

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, JULY 13, 2023
7:00 P.M.**

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

David H. Smith) – Mayor Presiding

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

John N. Ogburn, III, City Manager
Robert L. Brown, Jr., Assistant Chief of Police
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Michael L. Leonard, PE, City Engineer
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Michael D. Rhoney, PE, Water Resources Director
Jeffrey C. Sugg, City Attorney

1. Call to Order

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

2. Moment of Silent Prayer and Pledge of Allegiance

After a moment of silence was observed in order to allow for private prayer 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. Reconvening of Legislative Hearings Originally Opened on June 8, 2023

- (a) Case No. RZ-23-05: Consideration of rezoning properties located at the intersection of Old Cox Road and Old Humble Mill Roads 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 to allow a Residential and Commercial Planned Unit Development.**

Mayor Smith reconvened 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 Turner is the applicant requesting placement of the Zoning Lot in 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 dwellings.

Community Development Director Trevor Nuttall utilized a slide show presentation in order to give an overview of the procedural history. During the regular council meeting on June 8, 2023, the council members heard testimony from Mr. Bob Wilhoit, Esq., Bill Turner, Tim Knowles, Steve Epley, H.R. Gallimore, and Hi Marziano in favor of the rezoning application. There were numerous citizens in attendance in opposition of the rezoning.

During his presentation, Mr. Nuttall reviewed the changes in the proposed site plan that was initially presented in June. These changes include the following:

1. Thirty-four (34) additional off-street parking spaces
2. The maximum number of homes has been reduced from 413 to 399.
3. A six (6) foot acrylic (vinyl) or wood fence is now provided along the property boundary closest to Old Humble Mill Road.
4. Additional details have been provided related to the townhomes within Phase 1. In addition to extra off-street parking, each unit will have dedicated driveway and garage, just as other homes in the development.

In addition to the above changes in the site plan, Mr. Nuttall reviewed three (3) new proposed conditions. These conditions include the following:

- (CC) Passenger vehicle overflow parking, equivalent to the number of spaces in locations generally consistent with the approved site plan, shall be built in each phase of the development. The size of the space shall comply with the Asheboro Zoning Ordinance.
- (DD) Every dwelling unit constructed shall have garage and dedicated driveway leading to the street. Phase 1 townhome lots shall possess driveways at least nine (9) feet wide; Phase 1 single-family attached townhome lots and all lots within Phases 2 and 3 shall possess driveways at least 18 feet wide.
- (EE) A fence at least 6' in height shall be installed near the rear property line of Lots 1-30 of Phase 2, adjacent to land now or formerly owned by Hallelujah Taro Fenberg Et. A1 (DB 1513, Pg 556); Jesse Dwayne Deaton (DB 1808, PG 1119); Gordon Van Coburn (DB 2691, PG 1955); and Schwarz Properties (DB 2729, PG 922). Fencing shall be 6 feet high and made of black acrylic or wood (pressure treated or naturally resistant to weather).

After reviewing the changes in the site plan since the council's regular June meeting, Mayor Smith invited comments from the public. Ms. Patricia Pitillo presented questions relating to the site plan. After no one else from the public offered comments, Mayor Smith transitioned to the deliberative phase of the process.

Prior to the consideration of the zoning map amendment, Mayor Smith reconvened the public hearing on the question of annexation. Council Member Bell moved, and Council Member Moffitt seconded the motion to approve/adopt the following annexation ordinance. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

ORDINANCE NO. 47 ORD 7-23

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**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**

WHEREAS, in accordance with Section 160A-58.1 of the North Carolina General Statutes, Mary Ella Beeson Pugh, Susan P. Hash and T.R. Hash, Jr., Barbara P. Marsh and Christopher Marsh, and Joyce P. Morgan (collectively, the “Petitioners”) have submitted a petition requesting the annexation into Asheboro of three parcels of land (Randolph County Parcel Identification Numbers 7679024396, 7669905560, and 7679008885) the Petitioners own near the intersection of Old Cox Road and Old Humble Mill Road; and

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

WHEREAS, on May 4, 2023, by means of a duly adopted resolution (Resolution Number 14 RES 5-23), the Asheboro City Council directed the city clerk to investigate the sufficiency of the petition submitted by the above-listed Petitioners, and the city clerk has in fact certified the sufficiency of their annexation petition; and

WHEREAS, pursuant to Asheboro City Council Resolution Number 15 RES 5-23, a legal notice was published on May 25, 2023, in *The Courier-Tribune*, a newspaper with general circulation in the City of Asheboro, announcing that a public hearing to consider the adoption of an ordinance annexing the described territory into the City of Asheboro would be held during the city council’s next regular meeting, which was scheduled to begin at 7:00 p.m. on June 8, 2023, in the council chamber on the second floor of Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203; and

WHEREAS, the public hearing was opened, as advertised, on June 8, 2023, and, following the adoption in open session of a motion to recess the hearing until the next regular city council meeting, the hearing on the question of annexation was reconvened during the city council’s regular meeting on July 13, 2023; and

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

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

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

WHEREAS, the city council further finds that the annexation petition is otherwise valid and that the public health, safety, and welfare of the City of Asheboro and the area

proposed for annexation will be best served by annexing the territory described in Section 1 of this Ordinance.

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

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

Grant Township, Randolph County, North Carolina:

BEGINNING on the proposed Asheboro satellite city limits line at a 5/8-inch existing iron rod that is up 4 inches and is located by means of the North Carolina Coordinate System at the coordinates of North 688,493.43 ground US survey feet and East 1,769,896.39 ground US survey feet (NAD 83 (2011)), this beginning point is at the southeastern most corner of the area for which satellite annexation into the City of Asheboro has been requested by means of an annexation petition (the area for which annexation has been requested will be hereinafter referred to as the "Annexation Area") that was executed by all of the owners of the Barbara Pugh Marsh property described in the Office of the Register of Deeds for Randolph County, North Carolina (the "Randolph County Registry") in Deed Book 2663, Page 1409 and further identified as Tracts 1, 2, and 3 on a plat of survey recorded in Plat Book 71, Page 46, Randolph County Registry; thence, from the described beginning point, proceeding the next two bearings and distances along the southern boundary line of the Annexation Area: South 77 degrees 24 minutes 04 seconds West 1050.53 feet to an existing nail down 4-inches with flagging; thence South 77 degrees 24 minutes 04 seconds West 18.35 feet to a computed point/point not set; thence departing from the southern boundary line of the Annexation Area in order to follow the proposed satellite Asheboro city limits line along the western boundary line of the Annexation Area by running with the shared property line between the Barbara Pugh Marsh property and the Lester Wayne Young and Vickie J. Young property described in Deed Book 2066, Page 78, Randolph County Registry (this shared property line follows the center line of Richland Creek) the following three bearings and distances: North 07 degrees 49 minutes 49 seconds East 109.45 feet to a computed point/point not set; thence North 48 degrees 31 minutes 40 seconds West 55.34 feet to a computed point/point not set; thence North 21 degrees 40 minutes 00 seconds West 63.27 feet to a computed point/point not set; thence continuing to follow the proposed satellite Asheboro city limits line by running along the Bonnie Lee Perry property described in Deed Book 2724, Page 1865, Randolph County registry the next five bearings and distances: North 03 degrees 24 minutes 59 seconds West 36.08 feet to a computed point/point not set; thence North 54 degrees 07 minutes 27 seconds West 59.49 feet to a computed point/point not set; thence North 05 degrees 06 minutes 31 seconds West 62.63 feet to a computed point/point not set; thence North 27 degrees 58 minutes 42 seconds West 45.23 feet to a computed point/point not set; thence North 18 degrees 41 minutes 34 seconds East 55.47 feet to a computed point/point not set; thence North 03 degrees 45 minutes 01 second West 181.22 feet along the Walter Timothy Ward property described in Deed Book 2819, Page 197, Randolph County Registry to a computed point/point not set; thence continuing to follow the proposed satellite Asheboro city limits line along the western boundary of the Annexation Area by running with the Derek Douglas McKee and Gina Allen McKee property described in Deed Book 2773, Page 434, Randolph County Registry and further identified in Plat Book 171, Page 77, Randolph County Registry the next twelve bearings and distances North 18 degrees 13 minutes 23 seconds West 119.77 feet to a computed point/point not set; thence North 13 degrees 01 minute 23 seconds West 92.52 feet to a computed point/point not set; thence North 49 degrees 18 minutes 10 seconds West 80.26 feet to a computed point/point not set; thence North 16 degrees 42 minutes 16 seconds West 57.78 feet to a computed point/point not set; thence North 14 degrees 12 minutes 46 seconds East 101.81 feet to a computed point/point not set; thence North 46 degrees 56 minutes 47 seconds West 70.61 feet to a computed point/point not set; thence South 30 degrees 17 minutes 11 seconds West 24.94 feet to a computed point/point not set at the intersection of a creek and a ditch; thence following the ditch the next five bearings and distances to a Walnut tree on the west bank of the creek : North 71 degrees 48 minutes 27 seconds West 64.11 feet to a computed point/point not set; thence North 82 degrees 16 minutes 48 seconds West 67.05 feet to a computed point/point not set; thence South 78 degrees 23 minutes 57 seconds West 25.41 feet to a computed point/point not set; thence North 62 degrees 50 minutes 00 seconds West 101.09 feet to a computed point/point not set; thence North 79 degrees 12 minutes 07 seconds West 104.02 feet to a Walnut tree on the

west bank of the creek; thence the next four bearings and distances along the Robert John Haas property described in Deed Book 1825, Page 2089, Randolph County Registry: North 23 degrees 01 minute 24 seconds East 25.00 feet to a 5/8-inch new iron rod; thence North 23 degrees 01 minute 24 seconds East 750.48 feet to an existing stone that is up 6 inches; thence North 52 degrees 53 minutes 36 seconds West 242.63 feet to a 5/8 -inch new iron rod set flush with the ground; thence North 52 degrees 53 minutes 36 seconds West 36.38 feet to a computed point/point not set; thence the next two bearings and distances along the Thomas W. Mayer and Teresa L. Mayer property described in Deed Book 2536, Page 794, Randolph County Registry and identified as Lot 11 in Plat Book 48, Page 63, Randolph County Registry: North 03 degrees 58 minutes 51 seconds West 30.65 feet to a computed point/point not set; thence North 40 degrees 14 minutes 18 seconds East 91.86 feet to a computed point/point not set; thence the next eleven bearings and distances along the Roberta Ann Gasper property described in Deed Book 2651, Page 253, Randolph County Registry and identified as Lot 10 in Plat Book 52, Page 97, Randolph County Registry: North 66 degrees 03 minutes 04 seconds East 98.85 feet to a computed point/point not set; thence South 60 degrees 00 minutes 41 seconds East 102.66 feet to a computed point/point not set; thence South 88 degrees 38 minutes 06 seconds East 74.06 feet to a computed point/point not set; thence South 60 degrees 04 minutes 51 seconds East 106.69 feet to a computed point/point not set; thence South 54 degrees 26 minutes 38 seconds East 90.95 feet to a computed point/point not set; thence South 44 degrees 57 minutes 51 seconds East 95.23 feet to a computed point/point not set; thence South 58 degrees 39 minutes 01 second East 70.25 feet to a computed point/point not set; thence North 75 degrees 20 minutes 56 seconds East 60.86 feet to a computed point/point not set; thence North 07 degrees 07 minutes 48 seconds East 85.03 feet to a computed point/point not set; thence North 10 degrees 00 minutes 33 seconds East 72.48 feet to a computed point/point not set; thence North 03 degrees 16 minutes 31 seconds East 121.75 feet to a computed point/point not set; thence the following nine bearings and distances along the Mark Dewayne Reed and Kathleen Ann Riley property described in Deed Book 1550, Page 388, Randolph County Registry and identified as Lot 9 in Plat Book 52, Page 97, Randolph County Registry: North 49 degrees 02 minutes 35 seconds East 53.86 feet to a computed point/point not set; thence North 06 degrees 18 minutes 58 seconds West 48.69 feet to a computed point/point not set; thence North 24 degrees 35 minutes 29 seconds West 26.77 feet to a computed point/point not set; thence South 76 degrees 01 minute 27 seconds West 29.18 feet to a computed point/point not set; thence North 75 degrees 17 minutes 15 seconds West 31.05 feet to a computed point/point not set; thence North 31 degrees 50 minutes 29 seconds West 41.88 feet to a computed point/point not set; thence North 07 degrees 37 minutes 29 seconds West 50.02 feet to a computed point/point not set; thence North 32 degrees 40 minutes 33 seconds West 60.02 feet to a computed point/point not set; thence North 14 degrees 44 minutes 03 seconds West 66.87 feet to a computed point/point not set; thence North 09 degrees 20 minutes 53 seconds East 83.94 feet along the Traci Gilliam and Matt Gilliam property described in Deed Book 2680, Page 1461 Randolph County Registry and identified as Lot 8 in Plat Book 94, Page 35, Randolph County Registry to a computed point/point not set; thence the next ten bearings and distances along the Arturo Hernandez Flores property described in Deed Book 2777, Page 2663, Randolph County Registry and identified as Lot 9 in Plat Book 94, Page 35, Randolph County Registry: North 25 degrees 51 minutes 34 seconds East 60.30 feet to a computed point/point not set; thence North 84 degrees 25 minutes 34 seconds East 36.96 feet to a computed point/point not set; thence South 61 degrees 14 minutes 24 seconds East 79.35 feet to a computed point/point not set; thence South 80 degrees 38 minutes 01 second East 49.62 feet to a computed point/point not set; thence North 39 degrees 51 minutes 58 seconds East 38.29 feet to a computed point/point not set; thence North 06 degrees 38 minutes 57 seconds East 46.21 feet to a computed point/point not set; thence North 38 degrees 50 minutes 14 seconds West 46.59 feet to a computed point/point not set; thence North 26 degrees 27 minutes 15 seconds West 90.92 feet to a computed point/point not set; thence North 10 degrees 25 minutes 36 seconds West 75.94 feet to a computed point/point not set; thence North 27 degrees 16 minutes 32 seconds West 118.94 feet to a computed point/point not set; thence continuing to follow the proposed satellite Asheboro city limits line by running with the center line of Richland Creek the next eight bearings and distances along the Jennifer L. Auman property described in Deed Book 2007, Page 2027, Randolph County Registry and identified as Lot 21 in Plat Book 94, Page 36, Randolph County Registry: North 36 degrees 23 minutes 59 seconds West 143.31 feet to a computed point/point not set; thence North 04 degrees 29 minutes 51 seconds West 56.80 feet to a computed point/point not set; thence North 54 degrees 31 minutes 20 seconds West 49.75 feet to a computed point/point not set; thence South 74 degrees 27 minutes 48 seconds West 40.00 feet to a computed point/point not set; thence North 54 degrees 19 minutes 44 seconds West 50.06 feet to a computed point/point not set; thence North 20

degrees 21 minutes 11 seconds East 65.57 feet to a computed point/point not set; thence North 27 degrees 01 minute 14 seconds West 38.86 feet to a computed point/point not set; thence North 06 degrees 01 minute 27 seconds West 108.04 feet to a computed point/point not set at the northern boundary line of the Bryan T. Lones and Alicia M. Lones property described in Deed Book 2276, Page 854, Randolph County Registry and identified as New Lot 20 in Plat Book 129, Page 63, Randolph County Registry; thence the next eight bearings and distances along the Martin T. Mullings and Elizabeth A. Lindsey property described in Deed Book 2638, Page 1423, Randolph County Registry and further identified in Plat Book 129, Page 63, Randolph County Registry: North 02 degrees 59 minutes 12 seconds West 66.99 feet to a computed point/point not set; thence North 15 degrees 22 minutes 59 seconds West 65.00 feet to a computed point/point not set; thence North 27 degrees 12 minutes 14 seconds West 88.25 feet to a computed point/point not set; thence North 10 degrees 54 minutes 44 seconds West 39.42 feet to a computed point/point not set; thence North 02 degrees 23 minutes 57 seconds East 38.74 feet to a computed point/point not set; thence North 14 degrees 08 minutes 29 seconds West 85.10 feet to a computed point/point not set; thence North 37 degrees 20 minutes 49 seconds West 94.01 feet to a computed point/point not set; thence North 21 degrees 11 minutes 51 seconds West 55.05 feet to a computed point/point not set; thence the next five bearings and distances along the Nancy Lou G. Kiessler property described in Deed Book 1529, Page 379, Randolph County Registry and further identified as a portion of Lot 24 in Plat Book 29, Page 72 and all of Lot 11 in Plat Book 29, Page 71, Randolph County Registry: North 01 degree 00 minutes 38 seconds East 78.41 feet to a computed point/point not set; thence North 45 degrees 33 minutes 45 seconds East 44.52 feet to a computed point/point not set; thence North 77 degrees 27 minutes 48 seconds East 99.75 feet to a computed point/point not set; thence North 54 degrees 06 minutes 23 seconds East 70.04 feet to a computed point/point not set; thence North 62 degrees 07 minutes 17 seconds East 100.39 feet to a computed point/point not set; thence continuing along the Nancy Lou G. Kiessler property, inclusive of the Kiessler property described in Deed Book 1591, Page 664, Randolph County Registry and further identified as a portion of Lot 23 in Plat Book 29, Page 72, Randolph County Registry, the next two bearings and distances: North 43 degrees 28 minutes 00 seconds East 93.63 feet to a computed point/point not set; thence North 37 degrees 40 minutes 18 seconds East 79.85 feet to a computed point/point not set (this computed point is South 40 degrees 42 minutes 42 seconds East 8775.85 feet from a point that is in the western margin of the 60-foot public right-of-way for Zoo Parkway (North Carolina Highway 159) and is on the current primary Asheboro city limits line, this point on the existing primary Asheboro city limits line is located by means of the North Carolina Coordinate System at the coordinates of North 699,145.62 ground US survey feet and East 1,763,246.81 ground US survey feet (NAD 83 (2011)); thence continuing to follow the proposed satellite Asheboro city limits line by crossing the public right-of-way for Old Cox Road (North Carolina Secondary Road 2834) North 36 degrees 26 minutes 28 seconds East 164.04 feet to a computed point/point not set in the eastern margin of the public right-of-way for Old Cox Road; thence along the proposed satellite Asheboro city limits line by following the northern boundary of the Annexation Area the next 43 bearings and distances along the Dennis McDonald Garner property described in the Office of the Randolph County Clerk of Superior Court in Estate File 93E-356 (this property line follows the center line of Richland Creek): North 35 degrees 16 minutes 14 seconds East 67.59 feet to a computed point/point not set; thence North 16 degrees 52 minutes 44 seconds West 111.96 feet to a computed point/point not set; thence North 13 degrees 41 minutes 33 seconds East 48.08 feet to a computed point/point not set; thence North 37 degrees 06 minutes 20 seconds East 60.07 feet to a computed point/point not set; thence North 42 degrees 58 minutes 39 seconds East 92.89 feet to a computed point/point not set; thence North 39 degrees 27 minutes 43 seconds East 97.58 feet to a computed point/point not set; thence North 36 degrees 07 minutes 10 seconds East 89.94 feet to a computed point/point not set; thence North 49 degrees 36 minutes 49 seconds East 90.09 feet to a computed point/point not set; thence North 58 degrees 33 minutes 24 seconds East 74.36 feet to a computed point/point not set; thence South 86 degrees 23 minutes 10 seconds East 63.49 feet to a computed point/point not set; thence South 67 degrees 37 minutes 58 seconds East 67.24 feet to a computed point/point not set; thence South 61 degrees 46 minutes 33 seconds East 57.53 feet to a computed point/point not set; thence South 78 degrees 43 minutes 12 seconds East 77.57 feet to a computed point/point not set; thence South 57 degrees 57 minutes 48 seconds East 56.59 feet to a computed point/point not set; thence South 33 degrees 08 minutes 59 seconds East 75.25 feet to a computed point/point not set; thence South 16 degrees 37 minutes 48 seconds East 50.02 feet to a computed point/point not set; thence South 12 degrees 55 minutes 22 seconds West 29.31 feet to a computed point/point not set; thence South 59 degrees 28 minutes 09 seconds East 24.21 feet to a computed point/point not set; thence North 66 degrees 09 minutes 14 seconds East 88.82

feet to a computed point/point not set; thence North 66 degrees 52 minutes 48 seconds East 76.55 feet to a computed point/point not set; thence South 81 degrees 20 minutes 29 seconds East 44.81 feet to a computed point/point not set; thence South 54 degrees 55 minutes 07 seconds East 109.35 feet to a computed point/point not set; thence South 65 degrees 34 minutes 19 seconds East 101.93 feet to a computed point/point not set; thence South 73 degrees 08 minutes 33 seconds East 126.79 feet to a computed point/point not set; thence South 68 degrees 30 minutes 57 seconds East 84.08 feet to a computed point/point not set; thence North 63 degrees 25 minutes 51 seconds East 58.29 feet to a computed point/point not set; thence North 50 degrees 53 minutes 42 seconds East 56.69 feet to a computed point/point not set; thence North 42 degrees 16 minutes 45 seconds East 77.95 feet to a computed point/point not set; thence North 56 degrees 43 minutes 00 seconds East 99.58 feet to a computed point/point not set; thence North 55 degrees 28 minutes 57 seconds East 56.58 feet to a computed point/point not set; thence North 88 degrees 52 minutes 20 seconds East 50.53 feet to a computed point/point not set; thence South 87 degrees 33 minutes 43 seconds East 83.12 feet to a computed point/point not set; thence North 20 degrees 42 minutes 15 seconds East 80.77 feet to a computed point/point not set; thence North 11 degrees 16 minutes 37 seconds East 83.05 feet to a computed point/point not set; thence North 13 degrees 49 minutes 43 seconds East 87.42 feet to a computed point/point not set; thence North 28 degrees 42 minutes 12 seconds East 128.28 feet to a computed point/point not set; thence North 26 degrees 03 minutes 04 seconds East 101.06 feet to a computed point/point not set; thence North 29 degrees 18 minutes 10 seconds East 84.75 feet to a computed point/point not set; thence North 33 degrees 22 minutes 17 seconds East 102.18 feet to a computed point/point not set; thence North 28 degrees 42 minutes 14 seconds East 81.94 feet to a computed point/point not set; thence North 18 degrees 11 minutes 06 seconds East 105.84 feet to a computed point/point not set; thence North 10 degrees 37 minutes 32 seconds East 148.56 feet to a computed point/point not set; thence North 24 degrees 45 minutes 29 seconds East 69.23 feet to a computed point/point not set; thence continuing to follow the proposed satellite Asheboro city limits line the next three bearings and distances along Parcel 3 of the Moffitts, Inc. property described in Deed Book 2761, Page 1406, Randolph County Registry: North 68 degrees 44 minutes 13 seconds East 105.01 feet to a computed point/point not set; thence North 88 degrees 26 minutes 06 seconds East 118.98 feet to a computed point/point not set; thence South 78 degrees 14 minutes 43 seconds East 124.62 feet to a computed point/point not set; thence continuing the next two bearings and distances along the City of Asheboro property described in Deed Book 1409, Page 1215, Randolph County Registry: South 73 degrees 25 minutes 05 seconds East 192.78 feet to a computed point/point not set; thence South 69 degrees 44 minutes 13 seconds East 98.69 feet to a computed point/point not set in the centerline of the creek; thence departing from the center line of the creek and the northern boundary of the Annexation Area by following the proposed satellite Asheboro city limits line down the eastern boundary of the Annexation Area the next three bearings and distances along the Hallelujah Taro Fenburg et al. property described in Deed Book 1513, Page 556, Randolph County Registry: South 02 degrees 14 minutes 34 seconds East 45.55 feet to a 5/8-inch existing iron rod that is up 8-inches and is located by means of the North Carolina Coordinate System at the coordinates of North 693,899.59 ground US survey feet and East 1,771,808.79 ground US survey feet (NAD 83 (2011)); thence South 02 degrees 14 minutes 34 seconds East 1097.88 feet to a 5/8-inch existing iron rod that is up 8-inches with stones; thence South 36 degrees 45 minutes 31 seconds West 45.62 feet to a 5/8-inch existing iron rod that is up 4-inches; thence continuing to follow the proposed satellite Asheboro city limits line by running the next five bearings and distances along the Gordon Van Coburn and Patsy Coburn property described in Deed Book 2691, Page 1955, Randolph County Registry (further identified as Tract 1 in Plat Book 87, Page 16, Randolph County Registry) as well as the Schwarz Properties, LLC property described as Parcel 8 in Deed Book 2729, Page 922, Randolph County Registry and further identified as Tract 1 in Plat Book 89, Page 27, Randolph County Registry: South 40 degrees 51 minutes 25 seconds West 47.51 feet to a 5/8-inch existing iron rod that is up 4-inches; thence South 40 degrees 14 minutes 59 seconds West 39.63 feet to a 5/8-inch existing iron rod that is up 4-inches; thence South 21 degrees 57 minutes 49 seconds West 24.39 feet to a point; thence South 25 degrees 52 minutes 53 seconds West 18.95 feet to a point; thence South 13 degrees 26 minutes 00 seconds West 26.27 feet to a computed point/point not set; thence continuing along the Schwarz Properties, LLC line by running with an old road bed the following five bearings and distances: South 06 degrees 52 minutes 39 seconds West 139.83 feet to a 5/8-inch existing iron rod that is up 6-inches; thence South 10 degrees 41 minutes 20 seconds West 142.69 feet to a 5/8-inch existing iron rod that is up 6-inches; thence South 10 degrees 34 minutes 55 seconds West 84.00 feet to a 5/8-inch existing iron rod that is up 6-inches; thence South 14 degrees 22 minutes 42 seconds West 139.04 feet to a 5/8-inch existing iron rod that is up 6-

inches; thence South 00 degrees 25 minutes 32 seconds East 82.25 feet to a 5/8-inch new iron rod that is flush with the ground in the northern margin of the public right-of-way for Old Humble Mill Road (North Carolina Secondary Road 2830); thence following the northern margin of the public right-of-way for Old Humble Mill Road in a southwesterly direction along the arc of a curve with a radius of 2059.31 feet and an arc length of 360.94 feet (delta angle 10 degrees 02 minutes 33 seconds) a chord bearing and distance of South 37 degrees 50 minutes 11 seconds West 360.48 feet to a computed point/point not set; thence departing from the northern margin of the public right-of-way for Old Humble Mill Road and proceeding South 57 degrees 16 minutes 35 seconds East 30.00 feet to a computed point/point not set; thence South 09 degrees 29 minutes 08 seconds West 72.70 feet to a 5/8-inch existing iron rod that is down 4-inches in the southern margin of the public right-of-way for Old Humble Mill Road; thence departing from the public right-of-way for Old Humble Mill Road and running the next two bearings and distances along the proposed satellite Asheboro city limits line beside the James T. Rich and Donna L. Rich property described in Deed Book 931, Page 303, Randolph County Registry: South 09 degrees 29 minutes 08 seconds West 259.51 feet to a 5/8-inch existing iron rod that is up 4-inches; thence South 21 degrees 45 minutes 51 seconds West 74.95 feet to a 5/8-inch existing iron rod that is up 6-inches; thence the next six bearings and distances along the Jessie Dwayne Deaton property described in Deed Book 1495, Page 1051, Randolph County Registry and further identified as Tracts 1 and 2 in Plat Book 26, Page 70, Randolph County Registry: South 00 degrees 10 minutes 22 seconds West 133.17 feet to a 5/8-inch existing iron rod that is up 8-inches; thence South 21 degrees 01 minute 15 seconds West 212.63 feet to a 5/8-inch existing iron rod that is up 6-inches; thence South 25 degrees 08 minutes 30 seconds West 112.31 feet to a 5/8-inch existing iron rod that is up 8-inches; thence South 45 degrees 07 minutes 31 seconds West 177.84 feet to a 5/8-inch existing iron rod that is up 6-inches with stones; thence South 39 degrees 26 minutes 36 seconds West 100.55 feet to a 5/8-inch existing iron rod that is up 6-inches with stones; thence South 43 degrees 00 minutes 04 seconds West 76.72 feet to a 1 and 1/4-inch existing iron pipe that is up 4-inches with a cap and stones; thence the next two bearings and distances along the Sammy Beane property described in Deed Book 1203, Page 1190, Randolph County Registry: South 45 degrees 55 minutes 58 seconds West 171.18 feet to a 5/8-inch existing iron rod that is up 10-inches; thence South 75 degrees 17 minutes 54 seconds West 177.97 feet to a 60d nail set at the base of a 5/8-inch existing iron rod that is down 2-inches; thence South 69 degrees 04 minutes 17 seconds West 312.58 feet along the Danny Ray Thomas property described in Deed Book 2672, Page 1229, Randolph County Registry to a 60d nail set at the base of a 5/8-inch existing iron rod that is bent and up 2-inches; thence continuing to follow the proposed satellite Asheboro city limits line the next five bearings and distances along the Sergio Alvarez Ruiz property described in Deed Book 1981, Page 906, Randolph County Registry: South 56 degrees 51 minutes 43 seconds West 50.21 feet to a 60d nail set at the base of a 5/8-inch existing iron rod that is bent and up 4-inches; thence South 39 degrees 56 minutes 33 seconds West 100.13 feet to a 5/8-inch existing iron rod that is down 2-inches; thence South 35 degrees 11 minutes 08 seconds West 57.51 feet to a 5/8-inch existing iron rod that is down 4-inches; thence North 79 degrees 08 minutes 24 seconds West 103.87 feet to a 1 and 1/4-inch existing iron pipe that is down 2-inches; thence North 79 degrees 08 minutes 24 seconds West 60.17 feet to a computed point/point not set in the western margin of the public right-of-way for Old Cox Road; thence continuing to follow the proposed satellite Asheboro city limits line by proceeding in a southwesterly direction along the western margin of the public right-of-way for Old Cox Road by following the arc of a curve with a radius of 594.75 feet and an arc length of 92.32 feet (delta angle 08 degrees 53 minutes 36 seconds) a chord bearing and distance of South 10 degrees 32 minutes 22 seconds West 92.22 feet to a computed point/point not set; thence continuing to follow the western margin of the public right-of-way for Old Cox Road the next two bearings and distances: South 04 degrees 45 minutes 27 seconds West 209.76 feet to a computed point/point not set; thence South 03 degrees 25 minutes 38 seconds West 596.05 feet to a computed point/point not set; thence South 06 degrees 09 minutes 02 seconds West 177.85 feet to a 1-inch existing iron pipe that is up 12 inches at a point on the proposed satellite Asheboro city limits line that is off of the western margin of the public right-of-way for Old Cox Road and is on the shared boundary line for the Annexation Area and the James H. Murray and Martha C. Murray property described in Deed Book 2172, Page 567, Randolph County Registry and further identified in Plat Book 106, Page 69, Randolph County Registry; thence continuing along the James H. Murray and Martha C. Murray property South 10 degrees 41 minutes 47 seconds West 716.19 feet to the point and place of BEGINNING, and containing a total of 241.401 acres, more or less, to be annexed.

*The above-stated legal description is in accordance with a plat of survey drawn under the supervision of Dan W. Tanner, II, Professional Land Surveyor with License Number L-4787. The plat of survey is titled "Annexation Survey For: **Bill Turner On The Property of: Barbara Pugh Marsh.**"*

The plat of survey referenced in the immediately preceding paragraph is recorded in Plat Book 181, Page 65, Randolph County Registry.

Section 2. Upon and after July 13, 2023, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. The above-described territory shall be subject to municipal taxes according to Section 160A-58.10 of the North Carolina General Statutes.

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

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

Section 5. This Ordinance shall be in full force and effect upon and after July 13, 2023.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on July 13, 2023.

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

ATTEST:

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

Approved as to form:

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

Once the annexation ordinance was approved/adopted, Council Member Bell moved, and Council Member Moffitt seconded the motion to adopt the plan consistency statement printed below and to approve the requested rezoning with the following multi-part motion.

1. Since the property involved in this request is outside of the City's Extraterritorial Zoning 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, the application attempts to find that balance and further advances the public's interest to promote diversified home-ownership options for people.

2. The zoning map amendment seeking to place the Zoning Lot into the R15 (CZ) Low-Density Single-Family Residential 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.

5. Continuation of Legislative Hearing (Case No. RZ-23-07) to Consider Rezoning 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

Mayor Smith continued the legislative hearing on the aforementioned land use case. Mr. Nuttall presented a written request from Ms. Susan Hunt to continue the hearing once more to the council's regular meeting on August 10, 2023.

Council Member Bell moved, and Council Member Burks seconded the motion to continue the hearing to the council's regular meeting on August 10, 2023. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

6. A Request to Designate as a Local Historic Landmark the Real Property Identified by the Historic Preservation Commission as Acme-McCrary Hosiery Mills, 1909 Located at 159 North Street, Asheboro, NC

Mr. Ross Holt of the Randolph County Historic Preservation Commission utilized a slide show presentation in order to give an overview of the history of the Acme-McCrary Hosiery Mills, 1909 located at 159 North Street in Asheboro, North Carolina. During his presentation, Mr. Holt presented and recommended adoption, by reference, of an ordinance designating the exterior of the Acme-McCrary Hosiery Mills, 1909 as local historic landmark in Asheboro, North Carolina.

Council Member Bell moved, and Council Member Heath 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.

Ordinance Number 48 ORD 7-23
Ordinance Designating the Exterior of the ACME-McCRARY HOSIERY MILLS, 1909 as a Local Historic Landmark in Asheboro, North Carolina

WHEREAS, Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes provides for the designation of local historic landmarks; and

WHEREAS, the City of Asheboro designated the Randolph County Historic Landmark Preservation Commission as a joint historic preservation commission on September 4, 2008, having the authority to exercise, within the planning jurisdiction of the City of

Asheboro, all powers and duties given it by the Randolph County Historic Preservation Ordinance; and

WHEREAS, the Randolph County Historic Landmark Preservation Commission has taken into consideration all information contained in the Historic Landmark Designation Application for the Acme-McCrary Hosiery Mills, 1909; and

WHEREAS, the North Carolina Department of Natural and Cultural Resources, State Historic Preservation Office has been given the opportunity to review the Local Landmark designation report which contains the historical information necessary for the Randolph County Historic Landmark Preservation Commission to determine special historical significance and integrity; and

WHEREAS, the Randolph County Historic Landmark Preservation Commission and the Asheboro City Council conducted the require public hearings, and published legal notices; and

WHEREAS, the Randolph County Historic Landmark Preservation Commission has adopted a unanimous resolution requesting the City of Asheboro to designate the exterior of the Acme- McCrary Hosiery Mills, 1909 as a local historic landmark, and

WHEREAS the Randolph County Historic Landmark Preservation Commission finds that the Acme-McCrary Hosiery Mills, 1909 meets the following specific criteria outlined in the Ordinance establishing the Commission: (1) Critical part of the Asheboro's and Randolph County's heritage by having value as an example of the cultural, historic and social heritage of the city and the County; (2) Its identification with persons who significantly contributed to the architectural, cultural, economic, historical, social or other aspect of the development of the Asheboro and Randolph County; (3) Its important architecture as an exemplification of an architectural type or style distinguished by innovation, rarity, uniqueness, or overall quality of design, detail, materials or craftsmanship; (4) Its distinctive theme, representing an architectural, cultural, economic, historic or other theme expressed through distinctive buildings.

WHEREAS, the property is more specifically described as follows:

The Acme-McCrary Hosiery Mills, 1909 is located at 159 North Street, Asheboro, N.C (PIN 7751739323), Asheboro, N.C. (PIN 7751831174); in Asheboro Township;

NOW, THEREFORE, BE IT ORDAINED, by the Asheboro City Council, North Carolina, that:

- 1: The property known as the exterior of the Acme-McCrary Hosiery Mills, 1909 located at
159 North Main Street, Asheboro, N.C., within the planning jurisdiction of the City of Asheboro, North Carolina, is hereby designated as a Local Historic Landmark pursuant to Chapter 160A, Article 19, Part 3C, of the North Carolina General Statutes, and by inter- local agreement approved September 4, 2008, between the City of Asheboro and the County of Randolph.
- 2: That the exterior of the Acme-McCrary Hosiery Mills, 1909 building may be materially altered, restored, remodeled, or demolished only following issuance of a Certificate of Appropriateness from the Historic Landmark Preservation Commission.
- 3: That nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material or outer appearance thereof, after obtaining the necessary permits and official approval for said stated repair. Nothing herein shall prevent the construction, alteration, restoration, demolition, or removal of such features when a building inspector or similar authorized official certifies to the Historic Landmark Preservation Commission that such action is required for the public safety because of an unsafe condition. Furthermore, nothing shall be

construed to prevent the property owner from making any use of this property not prohibited by other statutes, ordinances or regulations.

- 4: That suitable signs may be posted indicating the designation as a Local Historic Landmark and containing appropriate information.
- 5: That the City of Asheboro, owners of the Acme-McCrary Hosiery Mills, 1909 hereby accepts notice as required by the applicable law of this action and directs that copies of this Ordinance be filed and indexed in the office of the Asheboro City Clerk, the Randolph County Register of Deeds, the Randolph County Tax Department, and both the City and County Planning and Inspections Departments as required by applicable law.

Upon the motion of Council Member Bell, and a second by Council Member Heath, the foregoing ordinance was passed upon its first reading by a vote of 7 to 0.

**CITY OF ASHEBORO
NORTH CAROLINA**

BY: David H. Smith
David H. Smith, Mayor

July 13, 2023
Adoption Date

ATTEST: Holly H. Doerr
Holly H. Doerr, City Clerk

7. Consent Agenda

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

(a) City Council Meeting Minutes for May 30, 2023

The meeting minutes for the city council's special meeting on May 30, 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 June 8, 2023

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

(c) City Council Meeting Minutes for June 15, 2023

The meeting minutes for the city council's special meeting on June 15, 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) City Council Meeting Minutes for June 26, 2023

The meeting minutes for the city council's special meeting on June 26, 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.

(e) Asheboro ABC Board Minutes for May 1, 2023, and June 5, 2023

The council acknowledged the receipt of the Asheboro ABC Board's approved meeting minutes for May 1, 2023, and June 5, 2023. This document has been filed in the city clerk's office and distributed to the city's elected officials.

(f) A Resolution Appointing Stephen R. Knight to a New Three-Year Term of Office on the Asheboro ABC Board

RESOLUTION NUMBER 21 RES 7-23

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION APPOINTING STEPHEN R. KNIGHT TO A NEW THREE-YEAR TERM OF OFFICE ON THE ASHEBORO ABC BOARD AND CONFIRMING HIS CONTINUING DESIGNATION AS CHAIR OF THE ASHEBORO ABC BOARD

WHEREAS, the Asheboro ABC Board (the "Board") consists of three members who are appointed by the Asheboro City Council (the "Council") to terms of office that are three years in duration; and

WHEREAS, when the Council made the initial appointments to the Board, Stephen R. Knight was appointed to a three-year term of office that began on August 12, 2008, and the Council subsequently reappointed Mr. Knight to the Board for four additional three-year terms of office in 2011, 2014, 2017, and 2020, respectively; and

WHEREAS, on September 8, 2022, the Council designated Stephen R. Knight to serve as Board Chair; and

WHEREAS, the Board has consistently performed its duties in a very efficient and professional manner; and

WHEREAS, the Council believes that it is in the best interest of the Asheboro ABC system and the city to reappoint Board Chair Knight to the Asheboro ABC Board for another three-year term of office and to continue his designation as Board Chair; and

WHEREAS, Board Chair Knight has expressed a willingness to continue his service on the Board.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, effective August 12, 2023, Stephen R. Knight is reappointed to the Asheboro ABC Board for a new three-year term of office; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that, effective August 12, 2023, the continuing validity of the designation of Stephen R. Knight as Chair of the Asheboro ABC Board is confirmed.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 13th day of July, 2023.

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

ATTEST:

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

(g) A Temporary Street Closure for the Shriner's Parade in Downtown Asheboro during the Afternoon of Saturday, August 26, 2023

The council approved a temporary street closure for the Shiner's Parade. The temporary street closure order will take effect at 1300 hours and will end at 1500 hours on August 26, 2023. A copy of the map with the closure order is on file in the city clerk's office.

(h) A Resolution Declaring the Official Intent of the City of Asheboro to Purchase Municipal Vehicles and Equipment and to Reimburse the Water and Sewer Fund and the General Fund with Installment Financing Proceeds

RESOLUTION NUMBER 22 RES 7-23

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF ASHEBORO TO PURCHASE MUNICIPAL VEHICLES AND EQUIPMENT AND TO REIMBURSE THE WATER AND SEWER FUND AND THE GENERAL FUND WITH INSTALLMENT FINANCING PROCEEDS

WHEREAS, in order to maintain a satisfactory level of municipal services, the Asheboro City Council has adopted a budget ordinance for fiscal year 2023-2024 that allocates funding for the acquisition of vehicles and equipment deemed essential for maintaining uninterrupted high-quality municipal services; and

WHEREAS, the following appropriations have been made for the acquisition of vehicles and equipment by city departments that receive their funding from the City of Asheboro Water and Sewer Fund:

1. \$40,000.00 has been budgeted for vehicle and equipment acquisition by the meter department;
2. \$157,000.00 has been budgeted for vehicle and equipment acquisition by the wastewater treatment plant;
3. \$345,000.00 has been budgeted for vehicle and equipment acquisition by the water maintenance department;
4. \$65,000.00 has been budgeted for vehicle and equipment acquisition by the systems maintenance department;
5. \$210,000.00 has been budgeted for vehicle and equipment acquisition by the wastewater maintenance department; and

WHEREAS, the following appropriations have been made for the acquisition of vehicles and equipment by city departments that receive their funding from the City of Asheboro General Fund:

1. \$243,846.00 has been budgeted for vehicle and equipment acquisition by the police department;
2. \$140,000.00 has been budgeted for vehicle and equipment acquisition by the facilities maintenance department;
3. \$174,000.00 has been budgeted for vehicle and equipment acquisition by the street department; and

WHEREAS, the budgeted amount for the above-described acquisition of vehicles and equipment needed for the listed city departments funded out of (a) the Water and Sewer Fund (\$817,000.00) and (b) the General Fund (\$557,846.00) to deliver essential municipal services totals \$1,374,846.00; and

WHEREAS, Section 160A-20 of the North Carolina General Statutes authorizes the city to finance the purchase of personal property by means of installment financing that creates a security interest in the purchased property; and

WHEREAS, in order to provide uninterrupted high-quality municipal services, the above-referenced vehicles and equipment will be purchased and placed into service as soon as possible with available funds in the Water and Sewer Fund and in the General Fund; and

WHEREAS, the Asheboro City Council has decided that the above-stated expenditures are to be reimbursed to the Water and Sewer Fund and the General Fund during the current fiscal year with proceeds from an installment financing agreement that will create security interests in the above-referenced municipal vehicles and equipment acquired by the city during its 2023-2024 fiscal year; and

WHEREAS, more favorable financing terms can be obtained if the city takes the steps necessary to allow the lending institution from which financing is ultimately obtained to exclude the interest paid or payable under an installment financing agreement with the city from the gross income of the lending institution; and

WHEREAS, in accordance with the applicable treasury regulations, one of the steps necessary to avoid jeopardizing the ability of a lender to exclude from its gross income the interest paid or payable under an installment financing agreement is for the city to declare its official intent to reimburse the Water and Sewer Fund and the General Fund for the expenditures used to purchase the needed vehicles and equipment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, consistent with the city's budget ordinance for fiscal year 2023-2024, as amended, and with the explicit intent of seeking reimbursement for the expenditures from installment financing proceeds, a maximum of \$1,374,846.00 may be expended from the Water and Sewer Fund (a total of \$817,000.00 from the Water and Sewer Fund) and from the General Fund (a total of \$557,846.00 from the General Fund) for the above-described acquisition of municipal vehicles and equipment prior to the execution of any installment financing agreement; and

BE IT FURTHER RESOLVED that the City Council of the City of Asheboro does hereby formally and explicitly declare the official intent of the City of Asheboro to fully reimburse, with loan proceeds from an installment financing agreement that is to be executed prior to the end of the 2023-2024 fiscal year, any and all expenditures from the Water and Sewer Fund and the General Fund during the current fiscal year for the above-referenced vehicle and equipment acquisitions that are necessary to the provision of essential municipal services.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on July 13, 2023.

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

ATTEST:

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

- (i) **Acknowledgement of the Receipt of a Report Detailing Major Subdivisions Administratively Approved Since June 8, 2023**

There have been no major subdivisions approved since June 8, 2023.

- (j) **Approval of the Community Development Division's Request to Schedule for August 10, 2023, and to Advertise, an Application to Rezone Property Located at 159 North Street (Randolph County Parcel Identification Number 7751738393) and Property North of 148 North Street (Randolph County Parcel Identification Number 7751831208) from I2, B3, and B2 zoning**

- (k) **A Change Order from Rodgers Builders, Inc. in Connection with the McCrary Baseball Park Renovation and Expansion Project**

A copy of the above-referenced change order is on file in the city clerk's office.

- (l) **A Change Order from Terry's Plumbing and Utilities, Inc. in Connection with the McCrary Baseball Park Renovation and Expansion Project**

A copy of the above-referenced change order is on file in the city clerk's office.

- (m) **An Ordinance to Amend the General Fund to Account for the Above-Referenced Change Orders for the McCrary Baseball Park Renovation and Expansion Project**

49 ORD 7-23

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

WHEREAS, the City of Asheboro has received 4 change orders from Rodgers Builders, Inc.

WHEREAS, change order RCO-0001 is for \$9,962 for HVAC Unit change for the press box. Change order RCO-0002 is for \$2,996 for two grandstands emergency lights added. Change order RCO-0004 is for \$20,000 for estimated project sales tax from December 2022 to May 2023. Change order RCO-0005 is for \$3,745 is for additional gates and fencing below the Grandstands.

WHEREAS, the City of Asheboro wishes to appropriate \$36,703 for the Rodgers Builders change orders.

WHEREAS, the City of Asheboro has received a change order from Terry's Plumbing.

WHEREAS, one part of the change order relates to a) plumbing for the restroom building, b) roof and gutter work for the restroom building and ticket building, c) conduit work for lighting in parking area, d) pump station and water and sewer service work, e) electrical work, f) storm drainage and g) 8 ea. tandem loads ABC and fill dirt to fill tot lot. The amount of the change order relating to these costs is \$192,330.

WHEREAS, the second part of the change order relates to construction of approximately 335 LP 12" block and brick retaining wall for \$360,000.

WHEREAS, the City of Asheboro wishes to appropriate \$552,330 for the Terry's Plumbing change orders.

WHEREAS, the City of Asheboro wishes to use General Fund Balance in the amount of \$589,033 to pay for these changes.

WHEREAS, the City of Asheboro desires to amend the 2023-2024 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	\$589,033

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	\$589,033

Adopted this the 13th day of July 2023.

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

ATTEST:

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

(n) **An Ordinance to Amend the McCrary Baseball Park Improvements Fund to Account for the Above-Referenced Change Orders for the McCrary Baseball Park Renovation and Expansion Project**

50 ORD 7-23

**ORDINANCE TO AMEND
THE MCCRARY BALLPARK IMPROVEMENTS FUND
FY 2023-2024**

WHEREAS, the City of Asheboro has received 4 change orders from Rodgers Builders, Inc.

WHEREAS, change order RCO-0001 is for \$9,962 for HVAC Unit change for the press box. Change order RCO-0002 is for \$2,996 for two grandstands emergency lights added. Change order RCO-0004 is for \$20,000 for estimated project sales tax from December 2022 to May 2023. Change order RCO-0005 is for \$3,745 is for additional gates and fencing below the Grandstands.

WHEREAS, the total is \$36,703 for the Rodgers Builders change orders.

WHEREAS, the City of Asheboro has received a change order from Terry’s Plumbing.

WHEREAS, one part of the change order relates to a) plumbing for the restroom building, b) roof and gutter work for the restroom building and ticket building, c) conduit work for lighting in parking area, d) pump station and water and sewer service work, e) electrical work, f) storm drainage and g) 8 ea. tandem loads ABC and fill dirt to fill tot lot. The amount of the change order relating to these costs is \$192,330.

WHEREAS, the second part of the change order relates to construction of approximately 335 LP 12” block and brick retaining wall for \$360,000.

WHEREAS, the total is \$552,330 for the Terry’s Plumbing change orders.

WHEREAS, the City of Asheboro wishes to recognize a transfer from the General Fund in the amount of \$589,033 for these changes.

WHEREAS, the City of Asheboro desires to amend the 2023-2024 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.

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	589,033

Section 2: The following expense line item be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
65-000-400.9000-65	Construction Manager at Risk	\$36,703
65-000-406.0000-65	Construction- storm sewer, grading, paving	552,330
		<u>\$589,033</u>

Adopted this the 13th day of July 2023.

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

ATTEST:

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

8. A Request for the City of Asheboro to Take Over the Maintenance of the Streets in the Sherwood Oaks Townhomes Development

City Engineer Michael Leonard, PE, presented a request for the City of Asheboro to take over the maintenance of the streets within the Sherwood Oaks Townhomes Development. The main entrance to the development is located on Sherwood Avenue in Asheboro. After some discussion, a consensus emerged from the council members to direct city staff to investigate the potential assumption of public maintenance of the streets within the development.

9. Community Development Division Items

- (a) **Legislative Hearing (Case No. RZ-23-08): A request to rezone property located at 207 East Pritchard Street (Randolph County Parcel Identification Number 7751966980) from B2 General Commercial to OA6 Office-Apartment.**

Mayor Smith opened the legislative hearing on the application to rezone land located at 207 East Pritchard Street from B2 General Commercial Zoning to OA6 Office-Apartment Zoning.

Mr. Nuttall gave an overview of the zoning map amendment application received from Mr. H.R. Gallimore, who is the agent for the Estate of Peggy Britt. The applicant’s land for which the above-stated zoning has been requested is identified by Randolph County Parcel Identification Number 7751966980 and will be referred to as the Zoning Lot. This lot totals approximately 0.8 of an acre of land.

The community development director utilized a slide show presentation and noted the points of information listed below from the planning staff's analysis.

1. The property is within the city limits. East Pritchard Street is a city-maintained collector street. The property is approximately 350 feet east of East Pritchard Street's signalized intersection with North Fayetteville Street.
2. The existing B2 zoning district is described by the zoning ordinance as "intended to serve the convenience goods, shoppers goods retail and service needs of the motoring public, both local and transient. This district should always be located with access directly to minor thoroughfares or higher classification streets, but never local residential streets."
3. The OA6 Office-Apartment district is described as "intended to produce moderate intensity office and residential development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designated OA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged."
4. The OA6 district allows residential uses (single-, two-, and multi-family with up to 4 dwellings when a property possesses less than 45,000 square feet), institutional uses (such as places of worship), and some lighter commercial uses (medical/professional offices, and service uses such as hair salons). Heavier commercial uses (such as eating establishments, motor vehicle repair/sales/rental, and retail businesses) are not permitted.
5. The requested district would allow all uses permitted by right subject to comply with city land use regulations. No site-specific development plan is considered with this request.
6. The last use of the property was business services (an insurance office).
7. Information from the Randolph County Tax Department indicates that the property's building type is considered a "single-family" residence, and that the structure was built in 1923.
8. If mixed occupancy is proposed in the future (i.e. residential and non-residential), compliance with the state building code must be demonstrated.

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: Neighborhood Residential

Small Area Plan: Central

Growth Strategy Map Designation: Primary Growth

LDP Goals/Policies Supporting the Request:

Checklist Item 1: Complies with LDP proposed land use map.

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 Items 12, 13, and 14: 12.) Property is located outside of watershed
13.) The property is located outside of Special Hazard Flood Area.

2.1.5 The City will ensure development regulations provide appropriate transitional land uses, such as office and institutional, between high-intensity industrial/commercial and low-intensity residential uses.

There were no goals policies that do not support the rezoning application.

The City of Asheboro Planning Board considered the rezoning application and recommended placement of the Zoning Lot into the requested OA6 Office-Apartment 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.

Staff believes that the OA6 district is a more appropriate transition between industrial uses to the south and west and commercial uses to the north and east than the existing B2 General Commercial district. The Zoning Ordinance's description of the OA6 also more closely fits the property's location.

Additionally, available records indicate that either office or residential uses have occurred from the property over time; both are appropriate in an OA6 district.

In response to Mayor Smith inviting comments from the public, H.R. Gallimore presented comments in support of the rezoning application. No other comments were offered from the public, and Mayor Smith transitioned to the deliberative phase of the process.

After engaging in deliberations about the zoning map amendment application, Council Member Bell moved, and Council Member 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. Council believes that the OA6 district is a more appropriate transition between industrial uses to the south and west and commercial uses to the north and east than the existing B2 General Commercial district. The Zoning Ordinance's description of the OA6 also more closely fits the property's location.

Additionally, available records indicate that either office or residential uses have occurred from the property over time; both are appropriate in an OA6 district.

2. The zoning map amendment application seeking to place the Zoning Lot into an OA6 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.

- (b) **Legislative Hearing (Case No. RZ-23-09): A request to rezone property located at 3114 Zoo Parkway (Randolph County Parcel Identification Number 7769460864) from R40 Low-Density Residential to R10 (Medium-Density Residential).**

Mayor Smith opened the legislative hearing on the application to rezone land located at 3114 Zoo Parkway from R40 Low-Density Residential to R10 Medium-Density Residential Zoning.

Mr. Nuttall gave an overview of the zoning map amendment application received from Ricky Spencer. The applicant's land for which the above-stated zoning has been requested is identified by Randolph County Parcel Identification Number 7669460864 and will be referred to as the Zoning Lot. This lot is located across from and immediately south of the Old Cox Road intersection and totals approximately 2.2 acres of land.

The community development director utilized a slide show presentation in order to provide the city staff's analysis of the zoning amendment application. The planning staff analysis noted the points of information listed below.

1. The property is located outside the city limits. Zoo Parkway is a state-maintained major thoroughfare at this location.
2. Access to city utilities (water/sewer) requires annexing the property.
3. The existing R40 district allows a single-family dwelling on a lot with 40,000 square feet and a two-family dwelling on a lot with 80,000 square feet.
4. The zoning ordinance describes the R10 zoning district as "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."
5. The current R40 zoning only allows one two-dwelling unit on the property. If the property is rezoned, it is possible that additional lots can be created through the subdivision process and additional homes constructed.
6. The Village Activity Center is described by the Land Development plan to have a "variety of housing types surrounding the mixed-use core, including some multi-family residential units (e.g. Apartments, Townhouses, and Condominiums)." It describes the intent as to "create pedestrian-friendly, community focal points containing a mixture of commercial, office and institutional, entertainment, open space and residential uses and housing types.
7. The area already includes a mixture of housing types (single-family, residential townhomes, Crossroads Rest and Retirement) and is across from the city-owned Zoo City Sportsplex.

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:	Village Activity Center
Small Area Plan:	Southeast
Growth Strategy Map Designation:	Secondary Growth

LDP Goals/Policies Supporting the Request:

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

2.1.5 The City will ensure development regulations provide appropriate transitional land uses, such as office and institutional, between high-intensity industrial/commercial and low-intensity residential uses.

Checklist Items 12, 13, and 14: 12.) Property is located outside of watershed.
13.) The property is located outside of Special Hazard Flood Area.

The City of Asheboro Planning Board considered the rezoning application and recommended placement of the Zoning Lot into the requested R10 Medium-Density Residential 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.

Staff believes that the requested R10 zoning designation is appropriate for the property given the area's mixture of housing types and densities. While the application does not implement the Land Development Plan's recommendations for a mixed use Village Activity Center, recent investments and growth in the area justify a transition to medium-density residential zoning from the present low-density district.

Considering these factors, staff believes that the proposed zoning map amendment is reasonable and in the public interest.

No comments were offered from the public during this hearing, and Mayor Smith then transitioned to the deliberative phase of the process.

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

1. Council believes that the requested R10 zoning designation is appropriate for the property given the area's mixture of housing types and densities. While the application does not implement the Land Development Plan's recommendations for a mixed use Village Activity Center, recent investments and growth in the area justify a transition to medium-density residential zoning from the present low-density district.
2. The zoning map amendment application seeking to place the Zoning Lot into an R10 Medium-Density Residential 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.

- (c) **Legislative Hearing (Case No. RZ-23-10): Request to rezone property located at 615 & 617 South Church Street; 223 West Kivett Street; and 616 & 622 Hammer Avenue (Randolph County Parcel Identification Number 7751703525) with an amended Conditional Zoning Office-Apartment designation for the purpose of a Multi-Family Development for the Elderly that is a Whole Block Development project.**

Mayor Smith opened the legislative hearing on the application to rezone land located at 615 and 617 South Church Street; 233 West Kivett Street, 616 and 622 Hammer Avenue from OA6 to an OA6 (CZ) Conditional Zoning.

Mr. Nuttall gave an overview of the zoning map amendment application received from Wynnefield Properties, LLC. The property of Memorial Square, LLC is identified by Randolph County Parcel Identification Number 7751703525 and will be referred to as the Zoning Lot. This lot contains approximately 2.5 acres of land.

The community development director utilized a slide show presentation in order to give an overview of the staff's analysis. The planning staff analysis noted the points of information listed below.

1. The applicant is requesting a Conditional Zoning requesting a Multi-Family Development for the Elderly that is a Whole Block Redevelopment project.
2. The property is within the city limits.
3. South Church Street is a state-maintained minor thoroughfare. West Kivett Street is a city-maintained minor thoroughfare. Lanier Avenue and Hammer Avenue are city-maintained local streets.
4. This use was approved in 2022 (Case No. RZ-22-04), allowing a four-story structure with 60 dwelling units.
5. The applicant is proposing an amended conditional zoning district, which (1) reduces the total number of units from 60 to 48; (2) moves the building closer to Hammer Avenue and further from South Church Street; and (3) changes the parking location and reduces the number of parking spaces.
6. The zoning ordinance allows an applicant to propose a conditional zoning district that deviates from the zoning ordinance's pre-prescribed requirements. Three deviations from typically applied zoning ordinance requirements are proposed: the first is the elimination of five (5) overflow parking spaces, the second is to exceed the typical 45 feet height limitation with a building that is 47.5 feet in height; and the third is to permit indoor recreational area to be provided via indoor space as opposed to exclusively by outdoors.
7. The OA6 zoning district is described as "intended to produce moderate intensity office and residential development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designated OA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged." Multi-family development for the elderly is a permitted use within the OA6 district.
8. The property is located within Tier 3 (Commercial and Employment Center) of the Center City Planning Area. Two properties with B3 (Central Commercial) designation are within 300 feet of the subject property.
9. The application seeks approval of a Whole Block Redevelopment proposal. Whole Block Redevelopment is envisioned to help with the

revitalization of neighborhoods, removal of blighted and unsafe structures, encouragement of reinvestment into properties in the vicinity of the development, stabilization and enhancement of property values, improvement of the City's housing stock, enhancement of the historic integrity of neighborhoods and improvement to public infrastructure.

10. There are currently two single-family dwellings, one two-family (duplex) dwelling, and one multi-family structure.

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

Proposed Land Use Map Designation: City Activity Center

Small Area Plan Central

Growth Strategy Map Designation: Primary Growth

LDP Goals/Policies Supporting the Request:

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

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

Checklist Item 5: Complies with Growth Strategy Map

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

Checklist Item 8: The request is an adaptive reuse of a vacant or unused lot, or is an infill lot.

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-density residential uses.

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 Whole Block Redevelopment for a Multi Family Development for the Elderly and the site developed consistent with the site plan submitted.
- (B) All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.
- (C) The existing city sewer line that will be impacted by the project shall be relocated by the developer and in a manner approved by the city.
- (D) Project landscaping shall be installed in a manner to preserve appropriate sight distances and avoid conflict with public rights-of way.

- (E) The applicant shall obtain and submit documentation detailing the following approvals at the appropriate time:
 - (i) NCDEQ (Erosion and Sediment Control)
 - (ii) NCDOT encroachment agreement for curb and gutter modifications to South Church Street (SR 1707)
- (F) 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 in the requested OA6(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 application shifts the building location away from S. Church Street to Hammer Avenue in order to minimize environmental impacts, many of the project's primary design elements remain. Redevelopment still will result in needed housing for the elderly in an urban location with the necessary supportive services in close proximity. Transportation-related improvements that are important for a project of this type and advocated by the Central Small Area Plan are included. Impervious surface is reduced, steeper slopes are better protected, and additional tree preservation is expected with the revised design. While the applicant is requesting deviations from certain parking provisions and the type of recreation space provided, staff believes that the requests are reasonable based on the plan presented and in light the property's characteristics and limitations. The district and conditions proposed are consistent with the city's adopted plans and approval would facilitate a reasonable use of the property.

Mr. Davis Ray presented comments in support of the request. No other comments from the public were offered, and Mayor Smith then transitioned to the deliberative phase of the process.

After engaging in deliberations about the zoning map amendment application, Council Member Bell moved, and Council Member Swiers 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 application shifts the building location away from S. Church Street to Hammer Avenue in order to minimize environmental impacts, many of the project's primary design elements remain. Redevelopment still will result in needed housing for the elderly in an urban location with the necessary supportive services in close proximity. Transportation-related improvements that are important for a project of this type and advocated by the Central Small Area Plan are included. Impervious surface is reduced, steeper slopes are better protected, and additional tree preservation is expected with the revised design. While the applicant is requesting deviations from certain parking provisions and the type of recreation space provided, staff believes that the requests are reasonable based on the plan presented and in light the property's characteristics and limitations. The district and conditions proposed are consistent with the city's adopted plans and approval would facilitate a reasonable use of the property.

2. The zoning map amendment application seeking to place the Zoning Lot into an OA6 (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) An Update on the Qualifications-Based Selection Process Authorized by the City Manager for the Procurement of Architectural Services Needed for the David and Pauline Jarrell Center City Garden Visitor Center

Mr. Nuttall updated the council members on the qualifications-based selection process authorized by City Manager John Ogburn for the procurement of architectural services needed for the David and Pauline Jarrell Center City Garden Visitor Center. Previous discussions have taken place in regards to the refurbishing the existing structure on the land that will house the garden. City Manager John Ogburn has authorized an architecture firm, HH Architecture, in Raleigh, North Carolina to assist the city in the possibility of refurbishing the structure. This phase of the project is set to move forward.

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

(e) An update on the Proposed Trade Street Renovations

Mr. Nuttall presented the results of a traffic analysis completed by Ramey Kemp Associates in regards to the proposed trade street renovations. With the proposed renovations, converting North Street to one-way southbound may be necessary along with some signal phasing modifications at Fayetteville Street and Worth Street.

Additionally, another possibility would be to covert North Street to southbound only and closing the roadway south of Trade Street along with reversing the direction of travel on Trade Street would require significant changes to the signal at Fayetteville Street and Worth Street/Trade Street. In addition to a new signal phase to accommodate the Trade Street renovations, right-turns from Trade Street onto Fayetteville Street must be prohibited to reduce queueing issues.

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

10. Water Resources Division Items

(a) Summary of the Master Plan for the City of Asheboro Wastewater Treatment Plant.

Mr. Carl Scharfe and Mr. John Grey from the Wooten Company presented a summary of the Master Plan for the City of Asheboro Wastewater Treatment Plant. Mr. Scharfe and Mr. Grey recommended that certain updates be made to the plant within the next 5 years.

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

(b) A Resolution Establishing the Criteria for the Design-Build Delivery Method and Authorizing Use of the Design-Build Delivery Method for the Wolfsped Water Line Extension Project

Water Resources Director Michael Rhoney, PE, presented and recommended adoption, by reference, of a resolution establishing criteria for a design-build delivery method and authorizing use of the design-build delivery method for the Wolfsped Water Line Extension Project.

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 23 RES 7-23

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION ESTABLISHING CRITERIA FOR A DESIGN-BUILD DELIVERY METHOD AND AUTHORIZING USE OF THE DESIGN-BUILD DELIVERY METHOD FOR THE WOLFSPEED WATER LINE EXTENSION PROJECT

WHEREAS, on February 9, 2023, the Asheboro City Council agreed to a Memorandum of Understanding between the North Carolina Department of Commerce and the city accepting directly allocated funds to make infrastructure improvements necessary to extend water service to the Wolfsped Economic Development Project (the "Project"); and

WHEREAS, on April 6, 2023, the city council adopted a resolution seeking an Owner's Advisor for the aforementioned Project; and,

WHEREAS, pursuant to N.C. Gen. Stat. § 143-128.1A(b), "a governmental entity shall establish in writing the criteria used for determining the circumstances under which the design-build method is appropriate for a project, and such criteria shall, at a minimum, address all of the following:

- (1) The extent to which the governmental entity can adequately and thoroughly define the project requirements prior to the issuance of the request for qualifications for a design-builder.
- (2) The time constraints for the delivery of the project.
- (3) The ability to ensure that a quality project can be delivered.
- (4) The capability of the governmental entity to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery.
- (5) A good-faith effort to comply with G.S. 143-128.2, G.S. 143-128.4, and to recruit and select small business entities. The governmental entity shall not limit or otherwise preclude any respondent from submitting a response so long as the respondent, itself or through its proposed team, is properly licensed and qualified to perform the work defined by the public notice issued under subsection (c) of this section.
- (6) The criteria utilized by the governmental entity, including a comparison of the advantages and disadvantages of using the design-build delivery method for a given project in lieu of the delivery methods identified in subdivisions (1), (2), and (4) of G.S. 143-128(a1); and

WHEREAS, based upon the criteria and reasons set forth herein, the city desires to proceed with the design-build method pursuant to N.C. Gen. Stat. § 143-128.1A to construct the Project, and the city intends to procure a qualified design-builder to provide design and construction services to install a new water transmission main for the Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, based upon the foregoing and pursuant to N.C. Gen. Stat. § 143-128.1A, the city establishes the following criteria as specified in the attached EXHIBIT 1, which is hereby incorporated into this Resolution by reference as if copied fully herein; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that, based upon the foregoing and pursuant to N.C. Gen. Stat. § 143-128.1A, the city has applied

the criteria and determined it is appropriate for the Project as specified in EXHIBIT 2, which is hereby incorporated into this Resolution by reference as if copied fully herein; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the criteria for the use of the design-build delivery method is appropriate for the Wolfsped Water Line Extension Project and the city manager is hereby authorized to move forward with use of the design-build delivery method for the Project.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 13th day of July, 2023.

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

ATTEST:

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

EXHIBIT 1

CRITERIA FOR DETERMINING WHETHER THE DESIGN-BUILD DELIVERY METHOD IS APPROPRIATE FOR A PROJECT

(Criteria 1) *The extent to which the City can adequately and thoroughly define the project requirements prior to the issuance of the request for qualifications (RFQ) for a design-builder.* The design-build delivery method may be used if it is determined that, for the project, the City has professional personnel that are both qualified and experienced to thoroughly define project requirements prior to the issuance of a request for qualifications for a design-builder. Consideration will be given to the qualifications and experience of the City's personnel, and any Owner-Advisor and consultants retained by the City to assist with the project to assist in the development of an RFQ, including the departments and areas of Public Works, purchasing, finance and legal.

(Criteria 2) *The time constraints for the delivery of the project.* The design-build delivery method may be used if a project has a firm date by which a facility must be substantially completed and/or operational and the normal delivery method is likely not to be timely (typically RFQ, study, design, bid and construct). The size, scope and cost of a project will dictate complexity and schedule.

(Criteria 3) *The ability to ensure that a quality project can be delivered.* The design-build delivery method may be used if it is determined that, for the project, the City has professional and experienced personnel to ensure that the design-build firm will provide a quality project within the budget constraints established by the City. Consideration will be given to the qualifications and experience of City personnel and consultants.

(Criteria 4) *The capability of the City to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery.* The design-build delivery method may be used if it is determined that, for the project, the City has professional, experienced and qualified personnel or consultants that are knowledgeable of design-build projects to perform the construction management of a design-build contract.

(Criteria 5) *A good-faith effort to comply with G.S. 143-128.2, G.S. 143-128.4, and to recruit and select small business entities.* The design-build delivery method may be used if it is determined that, for the project, requirements will be imposed which ensure that contractors will comply with the M/WBE goals set by the City.

(Criteria 6) *The criteria utilized by the City, including a comparison of the costs and benefits of using the design-build delivery method for a given project in lieu of the other delivery methods identified.* The criteria utilized by the City when considering a design-build delivery method for a project will be as follows:

- Is the project well defined and does it include qualitative and quantitative characteristics that make a design-build contract more appropriate than other methods of delivery?
- Is the project timeline overly constrained and will it be necessary to have the project/facility complete and operational within a short timeframe?
- Given the scope of the project, is there a maximum budget that must be adhered to in order to allow negotiations and flexibility to make appropriate decisions on scope as the project progresses?
- Does the design-build delivery method meet the ultimate operational goals established for a given project/facility and the quality of product achieved as a result of a more fluid and flexible delivery method?

In general terms, if it is determined that the expected expense of a design-build project will be no more than ten percent (10%) greater than the expected expense of a traditional RFQ, study, design, bid and construct project, the design-build delivery method may be utilized.

EXHIBIT 2

APPLICATION OF CRITERIA TO THE WOLFSPEED WATER LINE EXTENSION PROJECT

Criteria 1: The City is in negotiations to consult with an experienced owners-advisor who understands the technical nature of the Project, as well as the design-build deliver process. The owners-advisor will work collaboratively with the City to develop detailed project requirements prior to issuance of the request for qualifications (RFQ) to select a Design-Builder, to act as an advisor and provide both experienced and qualified staff to thoroughly define the Project requirements prior to the issuance of a request for qualifications for a design-builder.

Criteria 2: The Project is under significant time constraints due to required completion set by Wolfspeed to complete the project by January 1, 2026. Utilizing design-build will allow the City to engage with both the contractor and engineer at the start of the project and provide schedule accelerating opportunities such as early work package development and early procurement of materials.

Criteria 3: This project has many complexities including multiple utility owners, various permitting requirements, a tight completion schedule, administration of state allocated money, and a challenging construction corridor. The City will be supported by an experienced owners-advisor who will support the City throughout all phases of the Project. The City, owner-advisor, and selected design builder will work collaboratively towards developing quality project deliverables with adherence to budget and best budgeting and financial practices.

Criteria 4: As noted above, the City will serve as the Project Manager for the Project with the professional and experienced personnel provided by the owners-advisor. The owners-advisor is knowledgeable of the Project area, the technical nature of the Project, and with managing the design-build process.

Criteria 5: The City shall make good faith efforts to comply with N.C.G.S. 143-128.2, N.C.G.S. 143-128.4, and to recruit and select small business entities. Requirements shall be imposed within the RFQ and contract with the design-builder to comply with M/WBE requirements for funding and all applicable state and Federal requirements.

Criteria 6: As noted in Criteria 2, the Project is under significant time constraints due to required completion by Wolfspeed. The Design-Build process may reduce the overall project schedule compared to the traditional design-bid build delivery method and help the City meet the Project deadline. Reducing the Project time frame may also help eliminate any price escalation that could occur within that

time period since early procurement of construction materials can be more easily pursued with Design-Build. The Design-Build delivery method is not expected to result in expenses above the traditional RFQ, study, design, bid and construction process. The Project will have reduced scope and design efforts enabling more of the Project budget to meet actual construction and line improvements. This is expected to enable between 5% and 10% of Project funds to address construction and Owner-Advisor responsibilities.

11. Annexation Petitions

(a) A Petition Received from Duke Energy Progress, LLC

Mayor Smith opened the public hearing on the question of the annexation petition submitted by Duke Energy Progress, LLC requesting the annexation into the Asheboro primary city limits of four (4) parcels of land located across from the intersection of New Century Drive and Veterans Loop Road. As part of the public hearing, City Engineer Michael Leonard presented the staff's analysis of the annexation petition. Mayor Smith then invited comments from the public, but none were offered.

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

ORDINANCE NO. 51 ORD 7-23

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AN ORDINANCE EXTENDING THE ASHEBORO CITY LIMITS BY ANNEXING AN AREA APPROXIMATELY FORTY ACRES IN SIZE, WHICH IS CONTIGUOUS TO THE EXISTING PRIMARY CITY LIMITS, AND IS LOCATED ACROSS FROM THE NEW CENTURY DRIVE AND VETERANS LOOP ROAD INTERSECTION

WHEREAS, in accordance with Section 160A-31 of the North Carolina General Statutes, Duke Energy Progress, LLC submitted a petition to the Asheboro City Council requesting the annexation into the Asheboro primary city limits of four parcels of the company's land located across from the intersection of New Century Drive and Veterans Loop Road; and

WHEREAS, at the time of the submission of the annexation petition, these four parcels of land were identified by the following Randolph County Parcel Identification Numbers: 7659276429, 7659268704, 7659374126, and 7659370575; and

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

WHEREAS, on June 8, 2023, by means of a duly adopted resolution (Resolution Number 17 RES 6-23), the council directed the city clerk to investigate the sufficiency of the petition submitted by the petitioner, and the city clerk has in fact certified the sufficiency of the annexation petition; and

WHEREAS, pursuant to Asheboro City Council Resolution Number 18 RES 6-23, a legal notice was published on June 29, 2023, in *The Courier-Tribune*, a newspaper with general circulation in the City of Asheboro, announcing that a public hearing to consider the adoption of an ordinance annexing the described territory into the City of Asheboro would be held during the Council's next regular meeting, which was scheduled to begin at 7:00 p.m. on July 13, 2023, in the council chamber on the second floor of Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203; and

WHEREAS, the public hearing was held, as advertised, on July 13, 2023; and

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

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

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

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 1,752,400.469 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 South 88 degrees 50 minutes 05 seconds East 68.84 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 running 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 South 73 degrees 30 minutes 38 seconds East 18.14 feet to a point; (b) thence along a second curve with an arc 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 curves 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 running with the proposed Asheboro primary city limits line along the eastern boundary of the area for which annexation has been requested by following what is, at this location, 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 northern

boundary line of the David Lee Luther property, which is followed by 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 now or formerly 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.

The plat of survey referenced in the immediately preceding paragraph is recorded in Plat Book _____ 181 _____, Page _____ 64 _____, Randolph County Registry.

Section 2. Upon and after July 13, 2023, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. The above-described territory shall be subject to municipal taxes according to Section 160A-58.10 of the North Carolina General Statutes.

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

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

Section 5. This Ordinance shall be in full force and effect upon and after July 13, 2023.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on July 13, 2023.

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

ATTEST:

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

Approved as to form:

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

(b) Petitions from Burnis and Janice Spoon and Ardani Nolasco

Mayor Smith opened the public hearing on the question of the annexation petition submitted by Burnis and Janice Spoon and Ardani Nolasco requesting the annexation on Asheboro of two (2) parcels of land located near the North Carolina Highway 42 and Patton Avenue intersection. As part of the public hearing, Mr. Leonard presented the staff's analysis of the annexation petition. Mayor Smith then invited comments from the public, but none were offered.

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

ORDINANCE NO. 52 ORD 7-23

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AN ORDINANCE EXTENDING THE ASHEBORO CITY LIMITS BY ANNEXING AN AREA APPROXIMATELY 0.889 OF AN ACRE IN SIZE, WHICH IS CONTIGUOUS TO THE EXISTING PRIMARY CITY LIMITS, AND IS LOCATED NEAR THE NORTH CAROLINA HIGHWAY 42 AND PATTON AVENUE INTERSECTION

WHEREAS, in accordance with Section 160A-31 of the North Carolina General Statutes, 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 North Carolina Highway 42 and Patton Avenue intersection; and

WHEREAS, at the time of the submission of the annexation petitions, the two parcels of land were identified by Randolph County Parcel Identification Number 7761408892 (the Nolasco property) and by Randolph County Parcel Identification Number 7761409758 (the Spoon property); and

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

WHEREAS, on June 8, 2023, by means of a duly adopted resolution (Resolution Number 19 RES 6-23), the city council directed the city clerk to investigate the sufficiency of the petitions submitted by the petitioners, and the city clerk has in fact certified the sufficiency of the annexation petitions; and

WHEREAS, pursuant to Asheboro City Council Resolution Number 20 RES 6-23, a legal notice was published on June 29, 2023, in *The Courier-Tribune*, a newspaper with general circulation in the City of Asheboro, announcing that a public hearing to consider the adoption of an ordinance annexing the described territory into the City of Asheboro would be held during the city council's next regular meeting, which was scheduled to begin at 7:00 p.m. on July 13, 2023, in the council chamber on the second floor of Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203; and

WHEREAS, the public hearing was held, as advertised, on July 13, 2023; and

WHEREAS, the city council has determined that the annexation petitions meet the requirements of Section 160A-31 of the North Carolina General Statutes.

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

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

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the 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, and this corner 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 and 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 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.

The plat of survey referenced in the immediately preceding paragraph is recorded in Plat Book _____181_____, Page _____66_____, Randolph County Registry.

Section 2. Upon and after July 13, 2023, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. The above-described territory shall be subject to municipal taxes according to Section 160A-58.10 of the North Carolina General Statutes.

Section 3. The Mayor of the City of Asheboro shall cause to be recorded in the Office of the Randolph County Register of Deeds and in the Office of the North Carolina

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

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

Section 5. This Ordinance shall be in full force and effect upon and after July 13, 2023.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on July 13, 2023.

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

ATTEST:

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

Approved as to form:

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

(c) A Petition Received from Darren Lucas

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

Mr. Leonard provided an overview of the annexation petition submitted by Darren Lucas. The annexation petition pertains to a parcel of land located at the intersection of Crestview Church Road and Zoo Parkway.

After reviewing the information provided by city staff, Council Member Heath 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 24 RES 7-23

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE THE SUFFICIENCY OF AN ANNEXATION PETITION SUBMITTED FOR A PARCEL OF LAND AT THE CRESTVIEW CHURCH ROAD AND ZOO PARKWAY INTERSECTION

WHEREAS, Darren K. Lucas has submitted a petition requesting the annexation into Asheboro of a parcel of land (Randolph County Parcel Identification Number 7669289834) he owns at the intersection of Crestview Church Road and Zoo Parkway; and

WHEREAS, the territory for which the petitioner has 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 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 July 13, 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 council's review.

CERTIFICATE OF SUFFICIENCY
(Annexation Petition Submitted by Darren K. Lucas)

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 Darren K. Lucas. I further certify that the following paragraphs accurately state the information obtained during my investigation of the annexation petition.

The petitioner has requested the annexation into Asheboro of a parcel of land (Randolph County Parcel Identification Number 7669289834) he owns at the intersection of Crestview Church Road and Zoo Parkway. 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 to make this certification effective as of July 13, 2023.

(CITY SEAL)

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

(ii) A 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 Heath 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 25 RES 7-23

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 DARREN K. LUCAS AT THE CRESTVIEW CHURCH ROAD AND ZOO PARKWAY INTERSECTION

WHEREAS, Darren K. Lucas has submitted a petition requesting the annexation into Asheboro of a parcel of land (Randolph County Parcel Identification Number 7669289834) that he owns at the intersection of Crestview Church Road and Zoo Parkway; 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 August 10, 2023.

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

Grant Township, Randolph County, North Carolina:

BEGINNING on the proposed Asheboro primary city limits line at a 1 and 1/4-inch axle that is up six inches at the westernmost corner of the Darren K. Lucas property described in the Office of the Register of Deeds for Randolph County, North Carolina (the "Randolph County Registry") in Deed Book 2829, Page 463 and further identified in Plat Book 156, Page 100, Randolph County Registry (the Lucas property is the tract of land for which annexation has been requested and will be hereinafter referred to as the "Annexation Territory"), this Beginning point is located by means of the North Carolina Coordinate System at the coordinates of North 699,063.16 Ground US Survey Feet and East 1,762,303.19 Ground US Survey Feet (NAD 83 (2011)); thence following the proposed Asheboro primary city limits line the next three bearings and distances along the northern boundary of the Annexation Territory: North 75 degrees 51 minutes 21 seconds East 208.56 feet to a 1-inch existing iron pipe that is up two inches; thence North 75 degrees 51 minutes 35 seconds East 719.55 feet to a 1 and 1/4-inch existing iron pipe that is up six inches at a stone; thence North 75 degrees 37 minutes 15 seconds East 11.93 feet to an existing 1-inch existing iron pipe that is up two inches at the northeastern corner of the Annexation Territory, on the existing Asheboro primary city limits line, and in the western margin of the 60-foot public right-of-way for Zoo Parkway (North Carolina Highway 159); thence departing from the northern boundary of the Annexation Territory and running with the existing Asheboro primary city limits line by following the western margin of the public right-of-way for Zoo Parkway in a southeasterly direction along the arc of a curve with a radius of 1750.67 feet and an arc length of 149.87 feet (Delta Angle 04 degrees 54 minutes 18 seconds) a chord bearing and distance of South 11 degrees 49 minutes 10 seconds East 149.83 feet to a point not set/computed point; thence

departing from the existing Asheboro primary city limits line, but continuing to run with the western margin of the public right-of-way for Zoo Parkway, by proceeding along the next two curves that form the proposed Asheboro primary city limits line: the first arc of the curve has a radius of 1750.67 feet and an arc length of 111.01 feet (Delta Angle 03 degrees 37 minutes 59 seconds) and runs a chord bearing and distance of South 16 degrees 05 minutes 18 seconds East 110.99 feet to a point not set/computed point; thence following a second arc of a curve with a radius of 712.07 feet and an arc length of 120.53 feet (Delta Angle 09 degrees 41 minutes 54 seconds) a chord bearing and distance of South 22 degrees 36 minutes 53 seconds East 120.39 feet to a point not set/computed point in the western margin of the public right-of-way for Zoo Parkway; thence South 06 degrees 02 minutes 02 seconds West 136.44 feet in order to follow the public right-of-way line at the intersection of Zoo Parkway and Crestview Church Road (North Carolina Secondary Road 2820) along the proposed Asheboro primary city limits line; thence continuing to follow the proposed Asheboro primary city limits by running with the western margin of the 60-foot public right-of-way for Crestview Church Road South 39 degrees 52 minutes 55 seconds West 389.24 feet to a 3/8-inch existing iron rod that is up four inches and is located by means of the North Carolina coordinate system at the coordinates of North 698,494.08 Ground US Survey Feet and East 1,763,058.55 Ground US Survey Feet (NAD 83 (2011)); thence departing from the margin of the public right-of-way for Crestview Church Road and following the proposed Asheboro primary city limits line along the western boundary of the Annexation Territory the next two bearings and distances: North 53 degrees 00 minutes 52 seconds West 350.05 feet to a 3/8-inch existing iron rod that is up four inches; thence North 53 degrees 00 minutes 03 seconds West 595.68 feet to the point and place of BEGINNING, and containing a total of 9.847 acres (428,916 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 Dan W. Tanner, II, L-4787. The plat of survey is titled "Annexation Survey For City of Asheboro: ZooCrest Townhomes" and is further identified by Job No. 14342.

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 July 13, 2023.

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

ATTEST:

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

12. Distribution of Examples of Potential Code Provisions for an Urban Archery Program in Asheboro

City Attorney Jeff Sugg distributed examples of potential code provisions that could be used to authorize an urban archery program in Asheboro. The examples included provisions from Wake Forest, Sanford, and Lenoir. During some discussion, a consensus emerged from the council to direct city staff to follow up with the NC Wildlife Biologist for guidance. City staff will report back to the council members when more information is available.

13. Request for Authorization to Public Notice of Intent of the Asheboro City Council to Enter into a Lease Agreement with the Randolph County Board of Education

Mr. Sugg reported that the lease agreement between the City of Asheboro and the Randolph County Board of Education for the use of transmitter space on city-owned property is coming to an end. In communication with the Randolph County Board of

Education, city staff learned that the board is in agreement with the terms of the lease to renew the lease for another ten (10) years at the lease rate of \$3,000 annually.

During some discussion, a consensus emerged from the council members to authorize city staff to publish notice of the intent to renew the lease agreement. No formal action was taken by the council during this portion of the meeting.

14. 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 9:45 p.m.

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

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