

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, APRIL 7, 2022
7:00 PM**

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) – Council Members Present
William N. McCaskill)
Jane H. Redding)
Charles A. Swiers)

Walker B. Moffitt) – Council Member Absent

John N. Ogburn, III, City Manager
N. Byron Hill, Police Captain
Michael L. Leonard, PE, City Engineer
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jonathan M. Sermon, Recreation Services Director
Jeffrey C. Sugg, City Attorney
Tammy M. Williams, CMC, Deputy City Clerk

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. Downtown Asheboro Inc. Item

Mayor Smith recognized, Ms. Rebekah McGee, who is the Executive Director of Downtown Asheboro Inc., so that she could make an award presentation. In recognition of Joel McClosky’s contributions to revitalization efforts in the downtown area and the positive impact on the greater Asheboro community, Ms. McGee presented the North Carolina Main Street Champions Award to Mr. McClosky.

4. Water Resources Division Item

Mr. Charles Archer presented, on behalf of the firm Freese and Nichols, Inc., the “2022 WASTEWATER ASSET INVENTORY AND ASSESSMENT REPORT” that will be used as a planning tool to guide improvements and maintenance for the city’s existing wastewater infrastructure. In addition to presenting the final report, Mr. Archer requested the adoption of a resolution confirming the receipt of the completed work.

In response to the report presentation and Mr. Archer’s request, Council Member Burks moved, and Council Member Heath seconded the motion, to approve the requested resolution. Council Members Bell, Burks, Heath, McCaskill, Redding, and Swiers voted aye. There were no dissenting votes. Consequently, the following resolution was approved/adopted unanimously.

RESOLUTION NUMBER 10 RES 4-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION CONFIRMING THE RECEIPT OF
COMPLETED ASSET INVENTORY AND ASSESSMENT WORK**

WHEREAS, by means of Resolution Number 34 RES 9-19, the Asheboro City Council (the “Council”), in its capacity as the governing board for the City of Asheboro (the “City”), granted authorization in September 2019 for the City to apply for an Asset Inventory and Assessment (“AIA”) Grant; and

WHEREAS, the City received an AIA Grant from the North Carolina Department of Environmental Quality Water Infrastructure Fund in April 2020; and

WHEREAS, the City retained Freese and Nichols, Inc. to aid in the execution of the AIA Grant; and

WHEREAS, Freese and Nichols, Inc. has completed and presented to the Asheboro City Council a report that provides the City with a planning tool to guide improvements to and maintenance of the City’s existing wastewater infrastructure.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the Council hereby confirms the completed AIA work has been presented to and accepted by the Council during a regular meeting held on the 7th day of April, 2022.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on April 7, 2022.

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

ATTEST:

/s/ Tammy M. Williams
Tammy M. Williams, CMC, Deputy City Clerk

[A copy of the final report presented by Mr. Archer is on file with the water resources division and in the office of the city clerk.]

5. Regency Square Community Petition

Residents from the Regency Square community had asked to be placed on the agenda in order to present a petition pertaining to their safety concerns. Community Development Director Trevor Nuttall reported that, due to health concerns/illness of the individuals who wished to address the council, a request had been received to be heard at another council meeting.

In response to this request, Council Member Bell moved and Council Member Swiers seconded the motion, to continue this agenda item to the next regular council meeting on May 5, 2022. Council Members Bell, Burks, Heath, McCaskill, Redding, and Swiers voted aye. There were no dissenting votes.

6. Public Comment Period

Mayor Smith opened the floor for public comments, and none were offered. In the absence of any requests to be heard, Mayor Smith closed the public comment period and moved to the next agenda item.

7. Consent Agenda:

Council Member Burks moved, and Council Member Bell seconded the motion, to approve/adopt the consent agenda as presented. Council Members Bell, Burks, Heath, McCaskill, Redding, and Swiers voted aye. There were no dissenting votes. Consequently, the following actions were unanimously approved/adopted by the city council.

(a) The City Council Meeting Minutes for March 10, 2022

The meeting minutes for the city council's regular meeting on March 10, 2022, 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) The City Council Special Meeting Minutes for March 25, 2022

The meeting minutes for the city council's special meeting on March 25, 2022, 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) The Asheboro ABC Board Meeting Minutes for February 7, 2022

The council acknowledged the receipt of the Asheboro ABC Board's approved meeting minutes for February 7, 2022. This document has been filed in the city clerk's office and distributed to the city's elected officials.

(d) Scheduling of a Legislative Hearing for May 5, 2022

The council approved a request from the community development division to schedule for May 5, 2022, and to advertise, a legislative hearing on the application to place a block defined by South Church Street, Lanier Avenue, Hammer Avenue, and West Kivett Street (Randolph County Parcel Identification Number 7751703525) into an OA6 (CZ) zoning district and to approve a whole block redevelopment for a multi-family development for the elderly.

(e) Operational Hours for Certain Cultural and Recreation Services Facilities

Consistent with the City of Asheboro Cultural and Recreation Services Policy Manual, Recreation Services Director Jonathan Sermon submitted for the governing board's review written notification of the operational hours for the Downtown Farmers' Market and the city-owned pool facilities during the upcoming season. The written notification provided by the recreation services director is on file in the office of the city clerk and may also be obtained by directly contacting the city's cultural and recreation services department.

With the adoption of the consent agenda, the council acknowledged receiving the Downtown Farmers' Market and city-owned swimming pool facilities schedules for 2022. No alterations in the proposed operational schedules were requested by the governing board.

(f) Asheboro Airport Authority Oath of Office Forms

With reference to the Asheboro Airport Authority, Section 14.2 of the Charter for the City of Asheboro provides, in pertinent part, that "each of the members appointed and their successors shall take and subscribe before the city clerk an oath of the office and file the same with the city council." The five members of the Asheboro Airport Authority have been reappointed to three-year terms of office that extend to February 1, 2025.

All of the airport authority members have taken the required oath of office and filed the oath forms with the city council. With the adoption of the consent agenda, the city council acknowledged its receipt of the following executed oath forms.

**OATH OF OFFICE FOR
ASHEBORO AIRPORT AUTHORITY MEMBER**

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH
CITY OF ASHEBORO

I, Linda J. Brown, do solemnly and sincerely affirm that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain, and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will faithfully discharge the duties of my office as a member of the Asheboro Airport Authority.

/s/ Linda J. Brown
Linda J. Brown

Affirmed and subscribed before me this the 1st day of March, 2022.

/s/ Tammy M. Williams
Tammy M. Williams, CMC,
Deputy City Clerk
City of Asheboro, North Carolina

**OATH OF OFFICE FOR
ASHEBORO AIRPORT AUTHORITY MEMBER**

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH
CITY OF ASHEBORO

I, Bobby J. Crumley, do solemnly and sincerely affirm that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain, and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will faithfully discharge the duties of my office as a member of the Asheboro Airport Authority.

/s/ Bobby J. Crumley
Bobby J. Crumley

Affirmed and subscribed before me this the 11th day of March, 2022.

/s/ Tammy M. Williams
Tammy M. Williams, CMC,
Deputy City Clerk
City of Asheboro, North Carolina

**OATH OF OFFICE FOR
ASHEBORO AIRPORT AUTHORITY MEMBER**

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH
CITY OF ASHEBORO

I, Stephen R. Knight, do solemnly and sincerely affirm that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain, and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will faithfully discharge the duties of my office as a member of the Asheboro Airport Authority.

/s/ Stephen R. Knight
Stephen R. Knight

Affirmed and subscribed before me this the 29th day of March, 2022.

/s/ Tammy M. Williams
Tammy M. Williams, CMC,
Deputy City Clerk
City of Asheboro, North Carolina

**OATH OF OFFICE FOR
ASHEBORO AIRPORT AUTHORITY MEMBER**

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH
CITY OF ASHEBORO

I, Bradley N. Lanier, do solemnly and sincerely affirm that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain, and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will faithfully discharge the duties of my office as a member of the Asheboro Airport Authority.

/s/ Bradley N. Lanier
Bradley N. Lanier

Affirmed and subscribed before me this the 4th day of March, 2022.

/s/ Tammy M. Williams
Tammy M. Williams, CMC,
Deputy City Clerk
City of Asheboro, North Carolina

**OATH OF OFFICE FOR
ASHEBORO AIRPORT AUTHORITY MEMBER**

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH
CITY OF ASHEBORO

I, Mark E. Vuncannon, do solemnly and sincerely affirm that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain, and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will faithfully discharge the duties of my office as a member of the Asheboro Airport Authority.

/s/ Mark E. Vuncannon
Mark E. Vuncannon

Affirmed and subscribed before me this the 4th day of March, 2022.

/s/ Tammy M. Williams
Tammy M. Williams, CMC,
Deputy City Clerk
City of Asheboro, North Carolina

[The original executed oath of office forms are on file in the office of the city clerk.]

8. Land Use Cases

(a) Case Nos. RZ-22-03 and SUB-22-02: Legislative Hearing on a Zoning Map Amendment Application Requesting R10 (CZ) Zoning and Subdivision Sketch Design Approval for a Residential Planned Unit Development Proposed to the West of 2513 Old Cedar Falls Road

Mayor Smith opened the legislative hearing on the above-described zoning map amendment application filed by Brian Thomas (the “Applicant”). The Applicant’s request is to place approximately 50.78 acres of his land (the “Zoning Lot”) into an R10 (CZ) conditional zoning district and obtain approval for a residential planned unit development. Currently, the 50.78 acres, more or less, of land is zoned R10 Medium-Density Residential.

The Zoning Lot is a portion of a larger parcel of land (approximately 106.13 acres in size) identified by Randolph County Parcel Identification Number 7772117810. This land is currently zoned R10 medium density residential.

Community Development Director Trevor Nuttall noted that the required legal notices for this legislative hearing have been mailed, advertised, and posted. With the aid of slide show, Mr. Nuttall provided the following staff analysis.

1. The Zoning Lot and the adjacent tract to the west were annexed into the city as a satellite annexation in 2006.
2. Old Cedar Falls Road is a state-maintained minor thoroughfare.
3. The Applicant’s current proposal is for an approximately 51-acre planned unit development consisting of 79 attached single-family structures and two detached structures (one to initially serve as a model home) for a total of 160 dwelling units. In 2013, the same applicant presented a different PUD proposal via a rezoning and a special use permit with 160 dwelling units, which included an agricultural tourism use, on the entirety of the property. City council did approve the rezoning to R10 and the requested special use permit.

However, the special use permit has expired. The R10 district remains in place.

4. Units are proposed to be single-story dwellings with a one-car garage.
5. The project proposes development with private streets with two entrances serving the development from Old Cedar Falls Road. The developer would also be extending city water and sewer mains to serve the project and constructing a lift station.
6. The R10 residential zoning district is intended to provide regulations which will produce a moderate intensity of residential uses, usually single-family or two-family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living.
7. Historically, conventional subdivision density within the R10 district averages around 3.8 units per acre. Revised plans were submitted on April 5, 2022, subsequent to the planning board meeting, reducing the number of lots. Overall net density has been recalculated using the latest data, and the proposed net density is now closer to conventional R10 development.
8. The conditional zoning process allows an applicant to propose a project-specific zoning district that establishes permitted uses, development conditions, and site development requirements. The project-specific zoning district is allowed to diverge from the zoning ordinance's predetermined land use requirements.
9. A portion of the property is located within a Special Hazard Flood Area. However, no development is proposed within this area.

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. The following items describe the Zoning Lot in the context of the adopted comprehensive plan.

Proposed Land Use Map Designation: Neighborhood Residential

Small Area Plan: East

Growth Strategy Map Designation: Primary Growth

LDP Goals/Policies Supporting the Request:

Checklist Item 1: Complies with LDP proposed land use map.

Checklist Item 5: Complies with Growth Strategy Map.

Checklist Item 7: Proposed rezoning is compatible with East Small Area Plan.

Checklist Item 12 : Property is located outside of the watershed area.

LDP Goals/Policies Which Do Not Support the Request:

Checklist Item 10: Proposed rezoning is not consistent with Land Category Descriptions.

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

As part of its analysis, the city planning staff also offered suggested conditions believed to be necessary to ensure Land Development Plan consistency and general

conformity with city codes. City staff recommended approval of the request with the attachment of the following conditions

Suggested Conditions from Planning Staff as of April 7, 2022:

- (A) The approved use shall be a residential planned unit development per the approved site plan.
- (B) All parties involved in the request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.
- (C) All required amenities in Phase One, as shown on the approved site plan, shall be built or guaranteed as allowed by the subdivision ordinance. This requirement pertains to, but is not limited to, the playground /picnic area and areas for small and large dogs shown on the site plan. Such areas shall be properly graded, stabilized, and seeded for the purpose so indicated.
- (D) Prior to recording a final plat for any phase of the development, homeowners' association documents, which contain provisions consistent with this order, shall be recorded in the Office of the Randolph County Register of Deeds. Such homeowners' documents shall include, but not be limited to, maintenance responsibilities of the association, a release of the City of Asheboro from liability due to utility maintenance on private streets, indication that walls between units are party walls, and prohibition of parking recreational vehicles (boats, campers, travel trailers, etc.) outdoors.
- (E) Due to the proposed roadway width, on-street parking shall be prohibited.
- (F) Public Infrastructure to be maintained by the city must be constructed to City of Asheboro standards and specifications and must receive the appropriate approvals from the North Carolina Department of Transportation ("NCDOT") and the North Carolina Department of Environmental Quality ("NCDEQ"). Maintenance easements shall be granted to the city for such infrastructure, including hydrants and meters. A lot containing the lift station shall be platted and conveyed to the city along with an access and maintenance easement. Surveying and construction drawings for state permitting and necessary legal instruments will be the developer's responsibility.
- (G) An engineering study of storm water runoff shall be made of the Zoning Lot. If this study indicates that post development runoff will exceed predevelopment conditions, plans for runoff control shall be designed and certified by a professional engineer. Such controls shall be designed to reduce the runoff during the occurrence of a 10-year storm to predevelopment volumes and rates. A professional engineer shall provide certification that the storm water controls were built according to the plans. Any open water retention or drainage areas shall be sprayed regularly for mosquito control. The continued maintenance of all runoff control measures shall be the responsibility of the property owner and any successors in interest.
- (H) Maintenance of all recreation areas, parking lots, roads, and drainage facilities that are not specifically labeled on the approved site plan as publicly owned and maintained shall be the responsibility of the property owner and any successors in interest.

- (I) The site plan indicates that trash collection will be accomplished by means of mobile toters. Solid waste collection must be done by a private entity. The City of Asheboro will not pick up solid waste within the development. All final plats shall state that the City of Asheboro will no pick up individual cans for the development. Prior to issuing a certificate of occupancy for any unit, the developer shall provide evidence of an arrangement for private solid waste disposal service.
- (J) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the applicant shall submit documentation detailing the following approvals:
 - (i) Driveway permit form NCDOT;
 - (ii) Erosion control approval from NCDEQ; and
 - (iii) Preliminary plat approval from the city council.
- (K) Pursuant to Section 4.05(C)(18) of the zoning ordinance, action to obtain a Zoning Compliance Permit shall have commenced for the proposed land use within 36 months of the city council's approval of the conditional zoning ordinance for the Zoning Lot.
- (L) A sealed survey plat shall be submitted from a professional land surveyor to city staff identifying the boundaries of the approved conditional zoning district.
- (M) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute and deliver to the zoning administrator for recordation in the Office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the city attorney for the purpose of placing notice of the conditions attached to this conditional zoning ordinance in the chain of title for the Zoning Lot.

The city's planning staff prepared the following analysis concerning the consistency of the proposed development with the adopted comprehensive plans as well as the reasonableness of the proposal.

Since the 2013 planned unit development approval, additional non-residential development has occurred within the East Small Area Plan boundaries and late last year Toyota announced plans to build a large manufacturing facility near Liberty, approximately 12 miles northeast of the subject property. Such growth likely will necessitate new housing opportunities, and the city's Land Development Plan ("LDP") advocates for different housing types, including townhome development, as part of the housing inventory.

The LDP's Neighborhood Residential Future Land Use Designation is generally supportive of PUD development at around 4 units per acre when adequate street connectivity and elements encouraged by the Plan, such as pedestrian amenities, project landscaping, recreation area, and open space, are incorporated in the project design.

The plans submitted are generally consistent with the city's predetermined land use requirements, including the construction of sidewalks, installation of project landscaping, preservation of open space, and the provision of recreational area.

At the conclusion of the community development director's presentation, Mayor Smith opened the floor for participation by other parties who wished to be heard on the

The plat has been reviewed by the city's engineering, public works, and planning departments. The only departmental comments forwarded to the council came from the planning department, which submitted the following comments:

- (1) Road names will need to be approved by Randolph County Emergency Services; and
- (2) Final hydrant locations will be subject to fire department review with the preliminary plat.

Additionally, the sketch design plat was forwarded by city staff to the North Carolina Department of Transportation (“NCDOT”), the United States Postal Service (“USPS”), and the Asheboro City Schools. The following comments were received in response:

- (1) The NCDOT asked that the property be staked to ensure the driveway location complies with NCDOT requirements;
- (2) The USPS indicated that a community mail box may be required. Design of this feature will be needed at the time of preliminary plat review; and
- (3) The Asheboro City Schools had no specific comments.

The city planning staff and the planning board recommended approval of the subdivision sketch design with the above-noted comments.

At the conclusion of the community development director’s presentation, Mayor Smith opened the floor for citizen comments about the requested subdivision sketch design approval. In response, the following individuals offered comments: Ms. Barbara Chadwell, Mr. Raymond Read, and Dr. William Walker.

After considering the available information, Council Member Bell moved, and Council Member Redding seconded the motion, to concur with the planning board and approve the submitted subdivision sketch design with the above-listed comments.

9. Annexation Petitions – Three Parcels of Land on Sterling Street

(a) Resolution Directing the City Clerk to Investigate the Annexation Petitions

City Engineer Michael Leonard, PE provided an overview of the annexation petitions submitted by Stephen Bryant, Kevin Douthit and Kathy Cavin. These petitions pertain to three parcels of land located on Sterling Street.

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, Redding, and Swiers voted aye. There were no dissenting votes

RESOLUTION NUMBER 11 RES 4-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE THE SUFFICIENCY OF ANNEXATION PETITIONS SUBMITTED FOR THREE PARCELS OF LAND AT THE TERMINUS OF STERLING STREET

WHEREAS, Stephen P. Bryant has submitted a petition requesting the annexation into Asheboro of a parcel of land (Randolph County Parcel Identification Number 7761070520) he owns at 208 Sterling Street, Asheboro, North Carolina 27203; and

WHEREAS, Kevin Lynn Douthit has submitted a petition requesting the annexation into Asheboro of a parcel of land (Randolph County Parcel Identification Number 7761071608) he owns at 209 Sterling Street, Asheboro, North Carolina 27203; and

WHEREAS, Kathy Cavin has submitted a petition requesting the annexation into Asheboro of a parcel of land (Randolph County Parcel Identification Number 7751979712) she owns at 205 Sterling Street, Asheboro, North Carolina 27203; and

WHEREAS, when evaluated as a consolidated annexation area, the above-listed petitioners' parcels of land are contiguous to Asheboro's primary city limits; and

WHEREAS, Section 160A-31 of the General Statutes of North Carolina provides that the sufficiency of the petitions shall be investigated by the city clerk before further annexation proceedings may 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 annexation petitions 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 April 7, 2022.

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

ATTEST:

/s/ Tammy M. Williams
Tammy M. Williams, CMC, Deputy City Clerk

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

CERTIFICATE OF SUFFICIENCY
(Annexation Petitions Submitted for Three Parcels of Land
at the Terminus of Sterling Street)

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

I, Tammy M. Williams, am Deputy 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 petitions submitted by Stephen P. Bryant, Kevin Lynn Douthit, and Kathy Cavin (collectively, the "Petitioners"). I further certify that the following paragraphs accurately state the information obtained during the course of my investigation of the annexation petitions.

The Petitioners have requested the annexation into Asheboro of parcels of land (Randolph County Parcel Identification Numbers 7761070520, 7761071608, and 7751979712) they own along the easternmost section of Sterling Street (the "Annexation Area"). This Annexation Area is contiguous to the primary corporate limits of the City of Asheboro.

On the basis of my investigation, I have concluded that all of the owners of land, outside of the public right-of-way for Sterling Street, lying in the Annexation Area have signed the prescribed petitions. The petitions appear to be sufficient to satisfy the provisions of Section 160A-31 of the General Statutes of North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro in order to make this certification effective as of April 7, 2022.

(CITY SEAL)

/s/ Tammy M. Williams
Tammy M. Williams, CMC, Deputy City Clerk

(b) Resolution Setting the Date for a Public Hearing

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

RESOLUTION NUMBER 12 RES 4-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION SETTING THE DATE FOR A PUBLIC HEARING ON THE QUESTION OF THE REQUESTED ANNEXATION OF THREE PARCELS OF LAND AT THE TERMINUS OF STERLING STREET

WHEREAS, Stephen P. Bryant has submitted a petition requesting the annexation into Asheboro of a parcel of land (Randolph County Parcel Identification Number 7761070520) he owns at 208 Sterling Street, Asheboro, North Carolina 27203; and

WHEREAS, Kevin Lynn Douthit has submitted a petition requesting the annexation into Asheboro of a parcel of land (Randolph County Parcel Identification Number 7761071608) he owns at 209 Sterling Street, Asheboro, North Carolina 27203; and

WHEREAS, Kathy Cavin has submitted a petition requesting the annexation into Asheboro of a parcel of land (Randolph County Parcel Identification Number 7751979712) she owns at 205 Sterling Street, Asheboro, North Carolina 27203; and

WHEREAS, pursuant to a previously adopted resolution, the city clerk, by and through the deputy city clerk, has investigated the sufficiency of the annexation petitions; and

WHEREAS, the deputy city clerk has certified the sufficiency of the petitions for proceeding with setting the date for a public hearing on the question of the requested annexation pursuant to Section 160A-31 of the General Statutes of North Carolina.

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

Section 1. A public hearing on the question of annexing the territory described in Section 2 of this Resolution will be held in the council chamber on the second floor of Asheboro City Hall at 146 North Church Street, Asheboro, North Carolina 27203 during a regular meeting of the Asheboro City Council that will begin at 7:00 p.m. on May 5, 2022.

Section 2. The territory proposed for annexation is described by metes and bounds as follows:

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the current Asheboro primary city limits line at a 1 and 3/4-inch existing iron rod flush with the ground at the southeastern corner of the Stephen P. Bryant property described in the Office of the Register of Deeds for Randolph County, North Carolina (the "Randolph County Registry") in Deed Book 2105 at Page 150 (the "Bryant Property"), the

Asheboro City Council Regular Meeting Minutes

Page 14

April 7, 2022

described beginning point is located by means of the North Carolina Coordinate System at the coordinates of North 717,490.32 Ground US Survey Feet and East 1,760,112.26 Ground US Survey Feet (NAD 83 (2011)); thence, from the beginning point, following the southern boundary line of the Bryant Property along the current Asheboro primary city limits line South 88 degrees 14 minutes 06 seconds West 49.36 feet to a 3/4-inch existing iron rod at the southwest corner of the Bryant Property; thence departing from the current Asheboro primary city limits line and the southern boundary line of the Bryant Property to follow the proposed Asheboro primary city limits line the following bearing and distance along the western boundary line of the Bryant Property that is shared with the Douglas L. Moore and Allison Moore property described in Deed Book 2663, Page 1808, Randolph County Registry: North 00 degrees 47 minutes 55 seconds West 124.10 feet to a 1-inch existing iron pipe flush with the ground at the northwestern corner of the Bryant Property and in the southern margin of the 50-foot public right-of-way for Sterling Street (North Carolina Secondary Road 2231); thence following the proposed Asheboro primary city limits line North 88 degrees 00 minutes 25 seconds West 153.66 feet along the southern margin of the public right-of-way for Sterling Street to a computed point/point not set on the current Asheboro primary city limits line; thence departing from the southern margin of the public right-of-way for Sterling Street and following the current Asheboro primary city limits line North 07 degrees 25 minutes 06 seconds East 49.40 feet across the public right-of-way for Sterling Street to a computed point/point not set in the northern margin of the public right-of-way for Sterling Street; thence departing from the current Asheboro primary city limits line in order to follow the proposed Asheboro primary city limits line South 87 degrees 39 minutes 23 seconds East 17.57 feet along the northern margin of the public right-of-way for Sterling Street to a 1-inch existing iron pipe flush with the ground at the southwestern corner of the Kathy Cavin property described in Deed Book 1775, Page 846, Randolph County Registry and shown as Lots 27-29 and 27A-29A in Plat Book 5, Page 87, Randolph County Registry (the "Cavin Property"); thence departing from the northern margin of the public right-of-way for Sterling Street in order to proceed North 09 degrees 07 minutes 09 seconds East 228.79 feet along the western boundary line of the Cavin Property and the proposed Asheboro primary city limits line to a 5/8-inch existing iron rod that is up 2 inches at the northwest corner of the Cavin Property; thence departing from the western boundary line for the Cavin Property and following the proposed Asheboro primary city limits line South 89 degrees 52 minutes 23 seconds East 67.32 feet along the northern boundary line for the Cavin Property to a 3/8-inch existing iron rod that is up 2 inches at a corner shared by the Cavin Property with the Glenn R. King property described in Deed Book 1679, Page 839, Randolph County Registry, this corner is located by means of the North Carolina Coordinate System at the coordinates of North 717,892.25 Ground US Survey Feet and East 1,760,035.16 Ground US Survey Feet (NAD 83 (2011)); thence departing from the northern boundary line of the Cavin Property and following the proposed Asheboro primary city lines the next three bearings and distances along the boundary line shared by the Cavin Property with the Gregory Charles Holden and Sara Louise Holden property described in Deed Book 2394, Page 1197, Randolph County Registry (the "Holden Property"): South 07 degrees 11 minutes 15 seconds West 31.29 feet to a 3/4-inch existing iron pipe up 4 inches; thence South 87 degrees 10 minutes 01 second East 20.00 feet to a 3/4-inch existing iron pipe in a tree; thence South 06 degrees 33 minutes 50 seconds West 29.29 feet to a 1-inch existing iron pipe up 2 inches; thence departing from the Cavin Property and continuing to follow the proposed Asheboro primary city limits line South 87 degrees 21 minutes 34 seconds East 302.68 feet along the northern boundary line for the Kevin Lynn Douthit property described in Deed Book 2031, Page 698, Randolph County Registry (the "Douthit Property") that is shared with the Holden Property to a 1-inch existing iron pipe that is bent; thence departing the northern boundary line for the Douthit Property and continuing to follow the proposed Asheboro primary city limits line the next five bearings and distances along the boundary line shared by Douthit Property and the Holden Property: South 30 degrees 05 minutes 17 seconds West 49.82 feet a 1-inch existing iron pipe that is flush with the ground; thence South 38 degrees 14 minutes 30 seconds West 53.51 feet to a 1-inch existing iron pipe that is flush with the ground; thence South 45 degrees 41 minutes 25 seconds West 49.71 feet to a 60d nail set at the base of a 1-inch existing iron pipe that is down 2 inches; thence South 47 degrees 17 minutes 35 seconds West 54.07 feet to a 5/8-inch new iron rod that is flush with the ground; thence South 54 degrees 28 minutes 23 seconds West 19.46 feet to a 60d nail set at the base of a 1-inch existing iron pipe that is flush with the ground in the northern margin of the public right-of-way for Sterling Street; thence continuing to follow the proposed Asheboro primary city limits line by proceeding South 42 degrees 43 minutes 17 seconds West 54.46 feet across Sterling Street to a 1-inch existing iron pipe that is flush with the ground in the southern margin of the public right-of-way for Sterling Street; thence departing from the southern

margin of the public right-of-way for Sterling Street and continuing to follow the proposed Asheboro primary city limits line by running the next two bearings and distances along the eastern boundary line of the Bryant Property that is shared with the Holden Property: South 38 degrees 11 minutes 55 seconds West 42.96 feet to an existing angled iron that is down 2 inches; thence South 16 degrees 27 minutes 59 seconds West 88.88 feet to the point and place of BEGINNING, and containing a total of 1.942 acres, more or less, to be annexed.

The above-stated legal description is in accordance with a plat of survey drawn under the supervision of Dan W. Tanner, II, Professional Land Surveyor with License Number L-4787. The plat of survey is titled "Annexation Survey For: Kathy Cavin, Kevin L. Douthit, & Stephen P. Bryant."

Section 3. Notice of the public hearing scheduled by Section 1 of 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 by the Asheboro City Council in open session during a regular meeting held on April 7, 2022.

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

ATTEST:

/s/Tammy M. Williams
Tammy M. Williams, CMC, Deputy City Clerk

10. Legal Services Items

(a) Speed Limitations

In response to a traffic calming study and citizen input, City Attorney Jeff Sugg recommended the adoption by reference of an ordinance titled "An Ordinance Authorizing Speed Restrictions on Certain City-Maintained Streets." Council Member Burks moved, and Council Member Bell seconded the motion, to adopt the following ordinance. Council Members Bell, Burks, Heath, McCaskill, Redding, and Swiers voted aye. There were no dissenting votes.

ORDINANCE NUMBER 08 ORD 4-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AN ORDINANCE AUTHORIZING SPEED RESTRICTIONS
ON CERTAIN CITY-MAINTAINED STREETS

WHEREAS, Section 160A-296 of the North Carolina General Statutes provides that a city shall have general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits; and

WHEREAS, Section 20-141(b) of the North Carolina General Statutes provides as follows:

Except as otherwise provided in this Chapter, it shall be unlawful to operate a vehicle in excess of the following speeds:

- (1) Thirty-five miles per hour inside municipal corporate limits for all vehicles.
- (2) Fifty-five miles per hour outside municipal corporate limits for all vehicles except school buses and school activity buses; and

WHEREAS, Section 20-141(e) of the North Carolina General Statutes provides as follows:

Local authorities, in their respective jurisdictions, may authorize by ordinance higher speeds or lower speeds than those set out in subsection (b) upon all streets which are not part of the State highway system; but no speed so fixed shall authorize a speed in excess of 55 miles per hour. Speed limits set pursuant to this subsection shall be effective when appropriate signs giving notice thereof are erected upon the part of the streets so affected; and

WHEREAS, speed restrictions established by the Asheboro City Council by means of the adoption of an appropriate ordinance are to be recorded in Schedule 16 of Chapter 72 of the Code of Asheboro; and

WHEREAS, a traffic calming study focused on the Dixieland Acres neighborhood that was prepared for the City of Asheboro by the DRMP firm recommended a reduction in the speed limit from 35 miles per hour to 30 miles per hour for the entire neighborhood; and

WHEREAS, a request has been received from the Rockcliff Terrace neighborhood to reduce the speed limit on Rockcliff Terrace from 35 miles per hour to 25 miles per hour; and

WHEREAS, the Asheboro City Council wishes to implement the above-stated recommendations and requests.

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

Section 1. The speed limit on the following city streets in the Dixieland Acres neighborhood shall be 30 miles per hour:

- (a) Kenmore Street (the section south of Dixie Drive);
- (b) Mackie Avenue;
- (c) Pepperidge Road;
- (d) Timberlane;
- (e) Brookdale Drive;
- (f) Plantation Circle;
- (g) Larkwood Avenue;
- (h) Arrow Wood Road;
- (i) Sequoia Avenue;
- (j) Mark Avenue;
- (k) Colony Road;
- (l) Rocky Lane;
- (m) Salem Court;
- (n) Pine Grove Drive; and
- (o) Manor Circle.

Section 2. The speed limit on Rockcliff Terrace shall be 25 miles per hour.

Section 3. The speed limit declared by this Ordinance shall become effective upon the erection of signs giving notice of the authorized speed limit.

Section 4. The city clerk shall amend Schedule 16 in Chapter 72 of the Code of Asheboro to reflect the above-stated change in the speed limits.

Section 5. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on April 7, 2022.

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

ATTEST:

/s/ Tammy M. Williams
Tammy M. Williams, CMC, Deputy City Clerk

(b) Stop Intersections Ordinance

In response to a traffic calming study, City Attorney Jeff Sugg recommended the adoption by reference of an ordinance titled “An Ordinance Designating Certain Intersections as 4-Way Stop Intersections.” Council Member Burks moved, and Council Member Swiers seconded the motion, to adopt the following ordinance. Council Members Bell, Burks, Heath, McCaskill, Redding, and Swiers voted aye. There were no dissenting votes.

ORDINANCE NUMBER 09 ORD 4-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AN ORDINANCE DESIGNATING CERTAIN INTERSECTIONS
AS 4-WAY STOP INTERSECTIONS

WHEREAS, Section 160A-296 of the North Carolina General Statutes provides that a city shall have general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits; and

WHEREAS, Section 70.29(B) of the Code of Asheboro provides, in pertinent part, as follows:

Pursuant to instructions given to him by the City Council from time to time and entered in the council minute book, the City Manager shall:

(B) Cause all intersections designated as stop intersections when entered from designated streets to be posted accordingly. He shall then notify the City Clerk, who shall enter the description of such intersections and the streets of . . . (entry) thereto upon which stops are required in schedule 7 of § 72.02 (of the Code of Asheboro); and

WHEREAS, a traffic calming study focused on the Dixieland Acres neighborhood that was prepared for the City of Asheboro by the DRMP firm recommended, as an alternative to a traffic circle, a 4-way stop at two intersections in the neighborhood; and

WHEREAS, the Asheboro City Council wishes to implement the above-stated recommendation.

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

Section 1. The intersection of Brookdale Drive and Sequoia Avenue is hereby declared to be a 4-way stop intersection that shall be properly posted to cause all vehicles approaching the intersection from any direction to stop immediately before entering the intersection.

Section 2. The intersection of Pepperidge Road and Sequoia Avenue is hereby declared to be a 4-way stop intersection that shall be properly posted to cause all vehicles

approaching the intersection from any direction to stop immediately before entering the intersection.

Section 3. The city manager is hereby instructed to cause the proper placement of stop signs at the intersections listed in Section 1 and Section 2 of this Ordinance in order establish 4-way stops at the designated intersections.

Section 4. The city clerk shall properly record the actions taken pursuant to this Ordinance in schedule 7 of Section 72.02 of the Code of Asheboro.

Section 5. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed to the extent that such ordinances conflict with the intent of the Asheboro City Council to create 4-way stops at the intersections designated herein.

Section 6. This Ordinance shall take effect and be in force from and after the date of its adoption.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on April 7, 2022.

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

ATTEST:

/s/ Tammy M. Williams
Tammy M. Williams, CMC, Deputy City Clerk

(c) Alcoholic Beverage Consumption in a “Social District”

Municipalities have been authorized to designate one or more social districts in accordance with Section 160A-205.4 and Section 18B-904.1 of the North Carolina General Statutes. During the regular city council meeting on December 9, 2021, Ms. Rebekah McGee, Executive Director of Downtown Asheboro Inc., requested that the city consider implementing such a district in downtown Asheboro.

In order to provide a starting point for the governing board’s deliberations on the question of implementing the requested social district, City Attorney Jeff Sugg prepared the following draft ordinance. No recommendation was made to take any action on the draft ordinance other than using the instrument as a starting point for deliberations.

ORDINANCE NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AN ORDINANCE TO AMEND CHAPTER 118
OF THE CODE OF ASHEBORO

WHEREAS, Chapter 118 of the Code of Asheboro pertains to local ABC licenses and business regulations; and

WHEREAS, Section 160A-205.4 of the North Carolina General Statutes authorizes a city to designate a social district for use in accordance with Section 18B-904.1 of the North Carolina General Statutes; and

WHEREAS, the Asheboro City Council has decided to exercise the authority to designate a social district in accordance with the applicable statutes and regulations.

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. A new section 118.05 of the Code of Asheboro is hereby enacted to provide as follows:

§ 118.05 Downtown Asheboro Social District

- (A) The Downtown Asheboro Social District is hereby created and is designated as shown on a map dated May 5, 2022, and titled “Boundaries of the Downtown Asheboro 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 outdoor area in which a citizen may consume alcoholic beverages sold by a permittee. This term does not include the permittee's licensed premises or an extended area allowed under G.S. § 18B-904(h).
- (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); and
- (e) A distillery permit issued pursuant to G.S. 18B-1100(5).
- (3) 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.
- (4) 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) The Downtown Asheboro Social District shall be managed in accordance with the requirements found in G.S. § 160A-205.4 and Chapter 18B of the North Carolina General Statutes.
- (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 misdemeanor.

- (E) The days and hours during which alcoholic beverages may be consumed in the Downtown Asheboro Social District are Thursday through Sunday between the hours of 5:00 p.m. and 11:00 p.m. 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 Downtown Asheboro Social District shall only be consumed in the Downtown Asheboro 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 Downtown Asheboro Social District.
- (G) A permittee located in or contiguous to the Downtown Asheboro Social District may sell alcoholic beverages for consumption within 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 alcoholic beverages for consumption in the social district 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 Downtown Asheboro 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 alcoholic beverage in the Downtown Asheboro Social District is subject to all of the following requirements:
- (1) Only alcoholic beverages purchased from a permittee located in or contiguous to the Downtown Asheboro Social District may be possessed and consumed;
 - (2) Alcoholic beverages shall only be in containers meeting the requirements set forth in subsection (G)(2);
 - (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; and
- (5) A person shall dispose of any alcoholic beverage in the person's possession prior to exiting the Downtown Asheboro Social District unless the person is reentering the licensed premises where the alcoholic beverage was purchased.

Section 2. All previously adopted ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 3. This Ordinance shall be in full force and effect upon and after the 5th day of May, 2022.

David H. Smith, Mayor

ATTEST:

Tammy M. Williams, CMC, Deputy City Clerk

At the conclusion of the city attorney's presentation, Mayor Smith opened the floor for citizen participation. Mayor Smith reiterated that the draft ordinance is a work in progress and citizen input is welcomed.

Rebecca McCuiston, Al LaPrade, Joel McClosky, and Rebekah McGee spoke in support of implementing a social district.

Boyd Byerly, Bryant Badren, Ricky Delk, Neal Jackson, Gary Mason, Allen Murray, John Serva, Jonah Serva, Jon Shook, Michael Trogon, and Christian Vestal spoke in opposition to the designation of a social district. In addition to his comments, Mr. Byerly provided a letter to the clerk for distribution to the mayor and city council members. A copy of this letter is on file in the office of the city clerk.

In order to conclusively establish that the council's regular April 2022 meeting was the draft social district ordinance's date of first introduction, and in order to clarify that the council wishes to engage in more deliberation with the draft ordinance printed above as the starting point for the legislative debate, Council Member Bell moved, and Council Member Redding seconded the motion, to add the text "each day" to the end of the first sentence in subsection (E) of the draft ordinance and to continue any further consideration of the draft social district ordinance to the council's next regular meeting on May 5, 2022.

Council Members Bell, Burks, Heath, McCaskill, Redding, and Swiers voted aye. There were no dissenting votes. Consideration of the modified draft social district ordinance will be placed on the council's regular May 2022 meeting agenda as old business.

11. Special City Council Meeting – Friday April 22, 2022

Mayor Smith announced that a special city council meeting would be held on Friday April 22, 2022, at 2:00 p.m. at the Zoo City Sportsplex. No action was requested of the council during this portion of the meeting, and none was taken.

12. 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 requested of the city council during this portion of the meeting, and none was taken.

There being no further business, the meeting was adjourned at 11:21pm.

Tammy M. Williams, CMC,
Deputy City Clerk

David H. Smith,
Mayor