

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, MARCH 7, 2024
7:00 P.M.**

This being the time and place for a regular meeting of the Asheboro City Council, a meeting was held with the following elected officials and city management team members present:

David H. Smith) – Mayor Presiding

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

John N. Ogburn, III, City Manager
Robert L. Brown, Jr., Chief of Police
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
N. Byron Hill, Police Captain
P. Douglas Kemp, Human Resources Director
Michael L. Leonard, PE, City Engineer
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Michael D. Rhoney, PE, Water Resources Director
Jonathan M. Sermon, Recreation Services Director
Jeffrey C. Sugg, City Attorney

1. Call to Order

A quorum thus being present, Mayor Smith called the meeting to order for the transaction of business, and business was transacted as follows.

2. Moment of Silent Prayer and Pledge of Allegiance

After a moment of silence was observed in order to allow for private prayer and meditation, Mayor Smith asked everyone to stand and recite the pledge of allegiance.

3. Project Safe Neighborhoods

Randolph County District Attorney Andy Gregson briefed the council members on Project Safe Neighborhoods. The program, beginning five (5) years ago, is a formal partnership with the federal government and law enforcement agencies that work together to target violent crime.

During his presentation, Mr. Gregson thanked the city council members for investing in the city’s police department. Most of all, he credited the leadership of retired Chief of Police Mark Lineberry for the success of the program so far. In addition to Mr. Gregson, Assistant U.S. Attorney Rob Lang and Mr. Rodney Trogdon, who is the coordinator for Project Safe Neighborhoods in Randolph County, thanked the council for its involvement in the program.

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

4. Recognition of Retired Chief of Police Mark Lineberry

On behalf of the City of Asheboro, City Manager John Ogburn recognized and presented a plaque to retired Chief of Police Mark Lineberry for his dedicated service to the citizens of Asheboro through his work for the Asheboro Police Department. Additionally, Chief of Police Robert Brown presented Chief Lineberry with his service side arm that he carried at the time of his retirement.

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

5. The 2023 Retail Sales Report

Asheboro/Randolph Chamber of Commerce Vice President Amy Rudisill utilized a slide show presentation and provided the retail sales report for 2023. During her presentation, Ms. Rudisill reported that retail sales exceeded \$2 billion during 2023. The actual amount for retail sales during 2023 was \$2,197,527,279.00, which is a 22.37% increase from 2022.

A copy of the slide show presentation utilized by Ms. Rudisill is on file in the city clerk's office. No formal action was taken by the council during this portion of the meeting.

6. North Carolina Tour de Cure Charity Cycling Event

North Carolina Director of the American Diabetes Association Katie-Rose Crater announced that the North Carolina Tour de Cure charity cycling event is scheduled to take place on May 18, 2024 in Asheboro. Ms. Crater encouraged everyone to support this event.

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

7. The Summer Concert Series for 2024

Downtown Asheboro Inc. Executive Director Addie Corder discussed announced the summer concert series for 2024. There are nine (9) concerts for the summer, and they include the following:

- On the Border
- Larger than Life
- Doug Brewin as Alan Jackson;
- Cassette Rewind
- The Blackwater Band
- The North Tower
- Special Occasion Band
- Envision
- Too Much Silva

The concerts will take place in Bicentennial Park. No formal action was taken by the council during this portion of the meeting.

8. Report from Piedmont Triad Regional Council

(a) Prioritization of Capital Projects

Piedmont Triad Regional Council (PTRC) Assistant Director Matt Reece summarized the council's strategic planning workshop that took place during a special meeting on February 23, 2024. During that meeting, the council members heard presentations from city staff members on certain capital projects. And, with the help of Matt Reece, as meeting facilitator, the council discussed the importance of each project by prioritizing the projects.

During the review of the role he played in the special meeting, Mr. Reece summarized the consensus reached during the prioritization process. Regarding the rank order of projects considered during the special meeting, the ranking was as follows:

- #1 – Trade Street parking is important and urgent.
- #2 – Trade Street revitalization is important but not urgent.
- #3 – EOC – Fire Station 3 is important and urgent.

Other projects noted and considered were –

- Public Transportation is important but not urgent.
- Jarrell Garden is not important or urgent.
- McCrary Ballpark is holding seeking further information regarding lease details and the potential for unfunded tasks to be resourced by applying for state grant(s).
- Noted the need to develop a capital infrastructure plan.

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

(b) Approval of a Contract to Recruit an Assistant City Manager

Consistent with his prior conversations with the city manager, Mr. Reece asked for authorization to begin the recruitment process for an assistant city manager for the City of Asheboro. Council Member Heath moved, and Council Member Bell seconded the motion, to authorize a contract with the PTRC to begin the recruitment process for an assistant city manager. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

9. Old Business

(a) Potential Amendments to the Zoo City Social District Regulations

The city council received a request from certain stakeholders in Asheboro’s central business district to expand the geographic scope of the Zoo City Social District. Consistent with council action on February 8, 2024, City Attorney Jeff Sugg presented an ordinance approving the requested expansion of the district’s boundaries.

The subject matter of the ordinance was first introduced in accordance with Section 160A-75 of the North Carolina General Statutes on February 8, 2024. As a point of reference, Mr. Sugg noted that a map dated March 14, 2024 and titled “Boundaries of the Zoo City Social District” has been made part of the ordinance for adoption.

Council Member Bell moved, and Council Member Moffitt 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 NUMBER 7 ORD 3-24

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

ZOO CITY SOCIAL DISTRICT MODIFICATIONS

WHEREAS, effective May 15, 2022, the Zoo City Social District was created by the Asheboro City Council; and

WHEREAS, Governor Cooper signed into law, on July 7, 2022, Session Law 2022-49 (House Bill 211) that contained clarifications to the original social district legislation; and

WHEREAS, effective February 1, 2023, the city council adjusted the boundary lines of the Zoo City Social District and clarified the city ordinance provisions applicable to the social district; and

WHEREAS, the city council has received a request from certain stakeholders in Asheboro's central business district to expand the geographic scope of the Zoo City Social District; and

WHEREAS, after deliberation, the city council has decided to act on this request to expand the boundaries of the Zoo City Social District.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro as stated in the next three sections of this Ordinance.

Section 1. Section 118.05 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 118.05 Zoo City Social District

- (A) The Zoo City Social District is hereby created and is designated as shown on a map dated ~~February 1, 2023~~ March 14, 2024, and titled "Boundaries of the Zoo City Social District." The referenced map is available in the office of the city clerk. Signage and markings shall be posted in public rights-of-way in order to clearly delineate the boundaries of the social district established herein.
- (B) Within this section, the following words and terms shall be defined as stated in this subsection.
- (1) *Social district* means and refers to a defined area in which a person may consume alcoholic beverages sold by a permittee. A social district may include both indoor and outdoor areas of businesses within or contiguous to the defined area of the social district during the days and hours set by this section of the Code of Asheboro. A social district may include privately owned property, including permittees and non-permittee businesses, and multi-tenant establishments, as defined in G.S. § 18B-1001.5, and public streets, crosswalks, or parking areas whether or not the streets or parking areas are closed to vehicle traffic.
 - (2) *Permittee* means and refers to a person holding any of the following ABC permits issued by the North Carolina Alcoholic Beverage Control Commission:
 - (a) An on-premises malt beverage permit issued pursuant to G.S. § 18B-1001(1);
 - (b) An on-premises unfortified wine permit issued pursuant to G.S. § 18B-1001(3);
 - (c) An on-premises fortified wine permit issued pursuant to G.S. § 18B-1001(5);
 - (d) A mixed beverages permit issued pursuant to G.S. § 18B-1001(10);
 - (e) A wine shop permit issued pursuant to G.S. § 18B-1001(16); and
 - (f) A distillery permit issued pursuant to G.S. § 18B-1100(5).
 - (3) *Non-permittee business* means and refers to a business that is located in a social district and does not hold any ABC permit.
 - (4) *Person* means and refers to an individual, firm, partnership, association, corporation, limited liability company, other organization or group, or other combination of individuals acting as a unit.
 - (5) *Premises* means and refers to a fixed permanent establishment, including all areas inside or outside the permitted establishment, where the permittee has control through a lease, deed, or other legal process.

- (C) Pursuant to G.S. § 160A-205.4, the city council has designated the Zoo City Social District for use in accordance with G.S. § 18B-300.1.
- (D) Any person who violates this section, and any person who aids, abets, encourages, assists in, or contributes to a violation of this section shall be guilty of a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.
- (E) The days and hours during which alcoholic beverages may be consumed in the Zoo City Social District are Thursday, Friday, and Saturday between the hours of 11:00 a.m. and 11:00 p.m. on each of the listed days. At all other times, the provisions and terms contained in this section are not in effect, and all provisions of state and local laws concerning the possession and consumption of alcoholic beverages shall be in full force and effect.
- (F) Any alcoholic beverage purchased for consumption in the Zoo City Social District shall only be consumed in the Zoo City Social District, and, unless the person is reentering the licensed premises where the alcoholic beverage was purchased, the beverage shall be disposed of before the person in possession of the alcoholic beverage exits the Zoo City Social District.
- (G) A permittee located in or contiguous to the Zoo City Social District may sell open containers of alcoholic beverages and allow customers to exit the permittee's licensed premises to the social district in accordance with the following requirements.
 - (1) The permittee shall only sell and serve alcoholic beverages on its licensed premises.
 - (2) The permittee shall only sell an open container of an alcoholic beverage for consumption in the social district and off the premises of the permittee in a container that meets all of the following requirements:
 - (a) The container clearly identifies the permittee from which the alcoholic beverage was purchased;
 - (b) The container clearly displays a logo or some other mark that is unique to the Zoo City Social District;
 - (c) The container is not comprised of glass;
 - (d) The container displays, in no less than 12-point font, the statement, "Drink Responsibly – Be 21;" and
 - (e) The container shall not hold more than sixteen (16) fluid ounces.
 - (3) The permittee shall not allow a person to enter or reenter its licensed premises with an alcoholic beverage not sold by the permittee.
- (H) The possession and consumption of an open container of an alcoholic beverage in the Zoo City Social District is subject to all of the following requirements.
 - (1) Only open containers of alcoholic beverages purchased from a permittee located in or contiguous to the Zoo City Social District may be possessed and consumed.
 - (2) Alcoholic beverages shall only be in containers meeting the requirements set forth in subsection (G)(2), except for open containers sold by a permittee for consumption on the permittee's premises.
 - (3) Alcoholic beverages shall only be possessed and consumed during the days and hours set forth in subsection (E).

- (4) Nothing in this section shall be construed as authorizing the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in G.S. § 18B-1010.
- (5) It shall be unlawful for a person to enter the premises of a non-permittee business in the social district with an open container of an alcoholic beverage unless the non-permittee business is displaying uniform signage indicating that the non-permittee business is included in the social district and allows alcoholic beverages on its premises when the social district is active. All non-permittee businesses that are part of a social district and that allow customers to bring alcoholic beverages onto their premises shall clearly post signage on any exits that do not open to the social district indicating that alcoholic beverages may not be taken past that point.
- (6) No non-permittee business is required to either participate in the social district or to allow customers to bring alcoholic beverages onto the premises.
- (7) A person shall dispose of any open container of an alcoholic beverage in the person's possession prior to exiting the Zoo City Social District unless the person is reentering the licensed premises where the alcoholic beverage was purchased.
- (I) The city manager, or the manager's designee, shall cause the posting of signage in conspicuous locations to indicate the area included in the Zoo City Social District, the days and hours during which authorized open containers of alcoholic beverages may be possessed and consumed in the social district, the telephone numbers for the city police department and the ALE Division with jurisdiction over the area comprising the social district, and a clear statement that an alcoholic beverage purchased from a permittee for consumption in the social district shall (i) only be consumed in the social district and (ii) be disposed of before the person in possession of the alcoholic beverage exits the social district.
- (J) The city manager, or the manager's designee, shall establish a management and maintenance plan for the Zoo City Social District. The social district shall be maintained in a manner that protects the health and safety of the general public. The management and maintenance plan shall be posted on the city's website along with a rendering of the boundaries of the Zoo City Social District and the days and hours during which open containers of alcoholic beverages may be possessed. Without limitation, the management and maintenance plan for the Zoo City Social District shall include the development of uniform signage, along with devising an operational plan for distributing the approved signage, indicating that a non-permittee business is included in the social district and allows alcoholic beverages on its premises when the social district is active. In developing and implementing the management and maintenance plan, the city manager, or the city manager's designee, is authorized to utilize the services of Downtown Asheboro Inc, a North Carolina non-profit corporation, to evaluate potential modifications of the management and maintenance plan. Notwithstanding any other provision in this section, the final approval authority for the Zoo City Social District Management and Maintenance Plan shall be exercised by the city council.
- (K) Notwithstanding any other provision in this section, when a special event is held within the boundaries of the Zoo City Social District and the special event has been specifically authorized by the city council, the terms found within the council's legislative enactment authorizing the special event shall supersede the provisions of this section. In addition to events in the Bicentennial Park and Sunset Theatre facilities governed by the City of Asheboro Cultural and Recreation Services Policy Manual, the city council authorization for a special event may take the form of a public street, sidewalk, alley, and/or parking lot closure.
- (L) If any subsection, clause, phrase, sentence, or portion of this section of the Code of Asheboro is held void, invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, the portion of this Ordinance held to be invalid shall be

deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions of the Ordinance.

Section 2. The city manager, or the manager’s designee, is hereby directed to submit, along with any state-mandated forms and the days and hours during which the social district will be in operation, a detailed map of the Zoo City Social District, as modified by this Ordinance, to the North Carolina Alcoholic Beverage Control Commission.

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

Section 4. This Ordinance shall be in full force and effect upon and after the 14th day of March, 2024.

This Ordinance, which was first introduced in accordance with Section 160A-75 of the North Carolina General Statutes on February 8, 2024, received final approval from the Asheboro City Council in open session during a regular meeting on March 7, 2024.

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

ATTEST:

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

A copy of the map that is referenced in the above ordinance is on file in the city clerk’s office.

After the adoption of the above ordinance, Mr. Sugg presented and recommended adoption, by reference, of a resolution approving the Zoo City Social District Management and Maintenance Plan. Council Member Bell moved, and Council Member Heath seconded the motion to approve/adopt the following resolution by reference. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

RESOLUTION NUMBER 3 RES 3-24

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**RESOLUTION APPROVING THE ZOO CITY SOCIAL DISTRICT
MANAGEMENT AND MAINTENANCE PLAN**

WHEREAS, Section 118.05 of the Code of Asheboro established the Zoo City Social District;
and

WHEREAS, Section 118.05(J) of the Code of Asheboro provides that the final approval authority for the Zoo City Social District Management and Maintenance Plan is to be exercised by the Asheboro City Council; and

WHEREAS, the Zoo City Social District Maintenance and Operations Plan, as amended, has functioned well; and

WHEREAS, on March 7, 2024, the Asheboro City Council adopted an ordinance to expand the boundaries of the Zoo City Social District, effective March 14, 2024.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, effective March 14, 2024, the Zoo City Social District Management and Maintenance Plan is hereby amended to reflect and integrate into the management and maintenance plan the boundary lines

established by the Asheboro City Council with the adoption of Ordinance No. _____ on
March 7, 2024; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that all sections and provisions contained within the Zoo City Social District Management and Maintenance Plan that are not clearly and unmistakably referenced by this instrument 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 March 7, 2024.

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

ATTEST:

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

(b) Regulations for an Urban Archery Deer Hunting Program

Mr. Sugg presented an ordinance establishing an urban archery deer hunting program for the City of Asheboro. The city council, at various times, has been asked to address the negative impacts of a growing deer population within the corporate limits of the City of Asheboro. This ordinance would allow the regulated use of archery equipment, not firearms, for hunting deer within the corporate limits.

The subject matter in the proposed ordinance was first voted upon during the regular February 2024 council meeting. The ordinance presented in March 2024 was in final form and ready for a second vote on the subject matter.

Council Member Burks moved to approve/adopt the above-referenced ordinance by reference with an effective date of July 1, 2024. No one seconded the motion. The motion died for a lack of a second.

Council Member Heath then moved to table this matter, and Council Member Swiers seconded the motion. Council Members Burks, McCaskill, and Trogdon voted aye. Council Members Moffitt, Swiers, Bell, and Heath voted no.

(c) The Relocation of NC 159 along with the Repeal and Enactment of Certain Speed Limitations

Community Development Director Trevor Nuttall presented a map of the proposed relocation of NC 159. The relocation (essentially relocating NC 159 to the Zoo Connector) would be approximately 1.86 miles from the Zoo Parkway Roundabout to US 64. The existing NC 159 is approximately 4.43 miles from NC 159/Zoo Parkway Roundabout to US 64 Business/NC 49/ SR2327.

Mr. Nuttall then presented a certification of municipal declaration (concurring State Ordinance Number 1037284) to repeal speed limits and request concurrence from the North Carolina Department of Transportation (NCDOT). The proposed ordinance would repeal speed limits on NC 159 from a point approximately 0.07 mile north of SR 2820 (Crestview Church Road) northward to a point approximately 0.05 mile north of SR 2941 (Brownmire Road) in Asheboro. Council Member Bell moved, and Council Members Swiers seconded the motion to approve/adopt the above-referenced municipal declaration. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

Additionally, Mr. Nuttall presented another certification of municipal declaration (concurring State Ordinance Number 1084871) to enact speed limits and concurrence from the NCDOT. The proposed ordinance would enact speed limits of 45 miles per hour on SR 3107 between 0.07 miles north of SR 2820 (Crestview Church Road) and 0.05 miles north of SR 2941 (Brownmire Drive) in Asheboro. Council Member Bell

moved, and Council Member Burks seconded the motion, to approve/adopt the above-referenced municipal declaration. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

The municipal declarations noted above are on file in the city clerk’s office.

10. Public Comment Period

Mayor Smith opened the floor for public comments, and none were offered. Mayor Smith then closed the public comment period.

11. Consent Agenda

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

(a) Approval of the City Council Meeting Minutes for February 8, 2024

The meeting minutes for the city council’s regular meeting on February 8, 2024, were approved and have been filed in the city clerk’s office. An electronic copy of the approved document has been posted on the city’s website.

(b) Acknowledgement of the Receipt of the Meeting Minutes for the Asheboro ABC Board Meeting Held on January 8, 2024

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

(c) Approval of an Ordinance to Amend the General Fund to Account for Maintenance on the Back of City Hall

10 ORD 3-24

ORDINANCE TO AMEND THE GENERAL FUND
FY 2023-2024

WHEREAS, the east side (back) of City Hall needs to be treated to remove sealant that has delaminated from the brick and reapply sealant in order to stop existing water penetration and prevent future water damage.

WHEREAS, the City of Asheboro wishes to reallocate funding that was originally budgeted in the engineering department for professional services to City hall building maintenance and repair to pay for these services.

WHEREAS, the estimated cost of services is \$107,000

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 adopted budget.

THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina

That the following expense line items be increased / decreased:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
10-575-522.0000	Professional Services	(\$107,000)
10-500-515.0000	Maint. & Repair – Building	\$107,000
		0

Adopted this the 7th day of March 2024.

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

ATTEST:

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

(d) Approval of the Community Development Division’s request to schedule for the regular city council meeting on April 4, 2024, and to advertise, legislative hearings on the following applications:

- (i) An application to rezone property located at the western intersection of East Central Avenue and Willow Road (Randolph County Parcel Identification Number 7762297740) from R10 to R7.5 zoning;
- (ii) An application to rezone 853 East Salisbury Street (Randolph County Parcel Identification Numbers 7761229556, 7761229618, 7761229996, and 7761227703) to an amended OA6 (CZ) conditional zoning district for a residential development with multiple family dwellings;
- (iii) An application to rezone 801 and 817 Sunset Avenue (Randolph County Parcel Identification Number 7751426889) from M (CZ) and OA6 zoning to OA6 (CZ) conditional zoning for a residential development with multiple family dwellings for the elderly; and
- (iv) An application to rezone property located on the east side of Clover Street, approximately 115 feet south of Plummer Street, (Randolph County Parcel Identification Number 7751971892) from B2 General Commercial to I1 (CZ) Light Industrial Conditional Zoning for a Vehicle Storage Facility.

(e) Acknowledgement of the receipt of the monthly report detailing major subdivisions administratively approved in 2024.

There have been none approved.

(f) Approval of a Resolution Awarding to Police Captain Charles David Wagner, Upon His Retirement, His Service Side Arm

RESOLUTION NUMBER 4 RES 3-24

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION AWARDING TO CHARLES DAVID WAGNER
HIS SERVICE SIDE ARM UPON RETIREMENT FROM THE
ASHEBORO POLICE DEPARTMENT**

WHEREAS, after rendering honorable and valuable service to the City of Asheboro and its citizens throughout the course of his career with the Asheboro Police Department, which began on August 1, 1996, Asheboro Police Captain Charles David Wagner will begin his retirement from employment with the city on April 1, 2024; 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 Captain Wagner for his dedicated service to the city by awarding to him, at a minimal monetary cost, the service side arm that he carried at the time of his retirement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, effective April 1, 2024, in consideration of the combination of his dedicated service to the City of Asheboro and the payment to the city of \$1.00, Charles David Wagner

is to be awarded ownership of his city-issued service side arm (a Glock model 45 9mm with serial no. BLKC070 and three magazines) upon a determination by the police department command staff that Mr. Wagner 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 March 7, 2024.

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

ATTEST:

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

- (g) **Approval of a Resolution Awarding to Master Police Officer Anthony Paul Maness, Upon His Retirement, His Service Side Arm**

RESOLUTION NUMBER 5 RES 3-24

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION AWARDING TO ANTHONY PAUL MANESS
HIS SERVICE SIDE ARM UPON RETIREMENT FROM THE
ASHEBORO POLICE DEPARTMENT**

WHEREAS, after rendering honorable and valuable service to the City of Asheboro and its citizens throughout the course of his career with the Asheboro Police Department, which began on September 13, 1996, Asheboro Master Police Officer Anthony Paul Maness will begin his retirement from employment with the city on April 1, 2024; 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 Officer Maness for his dedicated service to the city by awarding to him, at a minimal monetary cost, the service side arm that he carried at the time of his retirement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, effective April 1, 2024, in consideration of the combination of his dedicated service to the City of Asheboro and the payment to the city of \$1.00, Anthony Paul Maness is to be awarded ownership of his city-issued service side arm (a Glock model 45 9mm with serial no. BLKC031 and three magazines) upon a determination by the police department command staff that Mr. Maness 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 March 7, 2024.

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

ATTEST:

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

- (h) **Authorization for Mayor Smith to Sign a Grant Administrative Services Agreement with the Piedmont Triad Regional Council for Technical and Professional Services Related to the City's Urgent Repair Program**

A copy of the approved/adopted agreement is on file in the city clerk's office.

- (i) **Approval of a Special Event/Street Closure Order for the Zoo City StrEAT Fest on April 20, 2024**

The council approved a special event closure order, including a temporary street closure, for the StrEAT Fest on April 20, 2024. The temporary closure order will take effect at 1600 hours on April 20, 2024 and will end at 2100 hours on April 20, 2024. The Zoo City Social District is not impacted by this closure order.

A copy of the map with the special event closure order is on file in the city clerk's office.

- (j) **Approval of a Special Event/Street Closure Order for the Katie Bunch Memorial 5k Run/Walk on May 4, 2024**

The council approved a special event closure order, including a temporary street closure, for the Katie Bunch Memorial 5k Run/Walk on May 4, 2024. The temporary closure order will take effect at 0600 hours on May 4, 2024 and will end at 1200 hours on May 4, 2024. Both south bound lanes of S. Church Street will be impacted.

12. **Legislative Hearing (Case No. RZ-24-02): An application to rezone property located adjacent to 1901 North Fayetteville Street (Randolph County Parcel Identification Numbers 7762091068 and 7752988469) by amending an RA6 (CZ) zoning district to allow for a residential development with multiple family dwelling units up to 22% Floor Area Ratio.**

Mayor Smith opened the legislative hearing on the zoning map amendment application filed as Case No. RZ-24-02. Mr. Nuttall 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 Lyn Van Lurette Trust, LLC (Brian Newman).

The land for which the above-described zoning has been requested is located contiguous to 1901 North Fayetteville Street. The Zoning Lot is approximately 15.79 acres in size, and is specifically identified by Randolph County Parcel Identification Numbers 7762091068 and 7752988469 (this property will be hereinafter referred to as the "Zoning Lot."). The Zoning Lot is owned by Lyn Van Truette Trust, LLC.

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

1. The property is inside the city limits.
2. North Fayetteville Street (US 220 Business North) is a state-maintained major thoroughfare. The adopted 2024-2033 State Transportation Improvement Plan identifies improvements for this segment of North Fayetteville Street (widen to multi lanes); the proposed improvements currently are not funded.
3. The property adjoins the Arlington Square apartments which were built in 1999. That development, which is owned by the applicant, includes a total of 120 units contained within 15 two-story structures and a clubhouse. The application proposes to add 180 units to be contained within 15 three-story buildings. Developments of this size typically require a full-time on-site property manager to be provided.

4. The submitted site plans show access to the new units from the existing development's driveway on N. Fayetteville Street. NCDOT has indicated that an increase to existing right and left turn-lane storages likely will be required as part of the state permitting process. City departments have reviewed the plan related to service delivery. While a second means of access would be beneficial, no department has raised an objection to the proposal.
5. The site plan identifies two recreational picnic areas and one pavilion. A 6' wide private trail also is proposed that could provide a connection to North Asheboro Park. The city currently is studying the feasibility of a public greenway along Hasketts Creek and is proposing a condition that would facilitate its construction should the project move forward in the future. The development's private trail could connect to this future greenway.
6. The western portion of the property is located within a flood hazard area. No structures or parking is proposed within the flood hazard area. There may also be a jurisdictional tributary to Hasketts Creek that drains from east to west on the southern portion of the property. If jurisdictional, impacts may have to be mitigated. The applicant is advised to consult with NCDEQ.
7. The application proposes a Floor Area Ratio of 21% (habitable conditioned space) on the subject property; density would be 11.4 dwellings per acre. The existing Arlington Square development has a Floor Area Ratio of 30% and a density of 18.1 dwellings per acre. In 1999, multi-family developments with a ratio of up to 33% were permitted by right in the RA6 district. Current codes limit the ratio to 17% unless additional intensity is authorized through a public hearing process. Projects proposing a ratio of greater than 22% also are expected to comply with additional development standards; these primarily deal with enhanced landscaping, mandatory stormwater control, and requirements pertaining to building design, including acceptable exterior facades or cladding material. When combining the existing Arlington Square development's floor area ratio with that of the proposed application, the ratio exceeds 22%.
8. The zoning ordinance describes the RA6 District as "intended to produce a high intensity of residential uses in close proximity to major nodes of non-residential development, characterized primarily by group housing, plus the necessary governmental and other support facilities to service that level of development. Land designated RA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged."
9. The zoning ordinance allows an applicant to propose a conditional zoning district that deviates from the zoning ordinance's pre-determined requirements. One deviation is the lack of recreational vehicle parking for residents that is typically required by the code. The second deviation is identified below in 10C. The applicant has indicated that existence of two access easements intended to serve adjacent property should preclude installation of the typical buffer.
10. Since the February 5, 2024 Planning Board meeting, the applicant has revised the site plan or provided written confirmation on the following items:
 - A. Twenty (20) trees within the parking area plus foundation shrubs in front of the buildings.
 - B. Buffer C, which is normally 25 feet in width along part of southern boundary of property. The Buffer C normally consists

of 2 canopy trees, 6 understory trees, and 10 shrubs per 100 linear feet. As allowable under ordinance standards, the applicant has proposed the option of using existing vegetation to meet this requirement.

- C. Confirmation that there is not a buffer or screen proposed along the property boundaries adjacent to two residentially zoned parcels, one of which also is owned by the applicant.
 - D. Clarification that exterior building walls are clad in a combination of vinyl siding (2nd and 3rd story) and brick (1st).
 - E. Confirmation that the units, at this time, are all expected to be two bedrooms. Note: Unit layouts can change provided the approved Floor Area Ratio is not exceeded and the minimum amount of off-street parking is provided.
11. The applicant has indicated the possibility of phasing for the development, and staff is proposing a condition to reflect this possibility and ensure adequate turnaround area is provided at phase lines.
12. If the rezoning is approved, the site plan submitted for the zoning compliance permit to authorize construction will need to satisfy all district and zoning ordinance requirements, including those related to accessible parking for persons with disabilities.

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

Proposed Land Use Map Designation: Urban Residential

Small Area Plan: Northeast

Growth Strategy Map Designation: Primary Growth

LDP Goals/Policies Which Support 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: Complies with Growth Strategy Map

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

Checklist Item 12: Property is not located within a watershed area.

LDP Goals/Policies That Do Not Support the Request:

Checklist Items 13-14: (13) Property is located with Special Hazard Flood Area and (14) on slopes of greater than 20%.

Checklist Item 6: Existing infrastructure is adequate to support the desired zone (*water, sewer, **roads**, schools, etc.*).
Staff Note: Concern with this item is related to capacity of existing roadway without roadway improvements.

The City of Asheboro Planning Board considered the zoning application and recommended placement of the Zoning Lot into the requested amended RA6 (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.

An RA6 (CZ) district is generally consistent with the Land Development Plan. The Plan's Proposed Land Use Map recognizes the high-density zoning approved for the property in 2000 and designates it for Urban Residential development. The property is adjacent to two high-density multi-family developments and the Small Area Plan advocates accommodating new multi-family projects in certain areas along N. Fayetteville Street. The presence of nearby employment centers also supports the notion of expanding higher-density opportunities.

Staff has continued to work with the applicant on site plan revisions, and believes the request is approvable subject to reasonable conditions. As is common, more detail would be provided at the permitting and construction stage if the rezoning is approved. Noting that, staff does believe that the Land Development Plan provides sufficient support for the application.

Considering the aforementioned analysis, staff believes that the proposed zoning map amendment is reasonable and in the public interest, subject to acceptance of the staff suggested conditions.

In the event of council approval of the application, the planning staff did offer suggested conditions to include as part of the requested conditional zoning ordinance.

- (A) *The use approved shall be a Development with Multiple Family Dwellings, consisting of a total of 180 dwelling units with a floor area of up to 22 percent.*
- (B) *All parties involved in this request, including the owner, success, heirs, and assigns, agree to the conditions and approved site plan.*
- (C) *Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner shall provide city staff with written acceptance of any zoning district conditions discussed and accepted during the public hearing.*
- (D) *If solid waste disposal facilities as shown on the site plan are deemed to be inadequate, the property owner shall be responsible for ensuring that additional facilities or measures are installed. Such facilities shall be consistent with city policies and codes.*
- (E) *Maintenance of all areas not within public easements or noted to be publicly maintained on the site plan shall be the responsibility of the property owner and any successors in interest.*
- (F) *Parking of recreational vehicles shall be prohibited.*
- (G) *Stormwater control measures designed by a licensed professional in accordance with the current North Carolina Department of Environmental Quality Stormwater BMP Manual shall be provided. Measures shall control the ten-year post-development peak discharge rates to pre-development peak flow rates. Prior to a Certificate of Occupancy, a licensed professional shall provide certification that the storm water control measures were built according to the plans. Any open water retention or drainage areas shall be managed to control mosquitos. The maintenance of all runoff control measures shall be the responsibility of the property owner.*
- (H) *A 20' public use easement for the proposed Hasketts Creek Greenway shall be granted at no cost to the city within the 100-year floodplain, if sought by they*

city and consistent with engineering plans to be prepared for the greenway. The cost to prepare and record the easement shall be the responsibility of the city. The development's trail location depicted on the site plan may be changed to include a connection to a future North Asheboro Greenway. Any connection of the depicted trail to North Asheboro Park shall occur in coordination and after consultation with the city's recreation director.

- (I) The site plan indicates mail delivery through cluster mailboxes. If the postal service and/or NCDOT require a different facility(s) or location of mail delivery, such a change will not be considered a modification requiring City Council action.*
- (J) If future development of adjoining property provides an opportunity for a second access to be provided from N. Fayetteville Street, the property owner and city staff shall be authorized to work together to investigate the benefits of such a connection. If mutually agreeable and consistent with city codes, such connection shall be permitted and not be considered a modification requiring City Council action.*
- (K) If phasing is implemented, the developer shall submit to staff information to ensure the adequacy of any required turnaround area needed for the provision of public and emergency services.*
- (L) Prior to the issuance of a zoning compliance permit, construction plans concerning water, including provisions for fire hydrants determined to be required by Asheboro Fire and Rescue, and sanitary sewer that complies with city policies, shall be submitted. Surveying and permitting of any required public utility lines and the associated easements that may be necessary shall be the responsibility of the property owner.*
- (M) Prior to issuance of a zoning permit for development depicted, the owner shall provide the following:*
 - (i) A final site plan with all the information necessary to determine compliance with city codes and the applicable permit fee;*
 - (ii) Details ensuring the functional equivalent of full-time on or off-site property management;*
 - (iii) NCDOT permit(s) and updates to the plan as necessary to obtain said permit;*
 - (iv) NCDEQ approval for land disturbance and, if applicable, stream impacts; and*
 - (v) Necessary information for a floodplain development permit, if required.*
- (N) The owner(s) of the Zoning Lot shall properly execute and deliver to the Zoning Administrator for recordation in the Office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the city attorney for the purpose of placing notice of the conditions attached to the conditional zoning district in the chain of title for the Zoning Lot.*

On behalf of the applicant, Mr. Christian Vestal, PE of Summey Engineering presented comments in support of the rezoning. He agreed with the staff suggested conditions.

No one spoke in opposition to the application. Mayor Smith transitioned to the deliberative phase of the process.

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

1. An RA6 (CZ) district is generally consistent with the Land Development Plan. The Plan's Proposed Land Use Map recognizes the high-density zoning approved for the property in 2000 and designates it for Urban

Residential development. The property is adjacent to two high-density multi-family developments, and the Small Area Plan advocates accommodating new multi-family projects in certain areas along N. Fayetteville Street. The presence of nearby employment centers also supports the expansion of higher-density opportunities.

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

2. The zoning map amendment application seeking to place the Zoning Lot into the requested above-described RA6 (CZ) zoning district is hereby approved, subject to the inclusion of the staff recommended conditions.

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

13. A Resolution Authorizing an Application for a State Grant/Loan for the W.L. Brown Water Treatment Plant Emerging Contaminants Planning Project

Water Resources Director Michael Rhoney, PE presented and recommended adoption, by reference, of a resolution supporting and authorizing an application for a state grant/loan for the W.L. Brown Water Treatment Plant Emerging Contaminants Planning Project.

Council Member Heath moved, and Council Member Trogdon 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 6 RES 3-24

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION SUPPORTING AND AUTHORIZING AN APPLICATION FOR A STATE GRANT/LOAN FOR THE W. L. BROWN WATER TREATMENT PLANT EMERGING CONTAMINANTS PLANNING PROJECT

WHEREAS, the Federal Bipartisan Infrastructure Law of 2021 provides Federal investment in water infrastructure including Emerging Contaminants Funds; and

WHEREAS, the City of Asheboro (hereafter referred to interchangeably as the “City” and the “Applicant”) needs and intends to begin a study to evaluate and plan for treatment options for emerging contaminants at the water treatment plant described as the W. L. Brown Water Treatment Plant Emerging Contaminants Planning Project (hereafter referred to as the “Project”); and

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

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

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

BE IT FURTHER RESOLVED by the Council that a provision will be included in the loan agreement authorizing the State Treasurer, upon failure of the City to make scheduled repayment(s) of the loan, to withhold from the City any State funds that would

otherwise be distributed to the City in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan; and

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

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

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

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

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting that was held on March 7, 2024.

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

ATTEST:

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

14. McCrary Ballpark

Recreation Services Director Jonathan Sermon updated the council on a proposed lease agreement for the non-exclusive use of McCrary Ballpark between the City of Asheboro and ZooKeepers Baseball LLC. The Zookeepers desire to lease the McCrary Ballpark located at 138 Southway Road in Asheboro in order to provide the citizens of Asheboro and surrounding areas with the opportunity to attend and view collegiate summer baseball. The City of Asheboro is willing to lease McCrary Ballpark on a non-exclusive basis to the ZooKeepers. However, the parties have not reached a complete meeting of the minds.

During substantive discussion, the council members discussed leasing options used by similar venues and asked staff to interact with the baseball team in an effort to find mutually agreeable terms for a lease agreement.

Council Member Bell then moved, and Council Member Burks seconded the motion, to continue this item to the next regular meeting. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

15. Request for Authorization to Publish Legal Notice of a Proposed Lease Agreement with New Cingular Wireless PCS, LLC

Mr. Sugg requested authorization to publish a legal notice of the city’s intent to enter into a lease agreement with New Cingular Wireless PCS, LLC. This lease agreement would allow the communications company to use space on the Church Street elevated water tank.

Council Member Bell moved, and Council Member Heath seconded the motion to authorize city staff to publish legal notice of the council's intent during the regular May meeting, to approve a lease agreement between the City of Asheboro and New Cingular Wireless PCS, LLC. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

16. Motion to go into Closed Session

Council Member Moffitt moved, and Council Member Burks seconded the motion to go into closed session pursuant to Section 143-318.11(a)(3) of the North Carolina General Statutes, in order to discuss with the city attorney matters that fall within the attorney-client privilege, specifically including a contested case pertaining to the issuance of a NPDES permit. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

17. Return to Open Session

After returning to open session Water Resources Director Michael Rhoney, PE requested the council's ratification of the engagement by the city of the law firm Cranfill Sumner LLP to provide legal representation, including litigation services, concerning the city's publicly owned treatment works and the renewal of a NPDES permit. Council Member Moffitt moved to grant the requested ratification, and Council Member Burks seconded the motion. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye.

18. Upcoming Events and Items Not on the Agenda

Mayor Smith led a brief discussion of upcoming events within the city government and the community in general.

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

There being no further business, the meeting was adjourned at 11:26 p.m.

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

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