

**REGULAR MEETING  
ASHEBORO CITY COUNCIL  
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL  
THURSDAY, AUGUST 4, 2022  
7:00 P.M.**

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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         |
| Edward J. Burks      | )                           |
| Kelly L. Heath       | )                           |
| Walker B. Moffitt    | ) – Council Members Present |
| Jane H. Redding      | )                           |
| Charles A. Swiers    | )                           |
| Clark R. Bell        | ) – Council Members Absent  |
| William N. McCaskill | )                           |

John N. Ogburn, III, City Manager  
Brad A. Dalke, Safety Manager  
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal  
Jason A. Hanson, Police Major  
P. Douglas Kemp, Human Resources Director  
Trevor L. Nuttall, Community Development Director  
Spencer C. Patton, EI, Assistant City Engineer  
Deborah P. Reaves, Finance Director  
Michael D. Rhoney, PE, Water Resources Director  
Jeffrey C. Sugg, City Attorney  
Willie Summers, Fire Chief  
Kristen P. Terry, Human Resources and Benefits Coordinator  
Charles D. Wagner, Police Captain  
Tammy M. Williams, 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. Presentation by IMPACT Now, Jeremy Skidmore**

Mr. Jeremy Skidmore of RhinoLeap Productions reported that RhinoLeap recently held IMPACT Now, which is a free two-week social entrepreneurship camp for high school students. During the camp, participants met with business professionals to learn about marketing, negotiation, communication, finance, and public speaking. Additionally, the participants were able to create team-based proposals that tackle social challenges they witness within the community. At the end of the two weeks, the teams presented their proposals to a panel of community leaders in which the panel selected a proposal for implementation.

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

**4. Request by the Randolph County Chapter of the NAACP for the Adoption of a Resolution by the Asheboro City Council**

Jon Megerian, Esq., Chuck Egerton, Susie Scott, Clyde Foust, and Michael Trogon spoke in support of a request for the city council to adopt a resolution titled “Resolution to Remove and Relocate the Confederate Statue and Monument Located at the Historic Randolph Courthouse.” A copy of the resolution was accepted by the council for further consideration. No legislative action was taken by the governing board during this portion of the meeting.

**5. Public Comment Period**

William Dula commented on his belief in the need for the City of Asheboro to invest in a facility that would provide an opportunity for individuals to learn about using their hands and tools to make things.

Ward Russell commented on his belief in the need for improved reporting in real time on project expenditures made by the city.

In the absence of any other speakers, Mayor Smith closed the public comment period. No legislative action was taken by the governing board during this portion of the meeting.

**6. Asheboro Fire and Rescue Department Annual Report**

Fire Chief Willie Summers used a slide show to present the annual report from the Asheboro Fire and Rescue Department. During his presentation, Chief Summers highlighted that the department responded to over 3,400 calls for service.

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

**7. Human Resources Items**

**(a) Introduction of Safety Manager Brad Dalke**

Human Resources Director Doug Kemp introduced Brad Dalke, who is the current safety manager for the city. The former safety manager, Steve Paye, has retired.

**(b) North Carolina 4 Military Employment (NC4ME) Program**

Human Resources and Benefits Coordinator Kristen Terry briefed the elected officials on the North Carolina for Military Employment (NC4ME) program. The program is a free organization that assists employers and military veterans with the employment process. Along with Ms. Terry, Police Major Hanson and Police Captain Wagner expressed their support for the city’s future utilization of the organization in order to employ more military veterans.

No formal action was asked of the council during this portion of the meeting, and none was taken.

**8. Consent Agenda**

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

**(a) City Council Meeting Minutes for July 14, 2022**

The meeting minutes for the city council's regular meeting on July 14, 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) An Ordinance Establishing a Stop Intersection at Dixon Avenue and Dixon Street**

**ORDINANCE NUMBER** 41 ORD 8-22

**CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA**

**ORDINANCE DESIGNATING A STOP INTERSECTION**

**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**, after receiving requests from residents for safety improvements at the intersection of Dixon Street and Dixon Avenue, the city engineering department recommended establishing this intersection as a stop intersection; 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 Dixon Street and Dixon Avenue is hereby declared to be an all-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 city manager is hereby instructed to cause the proper placement of stop signs at the intersection listed in Section 1 of this Ordinance in order to establish an all-way stop intersection at the intersection of Dixon Street and Dixon Avenue.

**Section 3.** 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 4.** 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 an all-way stop at the intersection designated herein.

**Section 5.** 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 August 4, 2022.

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

ATTEST:

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

- (c) An Ordinance Establishing a No Parking Zone on Both Sides of West Kivett Street between South Church Street and South Park Street

ORDINANCE NUMBER 42 ORD 8-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**ORDINANCE TO AMEND THE PARKING REGULATIONS APPLICABLE TO  
A SECTION OF WEST KIVETT STREET**

**WHEREAS**, Section 160A-301(a) of the North Carolina General Statutes provides that the “city may by ordinance regulate, restrict, and prohibit the parking of vehicles on the public streets, alleys, and bridges within the city;” and

**WHEREAS**, Section 71.01(A)(1) of the Code of Asheboro provides as follows:

- (A) 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:
- (1) Cause all streets and parts of streets where parking shall be prohibited during prescribed time periods or at all times to be posted accordingly, or cause the curbs thereof to be painted yellow. He shall then notify the City Clerk, who shall enter the description of such streets or parts of streets in Schedule 1 of § 72.02; and

**WHEREAS**, the section of West Kivett Street between South Park Street (North Carolina Secondary Road 1451) and South Church Street (North Carolina Secondary Road 1707) is located within the corporate limits of the City of Asheboro; and

**WHEREAS**, during the regular Asheboro City Council meeting on July 14, 2022, concerns were raised about the risks to safety posed by on-street parking on both sides of the above-described section of West Kivett Street; and

**WHEREAS**, in response to these concerns, the City of Asheboro Engineering Department has prepared a drawing showing a “No Parking” at all times designation for both sides of the described section of West Kivett Street; and

**WHEREAS**, the Asheboro City Council has concluded that the “No Parking” designation prepared by the engineering department should be implemented.

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

**Section 1.** On-street parking is hereby prohibited at all times on both sides (north and south) of the section of West Kivett Street located between South Park Street and South Church Street (a distance of approximately 847' from the centerline of South Park Street to the centerline of South Church Street).

**Section 2.** The City Manager is hereby authorized and directed to cause the “No Parking” zone described in Section 1 of this Ordinance to be marked or posted in accordance with Section 71.01(A)(1) of the Code of Asheboro.

**Section 3.** The City Clerk shall enter a description of the “No Parking” zone established by this Ordinance on West Kivett Street in Schedule 1 of Section 72.02 of the Code of Asheboro.

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

**Section 5.** 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 August 4, 2022.**

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

ATTEST:

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

- (d) **An Ordinance Establishing a No Parking Zone on Both Sides of East Kivett Street between South Cox Street and South Main Street**

**ORDINANCE NUMBER** 43 ORD 8-22

**CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA**

**ORDINANCE TO AMEND THE PARKING REGULATIONS APPLICABLE TO  
A SECTION OF EAST KIVETT STREET**

**WHEREAS**, Section 160A-301(a) of the North Carolina General Statutes provides that the “city may by ordinance regulate, restrict, and prohibit the parking of vehicles on the public streets, alleys, and bridges within the city;” and

**WHEREAS**, Section 71.01(A)(1) of the Code of Asheboro provides as follows:

- (A) 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:
- (1) Cause all streets and parts of streets where parking shall be prohibited during prescribed time periods or at all times to be posted accordingly, or cause the curbs thereof to be painted yellow. He shall then notify the City Clerk, who shall enter the description of such streets or parts of streets in Schedule 1 of § 72.02; and

**WHEREAS**, the section of East Kivett Street between South Cox Street (North Carolina Secondary Road 2322) and South Main Street is located within the corporate limits of the City of Asheboro; and

**WHEREAS**, during the regular Asheboro City Council meeting on July 14, 2022, concerns were raised about the risks to safety posed by on-street parking on both sides of the above-described section of East Kivett Street; and

**WHEREAS**, in response to these concerns, the City of Asheboro Engineering Department has prepared a drawing showing a “No Parking” at all times designation for both sides of the described section of East Kivett Street; and

**WHEREAS**, the Asheboro City Council has concluded that the “No Parking” designation prepared by the engineering department should be implemented.

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

**Section 1.** On-street parking is hereby prohibited at all times on both sides (north and south) of the section of East Kivett Street located between South Cox Street and South Main Street (a distance of approximately 615' from the centerline of South Cox Street to the centerline of South Main Street).

**Section 2.** The City Manager is hereby authorized and directed to cause the “No Parking” zone described in Section 1 of this Ordinance to be marked or posted in accordance with Section 71.01(A)(1) of the Code of Asheboro.

**Section 3.** The City Clerk shall enter a description of the “No Parking” zone established by this Ordinance on East Kivett Street in Schedule 1 of Section 72.02 of the Code of Asheboro.

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

**Section 5.** 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 August 4, 2022.**

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

**ATTEST:**

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

- (e) **A Resolution Authorizing the Sale of Certain Surplus City-Owned Vehicles by Electronic Public Auction**

**RESOLUTION NUMBER** 27 RES 8-22

**CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA**

**RESOLUTION AUTHORIZING THE SALE OF SURPLUS CITY-OWNED PERSONAL PROPERTY BY MEANS OF ELECTRONIC PUBLIC AUCTION**

**WHEREAS**, Section 160A-270(b) and Section 160A-270(c) of the North Carolina General Statutes authorizes the Asheboro City Council to sell city-owned surplus personal property by means of an electronic public auction upon adoption of a resolution or order authorizing an appropriate official to dispose of the surplus personal property at public auction; and

**WHEREAS**, due to wear and tear rendering the used vehicles/equipment listed in the attached EXHIBIT 1 as no longer cost effective to operate for municipal purposes, the Asheboro City Manager has recommended the sale of the four listed vehicles/pieces of equipment at electronic public auction; and

**WHEREAS**, the Asheboro City Council concurs with this recommendation; and

**WHEREAS**, pursuant to Asheboro City Council Resolution Number 18 RES 7-22, which was adopted on July 14, 2022, the Asheboro City Council has authorized all sales of

surplus city-owned personal property by electronic public auction to be advertised by electronic means only.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro that the four vehicles/pieces of equipment listed in the attached EXHIBIT 1, which is incorporated into this Resolution by reference as if copied fully herein, are hereby declared to be surplus city-owned personal property that the Asheboro City Manager or his designee is authorized to sell and dispose of, without any further governing board action, by means of electronic public auction on GovDeals.com; and

**BE IT FURTHER RESOLVED** by the City Council of the City of Asheboro that the electronic public auction, which shall begin at 9:00 a.m. on Tuesday, August 23, 2022, shall be conducted in compliance with (1) Section 160A-270 of the North Carolina General Statutes, and (2) the contract between the City of Asheboro and GovDeals.com; and

**BE IT FURTHER RESOLVED** by the City Council of the City of Asheboro that the terms and conditions of the online sales conducted by means of GovDeals.com shall be as stated in the attached EXHIBIT 2, which is incorporated into this Resolution by reference as if copied fully herein, with the winning bidder paying a 12.50% Buyers Premium, and no fee chargeable to the City of Asheboro; and

**BE IT FURTHER RESOLVED** by the City Council of the City of Asheboro that notice of the electronic public auction authorized herein shall be advertised by electronic means only in compliance with the provisions stated in Asheboro City Council Resolution Number 18 RES 7-22.

**This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on August 4, 2022.**

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

**ATTEST:**

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

**EXHIBIT 1**

**LIST OF SURPLUS CITY-OWNED VEHICLES/PIECES OF EQUIPMENT  
TO BE SOLD AT ELECTRONIC PUBLIC AUCTION**

1. 1989 International Model 9700 Road Tractor  
(VIN 1HSRKAGR8KH679801)
2. 1991 Ford Model LT8000 Dump Truck  
(VIN 1FDYU82A3MVA05967)
3. 1998 Ford Model L8000 Vactor Truck  
(VIN 1FDZW86F0WVA28680)
4. 2007 Sterling Model LT7501 Vactor Truck  
(VIN 2FZHATDC87AX52780)

**[EXHIBIT 2, which is referenced in the immediately preceding resolution as an attachment, is on file in the city clerk's office.]**

- (f) **Nondiscrimination Policy Pertaining to the Award of Funding from the American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds**

**RESOLUTION NUMBER** 28 RES 8-22

**CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA**

**NONDISCRIMINATION POLICY ADOPTED IN COMPLIANCE WITH THE TERMS AND CONDITIONS OF THE FUNDING AWARD FROM THE AMERICAN RESCUE PLAN ACT OF 2021 CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS**

**WHEREAS**, the City of Asheboro (the “City”) has received an allocation of funds from the American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds (the “ARPA/CSLFRF Award”); and

**WHEREAS**, the funds received from the ARPA/CSLFRF Award are subject to the United States Department of the Treasury (the “Treasury Department”) regulations, including the Final Rule, the terms and conditions of the ARPA/CSLFRF Award, and the Title VI implementing regulations at 31 C.F.R. Part 22; and

**WHEREAS**, pursuant to and as a condition of receiving funding from the ARPA/CSLFRF Award, the City agrees to follow all federal statutes and regulations prohibiting discrimination in the City’s administration of funding received from the ARPA/CSLFRF Award, specifically including, without limitation, the terms and conditions of the award and the following:

- (a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and the Treasury Department’s implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin within programs or activities receiving federal financial assistance;
- (b) The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
- (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
- (d) The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and the Treasury Department’s implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
- (e) Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto; and

**WHEREAS**, the City’s professional staff has prepared a “City of Asheboro Civil Rights Compliance Policy – ARPA/CSLFRF Award” that is attached to this Resolution as EXHIBIT 1; and

**WHEREAS**, the policy stated in EXHIBIT 1 is hereby incorporated into this Resolution by reference as if copied fully herein; and

**WHEREAS**, the Asheboro City Council finds it advisable to adopt and enact the civil rights compliance policy attached to this Resolution as EXHIBIT 1.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro that it hereby adopts and enacts for the municipal corporation the “City of Asheboro Civil Rights Compliance Policy – ARPA/CSLFRF Award” attached to this Resolution as EXHIBIT 1; and

**BE IT FURTHER RESOLVED** by the City Council of the City of Asheboro that the “City of Asheboro Civil Rights Compliance Policy – ARPA/CSLFRF Award” shall apply to the operations of any program, activity, or facility that is supported in whole, or in part, by expenditures of funds from the ARPA/CSLFRF Award.

**This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on August 4, 2022.**

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

**ATTEST:**

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

### **EXHIBIT 1**

#### **CITY OF ASHEBORO CIVIL RIGHTS COMPLIANCE POLICY – ARPA/CSLFRF AWARD**

##### **ARTICLE I – NONDISCRIMINATION POLICY STATEMENT**

The policy of the City of Asheboro (the “City”) is to ensure that no person shall, on the basis of race, color, national origin (including limited English proficiency), familial status, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity administered by the City, specifically including programs or activities that are funded in whole, or in part, with Coronavirus State and Local Fiscal Recovery Funds (“CSLFRF”), which the City of Asheboro received from the United States Department of the Treasury (the “Treasury Department”) pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (this allocation of funds will be hereinafter referred to as the “ARPA/CSLFRF Award”).

##### **ARTICLE II – GOVERNING STATUTORY & REGULATORY AUTHORITIES**

As required by the award terms and conditions, the City will ensure that each “activity,” “facility,” or “program” that is funded in whole, or in part, with CSLFRF and administered under the ARPA/CSLFRF Award will be facilitated, operated, or conducted in compliance with the applicable federal statutes and federal regulations prohibiting discrimination. The applicable federal statutes and regulations include, but are not limited to, the following provisions:

- (A) 22 C.F.R. § 22.3 defines “program” and “activity” as all operations of an entity, including local governments, that receive federal financial assistance, and the departments, agencies, or special purpose districts of the local governments to which federal financial assistance is distributed. “Federal financial assistance” includes, among other things, grants and loans of federal funds. “Facility” includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration, or acquisition of facilities;
- (B) Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and the Treasury Department’s implementing regulations at 31 C.F.R. Part 22, which prohibit

discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;

- (C) The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
- (D) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
- (E) The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and the Treasury Department's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age within programs or activities receiving federal financial assistance; and
- (F) Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

### **ARTICLE III – DISCRIMINATORY PRACTICES PROHIBITED IN THE ADMINISTRATION OF THE ARPA/CSLFRF AWARD**

To ensure compliance with Title VI of the Civil Rights Act of 1964 and Title 31 of the Code of Federal Regulations, Part 22, the Civil Rights Restoration Act of 1987, and other pertinent nondiscrimination authorities, the City of Asheboro prohibits, at a minimum, the following practices in its administration of CSLFRF pursuant to the ARPA/CSLFRF Award:

- (A) Denying to a person any service, financial aid, or other program benefit without good cause;
- (B) Providing to a person any service, financial aid, or another benefit which is different in quantity or quality, or is provided in a different manner, from that provided to others under the program;
- (C) Subjecting a person to segregation or separate treatment in any matter related to the receipt of any service, financial aid, or other benefit under the program;
- (D) Restricting a person in the enjoyment of any advantages, privileges, or other benefits enjoyed by others receiving any service, financial aid, or other benefit under the program;
- (E) Treating a person differently from others in determining whether that person satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which individuals must meet to be provided any service, financial aid, or other benefit provided under the program;
- (F) Implementing different standards, criteria, or other requirements for admission, enrollment, or participation in planning, advisory, contractual, or other integral activities to the program;
- (G) Adopting methods of administration which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;
- (H) Selecting a site or location of facilities with the purpose or effect of excluding persons from, denying them the benefits of, subjecting them to discrimination, or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of Title VI or related acts and regulations;

- (I) Discriminating against any person, either directly or through a contractual agreement, in any employment resulting from the program, a primary objective of which is to provide employment; and
- (J) Committing acts of intimidation or retaliation, including threatening, coercing, or discriminating against any individual, for the purpose of interfering with any right or privilege secured by any pertinent nondiscrimination law, or because an individual made a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing.

#### **ARTICLE IV – REPORTING AND ENFORCEMENT**

- (A) The City of Asheboro will cooperate in any enforcement or compliance review activities undertaken by the Treasury Department. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The City will comply with information requests, on-site compliance reviews, and reporting requirements.
- (B) The City of Asheboro will maintain a complaint log and inform the Treasury Department of any complaints of discrimination on the grounds of race, color, or national origin (including limited English proficiency) covered by Title VI of the Civil Rights Act of 1964 and implementing regulations. Furthermore, the City will provide, upon request, a list of all such complaint-driven reviews or proceedings, whether pending or completed. The list of reviews or proceedings will include the status/outcomes of each review or proceeding. Similarly, upon request or as directed by Treasury Department guidance in any form, the City of Asheboro will inform the Treasury Department if the City has received no complaints under Title VI.
- (C) Any person who believes that he/she/they have been aggrieved by a discriminatory practice under Title VI has a right to file a formal complaint with the Treasury Department. Any such complaint must be in writing and filed with the Treasury Department's Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence.
- (D) If any person who believes that, because of that person's race, color, national origin, limited English proficiency, familial status, sex, age, religion, or disability, he/she/they have been discriminated against or unfairly treated by the City of Asheboro in violation of this policy, he/she/they should contact the following City official within 180 days from the date of the alleged discriminatory occurrence:

Trevor Nuttall  
City of Asheboro Community Development Director  
Mailing Address: PO Box 1106, Asheboro, NC 27204-1106  
Street Address: 146 N. Church Street, Asheboro, NC 27203  
Telephone: (336) 626-1201, Extension 223  
Email: [tnuttall@ci.asheboro.nc.us](mailto:tnuttall@ci.asheboro.nc.us)

### **9. Community Development Items**

#### **(a) Land Development Plan Update**

Community Development Division Director Trevor Nuttall reported that updates to the city's Land Development Plan began in late 2019. A steering committee was formed with several meetings conducted until the public health emergency occurred. In late 2021, the group was reconvened, and data was collected from a public survey.

Infrastructure and existing conditions maps and demographics have been updated, and a draft vision statement has been prepared. Draft recommendations are emerging in terms of growth, land use, and land development plan goals. The draft vision statement is as follows:

*“Asheboro is a welcoming city that embraces a growing, engaged population and diversified economy.*

*Land development and investment expands housing, employment, and recreational opportunities for all residents and protects and enhances the city’s valuable and unique community assets, such as the North Carolina Zoo, healthy natural environment, and historic charm.”*

In terms of the city’s Growth Strategy Map, the map classifies different areas based on the ability to efficiently provide city services and suitability for development. It serves as a guide to help implement city land development policies. The map is used in conjunction with other elements of the plan, and it is referenced during the review of proposed zoning amendments.

The committee has implemented new categories for the Growth Strategy Map as the draft of the Land Development Plan emerges. The following categories are included:

- a. Targeted Primary Growth Area (TGPA)
- b. Primary Growth Area (PGA)
- c. Secondary Growth Area (SGA)
- d. Long-Range Growth Area (SGA)
- e. Economic Development Area (EDA)
- f. Conservation Area (CA)
- g. U.S. Bypass Economic Activity Center
- h. N.C. Highway 48 Study Area
- i. N.C. Zoo Study Area

Mr. Nuttall also briefed the council members on some new goals for the Land Development Plan. These goals include, but are not limited to, the following:

- 1. Projected growth areas beyond jurisdictional area;
- 2. Two different levels of Primary Growth (Primary and Targeted);
- 3. Recommendations related to areas projected to see development interest connected to the Highway 64 Bypass;
- 4. Identified two areas for future study – the Highway 49 corridor and the N.C. Zoo study area;
- 5. Added a “Conservation Area” to reflect certain areas with land development limitations due to environmental constraints;
- 6. Guidelines and recommendations related to land use have been specified;
- 7. Identification of a variety of uses designed to accommodate a range of densities and intensities; and
- 8. Descriptions are provided for each designation.

The next steps for draft plan will include:

- a. Finalizing the committee’s input;
- b. Refining the plan objectives and policy statements relative to each goal;
- c. Formalizing presentations of the draft to city boards and commissions; and
- d. Holding community meetings for public review and input.

The goal is to adopt the new plan in 2022. However, during this portion of the meeting on August 4, 2022, no formal action was requested of the council, and none was taken.

**(b) Piedmont Triad Regional Council – Grant Services for the Construction of the David and Pauline Jarrell Center City Garden**

Community Development Director Nuttall proposed that the city partner with the Piedmont Triad Regional Council (the “PTRC”) to fulfill the vision of creating the David and Pauline Jarrell Center City Garden. Approximately 5 grant applications will be completed between September 2022 and July 2023 in order to identify and

obtain resources to implement the Center City Garden Master Plan. The period of performance for the contract with PTRC will be from August 2022 to August 2023.

The following scope of services are proposed:

1. Master Plan/Construction Document Process
2. Aligning Project Goals to Grant Sources
3. Stakeholder Involvement and Consensus Building
4. Environmental Review and Permitting
5. Sub-Contracting for Project Design Needs

The proposed budget for the contract is not to exceed \$25,000.

Council Member Moffitt moved, and Council Member Swiers seconded the motion, to approve the proposal and to contract with the PTRC to fulfill the vision of creating the David and Pauline Jarrell Center City Garden. Council Members Burks, Heath, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

**(c) Strategic Management Assistance – Water Line Extension Project**

Water Resources Director Michael Rhoney recommended that the City of Asheboro engage the Piedmont Triad Regional Council (the “PTRC”) to provide strategic management assistance related to a potential water line extension project. The assistance includes potentially obtaining commitments from municipal utility providers adjacent to the water line extension project to purchase water supply from the City of Asheboro.

The PTRC proposed a fee of \$11,000 for the following scope of work:

1. Meeting with city officials to discuss and assess technical challenges and substantial barriers to the water line extension and connection of service project.
2. Determining how to facilitate gaining interest and potentially commitments from municipal utility providers adjacent to the water line extension project to purchase water supply from the City of Asheboro.
3. The assessment and planning will include consideration of circumstances impacting facilities, infrastructure, and staffing. The information and impressions gathered will be used to develop and target specific areas of attention.
4. Establishment of a strategic plan for the long-term viability of water supply services.
5. The provision of technical assistance in order to establish development agreements.
6. The PTRC will coordinate as needed with the lead consulting engineer on the project as assigned by the City of Asheboro.

Council Member Burks moved, and Council Member Swiers seconded the motion, to engage the PTRC to provide the above-described services. Council Members Burks, Heath, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

**(d) Environmental Site Assessment Services – Project to Acquire the Former Acme-McCrary Hosiery Mill Property**

Community Development Director Nuttall informed the council members that proposals to provide the above-described professional services are due by 2:00 p.m. on August 17, 2022. The goal is to complete the property acquisition process by the end of the 2022 calendar year.

In order to expedite the process, city staff requested authorization for the city manager to award a professional services contract to a qualified firm as soon as the qualifications-based selection process is completed in accordance with state law. In

response to the staff request and recommendation, Council Member Heath moved, and Council Member Burks seconded the motion, to authorize the city manager to award a professional services contract for the above-described environmental site assessment services. Council Members Burks, Heath, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

**(e) Salisbury Street and Sunset Avenue Traffic Study**

In accordance with state law and Asheboro City Council Resolution Number 18 RES 6-15, City Manager John Ogburn authorized the city engineering department to begin the procurement process to obtain the professional services needed to conduct a traffic study that would yield recommendations for potential improvements for the intersection of Salisbury Street and Sunset Avenue. This action was initiated in response to citizen comments about traffic safety concerns during a special city council meeting on July 26, 2022.

Community Development Director Nuttall briefed the elected officials on these actions in order to verify the governing board's concurrence with the staff initiative. After hearing this report, the general consensus emerged from the council members for the city staff to proceed with the traffic study.

**10. Zoo City Sportsplex Contract**

Assistant City Engineer Spencer Patton, EI discussed a proposed contract with FieldTurf USA, Inc. for the installation of turf fields and all appurtenances on Fields 5, 6, 7, and 8 at the Zoo City Sportsplex for a contract price of \$3,897,216.41. This contract was obtained through a group purchasing network known as the Keystone Purchasing Network.

Council Member Heath moved, and Council Member Burks seconded the motion, to approve the above-described contract with FieldTurf USA, Inc. Council Members Burks, Heath, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

**11. A Budget Amendment Pertaining to the Zoo City Sportsplex**

**(a)** Finance Director Deborah Reaves presented and recommended adoption, by reference, of an ordinance to amend the general fund for fiscal year 2022-2023.

Council Member Burks moved, and Council Member Swiers seconded the motion, to adopt the following ordinance by reference. Council Members Burks, Heath, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

**44 ORD 8-22**

**ORDINANCE TO AMEND  
THE GENERAL FUND  
FY 2022-2023**

WHEREAS, the City of Asheboro is wishing to proceed with executing an contract with Filed Turf USA for the installation of the turf fields and all appurtenances on Fields 5, 6, 7, and 8 at the Zoo City Sportsplex in the amount of \$3,897,217.

WHEREAS, funding for this work will come as an appropriation of General Fund balance.

WHEREAS, there is currently an appropriation in the General Fund that was approved as part of the 2022-2023 budget in the amount of \$1,715,427.

WHEREAS, an additional appropriation of fund balance in the amount of \$2,181,790 is needed for this expense.

WHEREAS, the General Fund needs to be amended to recognize and appropriate revenue and expenses relating to this work.

WHEREAS, the City Council of the City of Asheboro desires to be in compliance with all generally accepted accounting principles to incorporate new expenditures outline above, and

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

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

| <u>Account #</u> | <u>Expense Description</u> | <u>Increase</u> |
|------------------|----------------------------|-----------------|
| 10-000-399.0000  | Fund Balance Appropriation | \$2,181,790     |

Section 2: That the following expense line item be increased:

| <u>Account #</u> | <u>Expense Description</u>               | <u>Increase</u> |
|------------------|------------------------------------------|-----------------|
| 10-620-574.7400  | Contribution to Zoo City Sportsplex Fund | \$2,181,790     |

Adopted this 4th day of August, 2022.

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

ATTEST:

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

- (b) Ms. Reaves then presented and recommended adoption, by reference, of an ordinance to amend the Zoo City Sportsplex Fund for fiscal year 2022-2023.

Council Member Burks moved, and Council Member Heath seconded the motion, to adopt the following ordinance by reference. Council Members Burks, Heath, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

45 ORD 8-22

**ORDINANCE TO AMEND  
THE ZOO CITY SPORTSPLEX FUND  
FY 2022-2023**

WHEREAS, the City of Asheboro is wishing to proceed with executing an contract with Field Turf USA for the installation of the turf fields and all appurtenances on Fields 5, 6, 7, and 8 at the Zoo City Sportsplex.

WHEREAS, funding for this work will come as an appropriation of General Fund balance.

WHEREAS, the Zoo City Sportsplex fund needs to be amended to recognize and appropriate revenue and expenses relating to this work.

WHEREAS, the City Council of the City of Asheboro desires to be in compliance with all generally accepted accounting principles to incorporate new expenditures outline above, and

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

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

| <u>Account #</u>                                              | <u>Expense Description</u>     | <u>Increase</u> |
|---------------------------------------------------------------|--------------------------------|-----------------|
| 74-000-370.0000-74                                            | Contribution from General Fund | \$3,897,217     |
| Section 2: That the following expense line item be increased: |                                |                 |
| <u>Account #</u>                                              | <u>Expense Description</u>     | <u>Increase</u> |
| 74-000-400.9001-74                                            | Construction                   | \$3,897,217     |

Adopted this 4th day of August, 2022.

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

ATTEST:

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

**12. Annexation Petition – Approximately 7 Acres at 923 Meadowbrook Road**

Mayor Smith opened the public hearing on the question of the annexation petition submitted by Fatima Lazaro Espinoza in connection with his property at 923 Meadowbrook Road. As part of the public hearing, Assistant City Engineer Spencer Patton, EI presented the staff’s analysis of the annexation petition. Mayor Smith then invited comments from the public, but none were offered.

In the absence of any public comments, Mayor Smith transitioned to the deliberative phase of the hearing. Council Member Burks moved, and Council Member Moffitt seconded the motion, to adopt the following annexation ordinance by reference. Council Members Burks, Heath, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

**ORDINANCE NO. 46 ORD 8-22**

**CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA**

**AN ORDINANCE EXTENDING THE ASHEBORO CITY LIMITS BY ANNEXING APPROXIMATELY SEVEN ACRES OF LAND CONTIGUOUS TO THE EXISTING PRIMARY CITY LIMITS AT 923 MEADOWBROOK ROAD**

**WHEREAS**, in accordance with Section 160A-31 of the North Carolina General Statutes, Fatima Lazaro Espinoza (the “Petitioner”) petitioned the Asheboro City Council (the “Council”) to annex into the Asheboro primary city limits approximately seven acres of his land at 923 Meadowbrook Road; and

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

**WHEREAS**, on July 14, 2022, by means of a duly adopted resolution (Resolution Number 19 RES 7-22), the Council directed the city clerk to investigate the sufficiency of the petition submitted by the Petitioner, and the city clerk has in fact certified the sufficiency of their annexation petition; and

**WHEREAS**, pursuant to Asheboro City Council Resolution Number 20 RES 7-22, a legal notice was published on July 23, 2022, in *The Courier-Tribune*, a newspaper with general circulation in the City of Asheboro, announcing that a public hearing to consider the adoption of an ordinance annexing the described territory into the City of Asheboro would be held during the Council’s next regular meeting, which was scheduled to begin at 7:00 p.m. on

August 4, 2022, in the council chamber on the second floor of Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203; and

**WHEREAS**, the public hearing was held, as advertised, on August 4, 2022; and

**WHEREAS**, the Council has determined that the annexation petition meets the requirements of Section 160A-31 of the North Carolina General Statutes.

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

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

*Asheboro Township, Randolph County, North Carolina:*

*BEGINNING in the western margin of the 60-foot public right-of-way for Meadowbrook Road at a 5/8-inch existing iron rod that is up four inches at the southernmost corner of the Fatima Lazaro Espinosa property described in the Office of the Register of Deeds for Randolph County, North Carolina (the "Randolph County Registry") in Deed Book 2487 at Page 1442 (this approximately 7.071-acre tract of land is the land identified in the annexation petition submitted by Fatima Lazaro Espinoza and shall be hereinafter referred to as the "Espinosa Tract"), the described beginning point is located by means of the North Carolina Coordinate System at the coordinates of North 718,259.07 Ground US Survey Feet and East 1,761,777.44 Ground US Survey Feet (NAD 83 (2011)); thence, from the beginning point, following the proposed Asheboro primary city limits line the next five bearings and distances along the boundary line shared by the Espinoza Tract with the First Assembly of God Church of Asheboro, Inc. property described in Deed Book 1406, Page 892, Randolph County Registry: North 41 degrees 51 minutes 33 seconds West 160.95 feet to a 1-inch existing iron pipe that is up eight inches; thence North 67 degrees 47 minutes 08 seconds West 282.03 feet to a 5/8-inch existing iron rod up two inches; thence North 67 degrees 48 minutes 04 seconds West 115.93 feet to a 3/8-inch existing iron rod that is up four inches; thence North 00 degrees 34 minutes 48 seconds West 400.18 feet to a 5/8-inch new iron rod that is up four inches; thence North 00 degrees 34 minutes 48 seconds West 58.39 feet to a 1 and 1/2-inch existing iron pipe that is up six inches at the northwest corner of the Espinoza Tract; thence departing from the western boundary line of the Espinoza Tract and continuing to proceed along the proposed Asheboro primary city limits line by following the northern boundary line of the Espinoza Tract that adjoins the John David Edwards and Rilla Marie Edwards property described in Deed Book 2500, Page 1575, Randolph County Registry and further identified in Plat Book 129, Page 81, Randolph County Registry the next three bearings and distances: South 88 degrees 25 minutes 12 seconds East 326.34 feet to a 5/8-inch new iron rod that is up four inches; thence South 88 degrees 25 minutes 12 seconds East 122.66 feet to a 3/8-inch existing iron rod that is up two inches; thence South 65 degrees 29 minutes 35 seconds East 82.79 feet to 1/2-inch existing iron pipe that is down two inches; thence departing from the northern boundary line of the Espinoza Tract and continuing along the proposed Asheboro primary city limits line by following the western margin of a 60-foot private right-of-way identified as Hillsdale Drive the next two bearings and distances: South 05 degrees 42 minutes 56 seconds East 298.75 feet to a 3/8-inch existing iron rod that is down two inches; thence South 05 degrees 16 minutes 49 seconds East 180.18 feet to a computed point in the western margin of the 60-foot public right-of-way for Meadowbrook Road; thence continuing along the proposed Asheboro primary city limits line by crossing the 60-foot public right-of-way for Meadowbrook Road South 62 degrees 51 minutes 37 seconds East 60.14 feet to a computed point in the eastern margin of the public right-of-way for Meadowbrook Road and on the current Asheboro primary city limits line; thence following the current Asheboro primary city limits line by proceeding along the eastern margin of the 60-foot public right-of-way for Meadowbrook Road the next three bearings and distances: South 23 degrees 12 minutes 20 seconds West 64.57 feet to a computed point; thence South 23 degrees 20 minutes 12 seconds West 77.83 feet to a computed point; thence South 24 degrees 22 minutes 27 seconds West 77.34 feet to a computed point; thence departing from the current Asheboro primary city limits line and following the proposed Asheboro primary city limits line across the 60-foot public right-of-way for Meadowbrook Road North 67 degrees 12 minutes 58 seconds West 60.02 feet to the point and place of BEGINNING, and containing a total of 7.377 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: Fatima Lazaro Espinoza."*

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

**Section 2.** Upon and after August 4, 2022, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. The above-described territory shall be subject to municipal taxes according to Section 160A-58.10 of the North Carolina General Statutes.

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

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

**Section 5.** This Ordinance shall be in full force and effect upon and after August 4, 2022.

**This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on August 4, 2022.**

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

ATTEST:

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

Approved as to form:

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

**13. Annexation Petition – Approximately 20 Acres of Land in the Timber Ridge Subdivision along East Allred Street**

Mayor Smith opened the public hearing on the question of the annexation petition submitted by McDowell Timber Company in connection with approximately 20 acres of land owned by the general partnership along East Allred Street. As part of the public hearing, Assistant City Engineer Patton presented the staff's analysis of the annexation petition. Mayor Smith then invited comments from the public, but none were offered.

In the absence of any public comments, Mayor Smith transitioned to the deliberative phase of the hearing. Council Member Burks moved, and Council Member Heath seconded the motion, to adopt the following annexation ordinance by reference. Council Members Burks, Heath, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

**ORDINANCE NO. 47 ORD 8-22**

**CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA**

**AN ORDINANCE EXTENDING THE ASHEBORO CITY LIMITS BY ANNEXING APPROXIMATELY TWENTY ACRES OF LAND CONTIGUOUS TO THE EXISTING PRIMARY CITY LIMITS ALONG EAST ALLRED STREET**

**WHEREAS**, in accordance with Section 160A-31 of the North Carolina General Statutes, McDowell Timber Company, a North Carolina general partnership, (the "Petitioner") petitioned the Asheboro City Council (the "Council") to annex into the Asheboro

primary city limits approximately twenty acres of the general partnership's land along East Allred Street; and

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

**WHEREAS**, on July 14, 2022, by means of a duly adopted resolution (Resolution Number 21 RES 7-22), the Council directed the city clerk to investigate the sufficiency of the petition submitted by the Petitioner, and the city clerk has in fact certified the sufficiency of their annexation petition; and

**WHEREAS**, pursuant to Asheboro City Council Resolution Number 22 RES 7-22, a legal notice was published on July 23, 2022, in *The Courier-Tribune*, a newspaper with general circulation in the City of Asheboro, announcing that a public hearing to consider the adoption of an ordinance annexing the described territory into the City of Asheboro would be held during the Council's next regular meeting, which was scheduled to begin at 7:00 p.m. on August 4, 2022, in the council chamber on the second floor of Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203; and

**WHEREAS**, the public hearing was held, as advertised, on August 4, 2022; and

**WHEREAS**, the Council has determined that the annexation petition meets the requirements of Section 160A-31 of the North Carolina General Statutes.

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

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

*Asheboro Township, Randolph County, North Carolina:*

*BEGINNING on the current Asheboro primary city limits line at a 1-inch existing iron pipe flush with the ground at the southeastern corner of the McDowell Timber Company property described in the Office of the Register of Deeds for Randolph County, North Carolina (the "Randolph County Registry") in Deed Book 1454 at Page 1500 (this approximately 20.418-acre tract of land is the land for which annexation has been requested and shall be hereinafter referred to as the "Annexation Area" (the Annexation Area does not include the portion of the McDowell Timber Company property identified as Tract 2 in Plat Book 167, Page 40, Randolph County Registry)), the described beginning point is located by means of the North Carolina Coordinate System at the coordinates of North 719,595.79 Ground US Survey Feet and East 1,764,483.03 Ground US Survey Feet (NAD 83 (2011)); thence, from the beginning point, following the current Asheboro primary city limits line and the southern boundary line of the Annexation Area along the Vickie Boggs Potts, Trustee et al. property described in Deed Book 2566, Page 1052, Randolph County Registry and further identified as Tract 1 in Plat Book 132, Page 62, Randolph County Registry the following bearing and distance: North 88 degrees 28 minutes 04 seconds West 774.59 feet to an existing iron pipe at the southwest corner of the Annexation Area; thence departing from the southern boundary line of the Annexation Area and continuing to follow the current Asheboro primary city limits line North 03 degrees 17 minutes 14 seconds East 156.62 feet along the boundary line shared by the Annexation Area with the Elizabeth W. Blanco et al. property described in Deed Book 2703, Page 473, Randolph County Registry and further identified as Lot 29 in Plat Book 9, Page 79, Randolph County Registry to a 1-inch existing iron pipe up four inches with a witness mark; thence departing from the current Asheboro primary city limits line and proceeding along the proposed Asheboro primary city limits line by continuing to follow the western boundary line of the Annexation Area the next three bearings and distances: North 01 degree 34 minutes 55 seconds East 564.07 feet along the Fernando Salinas and Maria Luz Salinas property described in Deed Book 2787, Page 1496, Randolph County Registry and further identified as Tract 2 in Plat Book 173, Page 35, Randolph County Registry to a 5/8-inch existing iron rod that is up four inches; thence North 01 degree 39 minutes 34 seconds East 115.19 feet along the Larry W. McKenzie property described in Deed Book 2770, Page 263, Randolph County Registry and further identified as Tract 1 in Plat Book 173, Page 35, Randolph County Registry to a 5/8-inch existing iron rod that is up two inches with a cap; thence North 01 degree 39 minutes 47 seconds East 249.95 feet along the Cynthia Lynn Goodwin property described in Deed Book 1699, Page 2004, Randolph County Registry and further identified as Lot 4 in Plat Book 48, Page 46, Randolph County Registry to a 3/4-inch existing iron pipe that is up eight inches and pinched in the southern margin of the 60-foot public right-of-way for East Allred*

Street (North Carolina Secondary Road 2182), this point is located by means of the North Carolina Coordinate System at the coordinates of North 720,701.70 Ground US Survey Feet and East 1,763,743.86 Ground US Survey Feet (NAD 83 (2011)); thence continuing to proceed along the proposed Asheboro primary city limits line by following the southern margin of the public right-of-way for East Allred Street in a northeasterly direction along the arc of a curve with a radius of 608.27 feet and an arc length of 295.64 feet (delta angle 27 degrees 50 minutes 52 seconds) a chord bearing and distance of North 53 degrees 43 minutes 58 seconds East 292.74 feet to a computed point; thence departing from the southern margin of the public right-of-way for East Allred Street and continuing to follow the proposed Asheboro primary city limits line the next two bearings and distances: South 65 degrees 40 minutes 17 seconds East 433.82 feet along the Raymond W. Read and Jeanine R. Read property described in Deed Book 2251, Page 677, Randolph County Registry to a 60d nail set at the base of a 1-inch existing iron pipe; thence South 64 degrees 15 minutes 22 seconds East 161.32 feet along the McDowell Timber Company property described as Tract 2 in Plat Book 167, Page 40, Randolph County Registry to 5/8-inch new iron rod that is up four inches; thence departing from the proposed Asheboro primary city limits line in order to follow the current Asheboro primary city limits line the next three bearings and distances along the eastern boundary of the Annexation Area: South 08 degrees 41 minutes 43 seconds West 69.98 feet along a portion of the Tam Truong and Nammy C. Truong property described in Deed Book 1556, Page 1743, Randolph County Registry and further identified as Lots 35 and 36 in Plat Book 17, Page 87, Randolph County Registry to a 5/8-inch new iron rod that is up four inches; thence South 01 degree 38 minutes 07 seconds West 570.03 feet to a 1-inch existing iron pipe that is up twenty inches; thence South 01 degree 33 minutes 16 seconds West 391.46 feet to the point and place of BEGINNING, and containing a total of 20.418 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: **Timber Ridge**."

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

**Section 2.** Upon and after August 4, 2022, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. The above-described territory shall be subject to municipal taxes according to Section 160A-58.10 of the North Carolina General Statutes.

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

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

**Section 5.** This Ordinance shall be in full force and effect upon and after August 4, 2022.

**This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on August 4, 2022.**

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

ATTEST:

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

Approved as to form:

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

**14. Authorization to Connect to the Municipal Water System**

City Attorney Jeff Sugg reported that William C. Burrow, who owns real property at 307 Patton Avenue (the “Patton Avenue Property”), has requested authorization to connect to the city water system. No request has been made for sanitary sewer service, and this property is located beyond the city limits line.

No city water main adjoins the Patton Avenue Property. The closest city water main is located to the south, within the public right-of-way for North Carolina Highway 42.

In the absence of a special authorization by the city council, the applicable city code provisions will not allow such a connection to the municipal water system for this property located outside the city limits. The property owner has submitted an annexation petition, but annexation is not an option because of factors unique to the Patton Avenue Property.

The lot is not contiguous to the primary city limits line. Consequently, the requested annexation has to be processed as a satellite annexation. Under the statutory framework for satellite annexations, if the territory for which annexation has been requested is part of a subdivision, the entire subdivision must be part of the annexation proceedings.

The Patton Avenue Property is part of a subdivision. When he inquired with other owners of real property within the subdivision, Mr. Burrow could not obtain unanimous consent for annexation into the City of Asheboro.

Consequently, despite his best efforts, Mr. Burrow cannot successfully complete the annexation process. However, he is willing to obtain private easements and assume all the costs for installation and maintenance of a private water line from the city water main in the public right-of-way for North Carolina Highway 42 to the Patton Avenue Property.

Mr. Burrow is willing to incur this perpetual maintenance obligation because the Randolph County Health Department has informed him that the well water available to the Patton Avenue Property is not considered safe for human consumption. In light of this unique combination of factors, Mr. Burrow has requested council authorization to connect, by means of a privately installed and maintained service line, to the municipal water system.

Consistent with Code of Asheboro, Council Member Moffitt moved, and Council Member Burks seconded the motion, to authorize the requested single connection to the city water main located in the public right-of-way for North Carolina Highway 42. Mr. Burrow must pay for a city water system connection in compliance with all applicable ordinances and regulations. City maintenance responsibilities will not extend beyond a water meter located within the public right-of-way for North Carolina Highway 42. Any water service line connecting the city water meter to the Patton Avenue Property shall be privately maintained, including by way of illustration and without limitation all easements, construction, and maintenance costs and responsibilities. This authorization is limited to water used exclusively for the Patton Avenue Property, and the authorization stated herein will lapse if not acted upon before the end of the last business day in calendar year 2022. Council Members Burks, Heath, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

**15. Membership Changes for the Asheboro ABC Board**

Mayor Smith announced that the Honorable J. Brooke Schmidly, who currently serves as the chair of the local ABC board, has resigned from the board due to other professional obligations that are demanding more of her time. Board Chair Schmidly has provided distinguished service to the city and the Asheboro ABC Board.

No council action was taken during this portion of the meeting. Action to fill the vacancy on the Asheboro ABC Board is anticipated for the next regular council meeting.

**16. Upcoming Events and Items not on the Agenda**

Mayor Smith and City Manager John Ogburn led a discussion of upcoming events for the city government and within the community. No council action was taken during this portion of the meeting.

**There being no further business, the meeting was adjourned at 9:23 p.m.**

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

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