

REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, DECEMBER 7, 2023
7:00 P.M.

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

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

John N. Ogburn, III, City Manager
Robert L. Brown, Jr., Assistant Chief of Police
Timothy E. Cockman, Deputy Fire Chief
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
John L. Evans, Assistant Community Development Director
N. Byron Hill, Police Captain
Michael L. Leonard, PE, City Engineer
Deborah P. Reaves, Finance Director
Michael D. Rhoney, PE, Water Resources Director
Jeffrey C. Sugg, City Attorney
Willie Summers, Fire Chief
Charles D. Wagner, Police Captain

I. Pre-Organizational Phase of the Meeting

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 opened the floor for comments from the public, and none were offered.

Mayor Smith closed the public comment period.
4.

Public Hearing for Land Use Case No. RZ-23-14: An application to rezone property located along the west side of Zoo Parkway and the south side of Newbern Avenue from R40, R15, and R10 zoning to R7.5 (CZ) zoning for a residential planned unit development.

Mayor Smith opened the above-described legislative hearing for Case No. RZ-23-14. Assistant Community Development Director John Evans presented a written request

from the applicant to continue the legislative hearing to the council's regular January 2024 meeting that is scheduled for January 11, 2024.

Council Member Bell moved, and Council Member Heath seconded the motion to continue the above-described legislative hearing to the council's regular meeting in January, 2024. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

5. Annexation Petitions

(a) Crestview Church Road

This annexation petition was withdrawn by petitioner J-MAC Properties, LLC

(b) Public Hearing – McMasters Street Tracts of Land

Mayor Smith opened the public hearing on the question of the annexation petition submitted by Habitat for Humanity of Randolph County, N.C., Inc. requesting the annexation into the Asheboro city limits of land owned by the nonprofit corporation along the south side of McMasters Street. As part of the public hearing, City Engineer Michael Leonard, PE presented the staff's analysis of the annexation petition. Mayor Smith then invited testimony from the public, but none was offered.

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

ORDINANCE NO. 73 ORD 12-23

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**AN ORDINANCE EXTENDING THE ASHEBORO CITY LIMITS BY ANNEXING
APPROXIMATELY 1.380 ACRES OF LAND OWNED BY HABITAT FOR
HUMANITY OF RANDOLPH COUNTY, N.C., INC. ALONG THE SOUTH SIDE OF
MCMASTERS STREET AND NOT CONTIGUOUS WITH
THE EXISTING PRIMARY CITY LIMITS**

WHEREAS, in accordance with Section 160A-58.1 of the North Carolina General Statutes, Habitat for Humanity of Randolph County, N.C., Inc., a North Carolina nonprofit corporation, has submitted a petition requesting the annexation into Asheboro of approximately 1.380 acres of land owned by the petitioner along the south side of McMasters Street; and

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

WHEREAS, on November 8, 2023, by means of a duly adopted resolution (Resolution Number 44 RES 11-23), the Asheboro City Council directed the city clerk to investigate the sufficiency of the annexation petition submitted by Habitat for Humanity of Randolph County, N.C., Inc., and the city clerk has in fact certified the sufficiency of the annexation petition submitted by the nonprofit corporation; and

WHEREAS, pursuant to Asheboro City Council Resolution Number 45 RES 11-23, a legal notice was published on November 21, 2023, in *The Courier-Tribune*, a newspaper with general circulation in the City of Asheboro, announcing that a public hearing to consider the adoption of an ordinance annexing the described territory into the City of Asheboro would be held during the city council's next regular meeting, which was scheduled to begin at 7:00 p.m. on December 7, 2023, in the council chamber on the second floor of Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203; and

WHEREAS, the public hearing was held, as advertised, on December 7, 2023; and

WHEREAS, the Asheboro City Council finds that the area described within the petition meets the standards prescribed by Section 160A-58.1(b) of the North Carolina General Statutes, to wit:

- (a) The nearest point on the proposed satellite corporate limits is not more than three miles from the primary corporate limits of the City of Asheboro;
- (b) No point on the proposed satellite corporate limits line is closer to the primary corporate limits of another municipality than to the primary corporate limits of the City of Asheboro;
- (c) The area for which annexation is requested is situated so that the City of Asheboro will be able to provide the same services within the proposed satellite corporate limits that are provided within the primary corporate limits; and
- (d) A subdivision will not be fragmented by the requested annexation; and

WHEREAS, the city council has concluded that all landowners required by law to sign the annexation petition have, in fact, signed the petition; and

WHEREAS, the city council further finds that the annexation petition is otherwise valid and that the public health, safety, and welfare of the City of Asheboro and the area proposed for annexation will be best served by annexing the territory described in Section 1 of this Ordinance.

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

Section 1. By virtue of the authority granted in Section 160A-58.2 of the North Carolina General Statutes, the following described non-contiguous territory is annexed, attached to, and hereby becomes a part of the City of Asheboro, North Carolina:

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the proposed Asheboro satellite city limits line at a 5/8-inch new iron rod flush with the ground in the southern margin of the public right-of-way for McMasters Street (North Carolina Secondary Road 1489), this BEGINNING point is located South 01 degree 51 minutes 18 seconds West 8.48 feet from a 1-inch existing iron pipe flush with the ground and located by means of the North Carolina Coordinate System at the coordinates of North 718,612.05 ground US survey feet and East 1,758,884.75 ground US survey feet (NAD 83 (2011)); thence from the BEGINNING point (this point is at the northwest corner of the land acquired by Habitat for Humanity of Randolph County, N.C., Inc. by means of a deed recorded in the Office of the Register of Deeds for Randolph County, North Carolina (the "Randolph County Registry") in Deed Book 2828, Page 206 (plat reference to Plat Book 182, Page 98, Randolph County Registry) and for which annexation has been requested (this land will be hereinafter referred to as the "Annexation Area")) and proceeding along the proposed Asheboro satellite city limits line by running with the southern margin of the public right-of-way for McMasters Street, which also serves as the northern boundary of the Annexation Area, the next five bearings and distances: South 89 degrees 25 minutes 34 seconds East 67.71 feet to a 5/8-inch new iron rod flush with the ground; thence South 89 degrees 32 minutes 53 seconds East 67.45 feet to a 5/8-inch new iron rod flush with the ground; thence South 88 degrees 41 minutes 38 seconds East 67.50 feet to a 5/8-inch new iron rod flush with the ground; thence South 89 degrees 10 minutes 52 seconds East 14.83 feet to a 5/8-inch new iron rod flush with the ground; thence South 81 degrees 00 minutes 32 seconds East 69.65 feet to a 5/8-inch new iron rod flush with the ground at the northeast corner of the Annexation Area; thence departing from the southern margin of the public right-of-way for McMasters Street, but continuing to follow the proposed Asheboro satellite city limits line, by running South 06 degrees 54 minutes 03 seconds West 221.88 feet along the western margin of the unopened right-of-way identified as "Clover Street" in Plat Book 1, Page 87, Randolph County Registry to a 12-inch Poplar tree at the southeast corner of the Annexation Area (this point is located South 49 degrees 06 minutes 49 seconds West 111.95 feet from a point on the existing Asheboro primary city limits line); thence continuing along the proposed Asheboro satellite city limits

line by running with the southern boundary of the Annexation Area the next six bearings and distances along the Ethel Pegram Justice and Angela Dawn Justice property described in Deed Book 1947, Page 1731, Randolph County Registry (shown as Lots 87-88 and 100-101 in Plat Book 1, Page 87, Randolph County Registry): North 84 degrees 29 minutes 42 seconds West 3.54 feet to an existing nail; thence North 87 degrees 07 minutes 35 seconds West 56.64 feet to a 5/8-inch new iron rod up two inches; thence North 87 degrees 07 minutes 35 seconds West 67.54 feet to a 5/8-inch new iron rod up two inches; thence North 87 degrees 07 minutes 35 seconds West 61.23 feet to a 1-inch existing iron pipe down four inches; thence North 86 degrees 51 minutes 54 seconds West 6.32 feet to a 5/8-inch new iron rod up two inches; thence North 86 degrees 51 minutes 54 seconds West 43.70 feet to a computed point / point not set at the southwest corner of the Annexation Area; thence departing from the southern boundary of the Annexation Area and continuing to follow the proposed Asheboro satellite city limits line by running with the western boundary of the Annexation Area the next four bearings and distances along the Ethel Pegram Justice property described in Deed Book 1978, Page 2607, Randolph County Registry (shown as all of Lot 97 and a portion of Lots 96, 98, & 99 in Plat Book 1, Page 87, Randolph County Registry): North 01 degree 11 minutes 30 seconds East 1.95 feet to a 3/4-inch existing iron pipe up four inches; thence North 01 degree 11 minutes 30 seconds East 77.72 feet to a 1.5-inch existing iron pipe up two inches; thence North 88 degrees 16 minutes 21 seconds West 27.19 feet to a 1.5-inch existing iron pipe up four inches; thence North 01 degree 51 minutes 18 seconds East 141.35 feet to the point and place of BEGINNING, and containing a total of 1.380 acres, more or less, to be annexed.

*The above-stated legal description is in accordance with a plat of survey drawn under the supervision of Dan W. Tanner, II, Professional Land Surveyor with License Number L-4787. The plat of survey is identified as Job # 14702 and is titled "Annexation Survey For: **Habitat For Humanity of Randolph County.**"*

The plat of survey referenced in the immediately preceding paragraph is recorded in Plat Book 183, Page 65, Randolph County Registry.

Section 2. Upon and after December 7, 2023, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. The above-described territory shall be subject to municipal taxes according to Section 160A-58.10 of the North Carolina General Statutes.

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

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

Section 5. This Ordinance shall be in full force and effect upon and after December 7, 2023.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on December 7, 2023.

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

ATTEST:

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

Approved as to form:

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

6. Public Hearing: Proposed Economic Development Appropriation

This advertised public hearing pertained to proposed economic development appropriations to Downtown Asheboro Inc. (“DAI”) that are not for real property or business location incentives. Before the public hearing was opened, Mayor Smith and Council Member Heath discussed the role they play with the board of directors for DAI, which is a nonprofit corporation. To avoid a conflict of interest under state law, Mayor Smith and Council Member Heath asked to be recused from participating in any manner in the discussion and potential council action under meeting agenda item no. 6.

Council Member Burks moved, and Council Member Bell seconded the motion, to recuse Mayor Smith and Council Member Heath from participating or acting in any manner in connection with agenda item no. 6. Council Members Bell, Burks, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

Mayor Pro Tempore Moffitt then opened the public hearing on the proposed economic development appropriations. Finance Director Deborah Reaves was recognized as the first person to speak.

As part of the hearing, Ms. Reaves noted that an appropriation in the amount of \$75,000 to DAI has been requested for salary, benefits, office rent, and office support for January 2024 through June 2024.

Ms. Addie Corder, who is the Executive Director of DAI, presented comments in support of the requested appropriation. When no one else asked to speak, Mayor Pro Tempore Moffitt closed the public hearing.

Subsequent to the public hearing, Council Member Bell moved, and Council Member Swiers seconded the motion to adopt/approve the following ordinance to amend the general fund. Council Members Bell, Burks, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

74 ORD 12-23

**ORDINANCE TO AMEND THE GENERAL FUND
FY 2023-2024**

WHEREAS, the City of Asheboro would like to appropriate fund balance of \$75,000 for an appropriation for the economic development purposes of Downtown Asheboro Inc.

WHEREAS, these funds will be used for salary and benefits and office rent and office support for Downtown Asheboro Inc for January 2024-June 2024.

WHEREAS, the City of Asheboro desires to amend the 2023-2024 budget 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	\$75,000

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-610-501.0001	Downtown Asheboro Inc	\$75,000

Adopted this the 7th day of December 2023.

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

ATTEST:

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

At the conclusion of the public hearing and adoption of the aforementioned ordinance, Council Member Bell moved, and Council Member Burks seconded the motion for Mayor Smith and Council Member Heath to participate in the remainder of the meeting. Council Members Bell, Burks, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

7. Presentation on the Success of the Youth Football Program

Mr. Ryan Patton and coaches of the Blue Comet Youth Football program discussed the positive impact of the program and expressed their appreciation to the city council for its support of the program.

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

8. Consent Agenda

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

(a) Approval of the City Council Meeting Minutes for November 8, 2023

The meeting minutes for the city council’s regular meeting on November 8, 2023, were approved and have been filed in the city clerk’s office. An electronic copy of the approved document has been posted on the city’s website.

(b) Acknowledgement of the Receipt of the Meeting Minutes for the Asheboro ABC Board Meeting Held on October 2, 2023, and November 6, 2023

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

(c) Approval of a Contract Amendment to Extend the Due Date for the Fiscal Year 2022-2023 Audit to December 31, 2023

The contract amendment to extend the due date for the Fiscal Year 2022-2023 audit to December 31, 2023 was approved by the city council. A copy of the approved contract amendment is on file in the city clerk’s office.

(d) Approval of an Ordinance to Amend the Asheboro Housing Development Fund

75 ORD 12-23

**ORDINANCE TO AMEND
THE ASHEBORO HOUSING DEVELOPMENT FUND (#62)
FY 2023-2024**

WHEREAS, the City Council has consistently planned and invested in community revitalization using founded urban design and strategic planning methods.

WHEREAS, the North Carolina Housing Finance Agency approved up to a maximum \$132,000 funding for 2023 Urgent Repair Program with no additional funding contribution required from the City of Asheboro.

WHEREAS, the City of Asheboro began receiving applications to assist low-moderate income households with owner-occupied emergency housing repairs on November 13, 2023.

WHEREAS, revenues and expenses in the Asheboro Housing Development Fund have changed over time in relation to the current budget.

WHEREAS, the City Council of the City of Asheboro desires 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 following revenue and expense line items are changed as follows:

Section 1: Revenues

<u>Account #</u>	<u>Revenue Description</u>	<u>Increase</u>
62-000-320.0000	Urgent Repair Funding	132,000

Section 2: Expenses

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
62-000-510.0001-62	URP Repairs	120,000
62-000-510.0002-62	URP Admin	12,000
		<u>132,000</u>

Adopted this 7th day of December 2023.

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

ATTEST:

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

- (e) Approval of the Community Development Division’s request to schedule for the regular January 2024 city council meeting, and to advertise, a legislative hearing on an application to rezone property at 115 South Fayetteville Street and 142 Worth Street (a portion of Randolph County Parcel Identification Number 7751823582 and all of Randolph County Parcel Identification Number 7751825638) from OA6 to B3 zoning.**
- (f) Acknowledgement of the Receipt of a Report Detailing Major Subdivisions Administratively Approved since August 10, 2023**

(g) **Approval of a Resolution to Approve an Updated City of Asheboro Water Shortage Response Plan**

RESOLUTION NUMBER 46 RES 12-23

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION APPROVING AN UPDATED CITY OF ASHEBORO WATER SHORTAGE RESPONSE PLAN

WHEREAS, Section 143-355.2 of the North Carolina General Statutes requires each unit of local government that provides public water service and each large community water system to develop and implement water conservation measures to respond to drought or other water shortage conditions as set out in a Water Shortage Response Plan that is submitted to the Department of Environmental Quality (the “Department”) for review and approval; and

WHEREAS, as required by the cited statute and in the interests of sound local planning, a Water Shortage Response Plan for the City of Asheboro (the “Plan”) was previously approved by the Asheboro City Council (the “City Council”) on November 8, 2018; and

WHEREAS, consistent with the cited statute, the previously approved Plan, and in the interests of sound local planning, an updated Water Shortage Response Plan for the City of Asheboro (the “Updated Plan”) has now been submitted to the City Council for approval; and

WHEREAS, the Updated Plan is attached to this Resolution as EXHIBIT 1 and is hereby incorporated into this Resolution by reference as if copied fully herein; and

WHEREAS, the City Council has made the following findings: (1) the Updated Plan is compliant with the applicable legal authorities, specifically including Section 143-355.2 of the North Carolina General Statutes and the previously adopted Plan; (2) the Updated Plan will provide appropriate guidance for the future management of water supplies for the City of Asheboro; and (3) the Updated Plan will provide useful information to the Department for the development of a state water supply plan as required by statute.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the Updated Plan titled *City of Asheboro Water Shortage Response Plan*, which has been most recently reviewed and acted upon by the City Council as of December 7, 2023, is hereby approved and shall be submitted to the Department’s Water Planning Section; and

BE IT FURTHER RESOLVED that the City Council intends that this Plan shall be revised to reflect changes in relevant data and projections at least once every five years, or as otherwise requested by the Department, in accordance with the applicable legal authorities and sound planning practice.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 7th day of December, 2023.

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

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

EXHIBIT 1

City of Asheboro Water Shortage Response Plan

The procedures herein are written to reduce potable water demand and protect existing drinking water supplies whenever they are in danger of being inadequate to meet customer needs. This plan is adopted to give the City of Asheboro guidelines to deal with water emergency issues related to drought. Elements of this plan may also be used to deal with reservoir contamination or if there is equipment or facility failure.

Conditions justifying declaration of water emergency.

- (a) *Insufficient reserve supply.* A water emergency may be declared to exist when the combined reserve supplies available from Lake Reese and Lake Lucas shall have reached the point where the reserve supply has been so reduced that the citizens cannot be supplied with water to protect their health and safety without curtailing substantially the water demand.
- (b) *Reservoir contamination.* A water emergency may be declared to exist when the reserve supplies available at Lake Reese and Lake Lucas have been contaminated in such a manner as to permit contamination to pass through the water treatment plant, damage equipment or endanger employees, or cannot be treated to the standards *established* by the Safe Drinking Water Act or the standards established by the state, or endangers the health and safety of the citizens.
- (c) *Equipment or facility failure.* A water emergency may be declared in the event of failure of raw water transmission lines, chlorination systems, flocculation systems, settling systems, filtration systems, chemical feed systems, storage systems, including finished water reservoirs and elevated tanks, high-service pumps or elements of the distribution system. Equipment or facility failure shall include any occurrence, which reduces the ability to produce and distribute water at the designed capacity of the water plant or to the minimum level necessary to protect the health and safety of the citizens.

I. Authorization

Subject to review by the City Council at any regular or special meeting of the City Council, a water emergency may be declared by the City Manager or his or her designee to exist when any condition or situation exists that may threaten the availability and/or safety of either treated or potable water from the water supply, treatment, and distribution system operated and maintained by the city. A water emergency shall be declared by the City Manager or his or her designee to exist when users of the city water system cannot be supplied with treated or potable water without substantially curtailing the water demand placed on the city's water system. Furthermore, a water emergency shall be declared to exist when production, treatment, transmission, and storage facilities are incapable of meeting all daily water demands or when projections of available water show that the available supply of water will not meet the daily water demands.

II. Notification

A declaration of the existence of a water emergency by the City Manager or his or her designee shall specify the level of severity of the emergency and be in the form of a signed executive order that, upon its issuance, shall be distributed to the Mayor and members of the City Council in a manner designed to provide the most expeditious notification possible. Once the distribution of the declaration of the existence of a water emergency to the Mayor and members of the City Council has been undertaken, the City Manager or his or her designee shall give notice to the general public by means of a public press announcement of the existence of a water emergency and the severity thereof. The regulatory provisions authorized by this plan will become effective 24 hours after the issuance of the public press announcement specified in the preceding sentence.

III. Levels of Response

Four levels of water emergency response are outlined in the table below. The four levels of water emergency response are: voluntary restrictions and mandatory restrictions I, II, and III. A detailed description of each response level and corresponding water reduction measures follow below.

Level	Response	Description
1	Voluntary Restrictions	Water users are encouraged to reduce their water use and improve water use efficiency; however, no penalties apply for noncompliance. Water supply conditions indicate a potential for emergency.
2	Mandatory Restrictions I	Water users must abide by required water use reduction and efficiency measures; penalties apply for noncompliance. Water supply conditions are significantly lower than the seasonal norm and water emergency conditions are expected to persist. Allows maintaining jobs and landscaping investments related to water use.
3	Mandatory Restrictions	Bans additional water usages not included in Level 2 Mandatory Restrictions I
4	Mandatory Restrictions III	Water supply conditions are substantially diminished and pose an imminent threat to human health or environmental integrity.

- (1) *Level I (Voluntary)*. During a declared Level I water emergency, consumers of water from the city water system shall be encouraged to implement the following voluntary water conservation practices:
- (a) Watering of lawns, ornamental plants, and gardens should be limited to the hours between 7:00 p.m. and 7:00 a.m.;
 - (b) Use of water for wash down of outside areas such as driveways, parking lots, and sidewalks should be curtailed;
 - (c) Faucets should not be left running while shaving, brushing teeth, or washing dishes;
 - (d) The use of clothes and dishwashers should be limited where possible, and these units should be operated with full loads;
 - (e) Washing cars and other vehicles should be curtailed to Saturday and Sundays, and hoses should not be left running while washing;
 - (f) The use of flow restriction and other water saving devices is encouraged;
 - (g) Showers should be used for bathing, and showers should be limited to four minutes or less; and
 - (h) Filling of pools should be deferred or limited to hours between 7:00 p.m. and 7:00 a.m.
- (2) *Level II (Mandatory)*. During a declared Level II water emergency, the following mandatory water use restrictions shall be in effect for consumers of water from the city water system:
- (a) The watering of lawns, ornamental plants, and gardens shall be limited to the hours between 7:00 p.m. and 7:00 a.m.;
 - (b) The watering of lawns, ornamental plants, and gardens shall not be done except by handheld containers (buckets, jugs, etc.), and no applications for irrigation meters will be accepted or approved;

- (c) With the exception of situations where a wash down of outside areas is necessary due to public health and safety concerns, the residential use of water for wash down of outside areas is prohibited. Commercial pressure washers shall be permitted to continue normal operations. However, the commercial pressure washer owners and/or operators shall ensure that water wastage does not occur;
 - (d) Residential washing of cars and other vehicles is prohibited. Automobile retail establishments and commercial automobile washing facilities including those providing hand held washing nozzles shall be permitted to continue normal operations. However, the facility owner/operator shall ensure that water wastage does not occur;
 - (e) Restaurants and other food serving establishments shall serve water to patrons only at the request of the patron(s);
 - (f) Commercial, industrial and construction operations shall eliminate all possible waste of water. Large scale commercial and industrial operations and construction activities that utilize 20,000 cubic feet or more of water per month shall submit a water reduction compliance plan to achieve 25%, 50%, or 75% water reduction as specified under the Level II water emergency declaration within 14 days of the effective date of the regulations and restrictions specified in the Level II water emergency declaration; and
 - (g) Above-ground pools, Jacuzzis, and hot tubs having a capacity of 500 gallons or more and all newly constructed or drained in-ground pools shall be filled by permit only. The Water Resources Director or his or her designee shall review applications for such fill permits. The issuance of such a permit may be denied on the basis of the assessment by the Water Resources Director of the severity of the situation.
- (3) *Level III (Mandatory)*. During a declared Level III water emergency, the following mandatory use restrictions shall be in effect for consumers of water from the city water system:
- (a) Any form of watering or irrigating lawns, gardens, and/or other plants is prohibited;
 - (b) With the exception of situations where the wash down of certain outside areas is necessary due to public health and safety concerns, the use of water for wash down of outside areas is prohibited;
 - (c) With the exception of situations where the washing of certain items is necessary due to public health and safety concerns, the washing of cars, vehicles, and/or other equipment is prohibited;
 - (d) Restaurants and other food serving establishments shall utilize single serving utensils and plates in addition to serving water to patrons only at the request of the patron(s);
 - (e) Recreational use of potable water, including filling of pools, is prohibited;
 - (f) Large scale commercial and industrial water customers and construction activities utilizing 20,000 cubic feet or more of water per month shall achieve mandatory restrictions in daily water usage of 25%, 50%, or 75% through whatever means are available. The target reduction percentage shall be determined by the severity of the water emergency and shall be publicly announced as part of the emergency declaration. The Water Resources Director shall determine compliance with the daily usage reduction targets. Variances to this restriction may be granted by the Water Resources Director to public health facilities including, but not limited to, hospitals and nursing homes;
 - (g) Drinking water taps or hydrant permits shall be issued or revoked at the discretion of the Water Resources Director; and

- (h) Unless a bulk water sale is made pursuant to an existing contract, bulk water sales shall be prohibited.
- (4) *Level IV (Mandatory).* During a declared Level IV water emergency, the following mandatory water use restrictions shall be in effect for consumers of water from the city water system:
 - (a) All use of water for purposes other than the maintenance of public health and safety is prohibited;
 - (b) Unless a bulk water sale is made pursuant to an existing contract, bulk water sales shall be prohibited;
 - (c) Where the city water system is functional, monthly residential water use shall not exceed 1,200 cubic feet of water at each metered location;
 - (d) Where the city water system is not functional, National Guard and emergency services vehicles shall be utilized to distribute water for household use at prearranged locations within the affected area. Usage by individuals shall be limited to those amounts necessary to sustain life through drinking, food preparation, and personal hygiene; and
 - (e) The compliance plan for industries during Level IV remains the same as Level III or as directed by the State Public Health Officials.

In the event of the declaration of a "water emergency" it shall be unlawful for any person to use or permit the use of water from the water system of the city in violation of any of the provisions set forth in this plan until such time as the City Manager or his or her designee has declared the restrictive provision(s) in question to be no longer in effect.

IV. Triggers

Triggers for the City of Asheboro levels of response are provided in Table 1 below. The City’s main sources of water are Lake Lucas and Lake Reese. The following measurements of usable storage and/or days of available supply trigger entry into corresponding water restriction stages based on lake level data maintained by the Water Resources Division.

Restriction Level	Usable Storage	Days of Available Supply
1	<60%	<190 Days
2	<50%	<150 Days
3	<40%	<125 Days
4	<35%	<100 Days

Table 1

Once a water emergency has been declared and the appropriate staged restrictions imposed, the Water Resources Director or his or her designee shall review the operational status of the city's water system and the supply of water available to the city's water system and keep the City Manager or his or her designee apprised of the operational status of the city's water system and the available water supply. On the basis of the information gathered, the Water Resources Director or his or her designee shall recommend to the City Manager or his or her designee when a different stage of restriction should be implemented. The City Manager or his or her designee shall make the final determination to change the restriction stage. If such a change in the stage of restriction is warranted, the notification procedures prescribed by Division II above shall be followed in the same manner as for the initial declaration of a water emergency.

V. Enforcement

The provisions of the water shortage response plan will be enforced by the City of Asheboro’. Violators may be reported to the Water Resources Division at (336)-626-1201 Ext. 258 or the Water Treatment Plant at (336) 626-1215.

Compliance with this plan shall be enforced by personnel of the Water Resources Division, the Police Department, and any other personnel designated by the City Manager. Failure to comply with any of the regulations or restrictions of this plan shall be unlawful and a violation of this plan. All remedies authorized by law for noncompliance with this plan, including the issuance of a civil penalty citation or an action for injunctive relief, may be exercised to enforce the provisions of this plan. It shall be unlawful to fail to act in accordance with the provisions of this plan or to use water in any manner that constitutes an attempted and/or actual evasion or avoidance of the water restrictions prescribed by this plan.

Any consumer of water from the city water system who violates any provision of this plan shall be subject to civil penalties as defined in Section 50.027 (EMERGENCY WATER MANAGEMENT PROCEDURES) of the Code of Asheboro.

VI. Variance Protocols

Water use variance requests may be made to the office of the City Manager at 146 N. Church Street (336) 626-1201. The City Manager or his designee may authorize relief from specific provisions of these restrictions in order to maintain an economic or public investment or to continue employment by business or industrial customers.

VII. Revision

The Water Shortage Response Plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and at a minimum of every five years, as required by the provisions of G.S. 143-355(l). Further, the Water Resources Director will review procedures following each emergency to recommend any necessary revisions to the plan to the City Council.

This updated plan was approved by the Asheboro City Council on December 7, 2023.

(h) An Ordinance Setting the Asheboro City Council's Schedule for Regular Meetings During the 2024 Calendar Year

ORDINANCE NUMBER 76 ORD 12-23

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AN ORDINANCE SETTING THE DATES FOR REGULAR MEETINGS OF THE ASHEBORO CITY COUNCIL DURING THE 2024 CALENDAR YEAR

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

WHEREAS, to avoid reasonably foreseeable scheduling conflicts with officially recognized holidays on New Year's Day and Independence Day, the Asheboro City Council has decided to reschedule its regular meetings in January 2024 and July 2024.

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

Section 1. During the 2024 calendar year, and subject to any notices to the contrary issued in accordance with the applicable statutes and ordinances, regular meetings of the Asheboro City Council will begin at 7:00 p.m. on the dates listed herein and will be held in the Council Chamber, which is located on the second floor in Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203.

Section 2. Due to the scheduling impact of the officially recognized holiday for New Year's Day, the regular meeting of the Asheboro City Council in January 2024 shall be held in the Council Chamber at Asheboro City Hall, with a beginning time of 7:00 p.m., on the 11th day of January, 2024.

Section 3. Due to the scheduling impact of the officially recognized holiday for Independence Day, the regular meeting of the Asheboro City Council in July 2024 shall be held in the Council Chamber at Asheboro City Hall, with a beginning time of 7:00 p.m., on the 11th day of July, 2024.

Section 4. For purposes of clarity, the schedule for regular meetings of the Asheboro City Council during the 2024 calendar year is listed on the next page of this Ordinance.

<u>Month</u>	<u>Meeting Date</u>
January	11 th
February	8 th
March	7 th
April	4 th
May	9 th
June	6 th
July	11 th
August	8 th
September	5 th
October	10 th
November	7 th
December	5 th

Section 5. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed to the extent of any conflict with the intent of the Asheboro City Council to hold its regular meetings in accordance with the schedule found in Section 4 of this Ordinance. Except for rescheduling the Asheboro City Council’s regular meetings in January 2024 and July 2024, the provisions of Section 31.04 of the Code of Asheboro shall remain in full force and effect.

Section 6. This Ordinance shall become effective upon adoption and shall sunset at midnight on December 31, 2024.

This Ordinance was adopted in open session during a regular meeting of the Asheboro City Council held on the 7th day of December, 2023.

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

ATTEST:

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

- (i) **Approval of city staff's request to continue the consideration of the acquisition of real property in connection with the McCrary Ballpark Project to the council's next regular meeting in January 2024**

The request to continue the consideration of the acquisition of real property was approved.

- (j) **Acknowledgement of the receipt from the Randolph County Board of Elections of the results of the municipal election held on November 7, 2023**

9. Presentation of the *Key to the City*

Mayor Smith presented the *Key to the City* to Council Member Jane Redding as a token of appreciation for her distinguished service to the citizens of Asheboro. In return, Ms. Redding thanked the city council and the citizens of Asheboro for their support during her tenure as an Asheboro City Council Member.

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

Administration of the Oaths of Office

City Clerk Holly H. Doerr administered the oaths of office for the following council members.

10. Oath of office for Edward J. Burks

OATH OF COUNCIL MEMBER

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH
CITY OF ASHEBORO

I, Edward J. Burks, do solemnly swear that I will support, defend, and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge and perform the duties of my office as Council Member for the City of Asheboro, on which I am about to enter, according to my best skill and ability; so help me, God.

/s/Edward J. Burks
Edward J. Burks

Sworn to and subscribed before me this 7th day of December, 2023.

/s/Holly H. Doerr
Holly H. Doerr
City Clerk

11. Oath of office for Charles A. Swiers

OATH OF COUNCIL MEMBER

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH
CITY OF ASHEBORO

I, Charles A. Swiers, do solemnly swear that I will support, defend, and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina

not inconsistent therewith, and that I will faithfully discharge and perform the duties of my office as Council Member for the City of Asheboro, on which I am about to enter, according to my best skill and ability; so help me, God.

/s/Charles A. Swiers
Charles A. Swiers

Sworn to and subscribed before me this 7th day of December, 2023.

/s/Holly H. Doerr
Holly H. Doerr
City Clerk

12. Oath of office for W. Joseph Trogdon, Jr.

OATH OF COUNCIL MEMBER

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH
CITY OF ASHEBORO

I, W. Joseph Trogdon, Jr., do solemnly swear that I will support, defend, and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge and perform the duties of my office as Council Member for the City of Asheboro, on which I am about to enter, according to my best skill and ability; so help me, God.

/s/W. Joseph Trogdon, Jr.
W. Joseph Trogdon, Jr.

Sworn to and subscribed before me this 7th day of December, 2023.

/s/Holly H. Doerr
Holly H. Doerr
City Clerk

Organizational Phase of the Meeting

REGULAR MEETING
NEWLY ORGANIZED ASHEBORO CITY COUNCIL
COUNCIL CHAMBER, ASHEBORO MUNICIPAL BUILDING
THURSDAY, DECEMBER 7, 2023

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

John N. Ogburn, III, City Manager
Robert L. Brown, Jr., Assistant Chief of Police
Timothy E. Cockman, Deputy Fire Chief
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
John L. Evans, Assistant Community Development Director
N. Byron Hill, Police Captain
Michael L. Leonard, PE, City Engineer
Deborah P. Reaves, Finance Director
Michael D. Rhoney, PE, Water Resources Director
Jeffrey C. Sugg, City Attorney
Willie Summers, Fire Chief
Charles D. Wagner, Police Captain

13. Election of Mayor Pro Tempore and Administration of Oath of Office

After the oaths of office were administered to Council Members Burks, Swiers, and Trogdon, the council turned its attention to the election of a Mayor Pro Tempore. Council Member Bell moved to select Mr. Walker B. Moffitt as Mayor Pro Tempore, and Council Member Burks seconded the motion. Council Members Bell, Burks, Heath, McCaskill, Moffitt, and Swiers voted aye. Council Member Trogdon voted no.

Subsequent to the adoption of the motion, Ms. Doerr administered the following oath of office to Mayor Pro Tempore Moffitt.

OATH OF MAYOR PRO TEMPORE

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH
CITY OF ASHEBORO

I, Walker B. Moffitt, do solemnly and sincerely swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain, and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will faithfully discharge the duties of my office as Mayor Pro Tempore for the City of Asheboro, so help me God.

/s/Walker B. Moffitt
Mayor Pro Tempore
City of Asheboro

Sworn to and subscribed before me this 7th day of December, 2023.

/s/Holly H. Doerr
Holly H. Doerr
City Clerk

14. Committee Appointments

Mayor Smith announced his proposed list of committee appointments by discussing the following resolution and requesting council action on the resolution.

Council Member Heath moved, and Council Member Swiers seconded the motion to adopt, without alteration, the resolution introduced by Mayor Smith. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

RESOLUTION NUMBER 47 RES 12-23

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION OF CONCURRENCE WITH THE COMMITTEE APPOINTMENTS
MADE BY MAYOR DAVID H. SMITH**

WHEREAS, the Code of Asheboro (the “City Code”) authorizes the mayor to appoint members of the city council to the various committees listed in Section 31.02 of the City Code as well as to other committees established by and organized in accordance with resolutions adopted by the city council independent of the committee framework established in the City Code; and

WHEREAS, the appointment of individuals to such committees is to take place during the organizational meeting that follows the municipal general election; and

WHEREAS, Section 31.02 of the City Code provides that the above-referenced committee appointments are subject to the approval of the city council; and

WHEREAS, during the organizational meeting held on December 7, 2023, Mayor David H. Smith made the following committee appointments:

Finance and Public Safety Committee

1. Mayor (Designated as Chair by the City Code)
2. Clark R. Bell
3. W. Joseph Trogdon, Jr.
4. Charles A. Swiers

Public Works Committee

1. Mayor Pro Tempore (Designated as Chair by the City Code)
2. Edward J. Burks
3. Kelly L. Heath

Personnel Evaluation Committee

1. Mayor (Designated as Chair by the City Code)
2. Mayor Pro Tempore
3. William N. McCaskill

Tourism and Marketing Committee

1. Mayor (Designated as Chair by the City Code)
2. Edward J. Burks
3. Kelly L. Heath

Identity Theft Prevention Program Committee

1. Mayor (Designated as Chair by the City Code)
2. William N. McCaskill
3. Charles A. Swiers

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the committee appointments specified in the preceding recitals are hereby approved.

This Resolution was adopted in open session during a regular meeting of the Asheboro City Council that was held on the 7th day of December, 2023.

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

ATTEST:

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

Post-Organizational Phase of the Meeting

15. Presentation on Randolph County's Vital Infrastructure and Planning

Assistant Randolph County Manager William Johnson reported on Randolph County's vital infrastructure and planning for current needs and future growth.

During his presentation, Mr. Johnson utilized a slide show presentation and reported that in August 2023, the Randolph County Board of Commissioners voted to award a design contract to The Wooten Company for the design of a water line from PTRWA (Island Ford Road) to Asheboro along I-74. Survey and design of the proposed water line is scheduled for completion in September 2024, with permitting and bidding to be completed by February 2025. The construction of the water line is tentatively scheduled for completion by December 2025.

Additionally, Mr. Johnson reported on the Wolfspeed Water Main Extension. The City of Asheboro is constructing a water line east along US-64 to serve the CAM site in Chatham County with 3.3 mgd. This amount of water would require a 20" line. The ultimate size needed will require hydraulic modeling of the system.

Upsizing the water line along US-64 will enable future growth along US-64, NC-49, NC-22, and US-421. Encouraging growth along these areas will strengthen the water and wastewater systems of Asheboro, Ramseur, Franklinville, and Liberty.

On September 22, 2023, the NC General Assembly passed the state's budget, which included \$87 million in infrastructure funding for Randolph County. The county looks forward to working with its partners to take advantage of this opportunity.

Randolph County has four water and sewer districts. The districts were created in 2008, but have not been active.

The US-64 line falls within the Eastern Randolph District. Districts may appoint advisory boards to aid in decision making. The key to future success will be collaboration.

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

16. Community Development – Rezoning Applications

- (a) Legislative Hearing (Case No. RZ-23-19): A request to rezone property at 306 Harrison Street (Randolph County Parcel Identification Number 7761238822) from B1 to RA6 (CZ) zoning to allow for a single-family residential addition that provides a reasonable accommodation.**

Mayor Smith opened the above-described legislative hearing for Case No. RZ-23-19. Assistant Community Development Director John Evans was the first speaker, and he gave an overview of the zoning map amendment application submitted by Mr. Robert L. Freeland and the City of Asheboro.

As noted above, the land for which the above-described zoning has been requested is located at 306 Harrison Street and is identified by Randolph County Parcel Identification Number 7761238822 (this property will be hereinafter referred to as the "Zoning Lot.") The Zoning Lot is approximately 0.12 of an acre in size.

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

1. Harrison Street is a local, city-maintained street.
2. The property is inside the city limits.
3. The property is currently zoned B1 Neighborhood Commercial, which is described by the zoning ordinance as “intended to provide for limited retail and personal service uses on free-standing parcels or for small centers to serve adjacent residential neighborhoods. These districts shall normally be located in nodes along minor thoroughfares or higher classification streets.”
4. The requested RA6 district is described by the zoning ordinance as “intended to produce a high intensity or residential uses in close proximity to major nodes of non-residential development, characterized primarily by group housing, plus the necessary governmental and other support facilities to service that level of development. Land designate RA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged.” In general, the RA6 district allows single-family, two-family and multi-family dwellings. However, a zoning lot with less than 45,000 SF is limited to no more than four dwelling units and multi-family development is limited to a 17% floor area ratio by-right, less than the 22% allowable for a single-or two-family dwelling (equal to 1,149 SF of conditioned floor area on this property).
5. The applicant seeks an addition to the side of the dwelling to meet a need for a reasonable accommodation, which is addressed through various federal laws. According to the US Department of Housing and Urban Development, “Reasonable accommodations may include changes which may be necessary in order for the person with a disability to use and enjoy a dwelling.” Reasonable accommodations be made to person(s), including accommodations to policies such as typical zoning standards. The zoning ordinance does have provisions for reasonable accommodations, however, it specifies that the accommodations are for residentially zoned properties.
6. The zoning ordinance allows an applicant to propose a conditional zoning district that deviates from the zoning ordinance’s general requirements. In this case, the primary deviation is encroachment into the 10’ side setback with a side setback of 2’2”. A secondary deviation is to exceed the maximum 1,149 SF of maximum floor area described in (4) above. The applicant’s site plan shows that the existing dwelling is approximately 1,166 SF and the proposed bathroom addition would add approximately 88 additional square feet, resulting in a floor area ratio of approximately 24%. Only conditioned space counts towards the floor area ratio.
7. This property is located in the Central Small Area Planning area, which lists “preservation and revitalization of existing residential neighborhoods” as a key issue.
8. During the 2015 update of the Land Development Plan, one of two community meetings to help develop recommendations was held less than half a mile from the subject property. One of the key findings at this meeting was the need to protect established residential neighborhoods from encroachment of commercial and office uses.

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

Proposed Land Use Map Designation: Commercial

Small Area Plan: Central

Growth Strategy Map Designation: Primary Growth

LDP Goals/Policies Which Support Request:

Checklist Item 5: Complies with Growth Strategy Map

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

Checklist Items 12-14: 12.) Property is located outside of the watershed area, Special Hazard Flood Area, and area with steep slopes.

2015 LDP Update Community Workshop 1.

LDP Goals/Policies Which Do Not Support Request:

Checklist Item 1: Rezoning is not compliant with the Proposed Land Use Map.

The City of Asheboro Planning Board considered the rezoning application and recommended placement of the Zoning Lot into the requested RA6 (CZ) zoning district. In making this recommendation, the planning board concurred with the planning staff's analysis of the consistency of the proposed zoning with the adopted comprehensive plans as well as the reasonableness of the proposal. The planning staff's analysis is summarized in the following indented paragraphs.

The property owner seeks to construct a small addition to an existing dwelling that is considered legal non-conforming due to the current zoning. The addition is related to the alleged need for a reasonable accommodation, a circumstance that the zoning ordinance provides for when property is residentially zoned, but not expressly for commercially zoned property. The application presented seeks to efficiently respond to the requested accommodation through a single-map amendment action rather than utilizing both a map amendment and a separate Board of Adjustment public hearing.

The property has been used residentially for decades. Placing the property in a conditional residential zoning district would support continued use of the property and address the reasonable accommodation request without the need for an additional public hearing. Approval also aligns with the Land Development Plan's recommendation seeking to preserve and protect neighborhoods from commercial encroachment.

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

In the event of council approval of the application, the planning staff did offer suggested conditions to include as part of a conditional zoning ordinance amendment. These conditions are as follows:

- (A) *The use approved shall be a Single-Family Dwelling. Any accessory uses permitted by-right in the RA6 district shall be authorized subject to compliance with general RA6 district regulations.*
- (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 the issuance of a Zoning Compliance Permit for the proposed land use, the owner shall provide city staff with written acceptance of any conditional zoning district conditions acknowledged during the public hearing.*
- (D) *Deviations from the Zoning Ordinance's pre-determined development requirements shall be strictly limited to construction and maintenance of the identified reasonable accommodation.*
- (E) *The owner(s) of the Zoning Lot shall properly execute and deliver to the Zoning Administrator for recordation in the Office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the city attorney for the purpose of placing notice of the conditions attached to the conditional zoning district in the chain of title for the Zoning Lot.*

When no one else other than the applicant asked to speak, Mayor Smith transitioned to the deliberative phase of the process.

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

1. The property owner seeks to construct a small addition to an existing dwelling that is considered legal non-conforming due to the current zoning. The addition is related to the need for a reasonable accommodation, a circumstance that the zoning ordinance provides for when property is residentially zoned, but not expressly for commercially zoned property. The application seeks to efficiently respond to the requested accommodation through a single-map amendment action rather than utilizing both a map amendment and a separate Board of Adjustment public hearing.

The property has been used residentially for decades. Placing the property in a conditional residential zoning district would support continued residential use of the property and address the reasonable accommodation request without the need for an additional public hearing. Approval also aligns with the Land Development Plan's recommendation seeking to preserve and protect neighborhoods from commercial encroachment.

Considering the aforementioned analysis, the council has concluded that the proposed zoning map amendment is generally speaking consistent with the adopted plans, reasonable and in the public interest, subject to acceptance of the staff suggested conditions.

2. The zoning map amendment application seeking to place the Zoning Lot into an RA6 (CZ) zoning district is hereby approved, subject to the inclusion in the approved conditional zoning ordinance of the conditions proposed by city staff.

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

- (b) **Legislative Hearing (Case No. RZ-23-20): A request to rezoning property located north of 4986 US Highway 220 Business North (a portion of Randolph County Parcel Identification Number 7754917907) from R15 to B2 (CZ) zoning to allow for minor motor vehicle repair.**

Mayor Smith opened the above-described legislative hearing for Case No. RZ-23-20. Mr. Evans was the first speaker, and he gave an overview of the zoning map amendment application submitted by Rene Avila.

The land for which the above-described zoning has been requested is located on the east side of US Highway 220 Business North and is shown as New Tract 1 in Plat Book 182, Page 33, Randolph County Registry. (this property will be hereinafter referred to as the “Zoning Lot.”) The Zoning Lot is approximately 0.68 of an acre (or 29,947 square feet) in size.

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

1. The property is inside the city limits.
2. US 220 Business North is a state-maintained major thoroughfare with a 100' wide public right-of-way. The 2024-2033 State Transportation Improvement Plan (STIP) identifies “widening to multi-lanes” as a potential improvement which is currently listed as unfunded.
3. The R15 zoning district is described by the zoning ordinance as intended to provide regulations which will produce a low intensity of single family residential use with the necessary governmental and other support facilities to service such suburban intensity living.
4. The B2 zoning district is described by the zoning ordinance as “intended to serve the convenience goods, shoppers goods retail and service needs of the motoring public, both local and transient. This district should always be located with access directly to minor thoroughfares or higher classification streets, but never local residential streets.”
5. The applicant’s proposal is for minor motor vehicle repair only. No major motor vehicle repair is included with the application.
6. The Planning Board reviewed a site plan showing a 1,600 SF principal structure and 400 square foot detached accessory storage building at its November meeting. On November 30, staff was presented with a plan eliminating the accessory storage building but increasing the square footage of the principal structure from 1,600 SF to 1,800 SF. Since the total square footage associated with the proposed use is less, re-review by Planning Board is not necessary.
7. The zoning ordinance allows an applicant to propose a conditional zoning district that deviates from the zoning ordinance’s general requirements.
8. The applicant’s site plan identifies a landscape screen around the perimeter of the property consisting of evergreen trees placed at no more than 20 feet apart and a row of evergreen shrubs spaced no more than 5 feet apart. There is also a wood slat privacy fence on the eastern side of the property, that the plan indicates is 8 feet in height. Staff notes that code requirements specifies that wooden fencing used to meet screening requirements must be a minimum of 6 feet in height to meet screening requirements. The plan also identifies evergreen landscaping in the front yard at a ratio of one evergreen shrub per 10 linear feet.

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

Proposed Land Use Map Designation:	Commercial
Small Area Plan:	Northeast
Growth Strategy Map Designation:	Primary Growth

LDP Goals/Policies Which Support Request:

<u>Checklist Item 1:</u>	Rezoning is compliant with the Proposed Land Use Map.
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<u>Checklist Item 3:</u>	The property on which the rezoning district is proposed fits the description of the Zoning Ordinance.
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<u>Checklist Item 5:</u>	Complies with Growth Strategy Map
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<u>Checklist Items 12-14:</u>	12.) Property is located outside of the watershed area, Special Hazard Flood Area, and area with steep slopes.
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LDP Goals/Policies Which Do Not Support Request

<u>2.1.5</u>	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.
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The City of Asheboro Planning Board considered the rezoning application and recommended placement of the Zoning Lot into the requested B2 (CZ) zoning district. In making this recommendation, the planning board concurred with the planning staff's analysis of the consistency of the proposed zoning with the adopted comprehensive plans as well as the reasonableness of the proposal. The planning staff's analysis is summarized in the following indented paragraphs.

The Land Development Plan designates this property for commercial use and the requested commercial designation conforms with the plan's Future Land Use recommendation. The applicant, recognizing that there remains contiguous residential zoning and uses surrounding much of the property, proposes a conditional zoning district in order to offer certainty and specific project details. Staff believes the application proposes a reasonable use for the property and approval would initiate implementation of the Land Development Plan's endorsement of commercial development for this block of N. Fayetteville Street.

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

In the event of council approval of the application, the planning staff did offer suggested conditions to include as part of a conditional zoning ordinance amendment. These conditions are as follows:

- (A) *The use approved shall be Minor Motor Vehicle Repair.*
- (B) *All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.*
- (C) *Should any outdoor lighting (pole mounted and/or wall mounted) be added, such lighting shall comply with city ordinances and information on such lighting shall be provided to staff for review and approval prior to installation of this outdoor lighting.*
- (D) *No storage of junk or junked vehicles is permitted.*
- (E) *The applicant shall submit a revised site plan detailing the following items:*
 - (a) *Information on ground and/or roof mounted mechanical equipment and screening from street view.*
 - (b) *Detail on grade separation between the building and the parking area.*
 - (c) *Compliance with ADA requirements regarding parking and accessibility to the building.*
- (F) *Prior to the issuance of a Zoning Compliance Permit, the applicant shall obtain the required NCDOT permit(s) and update the plan as necessary to obtain said permit.*
- (G) *Hours of operation shall be from 8:00 AM to 7:00 PM.*
- (H) *Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner shall provide city staff with written acceptance of any conditional zoning district conditions acknowledged during the public hearing.*
- (I) *The owner(s) of the Zoning Lot shall properly execute and deliver to the Zoning Administrator for recordation in the Office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the city attorney for the purpose of placing notice of the conditions attached to the conditional zoning district in the chain of title for the Zoning Lot.*

The applicant, Rene Avila presented comments in support of the rezoning application, and Mark Harrelson posed questions regarding buffering and screening for the proposed structure.

When no one else asked to speak, Mayor Smith transitioned to the deliberative phase of the process.

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

1. The Land Development Plan designates this property for commercial use and the applicant's requested commercial designation conforms with the plan's Future Land Use recommendation. The applicant, recognizing that there remains contiguous residential zoning and uses surrounding much of the property, has proposed a conditional zoning district in order to offer certainty and specific project details. With the proposed conditions, the application describes a reasonable use for the property and approval would initiate implementation of the Land Development Plan's endorsement of commercial development for this block of N. Fayetteville Street.

Considering the aforementioned analysis, the council has concluded that the proposed zoning map amendment is generally consistent with the adopted plans, reasonable, and in the public interest, subject to final site plan revisions and acceptance of the staff suggested conditions.

2. The zoning map amendment application seeking to place the Zoning Lot into a B2 (CZ) zoning district is hereby approved, subject to the inclusion in the adopted conditional zoning ordinance of the conditions proposed by city staff.

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

17. Work Authorization No. 2 with WK Dickson

Mr. Leonard reported that a 10-unit T-hangar building is proposed to be built along the south end of the hangar development area at the Asheboro Regional Airport. Work Authorization No. 2 includes the design/bid effort for the T-hangar and taxilane development. Site preparation required will include grading, drainage, and erosion control, taxilane paving. The bid documents for the new T-hangar building will be performance based and will include a bathroom with water and sanitary sewer service. The total proposed appropriation within the work authorization is \$141,165.00.

Council Member Moffitt moved, and Council Member Burks seconded the motion to approve the Work Authorization No. 2 to address the design and bid administration of a 10-unit T-hangar located at the southern end of the Asheboro Regional Airport. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

18. Upcoming Events and Items Not on the Agenda

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

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

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

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