

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, SEPTEMBER 4, 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) – Council Members Present
William N. McCaskill)
Charles A. Swiers)
W. Joseph Trogdon, Jr.)

David H. Smith) – Mayor Absent

Donald E. Duncan, Jr., City Manager
Alyssa R. Chapuis, Public Information Officer
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Sarah Laughlin, Assistant Water Resources Director
Michael L. Leonard, PE, City Engineer
Justin T. Luck, Planning Director
Michael H. Jones, Police Captain
Trevor L. Nuttall, Assistant City Manager
Deborah P. Reaves, Finance Director
Michael D. Rhoney, PE, Water Resources 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

Mayor Pro Tempore Moffitt opened the floor for comments from the public, and none were offered. Mayor Pro Tempore Moffitt closed the public comment period.

4. Consent Agenda Items

Prior to the consideration of the consent agenda items, city staff moved consent agenda item 4(h)(iii) to agenda item 7(c). Council Member Burks moved, and Council Member Bell 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 Meeting Minutes for July 10, 2025

The meeting minutes for the city council's regular meeting on July 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) Approval of the Meeting Minutes for August 5, 2025

The meeting minutes for the city council's special meeting on August 5, 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.

(c) Approval of the Minutes and General Account of the Closed Session Held During the Special City Council Meeting on August 5, 2025

The minutes and general account of the closed session held during the special city council meeting on August 5, 2025 have been approved. The approved document has been filed in the city clerk's office.

(d) Approval of a Resolution Sealing the General Account of the Closed Session Held on August 5, 2025

RESOLUTION NUMBER 33 RES 9-25

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**Resolution Sealing the General Account of a
Closed Session Held on August 5, 2025**

WHEREAS, G.S. 143-318.10(e) provides, in pertinent part, that the "minutes or an account of a closed session conducted in compliance with G.S. 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session;" and

WHEREAS, pursuant to G.S. 143-318.11(a)(3) and G.S. 143-318.11(a)(4), the city council, upon unanimous adoption of a properly made and seconded motion, went into closed session on August 5, 2025, to discuss (1) matters relating to the location or expansion of industries or other businesses in the area served by the city; and (2) consult with the city attorney about lawsuits involving Greensboro, Reidsville, the North Carolina Department of Environmental Quality, Indorama Ventures USA, LLC, Starpet Inc., Cape Fear River Watch, and Haw River Assembly; and

WHEREAS, the purposes for going into closed session on August 5, 2025, would be frustrated if the general account of the closed session were to be made available for public inspection at this time.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the general account of the closed session conducted on August 5, 2025, is hereby sealed and will remain sealed so long as public inspection of the records would frustrate the purposes of the closed session; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the city manager is hereby authorized to act as the council's agent with the authority to unseal these records when the purposes of the closed session would no longer be frustrated by making the records available for public inspection or when the unsealing of this general account is otherwise required by law.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on September 4, 2025.

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

ATTEST:

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

(e) Approval of the Meeting Minutes for August 7, 2025

The meeting minutes for the city council’s regular meeting on August 7, 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.

(f) Acknowledgement of the Receipt from the Asheboro ABC Board of its Meeting Minutes for July 1, 2025 and August 5, 2025

The meeting minutes for the above-listed Asheboro ABC Board meetings were received and distributed to the elected officials. The documents have been filed in the city clerk’s office.

(g) Approval of an Ordinance Amending the General Fund to Account for Expenditures Tied to Roofing Work at the Asheboro Public Library

35 ORD 9-25

**ORDINANCE TO AMEND
THE GENERAL FUND
FY 2025-2026**

WHEREAS, The City of Asheboro has received a proposal from ACI Systems Inc. to re-roof the flat roof areas with spray polyurethane foam at the Asheboro Public Library located at 201 Worth Street.

WHEREAS, the cost of this work with a 15-year warranty is \$148,762.

WHEREAS, the City of Asheboro wishes to budget a 10% contingency of \$14,877

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

WHEREAS the City Council of the City of Asheboro wants to follow 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:

<u>Account #</u>	<u>Description</u>	<u>Increase</u>
10-000-399.0000	Fund Balance Allocation	\$163,639

That the following expense line item increased:

<u>Account #</u>	<u>Description</u>	<u>Increase</u>
10-630-515.0001	Maintenance and Repair- Bldg.	\$163,639

Adopted the 4th day of September 2025.

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

ATTEST:

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

- (h) **Approval of the Community Development Division’s Request to Schedule for the City Council Meeting on October 9, 2025, and to Advertise, Legislative Hearings on the Applications Listed Below**
- (i) **Case No. RZ-25-15: Request to rezone property located east of 223 Rich Avenue (Randolph County Parcel Identification Numbers 7750897210, 775089829, and a portion of 7750896108) from R7.5 Medium Density Residential and RA6 High Density Residential to RA6 (CZ) High-Density Residential Conditional Zoning for a multi-family development.**
- (ii) **Case No. RZ-25-16: Request to rezone property located at 2753, 2761, and 2785 US 220 Business South (Randolph County Parcel Identification Numbers 7659598033 and 7659587873) from B2 General Commercial to B2 (CZ) General Commercial Conditional Zoning for Printing & Publishing, and Manufacturing, Processing, and Assembly.**

[Consent Agenda Item 4(h)(iii) was moved to Agenda Item 7(c).]

- (i) **Acknowledgement of the Receipt of the Monthly Report Detailing Major Subdivisions Administratively Approved.**

There have been none approved.

- (j) **Approval of a Resolution Expressing Concurrence with Amendments to the City of Asheboro Employee Policies and Procedures Manual that are Designed to Implement New Criminal History Record Checks Required Under State Law**

RESOLUTION NUMBER 34 RES 9-25

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION EXPRESSING CONCURRENCE WITH REVISIONS TO THE CITY OF ASHEBORO EMPLOYEE POLICIES AND PROCEDURES MANUAL

WHEREAS, the City of Asheboro Employee Policies and Procedures Manual (formerly known as the City of Asheboro Personnel Policies and Procedures Manual and sometimes referenced in this Resolution as the “Manual”) was originally promulgated by the city manager and approved by resolution of the Asheboro City Council on March 4, 2004; and

WHEREAS, in consultation with the human resources director, the city manager periodically updates the Manual to conform to the most recent legislative actions taken by the General Assembly of North Carolina; and

WHEREAS, Session Law 2025-16 has been enacted by the General Assembly of North Carolina to establish a criminal history record check requirement for applicants offered a position for city and county employment working with children; and

WHEREAS, with regard to cities and as a consequence of the enactment of Session Law 2025-16, effective October 1, 2025, a new subsection (b) in Section 160A-164.2 provides as follows:

Notwithstanding the provisions of subsection (a) of this section, if the position being filled requires an applicant for employment to work with children in any capacity, the council shall require the applicant, if offered the position, be subject to a criminal history record check conducted by the State Bureau of Investigation in accordance with G.S. 143B-1209.26. The city must extend a conditional offer of the position pending the results of a criminal history record check required by this section; and

WHEREAS, city staff members have prepared revisions to Article II (Recruitment and Employment), Section 3 (Conditional Offer of Employment) of the City of Asheboro Employee Policies and Procedures Manual to conform city policies to the above-cited legislative enactments; and

WHEREAS, the revised Section 3 in Article II of the Manual is attached to this Resolution as EXHIBIT 1, which is hereby incorporated into this instrument by reference as if copied fully herein; and

WHEREAS, the Asheboro City Council has concluded that, in addition to conforming to a legislative enactment, the attached text amendments are supportive of the governing board's goal to facilitate excellence in the provision of municipal services.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the city council hereby concurs with the entirety of the text amendments found in EXHIBIT 1 and authorizes, with an effective date of October 1, 2025, the updating of the City of Asheboro Employee Policies and Procedures Manual to incorporate into the Manual the text amendments found in the attached exhibit; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that all articles, sections, and provisions contained within the Manual that are not clearly and unmistakably addressed by the text amendments in the attached exhibit are unaffected by this Resolution and remain, without alteration, in full force and effect.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on September 4, 2025.

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

ATTEST:

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

EXHIBIT 1

ARTICLE II. RECRUITMENT AND EMPLOYMENT

SECTION 3. CONDITIONAL OFFER OF EMPLOYMENT

When a department head notifies the human resources department of the selection of an applicant as the candidate initially identified as best suited for an open position of employment, the human resources department will contact the selected applicant and extend a written conditional offer of employment. This written conditional offer of employment will

advise the selected candidate that the granting of employment with the city is contingent upon the successful completion of a pre-employment drug screen, physical, and background check that includes a criminal history record check, verification of information contained within the individual's application materials, and, if the position sought by the applicant requires the ability to operate a motor vehicle, a review of the applicant's driving history. In addition to the items listed in the immediately preceding sentence, this offer of employment may also be conditioned on the completion, to the satisfaction of the city, of any other examinations, tests, or reviews that are mandated by the applicable federal, state, and local laws, ordinances, and administrative regulations for the occupation/job sought by the applicant.

In compliance with G.S. 160A-164.2(b), if the position being filled requires an applicant for employment to work with children in any capacity, the applicant selected to receive a written conditional offer of employment shall be subject to a criminal history record check conducted by the State Bureau of Investigation in accordance with G.S. 143B-1209.26. For purposes of clarification and not limitation, if the open position of employment falls within the scope of G.S. 160A-164.2(b), the written conditional offer of employment shall unequivocally state the conditional offer of the position is dependent on the results and the evaluation of the prescribed criminal history record check.

When an inquiry of criminal history record information indicates that an individual has one or more pending criminal charges and/or has been convicted of or accepted responsibility for one or more felonious or misdemeanor criminal offenses, such information will not serve as an automatic disqualifier that mandates the withdrawal of a conditional offer of employment. Any pending criminal charge(s) and/or past criminal conduct will be subjected to an individualized review of the entirety of the available information before a decision is made as to whether to withdraw a conditional offer of employment. At a minimum, this review will take into account the type of crime(s) of which the individual has been charged or was convicted/accepted responsibility, the frequency of violations and/or any pattern of offenses, the time that has elapsed since the date(s) of any conviction(s)/disposition(s), the applicant's age at the time of any conviction(s)/disposition(s), and the impact, if any, of the past criminal conduct or pending charges of criminal conduct on the ability of the applicant to perform the essential job functions of the position for which he or she has applied in a manner consistent with the maintenance of the public trust and confidence that is essential to the city's effective delivery of municipal services.

With regard to the pre-employment drug screen and the physical examination, a health care provider performing a medical examination shall be instructed to not report family medical history. The relevant inquiry in this employment-related medical exam is not what the candidate's health may be in the future, but rather what the candidate's present ability is to perform the essential functions of the job. If the selected candidate tests positive for drugs and/or is found to be unable to perform an essential function of the job for which the individual has been selected, the conditional offer of employment will be withdrawn.

Applicants for employment who refuse to comply with or are unable to fully satisfy the conditions attached to a conditional offer of employment, including without limitation fully cooperating with and completing the mandated physical exam and drug screening, are automatically disqualified from final appointment to the position for which they have applied any mandated physical exam, drug screening, and fingerprinting process, are automatically disqualified from final appointment to the position for which they have applied.

Tests required or administered by the city shall be those measuring the skills actually required to perform the essential functions of the job for which an individual has applied.

- (k) **Approval of a Resolution Awarding to Master Police Officer Leah M. Burnette, Upon Retirement from the Asheboro Police Department, Her Service Side Arm**

RESOLUTION NUMBER 35 RES 9-25

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION AWARDING TO LEAH MARIE BURNETTE
HER SERVICE SIDE ARM UPON RETIREMENT FROM
THE ASHEBORO POLICE DEPARTMENT**

WHEREAS, after rendering honorable and valuable service to the City of Asheboro and its citizens throughout the course of her career with the Asheboro Police Department (this career with the city began on May 4, 2015), Asheboro Master Police Officer Leah Marie Burnette began her retirement from employment with the city on September 1, 2025; and

WHEREAS, pursuant to and in accordance with Section 17F-20 of the North Carolina General Statutes, the Asheboro City Council wishes to recognize and honor Leah Marie Burnette for her dedicated service to the city by awarding to Ms. Burnette, at a minimal monetary cost, the service side arm that she carried at the time of her retirement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, effective September 1, 2025, in consideration of the combination of her dedicated service to the City of Asheboro and the payment to the city of \$1.00, Leah Marie Burnette is to be awarded ownership of her city-issued service side arm (a Glock model 45 9mm with serial no. BLKC008 and three magazines) upon a determination by the police department command staff that Ms. Burnette is eligible under the applicable federal and state laws to receive, own, or possess a firearm.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on September 4, 2025.

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

ATTEST:

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

- (l) **Approval of a Resolution Amending the City of Asheboro Schedule of Fees to Implement a Change in the Landfill Leachate Rate**

RESOLUTION NUMBER 36 RES 9-25

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

Resolution Amending the City of Asheboro Schedule of Fees

WHEREAS, the City of Asheboro has an established schedule of fees that is amended from time to time by the city council; and

WHEREAS, the city's professional staff has recommended amending the landfill leachate rate found in the Utility Billing and Collection section of the schedule of fees; and

WHEREAS, the city council concurs with this recommendation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the landfill leachate rate is established in the Utility Billing and Collection

section of the City of Asheboro Schedule of Fees at the rate of \$0.03 per gallon, which is equivalent to \$0.2244 per 1 cubic foot; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the effective date of the above-described rate change shall be October 1, 2025.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting on September 4, 2025.

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

ATTEST:

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

5. Public Hearing: Proposed Allocation of \$10,000 to Downtown Asheboro Inc., a North Carolina Non-Profit Corporation, for the PRESERVE Asheboro Grant Program

Assistant City Manager Trevor Nuttall summarized the PRESERVE Asheboro Grant Program. PRESERVE Asheboro is administered by Downtown Asheboro Inc. This grant program was created to spur preservation based economic development in downtown Asheboro by supporting the acquisition of historic preservation consult services for redevelopment projects in the district. Downtown historic structures are integral to the character of the community, but navigating historic incentive programs can be complex. This grant program aims to help downtown property owners with leverage development incentives confidently with the support of a specialist.

This hearing is necessary to allocate the funds budgeted to the program with the adoption of the FY 2025-2026 city budget. This budget cycle will be the second year of the program. Downtown Asheboro Inc made one award last fiscal year. To be eligible for the grant, the property must be within or adjacent to the downtown historic district as identified in the National Register. The applicant must be the property owner, and funds are to be used to seek consultive (not construction) services intended to result in obtaining historic tax credits, local landmark designation, or a nomination for the National Register. The maximum grant award is \$5,000.

Mayor Pro Tempore Moffitt opened the floor for comments from the public. When no one asked to speak, Mayor Pro Tempore Moffitt closed the public hearing.

Council Member Bell moved, and Council Member Heath seconded the motion to allocate the funds budgeted to the program as adopted in the city's budget for FY 2025-2026. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

6. Public Hearing: Legislative hearing for Case No. RZ-25-14 on an application to rezone 129 E. Ward Street (Randolph County Parcel Identification Number 7751940043 and a portion of Randolph County Parcel Identification Number 7751848086) from B2 General Commercial to OA6 (CZ) Office-Apartment Conditional Zoning for a multi-family development.

Mayor Pro Tempore Moffitt opened the legislative hearing on the zoning map amendment application filed as Case No. RZ-25-14. Planning Director Justin Luck was the first speaker. In addition to entering into the record 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 129 E. Ward Street. The property is approximately 1.06 acres in size and is more specifically identified by Randolph County Parcel Identification Number 7751940043 and a portion of 7751848086 (this property will be hereinafter referred to as the “Zoning Lot.”)

In addition to the written staff report, Mr. Luck utilized a slide show presentation in conjunction with his comments. Some of the noted points of information are listed below.

1. The proposed use is a multi-family development with 12 dwellings located in six (6) two-family structures.
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. **Relevant Zoning Ordinance Definitions: Dwelling/Residence Unit:** A room or group of rooms forming a single independent habitable unit used for, or intended to be used for living, sleeping, sanitation, cooking, and eating purposes by one family only; for owner occupancy or for rental, lease, or other occupancy.
4. The property is located within Tier 2 of the Center City Planning Area (Central Fringe Planning Area). Requirements distinguishing Tier 2 include placement of buildings within ten feet of the front setback of other buildings in the same block, and density is regulated by limitations on the amount of impervious (up to 70% allowable) and building height of up to 35 feet.
5. Fiber cement siding is proposed as the primary building material.
6. The applicant has indicated that the existing sign will be removed, and existing outdoor lighting will be replaced with lighting in compliance with current city requirements.
7. The amount of built-upon area will decrease slightly (from 55.1% to 54.8%) as part of the proposed development.
8. The site plan identifies 31 off-street parking spaces, more than the minimum requirement of 26 spaces. In addition, some on-street parking is available on East Ward Street.
9. The site plan shows a recreation area consisting of a passive picnic area.

Modifications to Ordinance Regulations

1. Sidewalk along E. Ward Street (Typically only required when 8’6” exists between back of curb and front property line, which is lacking on this property, and applicant proposes an alternative placement inside the property parallel to the street.)
2. 10’ rear and Side Buffer around proposed buildings.
3. Additional parking spaces exceeding ordinance requirements.
4. Building setbacks exceed the typical maximum by approximately 10 feet.

Mr. Luck 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: Town Activity Center

Growth Strategy Map: Primary Growth

Small Area Map: Central

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 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 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:

None

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 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 and complies with the City Activity Center designation on the proposed land use map encouraging a mix of commercial, office, institutional, and residential land uses connected by sidewalks. The request also complies with the zoning district statement of intent, is located in the primary growth strategy area, and would reuse underutilized land served by existing city utilities close to the downtown area.

The zoning map amendment is reasonable given the size and physical conditions of the property, providing housing opportunities close to employment and services, the reuse of property afforded to the property owner, and the amenities to be provided to future residents of development and the surrounding community, such as a sidewalk.

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 approved use shall be Dwelling, Multiple Family with no more than 12 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) *The sidewalk as shown on the site plan, shall be extended along the entire frontage of East Ward Street, and shall be built to City of Asheboro standards.*
- (D) *No outdoor recreational vehicle parking or storage shall be permitted on the property.*
- (E) *Prior to the issuance of a zoning compliance permit, a site plan and building elevations demonstrating compliance with all applicable zoning regulations, city policies, and conditions, as well as the applicable permit fees, shall be submitted.*
- (F) *Pole mounted and/or wall mounted outdoor lighting shall comply with city ordinances and information on such lighting shall be provided to staff for review and approval prior to installation of this outdoor lighting.*
- (G) *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 the above-listed conditions, the requested zoning map amendment with the following multi-part motion.

1. The rezoning is consistent with Asheboro Land Development Plan and complies with the City Activity Center designation on the proposed land use map encouraging a mix of commercial, office, institutional, and residential land uses connected by sidewalks. The rezoning also complies with the zoning district statement of intent, is located in the primary growth strategy area, and would reuse underutilized land served by existing city utilities close to the downtown area.

The rezoning is reasonable given the size and physical conditions of the property, providing housing opportunities close to employment and services, the reuse of property afforded to the property owner, and the amenities to be provided to future residents of development and the surrounding community, such as a sidewalk.

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

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

7. Annexation Petitions

- (a) **Petition from JRE Asheboro, LLC requesting the satellite annexation of approximately 30.96 acres located on US Highway 64**

- (i) **Consideration of a Resolution Directing the City Clerk to Investigate the Annexation Petition**

City Engineer Michael Leonard, PE, provided an overview of the annexation petition submitted by JRE Asheboro, LLC. The annexation petition pertains to a parcel of land located on the north side of US Highway 64.

After reviewing the information provided by city staff, Council Member Bell moved, and Council Member Burks seconded the motion to approve/adopt the following resolution by reference. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

RESOLUTION NUMBER 37 RES 9-25

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN ANNEXATION PETITION SUBMITTED BY JRE ASHEBORO, LLC

WHEREAS, JRE Asheboro, LLC, a Virginia limited liability company, (the “Petitioner”) has submitted a petition requesting the annexation into Asheboro of a total of approximately 30.96 acres of the limited liability company’s land (Randolph County Parcel Identification Numbers 7771260145, 7771164698, and 7771263341) on the north side of United States Highway 64; and

WHEREAS, the Petitioner’s land for which annexation has been requested is not contiguous to Asheboro’s primary city limits; and

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

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

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

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on September 4, 2025.

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

ATTEST:

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

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

CERTIFICATE OF SUFFICIENCY

**(Petition Requesting the Annexation of Land Owned by
JRE Asheboro, LLC)**

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

I, Holly H. Doerr, am the City Clerk for the City of Asheboro. I hereby certify that, with the assistance of staff members in various city departments, I have investigated the annexation petition submitted by JRE Asheboro, LLC (the "Petitioner"). I further certify that the following paragraphs accurately state the information obtained during the course of my investigation of the annexation petition.

The Petitioner has requested the annexation into Asheboro of approximately 30.96 acres of land owned by the limited liability company and located on the north side of United States Highway 64 (the land for which annexation is sought will be hereinafter referred to as the "Annexation Area"). The Annexation Area is not contiguous to the primary corporate limits of the City of Asheboro.

Based on my investigation, I have concluded that all of the owners of the real property for which annexation has been requested have signed the prescribed petition. The petition appears to be sufficient to satisfy the provisions of Section 160A-58.1 of the North Carolina General Statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro to make this certification effective as of September 4, 2025.

(CITY SEAL)

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

**(ii) Consideration of a Resolution Setting the Date of a Public
Hearing on the Question of Annexation**

In light of the preceding council action and the submission of the certification from the office of the city clerk, Mr. Leonard then recommended adoption, by reference, of a resolution setting the date for a public hearing on the question of annexation. Council Member Bell moved, and Council Member Burks seconded the motion to approve/adopt the following resolution by reference. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

RESOLUTION NUMBER 38 RES 9-25

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**RESOLUTION SETTING THE DATE FOR A PUBLIC HEARING
ON THE QUESTION OF ANNEXING LAND OWNED BY
JRE ASHEBORO, LLC**

WHEREAS, JRE Asheboro, LLC, a Virginia limited liability company, (the “Petitioner”) has submitted a petition requesting the annexation into Asheboro of approximately 30.96 acres of land (Randolph County Parcel Identification Numbers 7771260145, 7771164698, and 7771263341) owned by the limited liability company on the north side of United States Highway 64; and

WHEREAS, the Petitioner’s above-identified real property is not contiguous to the primary corporate limits of the City of Asheboro; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that a public hearing on the question of annexing the territory shown on the plat attached to this Resolution as EXHIBIT 1 will be held in the council chamber on the second floor of Asheboro City Hall, 146 N. Church Street, Asheboro, North Carolina 27203 during a regular meeting of the Asheboro City Council that will begin at 6:00 p.m. on October 9, 2025; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that notice of the public hearing scheduled pursuant to this Resolution shall be published in *The Courier-Tribune*, which is a newspaper having general circulation in the City of Asheboro, at least ten (10) days prior to the date of the public hearing.

This Resolution was adopted in open session during a regular meeting of the Asheboro City Council held on September 4, 2025.

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

ATTEST:

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

[Exhibit 1 that is referred to in the above resolution is on file in the city clerk’s office.]

(b) Petition from Ksquare Goldhill, LLC Requesting the Satellite Annexation of Approximately 74.495 Acres Located Between Windsor Trail and Gold Hill Road

Mr. Leonard provided an overview of the annexation petition submitted by Ksquare Goldhill, LLC. The annexation petition pertains to a parcel of land located between Windsor Trail and Gold Hill Road.

After reviewing the information provided by city staff, Council Member Heath moved, and Council Member Bell seconded the motion to approve/adopt the following

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

RESOLUTION NUMBER 39 RES 9-25

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**RESOLUTION DIRECTING THE CITY CLERK TO
INVESTIGATE AN ANNEXATION PETITION SUBMITTED BY
KSQUARE GOLDHILL LLC**

WHEREAS, KSQUARE GOLDHILL LLC, a North Carolina limited liability company, (the “Petitioner”) has submitted a petition requesting the annexation into Asheboro of approximately 74.495 acres of the limited liability company’s land (Randolph County Parcel Identification Number 7762721029) located between Windsor Trail and Gold Hill Road; and

WHEREAS, the Petitioner’s land for which annexation has been requested is not contiguous to Asheboro’s primary city limits; and

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

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

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

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on September 4, 2025.

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

ATTEST:

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

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

CERTIFICATE OF SUFFICIENCY

**(Petition Requesting the Annexation of Land Owned by
KSQUARE GOLDHILL LLC)**

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

I, Holly H. Doerr, am the City Clerk for the City of Asheboro. I hereby certify that, with the assistance of staff members in various city departments, I have investigated the annexation petition submitted by KSQUARE GOLDHILL LLC (the “Petitioner”). I further certify that the following paragraphs accurately state the information obtained during the course of my investigation of the annexation petition.

The Petitioner has requested the annexation into Asheboro of approximately 74.495 acres of land owned by the limited liability company and located between Windsor Trail and Gold Hill Road (the land for which annexation is sought will be hereinafter referred to as the “Annexation Area”). The Annexation Area is not contiguous to the primary corporate limits of the City of Asheboro.

Based on my investigation, I have concluded that all of the owners of the real property for which annexation has been requested have signed the prescribed petition. The petition appears to be sufficient to satisfy the provisions of Section 160A-58.1 of the North Carolina General Statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro to make this certification effective as of September 4, 2025.

(CITY SEAL)

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

(ii) Consideration of a Resolution Setting the Date for a Public Hearing on the Question of Annexation

In light of the preceding council action and the submission of the certification from the office of the city clerk, Mr. Leonard then recommended adoption, by reference, of a resolution setting the date for a public hearing on the question of annexation. Council Member Bell moved, and Council Member Swiers seconded the motion to approve/adopt the following resolution by reference. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

RESOLUTION NUMBER 40 RES 9-25

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION SETTING THE DATE FOR A PUBLIC HEARING
ON THE QUESTION OF ANNEXING LAND OWNED BY
KSQUARE GOLDHILL LLC

WHEREAS, KSQUARE GOLDHILL LLC, a North Carolina limited liability company, (the “Petitioner”) has submitted a petition requesting the annexation into Asheboro of approximately 74.495 acres of land (Randolph County Parcel Identification Number 7762721029) owned by the limited liability company and located between Windsor Trail and Gold Hill Road; and

WHEREAS, the Petitioner’s above-identified real property is not contiguous to the primary corporate limits of the City of Asheboro; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that a public hearing on the question of annexing the territory shown on the plat attached to this Resolution as EXHIBIT 1 will be held in the council chamber on the second floor of Asheboro City Hall, 146 N. Church Street, Asheboro, North Carolina 27203 during a regular meeting of the Asheboro City Council that will begin at 6:00 p.m. on October 9, 2025; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that notice of the public hearing scheduled pursuant to this Resolution shall be published in *The Courier-Tribune*, which is a newspaper having general circulation in the City of Asheboro, at least ten (10) days prior to the date of the public hearing.

This Resolution was adopted in open session during a regular meeting of the Asheboro City Council held on September 4, 2025.

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

ATTEST:

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

[Exhibit 1 that is referred to in the above resolution is on file in the city clerk's office.]

- (c) **Case No. RZ-25-17: Request to apply initial city zoning [R10 (CZ) Medium Density Residential Conditional Zoning for a Residential Planned Unit Development] to property located at the eastern terminus of Windsor Trail and the west side of Gold Hill Road, south of Randolph Tabernacle Road (Randolph County Parcel Identification Number 77627210290) [Formerly Consent Agenda Item 4(h)(iii)]**

Council Member Bell moved, and Council Member Heath seconded the motion to authorize city staff to advertise and schedule the above-referenced zoning case for the city council's regular October 9, 2025 meeting. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

8. Request for Authorization for the City Manager to Execute a Letter of Agreement with the North Carolina Department of Transportation, Division of Aviation for Airport Safety/Maintenance Projects at the Asheboro Regional Airport

Mr. Leonard requested authorization for the city manager to execute a letter of agreement with the North Carolina Department of Transportation, Division of Aviation for airport safety/maintenance projects at the Asheboro Regional Airport and recommended the adoption of the following resolution by reference. Council Member Trogdon moved, and Council Member Burks seconded the motion to authorize the city manager to execute the letter of agreement with the North Carolina Department of Transportation, Division of Aviation. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

41 RES 9-25

Resolution of the Sponsor

A motion was made by (Name and Title) Council Member W. Joseph Trogdon, Jr. and seconded by (Name and Title) Council Member Edward J. Burks for the adoption of the following resolution, upon being put to a vote it was duly adopted:

THAT WHEREAS (Airport Owner) the City of Asheboro
(hereinafter referred to as "Sponsor") the North Carolina Department of Transportation (hereinafter referred to as "Department") requires a Commitment and Release of Liability statement to be on file, in order to provide and oversee maintenance and safety improvements on the operational surfaces of the (Official Airport Name) Asheboro Regional Airport
_____;

in accordance with the provisions of North Carolina General Statute 63.

NOW THEREFORE, BE IT AND IS HEREBY RESOLVED, that the
(Title of Airport Official) City Manager
of the Sponsor be and is hereby authorized and empowered to enter into a Commitment and Release of Liability with the Department, thereby binding the Sponsor to fulfillment of its obligation as incurred under this resolution and its commitment to the Department.

A copy of the letter of agreement is on file in the city clerk’s office and the city’s engineering department.

9. Potential Closing of a Portion of Mark Avenue Right-of-Way

Mr. Leonard sought the council’s direction of the potential closing of a portion of Mark Avenue right-of-way. After some discussion, a general consensus of the council members emerged to proceed with the necessary steps to close a portion of Mark Avenue right-of-way.

10. Discussion and Final Action on an Ordinance Amending Chapter 90 of the Code of Asheboro to Address Junked Motor Vehicles

City Attorney Jeff Sugg presented, for a second reading, an ordinance amending chapter 90 of the Code of Asheboro. After some discussion, Mr. Sugg recommended adoption of the following ordinance. 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 Trogdon voted aye. There were no dissenting votes.

ORDINANCE NUMBER 36 ORD 9-25

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**ORDINANCE AMENDING CHAPTER 90 OF THE
CODE OF ASHEBORO**

WHEREAS, Chapter 90 of the Code of Asheboro contains regulations pertaining to abandoned, nuisance, and junked motor vehicles; and

WHEREAS, the Asheboro City Council finds that the regulation of abandoned and junked motor vehicles is necessary to protect the health and safety of the residents of the city and to promote and enhance community, neighborhood, and city appearance; and

WHEREAS, in furtherance of the effective regulation of abandoned and junked motor vehicles, the Asheboro City Council has concluded that Chapter 90 of the Code of Asheboro should be updated.

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

Section 1. Section 90.03 of the Code of Asheboro is hereby rewritten to provide as stated below.

§ 90.03 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED VEHICLE

As authorized and defined in G.S. § 160A-303, an abandoned motor vehicle is one that:

- (1) Is left upon a public street or highway in violation of a law or ordinance prohibiting parking; or
- (2) Is left on a public street or highway for longer than seven days; or
- (3) Is left on property owned or operated by the city for longer than 24 hours.

AUTHORIZING OFFICIAL

~~Any~~ An authorizing official is any sworn law enforcement officer operating under the command and control of the city Police Department or any of the Planning and Community Development Department's Code Enforcement Officers, respectively.

JUNKED MOTOR VEHICLE

~~As authorized and defined in G.S. § 160A-303.2 the term, junked motor vehicle~~ G.S. § 160A-303.2, the term “junked motor vehicle” means a vehicle that does not display a current license plate lawfully upon that vehicle and that:

- (1) Is partially dismantled or wrecked; or
- (2) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
- (3) Is more than five years old and appears to be worth less than \$100 \$500.

MOTOR VEHICLE or VEHICLE

~~All~~ The terms “motor vehicle” or “vehicle” mean all machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.

NUISANCE VEHICLE

~~A~~ The term “nuisance vehicle” means a vehicle on public or private property that does not display a current license plate lawfully upon that vehicle and that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be any of the following:

- (1) A breeding ground or harbor for mosquitoes, other insects, rats, snakes or other pests;
- (2) A point of heavy growth of weeds or other noxious vegetation over eight inches in height;
- (3) A point of collection of pools or ponds of water;
- (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor;
- (5) One which has areas of confinement which cannot be operated from the inside, such as tanks, hoods, and the like;
- (6) So situated or located that there is a danger of it falling or turning over (i.e. on jacks, blocks or other supports);
- (7) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind;
- (8) So offensive to the sight as to damage the community, neighborhood, or area appearance; or
- (9) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the City Council.

Section 2. Section 90.06 of the Code of Asheboro is hereby rewritten to provide as stated below.

§ 90.06 JUNKED MOTOR VEHICLE REGULATED; REMOVAL AUTHORIZED

- (A) ~~Subject to the provisions of division (E) below, it shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle, or for the owner,~~

~~lessee, or occupant of the real property upon which a junked motor vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.~~

~~(B) It shall be unlawful to have more than one junked motor vehicle, as defined herein, on the premises of public or private property. Single, permitted junked motor vehicle must strictly comply with the location and concealment requirements of this section.~~

~~(C) It shall be unlawful for any owner, person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to fail to comply with the locational requirements or the concealment requirements of this section.~~

~~(D) Subject to the provisions of division (E) below, upon investigation, the proper authorizing official, may order the removal of a junked motor vehicle as in this chapter after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following among other relevant factors may be considered:~~

- ~~(1) Protection of property values;~~
- ~~(2) Promotion of tourism and other economic development opportunities;~~
- ~~(3) Indirect protection of public health and safety;~~
- ~~(4) Preservation of the character and integrity of the community; and~~
- ~~(5) Promotion of the comfort, happiness and emotional stability of area residents.~~

~~(E) Permitted concealment or enclosure of junked motor vehicle:~~

~~(1) One junked motor vehicle, in its entirety, can be located in the rear yard as defined by the city's zoning ordinance if the junked motor vehicle is entirely concealed from public view from a public street and from abutting premises by an acceptable covering or screening. The proper authorizing official has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The covering or screening must remain in good repair and must not be allowed to deteriorate. The covering or screening must be compatible with the objectives stated in § 90.01.~~

~~(2) More than one junked motor vehicle. Any other junked motor vehicle must be kept in a garage or building structure that provides a complete enclosure so that the junked motor vehicle cannot be seen from a public street or abutting property. A garage or building structure means either a lawful, nonconforming use or a garage or building structure erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations.~~

(A) Section 160A-303.2 of the North Carolina General Statutes authorizes the city to regulate and to prohibit junked motor vehicles on public grounds and on private property. Pursuant to that authority, the city council finds that such regulation, restraint, or prohibition is necessary and desirable to promote or enhance the following:

- (1) The quality of urban attractiveness and the aesthetic appearance of the city;
- (2) The protection of property values throughout the city;
- (3) The preservation of the livability and the attractiveness of neighborhoods;
- (4) The promotion of tourism, conventions and other opportunities for economic development for the city; and
- (5) The attractiveness of the city's roadways which present the primary, public visibility to visitors and to passersby of the city.

(B) The city may contract with private towing operators to remove, store, and dispose of junked motor vehicles in compliance with all state and local laws. Any junked motor

vehicle, which has been ordered removed under the authority granted by this section, may be removed to a storage facility utilized by the tow truck operator or towing business contracting to perform such services for the city. The towing operator is responsible for collecting towing and storage fees. All provisions of Article 7A in Chapter 20 of the North Carolina General Statutes shall apply.

- (C) It shall be unlawful to have more than one junked motor vehicle, as defined in this chapter, on the premises of public or private property.
- (D) It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.
- (E) It shall be unlawful for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.
- (F) It shall be unlawful for any owner, person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to fail to comply with the locational requirements or the concealment requirements of this section.
- (G) The locational and concealment requirements of this section are determined on the basis of whether a single junked motor vehicle or more than one junked motor vehicle is located on a zoning lot. The terms "zoning lot," "rear yard," and "side yard" shall have the meanings prescribed for these terms by the City of Asheboro Zoning Ordinance, as amended from time to time.
 - (1) On a lawfully used zoning lot, one junked motor vehicle, in its entirety, can be located in the rear yard, or in a side yard if a lot such as a corner lot has no rear yard; provided, however, the vehicle must be entirely concealed from public view from a public street and from abutting premises by means of an acceptable covering. Such covering shall be kept in good repair and shall not be allowed to deteriorate. The code enforcement officer is authorized to determine whether any junked motor vehicle is adequately concealed by an acceptable covering as required by this provision.
 - (2) If a lawfully used zoning lot has one junked motor vehicle concealed in compliance with the immediately preceding division, any other junked motor vehicle(s) must be kept in a garage or building structure that provides a complete enclosure so that the junked motor vehicle(s) cannot be seen from a public street or abutting property. A "garage or building structure" means a garage or building structure that has been constructed or erected in compliance with all applicable zoning and building code regulations.
- (H) Subject to the provisions of this section, and upon investigation, a city code enforcement officer may order the removal of a junked motor vehicle as defined in this chapter after finding in writing that the benefits, including without limitation the aesthetic benefits, of removing the vehicle outweigh the burdens imposed on the private property owner. Such a finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding benefit to the public by ordering the removal of the junked motor vehicle. The following factors, among other relevant factors, may be considered:
 - (1) Protection of property values;
 - (2) Promotion of tourism and other economic development opportunities;
 - (3) Indirect protection of public health and safety;
 - (4) Preservation of the character and integrity of the community; and
 - (5) Promotion of the comfort, happiness and emotional stability of area residents.
- (I) In applying the specific criteria in the definition of a "junked motor vehicle" and determining whether a vehicle constitutes a "junked motor vehicle," the city code enforcement officer shall take into consideration, by way of illustration and not

limitation, evidence of the stationary character of the vehicle; whether there is evidence of active vehicle maintenance efforts; whether the tires, wheels, and other essential parts of the vehicle are present for the operation of the vehicle; whether the vehicle has flat tires; evidence of the removal of parts; the condition of the exterior of the vehicle, or any other specific evidence that would support a finding that the vehicle violates this section. If such a determination is made, the code enforcement officer shall document the basis for the determination in writing.

(J) A pre-towing notice is required before a junked motor vehicle is removed.

(1) The junked motor vehicle shall be towed only after the notice required by this division has been given to the registered owner or to the person entitled to possession of the vehicle as well as to the owner, lessee, or occupant of the real property upon which the vehicle is located. If the names and mailing addresses of the registered owner or person entitled to possession of the vehicle, or the owner, lessee or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be sent by first class mail. Additionally, notice of the violation of this section is to be provided by posting a notice of violation on the junked motor vehicle. This notice shall be affixed to the windshield or some other conspicuous place on the junked motor vehicle. The pre-towing notice shall state that the junked motor vehicle will be removed by the city on a specified date, no sooner than seven days after the notice of violation is affixed to the motor vehicle, unless the vehicle is brought into compliance by the owner or legal possessor prior to that time.

(2) If the owner or person entitled to possession of the vehicle wishes to appeal the code enforcement officer's determination that the vehicle is both a junked motor vehicle and the benefits of removing the vehicle outweigh the burdens placed on the property owner, the person wishing to appeal the code enforcement officer's decision may submit a written request to do so to the city code enforcement officer before a seven business day appeal period has expired. This 7-day appeal period begins when written notice has been placed on the junked motor vehicle. Such an appeal shall be heard by the city manager within 30 business days of the receipt of the written appeal request, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

(K) This section of the Code of Asheboro has been adopted to implement the regulatory authority granted by Section 160A-303.2 of the North Carolina General Statutes. Notwithstanding any other provision found in Chapter 90 of the Code of Asheboro, in the event of a conflict between the provisions in this section pertaining to junked motor vehicles and any other provisions in Chapter 90, the provisions found in this section shall control.

(1) This section of the Code of Asheboro shall not be construed to require the removal or disposal of a motor vehicle kept or stored at a bona fide "automobile graveyard" or "junkyard" as defined in Section 136-143 of the North Carolina General Statutes.

(2) The removal or disposal of any motor vehicle that is used on a regular basis for business or personal use is prohibited.

(L) A violation of this section is punishable as a misdemeanor.

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

Section 4. This Ordinance received two favorable votes during regular Asheboro City Council meetings held on August 7, 2025, and September 4, 2025. The provisions of this Ordinance shall be in full force and effect on and after September 15, 2025.

The Asheboro City Council granted final approval of this Ordinance in open session during a regular meeting on September 4, 2025.

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

ATTEST:

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

11. Plan Development Update for the Emergency Operations Center/Third Fire Station

Mr. Nuttall updated the council members on the plan development for the Emergency Operations Center/Third Fire Station. During his update, Mr. Nuttall reported that the state and local funding totals \$4.9M, with a FEMA EOC grant providing \$3M. City staff has been working with state and federal officials to obtain authorizations needed to ensure the availability of the federal funds. Congressional delegation has been engaged in helping the city to advance the review of the project, and the city expects to have the final determination as to federal compliance by September 29, 2025. Then, the city's designer can move towards finalizing the project plans.

The delay in federal compliance determination has affected the project's schedule. When the project design began, the city had anticipated constructing the public infrastructure to serve the project by the end of 2025. An easement was granted to Tanner Investment Properties as part of the city's acquisition of the EOC property and is in the area expected to be dedicated in the future as an extension of Crestview Church Road. The current temporary access easement expires at the end of this year.

Mr. Nuttall requested that the council authorize the city attorney to prepare an instrument extending the temporary access easement possessed by Tanner Investment Properties, LLC for up to 24 months. After some discussion, a general consensus of the council emerged authorizing the city attorney to draft an instrument extending the temporary access easement for up to 24 months.

12. An Update on Recent Activities to Address Issues that Arise when People are Homeless

Mr. Nuttall reported that there are approximately 80 homeless people within the city. There are approximately 20 properties throughout the city have had recurring instances of unauthorized camping over time. These properties are regularly monitored by the Asheboro Police Department and the city's Code Enforcement.

There has been an increase in the homeless population within the downtown area. City departments have been working collaboratively to address any issues, including dealing with unlawful activities, ensuring proper trash disposal, and preventing unattended belongings from being left on city property.

City staff have been working with social services providers to offer information on available resources and assistance, including rapid housing, Medicaid, food and nutrition services, and substance abuse. Additionally, city staff continues to develop relationships with community organizations such as the men's shelter on Wainman Avenue. This shelter is under new management and has worked with city officials to address issues as they develop.

Dozens of property owners have been educated about how to initiate "no trespass" actions. Approximately 100 property owners have given the city authority to act on their behalf and trespass unauthorized individuals from the premises. This is a significant increase since last year.

There have been approximately 30 arrests for trespassing. The individuals are given a warning and a chance to vacate the premises, but many choose not to vacate. As camps are closed, there have been more instances of individuals inhabiting dilapidated and unoccupied structures and utilizing public property after hours. The city is continuing to work on identifying and removing unsafe structures and providing consistent presence on city properties to ensure lawful behavior.

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

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.

There being no further business, the meeting was adjourned at 7:02 p.m.

<u>/s/Holly H. Doerr</u>	<u>/s/Walker B. Moffitt</u>
Holly H. Doerr, CMC, NCCMC, City Clerk	Walker B. Moffitt, Mayor Pro Tempore