

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, DECEMBER 8, 2022
7:00 P.M.**

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

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

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
N. Byron Hill, Police Captain
Michael L. Leonard, PE, City Engineer
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney

1. Call to Order

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

2. Moment of Silent Prayer and Pledge of Allegiance

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

3. Acknowledgement of the Accomplishments of the 2022 Asheboro High School Men’s Soccer Team

Mayor Smith acknowledged the accomplishments of the 2022 Asheboro High School Men’s Soccer Team. An Asheboro Pride Award will be given to the team.

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

4. Potential Amendments to the Zoo City Social District Regulations

City Attorney Jeff Sugg, presented for council consideration, the potential amendments to the Zoo City Social District Regulations. During this presentation, Mr. Sugg presented two (2) options with maps, Option A and Option B. A map labeled “Option A” consisted of the possible expansion of the district down South Church Street toward Hill Street, while a map labeled “Option B” consisted of a broader range of expansion. With Option B, the expansion of the social district would extend along the eastern margin of Church Street, extend across Academy Street, extend East along Academy Street, and North along the Western margin of Fayetteville Street to Sunset Avenue to Trade Street.

Additionally, within the discussion, Mr. Sugg asked for council’s guidance in the delegation of management and maintenance of the social district, uniform signage, and whether or not to allow alcoholic beverages into another permittee’s location.

After some discussion, Council Member Bell moved to direct city staff to coordinate an ordinance with the map labeled “Option B, and city staff will contact Downtown Asheboro Inc., for management and maintenance of the social district. Additionally, within the motion, Mr. Bell moved that the ordinance provisions stay within the current provision of not allowing alcohol in another permittee’s location. Council Member Redding seconded the motion. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

5. Public Comment Period

Mayor Smith opened the floor for public comments.

Dwain Roberts and Clyde Foust commented on the confederate statue located at the Historic Randolph County Courthouse. No other speakers asked to be heard during the public comment period.

There being no further comments from the public, Mayor Smith closed the public comment period.

6. Consent Agenda

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

(a) Approval of the City Council Meeting Minutes for November 10, 2022

The meeting minutes for the city council’s regular November meeting on November 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) Approval of the General Account of the City Council’s Closed Session Held During the Regular Meeting on November 10, 2022

The general account of the city council’s closed session that was held during the council’s regular meeting on November 10, 2022 were approved and have been filed in the city clerk’s office.

(c) Approval of a Resolution Sealing the General Account of the Closed Session Held on November 10, 2022.

RESOLUTION NUMBER 42 RES 12-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**Resolution Sealing the General Account of a Closed Session
Conducted during a Regular Meeting on November 10, 2022**

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

WHEREAS, pursuant to Section 143-318.11(a)(3) of the North Carolina General Statutes, the city council, upon unanimous adoption of a properly made and seconded motion, went into closed session on November 10, 2022, to discuss with the city attorney a matter that falls within the scope of the attorney-client privilege; and

Asheboro City Council Regular Meeting Minutes

Page 3

December 8, 2022

WHEREAS, the purpose for going into closed session on November 10, 2022, would be frustrated if the general account of the closed session were to be made available for public inspection at this time.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the general account of the closed session conducted on November 10, 2022, is hereby sealed and will remain sealed so long as public inspection of the records would frustrate the purpose of the closed session; and

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

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on December 8, 2022.

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

ATTEST:

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

- (d) Acknowledgement of the Receipt from the Asheboro ABC Board of its Meeting Minutes for October 3, 2022**

The City Council acknowledged the receipt of the Asheboro ABC Board's approved meeting minutes for October 3, 2022. These documents have been filed in the city clerk's office and distributed to the city's elected officials.

- (e) Acknowledgement of the Receipt of the Statutorily Prescribed Notice of the Future Construction/Installation by City Forces of Cleanouts as Part of the City Water and Sewer Utility Infrastructure along the Following Streets: Amity Road, Cecylia Court, Fairfax Court, Gum Street, Heather Court, Homeplace Drive, Kamerin Street, Lawson Court, Sonnet Drive, and Tamworth Road**
- (f) Approval of an Ordinance Setting the Schedule for Regular Asheboro City Council Meetings During the 2023 Calendar Year**

ORDINANCE NUMBER 86 ORD 12-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**AN ORDINANCE SETTING THE DATES FOR REGULAR MEETINGS OF THE
ASHEBORO CITY COUNCIL DURING THE
2023 CALENDAR YEAR**

WHEREAS, Section 31.04(A) of the Code of Asheboro provides that the "City Council shall hold a regular meeting on Thursday after the first Monday of each month;" and

WHEREAS, in an effort to avoid reasonably foreseeable scheduling conflicts with Independence Day and Veterans Day, the Asheboro City Council has decided to reschedule its regular meetings in July 2023 and November 2023.

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

Section 1. During the 2023 calendar year, and subject to any notices to the contrary issued in accordance with the applicable statutes and ordinances, regular meetings of the Asheboro City Council will begin at 7:00 p.m. on the dates listed herein and will be held in the Council Chamber, which is located on the second floor in Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203.

Section 2. In recognition of the impact of Independence Day, the regular meeting of the Asheboro City Council in July 2023 shall be held in the Council Chamber at Asheboro City Hall, with a beginning time of 7:00 p.m., on the 13th day of July, 2023.

Section 3. In recognition of the impact of Veterans Day, the regular meeting of the Asheboro City Council in November 2023 shall be held in the Council Chamber at Asheboro City Hall, with a beginning time of 7:00 p.m., on the 8th day of November, 2023.

Section 4. For purposes of clarity, the schedule is as follows for regular meetings of the Asheboro City Council during the 2023 calendar year:

<u>Month</u>	<u>Meeting Date</u>
January	5 th
February	9 th
March	9 th
April	6 th
May	4 th
June	8 th
July	13 th
August	10 th
September	7 th
October	5 th
November	8 th
December	7 th

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 hold its regular meetings in accordance with the schedule found in Section 4 of this Ordinance. With the exception of rescheduling the Asheboro City Council’s regular meetings in July 2023 and November 2023, the provisions of Section 31.04 of the Code of Asheboro shall remain in full force and effect.

Section 6. This Ordinance shall become effective upon adoption and shall sunset at midnight on December 31, 2023.

This Ordinance was adopted in open session during a regular meeting of the Asheboro City Council held on the 8th day of December, 2022.

/s/David H. Smith

David H. Smith, Mayor

ATTEST:

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

- (g) **Approval of an Audit Contract Amendment to Extend Huneycutt, Parsley & Taylor, CPAs, PLLC's submittal date for the Local Government Commission from October 31, 2022 to January 31, 2022**

The Audit contract amendment was approved by the city council and has been filed in the city clerk's office.

- (h) **Approval of Two Budget Ordinance Amendments:**

- (I) **Amendment of the General Fund to Account for the Increased Costs of Fuel, Parts, and Supplies that are Impacting the Fleet Maintenance Department**

87 ORD 12-22

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

WHEREAS, the Fleet Maintenance Department is responsible for the maintenance and repair of a majority of the City of Asheboro rolling stock / fleet.

WHEREAS, the Fleet Maintenance Department provides for the fuel for a majority of the City of Asheboro rolling stock / fleet.

WHEREAS, the Fleet Maintenance Department operating costs are significantly higher than budgeted due to changes in the economic environment which has resulted in increases fuel and various parts and supplies necessary for the maintenance and repair of the fleet.

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

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

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

That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-000-399.0000	Fund Balance Allocation	\$500,000

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-555-518.0000	Vehicle Parts / Inventory	\$250,000
10-555-532.0000	Gas Oil Tires / Inventory	250,000

Total Increase	<u>\$500,000</u>
----------------	------------------

Adopted this 8th day of December, 2022.

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

ATTEST:

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

(II) Amendment of the General Fund to Account for Job Position Changes in the Engineering, Inspections, and Legal Departments.

88 ORD 12-22

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

WHEREAS, at the time of budget adoption for FY 2022-2023 in June 2022, the City of Asheboro position providing administrative support to the Building Inspections department was filled by the Deputy City Clerk budgeted in the Legal Services Department.

WHEREAS, changes in the pay plan positions associated with new positions in the Inspection Department and Engineering Department requires changes in current budget allocations.

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

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

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:
That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-000-399.0000	Fund Balance Allocation	\$32,000

That the following Expense line items be increased / (decreased):

<u>Line Item</u>	<u>Description</u>	<u>Increase / (Decrease)</u>
10-540-502.0000	Salaries / Wages	\$20,302
10-540-507.0002	Fringe Benefits- FICA / Medicare	1,506
10-540-507.0400	Fringe- Insurance	7,800
10-540-507.0005	Fringe- Retirement	2,392
10-450-502.0000	Salaries / Wages	(25,520)
10-450-507.0002	Fringe Benefits- FICA / Medicare	(1,952)
10-450-507.0400	Fringe Insurance	(5,200)
10-450-507.0005	Fringe- Retirement	(3,100)
10-575-502.0000	Salaries / Wages	25,520
10-540-507.0002	Fringe Benefits- FICA / Medicare	1,952
10-540-507.0400	Fringe- Insurance	5,200
10-540-507.0005	Fringe- Retirement	3,100
Total Increase		<u>\$32,000</u>

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

ATTEST:

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

(i) Approval of the Community Development Division's Request to Schedule for January 5, 2023, and to Advertise, Legislative Hearings on the Following Applications:

- (I) Case No. RZ-22-13: An Application to Rezone Property at 564 Cox Avenue (Randolph County Parcel Identification Number 7760064470) from B2 (CZ) to R10 Zoning; and**
- (II) Case No. RZ-22-14: An Application to Rezone Property on Gold Avenue that is Identified by Randolph County Parcel Identification Number 7763129076 from R10 to RA6 (CZ) Zoning for a Development with Multiple Family Dwelling Units Having a Floor Area Ratio of up to 17 Percent.**

The council approved the above-referenced request from the Community Development Division to schedule for January 5, 2023, and to advertise, legislative hearings on the above-referenced applications.

7. Public Hearing – The Moses H. Cone Memorial Hospital Annexation Petition

Prior to the consideration of agenda items pertaining to the annexation petition received from the Moses H. Cone Memorial Hospital, Council Member Redding disclosed that transactions related to the property at issue created a conflict of interest for her, and she requested to be recused from participating in the agenda items related to the above-described annexation petition. In response, Council Member Heath moved to excuse Council Member Redding from participating in all discussions and votes pertaining to the stated annexation petition. Council Member Burks seconded the motion. Council Members Bell, Burks, Heath, McCaskill, Moffitt, and Swiers voted aye. There were no dissenting votes.

(a) Annexation Petition Seeking the Annexation of Hospital Land in Excess of 65 Acres, on the West Side of Interstate 73/74

Mayor Smith opened the public hearing on the question of the annexation petition submitted by the Moses H. Cone Memorial Hospital in connection with the hospital land in excess of 65 acres on West Side of Interstate 73/74. As part of the public hearing, City Engineer Michael Leonard presented the staff's analysis of the annexation petition. Mayor Smith then invited comments from the public. Mr. Skip Hislop, Jr., Mr. Nick Wilkisson, and Mr. Deno Adkins presented comments in support of the annexation, while Mr. Ben Tuggle and Mr. Don Pritchard presented comments in opposition of the request

(b) City Council Consideration of an Annexation Ordinance

After no one else from the public requested to be heard, Mayor Smith transitioned to the deliberative phase of the hearing. Council Member Swiers moved, and Council Member McCaskill seconded the motion, to adopt the following annexation ordinance by reference. Council Members Bell, Burks, Heath, McCaskill, and Swiers voted aye. Council Member Moffitt voted no.

ORDINANCE NO. 89 ORD 12-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AN ORDINANCE EXTENDING THE ASHEBORO CITY LIMITS BY ANNEXING AN AREA APPROXIMATELY SIXTY-NINE ACRES IN SIZE THAT IS CONTIGUOUS TO THE EXISTING PRIMARY CITY LIMITS AND IS LOCATED PRIMARILY ON THE WEST SIDE OF INTERSTATE 73/74

WHEREAS, in accordance with Section 160A-31 of the North Carolina General Statutes, The Moses H. Cone Memorial Hospital, a North Carolina non-profit corporation, (the “Petitioner”) submitted a petition to the Asheboro City Council (the “Council”) requesting the annexation into the Asheboro primary city limits of four parcels of land owned by the non-profit corporation on the west side of Interstate 73/74; and

WHEREAS, at the time of the submission of the annexation petition, these four parcels of land were identified by the following Randolph County Parcel Identification Numbers: 7752396762, 7752398870, 7752389302, and 7752399337; and

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

WHEREAS, on November 10, 2022, by means of a duly adopted resolution (Resolution Number 38 RES 11-22), 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 39 RES 11-22, a legal notice was published on November 22, 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 December 8, 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 December 8, 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:

Back Creek Township, Randolph County, North Carolina:

BEGINNING on the proposed Asheboro primary city limits line at a concrete monument found at the intersection of the southern margin of the 60-foot public right-of-way for Spero Road (North Carolina Secondary Road 1504) with the western margin of the public right-of-way for the Interstate 73/74 southbound on-ramp, the described beginning point is located by means of the North Carolina Coordinate System at the coordinates of North 729,928.02 feet and East 1,754,251.16 feet (NAD 83 (2011)); thence running the next seven bearings and distances along the proposed Asheboro primary city limits line, which follows the western margin of the public right-of-way for the Interstate 73/74 southbound on-ramp and forms the eastern boundary of the territory for which annexation has been requested by The Moses H. Cone Memorial Hospital (the land for which annexation has been requested consists of a total of four parcels or tracts of land formerly owned by First Assembly of God Church of Asheboro, Inc. and is described in the Office of the Register of Deeds for Randolph County, North Carolina (the “Randolph County Registry”) in the following books of record: Deed Book 1543, Page 1088; Deed Book 1622, Page 1395; Deed Book 1681, Page 429; and Deed Book 1543, Page 1085; these four parcels or tracts of land will be hereinafter referred

Asheboro City Council Regular Meeting Minutes

Page 9

December 8, 2022

to collectively as the “Annexation Territory”): South 22 degrees 45 minutes 35 seconds East 200.77 feet to a concrete monument found in the right-of-way line; thence South 24 degrees 11 minutes 07 seconds East 231.07 feet to a 1-inch iron rod found in the right-of-way line; thence South 24 degrees 08 minutes 55 seconds East 280.75 feet to a concrete monument found in the right-of-way line; thence South 17 degrees 49 minutes 46 seconds East 405.64 feet to a concrete monument found in the right-of-way line; thence South 07 degrees 56 minutes 22 seconds East 124.82 feet to a 3/4-inch iron pipe set in the right-of-way line; thence in a southeasterly direction along the arc of a curve with a radius of 20,322.10 feet a chord bearing and distance of South 05 degrees 02 minutes 27 seconds East 667.43 feet to a 3/4-inch iron pipe set in the right-of-way line; thence South 04 degrees 11 minutes 57 seconds East 410.79 feet to a computed point in the right-of-way line; thence departing from the western margin of the public right-of-way for Interstate 73/74 and following the proposed Asheboro primary city limits line North 88 degrees 33 minutes 35 seconds East 360.42 feet across the interstate to a computed point in the eastern margin of the public right-of-way for Interstate 73/74, this computed point is on the existing Asheboro primary city limits line; thence following the existing Asheboro primary city limits line the next two bearings and distances: South 04 degrees 11 minutes 57 seconds East 431.27 feet along the eastern margin of the public right-of-way for Interstate 73/74 to a computed point; thence South 05 degrees 44 minutes 25 seconds East 40.13 feet to a computed point in the eastern margin of the public right-of-way for Interstate 73/74; thence departing from the existing Asheboro primary city limits line and the eastern margin of the public right-of-way for Interstate 73/74 in order to follow the proposed Asheboro primary city limits line North 88 degrees 02 minutes 28 seconds West 346.96 feet across the interstate to a bent #5 rebar found in the western margin of the public right-of-way for Interstate 73/74; thence departing from the western margin of the public right-of-way for Interstate 73/74 and continuing to follow the proposed Asheboro primary city limits line the following two bearings and distances along the southern boundary of the Annexation Territory that is contiguous to the now or formerly Martha Redding Mendenhall property described in Estate File 72E, Page 331 in the Office of the Randolph County Clerk of Superior Court and in Deed Book 33, Page 274, Randolph County Registry: North 88 degrees 02 minutes 28 seconds West 423.84 feet to an axle found in the northern boundary line of the previously identified Mendenhall property; thence North 88 degrees 02 minutes 28 seconds West 866.15 feet to an axle found at the southwestern corner of the Annexation Territory; thence departing from the southern boundary of the Annexation Territory and proceeding along the western boundary of the Annexation Territory by following the proposed Asheboro primary city limits line the next two bearings and distances along the eastern boundary for lots 14 and 15 that are shown on a plat of survey recorded in Plat Book 52, Page 25, Randolph County Registry: North 03 degrees 44 minutes 17 seconds East 206.51 feet to a 1/2-inch iron pipe found at a common corner for the referenced lots 14 and 15; thence North 03 degrees 50 minutes 20 seconds East 267.50 feet to an axle found in the proposed Asheboro primary city limits line at the southeastern corner of a private perpetual right-of-way identified as Country Lane and referenced in Deed Book 1710, Page 846, Randolph County Registry; thence running the next nine bearings and distances along the western boundary of the Annexation Territory: North 01 degree 19 minutes 53 seconds East 549.33 feet to a bent 1-1/4-inch iron pipe found in the proposed Asheboro primary city limits line; thence North 01 degree 19 minutes 53 seconds East 940.83 feet to an axle found in the proposed city limits line; thence North 01 degree 19 minutes 45 seconds East 158.46 feet to a 1-1/4-inch iron pipe found in the proposed city limits line; thence North 01 degree 19 minutes 45 seconds East 139.97 feet to a #5 rebar found in the proposed city limits line; thence North 01 degree 19 minutes 45 seconds East 19.20 feet to an axle found in the proposed city limits line; thence North 03 degrees 29 minutes 51 seconds East 27.74 feet to a 3/8-inch iron rod found in the proposed city limits line; thence North 03 degrees 29 minutes 51 seconds East 47.55 feet to rebar found with a cap in the proposed city limits line; thence North 00 degrees 57 minutes 13 seconds East 205.88 feet to a nail found in the proposed city limits line; thence North 01 degree 33 minutes 37 seconds East 108.79 feet to a nail found in the southern margin of the 60-foot public right-of-way for Spero Road; thence departing from the western boundary of the Annexation Territory and following the northern boundary of the Annexation Territory the next five bearings and distances along the southern margin of the 60-foot public right-of-way for Spero Road: North 85 degrees 41 minutes 45 seconds East 138.28 feet to a concrete monument found in the proposed Asheboro primary city limits line; thence South 82 degrees 51 minutes 53 seconds East 127.22 feet to a concrete monument found in the proposed city limits line; thence North 86 degrees 36 minutes 17 seconds East 149.51 feet to a broken concrete monument found in the proposed city limits line; thence South 03 degrees 15 minutes 11 seconds West 9.76 feet to a concrete monument found in the proposed Asheboro primary city limits line; thence North 88 degrees 40 minutes 48 seconds East 222.88 feet to the point and place of BEGINNING, and containing a total of 69.189 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 Kim R. Lilly, RLS. The plat of survey is dated November 3, 2022, and is titled “ANNEXATION PLAT CONE HEALTH 1271, 1307 AND 1319 SPERO ROAD.”

The above-described Annexation Territory has been acquired by The Moses H. Cone Memorial Hospital. See Deed Book 2830, Page 1331, Randolph County Registry and Deed Book 2830, Page 1341, Randolph County Registry.

Asheboro City Council Regular Meeting Minutes

Page 10

December 8, 2022

The plat of survey referenced in the immediately preceding paragraph is recorded in Plat Book _____ 178 _____, Page _____ 69 _____, Randolph County Registry.

Section 2. Upon and after December 8, 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 December 8, 2022.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on December 8, 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

8. Community Development Division Items

- (a) A Continuance request for the text amendment applications (Case Nos. SUB-22-06 and RZ-22-12) that have been submitted for the purpose of updating a broad range of subdivision review/approval regulations and in order to make technical corrections in the text of both the subdivision and zoning ordinances.**

The city staff requested that the above-referenced items be continued to the council's regular January 2023 meeting. Council Member Moffitt moved, and Council Member Bell seconded the motion to continue the above-referenced items to the council's next regular meeting. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

- (b) A Request for Authorization to Enter Into an Engineering Services Agreement with The Wooten Company for the Proposed Trade Street Renovations**

Prior to the consideration of agenda items pertaining to the proposed Trade Street Renovations, Mayor Smith disclosed that transactions related to the property at issue created a conflict of interest for him, and he requested to be recused from participating in discussions pertaining to the above-referenced agenda item. In response, Council

Member Bell moved to excuse Mayor Smith from participating in all discussions pertaining to the Trade Street Renovations. Council Member Burks seconded the motion. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

Mayor Pro Tempore Moffitt asked Community Development Director Trevor Nuttall to present the item for council's consideration. Mr. Nuttall requested authorization to enter into an engineering services agreement with The Wooten Company for the design services for the repurposing of Trade Street in Asheboro, NC.

After some discussion, Council Member Bell moved to approve the engineering services agreement, and Council Member Burks seconded the motion. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

(c) A Summary of Due Diligence Efforts that have been Completed in Connection with the Property Upon Which the Former Acme-McCrary Hosiery Mill is located, and a Request for Authorization to Complete the Acquisition of the Property.

Mr. Nuttall presented an agreement of purchase and sale between Acme-McCrary and the City of Asheboro. The agreement is for the City of Asheboro to purchase the property for \$1 million. After some discussion, Council Member Bell moved, and Council Member Heath seconded the motion to approve the purchase agreement. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

(d) A Discussion of Increasing from \$100 to \$150 the Monthly Stipends Authorized for Members of the Asheboro Planning Board and the Asheboro ABC Board

Mr. Nuttall reported to the council members that the Asheboro Planning Board and Asheboro ABC Board members currently receive a stipend of \$100 per month. Throughout some discussion, an increase to \$150 for the boards' members was requested by Mr. Nuttall for the upcoming calendar year.

Council Member Moffitt moved to increase the monthly stipend to \$150, and Council Member Redding seconded the motion. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

9. Engineering and Finance Department Project Updates

(a) An Update on the Traffic Study at the Intersection of Salisbury Street and Old Lexington Road

Mr. Leonard presented the updated traffic study for the intersection of Salisbury Street and Old Lexington Road that was conducted by Ramey Kemp Associates. The study showed that there were no functional or safety issues within the intersection, however with the on-going traffic concerns pertaining to the intersection, Ramey Kemp Association recommended some improvements, including but not limited to the installation of signalization, or the installation of an elongated peanut round-about.

City staff will forward the traffic study to the North Carolina Department of Transportation for evaluation. No formal action was requested by the council during this portion of the meeting, and none was taken.

(b) The Results of the Formal Bidding Process and the Request for the Award of a Contract for Storm Sewer Installation, Sidewalk, and Parking Lot Grading and Paving Work at the McCrary Ballpark.

After proceeding through the formal bidding process, Mr. Leonard requested that a contract be awarded to the lowest responsible responsive bidder, Terry's Plumbing,

Inc., for storm sewer installation, sidewalk, and parking lot grading and paving work at the McCrary Ballpark in the amount of \$807,181. Council Member Moffitt moved, and Council Member Burks seconded the motion to award the contract to Terry’s Plumbing, Inc. in the amount of \$807,181. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

(c) Council Action on Two Ordinances to Account for the Funding Needed for the Immediately Preceding Contract Award:

(I) Ordinance to Amend the General Fund

Finance Director Deborah Reaves presented and recommended adoption, by reference, of an ordinance to amend the general fund.

Council Member Bell moved, and Council Member Heath seconded the motion to adopt the following ordinance by reference.

90 ORD 12-22

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

WHEREAS, The City of Asheboro is ready to proceed with the storm sewer installation, sidewalk and parking lot grading and paving work phase of the McCrary Ballpark Renovation project.

WHEREAS, The City of Asheboro has gone thru the formal bidding process for these services.

WHEREAS, the lowest responsive bid for the services is \$807,181.

WHEREAS, the City of Asheboro would like to incorporate approximately 10% for contingency in the budgeted appropriation.

WHEREAS, the City of Asheboro desires to appropriate \$888,000 from the General Fund Balance for contracted construction expenses relating to storm sewer installation, grading and paving work for the McCrary Ballpark renovation project.

WHEREAS, the City of Asheboro desires amend the 2022-2023 General Fund operating budget to as required by law to adjust for changes in revenues and expenditures in comparison to the current adopted budget.

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

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

That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-000-399.0000	Fund Balance Allocation	888,000

That the following expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-620-574.6500	Contribution to McCrary Ballpark Fund	888,000

Adopted this the 8th day of December 2022.

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

ATTEST:

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

**(II) Ordinance to Amend the McCrary Ballpark
Improvements Fund**

Ms. Reaves presented and recommended adoption, by reference, of an ordinance to amend the McCrary Ballpark Improvements Fund.

Council Member Bell moved, and Council Member Burks seconded the motion to adopt the following ordinance by reference.

91 ORD 12-22

**ORDINANCE TO AMEND
THE MCCRARY BALLPARK IMPROVEMENTS FUND
FY 2022-2023**

WHEREAS, The City of Asheboro is ready to proceed with the storm sewer installation, sidewalk and parking lot grading and paving work phase of the McCrary Ballpark Renovation project.

WHEREAS, The City of Asheboro has gone thru the formal bidding process for these services.

WHEREAS, the lowest responsive bid for the services is \$807,181.

WHEREAS, the City of Asheboro would like to incorporate approximately 10% for contingency in the budgeted appropriation.

WHEREAS, the City of Asheboro desires to appropriate \$888,000 from the General Fund Balance for this construction contract.

WHEREAS, the City desires to recognize funding from the General Fund and appropriate for these expenses in the McCrary Ballpark Improvements fund.

WHEREAS, the City of Asheboro desires amend the 2022-2023 capital project fund budget to as required by law to adjust for changes in revenues and expenditures in comparison to the current adopted budget.

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

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

Section 1: The following revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
65-000-300.0001-65	Contribution from General Fund	888,000

Section 2: The following expense line item be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
65-000-406.0000-65	Construction- storm sewer, grading, paving	888,000

Adopted this the 8th day of December 2022.

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

ATTEST:

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

10. Upcoming events and items not on the agenda

Mayor Smith and Mr. Ogburn led a discussion of upcoming events within the city government and the community in general. No action was taken by the city council during this discussion.

There being no further business, the meeting was adjourned at 9:11 p.m.

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

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