

**REGULAR MEETING MINUTES
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, MAY 8, 2025
6:00 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:

Walker B. Moffitt) – Mayor Pro Tempore Presiding

Clark R. Bell)
Edward J. Burks)
Kelly L. Heath)
William N. McCaskill) – Council Members Present
Charles A. Swiers)
W. Joseph Trogon, Jr.)

David H. Smith) – Mayor Absent

Donald E. Duncan, Jr., City Manager
Robert L. Brown, Jr., Chief of Police
Alyssa R. Chapuis, Public Information Officer
Travis W. Curry, Police Major
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
John L. Evans, Community Development Director
Trevor L. Nuttall, Assistant City Manager
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 Pro Tempore Moffitt 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 or meditation, Mayor Pro Tempore Moffitt asked everyone to stand and recite the pledge of allegiance.

3. Public Comment Period

Michael Robbins was concerned for the increase in traffic as more housing is being built within the city. When no one else asked to speak, Mayor Pro Tempore Moffitt closed the public comment period.

OLD BUSINESS

4. Resumption of Legislative Hearings Continued from April 10, 2025

- (a) **Legislative Hearing (Case No. RZ-25-08): Request to apply City of Asheboro high-density residential conditional zoning (RA6 (CZ)) for development with multiple family dwellings and a residential planned unit development with single-family dwellings on property located on Crestview Church Road, approximately 1100 feet southwest of Zoo Parkway.**

Mayor Pro Tempore Moffitt continued the legislative hearing that was originally opened during the council's regular meeting on April 10, 2025. Community Development Director John Evans presented a written request from the applicant to continue this hearing to the council's regular meeting on June 5, 2025. Council Member Bell moved, and Council Member Heath seconded the motion to continue the legislative hearing to the council's regular meeting on June 5, 2025. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

(b) Public Hearing – Annexation Petition Submitted by Mark Braswell for Property Located Along Crestview Church Road

Mayor Pro Tempore Moffitt continued the public hearing from the council's regular meeting on April 10, 2025. A second continuance from the applicant has been requested. Council Member Bell moved, and Council Member Burks seconded the motion to continue the public hearing to the council's regular meeting on June 5, 2025. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

(c) Legislative Hearing (Case No. RZ 25-07): Request to rezone property from OA6/RA6 office apartment and high density residential to OA6 (CZ) office-apartment conditional zoning for development with multiple family dwellings located at 721 Sunset Avenue and 129 South Cherry Street

Mayor Pro Tempore Moffitt continued the legislative hearing from the council's regular meeting on April 10, 2025. This hearing pertains to a zoning map amendment application filed as Case No. RZ-25-07. Mr. Evans 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 Clayton Terry Tucker.

The land for which the above-described zoning has been requested is located at the corner of Sunset Avenue and South Cherry Street (721 Sunset Avenue and 129 South Cherry Street). The property is approximately 2.02 acres in size and is more specifically identified by Randolph County Parcel Identification Numbers 7751429797, 7751520778, 7751520554 and a portion of 7751521594 (this property will be hereinafter referred to as the "Zoning Lot").

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

1. Proposed use a 44, 1 bedroom unit apartment complex (Dwelling – Multiple Family). The plan notes that the structures will be two-story.
2. OA6 District Statement of Intent: The OA6 District is 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.
3. Dwelling/Residence, Multiple Family definition: A structure containing three or more dwelling units.
4. A mixture of underlying zoning districts and overlay zoning districts exists across the four properties. Dwelling – Multiple Family is regulated differently in the Tier 3 Center City Planning Overlay District. For example, density in the overlay district is regulated through built-upon area and height, as opposed to the underlying zoning in which it is regulated through Floor Area Ratio. Other

differences include front yard landscaping and protective yards (buffer/screens).

5. The proposed built-upon area is 52.4%, less than the maximum percentage permitted in Tier 3 CCPA overlay at 55%. The sidewalk along South Cherry Street is included in the built-upon calculation since the right-of-way is not wide enough to fit the entire width of the sidewalk.
6. There are 21.8 dwelling units proposed per acre. This is less dense than the abutting Sunset Place Apartments, which has 24.3 units per acre and less than the abutting, recently approved Cypress on Sunset Apartments, which proposed 34.2 dwellings per acre.
7. Proposed recreation space ratio is 5.7%, and the applicant proposes a passive area with picnic and seating facilities. Ordinance typically requires between 2.5% - 6.6%.
8. NCDOT has reviewed the site plan and determined that it is acceptable and eligible for a driveway permit.
9. Building elevations have the potential to be compatible with neighboring multi-family development and the surrounding area. These are critical to compliance with the Land Development Plan's Community Appearance Goals and Policies, including Goal 3.2 which emphasizes "quality design demanding appropriate scale and context" and Policies 3.2.1 and 3.2.4, which emphasize orientation of streetscapes, compatibility of architectural design with surrounding land uses, and orientation/screening of mechanical equipment away from public view and streetscapes.
10. Building elevations propose materials of brick and fiber cement (such as Hardie Plank) siding. In addition, the applicant proposes providing four simulated windows on the wall facing Sunset Avenue and "parged with slightly contrasting cementitious material." While not required by the ordinance, this is consistent with the types of design elements suitable to avoid blank, uninterrupted facades.

In addition to the information noted above, Mr. Evans reviewed the following modifications to standard ordinance regulations.

1. Front setback along Sunset Avenue (Building would typically need to be placed within 79-69' of front property line; 41.6' proposed)
2. 73 parking spaces are required. 78 parking spaces are proposed.
3. Evergreen tree as alternate Screen A along eastern property line (typically could be satisfied with shrubs or fence).
4. Sidewalk construction along South Cherry Street and sidewalk connection to Sunset Avenue
5. Stormwater control measures

Mr. Evans 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: Town Activity Area/Neighborhood Residential

Growth Strategy Map: Primary Growth

Small Area Map: Central

LDP Goals/Policies that Support the Request:

- Checklist Item 3:** The property on which the rezoning is proposed fits the description of the zoning ordinance.
- Checklist Item 5:** The proposed rezoning is compliant with the objectives of the Growth Strategy Map.
- Checklist Item 6:** Existing infrastructure is adequate to support the desired zone.
- Checklist Item 8:** The request is an adaptive reuse of a vacant or unused lot, or is an infill lot.
- Checklist Items 12-14:** 12.) Property is located outside watershed.
13.) The property is located outside Special Hazard Flood Area
14.) Rezoning is not located on steep slopes of greater than 20%.

There are no goals/policies that do not support the request.

The City of Asheboro Planning Board considered the zoning map amendment application and recommended, with the attachment of the supplementary conditions proposed by city staff, approving the placement of the Zoning Lot into the requested OA6 (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 zoning map amendment is consistent with Asheboro Land Development Plan in that it is consistent with the zoning district statement of intent, is located in the primary growth strategy area, would reuse underutilized land served by existing city utilities close to the downtown area, and includes measures to limit environmental impact.

The zoning map amendment is reasonable given the size and physical conditions of the property, the similarity of the amendment to abutting development and development approvals, providing housing opportunities close to employment and services, the reuse of property afforded to the property owner, the amenities to be provided to future residents of development and the surrounding community (sidewalk), and the protections offered to adjoining property owners through the approved site plan and conditions. Building elevations have the potential to be compatible with neighboring multi-family development and surrounding area, and staff continues to work with the applicant on finalizing these details.

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 Dwelling-Multiple Family consisting of a total of 44 dwelling units.*
- (B) *All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan. Prior to the issuance of a Zoning Compliance Permit, the owner shall provide city staff with written acceptance of any zoning district conditions discussed and accepted during the public hearing.*

- (C) *It shall be the property owner's responsibility to obtain all permits and approvals required for the proposed land use, including but not limited to, NCDOT driveway permitting.*
- (D) *Prior to the issuance of a zoning compliance permit, a site plan and building elevations demonstrating compliance with all applicable zoning regulations and conditions, as well as the applicable fee, shall be submitted.*
- (E) *Prior to the issuance of a zoning compliance permit for the proposed land use, the applicant shall provide a sealed survey plat by a professional land surveyor for recording identifying the boundaries of the approved conditional zoning district.*
- (F) *Mail delivery shall be provided on the final site plan, subject to postal service and/or NCDOT 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.*
- (G) *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.*
- (H) *The sidewalk parallel to South Cherry Street, extending the length of the subject property may be located within the public right-of-way or on private property within the front yard parallel to South Cherry Street between the right-of-way and parking if site constraints (such as topography, utilities, etc.) or NCDOT not granting an encroachment agreement precludes location entirely within the public right-of-way of South Cherry Street.*
- (I) *Existing vegetation may be credited towards meeting the required landscaping if located in the appropriate locations and if it meets or exceeds the ordinance intent for landscaping shown on the site plan.*
- (J) *Prior to the issuance of a zoning compliance permit, the applicant shall submit details showing compliance with ADA requirements regarding parking and accessibility to the building(s). Any changes necessary to the site plan for ADA compliance shall not be considered a modification of the conditional zoning district requiring council action.*
- (K) *No outdoor recreational vehicle parking or storage shall be permitted on the property.*
- (L) *Stormwater control measures designed by a licensed professional shall be provided. Measures shall control, at minimum, the ten-year post-development peak discharge rates to pre-development peak flow rates, for any net increase of built-upon area on the site. Prior to a Certificate of Occupancy, a licensed professional shall provide certification that the storm water control measures were built according to the plans. Any open water retention or drainage areas shall be managed to control mosquitos. The maintenance of all runoff control measures shall be the responsibility of the property owner.*
- (M) *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.*

Mayor Pro Tempore Moffitt opened the floor for comments from the public. H. R. Gallimore presented comments in support of the zoning map amendment application and consented to the above-printed supplementary conditions. When no one else

asked to speak, Mayor Pro Tempore Moffitt 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 Trogon seconded the motion to adopt the plan consistency/reasonableness statement below and to approve, with conditions, the requested zoning map amendment with the following multi-part motion.

1. The rezoning is consistent with Asheboro Land Development Plan in that it is consistent with the zoning district statement of intent, is located in the primary growth strategy area, would reuse underutilized land served by existing city utilities close to the downtown area, and includes measures to limit environmental impact.

The rezoning is reasonable given the size and physical conditions of the property, the similarity of the rezoning to abutting development and development approvals, providing housing opportunities close to employment and services, the reuse of property afforded to the property owner, the amenities to be provided to future residents of development and the surrounding community (sidewalk), and the protections offered to adjoining property owners through the approved site plan and conditions. Building elevations have the potential to be compatible with neighboring multi-family development and surrounding area.

2. Consequently, and subject to the above-listed conditions, the zoning map amendment application seeking to place the Zoning Lot into the requested OA6 (CZ) zoning district is hereby approved.

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

5. Amended Rules for the Downtown Farmers' Market

Recreation Services Director Jonathan Sermon presented and recommended adoption, by reference, of an ordinance amending the City of Asheboro Cultural and Recreation Services Policy Manual. Council Member Bell moved, and Council Member Burks seconded the motion to adopt the following ordinance by reference. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye.

ORDINANCE NUMBER 17 ORD 5-25

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

ORDINANCE AMENDING THE CITY OF ASHEBORO CULTURAL AND RECREATION SERVICES POLICY MANUAL

WHEREAS, the City of Asheboro Cultural and Recreation Services Policy Manual contains the rules and regulations applicable to the city's cultural and recreational programs and facilities, specifically including the Downtown Farmers' Market (the "Market"); and

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

WHEREAS, operational experience at the Market has led the City of Asheboro Recreation Services Director (the "Director") to conclude that the process of evaluating the eligibility of certain produce to be offered for sale at the Market will be improved by utilizing

the “North Carolina Fruit and Vegetable Availability” chart (the “Availability Chart”) produced by the North Carolina Department of Agriculture and Consumer Services; and

WHEREAS, Article XI of the Manual contains the rules and regulations applicable to the Market; and

WHEREAS, the Director has recommended amending Article XI of the Manual to make technical corrections and to integrate the use of the Availability Chart into the Market rules and regulations; and

WHEREAS, the recommended amendments to Article XI are attached to this Ordinance as EXHIBIT 1, which is hereby incorporated into this instrument by reference as if copied fully herein; and

WHEREAS, for illustrative purposes, the Availability Chart is attached to this Ordinance as EXHIBIT 2, which is hereby incorporated into this instrument by reference as if copied fully herein; and

WHEREAS, the Asheboro City Council has concluded that it is advisable to implement the Director’s recommendations.

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

Section 1. Article XI of the Manual is hereby rewritten as specified in EXHIBIT 1.

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

Section 3. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 4. The amendments found in the attached exhibit shall be in full force and effect upon and after May 10, 2025.

The Asheboro City Council approved this Ordinance in open session during a regular meeting on May 8, 2025.

/s/Walker B. Moffitt
Walker B. Moffitt, Mayor Pro Tempore

ATTEST:

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

NEW BUSINESS

6. Consent Agenda

Prior to the adoption of the consent agenda, City Manager Donald Duncan asked the council to remove consent agenda item 6(b). Council Member Trogdon moved, and Council Member Swiers seconded the motion to remove consent agenda item 6(b) from the consent agenda. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

After the removal of the above-referenced consent agenda item, Council Member Bell 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 Trogdon voted aye. There were no dissenting votes.

(a) Approval of the City Council Meeting Minutes for April 10, 2025

The meeting minutes for the city council's regular meeting on April 10, 2025, 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) Adoption of a Resolution Expressing the City Council's Opposition to the Preemption of Local Government Development Regulations Found in House Bill 765

As noted above, this consent agenda item was removed from the consent agenda by the city council. Likewise, this item was not approved/adopted.

(c) Approval of the community development division's request to schedule for the city council meeting on June 6, 2025, and to advertise, a legislative hearing on an application (RZ-25-11) to rezone property at 619 Albermarle Road (Randolph County Parcel Identification Number 7750575394) from R7.5 medium-density residential/B2 general commercial to B2 general commercial zoning on the entire parcel

(d) Acknowledgement of the Receipt of the Monthly Report Detailing Major Subdivisions Administratively Approved.

There have been none approved.

(e) Acknowledgement of the Receipt of the City of Asheboro Planning Board Annual Report

The City of Asheboro Planning Board Annual Report was received and distributed to the elected officials. The document has been filed in the city clerk's office.

(f) Acknowledgement of the Receipt of Certificates of Service Pertaining to Final Decision Documents for Land Use File/Case Numbers SUP-24-02 and SUP-25-01

The certificates of service pertaining to final decision documents for land use file/case numbers SUP-24-02 and SUP-25-01 were received and distributed to the elected officials. The documents have been filed in the city clerk's office.

(g) Approval of an Audit Contract with Thompson, Price, Scott, Adams & Co., P.A. for the Fiscal Year Ending June 30, 2025

A copy of the audit contract is on file in the city clerk's office.

7. Land Use Cases

(a) Legislative Hearing (Case No. RZ-25-09): Request to rezone property at 124 Woodcrest Road to an amended I2 (CZ) general industrial conditional zoning district to allow manufacturing, processing, and assembly-heavy, specifically machine shop, warehouse, wholesale distribution, and open storage uses.

Mayor Pro Tempore Moffitt opened the legislative hearing on the zoning map amendment application filed as Case No. RZ-25-09. Mr. Evans 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 Sam Hunt.

The land for which the above-described zoning has been requested is located at 124 Woodcrest Road. The property is approximately 6.16 acres in size and is more specifically identified by

Randolph County Parcel Identification Number 7752905486 (this property will be hereinafter referred to as the “Zoning Lot”).

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

1. Proposed uses are Warehouse, Wholesale Distribution, Manufacturing, Processing, and Assembly – Heavy, specifically machine shop, and open storage.
2. I2 Industrial Development District Statement of Intent: The intent of the I2 Industrial Development District is to produce areas for intensive manufacturing, warehousing, processing and assembly uses, controlled by performance standards to limit the effect of such uses on adjacent districts.
3. Relevant Zoning Ordinance Definitions: **Manufacturing, Processing, and Assembly, Heavy:** The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories, or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products area also considered under this definition, if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastics, resins, or liquors.
Warehouse: A building or group of buildings for the storage of goods or wares belonging either to the owner of the facility or to one or more lessees of space in the facility or both. This definition shall be deemed to include the indoor storage of vehicles.
Wholesale Distribution: Establishments engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users or to other wholesalers.
Open Storage: The storage outside of building, or within buildings with less than three sides, of materials, supplies, merchandise, equipment, commercial vehicles (i.e. delivery vans, contractor vehicles, towing trucks, cable/utility vehicles) and like items, but excluding junk.
4. All proposed uses are permitted by right in the I2 Industrial District.
5. The applicant proposes no site or building changes as part of this request. Additional parking and landing/open storage area has been added since RZ/CUP-20-12 approval.

There are no modifications to ordinance regulations pertaining to this request.

Mr. Evans 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:	Industrial
Growth Strategy Map:	Primary Growth
Small Area Map:	Northeast

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.

Checklist Item 5:

The proposed rezoning is compliant with the objectives of the Growth Strategy Map.

Checklist Item 7:

The proposed rezoning is compatible with the applicable Small Area Plan.

Checklist Items 12-14:

12.) Property is located outside of watershed. 13.) The property is located outside of Special Hazard Flood Area; 14.) Rezoning is not located on steep slopes of greater than 20%.

LDP Goals/Policies that Do Not Support the Request:

2.1.5:

The city will ensure development regulations provide appropriate transitional land uses, such as office and institutional, between high-intensity industrial/commercial and low intensity residential uses.

The City of Asheboro Planning Board considered the zoning map amendment application and recommended, with the attachment of the supplementary proposed conditions by city staff, approving the placement of the Zoning Lot into the requested I2 (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 map designates this entire property, as well as a small parcel to the north and a parcel to the south as suitable for industrial use. The Northeast Small Area plan further states that one of its goals is "accommodation and expansion of existing industrial uses."

Although there are ideally transitional land uses such as office or institutional uses between industrial and residential uses, the zoning map amendment is reasonable given the size and physical conditions of the property with most of the property containing significant trees that are proposed to be preserved, the benefit of the proposed use to the public through continued investment into a property that has contained industrial uses for decades, the benefit to the property owner by continued use of the existing site and building, the amount of industrial uses in the immediate area, and the protections offered to adjoining property owners, through the approved site plan and conditions.

In the event of councils 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 uses approved shall be Warehouse, Wholesale Distribution, Manufacturing, Processing and Assembly – Heavy, specifically Machine Shop, and Open Storage. Machine Shop shall be defined as a workshop in which work is machined to size and assembled.*
- (B) *All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan. Prior to the issuance of a zoning compliance permit, the owner shall provide city staff with written acceptance of any zoning district conditions discussed and accepted during the public hearing.*

- (C) *The applicant may use existing vegetation to meet landscaping (buffering, screening) requirements, however, if any required vegetation is removed, additional plantings will be required in compliance with the applicable landscaping provisions of the zoning ordinance.*
- (D) *If the applicant proposes adding parking spaces to the parking area depicted on the site plan, the applicant may do so in compliance with Chapter 6 and outside of any required setbacks or buffer/screening/landscaping areas. Such a change shall not be deemed a modification and may be reviewed by city staff for inclusion into the file without further review by the city council*
- (E) *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.*

Mayor Pro Tempore Moffitt opened the floor for comments from the public. H.R. Gallimore presented comments in support of the zoning map amendment application and consented to the above-printed supplementary conditions. When no one else asked to speak, Mayor Pro Tempore Moffitt transitioned to the deliberative phase of the process.

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

1. The Land Development Plan map designates this entire property, as well as a small parcel to the north and a parcel to the south as suitable for industrial use. The Northeast Small Area plan further states that one of its goals is “accommodation and expansion of existing industrial uses.”

Although there are ideally transitional land uses such as office or institutional uses between industrial and residential uses, the rezoning is reasonable given the size and physical conditions of the property with most of the property containing significant trees that are proposed to be preserved. The benefit of the proposed use to the public through continued investment into a property that has contained industrial uses for decades, the benefit to the property owner by continued use of the existing site and building, the amount of industrial uses in the immediate area, and the protections offered to adjoining property owners, through the approved site plan and conditions.

2. Consequently, and subject to the above-listed conditions, the zoning map amendment application seeking to place the Zoning Lot into the requested I2 (CZ) zoning district is hereby approved.

- (b) **Legislative Hearing (Case No. RZ-25-10): Request to rezone property located on Mountain Road, Lincoln Avenue, and Springdale Lane from RA6 (CZ) high-density residential conditional zoning to R10 (CZ) conditional zoning to allow single-family and two-family dwellings.**

Prior to the consideration of this agenda item, Council Member Bell disclosed that he is part of a leadership group with the Episcopal Church of the Good Shephard in Asheboro, North Carolina. The church is located along Mountain Road and adjoins part of the property in question in the foregoing land use case.

Mayor Pro Tempore Moffitt opened the legislative hearing on the zoning map amendment application filed as Case No. RZ-25-10. Mr. Evans 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 Robert Edmond Residential, LLC

The land for which the above-described zoning has been requested is located along Mountain Road, Springdale Lane, and Lincoln Avenue. The property is approximately 3.25 acres in size and is more specifically identified by Randolph County Parcel Identification Number 7751362459 (this property will be hereinafter referred to as the “Zoning Lot”).

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

1. Proposed uses are single-and two-family dwellings.
2. R10 Residential District Statement of Intent: The R10 Residential District is intended to provide regulations which will produce a moderate intensity of residential uses, usually single family or two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living.
3. Relevant Zoning Ordinance Definitions:
Dwelling/Residence, Detached Single Family: An individual dwelling unit for one family located on an independent lot containing no other dwelling units.
Dwelling/Residence, Two family: A structure containing two dwelling units.
Street, Public: Effective January 1, 2007: A right-of-way or fee simple tract of land that has been set aside for public travel, offered for dedication to the public by the recording of a subdivision plat, built to public street standards, and eligible for maintenance by either the City of Asheboro or the State of North Carolina.
4. Both single-family and two-family dwellings are permitted by right in the R10 Residential zoning district.
5. The applicant initially proposed a privately maintained, all-weather surface roadway to serve as access for Lots 4-7. The proposal was reviewed by city departments and NCDOT and deemed acceptable for emergency access, operations, and driveway permitting under certain conditions. In response to discussions with the applicant about potential changes to the proposal to improve functionality, the applicant revised the plan showing a 20' roadway (18' of which shall be paved with 2' of additional all-weather surface to satisfy the fire code).
6. The portion of Springdale Lane that is not city-maintained and outside of the city limits is not eligible for city maintenance. In addition, the roadway is not maintained by NCDOT and is not eligible for NCDOT maintenance. The applicant may present a petition requesting annexation of the street and seeking city maintenance at a later date.
7. The overall density of the development is approximately 3.4 dwellings per acre, which is consistent with allowable by the surrounding R10 zoning.
8. In response to the recommendation from the planning board, the applicant has shown a turnaround easement on the most recent site plan.

9. After review by the planning board, staff has continued to discuss potential issues related to the proposed privately maintained roadway. Care should be taken to ensure that the district, if approved, does not create future problems regarding provision of public services including sanitation operations. In light of this consideration, Condition F has been added.

Modifications to the Standard Ordinance Regulations

1. 20' no buffer proposed along south side of lots 1, 3-7 and western side of lots 8-9.
2. Lots 3-6 do not meet R10 minimum lot width (75' required, 60 proposed).
3. Lots 4-7 do not comply with Section 3.01 (C): Every lot must abut a street.
4. Lot 2 Front and Side setbacks do not meet R10 minimums; Lot 4 side setback does not meet R10 minimum.

Mr. Evans 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: Neighborhood Residential

Growth Strategy Map: Primary Growth

Small Area Map: Northwest

LDP Goals/Policies that Support the Request:

Checklist Item 1: Rezoning is compliant with the Proposed Land Use Map.

Checklist Item 3: The property on which the rezoning district is proposed fits the description of the zoning ordinance.

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

Checklist Item 8: The request is an adaptive reuse of a vacant or unused lot, or is an infill lot.

Checklist Items 12-14: 12.) Property is located outside of watershed.
13.) The property is located outside of Special Hazard Flood Area.
14.) Rezoning is not located on steep slopes of greater than 20%.

LDP Goals/Policies that Do Not Support the Request:

Checklist Item 6: Existing infrastructure is adequate to support the desired zone.

The City of Asheboro Planning Board considered the zoning map amendment application and recommended, with the attachment of the supplementary proposed conditions by city staff, approving the placement of the Zoning Lot into the requested R10 (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.

Staff's initial recommendation as to approve the request subject to proposed conditions and consistency and reasonableness statements that the planning board adopted below. Staff still recommends approval of the amended application, subject to the proposed conditions, and believes the change from gravel to asphalt to be more consistent with city plans and policies.

The Planning Board recommended approval of the request, with the added condition that the applicant communicate with Public Works staff to create a satisfactory access/and turnaround for sanitation vehicles, including any easement on the site plan.

The zoning map amendment is consistent with the Asheboro Land Development Plan in that the proposed land uses and density are consistent with the proposed land use map, and more consistent with the area than the previously authorized high-density residential zoning by proposing single-family and two-family dwellings that are more similar to surrounding land uses and consistent with Neighborhood Residential designation of the property. It also provides additional housing opportunities on an infill lot in the primary growth area close to services, employment, and major transportation corridors.

The zoning map amendment is reasonable given the size and physical conditions of the property and adjoining residential property consisting primarily of single-family and two-family dwellings, the benefit of additional housing opportunities to the public, the benefit to the property owner by development of longstanding undeveloped lot, and the protections providing measures such as preservation of significant existing vegetation not typically required to be retained with single-family and two-family dwellings.

The provision of infrastructure (specifically access) is an important part of evaluating the request's reasonableness. The design of this access to the limited number of lots lacking direct access to a public street and the design and ongoing maintenance of this access can be addressed through conditions as part of the conditional zoning process.

In the event of the council's 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 uses approved shall be dwelling, single family on lots 1-7 and dwelling, single or two family on lots 8-9.*
- (B) *All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan. Prior to the issuance of a zoning compliance permit, the owner shall provide city staff with written acceptance of any zoning district conditions discussed and accepted during the public hearing.*
- (C) *It shall be the property owner's responsibility to obtain all permits and approvals required for the proposed land use, including but not limited to, NCDOT driveway permitting, and NCDEQ permitting, if applicable.*
- (D) *Prior to the issuance of a zoning compliance permit, a minor subdivision plat and site plan demonstrating compliance with all applicable zoning regulations and conditions, as well as the applicable permit fees, shall be submitted.*
- (E) *Prior to the issuance of a zoning compliance permit, a road maintenance agreement (including indemnification provisions to protect the city if heavy duty fire and public works vehicles cause damage while providing municipal*

services) to property within the city shall be recorded. The road shall be privately maintained with a road maintenance agreement (including indemnification provisions to protect the city if heavy duty fire and public works vehicles cause damage while providing municipal services) to property within the city, unless and until the city assumes public maintenance through separate action of the city council. The proposed asphalt surface shall be constructed generally consistent with the street section presented to the city council and included as part of the conditional zoning application. Should the city receive and accept an offer of public street dedication in the future, the conversion of the street from private to public shall not be considered a modification of the conditional zoning district.

- (F) Prior to the issuance of a zoning compliance permit, the property owner shall survey, prepare, and record an access/turnaround easement in favor of the city granting access and maneuvering area for all city vehicles servicing this property. Prior the construction, final details related to the dimensions, access and materials of this turnaround area shall be submitted for review and approved by the Asheboro Fire and Rescue and Asheboro Public Works/Operations departments. No certificate of occupancy shall be issued for a dwelling on lots 3-7 until road and turnaround improvements consistent with the site plan have been installed and deemed satisfactory by the Zoning Administrator. The turnaround constructed within this easement shall be built and maintained in a manner acceptable to the City of Asheboro.*
- (G) Parking shall be prohibited within the platted turnaround easement area.*
- (H) Existing vegetation shall be preserved consistent with the approved site plan within the "20' No Cut Buffer." Should any vegetation be removed, such vegetation shall at a minimum, be replaced with plantings consistent with a Type A Buffer within this area(s).*
- (I) 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.*

Mayor Pro Tempore Moffitt opened the floor for comments from the public. On behalf of the applicant, Robert Wilhoit, Esq. presented comments in support of the zoning map amendment application and consented to the above-printed supplementary conditions. When no one else asked to speak, Mayor Pro Tempore Moffitt 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/reasonableness statement below and to approve, with conditions, the requested zoning map amendment with the following two-part motion.

1. The rezoning is consistent with Asheboro Land Development Plan in that the proposed land uses and density are consistent with the proposed land use map, and more consistent with the area than the previously authorized high-density residential zoning by proposing single-family and two-family dwellings that are more similar to surrounding land uses and consistent with Neighborhood Residential designation of the property. It also provides additional housing opportunities on an infill lot in the primary growth area close to services, employment, and major transportation corridors.

The rezoning is reasonable given the size and physical conditions of the property and adjoining residential property consisting primarily of single-family and two-family dwellings, the benefit of additional housing opportunities to the public, the benefit to the property owner by development of longstanding undeveloped lot, and the protections

providing measures such as preservation of significant existing vegetation not typically required to be retained with single-family and two-family dwellings.

The provision of infrastructure (specifically access) is an important part of evaluating the request's reasonableness. The design of this access to the limited number of lots lacking direct access to a public street and the design and ongoing maintenance of this access can be addressed through conditions as part of the conditional zoning process.

2. Consequently, and subject to the above-listed conditions, the zoning map amendment application seeking to place the Zoning Lot into the requested R10 (CZ) zoning district is hereby approved.

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

(c) Quasi-Judicial Hearing (Case No. SUP-25-02): Request for a special use permit for property located at 2112 South Fayetteville Street to authorize a new land use classified as "Signs, Off premise Billboard & Poster Panel, etc."

Mayor Pro Tempore Moffitt opened the quasi-judicial hearing on the application by Tella Billboards, LLC for a Special Use Permit for a billboard. Mr. Evans was placed under oath and presented the planning staff's analysis of the request that included a properly submitted site plan for the Special Use Permit. The request pertains to approximately 0.14 acres of land located at 2112 South Fayetteville Street. Randolph County Parcel Identification Number 7750626365 more specifically identifies the property.

Mr. Evans stated that proper legal notice of the hearing has been given.

With the assistance of a slide show, Mr. Evans testified to the following facts about the Special Use Permit application.

1. The request is for a Billboard, classified by the zoning ordinance as "Signs, Off premise Billboard & Poster Panel, etc." The existing and principal use of the property is part of a "Commercial Development with multiple structures."
2. The applicant proposes a monopole designed billboard that includes a height of 35' above grade, 12' X 24' dimensions with the possibility for a digital LED display on the northbound side of the billboard only.
3. South Fayetteville Street is state-maintained major thoroughfare.
4. Billboards are also subject to review and approval by NCDOT.
5. Billboards have certain locational and separation requirements described in Section 5.05(19) below. Staff has determined that these requirements have been met.
6. The billboard is subject to the general lighting requirements of the Asheboro Zoning Ordinance.
7. As required by the ordinance, the site plan shows 3 Helleri Holly Shrubs.
8. The immediate area along US 220 Business South contains primarily commercial and institutional uses, although the I2 zoning would permit industrial uses.

9. Permitting of the billboard is exclusive of permitting for other signs allowed in the I2 district that are subject to general ordinance requirements.

As stated in number 5 of the analysis, Section 5.05(19) of the Asheboro Zoning Ordinance states the following:

SUP Requirements

Section 5.05(19) Signs, Off Premise

Off premise signs may be permitted in I1, I2, and I3 Districts in accordance with Chapter 7: Sign Regulations, provided the following additional regulations are met.

- (1) Off premise signs may only be located along existing major thoroughfares or freeways as identified by the adopted Asheboro Thoroughfare Plan.
- (2) The zoning district shall have at least 1,000 linear feet frontage along the major thoroughfare or freeway in question.
- (3) Off premise sign structures shall be located a minimum of 1,000 linear feet apart as measured along the center line of the major thoroughfare or freeway. Only one off premise sign structure may occur every 1,000 linear feet.
- (4) Off premise signs shall not exceed thirty-five (35) feet in height.
- (5) Off premise signs shall be rectangular in shape and no part of the advertising face or copy shall extend or protrude beyond the outer limits of the rectangle.
- (6) No portion of the off premise sign supporting structure shall be visible above the rectangular sign face.
- (7) Off premise signs shall be limited to freestanding ground signs, only.
- (8) No additional signs shall be permitted on any part of the supporting structure or bracing of an off premise sign.
- (9) A billboard sign face area shall not exceed three-hundred (300) square feet in size.
- (10) Off premise signs may only be single-faced, double-faced (back to back) or multi-faced provided that:
 - (a) The total sign faces in any one direction do not exceed size requirements set forth in (9) above.
 - (b) There is a definite distinction (such as a boarder or trim) between the individual sign faces to separate advertising copy.
 - (c) The backs of back-to-back/double-faced signs are not separated by more than thirty-six (36) inches.
 - (d) Double-faced or multi-faced signs when constructed in the form of a “V” when viewed from above or below, shall not exceed an angle (as measured at the apex) greater than forty-five (45) degrees.
 - (e) Double-faced or multi-faced signs shall be structurally tied together to be considered one structure.
 - (f) Multi-faced signs shall not have more than two (2) sign faces per structure.
- (11) Landscaping and screening shall be provided subject to the approval of the Planning Department. No undue undercutting of existing vegetation shall be permitted.

- (12) No billboard shall be permitted within 100 linear feet of any residential district (R40, R15, R10, R7.5, and RA6).
- (13) Off premise signs as provided for under Chapter 7 shall not be required to comply with the provisions set forth in this section.
- (14) Off premise signs must comply with regulations established by the N.C. Board of Transportation. However, the State or city requirement that is more stringent or restrictive shall apply. It is the responsibility of the sign owner to ensure compliance with state and city regulations.
- (15) An application for a Special Use Permit as required under this Section shall be accompanied by plans showing the following information:
 - (a) Location of the proposed billboard, including setback from public right-of-way.
 - (b) Location of any existing buildings or structures within 100 feet of the proposed billboard.
 - (c) Location of proposed billboard in relation to any residential district (R40, R15, R10, R7.5, and RA6 to enable a determination of compliance with this section.
 - (d) Size of the proposed billboard including the number of sign faces and their dimensions, as well as the proposed height of said billboard.
 - (e) Proposed method of landscaping and screening.
 - (f) Proposed removal of any existing vegetation.
 - (g) Type of construction material and method of construction.

The following conditions were drafted by the planning/zoning staff prior to this hearing.

- (A) In addition to any use permitted by right in the I2 zoning district, the use approved shall be one off-premises billboard, classified as "Signs, Off premise Billboard & Poster Panel, etc." and consistent with the approved plan and the requirements of Section 5.05(19).
- (B) Prior to the issuance of a zoning compliance permit, the following must be completed:
 - (i) The applicant shall obtain any required NCDOT permits.
 - (ii) Final decision document authorizing the Special Use Permit must be approved by city council.
- (C) Electronic changeable copy shall operate on a five second minimum delay.
- (D) Maximum brightness levels shall not exceed 5,000 nits during daylight hours and shall not exceed 500 nits between dusk and dawn as measured from the sign face.

Timberly Southerland, Esq. of Fox Rothschild and Molly Chisolm were placed under oath and offered testimony in support of the request. This testimony focused on, in addition to addressing the four standards for issuance of a Special Use Permit, the compliance with the above-referenced conditions.

No witnesses came forward in opposition to the Special Use Permit. In the absence of any additional testimony or evidence, Mayor Pro Tempore Moffitt transitioned to the deliberative phase of the process.

Upon motion by Council Member Bell, and seconded by Council Member Burks, the council voted unanimously to find the required standards had been met and to issue, subject to the above-stated conditions, the requested Special Use Permit. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

A final decision document with the formal findings of fact, conclusions of law, and order authorizing the Special Use Permit will be entered by the council during the next regular meeting on June 5, 2025. A copy of the slide show presentation utilized by Mr. Evans is on file in the city clerk’s office.

8. Finance Items

(a) Ordinance to Amend the General Fund to Allocate Additional Funding for Health Insurance

Finance Director Deborah Reaves presented and recommended adoption, by reference, of an ordinance to amend the general fund. Council Member Heath moved, and Council Member Bell seconded the motion to approve/adopt the following ordinance by reference. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

13 ORD 5-25

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2024-2025

WHEREAS, The City of Asheboro is self-funded for health insurance and additional funding is needed to provide for current known claims and estimated claims through June 30, 2025.

WHEREAS, the City of Asheboro wishes to 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 revenue line item be increased / decreased:

<u>Account #</u>	<u>Expense Description</u>	<u>Decrease</u>
10-000-399.0000	Fund Balance Allocation	\$1,484,243

That the following expense line item be increased / decreased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase/ Decrease</u>
10-410-507.0004	Fringe- Insurance	32,400
10-420-507.0004	Fringe- Insurance	8,250
10-440-507.0004	Fringe- Insurance	8,400
10-450-507.0004	Fringe- Insurance	6,150
10-480-507.0004	Fringe- Insurance	12,683
10-490-507.0004	Fringe- Insurance	36,450
10-510-507.0004	Fringe- Insurance	522,600
10-530-507.0004	Fringe- Insurance	299,700
10-540-507.0004	Fringe- Insurance	16,200
10-545-507.0004	Fringe- Insurance	16,200
10-550-507.0000	Fringe- Insurance	42,660
10-555-507.0004	Fringe- Insurance	72,900
10-565-507.0004	Fringe- Insurance	101,250
10-575-507.0004	Fringe- Insurance	8,400
10-580-507.0004	Fringe- Insurance	72,900

10-590-507.0004	Fringe- Insurance	8,400
10-615-507.0004	Fringe- Insurance	8,100
10-620-507.0004	Fringe- Insurance	60,750
10-623-507.0004	Fringe- Insurance	28,350
10-625-507.0004	Fringe- Insurance	12,150
10-640-507.0004	Fringe- Insurance	109,350
	Total change	\$1,484,243

Adopted this 8th day of May 2025

/s/Walker B. Moffitt
Walker B. Moffitt, Mayor Pro Tempore

ATTEST:

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

(b) Ordinance to Amend the Water & Sewer Fund to Allocate Additional Funding for Health Insurance

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

14 ORD 5-25

**ORDINANCE TO AMEND
THE WATER & SEWER FUND
FY 2024-2025**

WHEREAS, The City of Asheboro is self-funded for health insurance and additional funding is needed to provide for current known claims and estimated claims through June 30, 2025.

WHEREAS, the City of Asheboro wishes to 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 revenue line item be increased / decreased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase/ Decrease</u>
30-000-399.0000	Fund Balance Allocation	410,220

That the following expense line item be increased / decreased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase/ Decrease</u>
30-720-507.0004	Fringe- Insurance	20,250
30-810-507.0004	Fringe- Insurance	39,144
30-820-507.0004	Fringe- Insurance	51,264
30-830-507.0004	Fringe- Insurance	67,464
30-840-507.0004	Fringe- Insurance	59,364
30-850-507.0004	Fringe- Insurance	55,314

30-860-507.0004	Fringe- Insurance	12,150
30-870-507.0004	Fringe- Insurance	68,850
30-880-507.0004	Fringe- Insurance	36,450
Total change		410,220

Adopted this 8th day of May 2025

/s/Walker B. Moffitt
Walker B. Moffitt, Mayor Pro Tempore

ATTEST:

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

(c) Ordinance to Amend the General Fund to Allocate Funding for Operational Expenses

Ms. Reaves presented, and recommended adoption, by reference, of an ordinance to amend the general fund. Council Member Heath moved, and Council Member Trogdon 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.

15 ORD 5-25

**ORDINANCE TO AMEND
THE GENERAL FUND
FY 2021-2022**

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

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

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

That the following revenue line item be increased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
10-000-399.0000	Fund Balance Allocation	293,000

That the following expense line items be increased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
10-420-502.0000	Salaries	50,000
10-420-507.0002	FICA	5,000
10-420-507.0005	Retirement	9,000
10-420-514.0000	Travel Schools Conferences	10,000
10-420-557.0000	Misc Expense	4,000
10-480-502.0000	Salaries	50,000
10-480-507.0002	FICA	4,000
10-480-507.0005	Retirement	6,000
10-480-545.0000	Contracted Services	5,000
10-480-534.0000	Other Supplies & Materials	150,000

10-575-545.0001	Contracted Maint. Rail Road	(15,000)
10-650-545.0000	Contracted Services	<u>15,000</u>
	Total Increase / (Decrease)	293,000

Adopted this 8th day of May 2025

/s/Walker B. Moffitt
Walker B. Moffitt, Mayor Pro Tempore

ATTEST:

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

9. Annexation Petition – 41,288 Square Feet of Land Between Interstate Highway 73/74 and Uwharrie Street

(a) Public Hearing

Mayor Pro Tempore Moffitt opened the public hearing on the question of the annexation petition submitted by Linda Sue Keeling, Carol Keeling Rose, Kimberly Love Stump, Cynthia Kennedy, and Mark E. Davidson requesting the annexation into the Asheboro primary city limits of approximately 41,288 square feet of land located between Uwharrie Street and Interstate Highway 73/74. City Engineer Michael Leonard, PE presented the staff’s analysis of he annexation petition.

(i) Invitation for Public Participation

Mayor Pro Tempore Moffitt invited comments from the public. When no one asked to speak, Mayor Pro Tempore Moffitt transitioned to the deliberative phase of the process.

(b) Consideration of an Ordinance to Extend the Corporate Llimits

Mr. Leonard presented and recommended adoption, by reference, of an ordinance to extend the corporate limits. 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 Trogdon voted aye. There were no dissenting votes.

ORDINANCE NO. 16 ORD 5-25

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**AN ORDINANCE EXTENDING THE ASHEBORO CITY LIMITS BY ANNEXING
APPROXIMATELY 41,288 SQUARE FEET OF LAND LOCATED BETWEEN
UWHARRIE STREET AND
INTERSTATE HIGHWAY 73/74**

WHEREAS, in accordance with Section 160A-31 of the North Carolina General Statutes, Linda Sue Keeling, Carol Keeling Rose, Kimberly Love Stump, Cynthia Kennedy Pierce, and Mark E. Davidson (collectively, the “Petitioners”) submitted petitions requesting the annexation into Asheboro of approximately 41,288 square feet of land located between Uwharrie Street and Interstate Highway 73/74; and

WHEREAS, the territory proposed for annexation is more specifically described by metes and bounds in Section 1 of this Ordinance; and

WHEREAS, on April 10, 2025, by means of a duly adopted resolution (Resolution Number 12 RES 4-25), the Asheboro City Council directed the city clerk to investigate the sufficiency of the petitions submitted by the above-listed petitioners, and the city clerk has in fact certified the sufficiency of the annexation petitions; and

WHEREAS, pursuant to Asheboro City Council Resolution Number 13 RES 4-25, a legal notice was published on April 24, 2025, in *The Courier-Tribune*, a newspaper with general circulation in the City of Asheboro, announcing that a public hearing to consider the adoption of an ordinance annexing the described territory into the City of Asheboro would be held during the city council's next regular meeting, which was scheduled to begin at 6:00 p.m. on May 8, 2025, in the council chamber on the second floor of Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203; and **WHEREAS**, the public hearing was held, as advertised, on May 8, 2025; and

WHEREAS, the city council has concluded that all landowners required by law to sign the annexation petitions have, in fact, signed the petitions; and

WHEREAS, the city council has concluded that the annexation petitions were not submitted under subsection (b1) or subsection (j) of Section 160A-31 of the North Carolina General Statutes; and

WHEREAS, the city council has also concluded that the annexation petitions meet the requirements of Section 160A-31 of the North Carolina General Statutes and that public health, safety, and welfare concerns within the City of Asheboro and the area proposed for annexation will be best addressed by annexing the territory described in Section 1 of this Ordinance.

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

Section 1. By virtue of the authority granted in Section 160A-31 of the North Carolina General Statutes, the following described contiguous territory is annexed, attached to, and hereby becomes a part of the City of Asheboro, North Carolina:

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the existing City of Asheboro primary city limits line at a computed point/point not set located South 86 degrees 27 minutes 46 seconds West 29.48 feet from a 1/2-inch existing iron rod down four inches at the southeast corner of the Norma Keeling Kennedy Heirs, Linda Sue Keeling, Carol Keeling Rose, and Kimberly Love Stump property described in Estate File 11E-1020 in the Office of the Clerk of Superior Court for Randolph County, North Carolina and previously described in the Office of the Register of Deeds for Randolph County, North Carolina (the "Randolph County Registry") in an instrument recorded in Deed Book 367, Page 80, Randolph County Registry (the referenced 1/2-inch existing iron rod is located by means of the North Carolina Coordinate System at the coordinates of North 706,787.55 ground US survey feet and East 1,753,480.88 ground US survey feet (NAD 83 (2011))) (the Beginning point is at the southeast corner of the area for which annexation has been requested by the submission of petitions from the Norma Keeling Kennedy Heirs, specifically Linda Sue Keeling, Carol Keeling Rose, Kimberly Love Stump, and Cynthia Kennedy Pierce, and Mark E. Davidson; the entirety of the area for which the listed petitioners have collectively petitioned for annexation will be hereinafter referred to as the "Annexation Area"; thence, from the described Beginning point, departing from the existing Asheboro primary city limits line and following the proposed Asheboro primary city limits line and the southern boundary of the Annexation Area South 86 degrees 27 minutes 46 seconds West 106.50 feet to a 5/8-inch new iron rod up four inches in the eastern margin of the public right-of-way for Interstate Highway 73/74; thence departing from the southern boundary of the Annexation Area and following the western boundary of the Annexation Area along the proposed Asheboro primary city limits line by running with the eastern margin of the public right-of-way for Interstate Highway 73/74 the next four bearings and distances: North 25 degrees 02 minutes 50 seconds West 58.64 feet to an existing concrete right-of-way monument disc down one inch; thence North 80 degrees 07 minutes 26 seconds West 49.49 feet to an existing concrete right-of-way monument disc flush with the ground; thence North 28

degrees 09 minutes 07 seconds West 89.80 feet to an existing concrete right-of-way monument up fifteen inches; thence North 23 degrees 20 minutes 35 seconds West 59.99 feet to a 1 and 1/4-inch existing iron pipe down four inches and pinched (this point is located by means of the North Carolina Coordinate System at the coordinates of North 706,975.03 ground US survey feet and East 1,753,205.43 ground US survey feet (NAD 83 (2011))); thence departing from the eastern margin of the public right-of-way for Interstate Highway 73/74 and continuing to follow the proposed Asheboro primary city limits line by following the northern boundary of the Keeling property described in Estate File 11E-1020 North 89 degrees 49 minutes 29 seconds East 140.18 feet to a 5/8-inch new iron rod flush with the ground; thence departing from the northern boundary of the Keeling property and continuing to follow the proposed Asheboro primary city limits line the next two bearings and distances along the western boundary of the Mark E. Davidson property described in Deed Book 2526, Page 1118, Randolph County Registry: North 06 degrees 19 minutes 16 seconds West 240.31 feet to a computed point/point not set; thence North 06 degrees 19 minutes 16 seconds West 52.31 feet to a 1-inch existing iron pipe up six inches and pinched on the existing Asheboro primary city limits line at a common corner for two Mark E. Davidson parcels of land described, respectively, in Deed Book 2526, Page 1118, Randolph County Registry and in Deed Book 2526, Page 1124, Randolph County Registry; thence departing from the western boundary of the Annexation Area and following the existing Asheboro primary city limits line along the northern boundary of the Annexation Area by running North 89 degrees 15 minutes 04 seconds East 11.72 feet along the southern boundary of the Davidson & Norris Rentals, LLC property described in Deed Book 1642, Page 1275, Randolph County Registry to a computed point/point not set; thence departing from the northern boundary of the Annexation Area and continuing to follow the existing Asheboro primary city limits line along the eastern boundary of the Annexation Area the next two bearings and distances: South 14 degrees 43 minutes 31 seconds East 300.70 feet across the Mark E. Davidson property described in Deed Book 2526, Page 1118, Randolph County Registry to a computed point/point not set at the boundary shared by the described Davidson property with the Keeling property described in Estate File 11E-1020; thence continuing to follow the existing Asheboro primary city limits line by crossing the previously described Keeling property South 14 degrees 43 minutes 31 seconds East 196.35 feet to the point and place of BEGINNING, and containing a total of 41,288 square feet, more or less, to be annexed.

*The above-stated legal description is in accordance with a plat of survey drawn under the supervision of Dan W. Tanner, II, Professional Land Surveyor with License Number L-4787. The plat of survey is titled "Annexation Survey For: **Linda Sue Keeling On The Property of: Mark E. Davidson(,) Norma Keeling Kennedy Heirs(,) Carol Keeling Rose(, and) Kimberly Love Stump**" and is identified as Job #: 16831.*

The plat of survey referenced in the immediately preceding paragraph is recorded in Plat Book 191, Page 80, Randolph County Registry.

Section 2. Upon and after May 8, 2025, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. The above-described territory shall be subject to municipal taxes according to Section 160A-58.10 of the North Carolina General Statutes.

Section 3. The Mayor of the City of Asheboro shall cause to be recorded in the Office of the Randolph County Register of Deeds and in the Office of the North Carolina Secretary of State an accurate map of the annexed territory described in Section 1 of this Ordinance together with a duly certified copy of this Ordinance. Such a map shall also be delivered to the Randolph County Board of Elections as required by Section 163-288.1 of the North Carolina General Statutes.

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

Section 5. This Ordinance shall be in full force and effect upon and after May 8, 2025.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting on May 8, 2025.

/s/Walker B. Moffitt
Walker B. Moffitt, Mayor Pro Tempore

ATTEST:

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

Approved as to form:

/s/Jeffrey C. Sugg
Jeffrey C. Sugg, City Attorney

10. Asheboro Regional Airport Items

(a) Asheboro Airport Authority Annual Report

Mr. Leonard reviewed the annual report from the Asheboro Airport Authority. Throughout the course of 2024-2025, the airport authority completed the following:

- Regular quarterly meetings were held on July 16, 2024, October 18, 2024, January 21, 2025, and April 15, 2025 with special meetings on July 29, 2024 and November 27, 2024.
- Reviewed and discussed quarterly safety committee reports
- Reviewed and discussed status of FBO operations, aircraft maintenance and hangar rentals
- Reviewed and discussed status of the museum operation and activities
- Reviewed and discussed plans for a new terminal building and construction of 10 T-hangars
- Reviewed and discussed plans for a new North Carolina Aviation Musuem

A copy of the report is on file in the city's engineering department and the city clerk's office. No formal action was taken by the council during this portion of the meeting.

(b) Discussion and Consideration of Potential Grant Funding for the Airport Terminal Project

Mr. Leonard reported that he received a letter of intent to support FAA Airport Terminal Program applications. The NCDOT Division of Aviation has programmed funds to support the city's airport terminal building project through the State Aid to Airports grant program. The letter served as a letter of intent to support the airport if the city chooses to apply for Federal Aviation Administration Airport Terminal Program funding.

The FAA ATP is a competitively awarded grant program that provides up to \$2 million for airport terminal buildings at general aviation airports. During his report, Mr. Leonard asked for the council's authorization to apply for the grant funding. Upon a general consensus, the council expressed its support and authorized city staff to apply for the grant funding.

(c) Discussion and Consideration of a Recommendation from the Asheboro Airport Authority

Mr. Leonard reported that on April 15, 2025, during a regular meeting of the Asheboro Airport Authority, the Authority voted to recommend that the city council amend private lease agreements to include the below language concerning the sublease of hangars.

“Lessee shall not have the right to sublease any portion of its hangar except (1) a sublease of rental of some or all of a hangar may be made on a short-term nightly basis for storage of aircraft with the consent of the Fixed Base Operator (FBO) manager not to exceed 30 days in total to a particular sub-tenant; (2) a sublease or rental of some or all of a hangar may be made for a term exceeding 30 days for the storage of aircraft with the approval of the Asheboro Airport Authority. The lessor retains the right of first refusal if lessee desires to assign the lease to a non-related entity or person for the remaining lease term. A sublease or assignment is not deemed to be necessary when an aircraft is owned in part or in whole by a division of subsidiary of the lessee.”

Council Member Bell moved, and Council Member Burks seconded the motion to accept the recommendation of the Asheboro Airport Authority and for staff to take the necessary steps to advertise the council’s intent to take final action during the regular meeting in July. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

11. Police Department Items

(a) Asheboro Police Department Annual Report

Police Chief Robbie Brown presented an overview of the Asheboro Police Department’s activities during 2024. During his presentation, Chief Brown noted there were a total of 35,018 calls for service.

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

(b) Discussion of Utilization Plans Contemplated for the Old Police Shooting Range

Chief Brown discussed with the council members the possible utilization of the old police shooting range. Throughout the discussion, the council members expressed their support for assisting with training by reinstituting the use of the range for training. No public use of the range will be allowed. Chief Brown will work with city staff to get the range ready for use.

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

12. Report on the Operational Effectiveness of Three Recently Converted Signalized Intersections to Provisional All-Way Stop Intersections

Assistant City Manager Trevor Nuttall reported on the effectiveness of the three recently converted signalized intersections to provisional all-way stop intersections. The intersections of Worth Street and Main Street, Worth Street and Elm Street, and Elm Street and Brewer Street. During his report, Mr. Nuttall reported that no incidents have occurred as a result of the conversions. Additionally, he recommended that the council authorize staff to prepare the necessary ordinances to finalize the conversion of these intersections.

The council members consented to authorizing city staff to prepare the necessary ordinances for all intersections, except for Worth Street and Elm Street. Council Member McCaskill voted no.

13. Upcoming Events and Items Not on the Agenda

Mayor Pro Tempore Moffitt 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.

14. Closed Session

Council Member Moffitt moved, and Council Member Burks seconded the motion to go into closed session to discuss a business expansion/location issue and to give city staff instructions about negotiable property acquisition contract terms. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

15. Return to Open Session

At approximately 9:50, the council returned to open session.

There being no further business, the meeting was adjourned at 9:51 p.m.

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

/s/Walker B. Moffitt
Walker B. Moffitt, Mayor Pro Tempore