

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, JANUARY 11, 2024
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	)
Charles A. Swiers	)
W. Joseph Trogdon, Jr.	)

Timothy E. Cockman, Deputy Fire Chief
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Michael L. Leonard, PE, City Engineer
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Michael D. Rhoney, PE, Water Resources Director
Jonathan M. Sermon, Recreation Services Director
Jeffrey C. Sugg, City Attorney
Willie Summers, Fire Chief

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. Presentation of a Key to the City

Mayor Smith presented a “Key to the City of Asheboro” to retiring County Manager Hal Johnson in recognition of his 48 years of service to the citizens of Asheboro and Randolph County.

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

4. Zoo City Social District

Ms. Addie Corder, who is the executive director for Downtown Asheboro Inc requested that city staff research options for the expansion of the Zoo City Social District to include Hoover Hatchet House, which is located on the east side of S. Fayetteville Street in Asheboro.

After some discussion, Council Member Bell moved, and Council Member Swiers seconded the motion to direct city staff to explore options in order to include the Hoover Hatchet House in the Zoo City Social District. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

5. **Old Business – Legislative Hearing for Case No. RZ-23-14: An application to rezone property on the west side of Zoo Parkway and the south side of Newbern Avenue from R40 Low-Density Residential, R15 Low-Density Single-Family Residential, and R10 Medium-Density Residential to R7.5 (CZ) Medium-Density Residential Conditional Zoning for a residential planned unit development.**

Mayor Smith resumed the previously opened legislative hearing on the zoning map amendment application filed as Case No. RZ-23-14. This hearing had recently been continued from the city council's regular meeting on December 7, 2023.

Community Development Director Trevor Nuttall was the first speaker. He gave an overview of the zoning map amendment application submitted by Ridge Road Partners, LLC.

The land for which the above-described zoning has been requested is located on the west side of Zoo Parkway, between 2358 and 2476 Zoo Parkway, and the south side of Newbern Avenue, between 294 and 360 Newbern Avenue (this property will be hereinafter referred to as the "Zoning Lot.") The Zoning Lot is approximately 94.27 acres out of 104.27 acres in size, and is specifically identified by Randolph County Parcel Identification Number (PIN) 7760013008 and a portion of PIN 776008593.

The Zoning Lot, which is located within the city's extraterritorial planning jurisdiction, is currently owned by Hillcrest Farm Estates, LLC. An authorized manager for the property owner joined with the applicant in submitting this map amendment application.

In addition to the written staff report, Mr. Nuttall utilized a slide show presentation in conjunction with his comments. The following points of information were noted.

1. The property is currently outside of the city limits. Annexation, in accordance with city policy, is required to connect to city-maintained utilities.
2. The request is for a residential Planned Unit Development. The latest plan shows a total of 350 dwellings on 350 lots (an increase of 4 dwellings from what was shown on the previous draft of the plan). 286 of these units are detached single-family residences, and 64 units are attached townhome style dwellings, clustered in groups of 5 to 7 attached dwellings.
3. Development plans show several common areas with each including amenities such as pickle ball, dog parks, garden areas, and a trail network. Some of the common area is designated specifically as conservation area. The plans note that "the exact amenity provided at each location will be determined at a later date" but the expectation will be that final decisions related to amenities will generally consistent with what is submitted. Proportional amounts of community amenities would need to be built and available with each phase. Notes also indicate that passive open space with planted grass will comprise the remainder of each area. All common areas will have a minimum of 2 understory trees and 6 shrubs, with "landscaping to have defined boundaries and complement amenity entrance points."
4. Zoo Parkway is a state-maintained major thoroughfare. New Bern Avenue is a state-maintained collector road. The development proposes two access points, one from each roadway and also shows several potential locations where the internal street network could be extended into adjacent property should future development be proposed. Connectivity between Zoo Parkway and New Bern Avenue is shown via

a stream crossing to be built by the developer. Following an initial presentation of the case to the Planning Board in September, the case was continued multiple times, giving the applicant time to continue working on preparation of a traffic study. A Traffic Impact Analysis (TIA) was completed by a traffic engineering firm in November and NCDOT completed its review in December. While the TIA found only improvements to be warranted on Zoo Parkway at the development's entrance (addition of right and left turn lanes), NCDOT is recommending and could require additional improvements. These include a right turn lane on Zoo Parkway at New Bern Avenue, approximately 1/3 mile north of the subject property, and a right turn lane on Zoo Connector at Wildlife Way, approximately 1.75 miles south of the subject property. No other improvements were recommended by the traffic engineer or NCDOT, including to New Bern Avenue near Teachey Elementary.

5. A portion of the property is in a Special Hazard Flood Area. There is one roadway crossing shown traversing the floodway.
6. The plans identify certain areas for tree preservation, primarily within flood-prone areas of the property. There also is some landscape buffering shown to be provided between the development and adjacent property, with a minimum 15 ft. natural buffer to be retained adjacent to the townhomes. Each development entrance will be landscaped with at least 4 understory trees and 12 shrubs, and street trees will be installed at a rate of 1 understory tree per 25 residential units.
7. Staff had suggested additional fencing be provided adjacent to two additional residential properties (Parcel Identification Numbers 7760013216 and 7760014240) along New Bern Avenue. In response, the applicant revised the site plan to add common elements on both sides of the street entering the development from New Bern Avenue (Orchid View Drive). This revision increases separation between new lots and existing homes. The applicant's current plan also proposes a 6' high wooden privacy fence adjacent to the property closest to the development's entrance on New Bern Avenue (PIN 7760013219).
8. Sidewalks customarily are required for a Residential Planned Unit Development and typically are expected to connect all lots and amenities to existing streets. The site plan shows a sidewalk network only on one side of the new streets which is not adequate under the code when lots are proposed to be on both sides. Staff has identified this deviation and, in response, the applicant has added a trail that would provide additional pedestrian access for many of the lots. The latest plan makes additional adjustments to the trail's location to improve the access of this trail to lots within the development. Several lots, however, remain unconnected to a pedestrian feature (Lots 2, Lots 11-16 and Lots 103-132), and the common area south of the intersection of Wagon Creek Road and Rusty Willow Road. Staff has proposed a condition requiring that all lots and amenities be directly connected to a pedestrian element.
9. The zoning ordinance does allow an applicant to propose a conditional zoning district that deviates from the zoning ordinance's pre-determined requirements. The aforementioned pedestrian network is the primary deviation identified on the site plan.
10. The zoning ordinance describes the intent of the R7.5 Medium-Density Residential district as "to provide regulations which will produce a moderate intensity of residential uses, usually single-family and no more than 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."

11. The neighborhood residential designation of the property is described by the Land Development Plan's Land Category Description as intended "to accommodate existing medium-density, single-family residential neighborhoods, while encouraging new neighborhoods of similar density to provide a greater sense of community." This classification is also described as having a "pedestrian-friendly neighborhood, with convenient access to surrounding neighborhoods, parks and walking trails, and designated neighborhood commercial centers."
12. This property is considered a Secondary Growth Area by the LDP's growth strategy classification. This is described as "Areas with prime access to an existing city gravity sewer interceptor and/or an existing or potential future thoroughfare, and located outside of, but adjacent to existing city limits. Suitable development sites within SGAs should be given a moderately high level of encouragement and incentives for mid-range development."
13. The overall density of the development is approximately 4.4 dwellings per acre (when excluding public right-of-way as stipulated by the code). The plans indicate that lot sizes range from 3,000 to 4,000 square feet, with minimum unit sizes of 1,150 square feet of conditioned area for the attached townhomes. The plans indicate lot sizes ranging from 4,100 to 5,100 square feet for the detached single-family dwellings, with minimum unit size of 1,200 square feet of conditioned area for each detached dwelling. The average lot size for the development as a whole, after deducting public right-of-way, is 9, 928 square feet.
14. As noted during the regular December Planning Board and City Council meetings, this case was readvertised and the applicant participated in the cost of readvertisement, occurring on December 28, 2023 and January 4, 2024. Neighboring property owners were also mailed an additional notice on December 19, 2023, regarding the January Planning Board and City Council meeting dates.

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: Neighborhood Residential

Small Area Plan: Central

Growth Strategy Map Designation: Secondary Growth

LDP Goals/Policies Which Support Request:

Checklist Item 1: Rezoning is compliant with the Proposed Land Use Map (regarding the residential use, pedestrian connections, and the provision of some recreational amenities.)

Checklist Item 5: Complies with Growth Strategy Map

LDP Design Principles (PRINCIPLE #4):

Move from "Conventional Development" toward "Cluster Development"

LDP Goals/Policies Which Do Not Support Request:

Checklist Item 1: Rezoning is not compliant with the Proposed Land Use Map (regarding density similar to

surrounding neighborhoods and convenient access to neighborhood commercial center).

Checklist Items 13 and 14:

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

The City of Asheboro Planning Board considered the rezoning application and recommended placement of the Zoning Lot into the requested R7.5 (CZ) zoning district. In making this recommendation, the planning board concurred with the planning staff's analysis of the consistency of the proposed zoning 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.

The Land Development Plan has anticipated medium-density residential development on this property since plan adoption. The application includes several design characteristics advocated by the plan, including mixed housing options, open space and sensitive lands preservation. The development also includes recreational amenities, a street network that provides internal connectivity as well as options for external connections, and pedestrian infrastructure that generally is viewed as necessary for the number of homes proposed.

The applicant has provided a Traffic Impact Analysis (TIA) that has been reviewed by NCDOT; both the TIA and NCDOT have recommended roadway improvements to mitigate traffic impacts should the project be approved. Ultimately, NCDOT will dictate requirements for access to Zoo Parkway and New Bern Avenue and will utilize the TIA to determine necessary improvements.

While the requested rezoning district does seek densities at the upper limit of the city's medium-density residential designation and approval would authorize development more dense than nearby neighborhoods, the development is designed in a manner that buffers provide separation between those neighborhoods, increasing the project's compatibility with surrounding land uses.

Considering the aforementioned analysis, staff believes that the proposed zoning map amendment is reasonable and in the public interest, subject to the acceptance of the staff-suggested conditions or council's approval of modified conditions.

In the event of council approval of the application, the planning staff did offer suggested conditions to include as part of a conditional zoning ordinance amendment. These conditions are as follows:

- (A) *The use approved shall be a Residential Planned Unit Development with no more than 350 dwelling units on 350 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, and roadways and drainage facilities that are not specifically labeled on the approved*

site plan as public or not within public-right-of-way 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, perimeter buffering, and fencing 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 the Memorandum of Land Use Restrictions outlined in (CC), the site plan shall be revised with the following information and resubmitted to the Planning Department for review of code compliance and inclusion in the file without further review by the Council:*
 - (i) *Labeling of recreation area on plan sheets.*
 - (ii) *Labeling of adjacent property zoning within 50' of subject property.*
 - (iii) *Labeling of all lot dimensions.*
 - (iv) *Sidewalk width and grass strip dimension in accordance with the Asheboro Subdivision Ordinance: sidewalks to be maintained by the city shall be 5' wide with a 2.5' grassed strip.*
 - (iv) *Clarification on site plan that stormwater management is the responsibility of the property owner and/or homeowners' association outside of the public right-of-way. Cover Sheet Note 19 shall be updated to reflect City of Asheboro stormwater maintenance responsibilities only exist within public right-of-ways.*
 - (v) *Extending sidewalks to roadway intersections and between phases if gap exists.*
- (I) *Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the applicant shall submit documentation detailing the following approvals or providing:*
 - (i) *Driveway permit(s) from NCDOT*
 - (ii) *Permitting from NC Department of Environmental Quality*
 - (iii) *Subdivision Sketch Design and Preliminary Plat*
 - (iv) *A sealed survey plat by a Professional Land Surveyor for recording identifying the boundaries of the approved Conditional Zoning District.*
- (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, with sufficient buildable area in compliance with Zoning Ordinance Section 3.01(C), and recorded in the public registry in accordance with the city's land development requirements.*
- (L) *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) Outdoor recreational vehicle (RV) parking shall be prohibited throughout the development by the homeowners' association documents.*
- (P) A trail and sidewalks meeting ADA standards shall be provided to connect all units and lots, parking areas, recreation facilities, trash facilities, and community mailboxes. Sidewalks shall extend to intersections with existing streets and along existing public streets where new curb and gutter is added; a trail network shall be built as shown on the final approved zoning district site plan. Where existing and proposed streets exceed five percent (5%) grade and sidewalks area added along those streets, sidewalks shall meet ADA standards at the intersection(s).*
- (Q) Stormwater control measures, designed by a licensed professional in accordance with the current North Carolina Department of Environmental Quality Stormwater BMP Manual (Manual), shall be provided, unless the city is provided and accepts a professional engineer's report determining and demonstrating that such measures would be contrary to the public interest. Such report shall include, but not be limited to, a determination that the Manual's stormwater measures, if built, would increase peak flood impacts on downstream properties. The report shall also recommend design elements that can be implemented to minimize adverse stormwater impacts. In the absence of such a report, stormwater control measures shall be built to 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 structures, if built, were constructed according to the plans. Any open water retention or drainage areas shall be managed to control mosquitos. The maintenance of all stormwater control measures shall be the responsibility of the property owner.*
- (R) All terminations of public streets, whether permanent or temporary, shall comply with city ordinances and policies pertaining to turnaround and maneuvering area.*
- (S) Each dwelling unit constructed shall, at a minimum, possess a garage capable of holding one passenger vehicle and at least one additional off-street parking space.*
- (T) Final roadway names shall be subject to city and Randolph County approval.*
- (U) Floodplain development permits shall be issued by the city prior to any construction within regulated floodplain areas.*
- (V) Annexation shall be required prior to extension of city water and sewer.*
- (W) Evaluation of changes necessitated by NCDOT permitting requirements resulting from the development's traffic impact analysis shall be reviewed consistent with Section 4.05(C)(13).*
- (X) If the postal service requires a cluster box unit (CBU) for mail delivery, such a change will not be considered a modification of the conditional zoning district requiring council action. If required within the public right-of-way, an area shall be provided that, at a minimum, is adequate for one drop-off space for a motor vehicle, including any maneuvering area. Any drop-off area shall be designed in accordance with commonly accepted traffic engineering practices. Construction of this area shall be the responsibility of the developer and is subject to approval of the City of Asheboro Public Works Division and/or Engineering Department. Alternatively, should the developer choose to construct the community mailbox and any associated vehicular areas in a location completely on private property, this activity shall not be considered a modification, subject to Section 4.05 of the Asheboro Zoning Ordinance.*

- (Y) *Prior to recording a final plat for any phase of the development, homeowners' association documents, which contain provisions consistent with this ordinance, shall be recorded in the office of the Randolph County Register of Deeds. Such homeowners' documents shall include provisions required by city ordinance and prohibit the parking of recreational vehicles (boats, campers, travel trailers, etc.) outdoors.*
- (Z) *The connection between Phases 1 and 3 that is provided by Wagon Creek Road shall be built, accessible, and offered for public dedication prior to the platting of any lot(s) within Phases 3 and/or 4 of the development. No lots within Phase 4 shall be platted prior to Phase 1 and 3 roadways being built, accessible, and offered for public dedication to such an extent that continuous uninterrupted public access is assured between Zoo Parkway and New Bern Avenue through the development. If Phase 3 or 4 development occurs before Phase 1 or 2, Wagon Creek Road shall be built, accessible, and offered for public dedication to connect Phase 3 with Phase 1 prior to the platting of any lot(s) within Phases 1 or 2. No lots within Phase 2 shall be platted prior to Phase 1 and 3 roadways being built, accessible, and offered for public dedication to such an extent that continuous uninterrupted public access is assured between Zoo Parkway and New Bern Avenue through the development.*
- (AA) *At least one public street stub enabling a future public road extension into the Donna Ruth Brown Heirs property, identified as Randolph County Parcel Identification Number 7669292429, shall be built. The location and design of the street stub shall be reviewed and approved with the preliminary plat and engineering plans and in consultation with NCDOT.*
- (BB) *At least one additional public street stub enabling a future public road extension into the Christopher Boyd Hayes property, identified by Randolph County Parcel Identification Number 7669170872, shall be built. The location and design of the street stub shall be reviewed and approved with the preliminary plat and engineering plans and in consultation with NCDOT.*
- (CC) *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.*

On behalf of the applicant, John Ross, Erin Govea, Christian Vestal, and Wallace Chandler, Jr. presented comments supporting the request. Additionally, Mr. Ross conveyed the applicant's agreement with the city staff's above-listed conditions.

There was opposition to the application. Dr. Bruce Simmons, Richard Chandler, and Kris Julian had questions and concerns about allowing the proposal to proceed.

When no one else asked to speak, 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 Moffitt seconded the motion to adopt the plan consistency statement printed below and to approve the requested rezoning with the following multi-part motion.

1. The Land Development Plan has anticipated medium-density residential development on this acreage since plan adoption. The application includes several design characteristics advocated by the plan, including mixed housing options, open space and sensitive lands preservation. The development also includes recreational amenities, a street network that provides internal connectivity as well as options for

external connections, and pedestrian infrastructure that generally is viewed as necessary for the number of homes proposed.

The applicant has provided a Traffic Impact Analysis (TIA) that has been reviewed by NCDOT; both the TIA and NCDOT have recommended roadway improvements to mitigate traffic impacts generated by the project be approved. Ultimately, NCDOT will dictate requirements for access to Zoo Parkway and New Bern Avenue and will utilize the TIA to determine necessary improvements.

While the requested map amendment does seek densities at the upper limit of the city's medium-density residential designation and approval would authorize development more dense than nearby neighborhoods, the development is designed with buffers that provide separation between those neighborhoods and, thereby, increase the project's compatibility with surrounding land uses.

Considering the aforementioned analysis, the council believes that the proposed zoning map amendment is consistent with the adopted comprehensive plan, is reasonable, and in the public interest.

2. The zoning map amendment application seeking to place the Zoning Lot into a R7.5 (CZ) zoning district is hereby approved, subject to the inclusion of the staff recommended conditions with the approved conditional zoning ordinance of the conditions proposed by city staff.

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

6. Public Comment Period

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

Mayor Smith then closed the public comment period.

7. Consent Agenda

Council Member Heath moved, and Council Member Burks seconded the motion, to approve/adopt the following consent agenda items. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

(a) Approval of the City Council Meeting Minutes for December 7, 2023

The meeting minutes for the city council's regular meeting on December 7, 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) Approval of Ordinances to Amend the General Fund and the Airport Improvements Fund to Account for Federal Grant Funding for Airport Improvements

1 ORD 1-24

ORDINANCE TO AMEND THE GENERAL FUND FY 2023-2024

WHEREAS, The City of Asheboro entered into a contract for professional services with W.K.Dickson & CO., Inc. on December 6, 2021 for engineering services relating to Corporate Hangar Construction.

WHEREAS, W.K.Dickson & CO., Inc has submitted Work Authorization No. 2 for the design and bid administration of a 10-unit T Hangar Located at the southern end of the Asheboro Regional Airport.

WHEREAS, the additional cost for Amendment 1 is \$141,165 and will covered by Federal Grant funding which has a 10% match requirement from the City of Asheboro.

WHEREAS, the 10% match is \$14,117.

WHEREAS, the City Council approved this contract amendment at the December 7, 2023 council meeting.

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

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>Amount</u>
10-000-399.0000	Fund Balance Allocation	14,117

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

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
10-650-576.0000	Contribution to Airport Improvements Fund II (76)	14,117

Adopted this the 11th day of January 2024.

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

ATTEST:

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

2 ORD 1-24

**ORDINANCE TO AMEND
AIRPORT IMPROVEMENTS FUND II (#76)
FY 2023-2024**

WHEREAS, The City of Asheboro entered into a contract for professional services with W.K.Dickson & CO., Inc. on December 6, 2021 for engineering services relating to Corporate Hangar Construction.

WHEREAS, W.K.Dickson & CO., Inc has submitted Work Authorization No. 2 for the design and bid administration of a 10-unit T Hangar Located at the southern end of the Asheboro Regional Airport.

WHEREAS, the additional cost for Amendment 1 is \$141,165 and will covered by Federal Grant funding which has a 10% match requirement from the City of Asheboro.

WHEREAS, the City Council approved this contract amendment at the December 7, 2023 council meeting.

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

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>Amount</u>
76-000-301.0000-76	Federal Grant	127,049
76-000-300.0000-76	GF Contribution	14,117
		141,166

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

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
76-000-410.0001-76	Design & Bid Administration (WA#2)	141,166

Adopted this the 11th day of January 2024.

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

ATTEST:

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

- (c) **Approval of the Community Development Division’s request to schedule for the regular February 2024 city council meeting, and to advertise, a legislative hearing on an application to rezone parcels at 1419 and 1425 Old Liberty Road (Randolph County Parcel Identification Numbers 7763939476 and 7763933912) from B1 and R10 zoning to R10 (CZ) zoning to modify lot width standards.**
- (d) **Acknowledgement of the Receipt of a Report Detailing Major Subdivisions Administratively Approved since December 7, 2023**

A report was received with one approval pertaining to the Windcrest Acres, Section 4 Subdivision. A copy of the report is on file in the city clerk’s office.

10. **Zoo City Sportsplex Items:**

- (a) **Proposed Facility Use Agreement with the Randolph-Asheboro YMCA**

Prior to the consideration of agenda item 10(a), Council Member Swiers asked to be recused from participating in any manner in this specific agenda item. This request was made because of the council member’s service on the YMCA board. He is endeavoring to avoid a conflict of interest.

In response to the council member’s disclosure and request, Council Member Bell moved, and Council Member Heath seconded the motion, to recuse Council Member Swiers as requested. Council Members Bell, Burks, Heath, McCaskill, Moffitt, and Trogdon voted aye. There were no dissenting votes.

Recreation Services Director Jonathan Sermon initiated a discussion on a proposed facility use agreement between the City of Asheboro and the Randolph-Asheboro YMCA regarding the Zoo City Sportsplex. The agreement would allow the Randolph-Asheboro YMCA access and the use of the Zoo City Sportsplex. During the discussion, the council members expressed their desire to have the agreement incorporated into the regulations that govern the Sportsplex as a city-owned recreation facility.

Council Member Bell moved, and Council Member Burks seconded the motion to direct city staff to incorporate the agreement into the City of Asheboro Cultural and Recreation Services Policy Manual. Council Members Bell, Burks, Heath, McCaskill, Moffitt, and Trogdon voted aye. There were no dissenting votes.

A copy of the facility use agreement proposed to ratification by the city council is on file in the city clerk's office.

(b) Update on MLS NEXT PRO team Carolina Core "TRY OUTS" Event

Mr. Sermon updated on the council on the MLS NEXT PRO team Carolina Core "TRY OUTS" event. The try outs were held in December 2023. Six (6) fields at the ZooCity Sportsplex were rented. Approximately 200 participants participated in the event.

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

9. Authorization to Publish Legal Notice of a Proposed Lease Agreement with ZooKeepers Baseball LLC

Mr. Sermon presented and recommended adoption, by reference, of a resolution authorizing the publication of the city council's intent to approve a McCrary Ballpark Lease with ZooKeepers Baseball LLC. 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, Swiers, and Trogdon voted aye. There were no dissenting votes.

RESOLUTION NUMBER 1 RES 1-24

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**RESOLUTION AUTHORIZING THE PUBLICATION OF THE CITY COUNCIL'S
INTENT TO APPROVE A MCCRARY BALLPARK LEASE WITH ZOOKEEPERS
BASEBALL LLC**

WHEREAS, Section 160A-272(a) of the North Carolina General Statutes provides as follows:

Any property owned by a city may be leased or rented for such terms and upon such conditions as the council may determine, but not for longer than 10 years (except as otherwise provided in subsection (b1) of this section) and only if the council determines that the property will not be needed by the city for the term of the lease. In determining the term of a proposed lease, periods that may be added to the original term by options to renew or extend shall be included; and

WHEREAS, Section 160A-272(a1) of the North Carolina General Statutes provides as follows:

Property may be rented or leased only pursuant to a resolution of the council authorizing the execution of the lease or rental agreement adopted at a regular council meeting upon 30 days' public notice. Notice shall be given by publication describing the property to be leased or rented, stating the annual rental or

lease payments, and announcing the council's intent to authorize the lease or rental at its next regular meeting; and

WHEREAS, the city owns McCrary Ballpark and has previously leased the ballpark to Copperheads Baseball LLC, a North Carolina limited liability company, for the operation of a collegiate summer baseball program; and

WHEREAS, the most recent leasing instrument between the city and Copperheads Baseball LLC has expired; and

WHEREAS, by means of an instrument dated January 14, 2022, and filed in the Office of the North Carolina Secretary of State on January 20, 2022, the name of the above-referenced limited liability company has been changed from Copperheads Baseball LLC to ZooKeepers Baseball LLC; and

WHEREAS, the city and ZooKeepers Baseball LLC wish to continue to provide the citizens of Asheboro and the surrounding areas with the opportunity to attend and view collegiate summer baseball; and

WHEREAS, city staff has requested authorization from the city council to publish the required legal notice of the intent to enter into a 10-year lease agreement, which will contain terms and conditions consistent with the material terms and conditions of the expired lease with Copperheads Baseball LLC, for the purpose of granting to ZooKeepers Baseball LLC the nonexclusive use of McCrary Ballpark for a collegiate summer baseball program, specifically including playing baseball, baseball practices, promoting baseball, and any other ancillary events or activities that have been approved by the city; and

WHEREAS, the Asheboro City Council has concluded that it is appropriate to grant the requested authorization.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, in furtherance of the goal of entering into a 10-year lease agreement with ZooKeepers Baseball LLC, the city clerk is hereby authorized to publish the notice prescribed by Section 160A-272 of the North Carolina General Statutes.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 11th day of January, 2024.

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

ATTEST:

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

- 10. Legislative Hearing (Case No. RZ-23-21): An application to rezone property at 115 South Fayetteville Street and 142 Worth Street (a portion of Randolph County Parcel Identification Number 7751823582 and all of Randolph County Parcel Identification Number 7751825638) from OA6 to B3 zoning.**

Mayor Smith opened the above-described legislative hearing for Case No. RZ-23-21. Mr. Nuttall was the first speaker, and he gave an overview of the zoning map amendment application submitted by Al LaPrade.

The land for which the above-described zoning has been requested is owned by DLAA, LLC. Al LaPrade is the member/manager of the limited liability company. The property in question is located at 142 Worth Street and 115 South Fayetteville Street (this property will be hereinafter referred to as the "Zoning Lot.") The Zoning Lot consists of approximately 0.93 acres out of a total of 1.46 acres of land in size.

In addition to the written staff report, Mr. Nuttall utilized a slide show presentation in conjunction with his comments. The following points of information were noted.

1. The property is inside the city limits and is split zoned. Much of 115 South Fayetteville Street already is zoned B3.
2. North Fayetteville Street (US 220 Business) is a state-maintained major thoroughfare. Worth Street is a city-maintained collector street. Scarboro Street is a one-way (west to east) local city-maintained street.
3. The existing OA6 zoning district is described by the zoning ordinance as “intended to produce moderate intensity office and residential development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designated OA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged.” The requested B3 district is described by the zoning ordinance statement of intent as “intended to be applied to the traditional commercial, governmental, administrative and service core of Asheboro, commonly known as the “Central Business District.”
4. The B3 rezoning district request is for the general district. No specific use or site plan is reviewed with this application. Certain uses not permitted in the OA6 district, such as restaurants and retail, are permitted in a B3 district.
5. The property is located within Tier 1 (Central Business Planning Area) of the designated Center City, which is described by the ordinance as “established to strengthen Asheboro’s Center City Planning Area by incorporating a mix of commercial, office, institutional, residential and public open space uses. Design standards for revitalization and new development in the Central Business Planning Area encourage a pedestrian oriented mix of multi-story buildings located close to the street and containing an attractive mix of first-story storefronts, ample sidewalks and street trees.”
6. A key distinction between the B3 district and other non-residential districts is that the B3 district does not require off-street parking and relies on public parking and on-street parking to meet those needs. On-street parking is available along Worth and Scarboro Streets, and there are surface parking lots available within 700 feet on the same side of North Fayetteville Street, and within 300 feet on the opposite side of North Fayetteville Street. There is also a Piedmont Authority for Regional Transportation (PART) bus stop in front of 115 South Fayetteville Street.
7. The property is located within the National Register Asheboro Downtown Historic District. 115 South Fayetteville Street is classified as a contributing structure built in 1963, displaying modernist characteristics. Contributing structures may be eligible for favorable tax treatment in some circumstances, but such classification does not impose restrictions beyond zoning requirements.

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

Proposed Land Use Map Designation: City Activity Center

Small Area Plan: Central

Growth Strategy Map Designation: Primary Growth

LDP Goals/Policies Which Support Request:

<u>Checklist Item 1:</u>	Rezoning is compliant with the Proposed Land Use Map.
<u>Checklist Item 5:</u>	Complies with Growth Strategy Map
<u>Checklist Item 7:</u>	The proposed rezoning is compatible with the applicable Small Area Plan.
<u>Checklist Items 12-14:</u>	12.) Property is located outside of the watershed area, Special Hazard Flood Area, and area with steep slopes.

There were no goals/policies to report as adverse to the request.

The City of Asheboro Planning Board considered the rezoning application and recommended placement into the requested B3 zoning district. In making this recommendation, the planning board concurred with the planning staff's analysis of the consistency of the proposed zoning 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.

The subject properties function consistent with the intent of the B3 district and a significant portion of one of the existing structures already is zoned B3. Its functionality as contributing to the Central Business District (CBD) is validated by the property's inclusion in Tier 1 of the Center City Planning Area and the city's Downtown Historic District. The present OA6 zoning, however, limits the property's use in a manner that is inconsistent with the CBD; retail and restaurant uses, for instance, are not permitted.

Care should be taken when applying B3 zoning in order to prevent exacerbating parking availability issues downtown. Accessibility to on and off-street parking is an important consideration, as is the development potential of sites seeking the B3 designation. For this application, staff believes that the proximity to public parking combined with the size of the property and its development characteristics, which include an existing parking structure that is under the control of the applicant, mitigate most of staff's concerns related to parking availability.

Considering the aforementioned analysis, staff believes that the proposed zoning map amendment is reasonable and in the public interest and recommends approval of the request.

When no one else asked to speak, 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 Heath seconded the motion, to adopt the plan consistency statement printed below and to approve the requested rezoning with the following multi-part motion.

1. The Zoning Lot functions in a manner that is consistent with the intent of the B3 district. A significant portion of one of the existing structures is already zoned B3. Its functionality as contributing to the Central Business District (CBD) is validated by the property's inclusion in Tier 1 of the Center City Planning Area and the city's Downtown Historic District.

The present OA6 zoning limits the ability to use the property in a manner that is consistent with the CBD. For example, retail and restaurant uses are not permitted.

Care should be taken when applying B3 zoning in order to prevent exacerbating parking availability issues downtown. For this application, the proximity to public parking combined with the size of the property and its development characteristics, which include an existing parking structure that is under the control of the applicant, mitigate most of the concerns related to parking availability.

Considering the aforementioned analysis, the council believes that the proposed zoning map amendment is consistent with the comprehensive plans, is reasonable, and in the public interest.

2. The zoning map amendment application seeking to place the Zoning Lot in a B3 zoning district is hereby approved.

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

11. Project Status Reports

(a) Trade and North Street Infrastructure Project

Mr. Nuttall updated the council on the Trade and North Street Infrastructure Project. The project proposes to replace underground utilities that are due for replacement and bury all overhead utilities. Following that work, new asphalt, sidewalks, crosswalks, and streetlights would be installed. The city received a state infrastructure grant to design and build the project. Approximately, 65% of the design development plans are complete. A public workshop was held in November 2023 informing the public, property owners, and businesses with information regarding the project.

Mr. Nuttall reported that there are no changes to street travel directions or network proposed. If authorized by the city council, construction would not begin prior to July 2024. The preliminary order of construction is as follows:

1. The replacement of underground water and sewer mains.
2. Third party utility undergrounding
3. The replacement of storm drainage.
4. Conduit and foundations for streetlights installed.
5. New concrete curbing and streetlights installed.
6. New concrete sidewalks constructed.
7. Streets will be resurfaced with new asphalt.
8. Landscaping and signage will be installed.
9. Decorative stamping of crosswalks and road striping will be applied.

No action was taken on this agenda item.

(b) David and Pauline Jarrell Garden Project

Mr. Nuttall reported that the design development plans are complete and ready for city approval once the US Army Corps responds to the request for a determination of jurisdiction (boardwalk portion of the project over wetlands) as submitted in September 2023. The NCDOT driveway permit has been received, and the project will be required to align the driveway to the parking lot with Cranford Street. This alignment will require the relocation of a power pole.

The project team is preparing for Phase 1 construction activities, including selective removal of vegetation, demolition of two small structures, installation of a

construction entrance as well as grading and stoning of the parking lot to serve as a construction staging area, and installation of decorative perimeter fencing for site control and screening purposes. City staff proposes to include demolition of the structure located at 205 South Cox Street as part of Phase 1 activities.

After much investigation and input from the council members, city staff does not believe that the building can be repurposed to serve the garden without significant expense. Phase 1 activities are estimated to cost approximately \$240,000 with city personnel performing most of the work.

Two applications for significant grant funding have been submitted. An application for EEG funding through the state attorney general's office was not awarded in 2023 and will be resubmitted in the next cycle. A federal Land and Water Conservation Fund grant also has been submitted and is pending review. City staff continues to look for outside funding opportunities. Additional funds are expected to be appropriated during the 2024-2025 budget to complete the project.

12. Ordinance to Amend a Project Fund to Provide Funding for the Garden Project Expenditures

Following Mr. Nuttall's presentation, Finance Director Deborah Reaves presented and recommended adoption, by reference, of an ordinance to amend David and Pauline Jarrell City Garden Fund FY 2022-2023.

After discussion, Council Member Burks moved, and Council Member Bell seconded the motion to approve/adopt the following ordinance by reference. Council Members Bell, Burks, Heath, McCaskill, Moffitt, and Swiers voted aye. Council Member Trogdon voted no.

3 ORD 1-24

**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 executed a 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 City of Asheboro is now ready to start phase 1 construction of the project which includes clearing and vegetation removal, rough grading, and construction of the maintenance driveway and staging area that will become the Garden's parking lot, installation of a perimeter barrier, Duke Energy's relocation of a power pole, and the demolition of the former dwelling on the property, a deteriorated wooden frame storage building and small pump house.

WHEREAS, the 2023-2024 adopted general fund budget includes an appropriation for Phase 1 costs of \$240,000 in the Asheboro Parks and Recreation departmental budget.

WHEREAS, the City of Asheboro desires to amend the 2023-2024 project 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	\$240,000

That the following Expense line item be increased:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
75-000-400.9001-75	Construction	\$240,000

Adopted this the 11th day of January, 2024.

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

ATTEST:

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

13. Request for Approval for the Next Step in the Wolfspeed Water Main Extension Project

Water Resources Director Michael Rhoney reported that the state budgeted funding of \$55,000,000 for the extension of water from Asheboro to the Chatham Advanced Manufacturing Site (CAM) for Wolfspeed. The city council approved utilizing services of an owner’s advisor for the project on April 6, 2023.

The council adopted a resolution establishing criteria for design-build delivery method for the Wolfspeed Water Line Extension Project on July 13, 2023. City staff issued a requests for qualification for design-build services on August 21, 2023, and five (5) statements of qualification were received on September 19, 2023. City staff interviewed and selected the Garney Construction Team on October 10, 2023. The team includes Garney Construction, The Wooten Company, Withers Ravenel, and LKC Engineering, PLLC.

The water resources director discussed, with supporting documentation, the scope of services and fees for Phase 1 of the project. The total guaranteed maximum price (GMP) for Phase 1 is \$5,034,601.90.

After discussion, Council Member Moffitt moved, and Council Member Burks seconded the motion, to approve the execution of the legal instruments necessary to move forward with Phase 1 of the Wolfspeed Water Main Extension Project with a GMP of \$5,034,601.90. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

14. 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 council during this portion of the meeting.

There being no further business, the meeting was adjourned at 10:43 p.m.

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

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