

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, OCTOBER 10, 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 Trogon, Jr.)

John N. Ogburn, III, City Manager
Alyssa R. Chapuis, Public Information Officer
Addie R. Corder, Downtown Development Manager
Holly H. Doerr, CMC, NCCMC, City Clerk
Benjamin R. Hicks, Fire Battalion Chief
N. Byron Hill, Police Captain
Spencer C. Patton, EI, Assistant City Engineer
Deborah P. Reaves, Finance Director
Michael D. Rhoney, PE, Water Resources 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. American Red Cross North Carolina Fire Services Heroes Award

Fire Chief Willie Summers and Fire Battalion Chief Ben Hicks reported that Asheboro Fire and Rescue, East Side Fire Department, and Westside Fire and Rescue recently received the American Red Cross North Carolina Fire Services Heroes award. These departments received the award during the 2024 Salute to Heroes event that was held on September 26, 2024.

4. Public Comment Period

Mayor Smith opened the floor for comments from the public. The following citizens spoke during the public comment period.

- 1. Topaz Bott had questions regarding the dog park at the Cone Health ZooCity Sportsplex.
- 2. Clarice Johnson expressed concerns and posed questions involving current events and public safety/quality of life issues impacting the city and the community in general.

3. Pat Hall expressed concerns about the homeless population within the city.

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

5. Consent Agenda

Prior to the consideration of the consent agenda, Mayor Smith asked that consent agenda item 5(b) be removed. Council Member Heath moved, and Council Member Burks seconded the motion, to approve/adopt the following consent agenda items except for item 5(b). 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 August 27, 2024

The meeting minutes for the city council's special meeting on August 27, 2024, 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 the City Council Meeting Minutes for September 5, 2024

As noted above, item 5(b) was removed from the consent agenda. The city council will consider the approval of the minutes for September 5, 2024, at a later date.

(c) Acknowledgement of the Receipt of the Meeting Minutes for the Asheboro ABC Board Meeting Held on August 27, 2024

The meeting minutes for the above-listed Asheboro ABC Board meeting were received and distributed to the elected officials. The document has been filed in the city clerk's office.

(d) The 2024-2025 Canada Geese (including White-Fronted Geese) and Duck Hunting Season at Lake Reese

Canada Geese (including White-Fronted Geese) and duck hunting has been successfully offered at Lake Reese for the past 16 years and will be offered again this season.

The council approved the following dates for the 2024-2025 hunting season at Lake Reese for Canada Geese (including White-Fronted Geese) and ducks:

November 18th, 21st, 23rd
December 23rd, 28th, 30th
January 13th, 16th, 18th

Hunting hours are ½ hour before sunrise to sunset. The lake will be closed to other activities while hunting takes place. Hunters are required to call Lake Reese at least 24 hours in advance to reserve a space. If hunting reservations are not made, the lake will operate on its regular winter schedule.

(e) Special Event Closure Order – “Keaton’s Place Car Corral Show”

The council approved a special event closure order, including a temporary street closure for “Keaton’s Place Car Corral Show” event. The temporary closure will take effect at 0800 hours on October 19, 2024 and will end at 1600 hours on October 19, 2024. The Zoo City Social District ordinance provisions will not be impacted.

A copy of the map for the event is on file in the city clerk's office.

(f) Special Event Closure Order – “Trick or Treat Downtown”

The council approved a special event closure order, including a temporary street closure for the “Trick or Treat Downtown” event. The temporary closure will take effect at 0700 hours on October 26, 2024 and will end at 2000 hours on October 26, 2024. The Zoo City Social District ordinance provisions will not be impacted.

(g) Special Event Closure Order – Veterans Day Parade

The council approved a special event closure order, including a temporary street closure for the Veterans Day Parade. The temporary closure will take effect at 1500 hours on November 11, 2024 and will end at 1730 hours on November 11, 2024.

A copy of the map for the event is on file in the city clerk’s office.

(h) Special Event Closure Order – Christmas Parade

The council approved a special event closure order, including a temporary street closure for the Christmas Parade. The temporary closure will take effect at 1630 hours and will end at 2030 hours on December 6, 2024 for Church Street. The temporary closure will take effect at 1830 hours and will end at 2100 hours on December 6, 2024 for all other streets shown on the temporary street closure map presented to the city council. The Zoo City Social District ordinance provisions will not be in effect on December 6, 2024.

A copy of the map for the event is on file in the city clerk’s office.

(i) Special Event Closure Order – “Christmas on Sunset”

The council approved a special event closure order, including a temporary street closure for the “Christmas on Sunset” event. The temporary closure will take effect at 1630 hours on December 13, 2024 and will end at 2200 hours on December 13, 2024. The Zoo City Social District ordinance provisions will not be in effect on December 13, 2024.

A copy of the map for the event is on file in the city clerk’s office.

(j) Approval of an Ordinance to Amend the General Fund

35 ORD 10-24

**ORDINANCE TO AMEND
THE GENERAL FUND
FY 2024-2025**

WHEREAS, The Asheboro Public Library HVAC needs to be replaced.

WHEREAS, at the September 2024 Council meeting, the City of Asheboro amended the 2024-2025 adopted budget to match the bid cost of \$749,000.

WHEREAS, of the three bids received for the replacement, the lowest responsive bid of \$749,000 had a \$10,000 alternate bid for additional work that the City also chose to accept.

WHEREAS, the cost for property insurance 2023-2024 is \$1455 more than the budget set June 2024.

WHEREAS, the City of Asheboro desires to reduce expenditures in the Facilities Maintenance department expense line item as it relates to McCrary Ballpark maintenance to fund the \$11,455 additional expense in the Library budget.

WHEREAS, the City of Asheboro wishes amend the current adopted budget to account for changes in revenues and expenses as required by law.

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 expense line item be increased / decreased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase/ Decrease</u>
10-640-515.0700	Maint & Repair- McCrary Ballpark	(11,455)
10-630-509.0001	Insurance- Library	1,455
10-630-515.0001	Maint. & Repair- Library Building	10,000
	Total change	(0)

Adopted this 10th day of October 2024

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

ATTEST:

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

- (k) Approval of the Community Development Division’s Request to Schedule for November 7, 2024, and to Advertise, Legislative Hearings for the Following Cases**
 - (i) An application to rezone property located on the east side of U.S. Highway 220 Business South at Oakhurst Road (Randolph County Parcel Identification Numbers 7659569317 and 7659660333) from R10 Medium-Density Residential to I2 General Industrial.**
 - (ii) An application to rezone property located at 1135 and 1147 South Cox Street (Randolph County Parcel Identification Number 7750970387) from R7.5 Medium-Density Residential and RA6 (CZ) High-Density Residential Conditional Zoning to an amended RA6 (CZ) district to add two dwelling units to an existing development with multiple family dwellings.**
 - (iii) An application to rezone property located on the west side of WOW Road (Randolph County Parcel Identification Number 7764703184), approximately 200 feet north of Old Castle Drive from R15 (CZ) Low-Density Single-Family Residential Conditional Zoning to R15 Low-Density Single-Family Residential.**

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(I) Approval of the Final Decision Document for SUP-24-01

Case No. SUP-24-01
Final Decision Document
City Council of the City of Asheboro, North Carolina

IN THE MATTER OF AN APPLICATION FOR A SPECIAL USE PERMIT
AUTHORIZING A WATERSHED SPECIAL INTENSITY ALLOCATION

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING THE
REQUESTED SPECIAL USE PERMIT

THIS SPECIAL USE PERMIT APPLICATION was brought before the City Council of the City of Asheboro (the “City Council”) for a quasi-judicial hearing that was conducted during a regular meeting on September 5, 2024. After receiving documentary evidence and sworn testimony presented during the quasi-judicial hearing, the City Council, on the basis of competent, material, and substantial evidence, hereby enters the following:

FINDINGS OF FACT

1. A commercial real estate broker at RE/MAX Central Realty in Asheboro, H.R. Gallimore, CCIM, applied on behalf of a client for a watershed special intensity allocation (“SIA”) for the real property located at 749 Pineview Road, Asheboro, North Carolina 27203. To receive the requested allocation, an applicant must comply with the special use permit (“SUP”) regulations prescribed by the City of Asheboro Zoning Ordinance (the “AZO”).

2. City of Asheboro Community Development Division personnel received, on July 8, 2024, the application paperwork prescribed by the AZO for the requested SIA.

3. The real property at 749 Pineview Road is approximately 16.51 acres in size and is more specifically identified by Randolph County Parcel Identification Number 7753668338 (this real property will be hereinafter referred to as the “Zoning Lot”).

4. Online information from Randolph County GIS lists the owner of the Zoning Lot as SD Fibers Corporation. The above-referenced SUP application form received on July 8, 2024, contains the signature of Greg Gentry who signed the application form on behalf of the owner of the Zoning Lot. Mr. Gentry is an authorized signatory for Premiere Fibers, LLC, a successor to the corporate property owner, SD Fibers Corporation, listed in public records.

5. Greg Davis, who is the SUP applicant represented by H.R. Gallimore, was placed under oath and described the use proposed for the Zoning Lot. Mr. Davis is the general manager of Alternative Performance Technologies LLC, which engages in a business described in general terms as miscellaneous metals installation. The company has outgrown its current space and is seeking to move to the Zoning Lot.

6. Assistant City Manager Trevor Nuttall was placed under oath and presented the following information from the written city staff report that was submitted and discussed during the hearing:

- (A) The previous land use on the Zoning Lot was classified under the AZO as a manufacturing, processing, and assembly land use. This previous land use was granted a SIA in 1998;
- (B) The land use now proposed for the Zoning Lot is manufacturing, processing, and assembly with additional wholesale distribution and storage. The current SUP application was submitted to obtain an SIA expressly authorizing all of the land uses now proposed;
- (C) There is currently one entrance to the Zoning Lot from Pineview Road. Pineview Street, which is east of the property, is scheduled to be widened to three lanes (STIP U-5711);

- (D) The Norfolk Southern railroad is adjacent to the Zoning Lot, to the east;
- (E) With the exception of a residential neighborhood located to the east, the Zoning Lot is surrounded by industrially zoned parcels of land;
- (F) The Zoning Lot is located in an I2 zoning district. The proposed land uses are permitted in this zoning district;
- (G) The Growth Strategy Map indicates that the Zoning Lot is in a primary growth area, and the Proposed LDP Map designates the area as an employment center;
- (H) In compliance with the AZO, the applicant has submitted the required site plan;
- (I) The Zoning Lot is located within the balance of the Back Creek/Lake Lucas Watershed area. City code provisions, consistent with state watershed protection rules, regulate new built-upon area. The Zoning Lot was granted a SIA in 1998 that authorized what is currently built. As shown by the SUP application materials, no new building construction or built-upon area is proposed for the Zoning Lot. The site plan presented during the hearing is an ALTA survey showing existing conditions from 2015;
- (J) Ten percent (10%) of the watershed area may be granted SIAs. Within this watershed, approximately 45 acres of special allocation area remains. Since a prior allocation was authorized in connection with the Zoning Lot, the current SUP application, if approved, will not reduce allocatable area;
- (K) The City Council's approval of the requested SUP will have no effect on watershed development regulations intended to protect water quality. All applicable watershed protection rules will remain in effect. Underground fuel storage tanks are not permitted. The storage of hazardous materials, as defined by state or federal law, would require the submission of a spill prevention, containment, and control plan ("SPCC") prepared by a professional competent in SPCC development; and
- (L) The site plan does not indicate any open storage activity. If open storage is proposed in the future, such activity must occur in strict compliance with the AZO, including without limitation Section 5.04(25) and Chapter 10 of the AZO. Plans for such activity shall be submitted for staff review and inclusion in the file without further review by the City Council.

7. AZO Section 5.05(30) provides as follows:

(30) Watershed SIA

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 to the community and/or housing opportunities to the community.*

8. The Zoning Lot is connected to city water and sewer.

9. No evidence or sworn testimony was offered to indicate that the current SUP application failed in any manner to comply with the provisions of AZO Section 5.05(30).

10. Mr. H.R. Gallimore, CCIM has over 17 years of experience as a commercial realtor, and he provided sworn expert testimony during the hearing of this matter. Mr. Gallimore testified that the applicant will improve the vacant property. In Mr. Gallimore's professional opinion, the proposed land use will not have a negative impact on the value of adjoining properties. No testimony was offered in opposition to this expert opinion.

11. No testimony of any kind was offered in opposition to the requested SUP.

12. AZO Section 2.03(B)(2)(b) provides, in pertinent part, the City Council must find that the following general standards have been met by an applicant for approval of a SUP to be granted:

- (i) *That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.*
- (ii) *That the use meets all required conditions and specifications.*
- (iii) *That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.*
- (iv) *That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.*

Based on the foregoing findings of fact, the City Council hereby enters the following:

CONCLUSIONS OF LAW

1. When an applicant has produced competent, material, and substantial evidence tending to establish the existence of the facts and conditions required by the AZO for the issuance of a SUP, prima facie the applicant is entitled to the permit. A denial of the permit has to be based upon findings contra that are supported by competent, substantial, and material evidence appearing in the record.

2. In this case, the applicant has properly applied for an SUP authorizing the requested SIA. All aspects of the application are compliant with the AZO.

3. On the basis of the evidence and sworn testimony presented during the hearing, the City Council has concluded that the proposed use meets the four general standards for issuing the requested SUP. More specifically, the proposed use will not materially endanger public health or safety; meets all required conditions and specifications of the AZO; will not substantially injure the value of adjoining or abutting property; and will be in harmony with the area in which it is to be located and is in general conformity with Asheboro's plan of development.

4. The applicant is entitled to the requested SUP.

Based on the above-recited findings of fact and conclusions of law, the City Council hereby enters the following:

ORDER

The Applicant is hereby issued a SUP authorizing the requested SIA for the Zoning Lot that will be used for the land use classified under the AZO as manufacturing, processing, and assembly with additional wholesale distribution and storage. This SUP shall be valid so long as, and only so long as, the applicant and the applicant's heirs, successors, and assigns develop and conduct the approved land use in compliance with the provisions of the Asheboro Zoning Ordinance and the approved site plan.

The foregoing final decision document was adopted by the Asheboro City Council in an open session during a regular meeting held on October 10, 2024.

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

ATTEST:

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

6. Community Development Items

- (a) **Legislative Hearing (Case No. RZ-24-13):** An application to apply initial city zoning on property recently annexed into the City of Asheboro related to the NC Zoological Park and NC Zoological Society properties located at 2653, 2663, 2703, 2723, 2755 and 3733 Old Cox Road, 4297, 4401, 4403, and 4405 Zoo Parkway, 1745 Panther Creek Road, Ross Harris Road, Old NC Highway 13, and Fairview Farm Road, as shown in Plat Book 187, Page 17.

Mayor Smith opened the legislative hearing on the application filed as Case No. RZ-24-13. Assistant City Manager Trevor Nuttall was the first to speak. In addition to entering into the records the notation that notice of this land use case had been advertised, posted, and mailed as required by North Carolina law, he gave an overview of the application submitted by the City of Asheboro.

The Land Development Plan supports zoning that matches the intent of the property, and the zoning ordinance includes specific zoning districts that encourage that intent. Due to the action of the North Carolina General Assembly, effective June 30, 2024, to annex the parcels of land identified below into the City of Asheboro, city zoning needs to be assigned to these properties. The proposed district is TH (Tourism Hospitality) in locations actively used or projected to be used for visitor usage and R40 Low-Density Residential for properties owned or managed by the NC Zoo or a related entity but less likely to see demand for tourism-related use in the short or mid-term future.

The properties of the NC Zoological Authority, the State of North Carolina, and the North Carolina Zoological Society total approximately 2,272.01 acres in size. The properties are located along Old Cox Road, including 2653, 2663, 2703, 2723, 2755, and 3733 Old Cox Road; Zoo Parkway, including 4297, 4401, 4403, and 4405 Zoo Parkway; Panther Creek Road, including 1745 Panther Creek Road; Ross Harris Road; Old NC Highway 13; and Fairview Farm Road.

The proposed city zoning designations are as follows:

<u>Randolph County</u> <u>Parcel Id No.</u>	<u>Proposed City Zoning</u> <u>Designation</u>
7677156291	R40
7678229463	TH
7678327275	TH
7678368428	TH
7678409289	TH
7678416419	TH
7678508381	R40
7678515400	TH
7678627658	TH
7678653318	TH
7678871097	R40
7678674202	R40
7678692465	R40
7678736792	TH
7678983390	R40
7678989678	R40
7688095314	R40
7668544623	R40
7668558905	R40
7668860860	R40

<u>Randolph County</u> <u>Parcel Id No.</u>	<u>Proposed City Zoning</u> <u>Designation</u>
7677287093	R40
7678075774	R40
7678212748	TH
7678401818	R40
7678402273	R40
7678502254	R40
7679207881	R40
7678085025	R40

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

1. The subject PINs now are inside the city limits through action of the NC General Assembly. The PINs are owned either by the State of North Carolina, the NC Zoological Authority, or the NC Zoological Society.
2. The application includes property containing the NC Zoological Park and supporting uses, such as educational, training, and maintenance facilities under the city zoning code, such activities are considered part of a Public Use Facility. Also included are a few residential uses and undeveloped properties.
3. The proposal is to apply TH (Tourism-Hospitality) to property developed with or in close proximity to an active Public Use Facility operation, and to property which the city previously zoned TH (the state legislative action included property that had been previously annexed and zoned by the city). The proposed R40 Low-Density Residential zoning would apply to locations that primary are undeveloped. The property formerly was zoned by Randolph County with two designations (E-1 and RA Residential-Agricultural).
4. The zoning ordinance describes the R40 and TH zoning district as follows: A Public Use Facility is permitted in every city zoning district subject to compliance with the city’s pre-determined land use regulations. Non-Public Use Facility development would be limited to single-family dwelling, two family dwelling (on 80,000 SF), Class A manufactured homes, and agricultural uses on the R40-zoned property.
5. Much of the area surrounding the subject property is characterized by low-density residential or agricultural uses.
6. The Zoo Connector and Zoo Parkway are state-maintained major thoroughfares. Old Cox Road is a state-maintained minor thoroughfare, Panter Creek, Fairview Farm, Ross Harris Roads and Old NC Highway 13 all are state-maintained roads.
7. The property formerly was zoned by Randolph County with two designations (E-1 and RA Residential-Agricultural).
8. The proposal is to apply TH (Tourism-Hospitality) to property developed with or in close proximity to land actively engaged in Public Use Facility activities, and to property which the city previously zoned TH. The proposed R40 Low-Density Residential zoning would apply to locations that primarily are undeveloped.
9. The zoning ordinance descriptions of the R40 and TH districts are included with the report.

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.

LDP Goals/Policies that Support the Request:

Goal 1.4: A thriving tourism industry.

1.4.1: The city will continue to strengthen its countywide and regional partnerships with existing tourism venues (*NC Zoo, NC Aviation Museum, Richard Petty Museum, Seagrove Potteries, Harley Davidson Museum, Uwharrie National Forest, etc.*) and organizations (*Randolph County Tourism Development Authority, etc.*) and form partnerships with new and potential tourism venues.

1.4.2: The city will utilize the Tourism-Hospitality Zoning District as a tool to attract new, compatible tourism opportunities, as well as tourism supported businesses.

Goal 2.2: Development that is located in appropriate locations.

LDP Goals/Policies that Do Not Support the Request

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

The City of Asheboro Planning Board considered the zoning map amendment application, and recommended the rezoning of the aforementioned parcels. 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 city must apply zoning to all property within its corporate limits. Staff proposes applying a Tourism-Hospitality designation to those properties actively used by or supporting the NC Zoo and its operation and to land that previously had been annexed into the city and zoned TH. Additionally, some property located along thoroughfares or higher classification streets, and land that is reasonably likely to be developed as part of a Public Use Facility operation is recommended to be placed in the TH district. All other property is proposed to be zoned R40 Low-Density Residential designation consistent with the surrounding Randolph County zoning designation and existing land uses.

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

Mayor Smith opened the floor for comments from the public. Ed Commins had questions of how the zoning will affect Asheboro. Chris Scott, Esq., a representative of the NC Zoo Society presented comments in support of the application. When no one else asked to speak, Mayor Smith transitioned to the deliberative phase of the process.

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

1. The city must apply zoning to all property within its corporate limits. A Tourism-Hospitality designation will be applied to

those properties actively used by or supporting the NC Zoo and its operation and to land that previously had been annexed into the city and zoned TH. Additionally, some property located long thoroughfares or higher classification streets, and land that is reasonably likely to be developed as part of a Public Use Facility operation shall be placed in the TH district. All other property is zoned R40 Low-Density Residential designation consistent with the surrounding Randolph County zoning designation and existing land uses.

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

2. Consequently, the zoning map amendment application seeking to apply initial city zoning to the property annexed through Session Law 2023-143 Senate Bill 68 is hereby approved.

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

(b) Legislative Hearing (Case No. RZ-24-17): An application to rezone property located at 223 Brewer Street (Randolph County Parcel Identification Number 7751957267) from OA6 Office-Apartment to R7.5 Medium-Density Residential.

Mayor Smith opened the legislative hearing on the zoning map amendment application filed as Case No. RZ-24-17. Mr. Nuttall was the first speaker. In addition to entering into the records the notation that notice of this land use case had been advertised, posted, and mailed as required by North Carolina law, he gave an overview of the zoning map amendment application submitted by Aranaza Gallegos.

The land for which the above-described zoning has been requested is located at 217 and 223 Brewer Street. The property is approximately 0.72 of an acre in size, and is specifically identified by Randolph County Parcel Identification Number 7751957267 (this property will be hereinafter referred to as the “Zoning Lot”).

In addition to the written staff reports, 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.
2. Brewer Street is a city-maintained collector street. Greensboro Street is a city-maintained minor thoroughfare.
3. The zoning ordinance describes the existing OA6 and requested R7.5 designations as follows: *OA6: 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. R7.5: 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.*
4. The current OA6 zoning allows single-family, two-family, and multi-family residential uses subject to code compliance. It also allows for certain non-residential uses such as business and professional services, health practitioner offices, personal services (i.e. hair salons), but does not allow commercial uses such as retail, restaurants, or motor vehicle

sales and services. The proposed R7.5 district allows only a single-family dwelling to two-family dwelling.

- 5. There is currently a single-family dwelling on the property; tax records indicate the home was constructed in 1979.
- 6. In 2019, the city initiated a rezoning along both Cox and Greensboro Streets that included 52 parcels due to the continuing transition of the corridor from residential to office uses. This parcel, however, was not included in the request as it was already zoned OA6 at the time.

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:	Office & Institutional
Small Area Plan:	Central
Growth Strategy Map Designation:	Primary Growth

LDP Goals/Policies that Support the Request:

<u>Checklist Item 3:</u>	The property on which the rezoning district is proposed fits the description of the zoning ordinance.
<u>Checklist Item 5:</u>	Complies with Growth Strategy Map.
<u>Checklist Items 12-13:</u>	Property is located outside the watershed area, Special Hazard Flood Area.

LDP Goals/Policies that Do Not Support the Request

<u>Checklist Item 1:</u>	Rezoning is not compliant with the Proposed Land Use Map.
<u>Checklist Item 14:</u>	Rezoning is located on steep slopes of greater than 20%.

The City of Asheboro Planning Board considered the zoning map amendment application, and recommended placement of the Zoning Lot into the requested R7.5 zoning district. In making this recommendation, the planning 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 requested R7.5 district is intended to produce single-family and two-family development. The R7.5 district is considered more restrictive than the OA6 district as it does not allow non-residential or multi-family. Accordingly, the district generally can be viewed as more comparable with the adjoining single-family dwellings than the current zoning. The Central Small Area plan also indicates "preservation and revitalization of existing residential neighborhoods" to be a key issue for the city to promote.

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

Mayor Smith opened the floor for comments from the public, and none were offered. Mayor Smith then transitioned to the deliberative phase of the process.

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

1. The R7.5 zoning district is intended to produce single-family and two-family development. This district is considered more restrictive than the OA6 district as it does not allow non-residential or multi-family. Accordingly, the district generally is more comparable with the adjoining single-family dwellings than the current zoning. The Central Small Area plan also indicates “preservation and revitalization of existing residential neighborhoods” to be a key issue for the city to promote.

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

2. Consequently, the zoning map amendment application seeking to place the Zoning Lot into the requested R7.5 zoning district is hereby approved.

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

- (c) Legislative Hearing (Case No. RZ-24-18): An application to rezone property located at the western terminus of Ferrari Drive, northwest of Old Humble Mill Road (Randolph County Parcel Identification Number 7679350119) from R40 Low-Density Residential Zoning to R40 (CZ) Low-Density Residential Conditional Zoning for a manufactured home park.**

Before the legislative hearing was opened, Council Member Moffitt discussed the role he plays with the applicant, Moffitts, Inc. To avoid a conflict of interest, Council Member Moffitt asked to be recused from participating in the discussion and potential council action under meeting agenda item no. 6(c). Council Member Bell moved, and Council Member Burks seconded the motion, to recuse Council Member Moffitt from participating or acting in connection with meeting agenda item no. 6(c). Council Members Bell, Burks, Heath, McCaskill, Swiers, and Trogon voted aye. There were no dissenting votes.

Mayor Smith then opened the legislative hearing on the zoning map amendment application filed as Case No. RZ-24-18. Mr. Nuttall was the first speaker. In addition to entering into the records the notation that notice of this land use case had been advertised, posted, and mailed as required by North Carolina law, he gave an overview of the zoning map amendment application submitted by Moffitts, Inc.

The land for which the above-described zoning has been requested, which is the property of Moffitts, Inc., is located at the western terminus of Ferrari Drive, northwest of Old Humble Mill Road. The property is approximately 61.53 acres in size and is more specifically identified by Randolph County Parcel Identification Number 7679148928 (this property will be hereinafter referred to as the “Zoning Lot”).

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. Old Humble Mill Road is a state-maintained road. The property and development would be accessed via Ferrari Drive, a privately maintained roadway located within Richland Village, an adjoining manufactured home park. The request seeks approval for a limited expansion of the park.

- 2. The property was annexed into the city in 2009; the R40 designation was applied at that time.
- 3. The R40 zoning district is described by the zoning ordinance as “intended to provide regulations which will produce a low intensity mixture of single family, duplex dwellings, and Class A Mobile Home dwellings...”
- 4. The site plan submitted with the application shows a total of 21 manufactured home sites. The adjoining manufactured home park provides recreational amenities (play area), a community store, school bus stop, and a community mail facility. Streets within the development are proposed to be privately maintained and each manufactured home space includes a driveway with room to accommodate three vehicles.
- 5. The property has access to city sewer and a privately operated water system. Other than the existing sewer main, all utilities will be privately maintained.
- 6. The zoning ordinance allows a conditional zoning district to deviate from the city’s predetermined land use requirements. The applicant proposes to develop the property in a manner consistent with the existing community. Deviations include:
 - a. Proposed paved roadway surface widths of between 18’ and 20’; 22’ is the city’s typical requirement for new manufactured home park development. The fire code will require each roadway to be all-weather surfaced with at least 20’ of width.
 - b. The site plan doesn’t indicate a buffer yard or screen against a small amount of adjacent residentially used property (area of required buffer or screen would be 400’ from adjacent residence.)

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:	Conservation Residential
Small Area Plan:	N/A
Growth Strategy Map Designation:	Primary Growth (due to annexation into the city limits in 2009)

LDP Goals/Policies that Support the Request:

<u>Checklist Item 1:</u>	Rezoning is compliant with the Proposed Land Use Map.
<u>Checklist Item 3:</u>	The property on which the rezoning district is proposed fits the description of the zoning ordinance (<i>Article 200, Section 210, Schedule of Statements of Intent</i>)
<u>Checklist Item 5:</u>	Complies with Growth Strategy Map.

LDP Goals/Policies that Do Not Support the Request:

<u>Checklist Item 13:</u>	The property is located within the Special Hazard Flood Area and (14) on slopes of greater than 20%.
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The City of Asheboro Planning Board considered the zoning map application and recommended approving the placement of the Zoning Lot into the requested R40 (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 low-density nature of the proposed conditional zoning district is consistent with the Land Development Plan's designation as a Conservation Residential Area; the goal of these areas is to "accommodate allowable densities while using less land." Approval of the district will promote the offering of varied and affordable housing options for residents, objectives the Land Development Plan advocates. Further, the conditional zoning process can help to ensure that new land development is compatible with existing and neighboring uses.

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

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

- (A) *The use approved shall be a Manufactured Home Park consisting of a total of 21 dwelling units.*
- (B) *All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.*
- (C) *Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner shall provide city staff with written acceptance of any zoning district conditions discussed and accepted during the public hearing.*
- (D) *Mail delivery shall be provided on the final site plan, subject to postal service and/or NDCOT requirements. Any changes on the site plan necessary to comply with requirements for mail delivery will not be considered a modification of the Conditional Zoning district requiring council action.*
- (E) *Outdoor recreation vehicle parking or storage shall continue to be prohibited on the property, consistent with the community "rules" submitted by the applicant.*
- (F) *It shall be the property owner's responsibility to obtain any and all permits and approvals required for the proposed land use.*
- (G) *Installation of traffic and street signs within the development shall be the responsibility of the developer. Approval of any proposed name of the private road shall be obtained from Randolph County for E-911 purposes.*
- (H) *If plans for solid waste disposal are deemed to be inadequate, the property owner shall be responsible for ensuring that additional facilities or measures are installed. Any such facilities shall be consistent with city policies and codes.*
- (I) *Prior to the issuance of a zoning compliance permit, the applicant shall submit a final site plan demonstrating compliance with the conditional zoning district, including details on roadway widths compliance with the district and Fire Code.*

- (J) *The applicant shall submit to the city a recordable survey plat to identify the new approved private road names for E-911 purposes prior to a final building inspection being performed for a new dwelling.*
- (K) *The owner of the Zoning Lot shall install and maintain a boundary fence between the Zoning Lot and the Fenberg property (for the limited purposes of this supplementary condition, the “Fenberg Property” is identified as a single unit consisting of Randolph County Parcel Identification Number 7679235559 and 7679230438). The installation and maintenance of the boundary fence shall be performed in a manner that does not contravene any regulations found in the zoning ordinance.*

[City Clerk Note: This condition was added as a consequence of city council deliberations discussed later in these meeting minutes.]

- (L) *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 the conditional zoning district in the chain of title for the Zoning Lot.*

Mayor Smith opened the floor for comments from the public. Taro Fenberg posed questions relating to the development and trespassing issues impacting his property. He requested that a fence be constructed to protect his property.

H.R. Gallimore presented comments in support of the request and accepted the staff proposed conditions. 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 Burks seconded the motion to adopt the plan consistency statement below and to approve the requested rezoning map amendment. The properly made and seconded motion was then discussed further. As a consequence of this discussion, Council Member Bell moved, and Council Member Burks seconded the motion, to amend the original motion to include a condition pertaining to the construction of a boundary fence in a certain location identified in the conditions. This motion to amend the original motion was approved. Council Members Bell, Burks, Heath, McCaskill, Sweirs, and Trogdon voted aye. There were no dissenting votes.

After the motion to amend was approved, the original question was called, and the council voted on the amended motion to adopt the plan consistency statement below and to approve the requested rezoning map amendment with the following multi-part motion.

1. The low-density nature of the conditional zoning district is consistent with the Land Development Plan’s designation as a Conservation Residential Area; the goal of these areas is to “accommodate allowable densities while using less land.” This district promotes the offering of varied and affordable housing options for residents, objectives that the Land Development Plan advocates. The conditional zoning district ensures that new land development is compatible with existing and neighboring uses.

Based on the aforementioned analysis, the council has concluded that the proposed zoning map amendment is consistent with the adopted comprehensive plan, is reasonable, and is in the public interest.

2. Consequently, and subject to the above-listed conditions, the zoning map amendment application seeking to place the Zoning Lot into the requested R40 (CZ) zoning district is hereby approved.

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

7. Engineering Items

(a) Authorization Seeking an Agreement with the North Carolina Department of Transportation

Assistant City Engineer Spencer Patton reported that the North Carolina Department of Transportation (NCDOT) 2024-2033 Improvement Program identifies sidewalk construction on both sides of East Dixie Drive from Browers Chapel Road/Dublin Road to Executive Way/Center Point Plaza. The total length of the project is approximately 2000 feet, (north and south sides of the roadway). The project was submitted by the city and was identified as a STIP pedestrian priority within the highway division. The project was submitted under the competitive process used by NCDOT and the Rural Planning Organization (RPO) to advocate for projects and allocate funding. The NCDOT, the city, and the RPO agree that this segment of sidewalk construction is significant.

The next step in the process is to request an agreement between the City of Asheboro and NCDOT for funding and management of the project. The federal funding is in the amount of \$2.042 million, while local funding is in the amount of \$510,500. The city staff has been informed that the funding includes engineering, right-of-way, utility relocation, and construction. The city would locally manage and oversee the project only.

Mr. Patton requested authorization for the city to participate in the cost to construct sidewalks as part of TIP Number EB-6004 in the estimated amount of \$510,500. After some discussion, the council members concluded that this project was not a priority. Based on the council's consensus opinion, city staff will not pursue this project.

(b) Authorization for the City Manager to Submit the Financial Responsibility/Ownership Form in Accordance with the Sedimentation Pollution Control Act for the David and Pauline Jarrell Center City Garden

Mr. Patton requested the council's authorization for the city manager to sign and submit the financial responsibility form in accordance with the sedimentation pollution control act for the David and Pauline Jarrell Center City Garden. Council Member Heath moved, and Council Member Bell seconded the motion, to authorize the city manager to sign and submit the aforementioned form. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

(c) Update on the Playground at the Cone Health ZooCity Sportsplex

Mr. Patton reported that safety issues have been reported in regards to the playground at the Cone Health ZooCity Sportsplex. City staff is working with the engineering firm in order to remedy the issue. No formal action was taken by the council during this portion of the meeting.

(d) Update on Loach and Cross Street Parking

Mr. Patton reported that the city's engineering staff has evaluated the potential marking of on-street parking spaces on Loach Street near the intersection of Loach Street and Cross Street. After some discussion, the council asked that city staff move

forward with the necessary steps to establish regulated parking. An ordinance establishing the more regulated parking will be presented at a later council meeting.

8. McCrary Park Project

(a) Change Order Number 3 with Rodgers Builders

Mr. Patton presented change order number 3 with Rodgers Builders, Inc. for additional taxes in the amount of \$42,946.00 for the McCrary Park project. Rodgers Builders, Inc. was the design-build contractor for the grandstand. This change order reflects sales tax that was not originally included for some of the subcontractors.

After discussing the matter in detail, the council members expressed their concerns and asked that more information be gathered. Council Member Trogdon moved, and Council Member Heath seconded the motion, to table agenda item no. 8(a). Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

(b) Approval of Ordinances

In light of the tabling of agenda item no. 8(a), Council Member Trogdon moved, and Council Member Moffitt seconded the motion, to table agenda item no. 8(b). Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

9. Carbon Reduction Grant Funding

Mr. Nuttall reported that the city's request for \$440,000 has been approved by the North Carolina Department of Transportation (NCDOT) through the Carbon Reduction Program (CRP). This funding is for the purchase of four (4) electric light transit vehicles needed to initiate the Zoo City Loop. The funding for this project was not allocated in the city's current fiscal year budget. Through conversations with city staff, the NCDOT indicated that it would be able to increase the amount of Federal CRP one-time funding from \$440,000 to \$586,668, reducing the city's match requirement from \$293,333 to \$146,667.

The annual cost projections to operate the Zoo City Loop are in excess of \$200,000 and would be expected to be covered by city funds. In order to proceed with the latest offer from NCDOT, Mr. Nuttall requested authorization from the council to ask NCDOT to prepare an agreement. Council Member Heath moved, and Council Member Burks seconded the motion, to authorize city staff to ask NCDOT to prepare an agreement for the requested funding for the Zoo City Loop. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

10. Project Ordinances

(a) Cone Health ZooCity Sportsplex:

(i) Ordinance to Amend the State Capital Infrastructure Grant Fund

Finance Director Deborah Reaves presented and recommended adoption, by reference of an ordinance to amend the state capital infrastructure grant fund. 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, Swiers, and Trogdon voted aye. There were no dissenting votes.

**ORDINANCE TO AMEND
STATE CAPITAL INFRASTRUCTURE GRANT FUND
FY 2024-2025**

WHEREAS, on December 5, 2023, the NC Office of State Budget and Management (OSBM) notified the City of Asheboro received one directed grant from the state for fiscal year 2023-2024 for the purpose of capital improvements or equipment.

WHEREAS, the grant funding source at the State level is from the Regional Economic Development Reserve and the amount is \$2,500,000.

WHEREAS, the scope of work written allowed these funds to be used for either / or / both the Cone Health Zoo City Sportsplex and the McCrary Ballfield Improvements projects.

WHEREAS, The City of Asheboro has already allocated \$1,375,178 from the SCIF Grant to the Cone Health Zoo City Sportsplex and \$227,000 to the McCrary Ballpark Improvements.

WHEREAS, The City of Asheboro would like to transfer the remaining funds from the SCIF 2023-2024 grant to the Cone Health Zoo City Sportsplex to fund other expenses that were incurred after December 5, 2023 as well as other needs that were not included in any prior contract.

WHEREAS, the City of Asheboro desires to 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>
67-000-500.0000-67	Capital Improvements 23-24 – Unassigned	(897,822)
67-000-500.0001-67	Zoo City Sportsplex	897,822
Total Change		0

Adopted this the 10th day of October 2024.

/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 Cone Health ZooCity Sportsplex Fund

Ms. Reaves presented and recommended adoption, by reference, of an ordinance to amend the Cone Health ZooCity Sportsplex fund. 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, Swiers, and Trogdon voted aye. There were no dissenting votes.

37 ORD 10-24

**ORDINANCE TO AMEND
THE CONE HEALTH ZOO CITY SPORTSPLEX FUND
FY 2024-2025**

WHEREAS, the City of Asheboro wishes to account for additional revenue from the State Capital Infrastructure Fund 2023-2024 to cover allowable costs that were incurred after December 2023.

WHEREAS, allowing these SCIF funds to cover as many allowable costs will allow the future transfer of earlier General Fund appropriations back to the General Operating Fund.

WHEREAS, there are new expenses, estimated at approximately \$200,000 in the project that were not covered in prior contracts including the completion of primitive walking trails, fencing and apparatus at the Dog Park, bathroom at field 2, 5 additional raised crosswalks, and overflow parking.

WHEREAS, the Cone Health Zoo City Sportsplex fund needs to be amended to recognize changes in revenue and expenses that have changed since the budget was last adopted.

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 the following revenue and expense line items are changed as follows:

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

<u>Account #</u>	<u>Revenue Description</u>	<u>Increase</u>
74-000-381.0000-74	SCIF Grant 23-24	\$897,822

Section 2: That the following expense line items be increased

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
74-000-400.9005-74	Miscellaneous	897,822

Adopted this 10th day of October 2024.

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

ATTEST:

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

(b) Memorial Square

(i) Ordinance to Amend the General Fund

Ms. Reaves presented and recommended adoption, by reference, of an ordinance to amend the general fund. 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, Swiers, and Trogon voted aye. There were no dissenting votes.

38 ORD 10-24

ORDINANCE TO AMEND
GENERAL FUND
FY 2024-2025

WHEREAS, the City Council has consistently planned and invested in community revitalization using founded urban design and strategic planning methods.

WHEREAS, the City Council adopted a Central City / Downtown Community Revitalization Plan on December 9, 2010, which identifies several areas, including memorial street, that should be a focus of revitalization due to blighted and abandoned structures, as well as being a hub for criminal activity.

WHEREAS, The specific redevelopment of the site on which Memorial Square is proposed meets a specific and important goal for “safe, sanitary, and affordable housing” in the Community Revitalization Plan,

WHEREAS, The Memorial Square project was designed and authorized as a development consisting of 48-unit multiple family affordable housing development for the elderly, and considered a “Whole Block Redevelopment” development, located within the Center City Planning Area which consists of the historic core of Asheboro.

WHEREAS, the goal of Whole Block Redevelopment is to help with the revitalization of neighborhood and stabilization of property values as well as improve the City’s housing stock and enhancement of the historic integrity of neighborhoods.

WHEREAS, the developer is Wynnefield Forward, LLC, a North Carolina Limited Liability Company and the Development will be owned by Memorial Square LLC, a North Carolina Limited Liability Company.

WHEREAS, the City of Asheboro has been asked to support the development by committing to a loan of Six Hundred Fifty Thousand dollars (\$650,000) to the project at a 4% interest rate, payments of \$26,000 per year, and maturity date of December 31, 2046.

WHEREAS, support from the local government is necessary to make the project competitive for LIHTC housing tax credits through the North Carolina Housing Finance Agency, and;

WHEREAS, the City Council of the City of Asheboro wish appropriate these funds from the General Fund for housing development to support this worthy project, and;

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

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

Section 1: Revenues

<u>Account #</u>	<u>Revenue Description</u>	<u>Increase</u>
10-000-399.0000	Fund Balance Allocation (GF)	650,000

Section 2: Expenses

<u>Account #</u>	<u>Revenue Description</u>	<u>Increase</u>
10-000-211.6200	Due to Asheboro Housing Development Fund	650,000

Adopted this the 10th day of October 2024.

/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 Asheboro Housing Development Fund

Ms. Reaves presented and recommended adoption, by reference, of an ordinance to amend the Asheboro Housing Development fund. Council Member Bell moved, and Council Member Swiers seconded the motion to amend the Asheboro Housing Development fund. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

39 ORD 10-24

**ORDINANCE TO AMEND
THE ASHEBORO HOUSING DEVELOPMENT FUND (#62)
FY 2024-2025**

WHEREAS, the City Council has approved a loan of \$650,000 to Memorial Square LLC for development of a 48-unit multiple family housing development for the elderly.

WHEREAS, the City Council has approved a transfer of funds from the General Operating fund to the Asheboro Housing Development fund for this purpose.

WHEREAS, revenues and expenses in the Asheboro Housing Development Fund need to be updated to account for these changes.

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

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

Section 1: Revenues

<u>Account #</u>	<u>Revenue Description</u>	<u>Increase</u>
62-000-300.0000-62	General Fund Contribution	650,000

Section 2: Expenses

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
62-000-500.9003-62	Memorial Square LLC	650,000

Adopted this the 10th day of October 2024.

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

ATTEST:

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

11. Public Hearing: Allocation of \$20,000 to Downtown Asheboro, Inc., a North Carolina Non-Profit Corporation, for the PRESERVE Asheboro Grant Program

Before the public hearing was opened, Mayor Smith discussed the role he plays with Downtown Asheboro, Inc. To avoid a conflict of interest, Mayor Smith asked to be

recused from participating in meeting agenda item no. 11. Council Member Bell moved, and Council Member Heath seconded the motion, to recuse Mayor Smith from participating or acting in connection with meeting agenda item no. 11. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

(a) Initial Testimony

Mayor Pro Tempore Moffitt opened the public hearing. Ms. Reaves reported that the notice of the public hearing for the PRESERVE Asheboro Grant Program was published on September 26, 2024.

(b) The Grant Program

Downtown Development Manager Addie Corder discussed the PRESERVE Asheboro Grant Program. The program is designed to advance preservation based economic development through the improvement of historic structures in downtown Asheboro. In order to be eligible for the grant program, property owners must meet the following requirements:

- Procure historic preservation consultant services
- The property meets location requirements
- The funding is capped at \$5,000 per property

(c) Public Comments

Mayor Pro Tempore Moffitt opened the floor for comments from the public pertaining to the grant program. When no one asked to speak, Mayor Pro Tempore Moffitt transitioned to the deliberative phase of the process.

(d) Council Action

Ms. Reaves and Ms. Corder requested the approval for an allocation of \$20,000 to Downtown Asheboro Inc. (DAI) for the PRESERVE Asheboro Grant Program. Council Member Bell moved, and Council Member Burks seconded the motion, to approve the requested allocation of \$20,000 to Downtown Asheboro Inc. for the PRESERVE Asheboro Grant Program. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

12. Issues Pertaining to the Regulation of Development in Asheboro

(a) Potential Regulatory Issues

Mr. Nuttall reported that infill is generally considered in a positive light because it is less likely require new public infrastructure. City staff has been asked to provide information on whether city zoning regulations, particularly downtown building height limitations, might be discouraging infill.

According to city ordinances, height is regulated based on the location within the Center City Planning Area (there are three (3) Tiers and three (3) different height standards). Outside of the Center City Planning Area, height is regulated by zoning district. During his report, Mr. Nuttall utilized a slide show presentation in order to depict the building heights within Tier 1, Tier 2, and Tier 3 of the Center City Planning Area. Each height regulation may be modified either as part of a conditional zoning application or a variance request.

Currently, the city offers processes that can allow the planning board and city council to consider unique circumstances and requests, both as legislative decisions and as quasi-judicial decisions. Adding building height often adds considerable costs to a project. Mr. Nuttall recommended that city staff continue to monitor development

discussions and proposals to ensure regulations are providing opportunities for projects to be presented and fairly considered.

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

(b) An Update on the Pending Vacancies on the Planning Board

Mr. Nuttall reported that Planning Board Member Ritchie Buffkin's term expires on January 1, 2025. The following city residents have applied to serve on the planning board:

1. Taylor Trogon
2. Rob Brisley
3. Wayne Moore
4. Mark Vuncannon

Per the city's established policy, the council may select a person for appointment or forward the list to the planning board. If forwarded to the planning board, the planning board will recommend at least two (2) candidates. After hearing this update, the council members expressed a consensus opinion to follow the normal process and forward the candidates' application materials to the planning board for a recommendation.

Additionally, Mr. Nuttall reported for informational purposes that Planning Board Member David Henderson will be stepping down on or before January 1, 2025. Since Mr. Henderson is an ETJ representative, the city staff will share the applications that were received with the Randolph Board of County Commissioners for appointment. City staff will update the council members once more information becomes available.

13. Presentation of the New Cone Health ZooCity Sportsplex Webpage

Public Information Officer Alyssa Chapuis presented the new webpage for the Cone Health ZooCity Sportsplex Webpage. Ms. Chapuis invited the council members to explore the page and report any feedback. No formal action was taken by the council during this portion of the meeting.

13. Upcoming Events and Items Not on the Agenda

Mayor Smith, Mayor Pro Tempore Moffitt, and Mr. Ogburn led a brief discussion of upcoming events within the city government and the community in general. No formal action was taken by the council members during this portion of the meeting.

There being no further business, the meeting was adjourned at 10:57 p.m.

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

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