sidewalks in phase 2 and the installation of the walking trails.

WHEREAS, the City of Asheboro wishes to allocate funding in the amount of \$435,000 for networking, telecommunication and security at the Zoo City Sportsplex Facility.

WHEREAS, the City of Asheboro wishes to allocate funding for additional ball control netting and additional site work done on Field 8 estimated at \$14,000

WHEREAS, the City of Asheboro wishes to allocate funding, estimated at \$600,000 for additional work being performed by the City of Asheboro at the Sportsplex that is outside the scope of contracts including but not limited to installation of footers for the bridges on the walking trails, surfacing the pickleball courts, building the pad for the Fitness Court, installation of nets at both the pickleball and volleyball courts, installation of trash cans throughout, bathroom fixtures and amenities as well as other "punch list" type of items not yet identified but necessary for the final stages of the construction.

WHEREAS, the Zoo City Sportsplex fund needs to be amended to recognize and appropriate revenue and expenses relating to this 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, and

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

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

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
74-000-370.0000-74	Contribution from General Fund	\$2,506,158

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

<u>Account #</u>	<u>Expense Description</u>	<u>Increase / decrease</u>
74-000-400.9001-74	Construction	1,457,158
74-000-400.9011-74	Networking, Telecommunication, Security	435,000
74-000-400-9005-74	Miscellaneous	614,000
		\$2,506,158

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

Adopted this 8th day of June 2023.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2022-2023

WHEREAS, the City of Asheboro has received change order 3 from Rodgers Builders, Inc. estimated at \$681,970 for the installation of the Tot Lot Retaining Wall and changes at the Front Entrance of the McCrary Ballpark.

WHEREAS, the City of Asheboro wishes to appropriate additional funding for (1) concrete work on the Tot Lot estimated at \$40,400, (2) for the land clearing cost of \$6,000 on the parcel of land along Highway 220 recently purchased for signage and (3) for lighting costs estimated at \$100,000 at McCrary Ballpark.

WHEREAS, the City of Asheboro wishes to appropriate funding in the amount of \$400,000 for a variety of expenses that will be incurred by the Facilities Maintenance department as they work through tasks that are outside the scope of the executed contracts.

WHEREAS, the City of Asheboro desires amend the 2022-2023 budget to as required by law to adjust for changes in revenues and expenditures in comparison to the current adopted budget.

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:

Section 1: The following revenue line item be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-000-399.0000	Fund Balance Appropriated	\$1,228,370

Section 2: The following expense line item be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-620-574.6500	Contribution to McCrary Ballpark Improvements Fund	\$1,228,370

Adopted this the 8th day of June 2023.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

REQUEST FOR CHANGE ORDER

Project Name: Asheboro - McCrary Park Renovation and Expansion, **Project Number:** 2678

RCO No: RCO-0003 dated 06/07/2023

TO: Michael Leonard
City of Asheboro
146 N. Church Street
Asheboro, NC 27203
Phone: 336.626.1201 x228
Fax:

FROM: Christopher Mabry
Rodgers Builders, Inc.
5701 N. Sharon Amity Road P.O. Box 18446 (28218)
Charlotte, NC 28215
Phone: 704 537.6044
Fax: 704 535.0055

THE FOLLOWING CHANGE ORDER IS BEING REQUESTED: Tot Lot Addition and Front Entrance

Request for Change Order Scope of Work: Tot Lot: Grading, Footings, Cast-in-place concrete walls, Brick Veneer, Concrete Cap, Backfill (stone&dirt) will be provided by owner, Electrical Pathway, Foundation Drainage, Fencing and Gate, Netting Poles and Netting. Front Entrance: Footings, CMU Walls and Columns, Brick Veneer, Concrete Cap, Electrical Pathway, Fenceing and Gates, Decorative Steel, Painting.

Contractor	Description	Amount
Old North State Masonry, LLC	Masonry, Concrete, and Sitework	\$486,600.00
	Fencing and Gates	\$45,000.00
Sportsfield Specialties, Inc.	Netting Poles and Netting	\$62,000.00
SteelFab, Inc.	Front Entry Decorative Steel	\$40,000.00
United Painting Services, Inc.	Front Entry Decorative Steel	\$7,500.00
United Painting Services, Inc.	Deduct for Grandstand Ceiling Paint	\$-10,000.00
Watson Electrical Construction Co. LLC	Electrical Pathways	\$5,500.00
	Insurance & Bond	\$12,732.00
	Contract Fee	\$31,830.00
Total Amount:		\$681,162.00

Schedule Change Days:

DISCLAIMER: This Request for Change in itself does not affect the critical path of the project; therefore, a time extension is not warranted or requested. However, the change, when coupled with numerous others, will affect Rodgers and its subcontractors' ability to complete the original contract per the original schedule. We reserve the right to request a time extension when the quantity and/or dollar amount of changes reaches the level of affecting our original contract work and schedule.

Authorized:
CPL
ARCHITECT

Authorized:
Rodgers Builders, Inc.
CONTRACTOR

Authorized:
City of Asheboro
OWNER

By: _____

By: _____

By: _____

Date: _____

Date: _____

Date: _____

ORDINANCE TO AMEND
THE MCCRARY BALLPARK IMPROVEMENTS FUND
FY 2022-2023

WHEREAS, the City of Asheboro has received change order 3 from Rodgers Builders, Inc. estimated at \$681,970 for the installation of the Tot Lot Retaining Wall and changes at the Front Entrance of the McCrary Ballpark.

WHEREAS, the City of Asheboro wishes to appropriate additional funding for (1) concrete work on the Tot Lot estimated at \$40,400, (2) for the land clearing cost of \$6,000 on the parcel of land along Highway 220 that was recently purchased for signage and (3) for lighting costs estimated at \$100,000 at McCrary Ballpark.

WHEREAS, the City of Asheboro wishes to appropriate funding in the amount of \$400,000 for a variety of expenses that will be incurred by the Facilities Maintenance department as they work through tasks that are outside the scope of the executed contracts.

WHEREAS, the City of Asheboro desires amend the 2022-2023 McCrary Ballpark capital project fund budget to as required by law to adjust for changes in revenues and expenditures in comparison to the current adopted budget.

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

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

Section 1: The following revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
65-000-300.0001-65	Contribution from General Fund	1,228,370

Section 2: The following expense line item be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
65-000-405.0000-65	Miscellaneous	\$400,000
65-000-408.0000-65	Land / Land Improvements	6,000
65-000-404.0000-65	Construction – Playground	722,370
65-000-410.0000-65	Lighting	100,000
		\$1,228,370

ORDINANCE TO AMEND
THE MCCRARY BALLPARK IMPROVEMENTS FUND
FY 2022-2023

Adopted this the 8th day of June 2023.

David H. Smith, Mayor

ATTEST:

Holly H Doerr, CMC, NCCMC, City Clerk