

**AMENDED AGENDA
REGULAR MEETING
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, JULY 14, 2022, 7:00 PM**

1. Call to order.
2. Silent prayer and pledge of allegiance.
3. Public comment period.
4. Consent agenda items.
 - (a) Approval of the meeting minutes for the regular city council meeting on June 9, 2022.
 - (b) Approval of the meeting minutes for the special city council meeting on June 28, 2022.
 - (c) Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for June 6, 2022.
 - (d) Approval of a contract amendment to extend the termination date from December 10, 2022, to December 10, 2023, for the Starpet grant agreement between the city and the North Carolina Department of Commerce.
 - (e) Appointment of Gene Isom to the City of Asheboro Redevelopment Commission.
 - (f) Approval of a resolution authorizing the advertising by electronic means only of electronic public auctions of surplus city-owned personal property.
 - (g) Approval of a resolution authorizing the sale of certain surplus city-owned vehicles by public auction.
 - (h) Approval of an ordinance to amend the General Fund.
 - (i) Approval of an ordinance to amend the Economic Development Fund.
 - (j) Approval of an ordinance to amend the Water and Sewer Fund.

5. Community Development Director Trevor Nuttall will provide the initial testimony for the following legislative hearings:

- (a) Case No. RZ-22-06: An application to amend the RA6 (CZ) zoning on property at 3140 Zoo Parkway, including lots within the Parkway South Townhomes subdivision as well as the city's sewer lift station, for the purpose of dedicating to the public the subdivision's private streets;

- (b) Case No. RZ-22-07: An application to rezone property located on the west side of Zoo Parkway, located approximately 225 feet south of Ridge Avenue (Randolph County Parcel Identification Number 7750943464), from R10 to R7.5 (CZ) zoning for a residential planned unit development; and

- (c) Case No. RZ-22-08: An application to rezone property at 1352 East Salisbury Street (Randolph County Parcel Identification Number 7761510840) from OA6 to OA6 (CZ) zoning for business, professional, and personal services and an overflow parking area; to rezone 342 Patton Avenue (Randolph County Parcel Identification Number 7761513992) from R10 to OA6 (CZ) zoning for business, professional, and personal services; and to amend the I2 (CZ) property at 1420 East Salisbury Street (Randolph County Parcel Identification Number 7761513992) due to proposed changes to the motor vehicle repair (major) and rental/sales of domestic motor vehicles uses.

6. Community Development Director Trevor Nuttall will provide the staff analysis of the subdivision sketch design review for Thomas Estates, Phase 3 (Case No. SUB-22-04).

7. Community Development Director Trevor Nuttall will provide an update on the following projects:

- (a) Contracting and budgeting issues associated with the Industrial Park Avenue Sidewalk Improvements Project; and

- (b) Grant funding for the David and Pauline Jarrell Center City Garden.

8. City Engineer Michael Leonard, PE will present the following project updates:

- (a) Airport Lighting Rehabilitation Project;

- (b) Zoo City Sportsplex Project:
 - (i) Change Order Number 5 with Terry's Plumbing and Utilities, Inc.; and
 - (ii) A budgetary amendment to account for the change order;
 - (c) Proposed intersection improvements for Dixon Avenue and Dixon Street;
 - (d) Proposed road closure at the eastern terminus of West Pritchard Street;
 - (e) Proposed prohibition of on-street parking on both sides of West Kivett Street between South Church Street and South Park Street; and
 - (f) Proposed prohibition of on-street parking on both sides of East Kivett Street between Cox Street and Main Street.
9. City Engineer Michael Leonard, PE will submit for council action the following annexation petitions:
- (a) Approximately seven acres at 923 Meadowbrook Road:
 - (i) Resolution to investigate the annexation petition; and
 - (ii) Resolution setting the date for a public hearing;
 - (b) Approximately twenty acres in the Timber Ridge Subdivision along East Allred Street:
 - (i) Resolution to investigate the annexation petition; and
 - (ii) Resolution setting the date for a public hearing.

10. Council action on permitting and compliance issues introduced by the city attorney:

(a) Quasi-judicial hearing on a pawnbroker license application submitted by Ronald R. Autry, Inc. d/b/a The Pawn Shack;

(b) Resolution adopting a policy for the prequalification of bidders for construction projects; and

(c) Adoption of policies required for the expenditure of funds from the American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Fund:

(i) Record Retention Policy;

(ii) Eligible Project Policy;

(iii) Allowable Costs and Cost Principles Policy;

(iv) Nondiscrimination Policy; and

(v) Conflict of Interest Policy.

11. Mayor Smith will lead a discussion of upcoming events and items not on the agenda.

12. Adjournment.

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, JUNE 9, 2022
7:00 PM**

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

David H. Smith	) – Mayor Presiding
Clark R. Bell	)
Edward J. Burks	)
Kelly L. Heath	)
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
David J. Hutchins, Public Works Director
Michael L. Leonard, PE, City Engineer
Mark T. Lineberry, Police Chief
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Michael D. Rhoney, PE, Water Resources Director
Jeffrey C. Sugg, City Attorney
Willie Summers, Fire Chief
Tammy M. Williams, CMC, Deputy City Clerk

1. Call to Order

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

2. Moment of Silent Prayer and Pledge of Allegiance

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

3. Public Comment Period

Mayor Smith welcomed everyone in attendance and opened the floor for public comment and participation.

Mr. Thomas Papas, owner of Leo’s Whiskey Bar, commented on his experiences with operating a business in downtown Asheboro.

Mr. David Poe, who resides at 637 Anns Court, commented on potential flooding issues in the area around his home.

In the absence of any other speakers, Mayor Smith closed the public comment period.

4. Discussion of the *Regional Intercity Visit 2022* to Upstate South Carolina

Ms. Linda Brown, President of the Asheboro/Randolph Chamber of Commerce, and Community Development Director Trevor Nuttall reported that the Greensboro Chamber of Commerce organized a trip to the Upstate South Carolina area for

representatives of the triad community. The purpose of the trip was to allow the participants to see the impact of the BMW facility in South Carolina.

During the presentation, Mr. Nuttall highlighted that Greer, South Carolina, the closest municipality to the facility, grew significantly in population following the construction of the facility. Among other things, the trip highlighted the importance of updating land development plans/codes to account for the impact of large scale economic development projects such as the projects recently announced in our area.

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

5. City Fuel Conservation Efforts

Public Works Director David Hutchins discussed the measures taken to conserve the amount of fuel used by the city's fleet of vehicles. In addition to general sustainability goals, these enhanced conservation efforts have been undertaken in response to price increases and occasional difficulties in obtaining the desired supply of fuel.

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

6. Police Department Annual Report

Police Chief Mark Lineberry presented an overview of the Asheboro Police Department's activities during 2021. During his presentation, Chief Lineberry noted there were a total of 25,522 calls for service.

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

7. Joint Training by the Asheboro Police and Fire Departments

Police Chief Mark Lineberry and Fire Chief Willie Summers discussed the ongoing critical incident training undertaken by the police and fire departments as a joint effort. This training includes developing plans for responding to events such as "active shooter" incidents. Both departments have embraced the importance of effective communication and teamwork when responding to such potentially tragic events.

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

8. Public Hearing on the Proposed Fiscal Year 2022-2023 Budget

Mayor Smith opened the public hearing on the proposed budget for fiscal year 2022-2023. The first and only speaker was City of Asheboro Finance Director Deborah Reaves.

Ms. Reaves reported that the proposed budget was initially presented to the Council during a special meeting on May 20, 2022. Notice of this public hearing was published in *The Courier-Tribune* on May 27, 2022, and posted on the city website.

In addition to posting the budget on the city's website, the budget is on file and available for public inspection in the city clerk's office. Ms. Reaves utilized a slide show presentation in order to discuss the details and highlights of the proposed budget. A copy of the presentation is on file in the city clerk's office.

The proposed fiscal year 2022-2023 budget is balanced at \$61,207,222.00. The property tax rate remains at \$0.665 cents per \$100.00 valuation, while increases in water and sewer rates are recommended.

During her presentation, the finance director highlighted certain expenses including, but not limited to:

- Two job reclassification for all current City of Asheboro employees.
- \$781,952 for workers compensation and property insurance.
- \$358,631 in capital outlay (re-budget from 2021-2022 that will be financed).
- \$1,206,300 for existing debt service.
- \$459,450 for utilities.
- \$605,299 for City of Asheboro Facility Maintenance and repairs.
- \$877,550 for fuel cost, etc.
- \$500,000 for Community Development and support – unallocated.
- \$200,000 for completion of the Land Development Plan, RCC sidewalk construction oversight, various support related to the Acme-McCrary building acquisition, grant administration support for ongoing projects, including grant matching funds.
- \$15,000 for annual support to the Family Crisis Center.
- \$132,000 for community development, including the partnership with Habitat for Humanity.
- \$60,000 for a City Hall generator.
- 6% COLA aimed at retention and attraction of new hires in Sworn Law Enforcement.
- 4 new positions created for new patrol officers focusing on the downtown business district.
- \$545,676 in contracted services area for various services including 911 in the Police Department.
- \$244,000 in programs at the Sunset Theatre including support of the Arts Guild and the Senior Adult Center.
- \$4,732,646 contribution to the Zoo City Sportsplex Fund.
- \$87,370 re-budgeted for golf carts.
- \$200,000 to replace the chiller and controls at the Randolph County Library.
- \$200,000 for equipment needed to maintain the grounds at the Zoo City Sportsplex.
- \$116,760 in matching funds for Airport Grants.

The annual budget adoption meeting is scheduled for June 28, 2022, at 7:00 p.m. in the council chamber in Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203.

When Ms. Reaves concluded her presentation, Mayor Smith asked if anyone would like to offer any comments on the city's proposed budget. No one asked to be heard. Additionally, no written comments were submitted in advance, during, or subsequent to the public hearing.

No action was requested of the Council in connection with this agenda item, and none was taken.

9. Consent Agenda

Prior to calling for a vote on the consent agenda, Mayor Smith asked if any item should be removed for individual consideration. City Attorney Jeff Sugg requested the withdrawal from the consent agenda of two resolutions pertaining to the electronic auction of surplus city-owned vehicles. These resolutions were identified on the meeting agenda as items 9(f) and 9(g).

With the exception and exclusion of meeting agenda items 9(f) and 9(g), Council Member Burks moved, and Council Member Heath seconded the motion, to approve/adopt the following consent agenda items. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

(a) City Council Meeting Minutes for May 5, 2022

The meeting minutes for the city council's regular meeting on May 5, 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) City Council Meeting Minutes for May 20, 2022

The meeting minutes for the special city council meeting held on May 20, 2022, were approved and have been filed in the city clerk's office. An electronic copy of the approved minutes has been posted on the city's website.

(c) Asheboro ABC Board Meeting Minutes for April 4, 2022

The council acknowledged the receipt of the Asheboro ABC Board's approved meeting minutes for April 4, 2022. This document has been filed in the city clerk's office and distributed to the city's elected officials.

(d) Asheboro ABC Board Proposed Budget for Fiscal Year 2022-2023

The council acknowledged the receipt of a copy of the budget message and proposed budget for the Asheboro ABC Board for fiscal year 2022-2023. This document has been filed in the city clerk's office and distributed to the city's elected officials.

(e) Scheduling of Legislative Hearings for July 14, 2022

- (i) The council approved the scheduling and advertisement of a legislative hearing to be held during the council's regular meeting on July 14, 2022, on the question of an application to amend the RA6 (CZ) zoning on property at 3140 Zoo Parkway, inclusive of the lots within the Parkway South Townhomes subdivision as well as the city's sewer lift station, for the purpose of dedicating to the public the subdivision's private streets.
- (ii) The council approved the scheduling and advertisement of a legislative hearing to be held during the council's regular meeting on July 14, 2022, on the question of an application to rezone property on the west side of Zoo Parkway, located approximately 225 feet south of Ridge Avenue, (Randolph County Parcel Identification Number 7750943464) from R10 to R7.5 (CZ) zoning for a residential planned unit development.
- (iii) The council approved the scheduling and advertisement of a legislative hearing to be held during the council's regular meeting on July 14, 2022, on the question of an application to rezone property at 1352 East Salisbury Street (Randolph County Parcel Identification Number 7761510840) from OA6 to OA6 (CZ) for business, professional, and personal services and an overflow parking area; to rezone 342 Patton Avenue from R10 to OA6 (CZ) zoning for business, professional, and personal services; and to amend the I2 (CZ) property at 1420 East Salisbury Street and 358 Patton Avenue due to proposed changes to the motor vehicle repair (major) and rental/sales of domestic motor vehicle uses.

[As noted above, items 9(f) and 9(g) on the meeting agenda were withdrawn. The following consent agenda items, while numbered sequentially in accordance with the item numbers used for these meeting minutes, correspond to the item numbers listed on the meeting agenda as items 9(h), (i), (j), and (k).]

(f) **Approval of a Resolution Honoring Retired
Fire Inspector John Russell**

RESOLUTION NUMBER 14 RES 6-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION HONORING FIRE INSPECTOR JOHN WILLIAM RUSSELL
UPON HIS RETIREMENT FROM EMPLOYMENT
WITH THE CITY OF ASHEBORO**

WHEREAS, John William Russell (“Fire Inspector Russell”), who served as a Fire Lieutenant immediately prior to his appointment as a Fire Inspector on January 1, 2018, has provided honorable, skilled, and dedicated service to the City of Asheboro and its citizens since the date of his initial employment with the Asheboro Fire Department on January 1, 1997; and

WHEREAS, Fire Inspector Russell began his retirement from employment with the City of Asheboro on June 1, 2022; and

WHEREAS, pursuant to and in accordance with Section 160A-294.1 of the North Carolina General Statutes, the Asheboro City Council wishes to recognize and honor this dedicated public servant by awarding to Fire Inspector Russell, at a minimal monetary cost, the fire helmet most recently assigned to him by the city; and

WHEREAS, due to the extended use of the badge assigned to Fire Inspector Russell and the fact that this badge cannot be placed in the market place without posing a risk of facilitating the impersonation of a City of Asheboro fire official and thereby creating a threat to public safety, the Asheboro City Council has concluded, consistent with Section 160A-266(d) of the North Carolina General Statutes, that the city’s use of the referenced badge ceased at the end of the day on May 31, 2022.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, on behalf of the citizens of Asheboro, the governing board extends its sincere thanks and appreciation to Fire Inspector Russell for his public service; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that, in consideration and recognition of his dedicated service, Fire Inspector Russell is to be awarded, at less than fair market value, ownership of the fire helmet most recently issued to him by the City of Asheboro; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that, in furtherance of this recognition of a valued public servant, the city staff is hereby directed to convey to John William Russell, on or after June 1, 2022, his Asheboro Fire Department helmet for a purchase price of one dollar (\$1.00); and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the city staff is hereby directed to convey to John William Russell, on or after June 1, 2022, and without charge, the badge most recently assigned to him by the city.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 9th day of June, 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 Ordinance to Close the Water and Sewer
System Improvements Project Fund**

24 ORD 6-22

**ORDINANCE TO AMEND AND CLOSE
WATER & SEWER SYSTEMS IMPROVEMENT FUND (#70)
FY 2021-2022**

WHEREAS, the last ordinance to amend the Water & Sewer Systems Improvements Fund was approved December 10, 2015.

WHEREAS, this amendment aligned budgeted expenses for Filter improvements at the Water Treatment Plant with funding provided by the Division of Environmental Quality in the form of a DWSRF Loan.

WHEREAS, the City of Asheboro has completed the various improvements outlined for this project and have had no other large projects with expenses that need to be kept separate from the Water & Sewer Operating Fund.

WHEREAS, the City Council of the City of Asheboro desires to amend the budget as required by law to align revenue and expense budgetary allocations with actual expenses and remit unspent funds back to the Water & Sewer operating fund.

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

THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina that the changes are made and the Water & Sewer System Improvements Project (fund #70) is hereby closed.

Section 1: That the following revenues be increased / decreased:

<u>Account #</u>	<u>Revenue Description</u>	<u>Increase/ (Decrease)</u>
70-367-3002	W&S Fund Cont.- Tot Hill / Airport lift station	(208,697)
70-367-3005	W&S Fund Cont.- Tot Hill Farm Pump Sta.	400,000
70-380-0001	DWSRF Loan- Filter Project	(191,303)
	Total Revenues Increase / (Decrease)	(0)

Section 2: That the following Expenses be increased / (decreased):

<u>Account #</u>	<u>Expense Description</u>	<u>Increase/ (Decrease)</u>
70-850-0000	Tot Hill / Airport Lift Station Construction	(215,121)
70-850-0001	Tot Hill / Airport Lift Station Engineering	(126,240)
70-860-0001	Giles Chapel construction	(150,000)
70-880-0001	Filter Project – construction	106,670
70-880-0003	Filter Project – repair& painting	(87,197)
70-890-3000	Contribution to W&S Fund	471,888
	Total Expense Increase / (decrease)	(0)

Adopted this the 9th day of June, 2022.

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

ATTEST:

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

(h) Approval of an Ordinance to Amend the Water and Sewer Fund

25 ORD 6-22

ORDINANCE TO AMEND
THE WATER & SEWER FUND
FY 2021-2022

WHEREAS, The City Council of the City of Asheboro desires to amend the budget as required by law to adjust for changes in revenues in comparison to the current fiscal year adopted budget as a result of the closure of the Water & Sewer Systems Improvement Fund (#70) and the transfer of surplus budget allocations in the project fund back to the Water & Sewer Fund.

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

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

That the following Revenue line item be increased / (decreased):

<u>Account #</u>	<u>Expense Description</u>	<u>increase/ (decrease)</u>
30-399-0000	Fund Balance Allocation	(471,888)
30-397-7000	Contribution from Capital Project	471,888
Total Increase / (Decrease)		0

Adopted this 9th day of June, 2022.

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

ATTEST:

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

(i) Audit Contract with William R. Huneycutt, CPA, PLLC

The council approved an audit contract with the firm of William R. Huneycutt, CPA, PLLC for the fiscal year ending June 30, 2022, with a cost for services in the amount of \$36,800.00. A copy of the approved audit contract is on file in the city clerk’s office and in the city finance department.

10. Legislative Hearing (Case No. RZ-22-05): **Zoning Ordinance Text Amendments**

Mayor Smith opened the legislative hearing on a text amendment application filed by city staff members. The proposed text amendments pertain to sign regulations found in Chapter 7 of the city’s zoning ordinance.

Community Development Director Trevor Nuttall utilized a slide show to present the planning staff’s proposed text amendments. A copy of the slide show is on file in the city clerk’s office. This analysis included the following information.

- (1) The zoning ordinance’s sign regulations were last updated in 2021 in response to changes in federal case law (the evolution in the federal case

law can be traced to the United States Supreme Court case of Reed v. Town of Gilbert).

- (2) It was recently noted at a city council meeting that questions had arisen about permissible sign types, sizes, and illumination.
- (3) Sign regulations are for “ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens and encouraging economic development.”
- (4) After receiving feedback from the City of Asheboro Planning Board during its meeting on May 2, 2022, and considering legal and operational impacts of potential changes, staff has proposed draft text amendments. The amendments specifically alter the permissible amount of electronic changeable copy sign area and establish maximum daytime and nighttime brightness levels. Under the proposal, area allowances would be determined by the property’s zoning district instead of regulated uniformly across districts. The proposal also returns the maximum sign area for multi-use development from 300 square feet to 200 square feet. Only one permit request has been made utilizing the 300-square foot provision; reverting the maximum area to 200 square feet increases the likelihood that such signage will be utilized for on premise advertising and should accommodate the vast majority of permit requests given application history.
5. The proposal maintains the current code’s neutral stance with regard to utilizing content for determining on or off premise advertising allowances.

LDP Goals/Policies Supporting the Request:

2.1.1: The Zoning Ordinance will be periodically reviewed to ensure that the specific regulations for each Zoning District are aligned with the desired character and focus of each district.

3.2.3: The city will require signs that blend harmoniously with the surrounding streetscape and other architectural elements of a site, such as requiring monument style signs that match building architecture, landscaping around signs, and unified sign plans for large-scale developments.

Design Principle #1 (LDP Design Principles) states that commercial centers need to have “signs and buildings at a more human scale.”

The City of Asheboro Planning Board considered the proposed zoning ordinance text amendments and agreed with the staff’s proposal and the following analysis:

The Land Development Plan supports periodic review of zoning provisions to ensure that emerging issues, including those related to signs, reflect community expectations and that regulations are fair and align with state and federal law. Subsequent to the United States Supreme Court case that prompted the 2021 amendments, the Court issued a decision in April 2022 (City of Austin, Texas v Reagan National Advertising of Austin, LLC) clarifying constitutional issues relative to sign regulations and that decision also has informed the proposed amendments. In addition, the recommended amendments are presented following staff’s analysis of LDP goals and policies, review of codes from other jurisdictions, consideration of enforceability, and discussion that occurred at the May 2, 2022, Planning Board meeting.

In light of the above analysis, the city planning staff recommended adoption of the proposed text amendments.

During their discussion of the proposed text amendments, a consensus emerged among the governing board members as to their agreement with the staff and planning board analysis of the consistency of the proposed sign ordinance amendments with current case law and with the city's adopted comprehensive plans. Accordingly, Council Member Bell moved, and Council Member Redding seconded the 2-part motion, to (a) adopt the above-stated consistency statement that was initially draft by the planning staff and (b) to approve, effective immediately, the zoning ordinance text amendments as presented. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

The approved text amendments to Chapter 7 of the City of Asheboro Zoning Ordinance are as follows:

Table 7-1 is amended change the maximum area for "Multi-Use Development Freestanding or Monument" sign types in B2, TH, and Industrial zoning districts from 300 square feet to 200 square feet.

Section 7.07(D) (Supplemental Sign Regulations for Office, Neighborhood Business, Central Business, and Mercantile Districts) is amended to provide as follows:

Electronic Changeable Copy Signs. Electronic Changeable Copy Signs are allowed a maximum size of ~~up to 33 80~~ percent of the ~~amount of~~ sign face area and shall not exceed the maximum height of the sign type utilized. Electronic changeable copy signs shall operate on a five second minimum delay. Maximum brightness levels for electronic changeable copy signs shall not exceed 5,000 nits during daylight hours and shall not exceed 500 nits between dusk and dawn, as measured from the sign face.

Section 7.08(D) (Supplemental Sign Regulations for General Business and Tourism-Hospitality Districts) is amended to provide as follows:

Electronic Changeable Copy Signs. Electronic Changeable Copy Signs are allowed a maximum size of ~~up to 50 80~~ percent of the ~~amount of~~ sign face area or 100 square feet, whichever is less, and shall not exceed the maximum height of the sign type utilized. Electronic changeable copy signs shall operate on a five second minimum delay. Maximum brightness levels for electronic changeable copy signs shall not exceed 5,000 nits during daylight hours and shall not exceed 500 nits between dusk and dawn, as measured from the sign face.

Section 7.09(D) (Supplemental Sign Regulations for Industrial Districts) is amended to provide as follows:

Electronic Changeable Copy Signs. Electronic Changeable Copy Signs are allowed a maximum size of ~~up to 80 50~~ percent of the ~~amount of~~ sign face area or 100 square feet, whichever is less, and shall not exceed the maximum height of the sign type utilized. Electronic changeable copy signs shall operate on a five second minimum delay. Maximum brightness levels for electronic changeable copy signs shall not exceed 5,000 nits during daylight hours and shall not exceed 500 nits between dusk and dawn, as measured from the sign face.

11. Subdivision Cases

(a) **Case No. SUB-22-03:** Preliminary Plat Review – Timber Ridge Subdivision

Community Development Director Trevor Nuttall presented the planning staff's analysis of the preliminary plat for Timber Ridge subdivision. This subdivision is

located on the southern side of East Allred Street, approximately 200 feet east of Ingram Drive. The approximately 20.44-acre parcel of land is more specifically identified by Randolph County Parcel Identification Number 7762401107.

The Applicant, Davidson Land Development, LLC, has requested approval of a preliminary plat that shows thirty-six lots with an average lot size of approximately 0.47 acres +/- . The property to be subdivided is currently undeveloped and is subject to R10 and R15 zoning.

During his presentation, Mr. Nuttall noted the following information.

- (a) The subject property is located outside of the city limits. Access to city services (water/sewer) will require annexation of the property.
- (b) The subdivision plat does not include sidewalks. While the subdivision ordinance encourages sidewalks, it does not require them for a residential subdivision that is not a planned unit development.
- (c) The property includes one point of access from East Allred Street.
- (d) The physical characteristics and development patterns of the adjoining properties make having a future connection impractical.
- (e) This property was a part of a previously submitted and approved sketch in 2017, which included additional property to the north. A revised sketch design was approved by city council on April 7, 2022, and removed the property to the north.

The planning staff and planning board recommended approval of the preliminary plat with the following condition:

Connection to city utilities (water and sewer) requires annexation. After receiving approval from the North Carolina Department of Environmental Quality, grading and other state permitting can proceed, but utility work cannot begin until annexation is approved.

After discussion, a consensus emerged among the governing board members to concur with the staff and planning board recommendations. Council Member Bell moved, and Council Member Swiers seconded the motion, to approve, subject to the above-stated condition, the requested preliminary subdivision plat approval. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

(b) Case No. SUB-95-06: Final Plat Review – Windcrest Acres, Section 3

Community Development Director Trevor Nuttall presented the planning staff's analysis of the request for final subdivision plat certification for Windcrest Acres, Section 3. This section of the subdivision is located south of Oak Bend Drive and Central Falls Road.

The parcel identification number listed in the staff report is Randolph County Parcel Identification Number: 7762369298. Approximately 19.13 acres out of a total of 69.13 acres is at issue with this final certification request.

The Applicant, Davidson Land Development, LLC, has requested approval of a final plat showing 46 lots with an average lot size of approximately 14,434 square feet. The property is currently undeveloped and is located in an R10 zoning district.

During his presentation, Mr. Nuttall noted the following information.

- 1. The preliminary plat was approved in 2021. Changes proposed since the preliminary approval include the following:

- (a) Elimination of an optional future connection to the southeast. The development provides two connections: one to Central Falls Road via existing sections of the subdivision and another connection to Bennett Street;
 - (b) Relocation of future phase line and reduction of Phase 3 acreage from 21.47 acres +/- to 19.13 acres +/-; and
 - (c) The number of dwellings has been reduced from 47 to 46.
- 2. The first two sections of the development include 27 lots. Additional future development area on the property may be developed at a later time with a submittal of the required sketch design that meets the development requirements in effect at the time of submittal. However, neither the number of lots nor the design for a future phase has been identified at this time.
 - 3. When the sketch design plat was approved in 1995, curb and gutter streets were not required. The sketch plan did not indicate curb and gutter streets for any phases of the development. The first two phases do not have curb and gutter streets.
 - 4. A small portion of the property is within a Special Hazard Flood Area. Development around streams is also subject to North Carolina Department of Environmental Quality permitting requirements.
 - 5. A deceleration/turning lane was installed along Central Falls Road when the previous sections of the development were built.
 - 6. A written one-year warranty against improvement defects has been provided by the developer.

On the condition that any outstanding punch list items must be completed, the planning staff and the planning board recommended granting the requested final subdivision plat certification.

Mr. Bobby Kivett, who appeared as a representative for the developer, was available to answer questions.

After discussion, the governing board members concurred with the recommendation of the planning staff and planning board. Subject to and contingent upon the developer completing any outstanding punch list items, Council Member Bell moved, and Council Member Burks seconded the motion, to approve the requested final plat certification for Windcrest Acres, Section 3. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

(c) Case No. SUB-22-04: Sketch Design Review – Estates of Cedar Falls

Community Development Director Trevor Nuttall presented the planning staff's analysis of the subdivision sketch design review application submitted by Brian Thomas. The proposed subdivision is a conventional subdivision located east of 2513 Old Cedar Falls Road.

This subdivision consists of approximately 20.03 acres of land out of a total of approximately 56.73 acres. The land in question is a portion of a parcel identified by Randolph County Parcel Identification Number 7762369298.

The applicant's property is currently zoned R10 and, with the exception of a single-family dwelling on one of the larger tracts, is undeveloped. The developer is proposing to create 64 lots with an average lot size of approximately 0.30 of an acre (not including residual or future development areas).

During his presentation, Mr. Nuttall discussed the following planning staff analysis of the subdivision sketch design review application.

1. This is a conventional subdivision. While the subdivision ordinance encourages sidewalks, they are optional in a development that is not a planned unit development.
2. Unlike a planned unit development that was approved in Phase 1, a conventional residential subdivision is permitted by right in a residential zoning district, subject to meeting the requirements of the subdivision ordinance.
3. There is a small area of 100 year floodplain on the northwestern side of the development, affecting 3 lots. However, the floodplain is not within the footprint of where the residential structures would be constructed.
4. One entrance is proposed from Old Cedar Falls Road. The development does not include a connection to the previously approved Thomas Estates planned unit development.
5. The plan shows two separate locations for potential road connections to the “Future Development Area.”

At the conclusion of the community development director’s presentation, Mayor Smith opened the floor for citizen comments about the requested subdivision sketch design approval. In response, Mr. William Dula offered comments.

Subject to one comment, the sketch design presented to the city council received a favorable recommendation from the planning staff and planning board. The planning staff did comment that, depending on the proposed phasing, a temporary turnaround may be required.

The governing board members expressed their concurrence with the staff and planning board recommendations. Council Member Moffitt moved, and Council Member Heath seconded the motion, to approve, with the above-stated comment about the potential requirement for a temporary turnaround, the sketch design submitted to the city council for the Estates of Cedar Falls conventional subdivision. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

12. Industrial Park Avenue Sidewalk Improvements Project

Mayor Smith recognized Community Development Director Trevor Nuttall, who has been working with the North Carolina Department of Transportation (“NCDOT”) and other stakeholders on this project.

The sidewalk improvements project is also identified as NCDOT TIP Project EB-5862. In order to secure additional time for city staff to thoroughly analyze and consult with the NCDOT about the work proposals that have been received in connection with this project, Mr. Nuttall recommended the continuation of the governing board’s consideration of contract awards and associated budgetary amendments for the sidewalk improvements project to the special city council meeting scheduled for June 28, 2022.

In response, Council Member Heath moved, and Council Member Bell seconded the motion, to continue all business listed under meeting agenda item 12 (*i.e.*, the Industrial Park Avenue Sidewalk Improvements Project) to the city council’s special meeting on June 28, 2022. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

13. Installment Financing Terms with Truist Bank

Ms. Reaves presented and recommended adoption, by reference, of a resolution approving installment financing terms with Truist Bank.

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

RESOLUTION NUMBER 15 RES 6-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A Resolution Approving Installment Financing Terms with Truist Bank

WHEREAS, the City of Asheboro (“Borrower”) decided at the beginning of the current fiscal year to undertake a project for the financing of vehicles and equipment (the “Project”); and

WHEREAS, Section 160A-20 of the North Carolina General Statutes authorizes the Borrower to finance the purchase of personal property by means of an installment financing contract that creates a security interest in the purchased property in favor of the entity supplying financing for the purchase transactions; and

WHEREAS, by means of adopting Resolution Number 25 RES 11-21 on November 4, 2021, the Asheboro City Council stated its intent, prior to the execution of any installment financing agreement and consistent with the city’s budget ordinance for fiscal year 2021-2022, to expend a maximum of \$2,207,000.00 from the General Fund during the current fiscal year for certain vehicles and equipment referenced in the adopted Resolution of Intent; and

WHEREAS, with the adoption of Resolution Number 25 RES 11-21, the Asheboro City Council formally and explicitly declared the official intent of the City of Asheboro to fully reimburse, with loan proceeds from an installment financing agreement to be executed prior to the end of the 2021-2022 fiscal year, any and all expenditures from the General Fund for the purchase during the current fiscal year of the vehicles and equipment identified in the Resolution of Intent as necessary to the provision of essential municipal services; and

WHEREAS, after searching for favorable financing rates and terms, the city manager and the finance officer have presented a proposal for the financing of the above-referenced Project.

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

Section 1. The determination is hereby made that the Borrower will finance the Project through Truist Bank (“Lender”) in accordance with the proposal dated May 16, 2022. The amount financed shall not exceed \$2,070,000.00, the annual interest rate (in the absence of a default or a change in tax status) shall not exceed 2.89%, and the financing term shall not exceed 59 months from closing.

Section 2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the Borrower are hereby authorized and directed to execute and deliver any Financing Documents and to take all such further action as they may consider necessary or desirable to carry out the financing of the Project as contemplated by the proposal and this Resolution.

Section 3. The finance officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer’s satisfaction. To the extent authorized by law, the finance officer is authorized to approve changes to any Financing Documents previously signed by Borrower officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the finance officer shall approve, with the finance officer’s release of any Financing Document for delivery constituting conclusive evidence of such officer’s final approval of the document’s final form.

Section 4. The Borrower shall not take or omit to take any action the taking or omission of which will cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Borrower hereby designates its obligations to make principal and interest payments under the Financing Documents as “qualified tax-exempt obligations” for the purpose of Internal Revenue Code Section 265(b)(3).

Section 5. In addition to the above-referenced Resolution of Intent (Resolution Number 25 RES 11-21), the Borrower intends that the adoption of this Resolution will be a declaration of the Borrower’s official intent to reimburse expenditures for the Project that are to be financed from the proceeds of the Lender financing described above. The Borrower intends that funds that have been advanced, or that may be advanced, from the Borrower’s general fund or any other Borrower fund related to the Project for project costs may be reimbursed from the financing proceeds.

Section 6. All prior actions of Borrower officers in furtherance of the purposes of this Resolution are hereby ratified, approved, and confirmed. All other resolutions (or parts thereof) in conflict with this Resolution are hereby repealed to the extent of any such conflict. This Resolution shall take effect immediately.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on June 9, 2022.

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

ATTEST:

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

14. Corporate Hangar Construction at the Asheboro Regional Airport

City Engineer Michael Leonard, PE discussed and recommended approval of Work Authorization No. 1 under the contract for professional services that the city has with W. K. Dickson & Co., Inc. (the “Consultant”) in connection with the Asheboro Regional Airport. This work authorization pertains to the professional construction phase services needed for the proposed corporate hangar at the airport.

Under the proposed work authorization, the Consultant agrees to accept as full compensation for the professional services provided pursuant to Work Authorization No. 1 a fee of \$126,613.00. On the basis of the city staff recommendation to approve the requested work authorization, Council Member Bell moved, and Council Member Swiers seconded the motion, to approve the above-stated Work Authorization No. 1. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

A copy of Work Authorization No. 1 is on file in the city clerk’s office.

15. Contracted Legal Counsel

Pursuant to Resolution Number 16 RES 6-21, which was adopted on June 22, 2021, the Asheboro City Council authorized the engagement of the law firm of Cauley Pridgen, P.A. to provide legal representation for the City of Asheboro Board of Adjustment (the “Board”) when the Board heard an appeal from a final administrative decision filed under case number BOA-21-02. The utilization of outside counsel for this specific legal matter was necessary because of a conflict of interest for the city attorney, who provides legal advice to the zoning administrator who issued the final administrative decision under appeal.

Asheboro City Council Regular Meeting Minutes

Page 15

June 9, 2022

In an order filed on April 21, 2022, the Honorable Gale M. Adams, the Presiding Superior Court Judge, affirmed the Board's decision that was made under City of Asheboro land use case no. BOA-21-02. The Board's action was, in turn, reviewed in the superior court division under file number 21-CVS-1831. The petitioners in the civil action have now given notice of appeal to the North Carolina Court of Appeals.

City Attorney Jeff Sugg stated that the law firm of Cauley Pridgen, P.A. has demonstrated professional skill and competence throughout the course of the litigation involving the above-referenced land use case, and he recommended the continued engagement of Cauley Pridgen, P.A. as this case makes its way through the appellate division. On the basis of this recommendation, Council Member Moffitt moved, and Council Member Bell seconded the motion, to authorize city staff to engage the law firm of Cauley Pridgen, P.A. represent the city as the above-referenced land use case progresses through the appellate division.

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

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. There was no council action taken during this portion of the meeting.

There being no further business, the meeting was adjourned at 10:30 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor

ASHEBORO CITY COUNCIL SPECIAL MEETING NOTICE

MEETING DATE/TIME: TUESDAY, JUNE 28, 2022, AT 7:00 PM

**LOCATION: ASHEBORO CITY HALL
146 NORTH CHURCH STREET
ASHEBORO, NORTH CAROLINA 27203**

At 7:00 p.m. on Tuesday, June 28, 2022, the Asheboro City Council will convene for a special meeting in the council chamber on the second floor of Asheboro City Hall. The purpose of the meeting is to consider and act upon the agenda items listed below.

- 1. Project and budget ordinance amendments pertaining to FY 2021-2022.
- 2. Asheboro ABC Board transmittals to the city council: Board meeting minutes for May 2, 2022; an amended budget for FY 2021-2022; the adopted budget for FY 2022-2023; and the local board’s meeting schedule for FY 2022-2023.
- 3. A request to advertise electronic public auctions of surplus city-owned personal property by electronic means only; and a request for authorization to sell three specific surplus city-owned vehicles by means of public auction.
- 4. A pre-construction services agreement with the construction manager at risk for the McCrary Park Renovation Project.
- 5. A settlement agreement in a civil action (19 CVS 2505) appealing the city council’s approval in 2019 of a conditional use permit.
- 6. A request for action on contracting and budgeting issues associated with the Industrial Park Avenue Sidewalk Improvements Project.
- 7. A resolution of support for the proposed Memorial Square Whole Block Redevelopment Project.
- 8. Final action on the City of Asheboro Budget Ordinance for FY 2022-2023.
- 9. An interlocal agreement for law enforcement dispatch services.
- 10. Clarification of the employee policies and procedures manual’s authorization for departments to implement supplemental compensation policies.
- 11. Code of Asheboro amendments reflecting fee/rate changes authorized within the budget ordinance for FY 2022-2023.

The special meeting will be conducted in open session. All interested parties are welcomed.

This special meeting notice was issued on June 23, 2022.

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

#

**SPECIAL MEETING
ASHEBORO CITY COUNCIL
146 NORTH CHURCH STREET
TUESDAY, June 28, 2022
7:00 P.M.**

This being the time and place for a special 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
Michael L. Leonard, PE, City Engineer
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney
Tammy M. Williams, CMC, Deputy City Clerk

1. Call to Order

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

2. Consent Agenda:

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

(a) Year-End Adjustments to the General Fund

26 ORD 6-22

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2021-2022

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 Expense line item be increased / (decreased):

<u>Account #</u>	<u>Expense Description</u>	<u>increase/ (decrease)</u>
10-420-553.0000	Dues & Subscriptions	3,000
10-480-502.0000	Salaries	25,000
10-510-502.0000	Salaries	25,000
10-625-502.0000	Salaries	4,000
	Maintenance & Repair- McCrary Ball	
10-640-515.0700	Park Improvements	328,504
10-650-515.0000	Maintenance & Repair Buildings	15,000
10-565-546.0000	Street Lighting Contracted	(29,000)
10-565-574.0000	Capital Outlay	(99,000)
10-580-583.0000	Tipping Fee	(100,000)
10-620-515.0004	Maint & Repair – Memorial Pool	(80,000)
10-620-522.0000	Professional Services	(92,504)
	Total Increase / (Decrease)	0

Adopted this 28th day of June, 2022.

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

ATTEST:

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

(b) Year-End Adjustments to the Water and Sewer Fund

27 ORD 6-22

**ORDINANCE TO AMEND
THE WATER & SEWER FUND
FY 2021-2022**

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 Expense line item be increased / (decreased):

<u>Account #</u>	<u>Expense Description</u>	<u>increase/ (decrease)</u>
30-810-502.0000	Salaries & Wages	41,000
30-810-574.0000	Capital Outlay- Eq	(30,000)
30-820-545.0000	Contracted Services	(11,000)
Total Increase / (Decrease)		<u>0</u>

Adopted this 28th day of June, 2022.

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

ATTEST:

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

(c) General Fund Amendment – Airport Improvements

28 ORD 6-22

**ORDINANCE TO AMEND THE GENERAL FUND
FY 2021-2022**

WHEREAS, in October 2021, the City of Asheboro appropriated funding as a transfer to The Airport Improvements Fund (#66) for the 10% match for the federal funding for the design build phase for a new 80’ x 80’ Corporate Hanger project.

WHEREAS, as the project scope has evolved, the City of Asheboro would like to establish a new project fund, Airport Improvements Project Fund II (#76), to track the revenues and expenses of this work.

WHEREAS, the City of Asheboro would like to un-appropriate the 10% match for federal funding that was transferred to Airport Improvements Fund (#66) and re appropriate the 10% match for the design build phase of the 80’ x 80’ corporate hangar building in the new Airport Improvements Fund II (#76).

WHEREAS, in May 2022, the City of Asheboro received bids for the construction of the hangar and the lowest responsive bid was in the amount of \$1,041,650.

WHEREAS, the 2022-2023 proposed operating budget incorporates an estimated \$100,000 match that needs to be updated to the proper 10% of construction cost of \$104,165.

WHEREAS, the City of Asheboro desires amend the 2020-2021 budget to as required by law to adjust for changes in revenues and expenditures in comparison to the current adopted budget,

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

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

That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-000-399.0000	Fund Balance Allocation (10% match construction)	\$4,165

That the following Expense line items be increased / decreased:

<u>Line Item</u>	<u>Description</u>	<u>Increase/ (decreased)</u>
10-650-566.0000	Contribution to Airport Improvement Fund (#66)	(8,373)
10-650-576.0000	Contribution to Airport Improvement Fund II (#76)	8,373
10-650-576.0000	Contribution to Airport Improvement Fund II (match update)	4,165
		\$4,165

Adopted this the 28th day of June 2022.

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

ATTEST:

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

(d) Amendment of the Airport Improvements Project Fund (66)

29 ORD 6-22

**ORDINANCE TO AMEND
THE AIRPORT IMPROVEMENTS FUND (#66)
FY 2021-2022**

WHEREAS, in October 2021, the City of Asheboro established revenue and expense accounts associated with the construction of a new 80’ x 80’ aircraft storage hangar in the existing

corporate area at the south end of Asheboro Regional Airport in the Airport Improvements Fund (fund 66).

WHEREAS, as the project scope has evolved, the City of Asheboro would like to establish a new project fund to track the revenues and expenses of this work.

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

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

Section 1: That the following revenue line items are increased:

<u>Account</u>	<u>Description</u>	<u>Decrease</u>
66-000-380.0030	Grant proceeds- Corporate Hangar Design Build	(75,349)
66-000-380.0028	GF Contrib. – Corporate Hangar Design Build	(8,373)
	Total Decrease	(83,722)

Section 2: That the following expense line items are increased:

<u>Account</u>	<u>Description</u>	<u>Decrease</u>
66-000-986.0000	Corporate Hangar Design / Build	(83,722)

Adopted this the 28th day of June 2022.

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

ATTEST:

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

(e) Establishment of the Airport Improvements Fund II (76)

30 ORD 6-22

PROJECT ORDINANCE
AIRPORT IMPROVEMENTS FUND II (#76)
FY 2021-2022

WHEREAS the City of Asheboro would like to use federal funding and funding from the General Operating Fund to construct one new 80’ x 80’ corporate hangar at the south end of the Asheboro Regional Airport.

WHEREAS the City of Asheboro would like to use its unspent annually allocated federal funding in the amount of \$150,000 per year from 2018-2019 thru 2020-2021 toward this project.

WHEREAS the City of Asheboro would like to use special allocated federal funding in the amount of \$159,000 per year for the next five years for this project

WHEREAS, the City of Asheboro desires to set up a Capital Project Fund to account for the funding and the expenses related to this project, and;

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

Pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Project Ordinance is adopted:

Section 1: The Airport Improvements Fund II is hereby authorized as a project with current revenues and expenditures projected as listed below.

Section 2: The officers of the City of Asheboro are hereby authorized to proceed with the project within the terms of the agreement approved by the City Council and the budget contained herein.

Section 3: The following revenues are anticipated to be available at this time for this project:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
76-000-300.0000	Contribution from General Fund (21-22 match-design build)	8,373
76-000-300.0000	Contribution from General Fund (21-22 match-Construction)	4,165
76-000-300.0000	Contribution from General Fund (22-23 match-Construction)	100,000
76-000-301.0000	Federal Grant (18-19)	150,000
76-000-301.0000	Federal Grant (19-20)	150,000
76-000-301.0000	Federal Grant (20-21)	150,000
76-000-302.0000	Federal Grant (22-23)	159,000
76-000-302.0000	Federal Grant (23-24)	159,000
76-000-302.0000	Federal Grant (20-21)	159,000
76-000-302.0000	Federal Grant (21-22)	159,000
76-000-302.0000	Federal Grant (22-23)	159,000
		1,357,538

Section 4: The following amounts are appropriated as expenditures for this project:

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
76-000-400.0000	Professional Services (design build)	83,722
76-000-410.0000	Construction Administration (work authorization#1)	127,000
76-000-420.0000	Construction	1,041,650
76-000-430.0000	Miscellaneous	105,166
Total		1,357,538

Adopted this the 28th day of June 2022.

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

ATTEST:

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

(f) General Fund Amendment – Fibertex Economic Development Project

31 ORD 6-22

**ORDINANCE TO AMEND
THE GENERAL FUND
FY 2021-2022**

WHEREAS, the City Council of the City of Asheboro was presented with an economic development project relating Fibertex Personal Care Corporation's plans to construct a new manufacturing facility on approximately 30.61 acres of land.

WHEREAS, Fibertex Personal Care's project would result in an investment of approximately \$114 million dollars in real and personal property and will result in the creation of 145 new full time jobs.

WHEREAS, the City Council authorized the City of Asheboro to support the Fibertex Personal Care's project through an agreement for economic incentives payments signed April 2, 2018.

WHEREAS, the Fibertex Personal Care has submitted documentation verifying that the company has met the required performance for the first economic incentive payment with investment in real property and creation of 44 new full time jobs;

WHEREAS, the City Council wishes to appropriate fund balance as a transfer to the Economic Development Fund for the first incentive payment of \$50,000 to Fibertex.

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 item be increased

<u>Account #</u>	<u>Expense Description</u>	<u>increase/ (decrease)</u>
10-000-399.0000	Fund Balance Allocation	50,000

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

<u>Account #</u>	<u>Expense Description</u>	<u>increase/ (decrease)</u>
10-490-572.0000	Contribution to ED fund	50,000

Adopted this 28th day of June, 2022

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

ATTEST:

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

(g) Economic Development Fund Amendment – Fibertex Economic Development Project

32 ORD 6-22

**ORDINANCE TO AMEND THE ECONOMIC & TOURISM DEVELOPMENT FUND
FY 2021-2022**

WHEREAS, the City Council of the City of Asheboro was presented with an economic development project relating Fibertex Personal Care Corporation's plans to construct a new manufacturing facility on approximately 30.61 acres of land.

WHEREAS, Fibertex Personal Care's project would result in an investment of approximately \$114 million dollars in real and personal property and will result in the creation of 145 new full time jobs.

WHEREAS, the City Council authorized the City of Asheboro to support the Fibertex Personal Care's project through an agreement for economic incentives payments signed April 2, 2018.

WHEREAS, the Fibertex Personal Care has submitted documentation verifying that the company has met the required performance for the first economic incentive payment with investment in real property and creation of 44 new full time jobs;

WHEREAS, the City of Asheboro is ready to set up the financial accounting infrastructure to allow for the first payment of this incentives agreement, and;

WHEREAS, the budget as adopted requires amendment 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: That the following Revenue line item be increased:

<u>Account #</u>	<u>Revenue Description</u>	<u>Increase</u>
72-000-375.0000	Contribution for Fibertex 4-2018 agreement	50,000

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

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
72-000-871.0000	Fibertex Incentive 4-2018 agreement	50,000

Adopted this the 28th day of June 2022.

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

ATTEST:

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

**(h) McCrary Baseball Park Improvements Fund Amendment –
Preconstruction Services Agreement**

33 ORD 6-22

**ORDINANCE TO AMEND
MCCRARY BASEBALL PARK IMPROVEMENTS FUND
FY 2021-2022**

WHEREAS, In September 2021, the McCrary Baseball Park Improvements Fund was established appropriating funding in the amount of \$250,000 for Construction Manager at Risk services.

WHEREAS, the Construction Manager at Risk Preconstruction Services Agreement with Rodgers Builders Inc has been agreed upon in the amount of \$113,910.

WHEREAS, the City of Asheboro would like to update the funding for the preconstruction services agreement for the McCrary Park Renovation and Expansion Project with Rodgers Builders Inc (Construction Manager at Risk) remitting the difference back to the General Operating Fund, and;

WHEREAS, the City of Asheboro desires amend the 2021-2022 budget to incorporate this expense and to be in compliance with all generally accepted accounting principles, and;

Section 1: The following Revenue Line Items:

<u>Line Item</u>	<u>Description</u>	<u>Decrease</u>
65-300-1000	Contribution from General Fund	(\$136,000)

Section 2: The following amounts are appropriated as expenditures for this project:

<u>Line Item</u>	<u>Description</u>	<u>Decrease</u>
65-400-0000	Construction Manager at Risk	(\$136,000)

Adopted this the 28th day of June 2022.

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

ATTEST:

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

**(i) General Fund Amendment – McCrary Baseball Park Preconstruction
Services Contract**

34 ORD 6-22

**ORDINANCE TO AMEND THE GENERAL FUND
FY 2021-2022**

WHEREAS, In September 2021, the McCrary Baseball Park Improvements Fund was established appropriating funding in the amount of \$250,000 for Construction Manager at Risk services.

WHEREAS, the Construction Manager at Risk Preconstruction Services Agreement with Rodgers Builders Inc has been agreed upon in the amount of \$113,910.

WHEREAS, the City of Asheboro would like to update the funding for the preconstruction services agreement for the McCrary Park Renovation and Expansion Project with Rodgers Builders Inc (Construction Manager at Risk) remitting the difference back to the General Operating Fund, and;

WHEREAS, the City of Asheboro desires amend the 2021-2022 budget to incorporate this expense and 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>Decrease</u>
10-399-0000	Fund Balance Allocation	(\$136,000)

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Decrease</u>
10-620-6500	Contribution to McCrary Baseball Park Improvements Fund	(\$136,000)

Adopted this the 28th day of June 2022.

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

ATTEST:

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

(j) Asheboro ABC Board Meeting Minutes for May 2, 2022

The council acknowledged the receipt of the Asheboro ABC Board’s approved meeting minutes for May 2, 2022. This document has been filed in the city clerk’s office and distributed to the city’s elected officials.

(k) Asheboro ABC Board Amended Budget for FY 2021-2022

The council acknowledged the receipt of the Asheboro ABC Board’s amended budget for FY 2021-2022. This document has been filed in the city clerk’s office and distributed to the city’s elected officials.

(l) Asheboro ABC Board’s Adopted Budget for FY 2022-2023

The council acknowledged the receipt of the Asheboro ABC Board’s adopted budget for FY 2022-2023. This document has been filed in the city clerk’s office and distributed to the city’s elected officials.

(m) Asheboro ABC Board’s Meeting Schedule for FY 2022-2023

The council acknowledged the receipt of the meeting schedule adopted by the Asheboro ABC Board for FY 2022-2023. This document has been filed in the city clerk’s office and distributed to the city’s elected officials.

3. **McCrary Park Renovation and Expansion Project**

City Engineer Michael Leonard, PE presented and recommended approval of a pre-construction services agreement between the city and Rodgers Builders, Inc., the construction manager at risk for the McCrary Park Renovation and Expansion Project. The contract price for these pre-construction services is \$113,910.00.

In response to the recommendation from city staff, Council Member Moffitt moved, and the motion was seconded by Council Member Heath, to approve the contract as presented and to authorize city officials to execute the agreement on behalf of the municipal corporation. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

**CONSTRUCTION MANAGER AT RISK
PRE-CONSTRUCTION SERVICES AGREEMENT**

THIS PRE-CONSTRUCTION SERVICES AGREEMENT for the McCrary Park Renovation and Expansion Project is made and entered into, as of the date of the last signature affixed hereto, by and between **Rodgers Builders, Inc.**, a North Carolina corporation, (hereinafter referred to as the “**Construction Manager at Risk**”) and the **City of Asheboro**, a North Carolina municipal corporation, (hereinafter referred to as the “**Owner**”).

WITNESSETH:

WHEREAS, the Owner, in accordance with the procurement and purchasing laws applicable to a North Carolina municipal corporation, sought the submission of competitive proposals to act as a Construction Manager at Risk to furnish professional construction management services during the design and construction of the **McCrary Park Renovation and Expansion Project** (hereinafter referred to as the “**Project**”); and

WHEREAS, after evaluating the competitive proposals submitted in response to its solicitation, the Owner selected the undersigned Construction Manager at Risk to furnish the requested professional construction management services; and

WHEREAS, consistent with the contract award made by the Owner, the parties wish to execute this instrument in order to memorialize their agreement as to the pre-construction services to be provided for the Project by the Construction Manager at Risk.

NOW, THEREFORE, the Construction Manager at Risk and the Owner agree as follows:

Section 1. The pre-construction services proposal, which was prepared by the Construction Manager at Risk and dated June 27, 2022, (hereinafter referred to as the “**Pre-Construction Services Proposal**”) has been attached to this agreement as EXHIBIT 1 and is hereby incorporated into this instrument by reference as if copied fully herein.

Section 2. The pre-construction services provided by the Construction Manager at Risk shall be provided in accordance with the Pre-Construction Services Proposal attached hereto. A second instrument shall be subsequently executed by and between the Construction Manager at Risk and the Owner for the construction phase of the Project.

Section 3. The Owner will compensate the Construction Manager at Risk for pre-construction services in the amount of a lump sum fee of one hundred thirteen thousand nine hundred ten and no hundredths dollars (\$113,910.00).

Section 4. This agreement may be terminated by either party upon seven (7) calendar days written notice (delivered by certified mail, return receipt requested) should one party fail to perform in accordance with its terms through no fault of the other. In the event of termination, the Construction Manager at Risk shall receive payment for services rendered prior to receipt of the written termination notice. Any work done by the Construction Manager at Risk prior to termination shall become the property of the Owner.

IN WITNESS WHEREOF, the parties hereto have executed this agreement in three (3) counterparts, each of which shall, without proof or accounting for other counterparts, be deemed an original contract.

CONSTRUCTION MANAGER AT RISK:

Rodgers Builders, Inc.

By: _____
(Signature of Authorized Official)

(Printed Name of Authorized Official)

(Title of Authorized Official)

(Date)

OWNER:

City of Asheboro

By: _____
John N. Ogburn, III
City Manager for the City of Asheboro

(Date)

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Deborah P. Reaves
City of Asheboro Finance Director

[The Pre-Construction Services Proposal identified as EXHIBIT 1 in the above-printed agreement is on file in the city clerk's office.]

4. Community Development Items

(a) Industrial Park Avenue Sidewalk Improvements Project

Prior to the governing board's consideration of this business item, Mayor Smith recognized Council Member Heath and her full public disclosure of her employment relationship with Randolph Community College. For purposes of transparency, and in order to ensure that a conflict of interest does not exist, Council Member Heath inquired of the city attorney as to whether she could participate in the council's consideration of this project.

The city attorney confirmed that Council Member Heath's professional employment relationship with Randolph Community College is not impacted in any manner by the ultimate outcome of the contemplated project. Council Member Heath will receive no financial benefit, inclusive of potential performance reviews, from the proposed project advancing or failing. In the absence of a financial conflict of interest, the city attorney advised that Council Member Heath should participate in the deliberations and vote(s) concerning the sidewalk improvement project.

Community Development Director Trevor Nuttall then informed the governing board members that the bids received for the sidewalk improvements project were over budget. Consequently, city staff contemplated requesting the rejection of all bids.

After some discussion, a consensus opinion emerged in favor of allowing more time to study the situation before taking final action. Council Member Moffitt then moved, and Council Member Bell seconded the motion, to continue this business item to the next regular council meeting on July 14, 2022. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

(b) Resolution in Support of the Memorial Square Whole Block Redevelopment Project

Community Development Director Trevor Nuttall presented for council consideration a resolution in support of the Memorial Square Whole Block Redevelopment Project. City staff recommended adoption of the resolution by reference.

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

16 RES 6-22

**RESOLUTION OF SUPPORT FOR THE PROPOSED
MEMORIAL SQUARE WHOLE BLOCK REDEVELOPMENT PROJECT**

WHEREAS, the Asheboro City Council as a general policy desires to support investment and development that revitalizes neighborhoods, improves the community's housing stock, and improves public infrastructure; and

WHEREAS, harmonious redevelopment within the Center City Planning Area has been a priority of the City of Asheboro for many years; and

WHEREAS, consistent with the city's general policy for redevelopment, Wynnefield Forward, LLC has proposed a Whole Block Redevelopment Project, currently identified as Memorial Square, within the Center City Planning Area; and

WHEREAS, the North Carolina Housing Finance Agency has notified the City of Asheboro that it has received an application for federal tax credits on the above named development and requested comments on the proposal; and

WHEREAS, Whole Block Redevelopment Projects are envisioned to help with the revitalization of neighborhoods, remove blighted and unsafe structures, encourage reinvestment into properties in the vicinity of the development, stabilize and enhance property values, improve the City's housing stock, enhance the historic integrity of neighborhoods and improve public infrastructure; and

WHEREAS, both the Asheboro Planning Board and the Asheboro City Council have reviewed the plans for development as part of the city's land use regulatory review process and unanimously approved the proposal, finding such approval to be consistent with the city's adopted plans for development, reasonable and in the public's interest.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Asheboro, North Carolina that the City, by and through its governing board, supports Wynnefield Forward, LLC's application for tax credits.

This resolution was duly adopted by the Asheboro City Council in open session during a special meeting held on the 28th day of June, 2022.

/s/ David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

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

5. City of Asheboro Budget Ordinance for Fiscal Year 2022-2023

After introductory statements by Finance Director Deborah Reaves, the city council took final action on the budget ordinance for the upcoming fiscal year. Council Member Bell moved, and Council Member Burks seconded the motion, to approve/adopt the following City of Asheboro Budget Ordinance for Fiscal Year 2022-2023. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

35 ORD 6-22

**CITY OF ASHEBORO
BUDGET ORDINANCE**

BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina in session assembled:

Section 1: The following amounts are hereby appropriated in the General Fund for the operation of the city government and its’ activities for the fiscal year beginning July 1, 2022 and ending June 30, 2023, in accordance with the chart of accounts heretofore established for this City:

<u>ACCOUNT</u>	<u>DEPARTMENT OR FUNCTION</u>	<u>APPROPRIATION</u>
10-410	Mayor and Governing Body	141,294
10-420	City Manager’s Office	283,431
10-440	Finance Office	574,139
10-450	Legal & City Clerk	277,399
10-480	Information Technology	603,369
10-490	Planning/Community Development	1,569,320
10-500	Municipal Building Headquarters	207,600
10-510	Police Department	11,225,503
10-530	Fire Department	6,205,639
10-540	Building Inspections Department	234,248
10-545	Fire Inspections Department	303,754
10-550	Operations Division - Public Works	1,093,124
10-555	Fleet Maintenance	1,424,838
10-565	Street Maintenance	4,151,163
10-575	City Engineer Office	561,878
10-580	Environmental Services	2,436,914
10-590	Human Resources	517,005
10-615	Arts & Cultural Services	554,062
10-620	Recreation Services	6,398,734
10-625	Municipal Golf Course	276,209
10-630	Library	335,184
10-640	Facilities Maintenance	2,617,932
10-650	Airport Authority	251,103

Asheboro City Council Special Meeting Minutes
Page 15
June 28, 2022

Total Appropriations	42,263,842
----------------------	------------

Section 2: It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2022 and ending June 30, 2023:

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Ad Valorem Taxes (Real & Vehicle)	17,643,171
Tax Interest	25,277
Tax on Short Term Rental Vehicles	38,516
Solid Waste Disposal Tax	15,060
ABC Board Revenue	258,000
Beer & Wine Tax Revenue	111,182
Concessions and Merchandise	42,572
Contracted Maintenance NCDOT	21,602
Utilities Franchise Tax - State	2,474,009
Powell Bill Allocation - State	629,274
Local Sales Tax & Hold Harmless Funds	8,791,000
Building Permits	96,034
Inspection Fees	76,557
Rezoning, Stone, Burial Fees & Cemetery Fees	23,595
Charges for Services – Refuse / Recycle Collection	2,436,914
Recreation Program Revenues	305,647
Proceeds of Lease Purchase Financing	358,631
Reimbursement from Asheboro City Schools –SRO Officers	258,626
American Recovery Plan Act	8,200,000
All Other Revenues	458,175
 Total Estimated Revenues	 42,263,842

Section 3: There is hereby levied a tax at the rate of sixty six and a half cents (\$.665) per one hundred (\$100) valuation of property as listed for taxes as of January 1 for the purpose of raising the revenue listed as " Current Year's Taxes" in the General Fund in Section 2 of this ordinance.

This rate is based on a total valuation of property for the purposes of taxation of \$2.6 billion, and an estimated rate of collection of 98.0%.

Budgeted revenue includes a transfer of \$8.2 Million to the General Operating Fund to provide for eligible salaries and benefits to City Employees.

There is no recommended Fund Balance appropriation in the recommended 2022-2023 budget.

Section 4: The following General Fund Fees are hereby adopted for provision of services by the city government for the fiscal year beginning July 1, 2022.

Sanitation Department Fees:

<u>DESCRIPTION</u>	<u>AMOUNT</u>
90 Gallon Residential Garbage Can / per month	\$18
90 Gallon Commercial Can / per month	\$18
90 Gallon Residential Recycle Can / per month	\$5
90 Gallon Commercial Recycle Can / per month	\$5
Residential Dumpster / per pick-up	\$31
Commercial Dumpster / per pick-up	\$31
Above Dumpsters billed <u>monthly</u> based on annualized collection schedule	
Missed Residential Dumpster / per pick-up	\$40
Missed Commercial Dumpster / per pick-up	\$44
Compaction Dumpster / per pick-up	\$44
Missed Compaction Dumpster / per pick-up	\$54

Dumpster Rent / per month	\$21
Dumpster Clean / Replace / each	\$100
Cardboard Dumpster / per pick-up	\$20
Recycling Dumpster / per pick-up	\$20
Yard Waste Collection per scoop	
First and Second scoop*	\$0
Each scoop thereafter*	\$12
*Applicable to brush that is within specifications	
Waste left in ditch, curb or street per scoop	\$24
Waste out of Specs per scoop	\$24
Waste after hours / emergency collection-cost per scoop	\$50
Tires Collection / each	\$5
C&D /Building Materials / per scoop	\$20
Curb side pick-up	\$10
Electronics Collection	\$10
White Goods Collection	\$10

Recycling Transfer Station Fees:

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Tipping Fee per Ton	\$48

Planning Department Fees:

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Rezoning- General District	\$200
Rezoning- Conditional Zoning District	\$550
Text Amendment	\$200
Special Use Permit	\$350
BOA: Appeal	\$0
Variance	\$250
Interpretation	\$250
Watershed Permit	\$25
Flood Zone Permit	\$75
Zoning Compliance Permits:	
SF Res	\$25
Duplex	\$100
MF Res	\$250
Commercial	\$250
Industrial / Institutional	\$250
SF Accessory Structure	\$25
Accessory Structure Commercial	\$50
Accessory Structure Industrial	\$50
Accessory Structure Institutional	\$50
Soil Evaluation	\$10
Change Occupancy	\$50
Change Use	\$250
Sign / sign type	\$25
Land Disturbance Permit	\$50
Temp Produce/Seasonal Sales Permit	\$50
Limited Duration Event Permit	\$50
Certificate of Zoning Compliance:	
Duplex	\$25
MF Res	\$50
Commercial	\$100
Industrial	\$100
Subdivision	
Sketch	\$100
Preliminary	\$200
Final	\$200 + \$25 per lot
Minor	\$100
Zoning Verification Official Letter	
Residential	\$25
Non-Residential	\$75

Inspection Department Permit Fees:

A Zoning Permit may be required before building permits can be issued. Drawings for projects need to be submitted at least two weeks prior to issuance of building permits. All subcontractors should obtain their own permits. Fees are based on the general construction portion only. Project costs should be rounded to the nearest thousand. Minimum permit fee for all permit types is \$50. The permit fee for all permit types when work is started prior to a required permit is double that standard permit fee or \$200, whichever is less.

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Building Permit	Residential: \$5/\$1000 up to \$150,000; \$1.50/\$1,000 thereafter Commercial: \$10/\$1000 up to \$150,000; \$5.00/\$1,000 thereafter
Minimum Permit	\$50
Minimum Sign	\$50
Non-bid Jobs (new)	\$40/ sq. ft.
Habitable Space	\$20/ sq. ft.
Mobile Home	\$100
Swimming Pool	\$100
Demolition-Residential	\$75
Demolition-Commercial	\$150
Relocate Structure	\$120
Plumbing Permit	\$5 per fixture, \$50 minimum
Water/Sewer Line: House	\$50
Water/Sewer Line: Commercial/Large	\$100
Heating/ AC Permit	
Boiler	\$100
Gas Line-Residential	\$50
Gas Line-Commercial	\$50
Gas Furnace/Gas Pack	\$60
Gas Furnace / Gas Pack and AC up to 5 tons	\$100
Additional per ton over 5	\$10
Heat Pump	\$60
Mini Split	\$50
Oil Furnace	\$60
Refrigeration Units	
Minimum Permit	\$30
Per additional unit over 3	\$10
<u>CHANGE OUTS</u>	
Unit Change out (no duct work)	
Residential	\$50
Commercial	\$75
Commercial - greater than 5 ton	\$100
Commercial Grease Hood	\$100
Mobile Home Heating/ AC Unit	\$50
Gas Appliances	
Minimum Permit (up to 3 appliances)	\$50
Additional Per appliance	\$10
Electrical Permits	
Temporary service	\$50
Residential	\$100
Commercial	\$100 first 5000 sq. ft. \$5/1000 sq. ft. thereafter
Service Change	\$50
Electric Repair	

Residential	\$50
Commercial	\$100
Generator Installation	\$50
Mobile Home Service	\$50
Sign	\$50
Duplex	\$200
Apartments (each)	\$50
Minimum Permit	\$50
*Fee for work started without permit	\$100 maximum

Reinspection Fee: \$50
A re-inspection fee may be assessed for a second and any subsequent failed inspections.

Fire Inspection Department Fees and Penalties:

Fees

All construction and operation permits are \$100.
The permit fee for all permit types when work is started prior to a required permit is double that standard permit fee or \$200.

Penalties

Non-Life Safety / offense /day until corrected before re-inspection	\$50
Non-Life Safety/offense/day until corrected after re-inspection	\$100
Non-Occupancy Life Safety / offense /day until corrected before re-inspection	\$150
Non-Occupancy Life Safety/offense/day until corrected after re-inspection	\$300
Occupancy Life Safety / person over limit	\$100
Exit Life Safety/ locked, blocked, obstructed exit	\$500

A \$50 re-inspection fee may be assessed for a second and any subsequent failed inspections.

Parks & Recreation Fees:

**City Resident/Non-Resident rates are established according to the residence of the individual. City Residents need to obtain a REC card to receive the City Resident Rate.

<u>Facility/Activity</u>	<u>City Resident</u>	<u>Non-Resident</u>
Lake Lucas:		
Daily Fishing Permit	\$3	\$4
Annual Fishing Permit	\$35	\$50
Daily Jon Boat Rental	\$8	\$12
Daily Canoe / Kayak Rental	\$6	\$10
Daily Kayak/Canoe Launch	\$2.50	\$3.50
Annual Kayak/Canoe Launch	\$35	\$50
Daily launch fee	\$7	\$9.50
Annual launch fee	\$100	\$135
Kayak Rental Spaces	\$60	\$85
Boat Rental Spaces	\$150	\$200
Lake Reese:		
Daily launch fee	\$7	\$9.50
Daily Kayak/Canoe Launch	\$2.50	\$3.50
Annual Kayak/Canoe Launch	\$35	\$50
Annual launch fee	\$100	\$135
Daily Duck hunting (per boat)	\$12.50	\$16
Baseball/Softball Field Rental:		
Rental per Hour (no lights)	\$15	\$20
Rental per Hour (with lights)	\$25	\$35
Tournament rental per weekend		
One Field	\$175	\$225

Asheboro City Council Special Meeting Minutes
 Page 19
 June 28, 2022

Two Fields	\$300	\$400
Concession Stand/Restroom	\$50	\$65
Additional Field Preparation	\$45	\$60

<u>Facility/Activity</u>	<u>City Resident</u>	<u>Non-Resident</u>
Youth Sports Fees: Registration fee Late fee applied after registration deadline Sunset Theatre Rentals- Applies to All Security Deposit Dark/Rehearsal (Multi-day use, 4 hour max) Non-Profit- Single Day (8 hour max) General Meeting/Party Rental (4 hour max) Private Event (8 hours max) Commercial/ For Profit (8 hours max) Rotary Pavilion at Bicentennial Park Rental Security Deposit Facility/Equipment Signage Rental (event optional) Daily Rate Non-Profit Government Rate Skate Park Daily admission 15 admissions pass 1 year unlimited pass Party Room Rental (per hour) Shelter Rental Memorial Park (upper): 10am-3pm; 3:30pm-dark Full day All other Parks: 10am-3pm; 3:30pm-dark Full day Tennis Courts Lights per hour per court	\$30 \$10 \$100 \$60 \$175 \$100 \$300 \$450 \$75 \$20 \$325 \$225 \$1 \$10 \$150 \$20 \$18 \$35 \$35 \$10 \$20 \$3 \$0 \$3 \$0 \$2 \$2 \$0 \$25 \$50 \$225 \$30 \$150 \$225 \$225 \$30 \$30 \$30	\$50 \$10 \$100 \$60 \$175 \$100 \$300 \$450 \$75 \$20 \$400 \$225 \$2 \$25 \$300 \$30 \$35 \$70 \$20 \$40 \$4 \$0 \$3 \$0 \$2 \$2 \$1 \$30 \$60 \$225 \$40 \$225 \$300 \$30 \$30

<u>Facility/Activity</u>	<u>City Resident</u>	<u>Non-Resident</u>
Pools: Public Swim (day) 2 years & under w/ paying adult 3 years & older Public Swim (night) 2 years & under w/ paying adult 3 years & older Public Lap Swim Public Senior Swim Swimming lessons (group) Swimming lessons (private) Lifeguard Training Class Swim Pass (15 admissions) Pool Rental (2 hrs.) 0-50 people Includes 1 Manager & 2 Lifeguards Pool Rental (3 hrs.) 0-50 people Includes 1 Manager & 2 Lifeguards Additional Lifeguard (each) If a party exceeds 50 people, 1 additional lifeguard is REQUIRED for every 25 people.	\$0 \$3 \$0 \$2 \$2 \$0 \$25 \$50 \$225 \$30 \$150 \$225 \$225 \$30 \$150 \$225 \$30 \$30	\$0 \$3 \$0 \$2 \$2 \$1 \$30 \$60 \$225 \$40 \$225 \$300 \$30 \$30

<u>Facility/Activity</u>	<u>City Resident</u>	<u>Non-Resident</u>
Golf Course:		

Walking Only	\$8	\$10
Riding 9 holes- w/ green fees	\$15	\$18
Riding 18 holes- w/ green fees	\$21	\$25
Twilight (after 3pm) 18 holes w/ green fees	\$16	\$20
Membership Fees		
Junior (Summer June-August)	\$75	\$125
Individual	\$365	\$465
Senior	\$290	\$390
Senior Couple	\$475	\$575
Family	\$600	n/a
Member Cart Fees		
Nine holes	\$6	\$7
Eighteen holes	\$11	\$13
Disk Golf Course		
Tournament Rental per day (8 hrs.)	\$100	\$175
<u>Facility/Activity</u>	<u>City Resident</u>	<u>Non-Resident</u>
Recreation Center		
Adult Lap Swim	\$2.00	\$2.00
Aquatic & Group Fitness Classes	\$2.00	\$3.00
Aquatic & Group Class Pass (15 admissions)	\$20.00	\$35.00
Open Gym Activities	\$1.00	\$2.00
Senior Programs:		
Aquatic & Group Fitness	Free	\$1.00
Lap Swim	Free	\$1.00
Open Gym Activities	Free	\$1.00
Senior Games Practice	Free	Free
Rentals:		
Security Deposit	\$100.00	\$100.00
Conference Room Rental/hr	\$20.00	\$30.00
Multipurpose Room Rental/hr	\$40.00	\$60.00
Gym Rental / hr	\$60.00	\$90.00
Pool Rental – 2 hours	\$120.00	\$180.00
Pool Rental – 3 hours	\$180.00	\$270.00
• All pool rentals are limited to a maximum capacity of 30 persons • Each pool rental includes 1 Manager, 2 Lifeguards and the use of the party room for food and beverages		
Gatekeeper’s House	<u>City Resident</u>	<u>Non-Resident</u>
Security Deposit (refundable)	\$100.00	\$100.00
Non-Profit/Government Rate (per hour)	\$15.00	\$15.00
Daily Rate (per hour)	\$25.00	\$35.00
Downtown Farmers’ Market	Vendor	
Daily Fee (1 space)	\$5	
Daily Fee (2 Spaces)	\$15	
Running/Walking Events	Non-Profit Fee	Event Fee
Bicentennial Park Certified 5K Course	\$225.00	\$300.00
Memorial Park Certified 5K Course	\$300.00	\$400.00
Memorial Park Certified 10K Course	\$375.00	\$500.00
Non-Conforming Courses (need approval)	\$525.00	\$700.00

Note: Running/Walking Event fees are in additional to the Facility Rental Fees of each park.

Section 5: The following amounts are hereby appropriated in the Water and Sewer Fund for the operation of the city government and its’ activities for the fiscal year beginning July 1, 2022 and ending June 30, 2023, in accordance with the chart of accounts heretofore established for this City:

<u>ACCOUNT</u>	<u>DEPARTMENT OR FUNCTION</u>	<u>APPROPRIATION</u>
30-720	Billing and Collecting	880,224
30-810	Water Meter Operations	833,061
30-820	Water Supply and Treatment	5,005,458
30-830	Wastewater Treatment	3,797,066
30-840	Water Maintenance	1,536,103
30-850	Wastewater Maintenance	1,226,480
30-860	Technical Services	294,058
30-870	Systems Maintenance	4,507,736
30-880	Water Quality	863,194
Total Appropriations		18,943,380

Section 6: It is estimated that the following revenues will be available in the Water and Sewer Fund for the fiscal year beginning July 1, 2022 and ending June 30, 2023:

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Sale of Water	7,200,000
Sewer Charges	7,626,000
Sampling and Monitoring Fees	25,000
Surcharges	100,000
Septic Tickets / Hauled Waste / Septic Tank Discharges	43,000
Water and Sewer Connection Fees	62,550
Late & Return Check Fees	394,290
DWSRF Loan	2,705,240
Grants	615,000
Other Revenues	172,300
Total Estimated Revenues	18,943,380

Section 7: The following Water & Sewer Fund Fees are hereby adopted for provision of services by the city government for the fiscal year beginning July 1, 2022.

Water and Sewer Billing Department

<u>SERVICE</u>	<u>INSIDE CITY</u>	<u>OUTSIDE CITY</u>
Monthly Cost		
Water Minimum Fee	\$15.58	\$38.95
Sewer Minimum Fee	\$23.37	\$58.52
Above referenced minimum bill includes 150 cubic ft. usage		
Consumption Fee- above min. for all above referenced customers		
Water-per 100 cu. ft. over 150 cu. ft.	\$3.07	\$7.67
Sewer-per 100 cu. ft. over 150 cu. ft.	\$4.60	\$11.51
Water Only Service (metered)		
Minimum fee (includes 150 cf. usage)	15.58	\$38.95
Consumption Fee per 100 cf. over min	3.07	\$7.67
Sewer Only Service (metered)		
Minimum fee (includes 150 cf. usage)	\$23.37	\$58.52
Consumption Fee per 100 cf. over min	\$4.60	\$11.51
Sewer Only Service (non-metered avg 300 cf.)	\$30.28	\$75.69
Deposit for Service	\$140	\$160

Deposits on accounts are applied to final bill upon termination of service

Low Pressure Sewer System (per pump)	\$20	
Landfill Leachate Fee	\$1.39 per 100 cf	
Miscellaneous Fees:		
Return Check/Draft Fee	\$35	\$35
Partial Payment Fee	\$10	\$10
Late payment charge* - tier 1	\$10	\$10
Late payment charge* - tier 2	\$20	\$20
Cleaning / Inspection connection	\$10	\$10

* Payments must be received by 5:00 pm on the due date to avoid the late payment charge. Payments “in route” are subject to the late fee as they are not yet received.

Water and Sewer Maintenance Department

<u>SERVICE</u>	<u>INSIDE CITY</u>	<u>OUTSIDE CITY</u>
Water Tap Rates		
¾” Complete Service	\$2,000	\$3,000
1” Complete Service	\$2,450	\$3,675
1 ½” Complete Service	\$4,100	\$6,150
2” Complete Service	\$4,200	\$6,300
¾” New Tap	\$1,000	\$1,500
1” New Tap	\$1,225	\$1,838
1 ½” New Tap	\$2,050	\$3,075
2” New Tap	\$2,100	\$3,150
¾” New Meter, Setter, Box	\$1,000	\$1,500
1” New Meter, Setter, Box	\$1,225	\$1,838
1 ½” New Meter, Setter, Box	\$2,050	\$3,075
2” New Meter, Setter, Box	\$2,100	\$3,150
¾” New Meter, existing svc.	\$250	\$375
1” New Meter, existing svc.	\$400	\$600
1 ½” New Meter, existing svc.	\$600	\$900
2” New Meter, existing svc.	\$750	\$1,125
Services not listed	Cost	Cost plus 50%
Sewer Tap Rates		
4” Complete Service	\$1,300	\$3,250
6” Complete Service	\$1,700	\$4,250
Services not listed	Cost	Cost plus 100%

Grinder Pump Station Install for low pressure sewer system inside City Limits: \$8000

Water Resources Division Fees

WATER/WASTEWATER PARAMETER ANALYSIS

Parameter	Cost/Analysis	Parameter	Cost/Analysis
Acidity	\$8.00	Nitrite Nitrogen	\$15.00
Alkalinity	\$10.00	Total Kjeldahl Nitrogen	\$18.00
Ammonia Nitrogen	\$18.00	Phosphorus - Total	\$15.00
BOD (5-day)	\$25.00	Phosphorus - Ortho	\$12.00
Chlorine	\$10.00	pH & Temperature	\$8.00
ULR Chlorine	\$15.00	Total Solids	\$10.00
Chloride	\$15.00	Total Suspended Solids	\$10.00
COD	\$20.00	Settleable Solids	\$8.00
Conductivity	\$10.00	Sulfate	\$15.00
Cyanide	\$30.00	TOC	\$30.00
Dissolved Oxygen	\$8.00	Turbidity	\$10.00
DOC	\$40.00	UV254	\$25.00

Fluoride	\$15.00	Fecal Coliform	\$30.00
Hardness - Total	\$12.00	E-coli (P/A)	\$25.00
Hardness - Calcium	\$12.00	Total Coliform (P/A)	\$25.00
Hardness - Magnesium	\$10.00	Heterotrophic Plate Count	\$25.00
Nitrate Nitrogen	\$20.00	Source Water (Quanti-Tray)	\$30.00

METALS ANALYSIS

Parameter	Cost/Analysis	Parameter	Cost/Analysis
Aluminum	\$25.00	Manganese	\$20.00
Arsenic	\$20.00	Mercury	\$30.00
Cadmium	\$20.00	Molybdenum	\$20.00
Chromium	\$20.00	Nickel	\$20.00
Copper	\$20.00	Selenium	\$20.00
Iron	\$20.00	Silver	\$20.00
Lead	\$20.00	Zinc	\$20.00

Analysis fees not specified herein will be provided by commercial laboratory at contracted cost

Water Resources Division Fees (continued)

LABORATORY/COMPOSITE SAMPLING CHARGES

Parameter	Cost/Analysis	Parameter	Cost/Analysis
Thermometer Certification (NIST)	\$25.00	Annual Curve – Spec Parameter	\$100.00
Sampling Cost per day for sites requiring City provided flow proportional sampler	\$55.00	Sampling Cost per day for sites with customer provided flow proportional sampler	\$30.00

HAULED WASTEWATER CHARGE

Parameter	Cost/Analysis	Parameter	Cost/Analysis
Any tanker truck size up to 2,500 gallons/load (excludes Recreational Vehicles)	\$65.00	Recreational Vehicle Tank	\$10.00

INDUSTRIAL SURCHARGES

All industrial users of the POTW are subject to industrial waste surcharges on discharges, which exceed the following levels:

Parameter	First Limit	Charges per Pounds In Excess
BOD	300 mg/l	\$0.15
COD	750 mg/l	\$0.06
TSS	300 mg/l	\$0.31
TKN	45 mg/l	\$0.92

Section 8: The Budget Officer is hereby authorized to transfer appropriations as contained herein under the following conditions:

- a. He/she may transfer between line item expenditures within a department without limitation and without a report being required.
- b. He/she may transfer amounts between departments, within the same fund. He/she must make an official report on such transfers in excess of \$5,000 at the next regular meeting of the Governing Board.
- c. He/she may not transfer any amounts between funds, except as approved by the Governing Board in the Budget Ordinance as amended.

Section 9: The Budget Officer may make cash advances between funds for periods not to exceed 60 days without reporting to the Governing Board.

Section 10: Copies of this Budget Ordinance shall be furnished to the City Clerk, to the Governing Board and to the Budget Officer and Finance Director to be kept on file by them for their direction in the disbursement of funds. A copy will also be available at the City of Asheboro website: www.asheboronc.gov.

TOTAL GROSS BUDGET \$61,207,222

Adopted this the 28nd day of June 2022.

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

ATTEST:

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

6. Legal Services Items

**(a) Code of Asheboro Amendments Reflecting Rate/Fee Changes
Authorized in the Budget Ordinance for FY 2022-2023**

With the council's approval of the budget ordinance for FY 2022-2023, the city attorney recommended adoption, by reference, of an ordinance to amend the Code of Asheboro to reflect the revised rates/fees enacted as part of the annual budget.

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

ORDINANCE NUMBER 36 ORD 6-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**Ordinance to Amend the Code of Asheboro to Reflect Certain Fee/Rate Changes
Contained within the Adopted City of Asheboro Budget Ordinance for
Fiscal Year 2022 – 2023**

WHEREAS, Chapter 50 of the Code of Asheboro prescribes general water and sewer regulations for the City of Asheboro; and

WHEREAS, Chapter 51 of the Code of Asheboro prescribes general regulations pertaining to the collection of solid waste, recyclables, and other operations conducted by the city's environmental services department; and

WHEREAS, during a special meeting on June 28, 2022, the Asheboro City Council adopted the City of Asheboro Budget Ordinance for Fiscal Year 2022-2023; and

WHEREAS, subsequent to the adoption of the budget ordinance, the Asheboro City Council decided to amend the Code of Asheboro to reflect certain fee/rate changes enacted as part of the budget ordinance.

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

Section 1. Section 50.065 of the Code of Asheboro, which pertains to water rates within the city, is hereby rewritten to provide as follows:

§ 50.065 RATES WITHIN CITY

The minimum monthly charge, regardless of the actual number of days within the usage period indicated on a bill, for the water made available to a non- bulk customer located within the corporate limits of the City of Asheboro is ~~\$13.91~~ **\$15.58** for water usage in the range of zero to 150 cubic feet. In addition to the minimum rate prescribed by this section, each customer located within the corporate limits of the City of Asheboro that uses more than 150 cubic feet of water per monthly billing cycle shall be charged at the rate of ~~\$2.74~~ **\$3.07** per 100 cubic feet, or any portion thereof, in excess of 150 cubic feet of water (one cubic foot of water equals approximately seven and one-half gallons of water).

Section 2. Section 50.066 of the Code of Asheboro, which pertains to water rates outside the city limits, is hereby rewritten to provide as follows:

§ 50.066 RATES FOR CUSTOMERS OUTSIDE CITY

The minimum monthly charge, regardless of the actual number of days within the usage period indicated on a bill, for the water made available to a non-bulk customer located outside the corporate limits of the City of Asheboro is ~~\$34.78~~ **\$38.95** for water usage in the range of zero to 150 cubic feet. In addition to the minimum rate prescribed by this section, each customer located outside the corporate limits of the City of Asheboro that uses more than 150 cubic feet of water per monthly billing cycle shall be charged at the rate of ~~\$6.85~~ **\$7.67** per 100 cubic feet, or any portion thereof, in excess of 150 cubic feet of water (one cubic foot of water equals approximately seven and one-half gallons of water).

Section 3. Section 50.104 of the Code of Asheboro, which pertains to low pressure sewer systems, is hereby rewritten to provide as follows:

§ 50.104 LOW PRESSURE SEWER SYSTEMS

- (A) It is the policy of the City of Asheboro to utilize and construct conventional gravity sewer systems in combination with pumping stations and wet wells. All new development proposals shall adhere to this design requirement. In the sole discretion of the City Council, a waiver from this requirement may be granted by the City Council when it is demonstrated to the satisfaction of the governing board that a low pressure sewer system should be used to solve wastewater disposal problems for an existing development because, in the sole judgment of the City Council, a gravity sewer system with pumping stations is not a feasible solution to the wastewater disposal problem.
- (B) The provisions of this chapter pertaining to the municipal sanitary sewer system have been enacted in order to create a regulatory framework that addresses the requirements of a conventional gravity sewer system. Unless the context clearly requires otherwise, the provisions of this chapter shall be applied to the fullest extent possible to properly authorized low pressure sewer systems that are operated and controlled by the city. If a conflict develops between the provisions of this section and any other provision in this chapter, the regulation prescribed by this section shall be the controlling authority in cases where a low pressure sewer system is at issue.
- (C) Within an existing development that has been approved by the City Council for a low pressure sewer system, the owner of a lot may connect to the city maintained low pressure sewer system only after applying for and receiving a sewer service connection permit from the City of Asheboro Engineering Department. In order to properly apply for such a permit, the property owner must complete an application packet developed by the city and available in the Engineering Department.

This packet shall include, by way of illustration and not limitation, an application form and an easement agreement granting a sewer easement to the city over an area described by metes and bounds on a plat of survey procured at the applicant's expense. This executed easement is needed in order to provide city personnel and/or contractors with lawful authorization to enter the lot to install and maintain the needed infrastructure. Once all of the requested information is completed, executed, submitted and accepted by the Engineering Department, a sewer service connection permit will be issued. The city, and only the city or its contractors, will perform the installation of the grinder pump station as a turnkey job.

- (D) The sewer service connection permit will not be issued until a fee of \$8,000 is paid to the city in order to reimburse the city for costs associated with the city's installation of a grinder pump station and other infrastructure needed to connect the applicant's structure to the low pressure sewer system. After the installation is complete, a ~~\$10~~ \$20 maintenance fee will be added as a surcharge to the customer's monthly water/sewer bill, and this monthly surcharge is to be paid in addition to any other charges that appear on the customer's bill in accordance with the provisions found in other sections of this chapter. The monthly revenue realized from the surcharge imposed on every customer served by the low pressure sewer system will be placed in a Grinder Pump Maintenance Reserve Fund that shall be used exclusively for paying costs associated with the repair and maintenance of the low pressure sewer system.
- (E) In addition to the sewer main, the section of the low pressure sewer system that will be maintained by the city includes the small diameter force main from the street right-of-way line to the grinder pump wet well, the grinder pump, valves and valve boxes on the small diameter force main, the grinder pump electrical panel, and associated appurtenances. However, the gravity service line from the structure to the grinder pump wet well, electrical connections to the grinder pump panel, and any generators connected to the grinder pump power supply are not included with the city-provided maintenance program. These non-covered items are the sole responsibility of the property owner.
- (F) Notwithstanding any other provision of this chapter, customers shall be subject to the following rules and regulations pertaining to negligence or misuse of the system/infrastructure:
 - (1) The customer shall bear the full cost of repairs to the grinder pump and the associated infrastructure that is attributable to negligence or misuse on the part of the customer. Negligence or misuse includes, by way of illustration and not limitation, the placing of the following items in the sewer system:
 - (a) Glass;
 - (b) Metal;
 - (c) Gravel, sand (including aquarium stone), and coffee grinds;
 - (d) Seafood shells;
 - (e) Socks, rags, or cloths;
 - (f) Plastic;
 - (g) Sanitary napkins or tampons;
 - (h) Disposable diapers;
 - (i) Kitty litter;
 - (j) Explosives;
 - (k) Flammable materials;
 - (l) Lubricating oil, grease, cooking oil, paint;
 - (m) Strong chemicals;
 - (n) Gasoline or diesel fuel; and
 - (o) Stormwater runoff.

- (2) When a customer engages in negligence or misuse of the grinder pump, and the city or its contractor has to repair the resulting damage, the full cost of such repairs shall be billed to the customer as a charge on the next monthly water/sewer bill. Such a charge is subject to collection in the same manner as any other charge invoiced on a customer's bill for services rendered by the city's water/sewer utility.

Section 4. Section 50.110 of the Code of Asheboro, which pertains to sewer rates, is hereby rewritten to provide as follows:

§ 50.110 SEWER RATES

- (A) For the privilege of discharging into the wastewater disposal system, a service charge is hereby imposed upon and shall be collected from all users. Except as provided in §§ 50.111, 50.112, 50.115, and division (D) below, the service charge established and collected as consideration for the privilege of using the wastewater disposal system shall be based on the amount of water such a person uses from the city water supply system.
- (B) The minimum monthly sanitary sewer service charge, regardless of the actual number of days within the usage period indicated on a bill, for a customer located inside the corporate limits of the City of Asheboro is ~~\$17.18~~ **\$23.37** for water usage in the range of zero to 150 cubic feet of water used from the city water supply system. In addition to the minimum sanitary sewer service rates prescribed by this division (B), any customer located inside the corporate limits of the City of Asheboro that uses more than 150 cubic feet of water per monthly billing cycle shall be charged for sanitary sewer service at the rate of ~~\$2.81~~ **\$4.60** per 100 cubic feet of water, or any portion thereof, used in excess of 150 cubic feet.
- (C) The minimum monthly sanitary sewer service charge, regardless of the actual number of days within the usage period indicated on a bill, for a customer located outside the corporate limits of the City of Asheboro is ~~\$42.95~~ **\$58.52** for water usage in the range of zero to 150 cubic feet of water used from the city water supply system. In addition to the minimum sanitary sewer service rates prescribed by this division (C), any customer located outside the corporate limits of the City of Asheboro that uses more than 150 cubic feet of water per monthly billing cycle shall be charged for sanitary sewer service at the rate of ~~\$7.03~~ **\$11.51** per 100 cubic feet of water, or any portion thereof, used in excess of 150 cubic feet.
- (D) The following fees for service shall be charged to customers who are connected solely to the municipal sanitary sewer system and, therefore, are served by the utility only and exclusively as customers of the sanitary sewer system.
 - (1) In those situations where the city deems it practical to meter the wastewater discharged into the municipal sanitary sewer system, the following rates shall be charged for municipal sanitary sewer service:
 - (a) *Customers inside the city limits.* Regardless of the actual number of days within the usage period indicated on a bill, the minimum monthly sanitary sewer service charge per metered residential dwelling or non-residential enterprise located inside the corporate limits of the City of Asheboro and connected solely to the municipal sanitary sewer system shall be ~~\$17.18~~ **\$23.37** for any quantity of wastewater in the range of 0 to 150 cubic feet

that is discharged into the municipal sanitary sewer system. In addition to the minimum sanitary sewer service rate prescribed by the immediately preceding sentence, the rate charged for the discharge of wastewater into the municipal sanitary sewer system in an amount in excess of 150 cubic feet of wastewater per monthly billing cycle shall be ~~\$2.81~~ \$4.60 per 100 cubic feet of wastewater, or any portion thereof.

- (b) *Customers outside the city limits.* Regardless of the actual number of days within the usage period indicated on a bill, the minimum monthly sanitary sewer service charge per metered residential dwelling and non-residential enterprise located outside the corporate limits of the City of Asheboro and connected solely to the municipal sanitary sewer system shall be ~~\$42.95~~ \$58.52 for any quantity of wastewater in the range of 0 to 150 cubic feet that is discharged into the municipal sanitary sewer system. In addition to the minimum sanitary sewer service rate prescribed by the immediately preceding sentence, the rate charged for the discharge of wastewater into the municipal sanitary sewer system in an amount in excess of 150 cubic feet of wastewater per monthly billing cycle shall be ~~\$7.03~~ \$11.51 per 100 cubic feet of wastewater, or any portion thereof.
- (2) In those situations where the city deems it impractical to meter the wastewater discharged into the municipal sanitary sewer system, the following rates shall be charged for municipal sanitary sewer service:
- (a) *Customers inside the city limits.* Regardless of the actual number of days within the usage period indicated on a bill, the flat rate per residential dwelling or non-residential enterprise located inside the corporate limits of the City of Asheboro and connected solely to the municipal sanitary sewer system is ~~\$22.80~~ \$30.28 for each monthly billing cycle.
 - (b) *Customers outside the city limits.* Regardless of the actual number of days within the usage period indicated on a bill, the flat rate per residential dwelling or non-residential enterprise located outside the corporate limits of the City of Asheboro and connected solely to the municipal sanitary sewer system is ~~\$45.60~~ \$75.69 for each monthly billing cycle.

Section 5. Section 51.35 of the Code of Asheboro, which pertains to fees charged to commercial sanitation customers, is hereby rewritten to provide as follows:

§ 51.35 USER CHARGES FOR COMMERCIAL SANITATION CUSTOMERS

- (A) A charge of \$31.00 per regularly scheduled pick-up of a dumpster, ~~\$12.00~~ \$18.00 per month per solid waste disposal can, ~~\$2.00~~ \$5.00 per month for each recycling container, and \$10.00 per month for curbside pick-up of solid waste material equivalent in volume to the capacity of a commercial can is hereby established for commercial sanitation customers. The charge for compaction dumpsters shall be \$44.00 per regularly scheduled pick-up. Additional pick-ups for commercial dumpsters shall be ~~\$40.00~~ \$44.00 per pick-up, and additional pick-ups for compaction dumpsters shall be \$54.00.

Asheboro City Council Special Meeting Minutes

Page 29

June 28, 2022

- (B) Dumpsters may be rented from the city by a commercial customer at a rental rate of \$21.00 per dumpster per month. A customer's eligibility to rent a dumpster from the city is contingent on the customer utilizing the city as the exclusive provider of solid waste collection services for the rented dumpster(s). The city's environmental services department will terminate, without any penalty to the city, the rental relationship with a customer and will immediately retrieve any and all dumpsters rented to a customer if a solid waste collection service other than the city is found to have collected materials from a city-owned dumpster. The city will replace a dumpster previously rented from the city with a cleaned dumpster upon the request and agreement of the customer to receive this service at a charge of \$100.00 per dumpster each time such a request is made.
- (C) For purposes of this section and throughout Chapter 51, commercial customer is hereby defined as any customer which is a non-residential or a non-industrial user.
- (D) Cans provided exclusively by the city may be used as a substitute for dumpsters in areas approved by the environmental services department.
- (E) A one pick-up per week minimum is hereby established for any commercial customer using a dumpster.
- (F) The collection charges instituted in this section will be added to the sanitation customer's water and sewer bill. Payment terms will be the same as for the water and sewer bill. In the event of nonpayment of this charge, collection of the customer's refuse/recyclables will be discontinued until payment is remitted in full. All payments for solid waste/recycling services user fees and water and sewer charges whether full or partial payments shall be applied to the customer's account as follows: First, to any solid waste services user fee charges including any arrears charges; second, to any recycling services user fee charges including arrears charges; and third, to any water and sewer charges including arrears charges. In the event of partial payments, the utility charges will be considered outstanding and the prescribed disconnection of services for non-payment will be enforced.
- (G) Unless arrangements are made otherwise and the city is notified of these arrangements, all property owners renting premises to a commercial sanitation customer shall be responsible for the charges specified in this section. Responsibility for payment of the charges may be passed to the renter of the premises if the city billing department is notified of this arrangement.
- (H) All property owners are deemed responsible to maintain their lots and locate their dumpsters or cans in a fashion that allows the city sanitation trucks acceptable access to the dumpsters or cans.
- (I) All property owners must complete a Dumpster Permit and sign a hold harmless agreement.
- (J) The city is not liable for any damages resulting to parking lots, drives, and the like caused by the weight of the trucks used for the dumpster pick-ups. Each property owner is expected to maintain a lot or drive of sufficient structure to support the weight of the collection trucks.
- (K) No refuse which is unacceptable as routine refuse at the landfill will be collected from commercial sanitation customers. Examples of unacceptable waste include but are not limited to: hazardous waste, tires, batteries, medical waste, yard waste, liquid waste, and white goods. Any receptacles containing any of these materials will not be

picked up by the sanitation department until the unacceptable material are removed.

- (L) The commercial customer is responsible for the contents of its containers. The city is not responsible for policing containers to prevent dumping of unacceptable waste, or refuse from individuals not related to the commercial customer.

Section 6. Section 51.36 of the Code of Asheboro, which pertains to fees charged to residential sanitation customers, is hereby rewritten to provide as follows:

§ 51.36 USER CHARGES FOR RESIDENTIAL SANITATION CUSTOMERS

- (A) A charge of ~~\$12.00~~ **\$18.00** per month for each solid waste disposal container provided by the city and assigned to a residential dwelling, ~~\$2.00~~ **\$5.00** per month for each recycling container provided by the city and assigned to a residential dwelling, and \$31.00 per regularly scheduled pick-up of a residential dumpster is hereby established for residential sanitation customers. Additional pick-ups for residential dumpsters shall be \$40.00 per pick-up.
- (B) The collection charges instituted in this section will be added to the sanitation customer's water and sewer bill. Payment terms will be the same as for the water and sewer bill. In the event of nonpayment of this charge, collection of the customer's refuse/recyclables will be discontinued until payment is remitted in full. All payments for solid waste/recycling services user fees and water and sewer charges whether full or partial payments shall be applied to the customer's account as follows: First, to any solid waste services user fee charges including any arrears charges; second, to any recycling services user fee charges including arrears charges; and third, to any water and sewer charges including arrears charges. In the event of partial payments, the utility charges will be considered outstanding and the prescribed disconnection of services for non-payment will be enforced.
- (C) All residential premises located within the corporate limits of the City of Asheboro shall be assumed to be using the solid waste and recycling collection services offered by the city. The occupants of the premises shall be charged for these services so long as the premises remain in the city limits, are or have previously been improved for residential dwelling purposes, and contractual arrangements for solid waste collection services have not been made with an entity other than the City of Asheboro. In the absence of documentation to establish otherwise, the customer of record with the city's water billing office shall be deemed to be the occupant of the premises receiving solid waste/recycling collection services and shall be responsible for all of the associated fees that will be charged each month.
- (D) In the case of disputes about the fees charged pursuant to the provisions of this section, the City Manager, or his designee, shall have the authority to adjust any fee charged after the Manager or other designated official has reviewed the circumstances surrounding the charge and determined, consistent with the provisions of the Code of Asheboro, that the disputed charge was added to the customer's account in error.
- (E) Provisions Specific to Residential Dumpsters:
 - (1) Dumpsters may be rented from the city by a residential sanitation customer at a rental rate of \$21.00 per dumpster per month. A customer's eligibility to rent a dumpster from the city

is contingent on the customer utilizing the city as the exclusive provider of solid waste collection services for the rented dumpster(s). The city's environmental services department will terminate, without any penalty to the city, the rental relationship with a customer and will immediately retrieve any and all dumpsters rented to a customer if a solid waste collection service other than the city is found to have collected materials from a city-owned dumpster. The city will replace a dumpster previously rented from the city with a cleaned dumpster upon the request and agreement of the customer to receive this service at a charge of \$100.00 per dumpster each time such a request is made.

- (2) A one pick-up per week minimum is hereby established for any residential customer using a dumpster.
- (3) Unless arrangements are made otherwise and the city is notified of and agrees to these arrangements, the owner(s) of the real property where a residential dumpster is located shall be responsible for the charges specified in this section.
- (4) The owner of the property upon which a dumpster is located is deemed responsible for the maintenance of the premises in general and the location of the dumpster site in particular so as to allow the environmental services department's trucks reasonable access to the dumpster.
- (5) In order to receive residential dumpster service, all property owners must complete a dumpster permit and properly execute a hold harmless agreement in favor of the city.
- (6) The city shall not be liable for any damages resulting to parking lots, drives, and the like caused by the weight of the trucks used for dumpster pick-up. Each property owner is expected to maintain a lot or drive of sufficient structure to support the weight of the collection trucks.
- (F) No refuse which is unacceptable as routine refuse at the landfill will be collected from residential sanitation customers. Examples of unacceptable waste include but are not limited to: hazardous waste, tires, batteries, medical waste, yard waste, liquid waste, and white goods. Any receptacles containing any of these materials will not be picked-up by the environmental services department until the unacceptable materials are removed.
- (G) The owner of the premises where the dumpsters/containers are located and the residents utilizing the dumpsters/containers are responsible for the contents of the containers. The city is not responsible for policing containers to prevent the dumping of unacceptable waste, or refuse from individuals not related to the customer(s).

Section 7. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 8. This Ordinance shall take effect and be in full force from and after July 1, 2022.

This Ordinance was adopted by the Asheboro City Council in open session during a special meeting held on June 28, 2022.

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

ATTEST:

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

(b) Interlocal Agreement for Law Enforcement Dispatch Services

City Attorney Jeff Sugg presented an interlocal agreement for law enforcement dispatch services between the city and Randolph County. The issue of law enforcement dispatch services has been addressed by the city and county with an interlocal agreement for a number years. The agreement presented by the city attorney has been updated to reflect pricing changes, but the services provided under the agreement remain the same.

The police department has no objections to the proposed agreement. The city attorney recommended approval of the agreement.

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

**STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH**

**INTERLOCAL AGREEMENT FOR
LAW ENFORCEMENT DISPATCH SERVICES**

This Interlocal Agreement (this “**Agreement**”) is made and entered into as of the date of the last signature affixed hereto, by and between the City of Asheboro (“**CITY**”) and Randolph County (“**COUNTY**”). (CITY and COUNTY are hereinafter collectively referred to as the “**Parties.**”)

WITNESSETH:

THAT WHEREAS, CITY desires to enter into a contract with COUNTY for it to provide law enforcement dispatch services for the CITY’s police department.

WHEREAS, COUNTY desires to provide CITY with law enforcement dispatch services on the terms and conditions provided herein.

NOW, THEREFORE, the Parties do agree and contract as follows:

ARTICLE 1. TERM OF AGREEMENT

1.1 Term of Agreement. The term of this Agreement is for one (1) year beginning on July 1, 2022 and terminating on June 30, 2023.

ARTICLE 2. INDEPENDENT CONTRACTOR STATUS AND SERVICES TO BE PROVIDED BY THE RANDOLPH COUNTY

2.1 Independent Contractor Status. At all times when COUNTY and its personnel are rendering services pursuant to this Agreement they shall have the status of independent contractors

with respect to CITY. The personnel provided for herein shall at all times be employees of COUNTY and not be employees of CITY. COUNTY shall be solely responsible for the supervision, control, and discipline of its personnel and for the direction of their work activities and assignments. COUNTY shall be solely responsible for the compensation of the personnel including all employee benefits. COUNTY shall be solely responsible for any injury to its personnel and their property.

2.2 Training, Equipping, Supervising, Credentialing. COUNTY is responsible for training, equipping, supervising, and credentialing the personnel provided for herein in a manner that complies with all applicable laws and rules and ensures that they are able to perform services under this Agreement.

2.3 Services to be Provided by COUNTY. COUNTY shall provide law enforcement dispatch services for CITY as provided in Attachment A, Scope of Services, attached to this Agreement and fully incorporated herein by reference.

ARTICLE 3. OBLIGATIONS OF CITY

3.1 Compensation. CITY shall pay COUNTY wages and associated benefits for four (4) full-time telecommunicator positions as provided in paragraph (a) below.

(a) CITY shall remit to COUNTY monthly the sum of Twenty-Two Thousand Nineteen and 42/100 Dollars (\$22,019.42) for services rendered pursuant to this Agreement.

(b) In no event shall the amount remitted by the CITY under this Agreement be more than Two Hundred Sixty-Four Thousand Two Hundred and Thirty-Three and no/100 Dollars (\$264,233.00).

ARTICLE 4. GENERAL PROVISIONS

4.1 Time of Essence. Time is of the essence in performing all obligations under this Agreement.

4.2 Compliance with Laws: COUNTY shall comply with all laws, ordinances, codes, rules, regulations, and licensing requirements that are applicable to the conduct of its activities, including those of federal, state, and local agencies having jurisdiction or authority.

4.3 Subcontracting. COUNTY shall not subcontract the performance of its obligations.

4.4 Termination. Either Party may terminate this Agreement at any time by giving one hundred twenty (120) days' notice in writing to the other Party. Upon such termination, CITY shall pay COUNTY for unpaid services completed.

4.5 Assignment. COUNTY shall not assign this Agreement or any interest herein.

4.6 Amendments: This Agreement shall not be amended orally or by performance, but only by written amendments executed by the COUNTY and CITY.

4.7 Entire Agreement: This Agreement, including any exhibits hereto, is the entire agreement between the Parties and supersedes all prior oral or written communications and agreements.

4.8 Survival Clause. The following shall survive the termination or expiration this Agreement: (a) all obligations and liabilities that accrue under this Agreement before the termination or expiration of this Agreement, (b) all obligations under this Agreement to provide reports, documentation, or information to the other Party or to third parties, (c) all indemnity obligations imposed by this Agreement, (d) all provisions of this Agreement that impose an obligation after termination or expiration of this Agreement, and (e) all obligations under this Agreement which by their nature or context are intended to be performed after the termination or expiration of this Agreement.

4.9 Iran Divestment. Pursuant to N.C. Gen. Stat. §147-86.59, the Parties each certify that it is not identified on a list created by the North Carolina State Treasurer pursuant to N.C. Gen. Stat. §147-86.58 as a person engaging in investment activities in Iran. Contractor further certifies that in the performance of this Contract it shall not use any contractor or subcontractor that is identified on such a list.

4.10 E-Verify. Each party to this Agreement hereby attests that it currently complies with and shall continue to comply with, for the duration of this Agreement, Article 2 of Chapter 64 of the North Carolina General Statutes (commonly referred to as “E-Verify”) and further attests that it ensures and continues to ensure that any subcontractors utilized by said party also comply with said Article.

IN WITNESS WHEREOF, CITY and COUNTY have each executed this Agreement in duplicate originals.

COUNTY OF RANDOLPH

(SEAL)

Attest:

By: _____

**Darrell L. Frye, Chairman
Randolph County Board of
Commissioners**

Dana Crisco, Clerk to the Board

I, _____, a Notary Public of the County of Randolph, State of North Carolina, do hereby certify that Dana Crisco, who is personally known to me, appeared before me this day and acknowledged that she is the Clerk to the Board for the County of Randolph and that, by authority duly given and as the act of the County of Randolph, the foregoing instrument was voluntarily executed on behalf of the County by Darrell L. Frye, the Chairman of its Board of Commissioners, sealed with the County’s corporate seal, and attested by her as Clerk to the Board for the purposes stated therein.

Witness my hand and official stamp or seal, this _____ day of _____, 2022.

Notary Public

My Commission expires: _____.

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

William Massie, Finance Officer
Randolph County

CITY OF ASHEBORO

(SEAL)

Attest:

By: _____

**David H. Smith, Mayor
City of Asheboro**

Holly H. Doerr, City Clerk

I, _____, a Notary Public of the County of Randolph, State of North Carolina, do hereby certify that Holly H. Doerr, who is personally known to me, appeared before me this day and acknowledged that she is the City Clerk for the City of Asheboro and that, by authority duly given and as the act of the City of Asheboro, the foregoing instrument was voluntarily executed on behalf of the City by David H. Smith, the Mayor, sealed with the City's seal, and attested by her as Clerk for the purposes stated therein.

Witness my hand and official stamp or seal, this _____ day of _____, 2022.

Notary Public

My Commission expires: _____.

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Deborah P. Reaves, Finance Officer
City of Asheboro

ATTACHMENT A SCOPE OF SERVICES

1. Answer incoming non-emergency seven-digit telephone line calls for the cities and towns – assisting callers with related questions or issues.
2. Provide safety checks for the officers via radio while on calls, traffic stops, follow-up investigations, etc.
3. Provide cross-communication functions with other public-safety agencies and coordinate appropriate actions to assist the field officers.
4. Contact the Magistrate or other (outside) public-safety officers to assist with related calls or needs within the CITY.
5. Arrange locations for officers to meet other outside officers regarding warrant, suspect, or detainee transactions.
6. Provide cross-communication and coordination with outside agencies and provide constant radio contact with all agencies involved during a vehicle or foot pursuit as it enters or exits the CITY limits.
7. Call utility services, business/property owners, alarm companies, etc... as needed and/or requested by field officers.
8. Call wrecker services and maintain wrecker rotation log for the CITY-approved wrecker services.
9. Radio log all movements and actions of all officers to include traffic stops, business/property checks, meal breaks, funeral processions, school traffic, suspicious person or vehicle checks (officer initiated), etc.
10. Provide requested services for any officer initiated actions not involving a call entry.
11. Division of Criminal Information services provided 24/7:
 - Local, state, national and international wanted checks, to include (NCAWARE, NCIC & III)
 - Communicating with other agencies to arrange pick-up, delivery, or to serve an individual who is wanted and to arrange extradition
 - Provide entries for:
 - Missing/wanted persons
 - Endangered or runaway
 - Stolen vehicles, securities, articles or items
 - Sending attempt to locate messages to other public-safety agencies around the state or nation.
 - Provide clears for:
 - Missing/wanted persons
 - Stolen vehicles, securities, articles, or items
 - Conducting hit confirmations and locate services
 - Entering and/or clearing Silver, Blue and Amber Alerts.

- Inquiries for valid / invalid concealed carry notifications.
 - Inquiries for driver history / vehicle owner history & identification
 - Inquiries for guns and other registered weapons
 - Accurately maintain the dispatch DCI audit of records for all transactions under the appropriate DCI terminal.
 - Provide officer with appropriate print-outs of driving histories, vehicles histories, criminal histories and the like.
12. Allow citizens to use the 9-1-1 system to report and for a Telecommunicator to provide answering services for animal control, water/sewer, street department, or traffic signal malfunctions (owned by the CITY), or other CITY-specific services after-hours, on weekends and holidays.
 13. Contact on-call detectives, alert team, fleet maintenance, and traffic officers after-hours.
 14. Maintain audio recordings of all radio traffic on the two primary radio channels for court and public documentation purposes.
 15. Provide one additional Telecommunicator during driver check-points.

(c) City of Asheboro Employee Policies and Procedures Manual Revision

The city attorney discussed a revision to the city's employee policies and procedures manual that has been approved by the city manager in order to assist city divisions and departments in their efforts to recruit and retain talented employees in a challenging labor market. The manager's revision to the manual requires the governing board's concurrence and the delegation of authority for the manager to approve innovative supplemental compensation plans as part of employee recruitment and retention efforts.

Mr. Sugg recommended granting the requested concurrence and delegation of authority by means of adopting the resolution of concurrence printed below. In response, Council Member Heath moved, and Council Member Bell seconded the motion, to approve the following resolution. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

RESOLUTION NUMBER 17 RES 6-22

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION EXPRESSING CONCURRENCE WITH REVISIONS TO THE
EMPLOYEE POLICIES AND PROCEDURES MANUAL**

WHEREAS, the City of Asheboro Employee Policies and Procedures Manual (formerly known as the City of Asheboro Personnel Policies and Procedures Manual and hereinafter referred to as the "Manual"), which was originally promulgated by the city manager and approved by resolution of the Asheboro City Council on March 4, 2004, has to be updated on a regular basis; and

WHEREAS, the city manager periodically receives recommendations from the human resources director and other members of the city management team to update the Manual by eliminating areas of ambiguity and integrating best practices in the field of municipal administration; and

WHEREAS, in response to recommendations received subsequent to January 10, 2022, which was the effective date of the last revision to the Manual, the city manager approved the revision of the Manual's Article I (Unified Human Resources System), Section 4 (Supplementary Policies) in order to help the city departments successfully navigate the current challenges in recruiting additional talented individuals to join the city workforce; and

WHEREAS, the Asheboro City Council has concluded that the city manager's actions to update the Manual as stated herein are supportive of the governing board's goal to create a positive work environment for municipal employees and thereby facilitate excellence in the provision of municipal services to the citizens of Asheboro.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, effective July 1, 2022, the governing board hereby concurs with the city manager's decision to rewrite Section 4 in Article I of the Manual as follows:

SECTION 4: SUPPLEMENTARY POLICIES

Any and all municipal/departmental policies that are not contained herein and that impact the uniform human resources system administered by the City of Asheboro shall be subordinate to the policies found in this manual. In the event of a conflict, the policies found in the City of Asheboro Employee Policies and Procedures Manual shall control. Divisions/departments may develop supplemental policies and procedures to meet their unique personnel requirements. Such supplemental policies must be approved by the human resources director and the city manager. By way of illustration and not limitation, division/department leadership teams may develop, subject to the written approval of the human resources director and the city manager, financial incentives that are offered, in addition to the compensation provided in accordance with Article III of this manual, for the purpose of incentivizing potential or current employees to enhance their education, skills, and abilities in a manner found by the city management team to facilitate excellence in the provision of municipal services; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that, effective July 1, 2022, the governing board hereby delegates to the city manager the authority, to the limited degree such a delegation of authority is needed, to successfully implement the incentive payments contemplated by the revision contained within the immediately preceding paragraph; and

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

This Resolution was adopted by the Asheboro City Council in open session during a special meeting held on June 28, 2022.

/s/ David H. Smith

David H. Smith, Mayor

ATTEST:

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

(d) Settlement of a Civil Action (File No. 19 CVS 2505)

The city attorney discussed the council's approval of a final decision document in 2019 that authorized the issuance of conditional use permit allowing an industrial development on the north side of Vision Drive. This land use approval was granted under city file number CUP-19-09.

A neighboring property owner challenged this land use approval by filing a petition for a writ of certiorari. This civil action is identified in the court system by file number 19 CVS 2505.

The applicant for the conditional use permit and the neighboring property owner have engaged in mediation and entered into a settlement agreement that, if approved, will lead to the dismissal of the civil action. City personnel did not participate in the mediation, but the city's entry into the settlement agreement is needed because, pursuant to state law, the city is a named party in the pending civil action identified by file number 19 CVS 2505.

Asheboro City Council Special Meeting Minutes

Page 38

June 28, 2022

The city attorney has reviewed the settlement agreement. The proposed settlement creates no financial obligation for the city, and the terms and conditions of the Asheboro Zoning Ordinance are not undermined by the agreement. Mr. Sugg provided a positive review of the agreement and recommended authorizing Mayor Smith to execute the proposed settlement agreement.

Council Member Bell moved, and Council Member Redding seconded the motion, to authorize Mayor Smith to execute the proposed settlement agreement on behalf of the city. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes. A copy of the executed settlement agreement is on file in the city legal department.

There being no further business, the meeting was adjourned at 7:27 p.m.

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

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

175

Minutes of the meeting of the Asheboro Alcoholic Beverage Control Board held on June 6, 2022

The Asheboro ABC Board met on Monday, June 6, 2022, at 5:30 PM, in the Board office, 700 South Fayetteville Street, Asheboro, NC. Present at the board meeting were the Chair, Board Members Steve Knight and Bob Morrison and General Manager Rodney Johnson (GM). A quorum being present, the Chair called the meeting to order for the transaction of business and business transacted as follows:

The Chair inquired as to any known conflict of interest, appearance of a conflict of interest, or objections concerning agenda items before the Board; after Board member(s) voiced having no conflict, and there being no objection, the agenda was adopted.

Board Minutes from the May 2, 2022, meeting were reviewed and approved by the Board.

Present at the meeting were guests Thomas Papas and Marcella Pariz

Steve Knight and the GM reviewed Board finances and reported all finances remain consistent (sales and expenses). The GM advised a van has been purchased to comply with House Bill 890 which enacted 18B-404(f) requiring local boards provide delivery services to mixed beverage customers. A 2022 Ford Transit Connect van was purchased from Hilbish Motor Co., Kannapolis, NC, for \$39,000.

Monthly drafts and EFT payments were reviewed.

Amendments to personnel policies (Sections 9, 12, 14, 21A, 23, 25, 43, 48, 49, 51, 54, 53, 63, and 71) were reviewed by the board. Upon motion by Bob Morrison the amendments were approved.

The Board reviewed and approved the meeting dates for Fiscal Year 2022-2023.

The Amended budget for FY 2021-2022 was reviewed and upon motion by the Chair ratified by the Board.

Upon motion by Steve Knight, the Board approved a \$300,000 additional distribution to the City of Asheboro. The Board directed the GM disburse the funds to the city before the end of June 2022.

Budget Hearing (§18B-702): Board members acknowledged receipt of the Budget Message and Proposed Budget for Fiscal Year 2022-2023. The GM confirmed public notice of the Board's June 6, 2022, budget hearing was submitted to the Courier-Tribune and Randolph Hub providing the notice required by §18B-702(e). Members of the public, Thomas Papas and Marcella Pariz, were present at the Budget Hearing.

The Board reviewed the Proposed Budget for Fiscal Year 2022-2023 and the GM discussed adjustments anticipating FY 2022-2023 revenues will increase by at least 5% over the current FY. Contributions to the City of Asheboro will continue at \$20,000 per month with additional

distributions as excess operating capital permits. The budget also provides a 5% maximum merit raise increase for employees based on performance. Upon motion by Bob Morrison, the Board approved the Proposed Budget for Fiscal Year 2022-2023 (a copy of which is attached hereto and incorporated herein by reference).

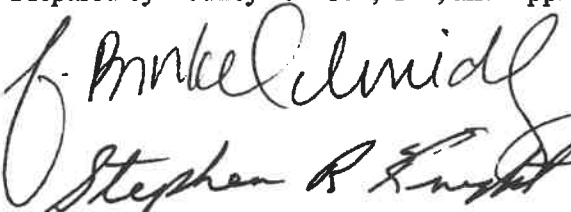
The Board heard reports from the General Manager concerning the following sales statistics:

1. Asheboro ABC sales statistics comparing:
 - May 2022 sales with the previous month indicate:
 - An overall -6.6% change (all sales and tax collections)
 - May 2022 sales with sales from the same month last year indicate:
 - Retail Sales -0.7%
 - Mixed Beverage Sales: -6.6%
 - Overall Collections: -1.56%
 - May 2022 bottle sales with bottle sales from the same month last year indicate:
 - Retail Bottle Sales: +6.0%
 - Mixed Beverage Bottle Sales: -25%
 - Overall Bottle Sales: +3.0%

The next regular Asheboro ABC Board meeting will be held Monday, June 27, 2022, at 5:30 p.m.

There being no further business, the meeting was adjourned.

Prepared by Rodney Johnson, GM, and Approved by the Board 6-27-22 
GM




ASHEBORO ABC BOARD
Budget for Fiscal Year 2022-2023

Sales		5,948,000.00
Other Income		
	Gross Sales	<u>5,948,000.00</u>
Less Taxes		<u>1,410,000.00</u>
	Net Sales	<u>4,538,000.00</u>
Less Cost of Sales		<u>3,085,840.00</u>
	Gross Profit	<u>1,452,160.00</u>
Less		
Salaries, benefits and fees		457,000.00
Payroll taxes		36,641.36
Rent		64,800.00
Repairs and maintenance		10,800.00
Utilities		15,550.00
Insurance - general and bonds		17,000.00
Supplies and janitorial		16,000.00
Travel and training		2,500.00
Professional services		17,100.00
Dues and subscriptions		550.00
Bank fees and charges		63,000.00
Miscellaneous & Contingencies		<u>5,138.64</u>
	Total Operating Expenses	<u>706,080.00</u>
	Operating Income	<u>746,080.00</u>
Less:		
<u>Capital Expenditures</u>		
	Capital Improvements	<u>-</u>
		<u>-</u>
	Net Income before Distributions	<u>746,080.00</u>
Less:		
<u>Distributions</u>		
Law Enforcement		43,300.00
Alcohol Education and Rehab		52,780.00
City of Asheboro General Fund		<u>560,000.00</u>
	Total Distributions	<u>656,080.00</u>
	Net Income after Distributions	<u>90,000.00</u>
Less:		
Retained Working Capital (Future Facility Fund)		40,000.00
Retained for Capital Improvements		<u>50,000.00</u>
	Total Retained	<u>90,000.00</u>
	Net Income	<u>-</u>

Adopted by the Asheboro ABC Board this 6th day of June 2022



Rodney E. Johnson, General Manager

AMENDMENT

North Carolina Department of Commerce
Rural Economic Development Division
Rural Grant/Programs

Contract #: 2021-042-3201-2587
Date: June 27, 2022

1

Number

GRANTEE:

City of Asheboro
PO Box 1106
Asheboro, NC 27204-1106

Contact: The Honorable David Smith

THE DEPARTMENT:

North Carolina Department of Commerce
Rural Economic Development Division
301 North Wilmington Street
4346 Mail Service Center
Raleigh, NC 27699-4346
Fiscal & Compliance Analyst: Bethany P. Davenport

Project Title: StarPet Inc./Project Avocado

This Contract Amendment is hereby entered into by and between the North Carolina Department of Commerce (the "Department") and the City of Asheboro (the "Grantee") (referred to collectively as the "Parties"). By this Contract Amendment, the Parties amend their Grant #2021-042-3201-2587, respectively (the "Agreement"), as outlined below.

Except as set forth in this Contract Amendment, all other terms and conditions of the Agreement shall remain unaltered and in full force and effect. Should there arise any conflict, discrepancy or ambiguity between the terms and conditions contained in the Agreement and the terms and conditions of this Contract Amendment, the terms and conditions contained in this Contract Amendment shall govern and prevail.

☒ Paragraph 3 (Term of Agreement)

DELETE: "terminate on 12/10/2022 ."
ADD: "terminate on 12/10/2023 ."

Progress reports are due on January 15th and July 15th for each year that the grant remains open. The final report and job verification documentation are due at the time of project completion or no later than 30 days after the grant end-date, whichever is sooner. The reporting schedule remains in effect for the duration of the grant including time extensions.

Authorized Signature Warranty: The undersigned represent and warrant that they are authorized to bind their principles to the terms of this Contract Amendment.

In Witness Whereof, the Grantee and the Department have executed this Contract Amendment in duplicate originals, with one original being retained by each party.

GRANTEE:

THE DEPARTMENT:



Signature

Signature

Printed Name

Date

Kenny Flowers

6/27/2022

Printed Name

Date

Title

Assistant Secretary for Rural Economic Development

Title

If you agree with the amendment as proposed, please sign. **Retain one a copy for your files and return a copy to the attention of Bethany P. Davenport at the NC Department of Commerce at rgpreports@nccommerce.com.**

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2022-2023

WHEREAS, the City Council of the City of Asheboro was presented with an economic development project relating Fibertex Personal Care Corporation's plans to construct a new manufacturing facility on approximately 30.61 acres of land.

WHEREAS, Fibertex Personal Care's project would result in an investment of approximately \$114 million dollars in real and personal property and will result in the creation of 145 new full time jobs.

WHEREAS, the City Council authorized the City of Asheboro to support the Fibertex Personal Care's project through an agreement for economic incentives payments signed April 2, 2018.

WHEREAS, the Fibertex Personal Care has submitted documentation verifying that the company has met the required performance for the first economic incentive payment with investment in real property and creation of 44 new full time jobs;

WHEREAS, the City Council appropriated \$50,000 at the June 28, 2022 meeting as a transfer to the Economic Development Fund for the first incentive payment of \$50,000 to Fibertex.

WHEREAS, the correct amount of the First Incentive payment is \$100,000 so an additional \$50,000 needs to be appropriated.

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 item be increased

<u>Account #</u>	<u>Expense Description</u>	<u>increase / (decrease)</u>
10-000-399.0000	Fund Balance Allocation	50,000

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

<u>Account #</u>	<u>Expense Description</u>	<u>increase / (decrease)</u>
10-490-572.0000	Contribution to ED fund	50,000

Adopted this 14th day of July, 2022

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, Deputy City Clerk

ORDINANCE TO AMEND THE ECONOMIC & TOURISM DEVELOPMENT
FUND
FY 2022-2023

WHEREAS, the City Council of the City of Asheboro was presented with an economic development project relating Fibertex Personal Care Corporation's plans to construct a new manufacturing facility on approximately 30.61 acres of land.

WHEREAS, Fibertex Personal Care's project would result in an investment of approximately \$114 million dollars in real and personal property and will result in the creation of 145 new full time jobs.

WHEREAS, the City Council authorized the City of Asheboro to support the Fibertex Personal Care's project through an agreement for economic incentives payments signed April 2, 2018.

WHEREAS, the Fibertex Personal Care has submitted documentation verifying that the company has met the required performance for the first economic incentive payment with investment in real property and creation of 44 new full time jobs.

WHEREAS, the City Council appropriated \$50,000 at the June 28, 2022 meeting as a transfer to the Economic Development Fund for the first incentive payment of \$50,000 to Fibertex.

WHEREAS, the correct amount of the First Incentive payment is \$100,000 so an additional \$50,000 needs to be appropriated.

WHEREAS, the budget as adopted requires amendment 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: That the following Revenue line item be increased:

<u>Account #</u>	<u>Revenue Description</u>	<u>Increase</u>
72-000-375.0000	Contribution for Fibertex 4-2018 agreement	50,000

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

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
72-000-871.0000	Fibertex Incentive 4-2018 agreement	50,000

ORDINANCE TO AMEND THE ECONOMIC & TOURISM DEVELOPMENT
FUND
FY 2022-2023

Adopted this the 14th day of July 2022.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, Deputy City Clerk

ORDINANCE TO AMEND
THE WATER & SEWER FUND
FY 2022-2023

WHEREAS, the current budget appropriation in the system maintenance department provided for a replacement vehicle in the amount of \$55,000, and

WHEREAS, since adoption of the budget, it has been determined that the need for a replacement vehicle is greater in the technical services department.

WHEREAS, the City of Asheboro wishes to reallocate funding for a vehicle from the system maintenance department to the technical services department.

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 Expense line item be increased / (decreased):

<u>Account #</u>	<u>Expense Description</u>	<u>increase / (decrease)</u>
30-860-574.0000	Capital Outlay – Technical Svcs	55,000
30-870-574.0000	Capital Outlay – System Maint.	(55,000)
	Total Increase / (Decrease)	0

Adopted this 14th day of July, 2022

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk



RZ-22-06: Rezone to RA6 (CZ) High Density Residential Conditional Zoning for a Planned Unit Development modification transferring street maintenance to the City of Asheboro. (Parkway South: Zoo Parkway)

Planning Board Recommendation and Staff Report

Planning Board Recommendation & Comments to City Council

NOTE: Have applicant Certify to Council mailings to all adjoining property owners.

Case # **RZ-22**
 -06

Date 6/6/2022 PB

Applicant Parkway South HOA

Legal Description

The property encompassed within Condo Book 1, Page 64, Condo Book 1 Page 83, and Plat Book 113 Page 14, recorded in the Randolph County Public Registry, including Parkway South Townhomes lots & common area, and the city's Lift Station.

Requested Action Amend existing RA6 (CZ) High Density Residential Conditional Zoning for a Planned Unit Development modification transferring street maintenance to the City of Asheboro.

Existing Zone RA6 (CZ)

Land Development Plan See rezoning staff report.

Planning Board Recommendation

Approve.

Reason for Recommendation

The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # RZ-22-06

Date 7/14/2022 City Council

General Information

Applicant Parkway South HOA

Address 3140 Zoo Parkway Box 404

City Asheboro NC 27203

Phone 336-302-1343

Location 3140 Zoo Parkway (and all addressed units within Parkway South Townhomes), plus City-owned pump station

Requested Action Amend existing RA6 (CZ) High Density Residential Conditional Zoning for a Planned Unit Development modification transferring street maintenance to the City of Asheboro.

Existing Zone RA6 (CZ) **Existing Land Use** Residential Planned Unit Development/City sewer pump station

Size 7.62 acres +/- total **Pin #** 38 parcels are included. See attached list of properties.

Applicant's Reasons as stated on application

Dedication of Parkway South's private streets to the City of Asheboro for public street maintenance. Help to ensure public safety through city maintenance. As residents and taxpayers of the City of Asheboro, Parkway South would like to turn over the currently private streets. The streets meet the criteria for this. There are no plans to implement any gates or other barriers that would prevent public access to these streets. As a practical matter, public access already exists.

Surrounding Land Use

North Low-Density Residential

East Undeveloped/Multi-family development

South Low-Density Residential/Undeveloped

West Low-Density Residential

Zoning History The development was approved by Council in 1999, 2001, 2004 and 2007. The last zoning case was related to the city accepting maintenance of the Sanitary Sewer Lift Station within the development.

Legal Description

The property encompassed within Condo Book 1, Page 64, Condo Book 1 Page 83, and Plat Book 113 Page 14, recorded in the Randolph County Public Registry, including Parkway South Townhomes lots & common area, and the city's Lift Station.

Analysis

1. The property is inside the city limits.
2. Zoo Parkway (NC 159) is a state-maintained major thoroughfare.
3. The current use of the property is a residential planned unit development (Parkway South), consisting of 35 residential townhome units.
4. This request does not include construction of any new dwellings or structures or proposed improvements. The primary question presented by the application is whether the City will assume maintenance and ownership of the private streets within the development. The request does, however, also require Council to consider and approve new building setbacks from the proposed public right-of-ways within the development.
5. After receiving the application, staff contacted other city departments about the request. Departments have reviewed the application and offered input; no objection related to a conversion of the streets to public has been raised but the following comments have been offered:
 - (a) The road design is inadequate for individual sanitation can pickup; dumpster service will continue to be necessary.
 - (b) Council will need to separately consider any request for a reduced speed limit and any request for an ordinance specifically prohibiting on-street parking.
 - (c) The streets will need to be named if the application is approved. This will lead to properties being readdressed.All dwellings are currently assigned a single Zoo Parkway address and individual unit numbers.
6. The property is part of a Village Activity Center, which emphasizes a pedestrian friendly mix of compatible land uses. Sidewalks are not included within the development, as the development was constructed before sidewalks were required within Residential Planned Unit Developments.
7. Public streets are typically 28 feet wide from gutter to gutter, with a 50 ft. public right-of-way. Streets within this development are approximately 19 feet of asphalt plus valley curbing. The proposed public right-of-way is from the back of the curb to the back of the curb, with easements shown for city utilities and street signs.

Rezoning Staff Report

RZ Case # RZ-22-06

Consistency with the 2020 LDP Growth Strategy designations

In reviewing this request, careful consideration is given to each Goal and Policy as outlined in the Land Development Plan. Some Goals and Policies will either support or will not support the request, while others will be neutral or will not apply. Only those Goals and Policies that support or do not support the request will be shown.

Proposed Land Use Map Designation Activity Center (property is part of Village Activity Center)

Small Area Plan Southeast

Growth Strategy Map Designation Primary Growth

LDP Goals/Policies Which Support Request

Goal 3.1: Enhancement, maintenance, and preservation of the built environment

LDP Toolkit Description of Primary Growth Area (PGA) – Areas with prime access to existing city infrastructure and urban services and located within existing city limits. Suitable development sites within PGAs should be given the highest level of encouragement and incentives for short-range development.

Goal 5.1: Cost effective, efficient, and coordinated infrastructure in appropriate locations

Rezoning Staff Report

RZ Case # RZ-22-06

LDP Goals/Policies Which Do Not Support Request

(d) Policy 5.3.2 The City will amend the Zoning and Subdivision Ordinances to discourage development patterns (i.e. excessive use of cul-de sacs, lack of connectivity within and between developments) that result in the City (and its taxpayers) incurring unnecessary infrastructure costs.

Staff's Final Analysis Concerning Consistency with Adopted Comprehensive Plans, Reasonableness and Public Interest

City staff has reviewed the request and has identified no significant maintenance issues related to the condition of the street or utilities. Conditions are suggested to address matters that have been identified during the review process. If approved, the city will assume maintenance costs associated with the roadway and street lighting within the proposed right-of-way. While Planned Unit Developments built under the current code require sidewalk construction, this development predates that requirement and acceptance of the streets for maintenance will not increase the extent of that nonconformity.

Recommendation In light of the above analysis, staff's recommendation is to approve the application, subject to acceptance of the suggested conditions.

Rezoning Staff Report

Suggested Conditions for Conditional Zoning applications (subject to change prior to final report)

- (A) The use approved shall be a Residential Planned Unit Development.
- (B) All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.
- (C) Solid waste collection must be done via dumpster service. The City of Asheboro will not pick up individual cans within the development. The final plat publicly dedicating the street right-of-way shall state that the City of Asheboro will not pick up individual cans for the development.
- (D) The following shall be established, by the applicant, prior to the City of Asheboro's acceptance of streets within the development as public streets:
 - (i) Any signs, excluding governmental regulatory/traffic signs, shall be removed from the public right-of-way by the homeowners' association.
 - (ii) On-street parking shall be prohibited.
- (E) Prior to the recording of a final plat consistent with the Conditional Zoning district, the owner(s) of the Zoning Lot shall properly execute, and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this Conditional Zoning in the chain of title for the Zoning Lot.

City of Asheboro
Claimed Access and
Utility Easements A-F

Existing City of
Asheboro Access &
Sewer Force Main
Easement Per
PB 113 Pg. 14 & 15

City of Asheboro
Proposed Sign Easement

Area Table
Public R/W: 31,845.85 Sq. Ft.
City of Asheboro Claimed Access
and Utility Easements:
Easement A: 18,209.54 Sq. Ft.
Easement B: 194.62 Sq. Ft.
Easement C: 256.07 Sq. Ft.
Easement D: 15,741.12 Sq. Ft.
Easement E: 9,655.12 Sq. Ft.
Easement F: 1,120.80 Sq. Ft.
Easement G: 120.49 Sq. Ft.
Easement H: 139 Sq. Ft.

Ricky Eugene Spencer
Clarissa Spencer
DB 2565 Pg 1174

Ex Concrete Monument "Z" Round Up "Z"
Ex 496,468.33 Ground US Survey Feet
E: 1,763,821.70 Ground US Survey Feet

LINE	BEARING	DISTANCE
E1	N 59°48'14" E	188.34
E2	N 60°10'14" E	189.30
E3	N 75°18'51" E	21.71
E4	S 48°10'37" E	14.50
E5	S 30°51'54" E	40.62
E6	S 53°43'53" E	26.74
E7	S 20°07'19" E	22.67
E8	S 60°52'41" W	19.75
E9	S 32°12'16" E	36.01
E10	N 60°53'41" E	13.81
E11	S 29°07'19" E	10.00
E12	N 54°34'22" E	23.16
E13	S 32°29'40" E	5.94
E14	N 57°31'09" E	44.78
E15	N 32°26'52" W	8.31
E16	N 54°34'22" E	52.49
E17	N 87°49'29" E	17.29
E18	N 04°15'31" E	9.93
E19	N 65°51'03" E	12.85
E20	S 03°24'57" E	10.32
E21	N 87°49'29" E	1.96
E22	S 78°33'04" E	65.27
E23	S 74°22'23" E	63.54
E24	S 24°43'51" E	8.62
E25	N 74°32'23" W	13.14
E26	S 50°09'14" W	3.31
E27	N 50°09'14" E	3.32
E28	N 78°31'08" W	27.70
E29	S 89°19'08" W	7.75
E30	S 89°19'10" W	6.32
E31	S 52°21'04" W	9.07
E32	S 52°21'04" W	74.55
E33	S 52°15'11" W	8.86
E34	S 11°12'05" E	12.05
E35	S 24°43'51" E	33.79
E36	S 85°16'43" E	4.78
E37	N 68°16'43" W	16.86
E38	N 24°43'51" W	57.71
E39	S 1°14'53" W	16.92
E40	N 72°55'25" W	18.74
E41	N 38°57'01" W	26.73
E42	S 1°14'53" W	16.92
E43	N 77°03'18" W	82.52
E44	S 32°30'34" W	126.47
E45	S 32°30'34" W	111.93
E46	N 08°45'00" E	9.08
E47	S 01°15'00" E	21.48
E48	S 03°44'30" E	6.30
E49	S 89°07'21" E	45.20
E50	S 86°15'30" E	12.01
E51	N 00°44'30" E	12.01
E52	S 78°23'57" E	10.69
E53	S 03°44'30" E	11.99
E54	S 86°08'01" E	26.39
E55	S 03°01'59" W	14.17
E56	S 32°53'21" E	5.37
E57	N 32°30'34" W	21.11
E58	S 51°52'10" E	32.37
E59	N 1°10'48" E	6.20
E60	S 03°04'56" W	10.66
E61	S 31°43'28" W	4.96
E62	N 78°16'02" E	10.07
E63	N 83°03'46" W	39.68
E64	S 03°38'50" W	9.23
E65	N 68°21'10" W	16.89
E66	N 03°38'50" E	9.07
E67	N 86°55'04" W	100.86
E68	N 50°48'14" W	23.52
E69	N 38°11'26" W	40.35
E70	S 36°15'25" W	6.57
E71	N 49°51'03" E	22.23
E72	N 56°15'25" E	7.75
E73	N 48°05'55" W	17.01
E74	N 45°22'10" W	7.01
E75	S 50°27'58" W	96.15
E76	S 30°52'50" W	87.27
E77	N 30°52'53" E	39.58
E78	N 28°08'51" W	139.69
E79	N 63°07'48" E	3.68
E80	N 26°50'39" W	48.50
E81	S 51°51'09" W	4.86
E82	N 28°08'51" W	15.02
E83	S 64°20'01" W	31.86
E84	S 28°20'52" E	13.33
E85	S 28°53'10" W	16.02
E86	N 72°53'59" W	13.73
E87	S 54°20'01" W	38.35
E88	S 21°49'14" E	6.40
E89	S 68°10'46" W	25.37
E90	N 24°49'14" W	8.74
E91	S 30°53'02" W	31.83
E92	S 28°13'38" W	11.34
E93	N 64°46'22" E	20.73
E94	S 33°54'18" E	19.36
E95	N 54°07'14" E	38.07
E96	S 34°10'54" W	19.36
E97	N 29°08'10" W	7.08
E98	S 50°53'50" W	44.50
E99	S 20°07'19" E	4.30
E100	S 64°19'54" W	36.48
E101	S 28°08'51" E	27.51
E102	N 61°51'09" E	28.87
E103	S 28°08'51" E	10.00
E104	S 51°51'09" W	28.87
E105	S 28°08'51" E	34.59
E106	N 61°51'09" E	29.62
E107	S 29°06'10" E	10.00
E108	S 61°51'09" W	29.19
E109	S 28°08'51" E	10.27
E110	N 61°51'09" E	29.55
E111	S 29°06'10" E	10.00
E112	S 61°51'09" W	30.12
E113	S 28°08'51" E	38.04
E114	N 61°51'09" E	31.17
E115	S 28°08'51" E	10.00

LINE	BEARING	DISTANCE
E116	S 61°51'30" W	31.17
E117	S 28°08'51" E	26.72
E118	N 50°52'53" E	33.33
E119	N 51°28'30" E	96.98
E120	N 31°22'32" W	16.12
E121	N 57°19'41" E	19.35
E122	S 60°53'38" W	19.46
E123	N 29°06'22" W	10.00
E124	N 60°53'38" E	19.46
E125	S 60°53'38" W	18.37
E126	N 29°06'22" W	13.90
E127	N 60°53'38" E	18.37

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1061.33	206.21	207.87	S 62°45'00" E	11°20'49"
C2	18.40	12.62	12.62	N 73°20'30" W	36°35'21"
C3	103.45	12.62	12.62	S 89°25'48" W	11°20'49"
C4	103.45	23.50	23.45	N 83°14'40" W	13°01'05"
C5	103.45	6.86	6.86	N 74°49'46" W	3°48'43"
C6	61.51	30.87	30.55	N 87°18'04" W	28°45'19"
C7	18.43	13.38	13.09	S 57°31'33" W	41°35'27"
C8	136.83	29.26	29.34	S 30°28'49" W	12°16'00"
C9	66.31	29.05	28.82	S 37°01'00" W	25°06'21"
C10	27.50	6.02	6.01	S 45°17'42" W	12°32'56"
C11	27.50	13.91	13.90	S 01°41'41" W	70°30'05"
C12	59.72	54.85	52.95	S 59°56'41" E	62°37'59"
C13	49.01	7.69	7.68	N 89°14'52" E	8°59'16"
C14	49.01	18.48	18.41	N 84°00'51" E	41°28'46"
C15	25.76	33.10	30.87	S 01°45'16" E	73°37'46"
C16	37.55	16.31	16.18	N 38°40'36" W	24°53'06"
C17	57.45	9.66	9.66	N 78°40'12" W	14°46'07"
C18	85.79	76.78	76.04	N 60°02'53" W	52°36'35"
C19	122.82	117.67	117.67	S 33°02'34" W	1°14'04"
C20	122.82	40.82	40.82	N 30°43'07" W	3°14'07"
C21	39.93	13.42	13.35	N 38°43'52" W	19°15'02"
C22	39.93	30.35	47.08	N 84°28'36" W	12°14'25"
C23	750.83	75.57	75.54	S 69°17'29" W	3°46'34"
C24	27.70	9.04	9.00	N 84°11'13" W	18°41'13"
C25	27.70	15.31	15.12	S 30°39'40" W	31°39'45"
C26	27.70	7.50	7.41	S 07°04'53" W	15°20'09"
C27	11.08	16.65	15.13	S 71°52'24" E	86°05'50"
C28	448.47	44.81	44.79	N 65°13'00" E	5°42'44"
C29	26.92	21.19	21.01	S 42°09'00" E	42°09'00"
C30	26.92	20.49	20.09	N 88°54'02" E	39°38'19"
C31	26.92	17.88	17.04	S 27°01'00" E	33°20'16"
C32	13.94	17.48	17.11	N 56°25'28" E	31°17'51"
C33	34.04	21.97	21.59	N 48°42'04" E	36°56'32"
C34	29.45	11.12	11.00	N 30°01'56" E	21°38'16"
C35	68.54	9.14	9.13	N 57°38'11" E	7°38'14"
C36	68.54	22.11	22.01	N 66°43'41" E	18°28'46"
C37	68.54	37.44	36.98	S 89°22'37" E	31°17'51"
C38	77.23	7.81	7.81	S 75°37'59" E	6°47'52"
C39	77.23	15.89	15.86	N 84°29'27" E	11°47'11"
C40	77.23	4.80	4.80	N 42°16'46" E	14°45'07"
C41	57.59	2.88	2.88	N 76°21'31" E	2°28'05"
C42	57.59	21.14	21.03	N 88°21'43" E	21°02'07"
C43	21.18	21.86	20.90	N 69°18'05" E	59°02'22"

I, Dan W Tanner II, Professional Land Surveyor, certify:

In accordance with NC General Statute 47-30(f)(11d)
That the survey is of another category, such as the recombination of existing
parcels, a court-ordered survey, or other exemption or exception to the definition
of subdivision.

I, Dan W Tanner II, certify that this plat was drawn under my supervision from an
actual survey made under my supervision (deed description recorded in:

Book 1639 , page 175 ;

that the boundaries not surveyed are clearly indicated as drawn from information
found in Book See , page Notes ; that the ratio of precision or positional
accuracy as calculated is 1:10000+; that this plat was prepared in accordance with
G.S. 47-30 as amended. Witness my original signature, license number and seal this
the 3rd day of February, A.D., 2021.

PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES

Professional Land Surveyor

L-4787



I, Dan W Tanner II, certify that this map was drawn under my supervision from an
actual GPS/ GNSS survey made under my supervision and the following information
was used to perform the survey:

- (1) Class of survey: Class A
- (2) Positional accuracy: <0.10'
- (3) Type of GNSS field procedure: Real-Time Kinematic Networks
- (4) Dates of survey: December 09, 2021
- (5) Datum/Epoch: NAD83(2011) / 2010.00
- (6) Published/Fixed-control use: North Carolina Real Time Network
- (7) Geoid model: Geoid 12A
- (8) Combined grid factor(s): 0.99987290
- (9) GPS/GNSS Scale Point(s):
N:696,965.48 E:1,764,507.38 Z:721.42
- (10) Units: US Survey Feet

Notes:

1. This project is not located within a special flood hazard area.
2. Area calculated by coordinate geometry.
3. All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
4. No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
5. Tax PIN: 7669460570 & 7669462663
6. City of Asheboro claims easements on any existing public water and sewer line and appurtenant that has been under the city's maintenance authority.
7. The city shall not issue to or collect from residents individual garbage or recyclable solid waste containers.
8. Front setback as 5' from each lot's property line that is closest to the proposed public r/w. Proposed Building Setbacks for Lots:
Front Setback: 5'
Side Setback: 0'
Rear Setback: 0'

STATE OF NORTH CAROLINA

I, _____ Review Officer of Randolph County, certify that the
map or plat to which this certification is affixed meets all statutory requirements
for recording.

Date _____ Review Officer _____

I hereby certify that the street, utility, and other required improvements
have been installed or provisions have been made for installation in an
acceptable manner and according to City specifications and standards in the
subdivision.

_____(Date) _____ City Engineer

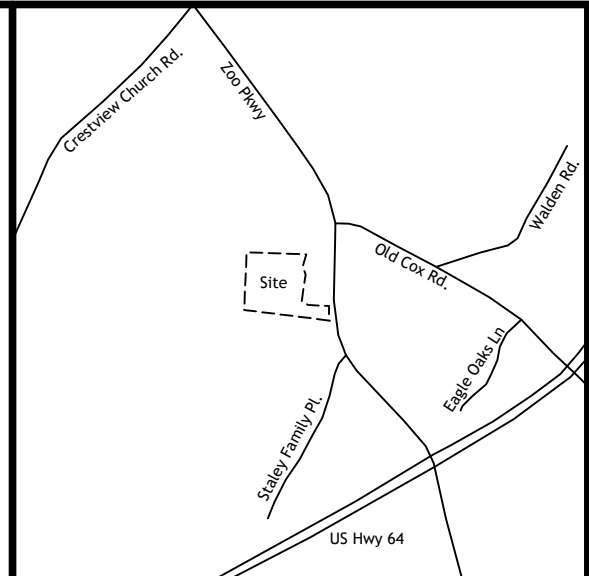
I (We) hereby certify that I am (we are) the owner(s) of the property shown and
described herein and that I (we) hereby adopt this plan of subdivision and dedicate
any right-of-way or easements as shown on the plat with my (our) free consent.

Date _____

_____(Owner) _____(Owner)

Date _____

_____(Owner) _____(Owner)



Location Map
(Not to Scale)

Pin	Owner	Deed/Page
1	7669463259 Peggy T. Myers & Timothy V. Myers	2391/548
2	7669463300 Clay C. Flackerty & Hilarie Flackerty	2777/2085
3	7669462370 Betty K. Shackelford	2072/906
4	7669461382 Pearl Elizabeth Albright	2730/609
5	7669461355 Peggy M. Bowman	2316/1098
6	7669461318 Mary Phillips Cox	2506/845
7	7669460475 Jong Kun Woo	2033/679
8	7669460439 Denise M. Summerell	2327/457
9	7669460513 Elizabeth S. Buchanan	2181/285
10	7669460507 Troy D. Danner & Deanna Lynn Danner	2569/164
11	7669369540 Ella Corrine Sheen	2539/326
12	7669368498 Billie Gaynell Dunning	2456/968
13	7669368457 Janet S. Young & Richard A. Young	2774/1952
14	7669368424 Fayetteville RE, LLC	2692/42
15	7669367599 Anthony Z. Dickow	2500/274
16	7669368631 Eugenia M. Thomas	1948/1359
17	7669368673 Martha C. Kinney & Amy R. Kinney	1943/1361
18	7669369637 Margaret Davis	2496/451
19	7669369669 Darwin Thomas Smith	2780/980
20	7669460701 Barbara L. Lassiter	2099/762
21	7669460699 Tammy R. Swaim & Randall S. Swaim	2602/1011
22	7669461615 Gina F. Webster & Carla F. McBee	2268/430
23	7669461642 Clifford R. Richardson	2637/676
24	7669463452 Peggy Hill Moore	2513/582
26	7669463413 Michael Bryant Patram	1858/3715
27	7669462483 Roger G. Sweeney	2640/1375
28	7669462454 Frances Winslow	1797/1656
29	7669463553 Rebecca L. Yow	2460/423
30	7669463524 Laverne B. Yarborough	2419/1012
31	7669462595 Tina Baker Everhart	2649/178
32	7669462566 Kendria L. Eckard	2125/1431
33	7669463676 Peggy Hancock	2180/1104
34	7669463648 Grace Dew Phillips	2710/1293
35	7669463609 Rodrigo A. Velez & Elizabeth Zapata	2662/851
36	7669462770 Kasey Lynn Cain	21E/743

Owners:
Triangle Park Associates
235 E Presnell St
Asheboro, NC 27203

Owners:
Parkway South
Homeowner's Association
3140 Zoo Pkwy
Asheboro, NC 27205

Right of Way Dedication For:

Triangle Park Associates

City of Asheboro Randolph County
Grant Township February 3, 2022
North Carolina
Deed Book:1639 Pg:175
Plat Book:57 Pg:60
Scale: 1" = 40 US Survey Feet

Bar Scale:
0' 40' 80' 120'

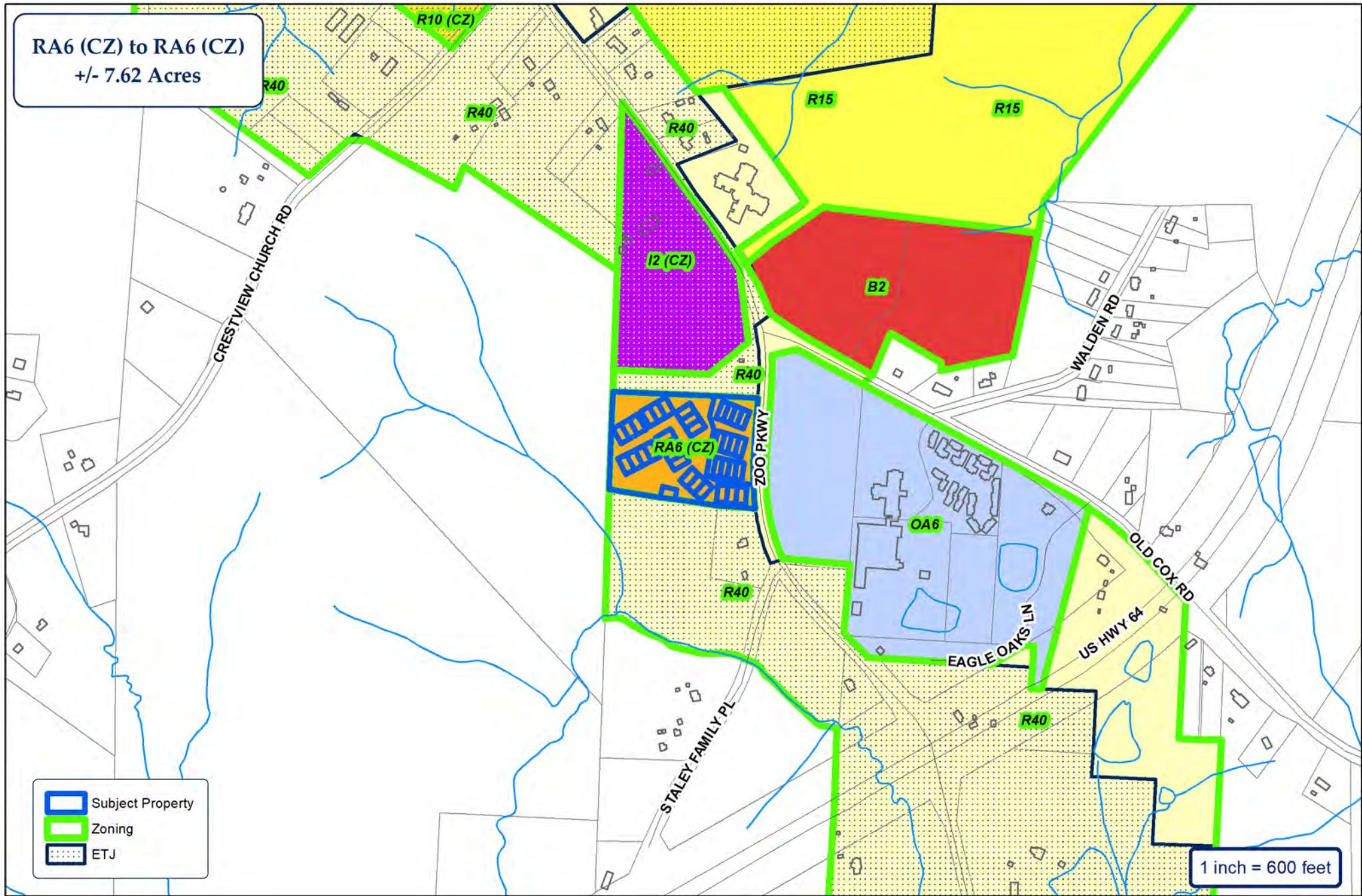
SURVEY CAROLINA, PLLC

154 S. Fayetteville St, Suite B, Asheboro, NC 27203

Phone Number: 336 625-8000

Email: mail

RA6 (CZ) to RA6 (CZ)
+/- 7.62 Acres



Subject Property
Zoning
ETJ

1 inch = 600 feet

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-22-06

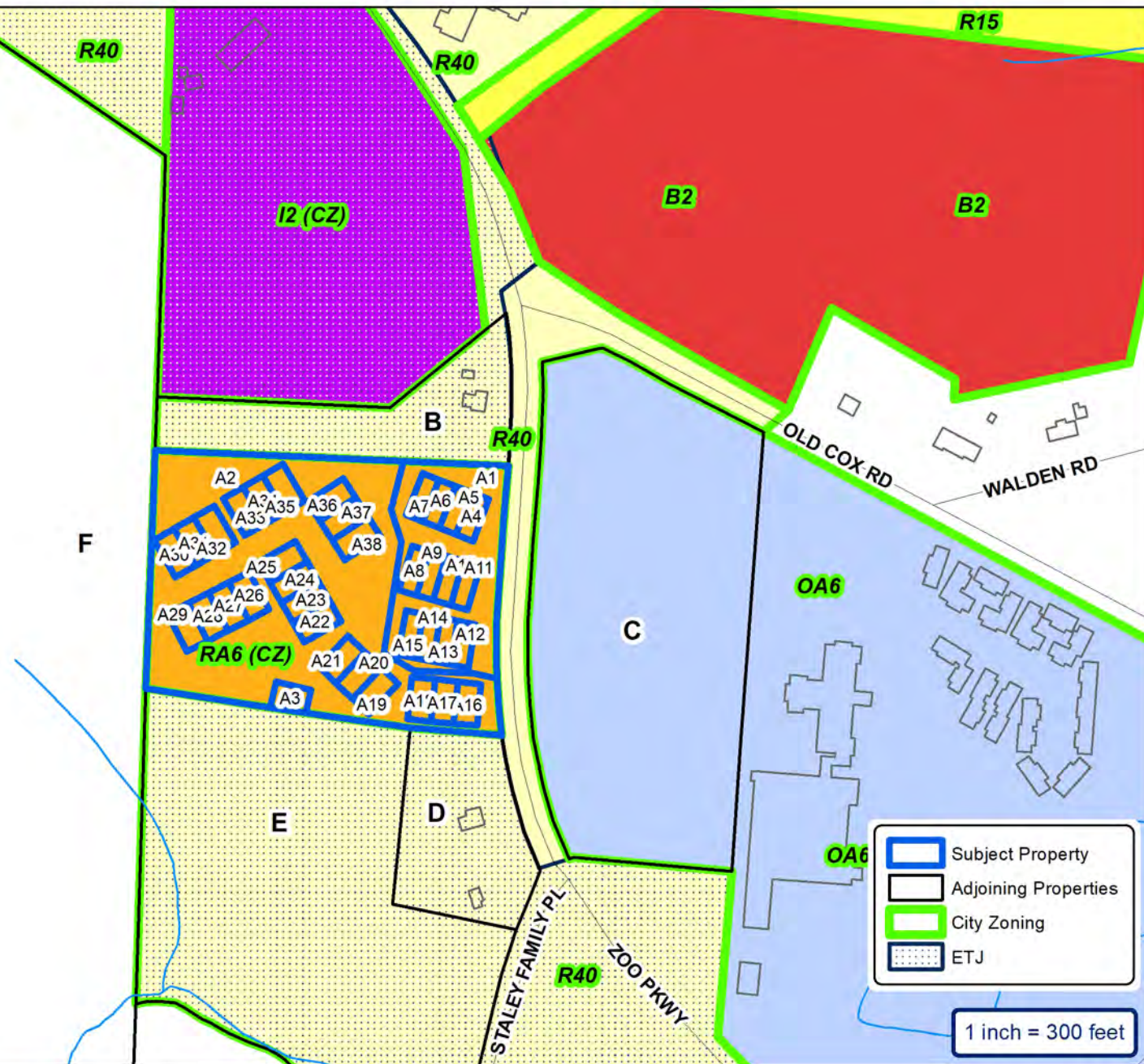
Parcels: 7669367599, 7669368424, 7669368457, 7669368498, 7669368631, 7669368673, 7669369540, 7669369637, 7669369669, 7669460397, 7669460439, 7669460475, 7669460507, 7669460513, 7669460570, 7669460699, 7669460701, 7669461318, 7669461355, 7669461382, 7669461615, 7669461642, 7669462370, 7669462454, 7669462483, 7669462566, 7669462595, 7669462663, 7669462770, 7669463259, 7669463300, 7669463413, 7669463452, 7669463524, 7669463553, 7669463609, 7669463648, 7669463676,



RA6 (CZ) to RA6 (CZ)

+/- 7.62 Acres

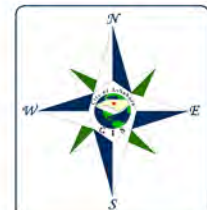
Map_ID	Owner
A1	TRIANGLE PARK ASSOCIATES
A2	TRIANGLE PARK ASSOCIATES
A3	CITY OF ASHEBORO
A4	HANCOCK, PEGGY
A5	PHILIPS, GRACE DEW (MOFFITT, WALKER B)
A6	VELEZ, RODRIGO ADARVE (ZAPATA, ELIZABETH)
A7	CAIN, KASEY LYNN
A8	ECKARD, KENDRIA L
A9	EVERHART, TINA BAKER
A10	YARBOROUGH, LAVERNE B
A11	YOW, REBECCA L
A12	MOORE, PEGGY HILL
A13	PATRAM, MICHAEL BRYANT
A14	SWEENEY, ROGER G
A15	WINSLOW, FRANCES
A16	MYERS, PEGGY T (MYERS, TIMOTHY V)
A17	FISACKERLY, CLAY C (FISACKERLY, HILARIE)
A18	SHACKELFORD, BETTY K
A19	ALBRIGHT, PEARL ELIZABETH
A20	BOWMAN, PEGGY M
A21	COX, MARY PHILLIPS
A22	WOO, JONG KUN
A23	SUMMERELL, DENISE M
A24	BUCHANAN, ELIZABETH S
A25	DANNER, TROY D (DANNER, DEANNA LYNN)
A26	SHEEN, ELLA CORRINE
A27	DUNNING, BILLIE GAYNELL
A28	YOUNG, JANET S (YOUNG, RICHARD A)
A29	FAYETTEVILLE RE LLC
A30	DICKOW, ANTHONY Z
A31	THOMAS, EUGENIA M
A32	KIMREY, MARTHA C (KIMREY, AMY RENEE)
A33	DAVIS, MARGARET
A34	SHELTON, EDGAR DEAN
A35	LASSITER, BARBARA L
A36	SWAIM, TAMMIE ROGER (SWAIM, RANDALL SCOTT)
A37	DAVIS, ROSE O LIFE ESTATE
A38	RICHARDSON, CLIFFORD D (RICHARDSON, ALMA R)
B	SPENCER, RICKY EUGENE (SPENCER, CLARISSA)
C	CROSS ROAD REST & RETIREMENT CTR
D	JOYCE, TONY LEE (JOYCE, KIMBERLY WIRT)
E	JOHNSON, SANDRA LUCILLE E (WILBURN, SUSAN LY)
F	BRASWELL, MARK T



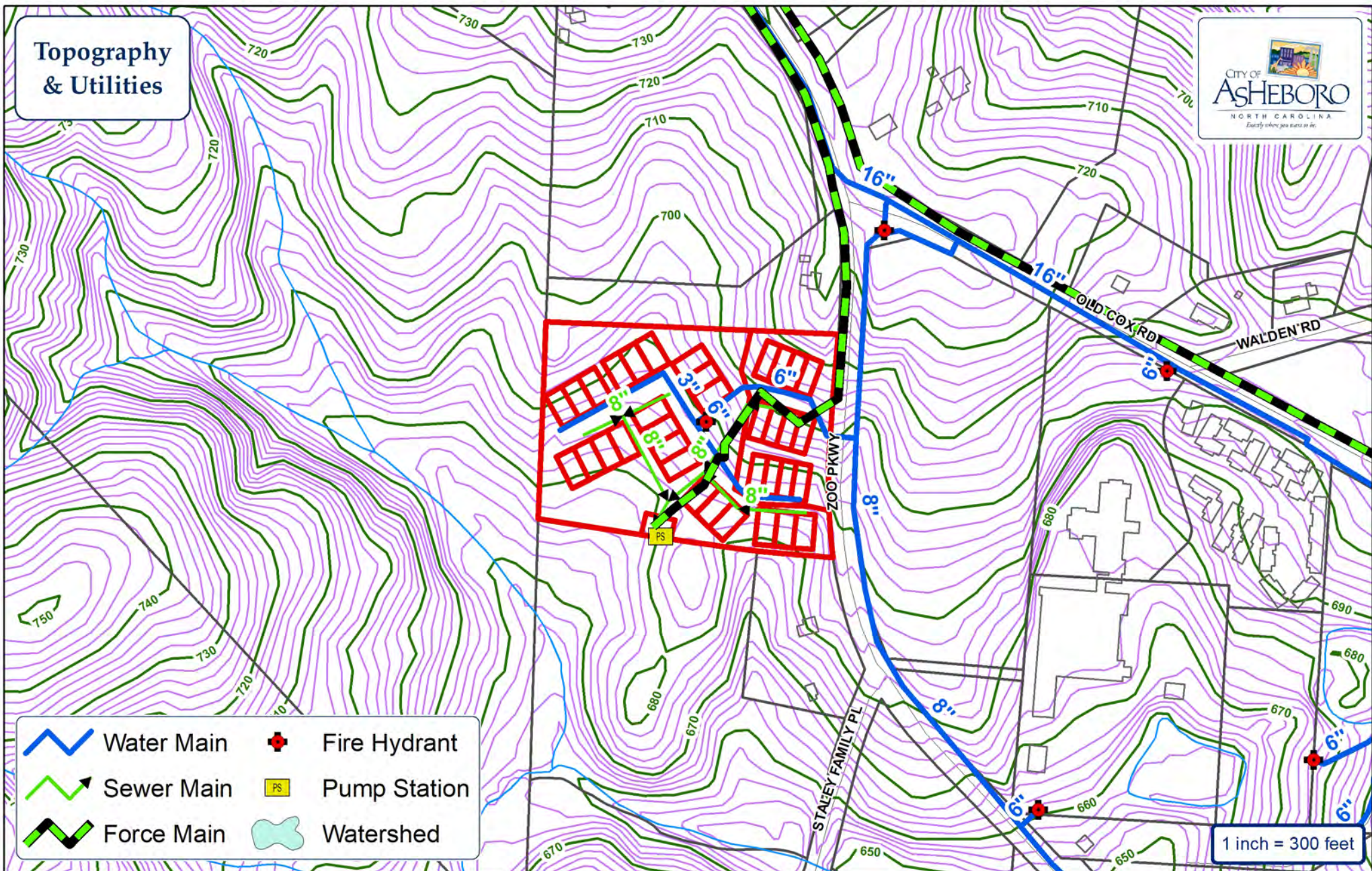
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-22-06

Parcels: 7669367599, 7669368424, 7669368457, 7669368498, 7669368631, 7669368673, 7669369540, 7669369637, 7669369669, 7669460397, 7669460439, 7669460475, 7669460507, 7669460513, 7669460570, 7669460699, 7669460701, 7669461318, 7669461355, 7669461382, 7669461615, 7669461642, 7669462370, 7669462454, 7669462483, 7669462566, 7669462595, 7669462663, 7669462770, 7669463259, 7669463300, 7669463413, 7669463452, 7669463524, 7669463553, 7669463609, 7669463648, 7669463676,



Topography & Utilities

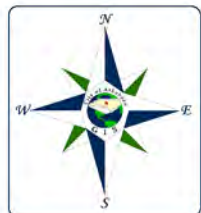


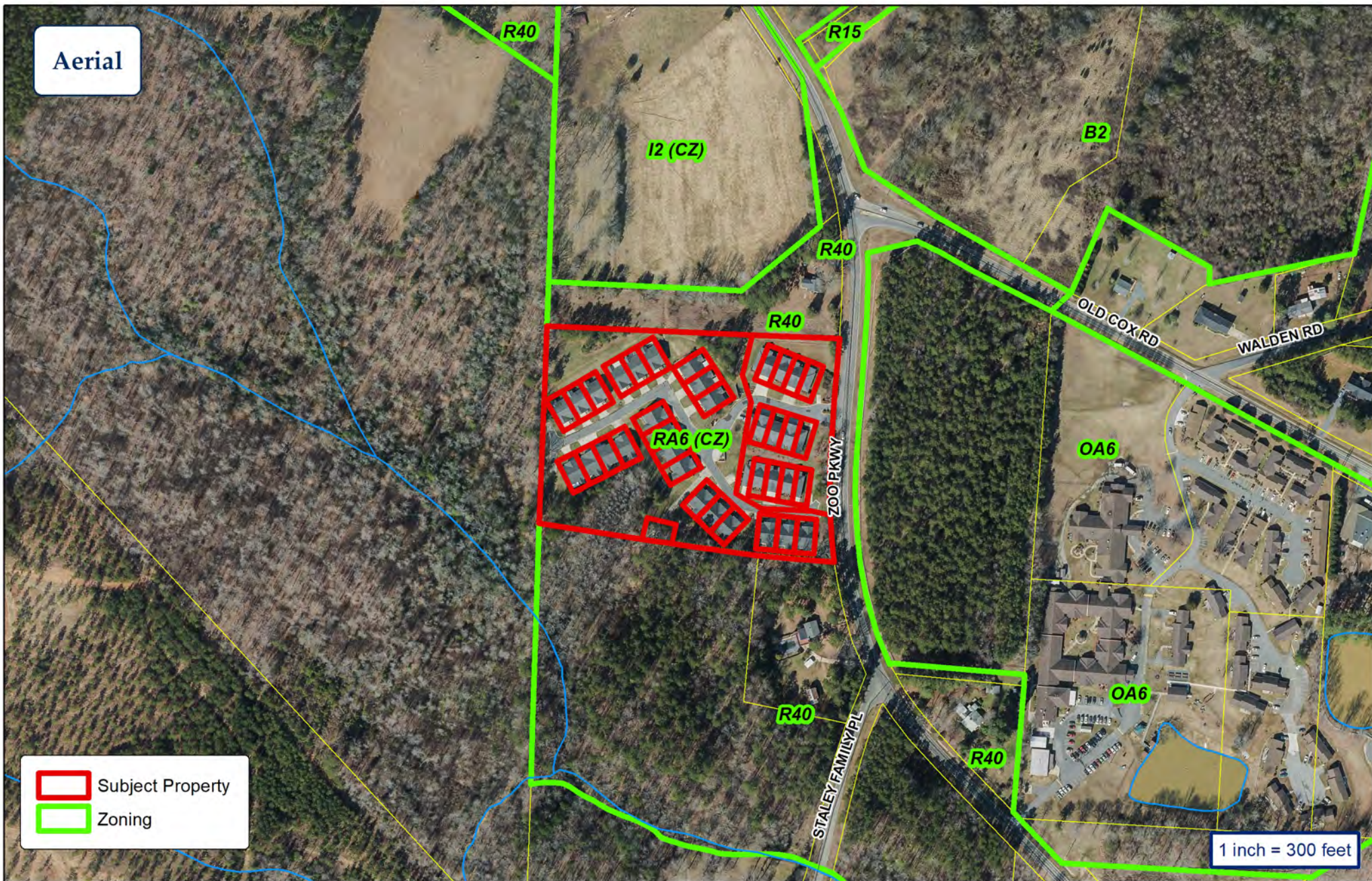
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-22-06

 Subject Property

Parcels: 7669367599, 7669368424, 7669368457, 7669368498, 7669368631, 7669368673, 7669369540, 7669369637, 7669369669, 7669460397, 7669460439, 7669460475, 7669460507, 7669460513, 7669460570, 7669460699, 7669460701, 7669461318, 7669461355, 7669461382, 7669461615, 7669461642, 7669462370, 7669462454, 7669462483, 7669462566, 7669462595, 7669462663, 7669462770, 7669463259, 7669463300, 7669463413, 7669463452, 7669463524, 7669463553, 7669463609, 7669463648, 7669463676





City of Asheboro Planning & Zoning Department
Rezoning Case: RZ-22-06



Parcels: 7669367599, 7669368424, 7669368457, 7669368498, 7669368631, 7669368673, 7669369540, 7669369637, 7669369669, 7669460397, 7669460439, 7669460475, 7669460507, 7669460513, 7669460570, 7669460699, 7669460701, 7669461318, 7669461355, 7669461382, 7669461615, 7669461642, 7669462370, 7669462454, 7669462483, 7669462566, 7669462595, 7669462663, 7669462770, 7669463259, 7669463300, 7669463413, 7669463452, 7669463524, 7669463553, 7669463609, 7669463648, 7669463676



limitation, the North Carolina Department of Transportation and the North Carolina Department of Environmental Quality.

APPLICANT INFORMATION

Applicant Parkway South HOA Applicant's Phone # 336-302-1343

Applicant's Address 3140 Zoo Parkway Box 404
Asheboro, NC 27205

Applicant email address summeridenise@gmail.com

PROPERTY INFORMATION

Property Owner's Name Parkway South HOA / Triangle Park Associates

Location of Property 3140 Zoo Parkway 27205 Property Size (ac. or s.f.) 8,003 acres +/-

Randolph County Property Identification Number (PIN#) 7669462663 7669460570

Current Zoning District RA6 (CZ) Requested Zoning District RA6 (CZ)

Date Property Title Acquired 11/17/2004 Deed Book RE 1895 Page 1871

Subdivision Parkway South Section _____ Lot # _____

Plat Book VOB1 Page 83/84

(See attached for all parcels)

DMX 5-12-22

CONDITIONAL ZONING DISTRICT INFORMATION (Attach additional sheets if necessary)

1. Application is hereby made to the City of Asheboro for a Conditional Zoning District for the following purpose:

Dedication of Parkway South's Private Streets
to the City of Asheboro for Public Street
maintenance

2. In what manner will the proposed amendment carry out the intent of the Land Development Plan?

Help to ensure public safety through city maintenance

For questions (3) and (4), if either of these questions apply, please state a reason. If you believe these do not apply, please check "does not apply".

3. Are there alleged errors in this Ordinance that would be corrected by the proposed amendment? If so, give a detailed explanation of such error and detailed reasons how the proposed amendment will correct the errors.

Does not apply ☒

4. What are the changed or changing conditions, if any, in the jurisdiction of the City of Asheboro generally, which would make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare?

Does not apply ☒

5. Are there any other circumstances, factors, or reasons that the applicant offers in support of the proposed amendment?

As Residents and Taxpayers of the City of Asheboro Parkway South would like to turn over the currently private streets. The streets meet the criteria for this. There are no plans to implement any gates or other barriers that would prevent public access to these streets. As a practical matter public access already exists.

APPLICATION SIGNATURES

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for a Conditional Zoning District rests with the applicant.

No application for a Conditional Zoning District will be advertised for public hearing until the Planning and Zoning Department has received all required materials. If all required materials are not received prior to the specified deadlines, hearings for the case may be delayed.

Per Section 4.05 of the zoning ordinance, it is intended that property will be reclassified to a Conditional Zoning District only in the event of firm plans to develop the property. Accordingly, subject to any specific durational limits imposed by the ordinance applying conditional zoning to the Zoning Lot, if no action has been taken to obtain a Zoning Compliance Permit in conformance with the conditional zoning ordinance within 36 months of the City Council's approval of conditional zoning for the Zoning Lot, the Community Development Director or his or her designee shall initiate appropriate action to rezone the Zoning Lot to a general zoning classification that is consistent with the adopted comprehensive plan.

Applicant Signature

Denise Summerell

Printed Name of Authorized Signatory (if different from Applicant)

Denise Summerell

Position/Relationship of Authorized Signatory to Applicant

Treasurer: Parkway South HOA

Owner Signature (if different than Applicant)

Charles Smith

Owner Address

PO Box 3008
Asheboro NC 27204

Telephone Number

336-302-2717

Printed Name of Authorized Signatory (if different from Owner)

Charles Smith

Position/Relationship of Authorized Signatory to Owner

STAFF USE

Received by: JLE Date: 5-3-22 Case Number: RZ-22-06

The application to amend the zoning of Parkway South Townhomes from its existing RA6 (CZ) High-Density Conditional Zoning classification to a new RA6 (CZ) High-Density Conditional Zoning classification includes the following addresses and Randolph County Parcel Identification Numbers:

PIN	LOCATION ADDRESS
7669367599	3140-503 ZOO PKWY
7669368424	3140-604 ZOO PKWY
7669368457	3140-603 ZOO PKWY
7669368498	3140-602 ZOO PKWY
7669368631	3140-502 ZOO PKWY
7669368673	3140-501 ZOO PKWY
7669369540	3140-601 ZOO PKWY
7669369637	3140-403 ZOO PKWY
7669369669	3140-402 ZOO PKWY
7669460397	No Physical Address
7669460439	3140-703 ZOO PKWY
7669460475	3140-704 ZOO PKWY
7669460507	3140-701 ZOO PKWY
7669460513	3140-702 ZOO PKWY
7669460570	No Physical Address
7669460699	3140-303 ZOO PKWY
7669460701	3140-401 ZOO PKWY
7669461318	3140-801 ZOO PKWY
7669461355	3140-802 ZOO PKWY
7669461382	3140-803 ZOO PKWY
7669461615	3140-302 ZOO PKWY
7669461642	3140-301 ZOO PKWY
7669462370	3140-1001 ZOO PKWY
7669462454	3140-901 ZOO PKWY
7669462483	3140-902 ZOO PKWY
7669462566	3140-104 ZOO PKWY
7669462595	3140-103 ZOO PKWY
7669462663	No Physical Address
7669462770	3140-204 ZOO PKWY
7669463259	3140-1003 ZOO PKWY
7669463300	3140-1002 ZOO PKWY
7669463413	3140-903 ZOO PKWY
7669463452	3140-904 ZOO PKWY
7669463524	3140-102 ZOO PKWY
7669463553	3140-101 ZOO PKWY
7669463609	3140-203 ZOO PKWY
7669463648	3140-202 ZOO PKWY
7669463676	3140-201 ZOO PKWY

DM

5-12-2022

Initial

Date



RZ-22-07: Rezone from R10 Medium-Density Residential to R7.5 (CZ)
Medium-Density Residential Conditional Zoning for a Residential Planned Unit
Development: Zoo Parkway (Zoo Parkway Townhomes)

Planning Board Recommendation and Staff Report

Planning Board Recommendation & Comments to City Council

NOTE: Have applicant Certify to Council mailings to all adjoining property owners.

Case # **RZ-22**
 -07

Date 6/6/2022 PB

Applicant Darren
 Lucas

Legal Description

The property of Crown Park Townhomes, LLC, located on the south side of Zoo Parkway, approximately 225 feet south of Ridge Avenue between 1712 and 1740 Zoo Parkway, more specifically identified by Randolph County Parcel Identification Number 7750943464, and totaling approximately 2.51 acres +/- exclusive of NC 159 R/W.

Requested Action Rezone from R10 Medium-Density Residential to R7.5 (CZ) Medium-Density Conditional Zoning for a Planned Unit Development

Existing Zone R10

Land Development Plan See rezoning staff report.

Planning Board Recommendation

Deny

Staff Note: At the time of the Planning Board meeting, a total of 16 dwelling units were proposed. The proposal has since been changed, reducing the number of proposed dwelling units to 14.

Reason for Recommendation

The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # RZ-22-07

Date 7/14/2022 City Council

General Information

Applicant

Darren Lucas

Address 3010 High Pine Church Road

City Asheboro NC 27203

Phone 336-669-7683

Location West side of Zoo Parkway approximately 225' south of Ridge Ave., between 1712 and 1740 Zoo Parkway

Requested

Action

Rezone from R10 Medium-Density Residential to R7.5 (CZ) Medium-Density Conditional Zoning for a Planned Unit Development

Existing Zone R10

Existing Land Use Undeveloped

Size 2.51 acres +/- (exclusive of NC 159 r/w)

Pin # 7750943464

Applicant's Reasons as stated on application

Townhomes

Surrounding Land Use

North Single-Family Dwelling

East Single-Family

South Single-Family Dwelling

West Undeveloped

Zoning History In 2007, a request involving this PIN and the adjoining property for a conditional use zoning district allowing a multi-family development for 68 units was denied (Case No. RZ-CUP-07-05)

Legal Description

The property of Crown Park Townhomes, LLC, located on the south side of Zoo Parkway, approximately 225 feet south of Ridge Avenue between 1712 and 1740 Zoo Parkway, more specifically identified by Randolph County Parcel Identification Number 7750943464, and totaling approximately 2.51 acres +/- exclusive of NC 159 R/W

Analysis

1. The application indicates that the requested district would accommodate townhomes. Under the zoning ordinance, such a project is viewed as a Residential Planned Unit Development.
2. The property is inside the city limits.
3. Zoo Parkway (NC 159) is a state-maintained major thoroughfare at this location.
4. The Planned Unit Development proposes 14 lots accessed via a private street or driveway. The initial application presented to the Planning Board indicated 16 units, but the number was reduced following the Planning Board meeting. One entrance to the development is proposed from Zoo Parkway.
5. Plans submitted indicate homes would be single-story and between 825-855 square feet each.
6. The site plan shows buffers on the northern, southern and western sides of the property consisting of a combination of existing preserved vegetation and new plantings. Also shown are 35 parking spaces, front yard and internal landscaping, internal sidewalks, a dumpster and recreation space.
7. Both the R10 and R7.5 district permit single and two-family dwellings.
8. The density of the proposed development, which is considered an attached single-family project, is approximately 6 dwellings per acre after deducting land area for the private drive. The proposed R7.5 district permits a maximum of approximately 6 dwellings per acre when no public or private street right-of-way is required.
9. The requested R7.5 district is described as "intended to provide regulations which will produce a moderate intensity of residential uses, usually single family and no more than two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living."
10. The neighborhood residential designation of the property is described by the Land Development Plan's Land Category Description as intended "to accommodate existing medium-density, single family residential neighborhoods, while encouraging new neighborhoods of similar density to provide a greater sense of community."

Rezoning Staff Report

RZ Case # RZ-22-07

Consistency with the 2020 LDP Growth Strategy designations

In reviewing this request, careful consideration is given to each Goal and Policy as outlined in the Land Development Plan. Some Goals and Policies will either support or will not support the request, while others will be neutral or will not apply. Only those Goals and Policies that support or do not support the request will be shown.

Proposed Land Use Map Designation Neighborhood Residential

Small Area Plan Central

Growth Strategy Map Designation Primary Growth

LDP Goals/Policies Which Support Request

Checklist Item 1: Rezoning is compliant with the Proposed Land Use Map.

Checklist Item 3: The property on which the rezoning district is proposed fits the description of the Zoning Ordinance. (*Article 200, Section 210, Schedule of Statements of Intent*)

Checklist Item 5: Complies with Growth Strategy Map.

Checklist Items 12 and 13: 12.) Property is located outside of watershed 13.) The property is located outside of Special Hazard Flood Area.

Rezoning Staff Report

RZ Case # RZ-22-07

LDP Goals/Policies Which Do Not Support Request

Checklist Items 14: Rezoning is located on steep slopes of greater than 20%.

Checklist Item 15: Rezoning is not consistent with Land Category Descriptions

Staff's Final Analysis Concerning Consistency with Adopted Comprehensive Plans, Reasonableness and Public Interest

While the requested conditional zoning district would authorize development exceeding the general density of the surrounding neighborhood, R7.5 zoning is compatible with the Land Development Plan's Neighborhood Residential designation and the plan generally supports a variety of housing options being available to the community. The plan revision reducing the number of homes from 16 to 14 brings the request more in line with density expected to be generated by R7.5 development. Furthermore, the applicant has made additional commitments related to project landscaping and is maintaining, and in the case of open space preservation, exceeding the city's Planned Unit Development standards.

Conditions for the zoning district are proposed on the following page and are considered necessary to ensure code compliance. With the inclusion of those conditions, staff finds the amended proposal to be a reasonable request and approval to be in the public's interest.

Recommendation In light of the above analysis, staff's recommendation is to approve the request subject to the applicant's acceptance of the proposed conditions.

Rezoning Staff Report

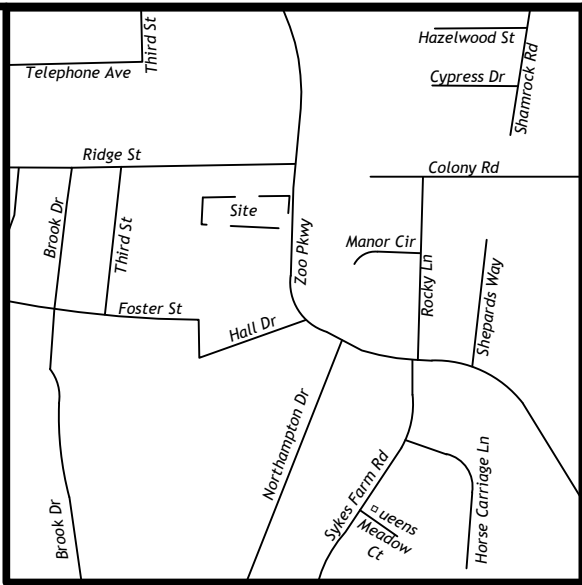
Suggested Conditions for Conditional Zoning applications (subject to change prior to final report)

- (A) The use approved shall be a Residential Planned Unit Development with a total of 14 dwelling units on 14 lots.
- (B) All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.
- (C) Prior to recording a plat for any phase of the development, homeowners' association documents, which contain provisions consistent with this order, shall be recorded in the office of the Randolph County Register of Deeds. Such homeowners' documents shall include, but not be limited to, maintenance responsibilities of the association, a release of City of Asheboro from liability due to utility maintenance on private streets (if applicable), indication that walls between units are party walls, and prohibition of parking recreational vehicles (boats, campers, travel trailers, etc.) outdoors. Final plans shall include provisions for ADA accessible parking.
- (D) Maintenance of all recreation areas, parking lots, any utilities not publicly maintained, roads, and drainage facilities that are not specifically labeled on the approved site plan as publicly owned and maintained shall be the responsibility of the property owner and any successors in interest.
- (E) The plat to be recorded shall reflect that the front property line is at the public right-of-way line of NC Highway 159/Zoo Parkway.
- (F) Prior to the issuance of a zoning compliance permit, plans concerning water, including provisions for fire hydrants, and sanitary sewage that complies with city policies, shall be submitted. Surveying of any required city easements shall be the responsibility of the property owner.
- (G) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the applicant shall submit documentation detailing the following approvals:
 - (i) Driveway permit from NCDOT
 - (ii) Erosion control approval from NC Department of Environmental Quality
- (H) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute, and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this Conditional Zoning in the chain of title for the Zoning Lot.

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N 00° 07'17" E	27.50	L30	N 89° 52'43" W	18.23	L59	S 89° 52'43" E	18.23
L2	N 45° 07'17" E	14.14	L31	N 89° 52'43" W	18.23	L60	S 71° 06'31" E	12.43
L3	S 89° 52'43" E	20.00	L32	N 71° 06'31" W	12.43	L61	S 00° 07'17" W	22.50
L4	S 89° 52'43" E	20.00	L33	N 00° 07'17" E	41.50	L62	S 45° 07'17" W	14.14
L5	S 44° 52'43" E	14.14	L34	N 00° 07'17" E	27.50	L63	N 89° 52'43" W	20.00
L6	S 00° 07'17" W	27.50	L35	N 45° 07'17" E	14.14	L64	N 89° 52'43" W	20.00
L7	S 71° 21'04" W	12.43	L36	S 89° 52'43" E	20.00	L65	N 44° 52'43" W	14.14
L8	N 89° 52'43" W	18.23	L37	S 89° 52'43" E	20.00	L66	N 00° 07'17" E	41.50
L9	N 89° 52'43" W	18.23	L38	S 44° 52'43" E	14.14	L67	N 00° 07'17" E	27.50
L10	N 71° 06'31" W	12.43	L39	S 00° 07'17" W	27.50	L68	N 71° 21'04" E	12.43
L11	N 00° 07'17" E	41.50	L40	S 71° 21'04" W	12.43	L69	S 89° 52'43" E	18.23
L12	N 00° 07'17" E	27.50	L41	N 89° 52'43" W	18.23	L70	S 89° 52'43" E	18.23
L13	N 45° 07'17" E	14.14	L42	N 89° 52'43" W	18.23	L71	S 71° 06'31" E	12.43
L14	S 89° 52'43" E	20.00	L43	N 71° 06'31" W	12.43	L72	S 00° 07'17" W	27.50
L15	S 89° 52'43" E	20.00	L44	N 00° 07'17" E	41.50	L73	S 45° 07'17" W	14.14
L16	S 44° 52'43" E	14.14	L45	N 00° 07'17" E	27.50	L74	N 89° 52'43" W	20.00
L17	S 00° 07'17" W	27.50	L46	N 71° 21'04" E	12.43	L75	N 89° 52'43" W	20.00
L18	S 71° 21'04" W	12.43	L47	S 89° 52'43" E	18.23	L76	N 44° 52'43" W	14.14
L19	N 89° 52'43" W	18.23	L48	S 89° 52'43" E	18.23	L77	N 00° 07'17" E	41.50
L20	N 89° 52'43" W	18.23	L49	S 71° 06'31" E	12.43			
L21	N 71° 06'31" W	12.43	L50	S 00° 07'17" W	27.50			
L22	N 00° 07'17" E	41.50	L51	S 45° 07'17" W	14.14			
L23	N 00° 07'17" E	27.50	L52	N 89° 52'43" W	20.00			
L24	N 45° 07'17" E	14.14	L53	N 89° 52'43" W	20.00			
L25	S 89° 52'43" E	20.00	L54	N 44° 52'43" W	14.14			
L26	S 89° 52'43" E	20.00	L55	N 00° 07'17" E	41.50			
L27	S 44° 52'43" E	14.14	L56	N 00° 07'17" E	27.50			
L28	S 00° 07'17" W	27.50	L57	N 71° 21'04" E	12.43			
L29	S 71° 21'04" W	12.43	L58	S 89° 52'43" E	18.23			

Area	Area
1	1,171 Sq. Ft.
2	1,171 Sq. Ft.
3	1,171 Sq. Ft.
4	1,171 Sq. Ft.
5	1,171 Sq. Ft.
6	1,171 Sq. Ft.
7	1,171 Sq. Ft.
8	1,171 Sq. Ft.
9	1,171 Sq. Ft.
10	1,171 Sq. Ft.
11	1,171 Sq. Ft.
12	1,171 Sq. Ft.
13	1,171 Sq. Ft.
14	1,171 Sq. Ft.

Area	
16- 1 Story Units @ 825 Sq. Ft & Porches:	11,550 Sq. Ft
Total Lots:	14
Average Lot Size:	1,171 Sq. Ft.
Zoning:	R10
OPEN SPACE CALCULATION	
Concrete/Pavement:	21,995 Sq. Ft.
Buildings:	15,056 Sq. Ft.
Total Built Upon:	37,051 Sq. Ft.
Total Area in Tract:	109,379 Sq. Ft.
Open Space:	71,382 Sq. Ft. / 65%
Recreation Area	
Required :	2355 Sq. Ft. / 3.3%
Shown :	3,700 Sq. Ft.



Location Map
(Not to Scale)

STATE OF NORTH CAROLINA

I, _____ Review Officer of Randolph County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date _____ Review Officer _____

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent.

Date _____ Owner _____

I hereby certify that the street, utility, and other required improvements have been installed or provisions have been made for installation in an acceptable manner and according to City specifications and standards in the _____ subdivision.

_____(Date) _____ City Engineer

This subdivision plat has been found to comply with the provisions of the Subdivision Ordinance of the City of Asheboro, provided that it is recorded in the Office of the Register of Deeds within sixty (60) days of the final approval of the Community Development Director.

_____(Date) _____ Community Development Director

Owners:
Crowne Park Townhomes, LLC
3010 High Pine Church Road
Asheboro, NC 27205

Survey For:
Crowne Park Townhomes

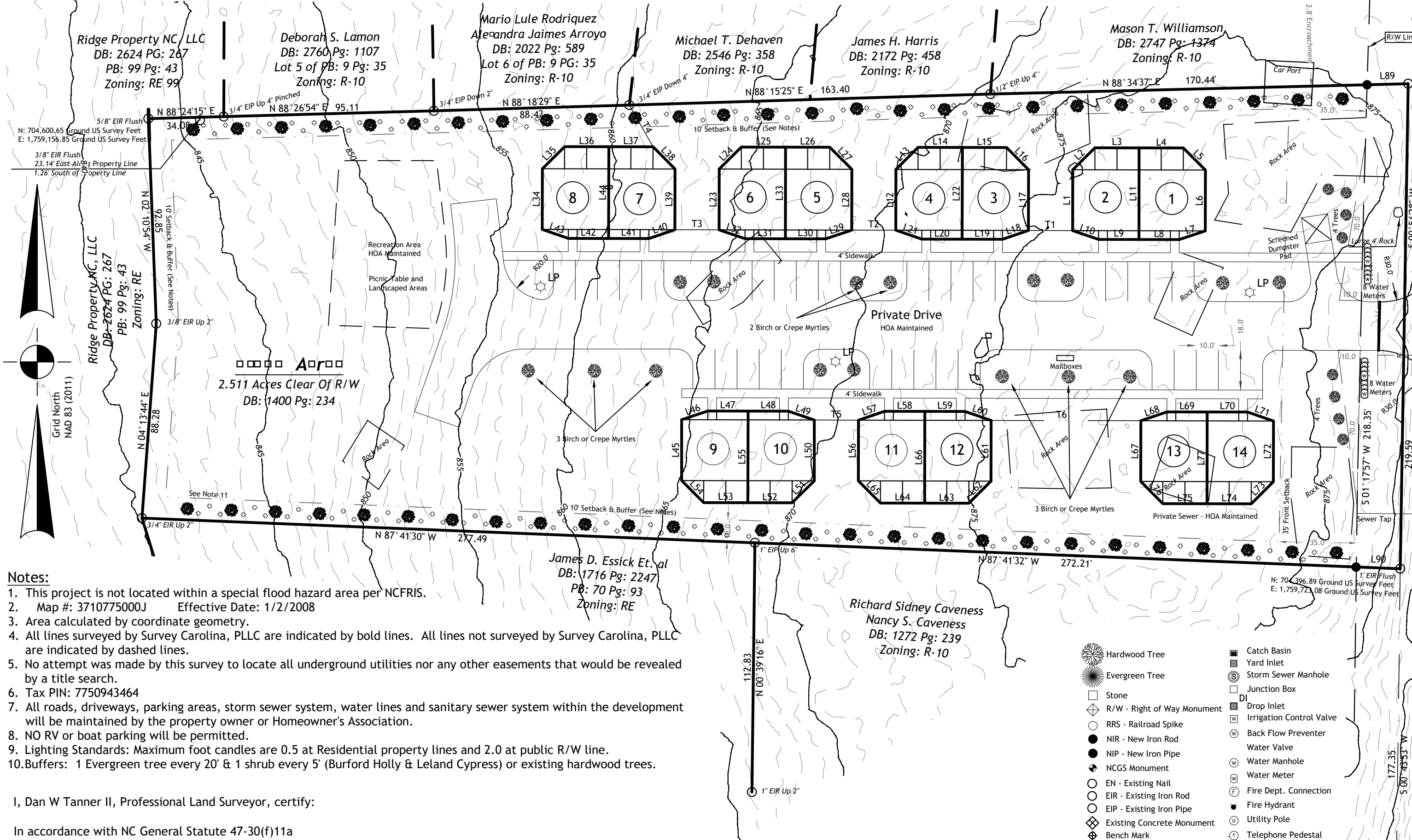
City of Asheboro
Asheboro Township
North Carolina
Deed Book:2804 Pg:1593
Scale: 1" = 40 US Survey Feet

Bar Scale:
0' 40' 80' 120'

SURVEY CAROLINA, PLLC
154 S. Fayetteville St, Suite B, Asheboro, NC 27203
Phone Number: 336 625-8000
Email: mail@surveycarolina.com

Firm #: P-1110
Dan W Tanner II L-4787
© 2022 Survey Carolina, Plc

Job #: 13914



- Notes:
- This project is not located within a special flood hazard area per NCFRIS.
 - Map #: 3710775000J Effective Date: 1/2/2008
 - Area calculated by coordinate geometry.
 - All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
 - No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
 - Tax PIN: 7750943464
 - All roads, driveways, parking areas, storm sewer system, water lines and sanitary sewer system within the development will be maintained by the property owner or Homeowner's Association.
 - NO RV or boat parking will be permitted.
 - Lighting Standards: Maximum foot candles are 0.5 at Residential property lines and 2.0 at public R/W line.
 - Buffers: 1 Evergreen tree every 20' & 1 shrub every 5' (Burford Holly & Leland Cypress) or existing hardwood trees.

I, Dan W Tanner II, Professional Land Surveyor, certify:

In accordance with NC General Statute 47-30(f)11a
That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

I, Dan W Tanner II, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in:

Book 2777 , page 1910 ;

that the boundaries not surveyed are clearly indicated as drawn from information found in Book See , page Notes ; that the ratio of precision or positional accuracy as calculated is 1:10000+, that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this the 11th day of May, A.D., 2022.

PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES

Professional Land Surveyor

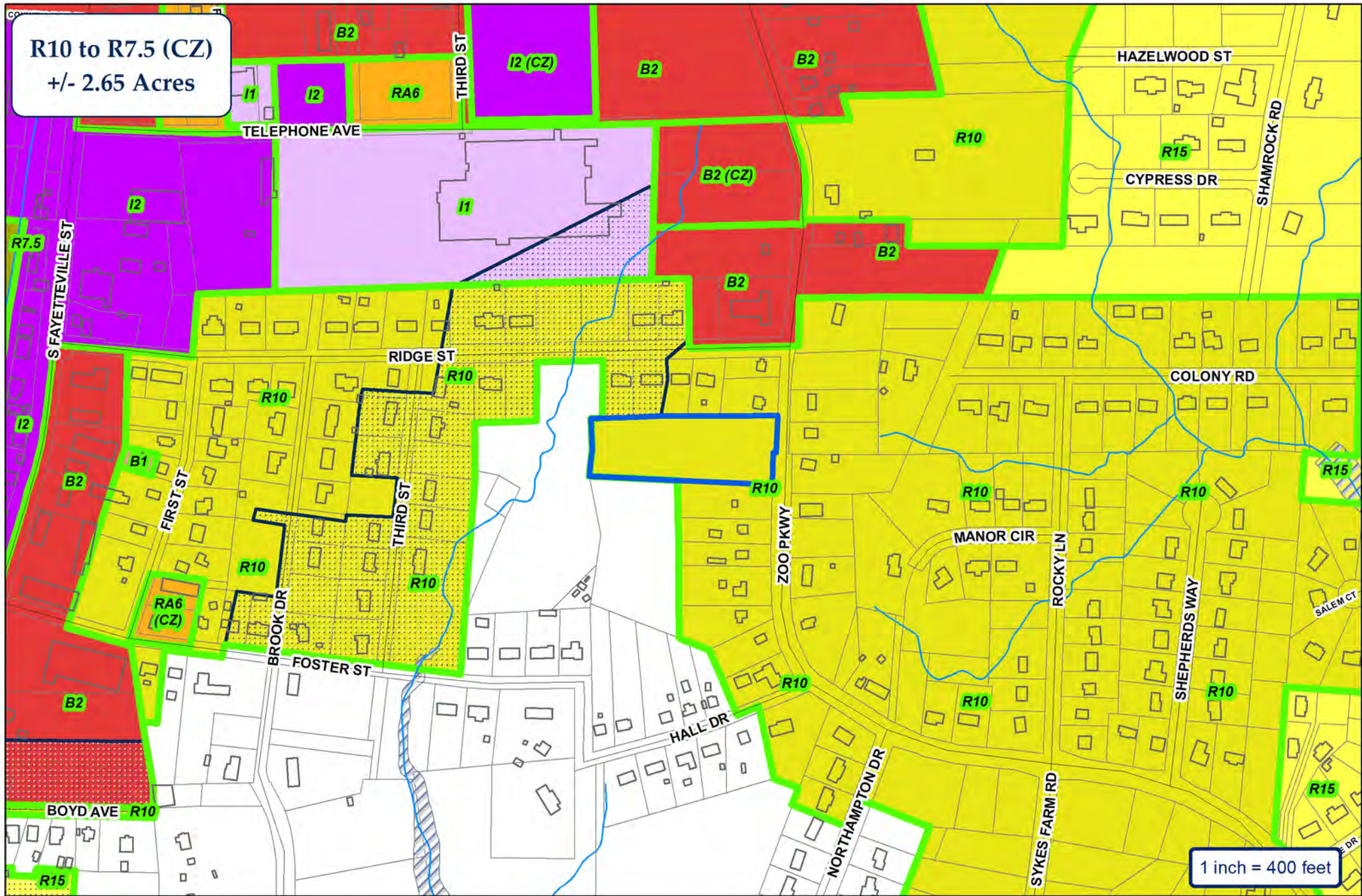
L-4787



I, Dan W Tanner II, certify that this map was drawn under my supervision from an actual GPS/ GNSS survey made under my supervision and the following information was used to perform the survey:

- (1) Class of survey: Class A
- (2) Positional accuracy: <0.10'
- (3) Type of GNSS field procedure: Real-Time Kinematic Networks
- (4) Dates of survey: April 04, 2022
- (5) Datum/Epoch: NAD83(2011) / 2010.00
- (6) Published/Fixed-control use: North Carolina Real Time Network
- (7) Geoid model: Geoid 12A
- (8) Combined grid factor(s): 0.99986822
- (9) GPS/GNSS Scale Point:
N:704,493.48 E:1,759,731.98 Z:861.01
- (10) Units: US Survey Feet

R10 to R7.5 (CZ)
+/- 2.65 Acres



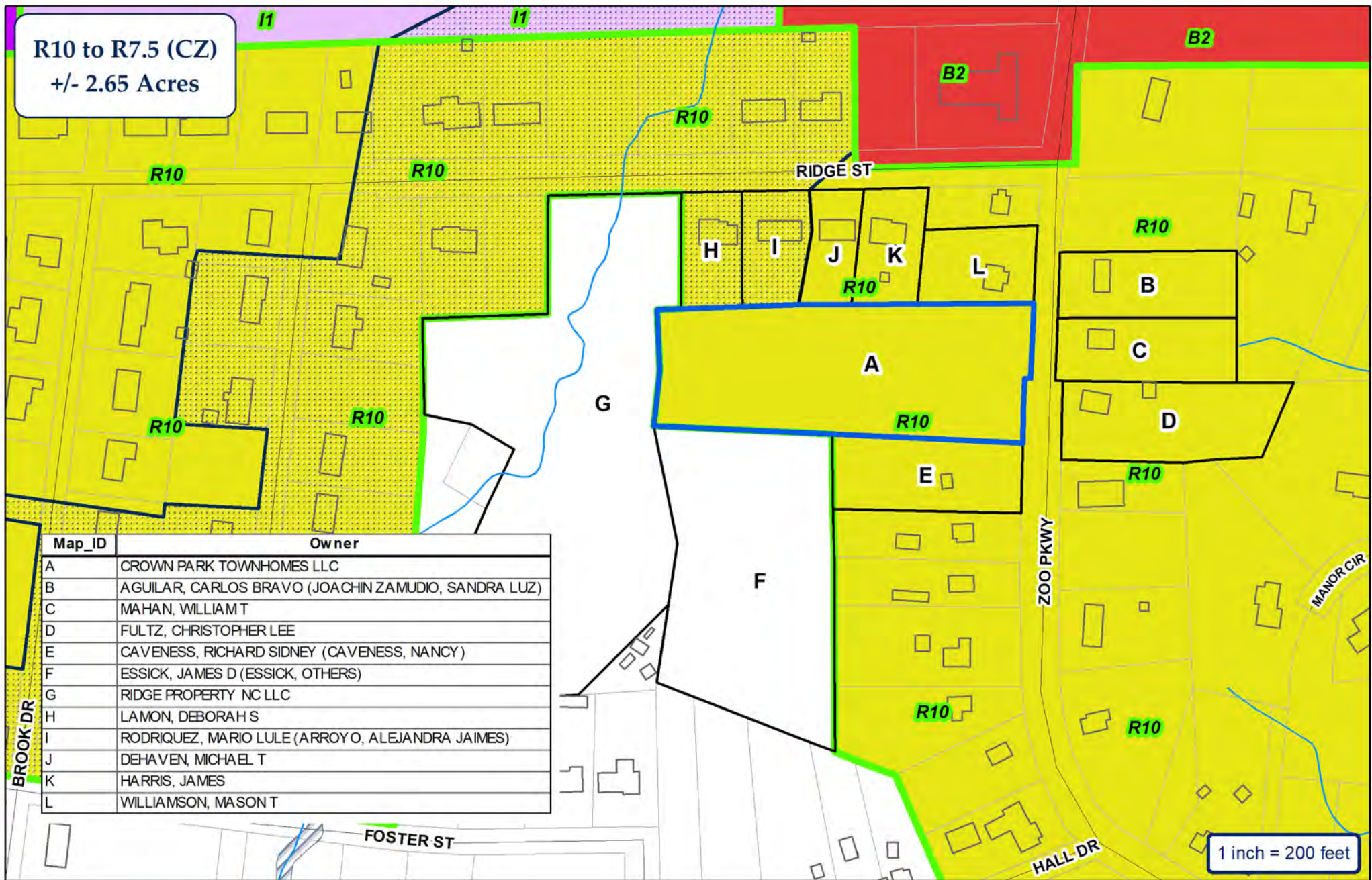
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-22-07

Parcel: 7750943464



R10 to R7.5 (CZ)
+/- 2.65 Acres



Map_ID	Owner
A	CROWN PARK TOWNHOMES LLC
B	AGUILAR, CARLOS BRAVO (JOACHIN ZAMUDIO, SANDRA LUZ)
C	MAHAN, WILLIAM T
D	FULTZ, CHRISTOPHER LEE
E	CAVENESS, RICHARD SIDNEY (CAVENESS, NANCY)
F	ESSICK, JAMES D (ESSICK, OTHERS)
G	RIDGE PROPERTY NC LLC
H	LAMON, DEBORAH S
I	RODRIGUEZ, MARIO LULE (ARROYO, ALEJANDRA JAIMES)
J	DEHAVEN, MICHAEL T
K	HARRIS, JAMES
L	WILLIAMSON, MASON T

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-22-07

Parcel: 7750943464

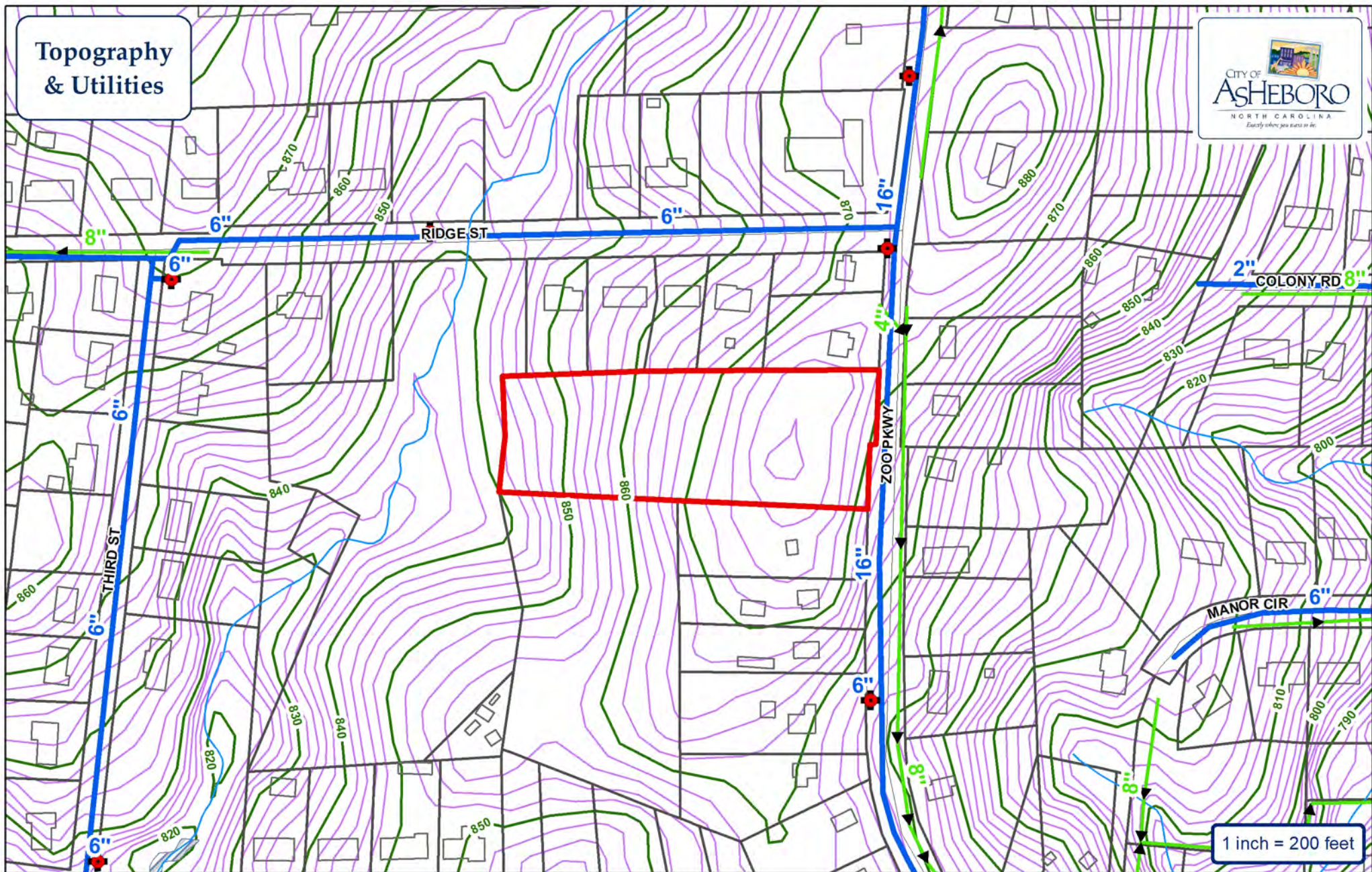


ETJ

- Subject Property
- Adjoining Properties
- City Zoning



Topography & Utilities



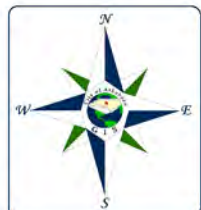
- | | | | |
|--|------------|--|--------------|
| | Water Main | | Fire Hydrant |
| | Sewer Main | | Pump Station |
| | Force Main | | Watershed |

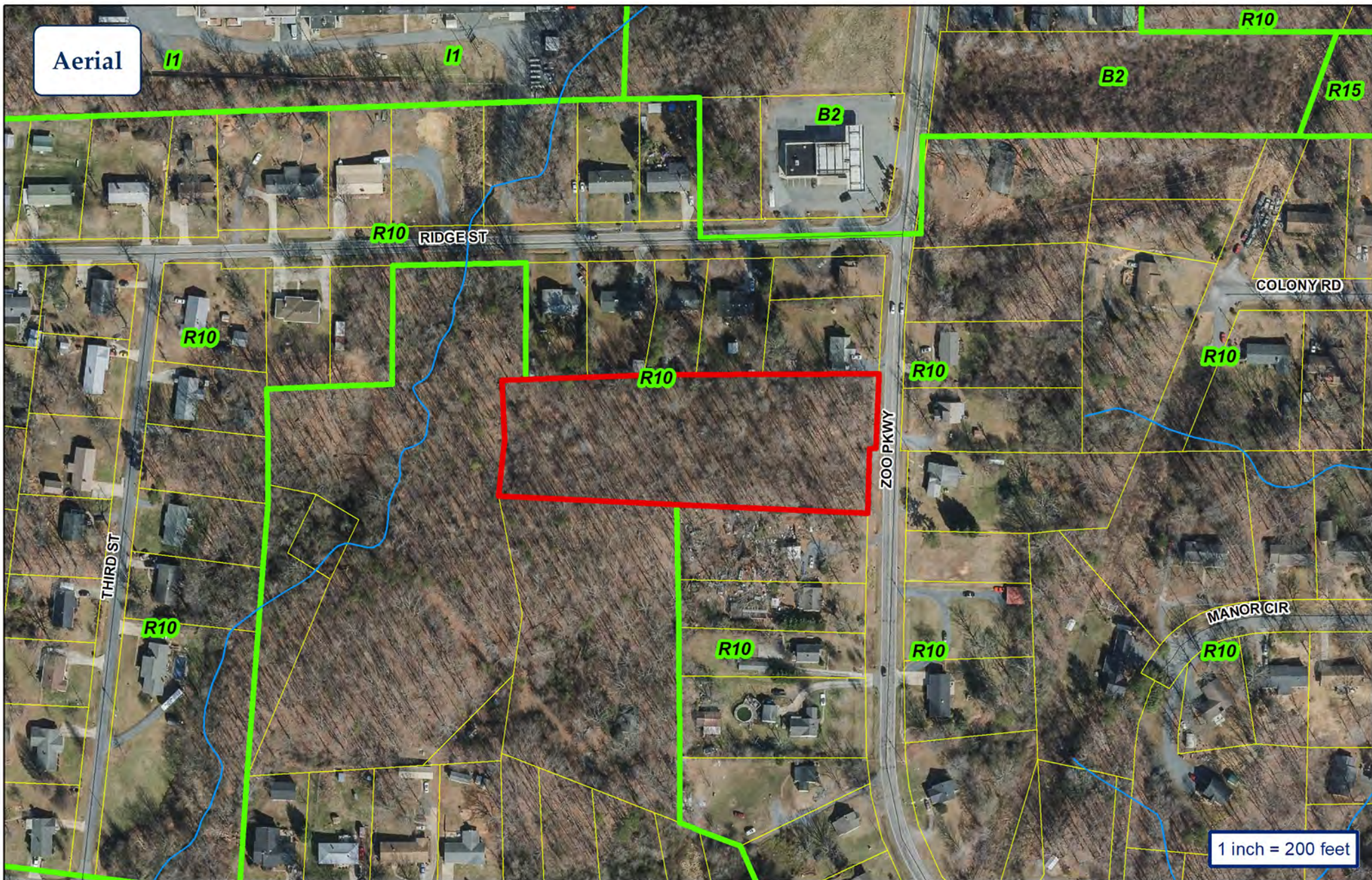
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-22-07

Parcel: 7750943464

Subject Property

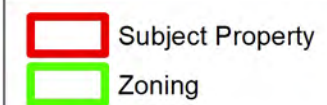




City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-22-07

Parcel: 7750943464



limitation, the North Carolina Department of Transportation and the North Carolina Department of Environmental Quality.

APPLICANT INFORMATION

Applicant Darren Lucas Applicant's Phone # 336-669-7683
Applicant's Address 3010 High Pine Church Rd
Asheboro N.C. 27205
Applicant email address Darren - Lucas@yahoo.com

PROPERTY INFORMATION

Property Owner's Name Crowne Park Townhomes LL.C.
Location of Property 200 Parkway Property Size (ac. or s.f.) 2.610 acres
Randolph County Property Identification Number (PIN#) 7750943464
Current Zoning District R10 Requested Zoning District R75 C2
Date Property Title Acquired 5/5/2022 Deed Book 2804 Page 1593
Subdivision _____ Section _____ Lot # _____
Plat Book 2804 Page 1593

CONDITIONAL ZONING DISTRICT INFORMATION (Attach additional sheets if necessary)

1. Application is hereby made to the City of Asheboro for a Conditional Zoning District for the following purpose:

Townhomes

2. In what manner will the proposed amendment carry out the intent of the Land Development Plan?

For questions (3) and (4), if either of these questions apply, please state a reason. If you believe these do not apply, please check "does not apply".

3. Are there alleged errors in this Ordinance that would be corrected by the proposed amendment? If so, give a detailed explanation of such error and detailed reasons how the proposed amendment will correct the errors.

Does not apply ☐

4. What are the changed or changing conditions, if any, in the jurisdiction of the City of Asheboro generally, which would make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare?

Does not apply ☐

5. Are there any other circumstances, factors, or reasons that the applicant offers in support of the proposed amendment?

APPLICATION SIGNATURES

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for a Conditional Zoning District rests with the applicant.

No application for a Conditional Zoning District will be advertised for public hearing until the Planning and Zoning Department has received all required materials. If all required materials are not received prior to the specified deadlines, hearings for the case may be delayed.

Per Section 4.05 of the zoning ordinance, it is intended that property will be reclassified to a Conditional Zoning District only in the event of firm plans to develop the property. Accordingly, subject to any specific durational limits imposed by the ordinance applying conditional zoning to the Zoning Lot, if no action has been taken to obtain a Zoning Compliance Permit in conformance with the conditional zoning ordinance within 36 months of the City Council's approval of conditional zoning for the Zoning Lot, the Community Development Director or his or her designee shall initiate appropriate action to rezone the Zoning Lot to a general zoning classification that is consistent with the adopted comprehensive plan.

Applicant Signature



Printed Name of Authorized Signatory (if different from Applicant)

Position/Relationship of Authorized Signatory to Applicant

Owner Signature (if different than Applicant)

Crowne Park Townhomes LLC.
 - member

Owner Address

3010 High Pine Church Rd
Asheboro N.C. 27205

Telephone Number

336-668-7683

Printed Name of Authorized Signatory (if different from Owner)

Darren Lucas

Position/Relationship of Authorized Signatory to Owner

STAFF USE		
Received by: <u>John Evans</u>	Date: <u>5-17-22</u>	Case Number: <u>R2-2207</u>

This document presented and filed:

05/05/2022 04:25:58 PM

DEED

Fee \$26.00 Excise Tax: \$90.00



20144827

Randolph County North Carolina
Krista M. Lowe, Register of Deeds

NORTH CAROLINA GENERAL WARRANTY DEED

Mail to: Grantee: P/U Ben C. Morgan

Prepared by: Law Office of Ben C. Morgan, 150A Scarboro St., Asheboro, NC 27203

Revenue Stamps: \$90.00 Tax Parcel #7750.94.3464

THIS DEED is made this 5th day of May, 2022, by and between the following Grantor and Grantee:

Grantor: JOSEPH E. BROWN (widower)
426 Ridge Street
Asheboro, NC 27205

Grantee: CROWNE PARK TOWNHOMES LLC
(a North Carolina Limited Liability Company)
3010 High Pine Church Road
Asheboro, NC 27205

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall signify either singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple that certain lot or parcel of land situated in the Asheboro Township, Randolph County, North Carolina, which is more particularly described as follows:

BEGINNING at an iron stake on the West side of the right of way of N. C. Highway No. 159, R. S. Caviness' corner; running thence along R. S. Caviness' line and Lucille R. Hughes' line North 86 degrees 10 minutes West 569.36 feet to an iron stake in Mary R. Macon's line; thence along the Macon line two calls: North 5 degrees 46 minutes 38 seconds East 88.21 feet to an iron stake

and North 00 degrees 40 minutes 16 seconds West 92.71 feet to an iron stake in Mary R. Macon's South line; thence along Mary R. Macon's line, Virginia Brady and A. K. Vuncannon North 89 degrees 55 minutes 09 seconds East 217.56 feet to the corner of Grace Boggs' property; thence along Grace Boggs' property, Thomas Bean property and Michael Kern's property North 89 degrees 57 minutes 49 seconds East 352.20 feet to an iron stake on the west right of way line of N. C. Highway No. 159, said point being located South 183.89 feet from the Southern right of way line of Crestway Road (State Road 2519); thence along the right of way of N. C. Highway No. 159 South 2 degrees 28 minutes 23 seconds West 219.26 feet to the Beginning and containing 2.603 acres, more or less.

The above description was prepared from a plat of a survey by Henley Surveying & Mapping Co., Inc. dated August 13, 1992, Job No. S-2851, entitled "Survey for Trustees of Shannon Hills Chapel".

For back reference see Deed recorded in Book 1400, Page 234, Randolph County Registry.

The property that is the subject matter of this conveyance is not the primary residence of the Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Subject to easements, limitations, restrictions and uses of record.

[the remainder of this page intentionally has been left blank]

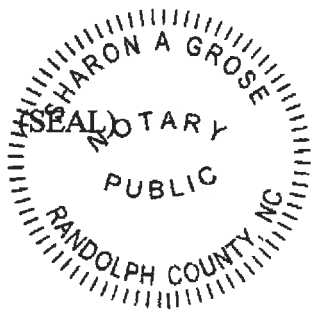
IN WITNESS WHEREOF, the Grantor has hereunto set his/her hand and seal the day and year first above written.

Joseph E. Brown (SEAL)
Joseph E. Brown

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH

I, **Sharon A. Grose**, a Notary Public of the abovesaid County and State, certify that **Joseph E. Brown**, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 5th day of May, 2022



Sharon A. Grose
Notary Public

My commission expires: May 5, 2023



RZ-22-08: Requests concerning properties located at 1352 E. Salisbury Street, 1420 E. Salisbury Street, and 342 Patton Avenue

1. Rezone 1420 East Salisbury Street from I2 (CZ) General Industrial Conditional zoning for modifications to existing motor vehicle repair (major) and rental/sales of domestic motor vehicles uses.
2. Rezone 342 Patton Avenue from R10 to OA6 (CZ) Office-Apartment Conditional Zoning for Business, Personal, and/or Professional Services
3. Rezone 1352 E. Salisbury St. from OA6 Office-Apartment to OA6 (CZ) Office-Apartment Conditional Zoning for Business, Personal and/or Professional Services and vehicle parking/storage lot associated with automotive land uses located at 1420 E. Salisbury St.

Planning Board Recommendation and Staff Report

Planning Board Recommendation & Comments to City Council

NOTE: Have applicant Certify to Council mailings to all adjoining property owners.

Case # **RZ-22
-08**

Date 6/6/2022 PB

Applicant Ken & Bridget
Gallimore

Legal Description

The properties of Ken and Bridget Gallimore, located at 1352 and 1420 East Salisbury Street, and 342 Patton Avenue, totaling approximately 6.19 acres +/- and more specifically identified by Randolph County Parcel Identification Numbers 7761510840, 7761512555, 7761513992.

Requested Action Rezone from R10 Medium-Density Residential (342 Patton Avenue) and OA6 Office-Apartment (1352 East Salisbury Street) to OA6 (CZ) Office Apartment Conditional Zoning; and amend existing I2 (CZ) General Industrial Conditional Zoning at 1420 E. Salisbury Street

Existing Zone R10/OA6/I2 (CZ)

Land Development Plan See rezoning staff report.

Planning Board Recommendation
Approve.

Reason for Recommendation
The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # RZ-22-08

Date 7/14/2022 City Council

General Information

Applicant Ken and Bridget Gallimore

Address 2048 Heritage Court

City Asheboro NC 27203

Phone 336-460-4738

Location 1352 and 1420 East Salisbury Street and 342 Patton Avenue

Requested Action Rezone from R10 Medium-Density Residential (342 Patton Avenue) and OA6 Office-Apartment (1352 East Salisbury Street) to OA6 (CZ) Office Apartment Conditional Zoning; and amend existing I2 (CZ) General Industrial Conditional Zoning at 1420 E. Salisbury Street

Existing Zone R10/OA6/I2 (CZ)

Existing Land Use Single-family dwelling (2), Motor vehicle repair (major) and sales/rental of domestic motor vehicles

Size 6.19 acres +/-

Pin # 7761510840, 7761512555, 7761513992

Applicant's Reasons as stated on application

In keeping with the LDP. Road and driveway improvements. In keeping with recent development in the sector. (See attached application for additional information).

Surrounding Land Use

North Industrial (Body Shop)/Residential

East Asheboro Mall

South Single-Family

West Single Family/Office (adjacent to 1352 E. Salisbury St.)

Zoning History RZ/CUP-20-03: Rezoned 1420 E. Salisbury St. from R7.5 to I2 (CZ) for major motor vehicle repair & rental/sales of domestic motor vehicles. RZ-14-11: Rezoned 1352 E. Salisbury St. from R10 to OA6.

Legal Description

The properties of Ken and Bridget Gallimore, located at 1352 and 1420 East Salisbury Street, and 342 Patton Avenue, totaling approximately 6.19 acres +/- and more specifically identified by Randolph County Parcel Identification Numbers 7761510840, 7761512555, 7761513992.

Analysis

1. A portion of the property (1420 E. Salisbury St., & northern portion of 1352 E. Salisbury St.) is located inside the city limits.
2. E. Salisbury St. is a state-maintained minor thoroughfare. Patton Avenue is a state-maintained road.
3. The OA6 zoning district is described as "intended to produce moderate intensity office and residential development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designated OA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged. The I2 description is "to produce areas for intensive manufacturing, warehousing, processing and assembly uses, controlled by performance standards to limit the effect of such uses on adjacent districts."
4. The site plan shows the following: (a) On the property located at 1420 East Salisbury St., which was previously rezoned to a I2 (CZ) Conditional General Industrial district to allow for motor vehicle repair-major and rental/sales of domestic motor vehicles, the site plan is proposing an additional driveway to this property along Patton Ave, landscaping changes, and elimination of dumpster screening.
(b) On property located at 342 Patton Avenue the applicant proposes converting the existing residential dwelling into a business, personal, and/or professional services use.
(c) On the property at 1352 East Salisbury Street (west of Patton Avenue), the applicant is requesting rezoning the property from OA6 to OA6 (CZ) to allow conversion of the existing residential dwelling to a business, personal, and/or professional services use as well as an overflow parking area associated with business at 1420 East Salisbury Street. Staff notes that while business, professional, and personal services are all permitted by right within the existing OA6 district, parking and vehicle storage associated with major automobile repair and rental/sales of domestic motor vehicles would not be permitted in a general OA6 district.
5. The pavement width of Patton Avenue is 15 to 16 feet in front of the property. NCDOT has indicated that improvements to Patton Ave. and/or additional right-of-way for Patton Avenue may be required.
6. The parking location for the proposed office uses at 1352 E. Salisbury St. is marginally divergent from the typical ordinance requirement due to its location within the front yard setback. Conditions are proposed to address this deviation.

Rezoning Staff Report

RZ Case # RZ-22-08

Consistency with the 2020 LDP Growth Strategy designations

In reviewing this request, careful consideration is given to each Goal and Policy as outlined in the Land Development Plan. Some Goals and Policies will either support or will not support the request, while others will be neutral or will not apply. Only those Goals and Policies that support or do not support the request will be shown.

Proposed Land Use Map Designation	Urban Residential & Office-Institutional
Small Area Plan	Central
Growth Strategy Map Designation	Primary Growth(inside city limits)/Adjacent developed (outside city limits)

LDP Goals/Policies Which Support Request

Checklist Item 1: Rezoning is compliant with the Proposed Land Use Map. (except as stated below)

Checklist Item 3: The property on which the rezoning district is proposed fits the description of the Zoning Ordinance. (*Article 200, Section 210, Schedule of Statements of Intent*) (except for 342 Patton Avenue)

2.1.5: The City will ensure development regulations provide appropriate transitional land uses, such as office and institutional, between high-intensity industrial/commercial and low-intensity residential uses. (related to the property at 342 Patton Avenue).

Rezoning Staff Report

RZ Case # RZ-22-08

LDP Goals/Policies Which Do Not Support Request

Checklist Item 1: Rezoning is not compliant with the Proposed Land Use Map. *Relates to having a supportive use typically associated with an I1 or I2 zoning district in a proposed OA6 (CZ) district, located at 1320 E. Salisbury Street.*

Checklist Item 3: The property on which the rezoning district is proposed fits the description of the Zoning Ordinance. *(Article 200, Section 210, Schedule of Statements of Intent) (342 Patton Ave.)*

Staff's Final Analysis Concerning Consistency with Adopted Comprehensive Plans, Reasonableness and Public Interest

Given the existing I2 (CZ) district for the automotive uses located at 1420 E. Salisbury Street, the request for a new I2 (CZ) district to allow a secondary driveway and change the buffering requirement against the structure at 342 Patton Ave, which is now owned by the applicant, is reasonable.

The transitional nature of the area and mixture of current uses in the vicinity lends validity to an OA6 (CZ) district for the offices and parking/storage lot uses, provided adequate landscaping and screening is installed and appropriate conditions established to ensure compatibility with adjoining properties and consistency with the Land Development Plan.

Recommendation Subject to the applicant's acceptance of the proposed conditions which staff believes are necessary to ensure alignment with the Land Development Plan, staff's recommendation is to approve, finding the request reasonable and in the public's interest.

Rezoning Staff Report

Suggested Conditions for Conditional Zoning applications (subject to change prior to final report)

(A) The uses approved shall be as follows:

(i) 1420 East Salisbury Street: Motor vehicle repair (major) and rental/sales of domestic motor vehicles

(ii) 1352 East Salisbury Street: Business Services, Personal Services, and/or Professional Services, and overflow parking for Motor vehicle repair (major) and rental/sales of domestic motor vehicles located at 1420 East Salisbury St., and parking for 342 Patton Avenue.

(iii) 342 Patton Avenue: Business Services, Personal Services, and/or Professional Services

(B) All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.

(C) All current zoning conditions and site improvement requirements that apply to 1420 East Salisbury Street shall remain in effect except that a new driveway shall be permitted to Patton Ave. if allowed by NCDOT and that no protective yard shall be required between 1420 E. Salisbury St. and 342 Patton Ave.

(D) In addition to front yard landscaping, a row of evergreen shrubs, 5' on center, shall be installed, between the parking area and the right-of-way serving the structure at 1352 E. Salisbury Street.

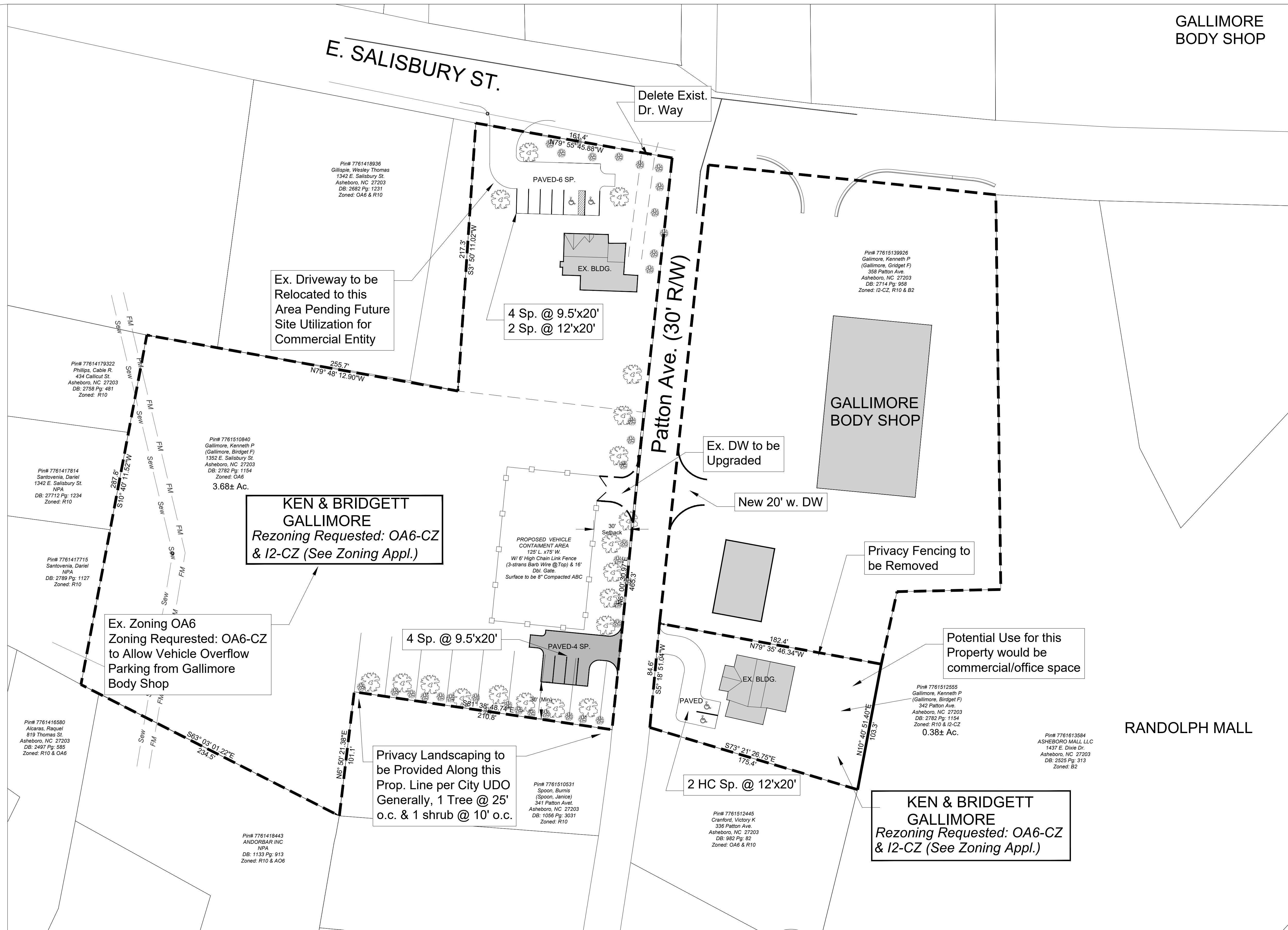
(E) All front yard landscaping, building and parking area separation, and parking/maneuvering areas shall, at minimum, comply with the city's zoning standards.

(F) In the event a dumpster, new lighting, or mechanical equipment is proposed, plans shall be submitted to the Planning Department for review of code compliance and inclusion in the file without further review by the Council.

(G) A 6' tall opaque privacy fence shall be allowed to be substituted for the privacy landscaping adjacent to the Cranford property.

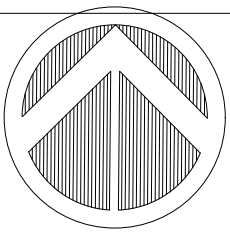
(H) The applicant shall ensure compliance with NCDOT, NCDEQ, and the NC Building Code as part of the proposed project.

(I) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute, and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this Conditional Zoning in the chain of title for the Zoning Lot.



PRELIMINARY REZONING MAP

Scale: 1" = 80'



GALLIMORE
BODY SHOP

RANDOLPH MALL

General Notes

1. Property data was obtained from County GIS Data.
2. Zoning changes were discussed with City of Asheboro planning officials and the plan herein reflects the topics discussed.
3. Future plans for Driveways & R/W was discussed with District NCDOT Staff preliminarily and plans shown are in keeping with the discussion.
4. Boundary calls shown have not been surveyed. Calls were prepared from Tax Mapping.

No.	Revision/Issue	Date
1	Rev. per City Comments 5/26/22	6/1/22

Firm Name and Address
CONSULTING, CIVIL ENGINEER
HIRAM J. ARZIANO, PE
PO Box 278, Asheboro, NC 27204 - (336)493-4450
hmarziano@triadbiz.rr.com

Project Name and Address
PRELIMINARY REZONING MAP
KEN & BRIDGET GALLIMORE
2048 HERITAGE CT.
ASHEBORO, NC 27203

Project	Sheet
Date 5/19/2022	
Scale As Noted	

July 11, 2022

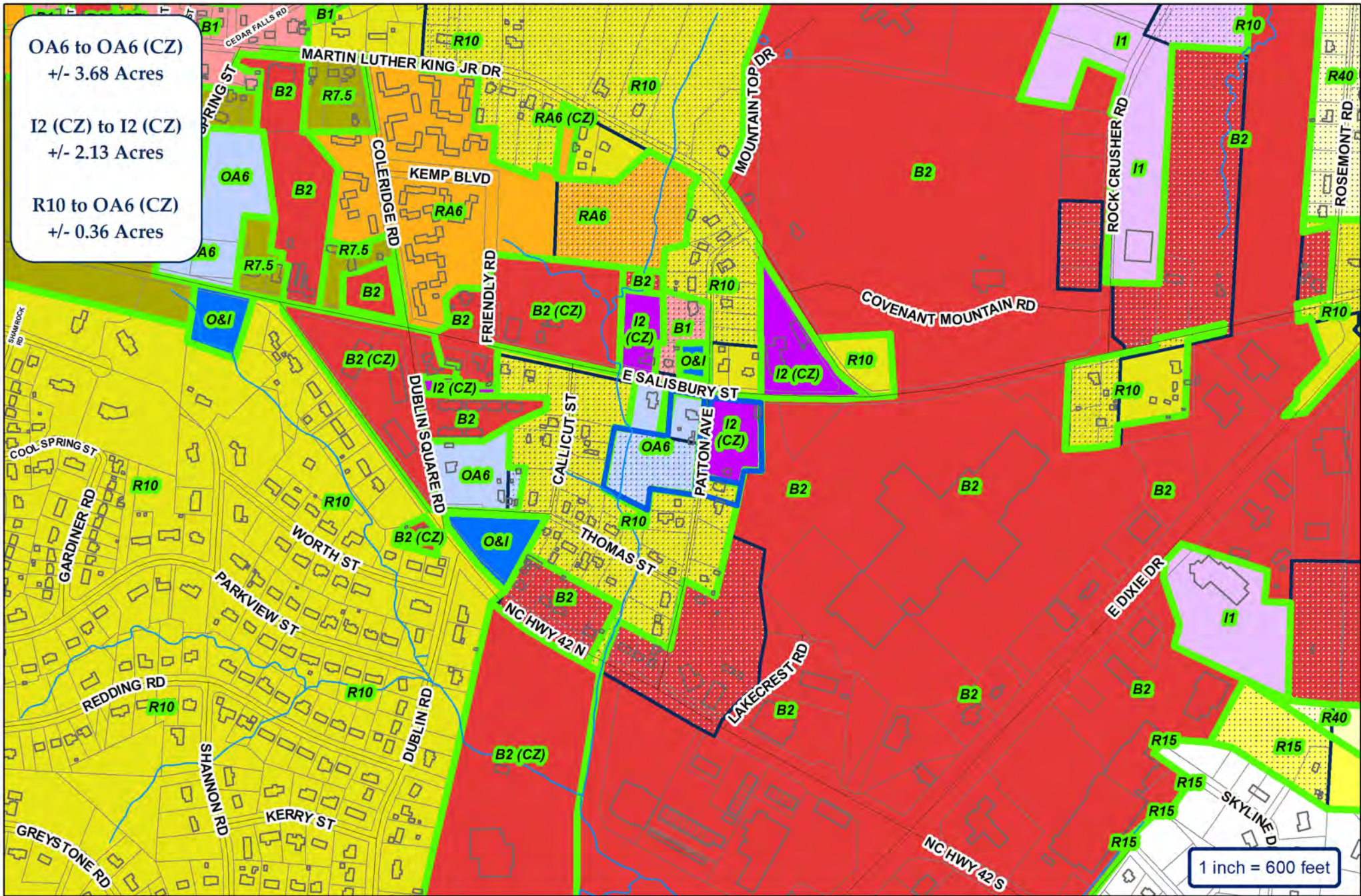
Re: Zoning Request for East Salisbury Street and Patton Avenue
Kenneth and Bridget Gallimore

City of Asheboro:

Please include in our zoning request our desire to eliminate the dumpster screening requirement for the new body shop. The dumpster is obscured by the building and is not in prominent public view. This placement is the best location for utilization and trash pick up.

Thank you for your consideration.

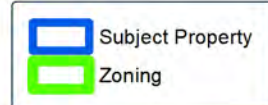


City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-22-08

Parcels: 7761510840, 7761512555 & 7761513992



OA6 to OA6 (CZ)

+/- 3.68 Acres

I2 (CZ) to I2 (CZ)

+/- 2.13 Acres

R10 to OA6 (CZ)

+/- 0.36 Acres

Map_ID	Owner
A1	GALLIMORE, KENNETH P (GALLIMORE, BRIDGET F)
A2	GALLIMORE, KENNETH P (GALLIMORE, BRIDGET F)
A3	GALLIMORE, KENNETH P (GALLIMORE, BRIDGET F)
B	ASHEBORO MALL LLC
C	CRANFORD, VICTORY K
D	SPOON, BURNIS (SPOON, JANICE)
E	TROGDON, DARRELL
F	ANDORBAR INC
G	ALCARAS, RAQUEL
H	CRAVEN, PHILLIP R (CRAVEN, KAREN C)
I	SANTOVENIA, DARIEL
J	PHILLIPS, CALEB R
K	PHILLIPS, D M
L	GILLISPIE, WESLEY THOMAS
M	SKEEN, TIM E (SKEEN, MARY W)
N	J MAC PROPERTIES LLC
O	RIDLEY, CHARLES MORRIS
P	COLDIRON, CRYSTAL P MCCLELLAND (COLDIRON, CHARLES)
Q	GALLIMORE, KENNETH P (GALLIMORE, BRIDGET F)

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-22-08

Parcels: 7761510840, 7761512555 & 7761513992



ETJ

- Subject Property
- Adjoining Properties
- City Zoning



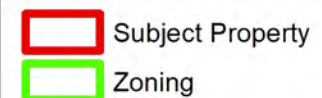
1 inch = 300 feet



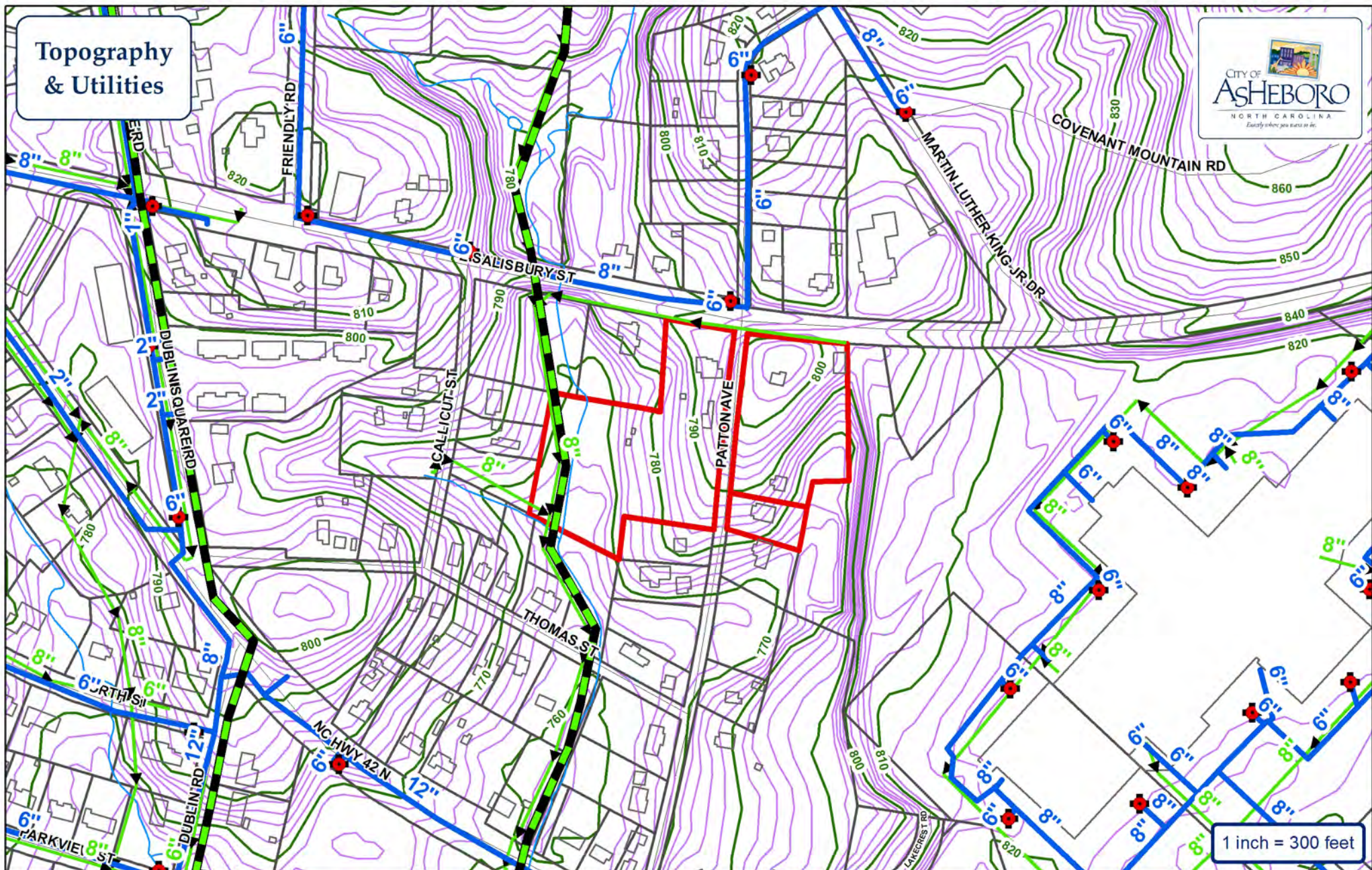
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-22-08

Parcels: 7761510840, 7761512555 & 7761513992



Topography & Utilities



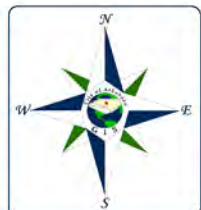
- | | |
|---|--|
|  Water Main |  Fire Hydrant |
|  Sewer Main |  Pump Station |
|  Force Main |  Watershed |

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-22-08

Parcels: 7761510840, 7761512555 & 7761513992

 Subject Property





Application for Conditional Zoning District

APPLICATION FEE

A \$550 filing fee is required.

APPLICATION INSTRUCTIONS:

The conditional zoning process can be complex. A Conditional Zoning District involves a proposal for a specific use that is customized to a particular property. In order to ensure compliance with application requirements, the applicant is **required** to have a pre-application conference with Planning and Zoning Department staff prior to submitting the application and paying the filing fee. Please contact staff at (336) 626-1201 ext. 225 to ensure application requirements are satisfied.

REQUIRED APPLICATION CONTENTS

1. A pre-application conference with staff is **required** prior to the application being accepted. At this conference, staff and the applicant will discuss the rezoning request, the unique aspects of conditional zoning, the requirements for completing the review schedule, contact persons for services and permits, and information regarding site plans, landscaping, and other development requirements. This meeting must occur no more than sixty (60) days prior to the application filing deadline.
2. A legal description/deed reference of such land.
3. Six (6) copies of a site plan drawn to scale to be submitted to the Planning Board. The Planning Board will review the proposal and forward a recommendation, including conditions for the zoning, to City Council. The month following the Planning Board meeting, City Council will review the proposed Conditional Zoning District application and site plan and may adopt, not adopt, or refer the application back to the Planning Board for review of any revisions made to the site plan subsequent to the initial submittal of the application materials.
4. Letter to be mailed by applicant notifying neighboring property owners of the request. Consistent with Section 160D-602(e) of the North Carolina General Statutes, the applicant shall notify neighboring property owners of the requested conditional zoning as well as the location, time, and date on which the Planning Board will hold a legislative hearing on the request. This notice must be in the form of a mailed notice provided in compliance with the guidance found in Section 160D-602(a) of the North Carolina General Statutes. During the legislative hearing, the applicant shall report to the Planning Board on the delivery of the required notice and any communication with neighboring property owners and residents concerning the requested conditional zoning.

APPLICATION DEADLINES AND MEETING DATES

The deadline for filing of applications for legislative hearings will be the day which is 55 days prior to the date of the City Council meeting for which the public hearing is to be set, provided that the deadline is no less than 17 days prior to the Planning Board's required legislative hearing; in these instances, the deadline will be 62 days prior to the date of the City Council meeting for which the public hearing is to be set.

If five (5) applications have been received prior to the cut-off date, the request will be heard the following month.

<i>Application Deadline</i>	<i>Planning Board Meeting</i>	<i>City Council Meeting</i>
December 17, 2021	Monday, January 3, 2022	Thursday, February 10, 2022
January 14, 2022	Monday, February 7, 2022	Thursday, March 10, 2022
February 11, 2022	Monday, March 7, 2022	Thursday, April 7, 2022
March 11, 2022	Monday, April 4, 2022	Thursday, May 5, 2022
April 15, 2022	Monday, May 2, 2022	Thursday, June 9, 2022
May 20, 2022	Monday, June 6, 2022	Thursday, July 14, 2022
June 10, 2022	Monday, July 11, 2022	Thursday, August 4, 2022
July 15, 2022	Monday, August 1, 2022	Thursday, September 8, 2022
August 12, 2022	Tuesday, September 6, 2022	Thursday, October 6, 2022
September 16, 2022	Monday, October 3, 2022	Thursday, November 10, 2022
October 14, 2022	Monday, November 7, 2022	Thursday, December 8, 2022
*November, 2022: Confirm application deadline with staff	Monday, December 5, 2022. Confirm meeting date with staff	*January, 2023: Confirm meeting date with staff

*** January, 2023 Council meeting date is not set by Council until December, 2022.**

ITEMS TO BE SHOWN ON THE SITE PLAN:

The application for a Conditional Zoning District shall include a site plan, which must be drawn to scale, with supporting information and text that specifies the actual use or uses intended for the Zoning Lot and any rules, regulations, and conditions that, in addition to all predetermined Ordinance requirements, will govern the development and use of the Zoning Lot. The following information must be provided, if applicable:

- 1) The actual shape, location, dimensions, and total acreage of the Zoning Lot; its zoning classification; the general location of the Zoning Lot in relation to major streets, railroads, and/or waterways; a north arrow; and, if the Zoning Lot is not of record, sufficient data to locate the lot on the ground;
- 2) All existing rights-of-way, easements, and reservations;
- 3) In addition to providing the shape, size, and location of any structure(s) already located on the Zoning Lot, the site plan must show the shape, size, and location of all structures to be erected, altered, or moved on the Zoning Lot;

- 4) Building elevations of all exterior facades at a minimum scale of 1/8" = 1';
- 5) The existing and intended use(s) of the Zoning Lot, specifically including the number of residential units and the total square footage of any nonresidential development;
- 6) The location and size of all yards, buffers, screening, and landscaping, including by way of illustration and not limitation front yard and parking lot landscaping, required by the Ordinance's predetermined standards for the general zoning classification applicable to the Zoning Lot or as otherwise proposed by the applicant;
- 7) All existing and proposed points of access to public streets;
- 8) Proposed phasing, if any;
- 9) The location and type of screening used to screen mechanical equipment;
- 10) The location, access to, and screening of a central solid waste area;
- 11) Traffic, parking, and circulation plans, specifically including the location and dimensions of off-street parking areas and loading spaces;
- 12) The grade separation of structure(s) and parking areas;
- 13) The paving material for parking areas;
- 14) Curb cuts;
- 15) The compliance of the proposed development with the Ordinance's predetermined sign regulations;
- 16) The level of compliance of the land use(s) proposed for the Zoning Lot with the Ordinance's predetermined performance standards for the general zoning classification assigned to the Zoning Lot, including by way of illustration and not limitation performance standards pertaining to light, noise, and vibration;
- 17) If applicable, the location of any flood zones;
- 18) The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development;
- 19) If applicable, the location of the watershed;
- 20) When required by the Ordinance's predetermined specifications, sidewalks; and
- 21) Information addressing the applicable permitting requirements of other local governmental agencies as well as federal and state agencies, including by way of illustration and not

limitation, the North Carolina Department of Transportation and the North Carolina Department of Environmental Quality.

APPLICANT INFORMATION

Applicant Ken & Bridget Gallimore Applicant's Phone # _____

Applicant's Address 2048 Heritage Court
Asheboro NC 27203

Applicant email address _____

PROPERTY INFORMATION

Property Owner's Name Kenneth P. & Bridget F. Gallimore
Location of Property 342 Patton Avenue Property Size (ac. or s.f.) 0.36 6.13

1352 E. Salisbury
1420 E. Salisbury 358 Patton Randolph County Property Identification Number (PIN#) 7761512555 - 7761513992 →

Current Zoning District R-10-12(CZ) Requested Zoning District CZ: DA6/k212

Date Property Title Acquired 11/30/2021 Deed Book 2782 Page 1154

Subdivision _____ Section _____ Lot # _____

Plat Book (4)-(166) Page (16)-(5)

Deed 2718/264
2714/968

CONDITIONAL ZONING DISTRICT INFORMATION (Attach additional sheets if necessary)

1. Application is hereby made to the City of Asheboro for a Conditional Zoning District for the following purpose:

Automotive & OFFICE

5/27/2022
PIN 7761513992
7761510840 • Motor vehicle repair - major and
12(CZ) rental / subs of domestic motor vehicles

5/27/2022
PIN 7761510840
7761512555 • Personal, Professional and Business
7761510840 • Services
DA6 (CZ)

2. In what manner will the proposed amendment carry out the intent of the Land Development Plan?

In Keeping with the LDP

For questions (3) and (4), if either of these questions apply, please state a reason. If you believe these do not apply, please check "does not apply".

3. Are there alleged errors in this Ordinance that would be corrected by the proposed amendment? If so, give a detailed explanation of such error and detailed reasons how the proposed amendment will correct the errors.

NO

Does not apply ☐

4. What are the changed or changing conditions, if any, in the jurisdiction of the City of Asheboro generally, which would make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare?

Road & Driveway Improvements

Does not apply ☐

5. Are there any other circumstances, factors, or reasons that the applicant offers in support of the proposed amendment?

In Keeping with recent development in the sector.

APPLICATION SIGNATURES

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for a Conditional Zoning District rests with the applicant.

No application for a Conditional Zoning District will be advertised for public hearing until the Planning and Zoning Department has received all required materials. If all required materials are not received prior to the specified deadlines, hearings for the case may be delayed.

Per Section 4.05 of the zoning ordinance, it is intended that property will be reclassified to a Conditional Zoning District only in the event of firm plans to develop the property. Accordingly, subject to any specific durational limits imposed by the ordinance applying conditional zoning to the Zoning Lot, if no action has been taken to obtain a Zoning Compliance Permit in conformance with the conditional zoning ordinance within 36 months of the City Council's approval of conditional zoning for the Zoning Lot, the Community Development Director or his or her designee shall initiate appropriate action to rezone the Zoning Lot to a general zoning classification that is consistent with the adopted comprehensive plan.

Applicant Signature

Printed Name of Authorized Signatory (if different from Applicant)

Position/Relationship of Authorized Signatory to Applicant

Owner Signature (if different than Applicant)

Kenneth P. Gallimore
Bridget S. Rumm
Owner Address

2048 HERITAGE CT.
Asheboro, N.C 27203

Telephone Number

336-460-4738

Printed Name of Authorized Signatory (if different from Owner)

Position/Relationship of Authorized Signatory to Owner

STAFF USE		
Received by: <i>JE</i>	Date: <i>5-19-22</i>	Case Number: <i>RZ-22-08</i>

**CITY OF ASHEBORO
NOTICE OF CONDITIONAL ZONING DISTRICT HEARING**

This is to notify you that I (we) _____ have filed an application with the City of Asheboro for a Conditional Zoning District for the property located at _____ for the purpose of _____

_____.

On _____, _____, 2022, at 7:00 PM, the Planning Board will review the Conditional Zoning District request and forward its recommendation to City Council. As part of this process, you and others will have an opportunity to speak concerning the request and offer input.

On Thursday, _____, 2022, at 7:00 pm the City Council will hold a public hearing on the Conditional Zoning District request. As part of this process, you and others again will have an opportunity to speak concerning the request and offer input.

The meetings will be held in the City Council Chambers, 146 North Church Street, Asheboro, NC. The Council, after considering the information/testimony presented during the public hearing and reviewing the report of the Planning and Zoning Department and recommendation of the Planning Board, will take action on the application. Such action may include approval of the request, referral back to the Planning Board, denial of the request, or approval of a modified version of the request on the basis of the Council's determination that such action is reasonably necessary to promote the public health, safety, or general welfare and to achieve the purposes of the adopted Land Development Plan. The meeting is open to the public and your participation is encouraged. If you have any questions, please contact the Planning and Zoning Department at 336-626-1201 Ext. 225. In addition, you may contact me (or my representative) _____ at _____.



Case No. SUB-22-04: Request for a Subdivision Sketch Design
(Estates of Cedar Falls, Phase 3: Old Cedar Falls Road):

Staff Report

SUBDIVISION STAFF REPORT
Sketch Design

CASE # SUB-22-04

Date 7/11/22 Planning Board and
7/14/22 City Council

GENERAL INFORMATION

Subdivision Name Estates of Cedar Falls, Phase 3
Requested Action Sketch Design for conventional subdivision
Applicant Brian Thomas
Address 2513 Old Cedar Falls Rd., Asheboro, NC 27203
Phone 727-243-0887
Location East of 2513 Old Cedar Falls Road

PARCEL INFORMATION

PIN 7762369298 (portion)
Size 13.36 acres +/- of 56.73 **Number of Lots** 38
acres +/-
Existing Zoning R10 **Average Lot Size** Pending
Existing Land Use Undeveloped
Surrounding Land Use
North Low-density res./agricultural **East** Low-density res./agricultural
South Low-density res./agricultural **West** Proposed conventional
residential subdivision & PUD

LAND DEVELOPMENT PLAN

Growth Strategy Map Primary Growth
Proposed Land Use Map Neighborhood Residential
Small Area Plan Map East
Identified Activity Center? No

Development Issues

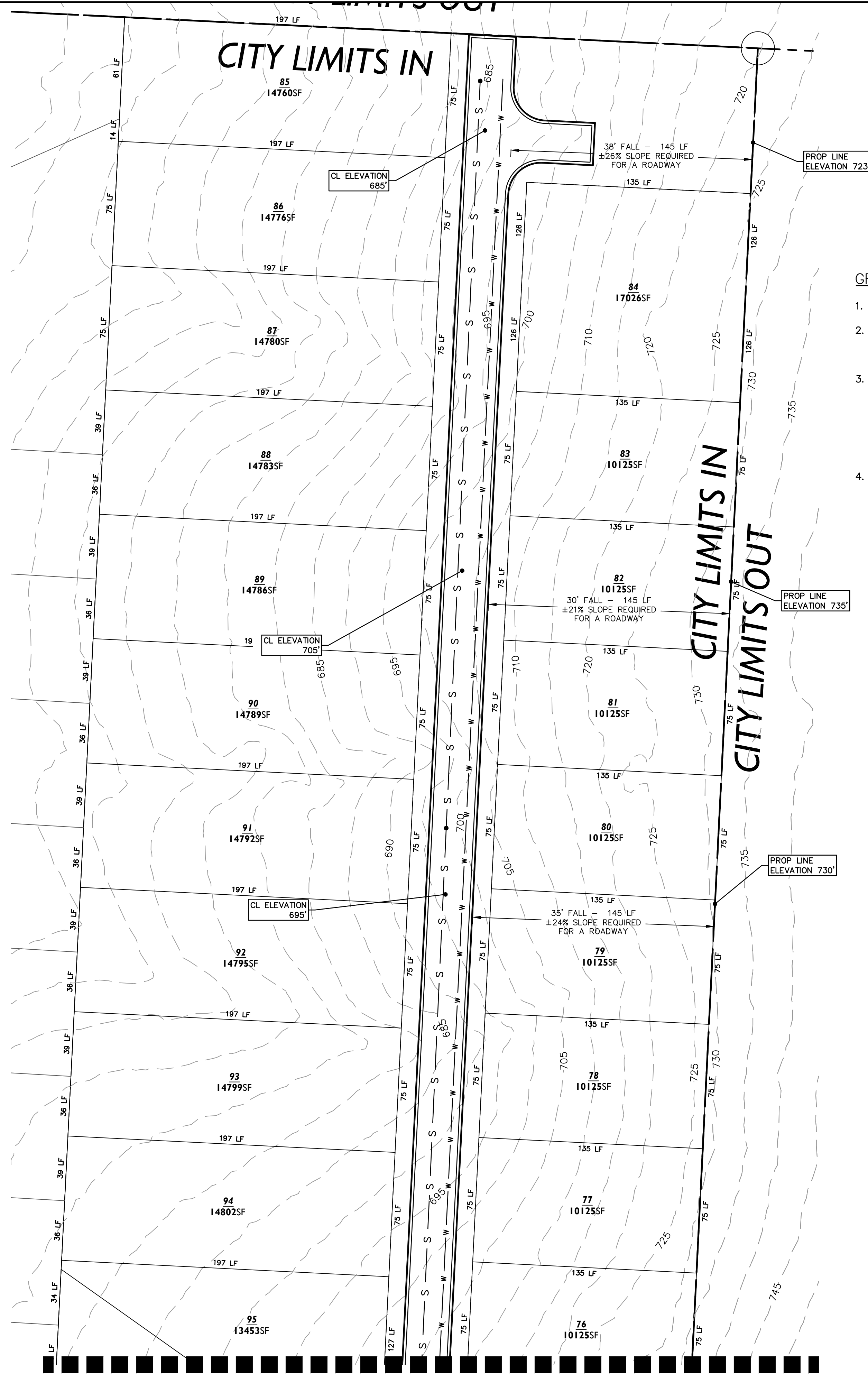
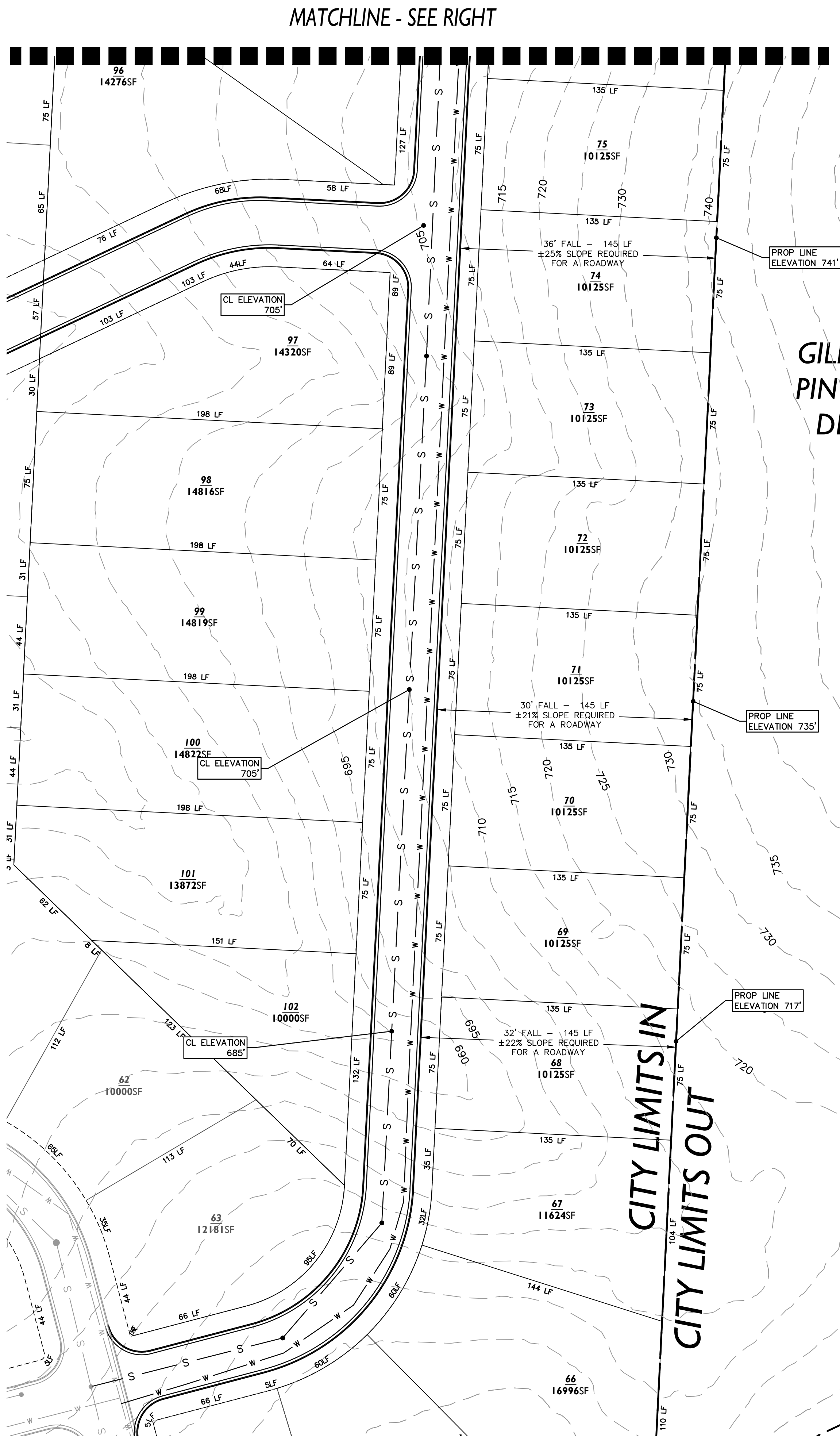
1. This is a conventional subdivision. While the Subdivision Ordinance encourages sidewalks, they are not required in a development that is not a Planned Unit Development.
2. Unlike the Planned Unit Development previously approved to the west of subject property, a conventional residential subdivision is permitted by right in a residential zoning district, subject to meeting the requirements of the subdivision ordinance.
3. Access to this subdivision is proposed via the street connection provided in the adjoining Phase
4. The development does not include a connection to the previously approved Thomas Estates Planned Unit Development or a separate connection to Old Cedar Falls Road.

SUBDIVISION STAFF REPORT
Sketch Design

DEPARTMENT COMMENTS

Engineering	The plan was routed to Engineering. They have noted necessary corrections, which have been returned to the applicant.
Public Works	The plan was routed to Public Works, who have no comments at this time.
Planning	1. Corrections are being reviewed as of July 6, 2022. 2. The development layout implements the proposal made to Council with Phases 1 and 2 regarding the provision of access to the adjoining property to the north. No future access to the adjoining property to the east is shown. The applicant has indicated that projected site grading and topography make such a connection impractical. Generally, the city looks for access to be provided to adjacent properties where future development could occur. 3. Certain provisions of the NC Fire Code can seek to limit development with only one fire apparatus access road to less than 100 dwellings. In this instance, that provision is not applicable due to the review and approval process utilized for this subdivision. The layout as proposed complies with fire apparatus access road requirements.
Other	1. The Plan has been routed to the NC Department of Transportation, Asheboro City Schools, and the US Post Office. NCDOT has indicated that site drive location may need to be adjusted and/or clearing of dedicated R/W to obtain minimum sight distance. Roadway improvements may be required. 2. Fire hydrant locations will need to be approved by Fire Department with the preliminary plat.
Staff Recommendation	As of July 1, 2022, staff's recommendation is pending.

**Planning Board
Recommendation**



GRADING NOTES:

- ALL SPOT ELEVATIONS ARE APPROXIMATE.
- THE DIMENSIONS NOTED ON THIS PLAN SHOW APPROXIMATE ROADWAY GRADES IF A ROADWAY WAS TO BE PROPOSED FOR INTERCONNECTIVITY TO THE PROPERTY TO THE EAST.
- REQUIRED ROADWAY SLOPES ARE APPROXIMATE AND SHOW A BEST CASE SCENARIO AND ARE ONLY A QUICK CALCULATION REGARDING A CONSISTENT GRADING PROFILE FROM THE BACK OF CURB TO THE PROPERTY LINE. IN REALITY THESE SLOPES WILL BE A FEW PERCENTAGE POINTS STEEPER DUE TO REQUIRED AREAS FOR FLAT AREAS BEING PROVIDED PRIOR TO AN INTERSECTION.
- A ROADWAY PROVIDED TO THE EASTERN PROPERTY WOULD REQUIRE A SLOPE OF ±25 % SLOPE, WITH THE EXTREME SLOPES THAT WOULD BE REQUIRED TO PROVIDE A ROADWAY TO THE EASTERN PROPERTY LINE, WE HAVE DEEMED THAT THERE SHOULD NOT BE A ROADWAY PROVIDED IN THIS LOCATION.

PRELIMINARY PLANS NOT FOR CONSTRUCTION

PRELIMINARY GRADING PLAN
ESTATES OF CEDAR FALLS - PHASE 3
2513 OLD CEDAR FALLS ROAD
ASHEBORO - RANDOLPH COUNTY - NORTH CAROLINA

Scale: AS NOTED
Date: MAY 2022
Drawn By: DLP
Checked By: HWSJ
Job No.: E-8028

Sheet No. C-3.1

Summey Engineering Associates, PLLC
Engineering - Consulting - Surveying



PO Box 568
Asheboro, NC 27204
Phone: 336-324-0902 Fax: 336-324-0922
Email: info@summeyengineering.com
NC Professional Engineering Firm License No. F-0336

CHANGE ORDER

ORDER NUMBER: 5

DATE: July 14, 2022

NAME OF PROJECT: ZOO CITY SPORSTPLEX SITEWORK (Additional Rock Removal, Building C, Paving and additional services)

OWNER: City of Asheboro

CONTRACTOR: Terry's Plumbing and Utilities, Inc.

The following changes are hereby made to the CONTRACT DOCUMENTS:

Change to CONTRACT PRICE:

Original CONTRACT PRICE: \$ 3,700,315.00

Current CONTRACT PRICE Adjusted by
Previous CHANGE ORDER: \$ 6,950,371.54

The CONTRACT PRICE due to this
CHANGE ORDER will be increased
by: \$ 2,674,019.00

The new CONTRACT PRICE including
This CHANGE ORDER will be: \$ 9,624,390.54

Change to CONTRACT TIME:

The date for completion of all work will be August 30, 2023

APPROVALS:

To be effective, this Change Order must be approved in accordance with the CONTRACT DOCUMENTS.

Requested By: _____ Contractor
Terry's Plumbing & Utilities, Inc

Recommended By: _____ Engineer
Michael L. Leonard, PE, City Engineer

Accepted By: _____ Owner
John N. Ogburn, III, City Manager

PRE-AUDIT STATEMENT:

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Finance Officer

Date

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

WHEREAS, the scope of work in change order #5 to the Zoo City Sportsplex contract with Terry's Plumbing & Utilities Inc. is for Terry's Plumbing and Utilities to remove additional rock in the amount of approximately \$941K, build "Building C" concession stand in the amount of approximately \$533K and additional site work including but not limited to temporary seeding of fields 5-8, concrete work, asphalt work, clearing, fencing, entrance gates, retaining wall, and drainage pipe installation.

WHEREAS, in the 2022-2023 adopted General Fund budget, funding for this phase of work has already been approved.

WHEREAS, only 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	\$2,674,019

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

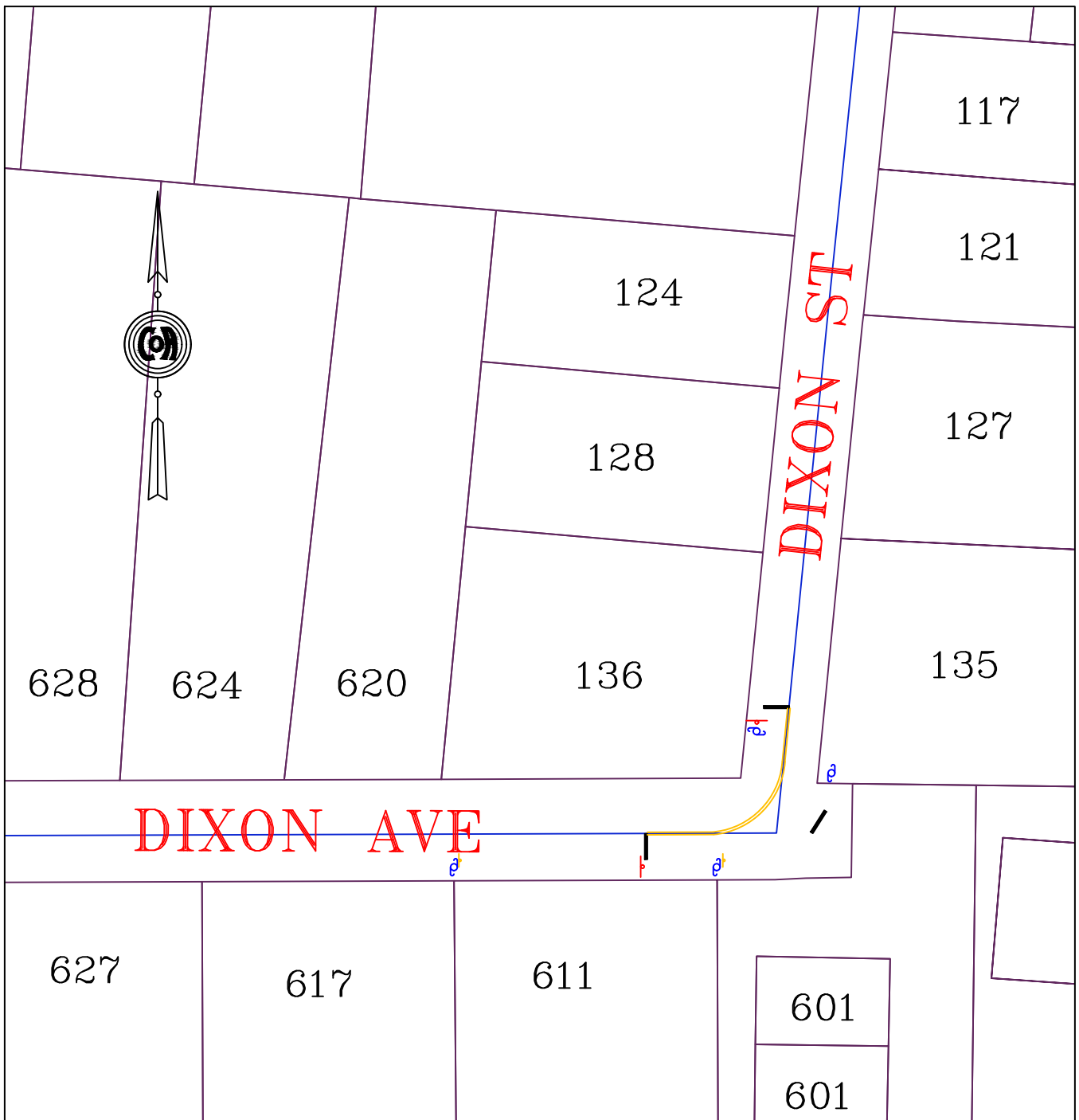
<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
74-000-400.9001.74	Construction	2,674,019

Adopted this 14th day of July, 2022.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk



LEGEND

-  PROPOSED STOP SIGN
-  EXISTING REGULATORY SIGNAGE
-  EXISTING UTILITY POLES
-  PROPOSED STOP BARS

CITY OF ASHEBORO

ENGINEERING DEPARTMENT
146 NORTH CHURCH STREET
ASHEBORO, NORTH CAROLINA

Scale 1" = 60'

Date: 7-8-2022

Job #: 22015

**PROPOSED INTERSECTION
IMPROVEMENTS**

Intersection of Dixon St
& Dixon Ave Asheboro, NC



LEGEND

- PROPOSED STOP SIGN
- EXISTING REGULATORY SIGNAGE
- EXISTING UTILITY POLES
- PROPOSED STOP BARS

CITY OF ASHEBORO
 ENGINEERING DEPARTMENT
 146 NORTH CHURCH STREET
 ASHEBORO, NORTH CAROLINA

Scale 1" = 60'
 Date: 7-8-2022
 Job #: 22015

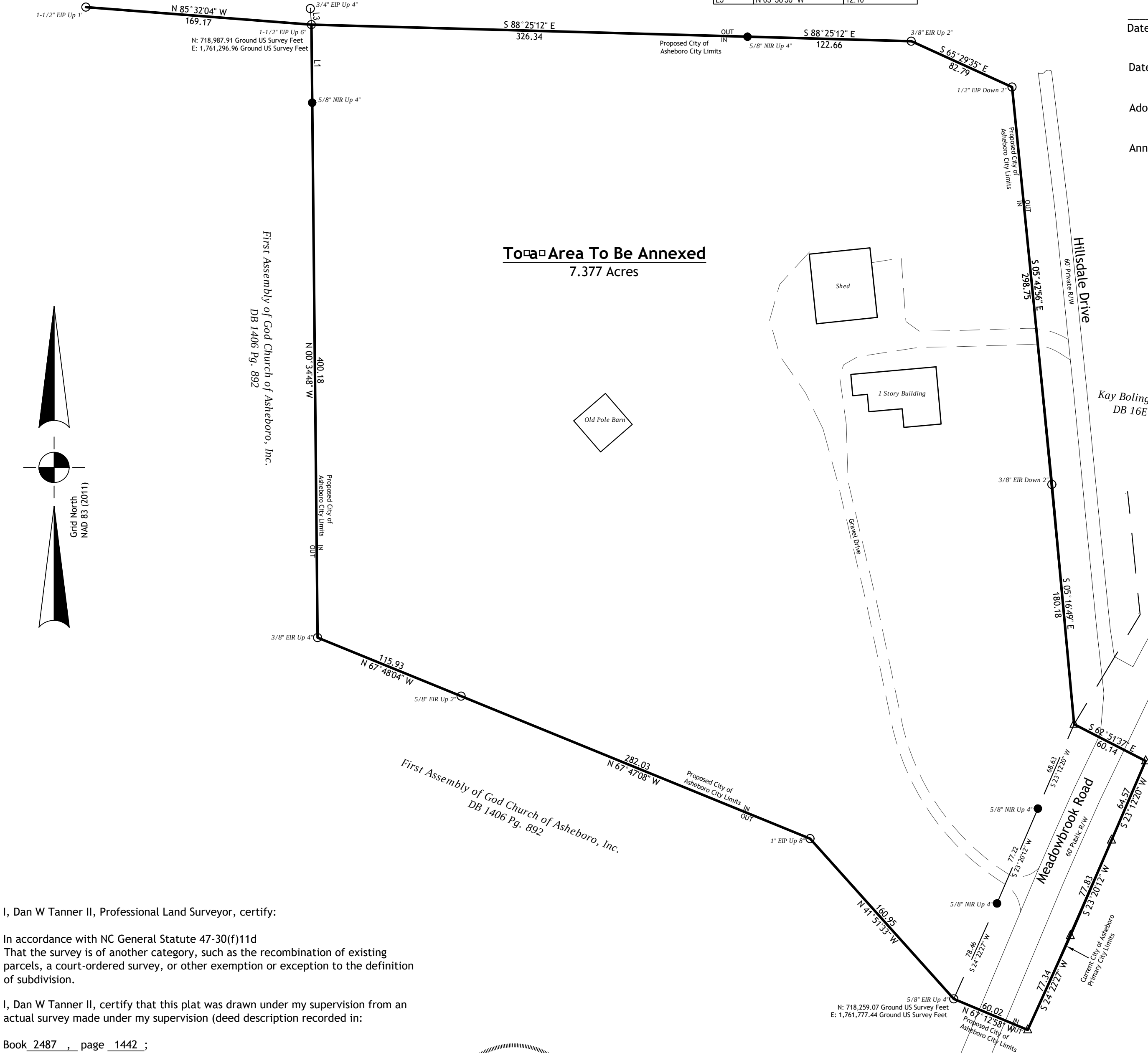
**PROPOSED INTERSECTION
 IMPROVEMENTS**

Intersection of Dixon St
 & Dixon Ave Asheboro, NC

- Notes:
- This project is not located within a special flood hazard area per NCFRIS.
Map #: 3710776100J Effective Date: 1/2/2008
 - Area calculated by coordinate geometry.
 - All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
 - No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
 - Tax PIN: 7761184599

John David Edwards
Rilla Marie Edwards
DB 2500 Pg. 1575
PB 129 Pg. 81

LINE	BEARING	DISTANCE
L1	N 00°34'48" W	58.39
L2	S 84°32'27" E	56.92
L3	N 03°38'38" W	12.10



I, Dan W Tanner II, Professional Land Surveyor, certify:

In accordance with NC General Statute 47-30(f)11d
That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exemption or exception to the definition of subdivision.

I, Dan W Tanner II, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in:

Book 2487 , page 1442 ;

that the boundaries not surveyed are clearly indicated as drawn from information found in Book See , page Notes ; that the ratio of precision or positional accuracy as calculated is 1:10000+, that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this the 8th day of April, A.D., 2022.

PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES

Professional Land Surveyor

L-4787



I, Dan W Tanner II, certify that this map was drawn under my supervision from an actual GPS/ GNSS survey made under my supervision and the following information was used to perform the survey:

- (1) Class of survey: Class A
- (2) Positional accuracy: <0.10'
- (3) Type of GNSS field procedure: Real-Time Kinematic Networks
- (4) Dates of survey: March 31, 2022
- (5) Datum/Epoch: NAD83(2011) / 2010.00
- (6) Published/Fixed-control use: North Carolina Real Time Network
- (7) Geoid model: Geoid 12A
- (8) Combined grid factor(s): 0.99987749
- (9) GPS/GNSS Scale Point:
N: 718,239.23 E: 1,761,778.65 Z: 788.47
- (10) Units: US Survey Feet

STATE OF NORTH CAROLINA

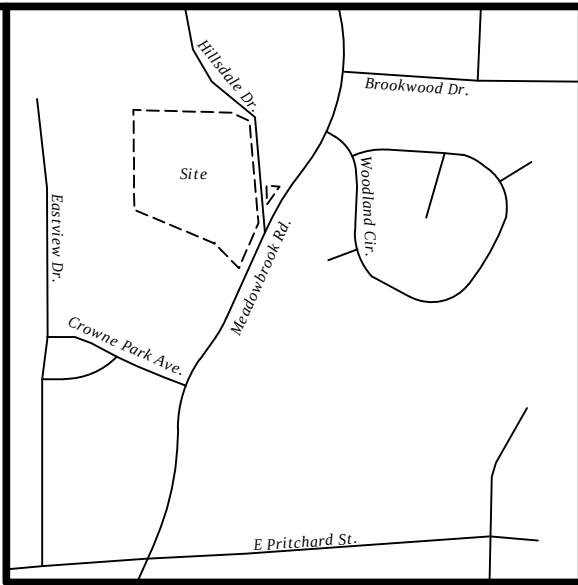
I, _____ Review Officer of Randolph County,
certify that the map or plat to which this certification is affixed
meets all statutory requirements for recording.

Date _____ Review Officer _____

Date Annexation Ordinance _____

Adopted by the Asheboro City Council: _____

Annexation Ordinance Effective Date: _____



Location Map
(Not to Scale)

- | | | | |
|--|--------------------------------|--|--------------------------|
| | Hardwood Tree | | Catch Basin |
| | Evergreen Tree | | Yard Inlet |
| | Stone | | Storm Sewer Manhole |
| | R/W - Right of Way Monument | | Junction Box |
| | RRS - Railroad Spike | | Drop Inlet |
| | NIR - New Iron Rod | | Irrigation Control Valve |
| | NIP - New Iron Pipe | | Back Flow Preventer |
| | NCGS Monument | | Water Valve |
| | EN - Existing Nail | | Water Manhole |
| | EIR - Existing Iron Rod | | Water Meter |
| | EIP - Existing Iron Pipe | | Fire Dept. Connection |
| | Existing Concrete Monument | | Fire Hydrant |
| | Bench Mark | | Utility Pole |
| | Computed Point / Point Not Set | | Telephone Pedestal |
| | Well | | Telephone Pole |
| | Property Line | | Transformer |
| | Computed Property Line | | Communications Manhole |
| | Right of Way Line | | SS - Sanitary Sewer |
| | Easement Line | | SS Manhole |
| | Tie Lines | | SS Cleanout |
| | Setback Lines | | U/G Power Box |
| | Gas Line | | PP |
| | Sanitary Sewer Line | | Power Pole |
| | Storm Sewer Line | | Light Pole |
| | Water Line | | Guy Pole |
| | Fence | | Gas Valve |
| | Overhead Utility Line | | Guy Wire |
| | Overhead Power Line | | Gas Manhole |
| | Underground Electric Line | | Gas Meter |
| | Underground Comm. Line | | Electric Meter |
| | 100-Year Flood Hazard Line | | Electric Manhole |
| | Floodway | | Spot Elevation |
| | C/L Railroad | | |

Owners:
Fatima Lazaro Espinoza
923 Meadowbrook Rd
Asheboro, NC 27203

Annexation Survey For:

Fatima Lazaro Espinoza

Asheboro Township Randolph County

North Carolina April 8, 2022

Deed Book: 2487 Pg: 1442

Scale: 1" = 60 US Survey Feet



SURVEY CAROLINA, PLLC

154 S. Fayetteville St., Suite B, Asheboro, NC 27203

Phone Number: 336 625-8000

Email: mail@surveycarolina.com

Firm #: P-1110

Dan W Tanner II L-4787

© 2022 Survey Carolina, Plc

Job #: 13848

- Notes:
- This project is located within a special flood hazard area per NCFRIS.
Map #: 3710776200J Effective Date: 1/2/2008
Map #: 3710776200J Effective Date: 1/2/2008
 - Area calculated by coordinate geometry.
 - All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
 - No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
 - Tax PIN: 7762401107

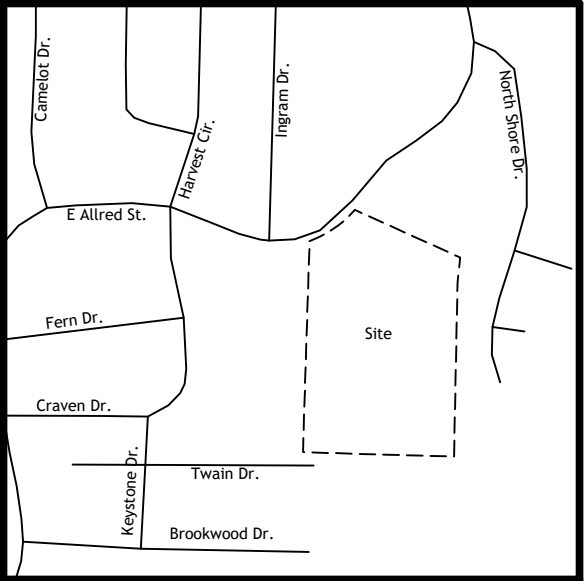
STATE OF NORTH CAROLINA
I, _____ Review Officer of Randolph County,
certify that the map or plat to which this certification is affixed
meets all statutory requirements for recording.

Review Officer _____ Date _____

Date Annexation Ordinance _____

Adopted by the Asheboro City Council: _____

Annexation Ordinance Effective Date: _____



Location Map
(Not to Scale)

McDowell Timber Company
DB 1454 Pg. 1500
T2 of PB 167 Pg. 40

60d Set @ Base
1" EIP

S 64°15'22"E PP
161.32

5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"

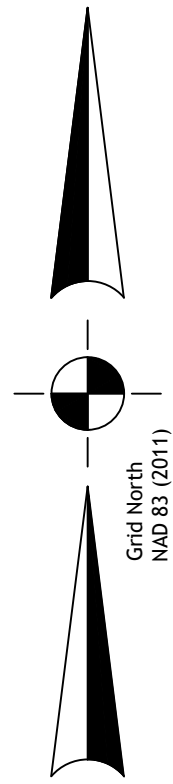
5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"

5/8" NIR Up 4"



- Hardwood Tree
- Evergreen Tree
- Stone
- R/W - Right of Way Monument
- RRS - Railroad Spike
- NIR - New Iron Rod
- NIP - New Iron Pipe
- NCGS Monument
- EN - Existing Nail
- EIR - Existing Iron Rod
- EIP - Existing Iron Pipe
- Existing Concrete Monument
- Bench Mark
- Computed Point / Point Not Set
- Well
- Property Line
- Computed Property Line
- Right of Way Line
- Easement Line
- Tie Lines
- Setback Lines
- Gas Line
- Sanitary Sewer Line
- Storm Sewer Line
- Water Line
- Fence
- Overhead Utility Line
- Overhead Power Line
- Underground Electric Line
- Underground Comm. Line
- 100-Year Flood Hazard Line
- Floodway
- C/L Railroad
- Catch Basin
- Yard Inlet
- Storm Sewer Manhole
- Junction Box
- Drop Inlet
- Irrigation Control Valve
- Back Flow Preventer
- Water Valve
- Water Manhole
- Water Meter
- Fire Dept. Connection
- Fire Hydrant
- Utility Pole
- Telephone Pedestal
- Telephone Pole
- Transformer
- Communications Manhole
- SS - Sanitary Sewer
- SS Manhole
- SS Cleanout
- U/G Power Box
- Power Pole
- Light Pole
- Guy Pole
- Gas Valve
- Guy Wire
- Gas Manhole
- Gas Meter
- Electric Meter
- Electric Manhole
- Spot Elevation

I, Dan W Tanner II, certify that this map was drawn under my supervision from an actual GPS/ GNSS survey made under my supervision and the following information was used to perform the survey:

- Class of survey: Class A
- Positional accuracy: <0.10'
- Type of GNSS field procedure: Real-Time Kinematic Networks
- Dates of survey: May 16, 2022
- Datum/Epoch: NAD83(2011) / 2010.00
- Published/Fixed-control use: North Carolina Real Time Network
- Geoid model: Geoid 12A
- Combined grid factor(s): 0.99987460
- GPS/GNSS Scale Point:
N:720,717.53 E:1,763,563.96 Z:747.90
- Units: US Survey Feet

I, Dan W Tanner II, Professional Land Surveyor, certify:

In accordance with NC General Statute 47-30(f)11d
That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exemption or exception to the definition of subdivision.

I, Dan W Tanner II, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in:

Book 1454 , page 1500 ;

that the boundaries not surveyed are clearly indicated as drawn from information found in Book See , page Notes ; that the ratio of precision or positional accuracy as calculated is 1:10000+, that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this the 17th day of March, A.D., 2022.

PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES

Professional Land Surveyor L-4787

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	608.27	295.64	292.74	N 53°43'58" E	27°50'52"

LINE	BEARING	DISTANCE
L1	S 08°41'43" W	69.98
L2	N 65°40'17" W	4.92
L3	S 04°32'53" W	29.13

Owners:
McDowell Timber Company
1926 Old Humble Mill Rd
Asheboro, NC 27205



Area To Be Annexed: 20.418 Acres

Annexation Survey For:

Timber Ridge

Asheboro Township Randolph County

North Carolina

May 17, 2022

Deed Book:1454 Pg:1500

Scale: 1" = 80 US Survey Feet

Bar Scale: 0 80 160 240

SURVEY CAROLINA, PLLC

154 S. Fayetteville St, Suite B, Asheboro, NC 27203

Phone Number: 336 625-8000

Email: mail@surveycarolina.com

Firm #: P-1110

Dan W Tanner II L-4787

© 2022 Survey Carolina, PLLC

Job #: 14031