

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, JUNE 8, 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
Timothy E. Cockman, Deputy Fire Chief
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Michael L. Leonard, PE, City Engineer
Mark T. Lineberry, Chief of Police
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Michael D. Rhoney, PE, Water Resources Director
Willie Summers, Fire Chief
Charles D. Wagner, Police Captain

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 public comments, and none were offered.

Mayor Smith closed the public comment period.

4. Recognition of Retired Police MSgt. Charles Burrow

On behalf of the Asheboro Police Department, Chief Lineberry presented retired MSgt. Charles Burrow with the city-issued service side arm that he carried at the time of his retirement.

5. Consent Agenda

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 April 6, 2023

The meeting minutes for the city council's regular meeting on April 6, 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) City Council Meeting Minutes for April 17, 2023

The meeting minutes for the city council's special meeting on April 17, 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.

(c) City Council Meeting Minutes for May 4, 2023

The meeting minutes for the city council's regular meeting on May 4, 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.

(d) Asheboro ABC Board Minutes for April 3, 2023

The council acknowledged the receipt of the Asheboro ABC Board's approved meeting minutes for April 3, 2023. This document has been filed in the city clerk's office and distributed to the city's elected officials.

(e) Asheboro ABC Amended Budget for Fiscal Year 2022-2023

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

(f) Asheboro ABC Board's Budget Message and Proposed Budget for Fiscal Year 2023-2024

The council acknowledged the receipt of the Asheboro ABC Board's budget message and proposed budget for Fiscal Year 2023-2024. This document has been filed in the city clerk's office and distributed to the city's elected officials.

(g) Acknowledgement of the Receipt of a Report Detailing Major Subdivisions Administratively Approved since May 4, 2023.

There have been none approved.

(h) Scheduling and Advertising Legislative Hearings for July 13, 2023

- (i) Request to Rezone Property Located at 207 East Pritchard Street (Randolph County Parcel Identification Number 7751966980) from B2 General Commercial to OA6 Office-Apartment**
- (ii) Request to Rezone Property Located at 3114 Zoo Parkway (Randolph County Parcel Identification Number 7669460864 from R40 Low-Density Residential to R10 Medium-Density Residential**
- (iii) Request to Rezone Property Located at 615 & 617 South Church Street; 233 West Kivett Street; and 616 & 622 Hammer Avenue (Randolph County Parcel Identification Number 7751703525) to an Amended Conditional Zoning Office-Apartment Designation for the Purpose of a Multi-Family Development for Elderly that is a Whole Block Redevelopment Project**

(i) A Budget Amendment to Move Funding Across General Fund Departments (Inspections, Street, and Facilities Maintenance)

35 ORD 6-23

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2022-2023

WHEREAS, the budget ordinance adopted on June 28, 2022 authorizes the City Manager, who is the Budget Officer, to transfer appropriations between departments within the same fund with an official report to the Governing board at the next scheduled council meeting.

WHEREAS, a budget amendment satisfies the requirement of an official report to the Governing board.

WHEREAS, The Facilities Maintenance department is assigned a variety of tasks that are outside the scope of the contract with Rogers Builders Inc. for the McCrary Ballpark renovation and has needed resources to address those tasks.

WHEREAS, the scope of the tasks assigned and the corresponding funding need is continuously evolving as the Facilities Maintenance Department works toward completion of the current phase of the renovation.

WHEREAS, The City Manager has authorized the budget allocation movement between the Street department and the Facilities Maintenance department to cover costs associated with the McCrary Ballpark Project as documented in internal amendment JE 2340 and JE 2410.

WHEREAS, The City Manager has authorized the budget allocation movement between the Street department and the Inspections department to cover cost changes from the original adopted budget as documented in internal amendment JE 2410.

WHEREAS, the City of Asheboro is presenting these changes to the City Council for their approval.

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>
10-565-534.0004	Other Supplies – Asphalt Maintenance & Repair- McCrary Ball	(150,400)
10-640-515.0700	Park	150,400
10-565-534.0004	Other Supplies- Sidewalks Maintenance & Repair- McCrary Ball	(49,000)
10-640-515.0700	Park	45,000
10-565-534-0500	Other Supplies – Snow removal	(20,000)
10-540-502.0000	Salaries	18,000
10-540-507.0002	Fringe FICA	400
10-540-507.0005	Fringe Retirement	2,200
10-540-514.0000	Travel	(2,200)
10-540-574.0000	Capital Outlay	5,600
	Total Increase / (Decrease)	0

Adopted this 8th day of June, 2023

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

ATTEST:

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

- (j) **A Budget Amendment to Move Funding Across Water and Sewer Fund Departments (Meter Department, Water Maintenance, Sewer Maintenance, and System Maintenance)**

36 ORD 6-23

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

WHEREAS, the budget ordinance adopted on June 28, 2022 authorizes the City Manager, who is the Budget Officer, to transfer appropriations between departments within the same fund with an official report to the Governing board at the next scheduled council meeting.

WHEREAS, a budget amendment satisfies the requirement of an official report to the Governing board.

WHEREAS, The City Manager has authorized the budget allocation movement between the System Maintenance Department and the Meter Department, Water Maintenance Department and Sewer Maintenance department to cover materials cost increases and salary cost changes associated with staffing adjustments as planned for in the original adopted budget as documented in internal amendment JE 2180.

WHEREAS, the City of Asheboro is presenting these changes to the City Council for their approval.

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>
30-870-545.0000	Contracted Services	(405,500)
30-810-534.0001	Meter Replacement	35,000
30-840-574.0000	Capital Outlay	5,500
30-840-502.0000	Salaries and Wages	10,000
30-840-534.0000	Supplies and Materials	70,000
30-840-534.0001	Supplies and Materials- stone	12,000
30-840-534.0002	Supplies and Materials- Asphalt	5,000
30-840-534.0003	Supplies and materials Hydrant Parts	11,000
30-840-546.0000	Contracted Construction	100,000
30-850-516.0000	Maintenance & Repair Equipment	16,000
30-850-534.0000	Other Supplies and Materials	30,000
30-850-545.0000	Contracted Construction- Sewer line	50,000
30-850-546.0000	Contracted Maintenance	40,000
30-850-574.0000	Capital Outlay	21,000

Total Increase / (Decrease)

0

Adopted this 8th day of June, 2023

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

ATTEST:

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

(k) The Temporary Closure of Portions of North McCrary Street and Southway Road for the Fireworks Display on July 7, 2023

The council approved a temporary street closure for the fireworks display. The temporary closure order will take effect at 2200 hours on July 7, 2023, and will end at 2300 hours on July 7, 2023. A copy of the map with the closure order is on file in the city clerk's office.

6. Legislative Hearings:

(a) Legislative Hearing (Case No. RZ-23-04):

A request to amend Chapter 5 (Use Regulations) and Chapter 10 (Watershed Protection Regulations) of the Asheboro Zoning Ordinance to allow residential developments to request a Special Intensity Allocation within the Watershed Balance Area.

Mayor Smith opened the legislative hearing on the application filed by Terry Tucker to amend Chapters 5 and 10 of the Asheboro Zoning Ordinance to allow certain residential development to be eligible for Special Intensity Allocations within Watershed Balance Areas. The following text amendments were proposed:

Amendments to Chapter 5:

Chapter 5 Use Regulations

Table of Contents

(24) Place of Assembly, Non-Commercial in Residential Districts.....~~53~~52

(34) Whole Block Redevelopment.....~~63~~62

Section 5.05 (Special Use Regulations) Subsection 30 (Watershed ~~S~~NIA)

(30) Watershed ~~S~~NIA

All applications for a SIA shall include the following:

- (1)** Projects must minimize built upon surface area.
- (2)** Projects must direct stormwater away from surface waters.
- (3)** Projects must incorporate Best Management Practices to minimize quality impacts.
- (4)** Projects must be connected to City of Asheboro water and sewer.
- (5)** Projects must provide a positive economic benefit and/or housing opportunities to the community

Amendments to Chapter 10

UT to Cedar Creek WS-II-CA (Critical Area)

UT to Cedar Creek WS-II-BW (Balance of Watershed)

- (B) Back Creek Lake WS-II-CA (Critical Area) UT to Cedar Creek WS-II-CA (Critical Area)
 - (1) Intent.

In order to maintain a predominantly undeveloped land use intensity pattern, single family residential uses shall be allowed at a maximum of one dwelling unit per 2 acres. All other residential and nonresidential development shall be allowed a maximum of 6% built-upon area.
 - (2) Allowed Uses
 - (a) All uses allowed in the underlying zoning districts where the watershed is located, subject to the modifications noted below unless specifically excluded in ~~2-(3)~~ Prohibited Uses.
 - (b) Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990. Agricultural activities conducted after January 1, 1993 shall maintain a minimum ten (10) foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of USGS 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Animal operations greater than 100 animal units shall employ Best Management Practices by July 1, 1994 recommended by the Soil and Water Conservation Commission.
 - (c) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).
 - (3) Prohibited Uses
 - (a) Storage of hazardous materials.
 - (b) landfills or incinerators
 - (c) sites for land application of sludge/residuals or petroleum contaminated soils
 - (d) commercial uses which sell, store or distribute motor fuels or other hazardous materials
 - (e) airports
 - (f) industrial uses
 - (g) metal salvage facilities including junkyards
 - (h) manufacture, use or storage of any hazardous materials including waste as listed on the EPA hazards material list or determined by the City Council of the City of Asheboro.
 - (i) private sewage disposal systems except for subsurface septic tanks. Public community sewage treatment facilities may only be allowed if the Health Department determines that an existing public health problem can be alleviated by constructing sewage facilities.
 - (4) Density and Built-upon Limits:
 - (a) Single family Residential -- development shall not exceed one dwelling unit per two (2) acres on a project by project basis. No residential lot shall be less than two acres, except within an approved cluster development.
 - (b) All other residential and nonresidential development shall not exceed six (6%) percent built-upon area on a project by project

basis. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

(C) Back Creek Lake Watershed -- Balance of Watershed UT to Cedar Creek -- Balance of Watershed WS-II-BW

(1) Intent.

In order to maintain a predominantly undeveloped land use intensity pattern, single family residential uses shall be allowed at a maximum of one dwelling unit per acre. All other residential and nonresidential development shall be allowed a maximum of 12% built-upon area. In addition, ~~non-residential uses~~ new development may occupy ten percent (10%) of the balance of the watershed which is outside the critical area, with a seventy percent (70%) built upon area when approved as a special ~~non-residential~~ intensity allocation (SNIA).

The City Council is authorized to consider a Special Use Permit for SNIA's consistent with the provisions of this Ordinance.

(2) Allowed Uses

- (a) All uses allowed in the underlying zoning districts where the watershed is located, subject to the modifications noted below unless specifically excluded in (2) Prohibited Uses.
- (b) Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.
- (c) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209). needed improvements and the date by which the corrective action is to be completed. All corrective action or improvements shall be made consistent with the plans and specifications and the operation and maintenance plan or manual. After notification by the owning entity, the Watershed Administrator shall inspect and approve the completed corrective action or improvements.

(5) Density and Built-upon Limits

- (a) Single family Residential -- development shall not exceed one dwelling unit per acre on a project by project basis. No residential lot shall be less than one acre, except within an approved cluster development.
- (b) All other residential and nonresidential development shall not exceed twelve (12%) percent built-upon area on a project by project basis except that up to ten percent (10%) of the balance of the watershed may be developed ~~for nonresidential uses at~~ up to seventy percent (70%) built upon area on a project by project basis. For the purpose calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

10.11 CLUSTER DEVELOPMENT

Clustering of development is allowed in all Watershed Areas except WS-I under the following conditions:

- (A) Minimum lot sizes are not applicable to single family cluster development projects; however the total number of lots shall not exceed the number of lots allowed for single family detached developments in Section 10.10 Development Regulations. Built-upon area or stormwater

control requirements of the project shall not exceed that allowed for the critical area or balance of watershed, whichever applies.

- (B) All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.
- (C) The remainder of the tract shall remain in a vegetated or natural state. Where the development has an incorporated property owners association, the title of the open space area shall be conveyed to the association for management. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.
- (D) Cluster development shall comply with all requirements of Article X of the Asheboro Subdivision Ordinance, and Section 5.05(16) of the Asheboro Zoning Ordinance except as modified above.

materials; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.

- (B) Abatement
The Watershed Administrator shall monitor land use activities within the watershed areas to identify situations that may pose a threat to water quality.
- (C) The Watershed Administrator shall report all findings to the Watershed Review Board. The Watershed Administrator may consult with any public agency or official and request recommendations.
- (D) Where the Watershed Review Board finds a threat to water quality and the public health, safety and welfare, the Board shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation.

10.20 ADMINISTRATION, ENFORCEMENT AND APPEALS

The City of Asheboro's Zoning Administrator shall serve as the Watershed Administrator, who shall be duly sworn in. It shall be the duty of the Watershed Administrator to administer and enforce the provisions of this ordinance as follows:

- (A) The Watershed Administrator shall issue Watershed Protection Permits and Watershed Protection Occupancy Permits as prescribed herein. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours of the Administrator.
- (B) The Watershed Administrator shall serve as clerk to the Board of Adjustment which sits as the Watershed Review Board.
- (C) The Watershed Administrator shall keep records of all amendments to the local Water Supply Watershed Protection Ordinance and shall provide copies of all amendments upon adoption to the Supervisor of the Classification and Standards Group, Water Quality Section, Division of Environmental Management.
- (D) The Watershed Administrator shall keep records of the jurisdiction's

utilization of the provision that a maximum of ten percent (10%) of the noncritical area of WS-II-BW may be developed ~~with nonresidential development~~ to a maximum of seventy percent built upon surface area. Records for each watershed shall include the total acres of noncritical watershed area, total acres eligible to be developed under this option, total acres approved for this development option, and individual records for each project with the following information: location, acres, site plan, use, stormwater management plan as applicable and inventory of hazardous materials as applicable. As of July 1, 1993 there are 3,500.8 acres in the Back Creek BW and ~~175.04~~ 350.08 acres eligible for the ~~10.5~~ 10% provision; in the UT to Cedar Creek there are 940.8 acres in the BW and ~~47.04~~ 94.08 acres eligible for the ~~10.5~~ 10% provision in the City of Asheboro's jurisdiction.

Community Development Director Trevor Nuttall utilized a slide show to discuss the following points about the text amendment application.

1. The Zoning Ordinance contains watershed protection standards that are designed to protect surface water supplies (water-supply reservoirs) within the city's jurisdiction. The standards were adopted in the 1990s.
2. Asheboro has watershed protection jurisdiction within the Back Creek (Lake Lucas) and Cedar Creek (Lake McCrary). Each watershed contains a critical and non-critical (or balance) area; the proximity from the water supply determines critical and non-critical areas.
3. The Planning Board serves as the Watershed Review Board and is responsible for reviewing and making a recommendation when an amendment to the watershed protection standards is proposed. With this application, both watershed protection and non-watershed protection standards are requested to be modified. Only watershed protection standards applicable to non-critical areas are requested to be amended.
4. Watershed protection standards seek to protect surface water quality by restricting development intensity. Single-family residential development is limited to 1 dwelling unit per acre in non-critical areas; all other development is limited to 12% built-upon or impervious area (building, pavement, other hard surfaces, etc.) unless a special intensity allocation (SIA) is requested and approved by the city council. Under state rules and the city code, up to 10% of the city's non-critical jurisdictional area within city watersheds may be granted a SIA allowing a project to construct built-upon area of up to 70%.
5. State rules permit residential projects to seek a special intensity allocation (SIA); the city code, however, only identifies non-residential projects as eligible. The amendment proposes to make both residential and non-residential projects eligible for a SIA.
6. When evaluating requests for a special intensity allocation, the city code directs the city council to ensure a project minimizes built-upon surface area, directs stormwater away from surface waters, incorporates best management practices related to water quality protection, connects to water and sewer, and provides the public with a positive economic benefit.
7. The city's Back Creek (Lake Lucas) jurisdictional watershed area is approximately 1500 acres in size; the city has approximately 45.8 acres of remaining allocation it can grant to projects (a calculation error was identified in the previous report and approximately 8 more acres of allocatable area exists than was reported with the May 2023 report). The city's Cedar Creek (Lake McCrary) jurisdictional watershed area is approximately 82 acres; the city has approximately 8 acres of remaining allocation it can grant to projects.
8. State rules allows interlocal transfer of jurisdictional area between local governments. Since the May 1, 2023 Planning Board meeting, staff has

discussed the potential for such a transfer with both Randolph County and the NC Department of Environmental Quality (DEQ). City staff expects to present a proposal seeking recognition of additional allocable area within the next 60 days. That proposal will be subject to Randolph County and DEQ approval.

9. In response to the application, staff has provided proposed text.

Additionally, Mr. Nuttall noted the following LDP Goals/Policies that support the application.

4.1.2 The city will strongly enforce Watershed Protection regulations and ensure that state storm water runoff and water quality regulations are followed.

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

Design Principle #3 Move from “Separation of Uses” toward “Mixed Use Development”

No LDP Goals/Polices were identified as unsupportive of the proposed amendments.

The Planning Board concurred with the following planning staff’s analysis:

Staff believes that there are compelling reasons to allow residential development to apply for a special intensity allocation (SIA) as permitted by state rules. The inability of the city to consider residential projects for SIA leaves land owners with fewer choices when contemplating the reasonable use of their property. This limitation may eventually lead to a non-residential project being pursued in a predominantly residential area because a landowner doesn’t have the option to put forward a viable proposal for housing. Properties that are within both the city limits and jurisdictional watershed area and which also possess access to city and sewer should be encouraged to develop residentially if consistent with the surrounding pattern of development and Land Development Plan recommendations.

Further, a significant amount of Asheboro’s watershed balance areas are near major transportation corridors, such as I-73/74 and NC Highway 49 South, that produce considerable economic development and employment activity. Supporting the potential for new housing options in close proximity to these areas generally is advocated by the Land Development Plan. Approval of the amendment only would allow the city to consider more residential projects within watershed areas on the merits of the proposal and prevent development ideas from being dismissed due to an inflexible code. Incompatible or unreasonable requests for a SIA to permit a residential projects still could be denied.

It is important to restate, however, that the ability to consider and grant a special intensity allocation (SIA) is finite. A SIA request, whether for residential or non-residential development, must be carefully evaluated and should only be granted when doing so clearly is in the public’s interest. Making residential projects eligible for a special intensity allocation likely will more quickly diminish the amount of allocation available over time. That said, staff has begun the process to process to pursue recognition of additional allocatable area.

Considering these factors, staff believes that the proposed zoning text amendments are reasonable and in the public’s interest, noting that the city currently possesses adequate allocatable area based on historical action and still will retain the ability to evaluate each application.

Mr. H.R. Gallimore presented comments in support of the application. When no further comments were offered from the public, Mayor Smith transitioned to the deliberative phase of the process.

Council Member Bell moved, and Council Member Moffitt seconded the motion to adopt the following consistency statement and to approve the zoning ordinance text amendments with the following two-part motion:

1. Further, a significant amount of Asheboro's watershed balance areas are near major transportation corridors, such as I-73/74 and NC Highway 49 South, that produce considerable economic development and employment activity. Supporting the potential for new housing options in close proximity to these areas generally is advocated by the Land Development Plan. Approval of the amendment only would allow the city to consider more residential projects within watershed areas on the merits of the proposal and prevent development ideas from being dismissed due to an inflexible code. Incompatible or unreasonable requests for a SIA to permit a residential projects still could be denied.

It is important to restate, however, that the ability to consider and grant a special intensity allocation (SIA) is finite. A SIA request, whether for residential or non-residential development, must be carefully evaluated and should only be granted when doing so clearly is in the public's interest. Making residential projects eligible for a special intensity allocation likely will more quickly diminish the amount of allocation available over time. That said, staff has begun the process to process to pursue recognition of additional allocatable area.

2. In light of the above-stated analysis, the zoning ordinance text amendments proposed in the application are approved without modification.

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

(b) Legislative Hearing (Case No. RZ-23-05):

A request to establish initial city zoning on properties located at the intersection of Old Cox Road and Old Humble Mill Road and on the west side of Old Cox Road (Randolph County Parcel Identification Numbers 7679024396, 7669905560, and 7679008885) from Randolph County zoning to R15 (CZ) Low-Density Single-Family Residential Conditional Zoning district to allow a Residential Planned Unit Development with commercial uses authorized.

Mayor Smith opened the legislative hearing on the above-described zoning map amendment application that pertains to approximately 233.53 acres of land identified by Randolph County Parcel Identification Numbers 7679024396, 7669905560, and 7679008885 (which will hereinafter be referred to as the "Zoning Lot"). The Zoning Lot is owned by Mary Ella Beeson Pugh, Barbara Pugh Marsh, and others. Mr. William L. Turner is the applicant requesting placement of the Zoning Lot into the City of Asheboro R15 (CZ) Low-Density Single-Family Residential (Conditional) Zoning for a planned unit development consisting of single-family-detached, single-family-attached, with commercial uses authorized. The Zoning Lot is currently within the Randolph County zoning jurisdiction.

Community Development Director Trevor Nuttall utilized a slide show to present the planning staff's analysis of the application submitted by Mr. Turner. The following information was provided by the staff report:

1. The property is currently outside the city limits. An annexation petition has been filed by the property owners; if annexed, the owner seeks approval of this proposal. Prior to final action on the requested zoning action, the city council will need to decide on the question of annexation after holding a separate public hearing.
2. The property currently is under Randolph County planning and land use jurisdiction and is zoned E-1 (Environmental). All development, other than single-family residential homes, is regulated through Conditional District or Special Use Permit review under the County code.
3. The request is for a Residential Planned Unit Development, including a commercial element. The request includes the potential for 415 dwelling units to be constructed in several phases over 5-plus years. The residential units include a mixture of single-family detached lots of various sizes and townhouse style attached single-family attached single-family dwellings on individual lots. Approximately 14 acres is designated for future commercial development, but approval of the commercial element is not requested with this application; details concerning proposed commercial uses and development standards would have to be submitted, reviewed, and approved by city council following a future public hearing. Development plans identify an interconnected street network, sidewalks throughout the project, a private trail, and a recreational clubhouse for residents along with play fields/courts. A mixture of preserved vegetation and planted landscaping is proposed along the perimeter of the project; a vegetative buffer is shown to be retained along Old Cox Road and Old Humble Mill Road.
4. Old Cox Road and Old Humble Mill Road are state maintained. Two new intersections, including one roundabout, on Old Cox Road are proposed with a third connection possible to serve future commercial development. One driveway from Old Humble Mill Road is proposed. A Traffic Impact Analysis has been submitted by the applicant and presented to the city and NCDOT. The applicant is working to address NCDOT feedback; left-turn lanes are expected to be provided at the proposed connections to Old Cox Road and Old Humble Mill Road. Right-turn lanes also may be directed by NCDOT.
5. The zoning ordinance describes the R15 district 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.” The overall residential density for the project is about 2.13 units per acre, which is consistent with the R15 designation.
6. The property is approximately 1 mile south of the US 64 Bypass. Access to the bypass at the Zoo Connector is about 3.3 travel miles; access via NC 42 is a similar distance. The property is approximately 1.3 miles south of the Zoo City Sportsplex and, at the closest point, is about 900 feet from the NC Zoological Park property; the closest Zoo-related activity appears to be approximately 2,500 feet away. Non-contiguous city limits, encompassing the Richland Village manufactured home park, are adjacent to the property and also are 1 mile south (272 acres owned by the NC Zoo Society).
7. Plan revisions were requested by staff to clarify the proposal. Revised plans were received June 1, 2023, and currently are under review. The results of that review will be discussed at the Planning Board and City Council meetings.
8. Included with this report is a projection of revenue and expenses, prepared by the applicant, that presents expected public revenues and expenses to be generated by the development. Staff is preparing a separate summary detailing anticipated operational impacts should the property be annexed and developed as proposed.

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

Proposed Land Use Map Designation	Does not designate beyond current land use jurisdiction.
Small Area Plan	Does not include area beyond current land use jurisdiction.
Growth Strategy Map Designation	Does not include beyond current land use jurisdiction.

LDP Goals/Policies Supporting the Request:

Checklist Item 11: Rezoning will promote the type of development described in Design Principles. Specifically, Design Principles #3 and #4 – Move from “Separate of Uses” toward “Mixed Use Development”; and Move from “Conventional Development” toward “Cluster Development.”

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

LDP Goals/Policies Which Do Not Support the Request:

Checklist Item 5: The proposed rezoning is compliant with the objectives of the Growth Strategy Map.

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

Suggested Conditions from Planning Staff

- (A) The use approved shall be a Residential Planned Unit Development with no more than 413 dwelling units on 413 lots and development shall be per the approved site plan and materials submitted in support of the application.
- (B) All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.
- (C) Enclosure of concrete pads or other additions to the rear of the dwellings within Phase 1 of the development shall not be considered a modification requiring City Council review provided such additions are located on a recorded lot.
- (D) Maintenance of all recreation areas, 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) Any utility infrastructure indicated by the city as required to be publicly maintained shall be located within a City of Asheboro utility easement. Surveying of any required easements shall be the responsibility of the property owner.
- (F) Solid waste disposal for the project shall be consistent with the city policies and codes.

- (G) Landscaping, including street trees, front yard landscaping, tree preservation, and perimeter buffering shall be installed or retained consistent with the details and specifications shown on the site plan and as modified by these conditions.
- (H) Prior to the recording of Memorandum of Land Use Restrictions outlined in (Z), the applicant shall submit a site plan reflecting any revisions necessary to comply with city codes and conditions of approval.
- (I) 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) Permitting from NC Department of Environmental Quality
 - (iii) Subdivision Sketch Design and Preliminary Plat
- (J) Prior to the preliminary plat approval, plans concerning water, including provisions for fire hydrants, street lights, and sanitary sewage that comply with city policies, shall be submitted and approved.
- (K) All dwellings shall be located on a subdivide lot and recorded in the public registry in accordance with the city's land development requirements.
- (L) All setbacks shall be no less than as provided by the site plan except that corner lots within phases 2 and 3 shall only be required to comply with one front yard setback; the other yard(s) adjacent to a street shall be considered a side yard setback or shall abide by any buffer yard provided. Within phases 2 and 3, side yard setbacks shall be no less than 10' and rear yard setbacks shall be no less than 20'. Front yard averaging provisions shall not be applicable within any phase of the development.
- (M) Open space shall be created and recorded consistent with the conditional zoning district site plan.
- (N) Recreational elements proposed within each phase shall be constructed and available for use prior to the recording of subdivision plats resulting in the creation of more than 75% of the lots approved for that phase as ultimately shown on the preliminary plats to be presented.
- (O) Recreational vehicle (RV) parking shall either be prohibited throughout the development by the homeowners' association documents or areas compliant with city regulatory requirements shall be provided. Phase 3 lots 126-155 shall be permitted to store RVs provided it is done in a manner that complies with city requirements.
- (P) Sidewalks that meet ADA standards shall be provided along streets to connect all units and lots, parking areas, recreation vehicle storage (if provided), recreation facilities, trash facilities, community mailbox(s), and shall extend to intersections with existing streets, and along existing public streets where new curb and gutter is added.
- (Q) Within the 30 ft. buffer areas, shown along Old Cox Road and Old Humble Mill Road, existing vegetation shall be retained where present; where no vegetation present, a street yard equivalent to 1 evergreen shrub per 10 linear feet and 1 canopy tree per 20 linear feet shall be provided within the buffer area.
- (R) The 20 ft. Type B buffers identified on the site plan may use existing vegetation when located within the buffer are and providing equivalent or greater buffering than the zoning ordinance requirements for a Type B buffer. Otherwise, new plantings shall be provided.

- (S) Stormwater control measures designed by a licensed professional in accordance with the current North Carolina Department of Environmental Quality Stormwater BMP Manual shall be provided. Measures shall control the ten-year post-development peak discharge rates to pre-development peak flow rates. Prior to a Certificate of Occupancy, a licensed professional shall provide certification that the storm water control measures were built according to the plans. Any open water retention or drainage areas shall be managed to control mosquitos. The maintenance of all runoff control measures shall be the responsibility of the property owner.
- (T) No uses are permitted within the “Future Development” portion of the property. Approval of a separate rezoning application shall occur prior to the city’s issuance of any building permits for this area.
- (V) All terminations of public streets, whether permanent or temporary, shall comply with city ordinances except for those shown on the submitted site plan unless determined by zoning administrator to be necessary for public or emergency serve response(s).
- (W) Final roadway names shall be subject to city and Randolph County approval.
- (X) Floodplain development permits shall be issued by the city prior to any construction within regulated floodplain areas.
- (Y) Prior to recording a final plat for any phase of the development, homeowners’ association documents, which contain provisions consistent with this order, shall be recorded n the office of the Randolph County Register of Deeds. Such homeowners’ association 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 any streets, indication that walls between units are party walls, and prohibition of parking recreational vehicles (boats, campers, travel trailers, etc.) outdoors.
- (Z) 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.

The City of Asheboro Planning Board considered the rezoning application and recommended placement of the Zoning Lot into the requested City of Asheboro R15 (CZ)Low-Density Single-Family Residential (Conditional) zoning district. In making this recommendation, the planning board concurred with the planning staff’s analysis of the consistency of the proposed development with the adopted comprehensive plans as well as the reasonableness of the proposal. The planning staff’s analysis provided as follows:

Since the property involved in this request is outside of the City’s Extraterritorial Jurisdiction, the adopted Land Development Plan (LDP) does not provide specific growth strategy and land use recommendations for the property and surrounding area. The proposal can, however, be reviewed against general goals and policies advocated by the LDP.

The LDP’s Southeast Small Area Plan recognized that the US Highway 64 Bypass likely would change development patterns in the vicinity of the highway but recommended balancing growth with the preservation of rural character and protecting gateways leading to the NC Zoo. The Plan’s prediction has proven true; improved access provided by the Bypass, combined with recent economic development announcements and the availability of municipal water and sewer service, has generated consistent development interest in the area.

One way to accomplish seemingly competing LDP goals is through a conditional zoning district that proposes the clustering of homes on property in areas most suitable for development, preserving significant natural areas for open space, and coordinating development in a manner that considers unique land features and area context. New land development should strike a balance between well-planned growth and honoring the uniqueness of the area afforded by the NC Zoo. Overall, staff believes the application attempts to find that balance and further advances the public's interest to promote diversified home-ownership options for people.

In response to Mayor Smith inviting comments from the public, Bob Wilhoit, Esq., Bill Turner, Tim Knowles, Steve Epley, H.R. Gallimore, and Hi Marziano presented comments in support of the rezoning application. Judy Ebanks, Gordon Coburn, Lou Pugh, Macky Garner, Bryant Madren, Charles Wagner, Ruth Lambe, Kenneth Lambe, Patricia Pittillo, and Eve Fenberg presented comments in opposition of the rezoning application.

Mayor Smith then recessed the legislative hearing for the zoning application and moved to agenda item 9(a). Mayor Smith opened the public hearing for the consideration of an annexation petition of three parcels of land at the intersection of Old Cox Road and Old Humble Mill Road.

City Engineer Michael Leonard, PE presented and recommended adoption of an ordinance extending the Asheboro City Limits by annexing territory in the vicinity of the Old Cox Road and Old Humble Mill Road Intersection that is not contiguous with the existing primary city limits and consists of approximately 241 acres of land.

In order for the council to consider the previously presented rezoning application, the adoption of an annexation ordinance annexing the 241 acres of land located within the vicinity of Old Cox Road and Old Humble Mill Road must take place. After some extensive discussion among the council members, Mayor Smith recessed the meeting for a short break at approximately 10:14 p.m.

After coming back to order at approximately 10:25 p.m., Council Member Redding moved to recess the hearings for agenda items 6(b) and 9(a) and to resume the hearings during the council's regular meeting that is scheduled for July 13, 2023. Council Member Bell seconded the motion. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

(c) Legislative Hearing (Case No. RZ-23-06):

A request to rezone property located south of 1195 Pineview Road (Randolph County Parcel Identification Number 7753354982) from B2 (CZ) General Commercial Conditional Zoning to R10 (CZ) Medium-Density Conditional Zoning for a Residential Planned Unit Development, including a special intensity allocation within the Back Creek Watershed (Balance).

Mayor Smith opened the legislative hearing on the application to rezone land located south of 1195 Pineview road from B2 (CZ) General Commercial Conditional Zoning to R10 (CZ) Medium-Density Conditional Zoning.

Mr. Nuttall gave an overview of the zoning map amendment application received from Terry Tucker. The applicant's land for which the above-stated zoning has been requested is identified by Randolph County Parcel Identification Number 7753354982 and will be referred to as the Zoning Lot. This lot is located immediately south of 1195 Pineview Road, approximately 950 feet south of Pineview Road along the west side of I73/74.

The community development director utilized a slide show presentation in conjunction with the comments. The planning staff analysis noted the points of information listed below.

1. The property is located south of Pineview Road, a minor thoroughfare adjacent to the interchange of I-73/74. Access to the property is provided via a private driveway that extends from Pineview Road and also provides access to the adjacent assisted living facility.
2. The property is currently inside the city limits. City services are available to serve the site.
3. The conditional zoning process allows an applicant to propose a project-specific zoning district that establishes permitted uses, development conditions and site development requirements. The project-specific zoning district is allowed to diverge from the zoning ordinance's predetermined land use requirements. A primary deviation identified is that the property does not have direct access to a public street. The project is proposed to be served via a private paved drive that is approximately 20 feet in width and which currently provides primary access to the adjacent institutional facility. Plans submitted, however, show an intent to offer for public dedication the private driveway.
4. The property is within the Back Creek Watershed Balance (non-critical) area.
5. This type of residential project is limited to a total built-upon area of 12% under existing regulations. The project proposes a built-upon area of approximately 27% based on data presented by the applicant's engineer on 6-5-23.
6. Under the current code, non-residential projects are eligible to seek a special intensity allocation (SIA) that can authorize development with built-upon areas of up to 70% if certain criteria are met. The ability to grant a SIA, though, is limited to no more than 10% of the city's jurisdictional watershed area.
7. The applicant has filed a text amendment (RZ-23-04) seeking to allow residential projects to apply for a SIA within non-critical watershed areas. This rezoning application is not approvable, as presenting proposed, unless that text amendment is approved.
8. The R10 Residential District is intended to provide regulations which will produce a moderate intensity of residential uses, usually single family or two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living.
9. The requested R10 (CZ) district would allow 44 attached single-family dwellings contained in 22 structures and grant a special intensity allocation for any proposed built-upon area exceeding 12%. An SIA of approximately 2 acres for this project would utilize approximately 4% of the remaining allocatable acreage. The project density equals approximately 3.39 dwellings per acre when accounting for right-of-way area, a density that is consistent with the proposed R10 district.
10. As designed, the potential for future access to serve adjacent property under a separate proposal, is preserved. This is important as the code requires consideration of future development and how a proposed street network may be able to be extended over time.

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

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

LDP Goals/Policies Supporting the Request:

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.

Checklist Item 3: The property on which the rezoning district is proposed fits the description of the Zoning Ordinance.

Checklist Item 5: Complies with Growth Strategy Map.

Checklist Item 13: The property is located outside of Special Hazard Flood Area.

LDP Goals/Policies Which Do Not Support the Request:

Checklist Item 1: Does not comply with LDP proposed land use map.

Checklist Item 12: Rezoning is located within watershed.

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

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

Suggested Conditions from Planning Staff

- (A) The use approved shall be a Residential Planned Unit Development with a total of 44 dwelling units on 44 lots.
- (B) All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.
- (C) Enclosure of concrete pads or other additions to the rear of the dwellings shall not be considered a modification requiring city council review provided such additions are located on a recorded lot, provided no additional built-upon area results.
- (D) Maintenance of all recreation areas, 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) Any utility infrastructure indicated by the city as required to be publicly maintained shall be located within a City of Asheboro utility easement. Surveying of any required easements shall be the responsibility of the property owner.
- (F) If the approval needed for the street(s) to be public is not obtained, the property owner shall be responsible for ensuring that solid waste facilities are installed

consistent with city policies and codes. Correspondingly, a change in proposed street maintenance from public to private shall not be considered a modification requiring re-hearing.

- (G) Landscaping, including street trees, front yard landscaping, and perimeter buffering shall be installed consistent with the details and specifications shown on the site plan.
- (H) Stormwater control measures designed by a licensed professional in accordance with the current North Carolina Department of Environmental Quality Stormwater BMP Manual shall be provided. Measures shall control the ten-year post-development peak discharge rates to pre-development peak flow rates. Prior to a Certificate of Occupancy, a licensed professional shall provide certification that the storm water control measures were built according to the plans. Any open water or drainage areas shall be managed to control mosquitos. The maintenance of all runoff control measures shall be the responsibility of the property owner.
- (I) 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) Permitting from NC Department of Environmental Quaility
 - (iii) Subdivision Sketch Design and Preliminary Plat
 - (iv) Acceptance of the offer of dedication by the city for public maintenance of the currently privately maintained driveway that provides the subject property access to Pineview Road, unless new streets are ultimately privately maintained.
- (J) Prior to preliminary plat approval, plans concerning water, including provisions for fire hydrants, street lights, and sanitary sewage that comply with city policies, shall be submitted and approved.
- (K) Prior to the issuance of a zoning compliance permit, the applicant shall submit a site plan reflecting any revisions necessary to comply with city codes and conditions of approval.
- (L) All dwellings shall be located on a subdivided lot and recorded in the public registry in accordance with the city's land development requirements.
- (M) Prior to the issuance of a zoning compliance permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute, and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of Deeds, a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this Conditional Zoning in the chain of title for the Zoning Lot.
- (N) A Type "C" buffer or screen shall be provided along with the southern and western property boundaries consistent with the recommendation of the Planning Board.

The City of Asheboro Planning Board considered the rezoning application and recommended placement of the Zoning Lot into the requested R10 (CZ) Conditional Zoning district. In making this recommendation, the planning board concurred with the planning staff's analysis of the consistency of the proposed development 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.

While the property is designated for Commercial Use by the Land Development Plan, it is surrounded by residential uses. The proposed residential use and density provides a more appropriate transition between the adjacent institutional use and rural residential

development than what could be allowed under the current general commercial zoning designation. Further, the lack of direct frontage on and visibility from Pineview Road likely limits viable commercial options for the property.

The Land Development Plan generally supports appropriately planned and designed residential development that can provide new housing opportunities for the city's large employment sectors, such as the one that exists on Pineview Street east of 1-73/74. The conditional zoning district can ensure important design elements are considered and provided to help achieve city-adopted goals and policies.

While approval of the district would reduce the amount of acreage available for special intensity allocations to other projects, staff believes that it is reasonable to grant the minimal allocation needed for this project. Such action will result in residential development that likely is more compatible with adjoining properties than what could be proposed under the current commercial designation.

In response to Mayor Smith inviting comments from the public, H.R. Gallimore presented comments in support of the rezoning application. Michael Frye, Gary Hineley, and Jennifer Hinesley presented comments in opposition to the rezoning application. No other comments were offered from the public, and Mayor Smith then transitioned to the deliberative phase of the process.

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

1. While the property is designated for Commercial Use by the Land Development Plan, it is surrounded by residential uses. The proposed residential use and density provides a more appropriate transition between the adjacent institutional use and rural residential development than what could be allowed under the current general commercial zoning designation. Further, the lack of direct frontage on and visibility from Pineview Road likely limits viable commercial options for the property.

The Land Development Plan generally supports appropriately planned and designed residential development that can provide new housing opportunities for the city's large employment sectors, such as the one that exists on Pineview Street east of 1-73/74. The conditional zoning district can ensure important design elements are considered and provided to help achieve city-adopted goals and policies.

While approval of the district would reduce the amount of acreage available for special intensity allocations to other projects, staff believes that it is reasonable to grant the minimal allocation needed for this project. Such action will result in residential development that likely is more compatible with adjoining properties than what could be proposed under the current commercial designation.

2. The zoning map amendment application seeking to place the Zoning Lot into an R10 (CZ) Conditional Zoning district as shown on the site plan reviewed by the city council is hereby approved.

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

(d) Legislative Hearing (Case No. RZ-23-07):

A request to rezone property located at 379-1 and 379-2 South Cox Street from OA6 Office-Apartment to OA6 (CZ) Office-Apartment Conditional Zoning for a Congregate Living Facility for more than 6 residents.

Mayor Smith opened the legislative hearing on the aforementioned land use case. Mr. Nuttall presented a written request from Ms. Susan Hunt to continue the hearing to the city council's regular meeting on July 13, 2023.

Council Member Bell moved, and Council Member Heath seconded the motion to continue the hearing to the council's regular meeting on July 13, 2023. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

7. Community Development Discussion Items:

(a) Request to Adopt the David and Pauline Jarrell Center City Garden Master Plan

Mr. Nuttall presented and recommended adoption of the final draft of the David and Pauline Jarrell Center City Garden Master Plan. The location of the garden is near downtown and tucked in a historic neighborhood. This ideal location makes for a centrally located park that will become a valuable amenity for residents and visitors.

The park's namesakes are for the former Mayor of Asheboro, Mr. David Jarrell and his wife Pauline. The couple was instrumental in creating a place for the park by purchasing much of the land and selling it to the city at an affordable price. With the land secured, the community rallied around the idea of a public park and garden in this location and were able to have a successful fundraiser for the project.

The site is approximately three acres and includes pockets of mature trees, wetlands, and a creek. In addition to the preservation of some of the existing vegetation, the park will include, but limited to, a welcome center with public restrooms and a small office, and a picnic area.

After the city council's final approval and budget determination, the design team will move into detailed design for permit and construction documents. Construction for the project will begin at a later date.

Council Member Bell moved, and Council Member Heath seconded the motion to approve/adopt the master plan for the David and Pauline Jarrell Center City Garden. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes. A copy of the master plan is on file in the city clerk's office.

(b) Update on Discussion with Downtown Asheboro, Inc. on Anticipated Steps Necessary to Recommend Conveyance of City Property for Historic Preservation Purposes.

Mr. Nuttall reported conversations have taken place with Downtown Asheboro, Inc. regarding the potential sale of the former Acme McCrary property. An application to rezone the property will take place in the future in order to make the compatible with surrounding properties within downtown.

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

8. Resolution to Approve Installment Financing Terms

Finance Director Deborah Reaves presented and recommended adoption, by reference, of a resolution approved 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 16 RES 6-23

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 36 RES 10-22 on October 6, 2022, 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 2022-2023, to expend a maximum of \$759,931.00 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 36 RES 10-22, 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 2022-2023 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 11, 2023. The amount financed shall not exceed \$387,635.00, the annual interest rate (in the absence of a default or a change in tax status) shall not exceed 3.87%, 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 36 RES 10-22), 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 8, 2023.

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

ATTEST:

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

9. Annexation Petitions

- (a) **A Petition for the Satellite Annexation of Three Parcels of Land at the Intersection of Old Cox Road and Old Humble Mill Road**

[This item was addressed previously during the meeting and continued to the council's regular July 13, 2023 meeting.]

- (b) **A Petition from Duke Energy Progress, LLC**

- (i) **A Resolution Directing the City Clerk to Investigate the Annexation Petition**

City Engineer Michael Leonard, PE provided an overview of the annexation petition submitted by Duke Energy Progress, LLC. The annexation petition pertains to four parcels of land located across from the intersection of New Century Drive and Veterans Loop Road.

After reviewing the information provided by city staff, Council Member Bell moved, and Council Member Swiers 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 17 RES 6-23

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE THE
SUFFICIENCY OF THE ANNEXATION PETITION SUBMITTED BY DUKE
ENERGY PROGRESS, LLC**

WHEREAS, Duke Energy Progress, LLC (the “Petitioner”) has submitted a petition requesting the annexation into Asheboro of four parcels of land (Randolph County Parcel Identification Numbers 7659276429, 7659268704, 7659374126, and 7659370575) owned by the company across from the intersection of New Century Drive and Veterans Loop Road; and

WHEREAS, the Petitioner’s above-referenced land is contiguous to Asheboro’s primary city limits; and

WHEREAS, Section 160A-31 of the General Statutes of North Carolina provides that the sufficiency of the petition shall be investigated by the city clerk before further annexation proceedings may take place; and

WHEREAS, the Asheboro City Council has decided to proceed with the statutorily prescribed voluntary annexation process.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the city clerk is hereby directed to investigate the sufficiency of the above-described annexation petition and to certify to the council the results of her investigation.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on June 8, 2023.

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

ATTEST:

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

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

CERTIFICATE OF SUFFICIENCY
(Annexation Petition Submitted by
Duke Energy Progress, LLC)

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

I, Holly H. Doerr, am the City Clerk for the City of Asheboro. I hereby certify that, with the assistance of staff members in various city departments, I have investigated the annexation petition submitted by Duke Energy Progress, LLC (the “Petitioner”). I further certify that the following paragraphs accurately state the information obtained during the course of my investigation of the annexation petition.

The Petitioner has requested the annexation into Asheboro of four parcels of land (Randolph County Parcel Identification Numbers 7659276429, 7659268704, 7659374126, and 7659370575) owned by the company across from the intersection of New Century Drive and Veterans Loop Road. The Petitioner’s real property is contiguous to the primary corporate limits of the City of Asheboro.

Based on my investigation, I have concluded that all owners of the real property lying in the area for which annexation has been requested have signed the prescribed petition. The petition appears to be sufficient to satisfy the provisions of Section 160A-31 of the General Statutes of North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro in order to make this certification effective as of June 8, 2023.

(CITY SEAL)

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

(ii) Resolution Setting the Date for a Public Hearing

In light of the preceding council action and the submittal of the certification from the office of the city clerk, Mr. Leonard then recommended adoption of a resolution setting the date for a public hearing on the question of the requested annexation. Council Member Bell moved, and Council Member Heath seconded the motion to 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 18 RES 6-23

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION SETTING THE DATE FOR A PUBLIC HEARING ON THE QUESTION OF THE REQUESTED ANNEXATION OF LAND OWNED BY DUKE ENERGY PROGRESS, LLC

WHEREAS, Duke Energy Progress, LLC has submitted a petition requesting the annexation into Asheboro of four parcels of land located across from the intersection of New Century Drive and Veterans Loop Road (the land in question is identified by the following Randolph County Parcel Identification Numbers: 7659276429, 7659268704, 7659374126, and 7659370575); and

WHEREAS, pursuant to a previously adopted resolution, the city clerk has investigated the sufficiency of the annexation petition; and

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

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

Section 1. A public hearing on the question of annexing the territory described herein will be held in the council chamber on the second floor of Asheboro City Hall at 146 North Church Street, Asheboro, North Carolina 27203 during a regular meeting of the Asheboro City Council that will begin at 7:00 p.m. on July 13, 2023.

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

Cedar Grove Township, Randolph County, North Carolina:

BEGINNING on the existing Asheboro primary city limits line at a 3/4-inch rebar found in the southern margin of the 60-foot public right-of-way for Veterans Loop Road (North Carolina Secondary Road 1149), the described beginning point is located by means of the North

Carolina Coordinate System at the coordinates of North 697,461.746 feet and East 1,752,400.489 feet (NAD 83 (2011)); thence following the existing Asheboro primary city limits line North 01 degree 20 minutes 01 second West 68.68 feet across Veterans Loop Road to a point in the northern margin of the public right-of-way for Veterans Loop Road; thence continuing to follow the existing Asheboro primary city limits line by running the next seven bearings and distances along the northern margin of the public right-of-way for Veterans Loop Road: North 60 degrees 30 minutes 19 seconds East 306.13 feet to a point; thence North 60 degrees 00 minutes 00 seconds East 2.40 feet to a point; thence in a northeasterly direction along the arc of a curve with a radius of 984.93 feet and an arc length of 90.06 feet a chord bearing and distance of North 63 degrees 07 minutes 15 seconds East 90.03 feet to a point; thence North 65 degrees 44 minutes 26 seconds East 174.92 feet to a point; thence in a northeasterly direction along the arc of a curve with a radius of 602.93 feet and an arc length of 267.55 feet a chord bearing and distance of North 78 degrees 27 minutes 11 seconds East 265.36 feet to a point; thence in a southeasterly direction along the arc of a curve with a radius of 604.30 feet and an arc length of 249.56 feet a chord bearing and distance of South 77 degrees 02 minutes 03 seconds East 247.79 feet to a point; thence beginning the departure from the existing Asheboro primary city limits line by crossing Veterans Loop Road and proceeding South 15 degrees 32 minutes 05 seconds West 60.00 feet to a point in the southern margin of the public right-of-way for Veterans Loop Road; thence continuing with the proposed Asheboro primary city limits line by following the next two curves in southeasterly directions along the southern margin of the public right-of-way for Veterans Loop Road: (a) the initial curve follows an arc with a radius of 544.30 feet and an arc length of 18.14 feet a chord bearing and distance of North 73 degrees 30 minutes 38 seconds East 18.14 feet to a point; (b) the second curve follows an arc with a radius of 544.30 feet and an arc length of 69.84 feet a chord bearing and distance of South 68 degrees 52 minutes 48 seconds East 69.79 feet to a right-of-way disk; thence South 65 degrees 11 minutes 43 seconds East 189.14 feet along the proposed Asheboro primary city limits line to a right-of-way disk in the southern margin of the public right-of-way for Veterans Loop Road; thence continuing to follow the proposed Asheboro primary city limits line as it turns along the eastern boundary of the area for which annexation has been requested by following in a southeasterly direction the arc of a curve with a radius of 113.24 feet and an arc length of 131.58 feet a chord bearing and distance of South 31 degrees 52 minutes 19 seconds East 124.30 feet to a right-of-way disk; thence continuing to run with the proposed Asheboro primary city limits along the eastern boundary of the area for which annexation has been requested by following what is now the western margin of the public right-of-way for Veterans Loop Road the next three bearings and distances: South 01 degree 23 minutes 16 seconds West 213.70 feet to 3/4-inch rebar found in the right-of-way line; thence South 01 degree 23 minutes 19 seconds West 371.42 feet to a right-of-way disk; thence in a southeasterly direction along the arc of a curve with a radius of 144.85 feet and an arc length of 117.04 feet a chord bearing and distance of South 21 degrees 37 minutes 11 seconds East 113.88 feet to a point; thence departing from the margin of the public right-of-way for Veterans Loop Road, but continuing to follow the proposed Asheboro primary city limits line, South 26 degrees 29 minutes 36 seconds West 25.98 feet to 3/4-inch rebar found at the northeastern corner for the now or formerly David Lee Luther property described in the Office of the Register of Deeds for Randolph County, North Carolina ("Randolph County Registry") in Deed Book 1845, Page 642; thence North 78 degrees 46 minutes 29 seconds West 361.48 feet along the shared line that is the northern boundary of the David Lee Luther property and is also the proposed Asheboro primary city limits line to a 2-inch existing iron pipe/pin found at the northwest corner of the David Lee Luther property; thence South 01 degree 28 minutes 03 seconds East 699.24 feet in order to continue along the proposed Asheboro primary city limits line by running with the western boundaries of the above-described Luther property and the now or formerly Barbara Walker Luther property described in Deed Book 2374, Page 466, Randolph County Registry to 3/4-inch rebar found in white stone at the southeast corner of the area for which annexation has been requested; thence continuing along the proposed Asheboro primary city limits line, but departing from the eastern boundary of the requested annexation area, in order to run with the southern boundary of the requested annexation area the next two bearings and distances: South 87 degrees 51 minutes 03 seconds West 466.57 feet along the Lawrence B. Cranford, Sr. and Cora W. Cranford property described in Deed Book 2205, Page 242, Randolph County Registry and further identified in Plat Book 125, Page 8, Randolph County Registry to 3/4-inch rebar found in the northern boundary line of the Cranford property; thence South 87 degrees 44 minutes 16 seconds West 472.88 feet to 1/2-inch rebar found in a rock pile on the existing Asheboro primary city limits line; thence departing from the proposed Asheboro primary city limits line and following the existing Asheboro primary city limits line along the western boundary of the area for which annexation

has been requested by proceeding along the now or formerly Pemm, LLC property described in Deed Book 2216, Page 1240, Randolph County Registry and further identified in Plat Book 128, Page 60, Randolph County Registry the next two bearings and distances: North 01 degree 19 minutes 48 seconds West 1,219.59 feet to a nail found in a stone pile; thence North 01 degree 20 minutes 01 second West 69.74 feet to the point and place of BEGINNING, and containing a total of 40.07 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 John R. Pickens, P.L.S., L-3297. The plat of survey is titled "ANNEXATION PLAT FOR THE PROPERTIES OF DUKE ENERGY PROGRESS LLC ASHEBORO OPERATIONS CENTER" and is further identified by Project No. 2021110330.

Section 3. Notice of the public hearing scheduled pursuant to this Resolution shall be published in *The Courier-Tribune*, which is a newspaper having general circulation in the City of Asheboro, at least 10 days prior to the date of the public hearing.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on June 8, 2023.

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

ATTEST:

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

- (c) A Petition Requesting the Contiguous Annexation of Approximately 1.820 Acres of Land at Kelly Circle

[The above-referenced agenda item was withdrawn by city staff.]

- (d) A Petition Requesting the Contiguous Annexation of Two Parcels of Land Near the Intersection of Patton Avenue and North Carolina Highway 42

- (i) Resolution to Investigate the Sufficiency of the Petition

Mr. Leonard provided an overview of the annexation petitions submitted by Ardani Adulfo Nolasco, Burnis Welbern Spoon, and Janice Breedlove Spoon. These petitions pertain to two parcels of land located near the intersection of Patton Avenue and North Carolina Highway 42.

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

RESOLUTION NUMBER 19 RES 6-23

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE THE SUFFICIENCY OF ANNEXATION PETITIONS SUBMITTED FOR TWO PARCELS OF LAND NEAR THE INTERSECTION OF PATTON AVENUE WITH NORTH CAROLINA HIGHWAY 42

WHEREAS, Ardani Adulfo Nolasco along with Burnis Wilbern Spoon and Janice Breedlove Spoon (collectively, the "Petitioners") have submitted petitions requesting the annexation into Asheboro of two parcels of land (Randolph County Parcel Identification Number 7761408892 identifies the Nolasco property and Randolph County Parcel

Identification Number 7761409758 identifies the Spoon property) owned by the Petitioners near the intersection of Patton Avenue and North Carolina Highway 42; and

WHEREAS, the territory for which the Petitioners have requested annexation is contiguous to Asheboro's primary city limits; and

WHEREAS, Section 160A-31 of the General Statutes of North Carolina provides that the sufficiency of the petition shall be investigated by the city clerk before further annexation proceedings may take place; and

WHEREAS, the Asheboro City Council has decided to proceed with the statutorily prescribed voluntary annexation process.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the city clerk is hereby directed to investigate the sufficiency of the above-described annexation petitions and to certify to the council the results of her investigation.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on June 8, 2023.

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

ATTEST:

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

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

CERTIFICATE OF SUFFICIENCY
(Annexation Petitions Submitted by Ardani Adulfo Nolasco along with Burnis Wilbern Spoon and Janice Breedlove Spoon)

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

I, Holly H. Doerr, am the City Clerk for the City of Asheboro. I hereby certify that, with the assistance of staff members in various city departments, I have investigated the annexation petitions submitted by Ardani Adulfo Nolasco along with Burnis Wilbern Spoon and Janice Breedlove Spoon (collectively, the "Petitioners"). I further certify that the following paragraphs accurately state the information obtained during the course of my investigation of the annexation petitions.

The Petitioners have requested the annexation into Asheboro of two parcels of land (Randolph County Parcel Identification Number 7761408892 identifies the Nolasco property and Randolph County Parcel Identification Number 7761409758 identifies the Spoon property) owned by the Petitioners near the intersection of Patton Avenue and North Carolina Highway 42. The Petitioners' real property is contiguous to the primary corporate limits of the City of Asheboro.

Based on my investigation, I have concluded that all owners of the real property lying in the area for which annexation has been requested have signed the prescribed petitions. The petitions appear to be sufficient to satisfy the provisions of Section 160A-31 of the General Statutes of North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro in order to make this certification effective as of June 8, 2023.

(CITY SEAL)

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

(ii) Resolution Setting the Date for a Public Hearing

In light of the preceding council action and the submittal of the certification from the city clerk's office, Mr. Leonard then recommended adoption of a resolution setting the date for a public hearing on the question of the requested annexation. Council Member Bell moved, and Council Member Heath seconded the motion to 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 20 RES 6-23

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION SETTING THE DATE FOR A PUBLIC HEARING ON THE QUESTION OF THE REQUESTED ANNEXATION OF LAND OWNED BY ARDANI ADULFO NOLASCO AS WELL AS BURNIS WILBERN SPOON AND JANICE BREEDLOVE SPOON

WHEREAS, Ardani Adulfo Nolasco along with Burnis Wilbern Spoon and Janice Breedlove Spoon submitted petitions requesting the annexation into Asheboro of two parcels of land located near the intersection of Patton Avenue and North Carolina Highway 42 (Randolph County Parcel Identification Number 7761408892 identifies the Nolasco property and Randolph County Parcel Identification Number 7761409758 identifies the Spoon property); and

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

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

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

Section 1. A public hearing on the question of annexing the territory described herein will be held in the council chamber on the second floor of Asheboro City Hall at 146 North Church Street, Asheboro, North Carolina 27203 during a regular meeting of the Asheboro City Council that will begin at 7:00 p.m. on July 13, 2023.

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

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the proposed Asheboro primary city limits line at a 1 and 1/4-inch iron pipe found on the northern boundary of the territory for which annexation has been requested, this beginning point is the northeast corner of the Ardani Adulfo Nolasco property described in the Office of the Register of Deeds for Randolph County, North Carolina (the "Randolph County Registry") in Deed Book 2840, Page 964 and further identified in Plat Book 4, Page 16, Randolph County Registry that is shared with the Burnis Wilbern Spoon and Janice Breedlove Spoon property described in Deed Book 852, Page 597, Randolph County Registry and further identified in Plat Book 4, Page 16, Randolph County Registry (the described beginning point is located by means of the North Carolina Coordinate System at the coordinates of North 710,948.20 feet and East 1,765,021.67 feet (NAD 83 (2011)); thence following the proposed Asheboro primary city limits line South 59 degrees 51 minutes 28 seconds East 65.04 feet along the northern boundary of the Spoon property to an iron set at the northeast corner of the Spoon property in the western margin of the 30-foot public right-

of-way for Patton Avenue (North Carolina Secondary Road 2192); thence continuing to follow the proposed Asheboro primary city limits line by running South 14 degrees 02 minutes 05 seconds West 114.77 feet along the western margin of the public right-of-way for Patton Avenue to a right-of-way monument; thence departing from the boundary line for the Spoon property, but continuing to follow the proposed Asheboro primary city limits line, South 29 degrees 09 minutes 23 seconds West 140.69 feet across North Carolina Highway 42 to a computed point that is in the southern margin of the 100-foot public right-of-way for North Carolina Highway 42 and on the existing Asheboro primary city limits line; thence following the existing Asheboro primary city limits line North 60 degrees 50 minutes 37 seconds West 153.40 feet along the southern margin of the public right-of-way line for North Carolina Highway 42 to a computed point; thence departing from the existing Asheboro primary city limits line and following the proposed Asheboro primary city limits line by crossing North Carolina Highway 42 and proceeding North 29 degrees 09 minutes 23 seconds East 100.00 feet to a computed point in the northern margin of the public right-of-way for North Carolina Highway 42 at the southwest corner of the Nolasco property; thence continuing to follow the proposed Asheboro primary city limits line along the western boundary of the Nolasco property by running North 21 degrees 12 minutes 41 seconds East 155.47 feet to a 1-inch iron pipe found at the northwest corner of the Nolasco property; thence continuing to follow the proposed Asheboro primary city limits line by running with the northern boundary of the Nolasco property South 59 degrees 51 minutes 28 seconds East 79.94 feet to the point and place of BEGINNING, and containing a total of 0.889 of an acre (38,701 square feet), more or less, to be annexed.

The above-stated legal description is in accordance with a plat of survey drawn under the supervision of Theodore C. Benbow, L-5368. The plat of survey is titled "ANNEXATION SURVEY PREPARED FOR: ARDANI ADULFO NOLASCO AND BURNIS WILBERN SPOON & JANICE BREEDLOVE SPOON" and is further identified by Job No. 30900972.021.

Section 3. Notice of the public hearing scheduled pursuant to this Resolution shall be published in *The Courier-Tribune*, which is a newspaper having general circulation in the City of Asheboro, at least 10 days prior to the date of the public hearing.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on June 8, 2023.

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

ATTEST:

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

10. Zoo City Sportsplex Project Update

(a) Approval of Change Order Number 8 with Terry's Plumbing and Utilities for Additional Construction Items

Mr. Leonard presented and recommended approval of Change Order Number 9 with Terry's Plumbing and Utilities for addition construction items at the Zoo City Sportsplex in the amount of \$1,457,157.04.

Council Member Moffitt moved, and Council Member Burks seconded the motion to approve the above-referenced change order with Terry's Plumbing and Utilities. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

(b) Budget Ordinance Amendments

(i) An Amendment of the General Fund in Order to Fund Expenses at the Sportsplex

Ms. Reaves presented and recommended adoption, by reference, of an ordinance to amend the General Fund FY 2022-2023.

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

37 ORD 6-23

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

WHEREAS, the City of Asheboro wishes to allocate funding for Change order 8 in the amount of \$1,457,158 between the City of Asheboro and Terry’s Plumbing and Utilities for work that includes the addition of Police and Fire UTV storage building, paving of roads and parking areas along with the installation of sidewalks in phase 2 and the installation of the walking trails.

WHEREAS, the City of Asheboro wishes to allocate funding in the amount of \$435,000 for networking, telecommunication and security at the Zoo City Sportsplex Facility.

WHEREAS, the City of Asheboro wishes to allocate funding for additional ball control netting and additional site work done on Field 8 estimated at \$14,000

WHEREAS, the City of Asheboro wishes to allocate funding, estimated at \$600,000 for additional work being performed by the City of Asheboro at the Sportsplex that is outside the scope of contracts including but not limited to installation of footers for the bridges on the walking trails, surfacing the pickleball courts, building the pad for the Fitness Court, installation of nets at both the pickleball and volleyball courts, installation of trash cans throughout, bathroom fixtures and amenities as well as other “punch list” type of items not yet identified but necessary for the final stages of the construction.

WHEREAS, the General Fund needs to be amended to appropriate funding for all of the above referenced costs.

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

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

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

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

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
10-000-399.0000	Fund Balance Appropriation	\$2,506,158

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

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
10-620-574.7400	Contribution to Zoo City Sportsplex Fund	\$2,506,158

Adopted this 8th day of June 2023.

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

ATTEST:

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

(ii) A Corresponding Amendment of the Zoo City Sportsplex Fund to Receive Funding from the General Fund and to Make Adjustments for Change Orders

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

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

38 ORD 6-23

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

WHEREAS, the City of Asheboro wishes to allocate funding for Change order 8 in the amount of \$1,457,158 between the City of Asheboro and Terry’s Plumbing and Utilities for work that includes the addition of Police and Fire UTV storage building, paving of roads and parking areas along with the installation of sidewalks in phase 2 and the installation of the walking trails.

WHEREAS, the City of Asheboro wishes to allocate funding in the amount of \$435,000 for networking, telecommunication and security at the Zoo City Sportsplex Facility.

WHEREAS, the City of Asheboro wishes to allocate funding for additional ball control netting and additional site work done on Field 8 estimated at \$14,000

WHEREAS, the City of Asheboro wishes to allocate funding, estimated at \$600,000 for additional work being performed by the City of Asheboro at the Sportsplex that is outside the scope of contracts including but not limited to installation of footers for the bridges on the walking trails, surfacing the pickleball courts, building the pad for the Fitness Court, installation of nets at both the pickleball and volleyball courts, installation of trash cans throughout, bathroom fixtures and amenities as well as other “punch list” type of items not yet identified but necessary for the final stages of the construction.

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

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

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

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

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
74-000-370.0000-74	Contribution from General Fund	\$2,506,158

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

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u> / <u>decrease</u>
74-000-400.9001-74	Construction	1,457,158

	Networking,	Telecommunication,	
74-000-400.9011-74	Security		435,000
74-000-400-9005-74	Miscellaneous		614,000
			\$2,506,158

Adopted this 8th day of June 2023.

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

ATTEST:

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

11. McCrary Ballpark Update

(a) Approval of a Change Order with Rodgers for Additional Construction Items

Mr. Leonard presented and recommended approval of Change Order with Rodgers for addition construction items at McCrary Ballpark in the amount of \$681,970.00

Council Member Moffitt moved, and Council Member Swiers seconded the motion to approve the above-referenced change order with Rodgers. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

(b) Budget Ordinance Amendments

(i) An Amendment of the General Fund in Order to Fund Expenses at the Ballpark, Including the Change Order with Rodgers

Ms. Reaves presented and recommended adoption, by reference, of an ordinance to amend the general fund for fiscal year 2022-2023.

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

39 ORD 6-23

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2022-2023

WHEREAS, the City of Asheboro has received change order 3 from Rodgers Builders, Inc. estimated at \$681,970 for the installation of the Tot Lot Retaining Wall and changes at the Front Entrance of the McCrary Ballpark.

WHEREAS, the City of Asheboro wishes to appropriate additional funding for (1) concrete work on the Tot Lot estimated at \$40,400, (2) for the land clearing cost of \$6,000 on the parcel of land along Highway 220 recently purchased for signage and (3) for lighting costs estimated at \$100,000 at McCrary Ballpark.

WHEREAS, the City of Asheboro wishes to appropriate funding in the amount of \$400,000 for a variety of expenses that will be incurred by the Facilities Maintenance department as they work through tasks that are outside the scope of the executed contracts.

WHEREAS, the City of Asheboro desires amend the 2022-2023 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:

Section 1: The following revenue line item be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-000-399.0000	Fund Balance Appropriated	\$1,228,370

Section 2: The following expense line item be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-620-574.6500	Contribution to McCrary Ballpark Improvements Fund	\$1,228,370

Adopted this the 8th day of June 2023.

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

ATTEST:

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

(ii) A Corresponding Amendment of the McCrary Ballpark Fund

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

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

40 ORD 6-23

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

WHEREAS, the City of Asheboro has received change order 3 from Rodgers Builders, Inc. estimated at \$681,970 for the installation of the Tot Lot Retaining Wall and changes at the Front Entrance of the McCrary Ballpark.

WHEREAS, the City of Asheboro wishes to appropriate additional funding for (1) concrete work on the Tot Lot estimated at \$40,400, (2) for the land clearing cost of \$6,000 on the parcel of land along Highway 220 that was recently purchased for signage and (3) for lighting costs estimated at \$100,000 at McCrary Ballpark.

WHEREAS, the City of Asheboro wishes to appropriate funding in the amount of \$400,000 for a variety of expenses that will be incurred by the Facilities Maintenance department as they work through tasks that are outside the scope of the executed contracts.

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

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

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

Section 1: The following revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
65-000-300.0001-65	Contribution from General Fund	1,228,370

Section 2: The following expense line item be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
65-000-405.0000-65	Miscellaneous	\$400,000
65-000-408.0000-65	Land / Land Improvements	6,000
65-000-404.0000-65	Construction – Playground	722,370
65-000-410.0000-65	Lighting	100,000
		<u>\$1,228,370</u>

Adopted this the 8th day of June 2023.

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

ATTEST:

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

12. Discussion of Changes to the Proposed 2023-2024 Annual Operating Budget

City Manager John Ogburn utilized a slide show presentation in order to give an overview of certain changes to the proposed 2023-2024 annual operating budget since the initial presentation on May 30, 2023. He reported that the property tax rate is recommended at \$0.72 per \$100 valuation and 5% cost of living adjustment for all city employees.

A public hearing on the proposed budget will be held during a special city council meeting on June 15, 2023 at 7:00 p.m. in the Council Chamber, and the final adoption of the budget will be during a special city council meeting on June 26, 2023.

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

13. 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 by the city council during this discussion.

There being no further business, the meeting was adjourned at 11:31 p.m.

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

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