

REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, JULY 11, 2024
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)
Charles A. Swiers)
W. Joseph Trogon, Jr.)

John N. Ogburn, III, City Manager
Robert L. Brown, Jr., Chief of Police
Alyssa R. Chapuis, Public Information Officer
Timothy E. Cockman, Deputy Fire Chief
Travis W. Curry, Police Captain
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
John L. Evans, Assistant Community Development Director
Michael L. Leonard, PE, City Engineer
Trevor L. Nuttall, Community Development Director
Michael D. Rhoney, PE, Water Resources Director
Thomas Scaramastra, City Surveyor
Jeffrey C. Sugg, City Attorney
Willie Summers, Fire Chief
Kristen P. Terry, Human Resources Generalist
Tammy M. Williams, Engineering Assistant/Deputy City Clerk

1. Call to Order

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. Presentation of the Asheboro Pride Award

Assistant Community Development Director John Evans and Human Resources Generalist Kristen Terry presented the Asheboro Pride Award to Ms. Elizabeth Mitchell. Ms. Mitchell has served as Chief Professional Officer for United Way of Randolph County for many years, and she has announced her retirement.

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

4. **Recognition of Fire Captain Brian Wood**

Chief Summers presented a plaque to Brian Wood in honor of his dedicated service to the City of Asheboro and its citizens. At the time of his retirement from the Asheboro Fire and Rescue Department, Mr. Wood served as captain.

Council Member Bell moved and Council Member Burks seconded the motion to adopt/approve a resolution honoring Fire Captain Brian Edward Wood upon his retirement from the Asheboro Fire and Rescue Department. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

RESOLUTION NUMBER 15 RES 7-24

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION HONORING FIRE CAPTAIN BRIAN EDWARD WOOD UPON HIS
RETIREMENT FROM THE ASHEBORO
FIRE AND RESCUE DEPARTMENT**

WHEREAS, Fire Captain Brian Edward Wood has provided honorable, skilled, and dedicated service to the City of Asheboro and its citizens since the date of his initial employment with the city on August 25, 1998; and

WHEREAS, on June 30, 2024, Captain Wood completed his service as a member of the Asheboro Fire and Rescue Department and retired from employment with the City of Asheboro; and

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

WHEREAS, due to the extended use of his Class A uniform, badges, name plate, “serving since” attachment to the name plates, and sets of rank insignia collar pins that cannot be placed in the market place without posing a risk of allowing unauthorized individuals to hold themselves out as fire and rescue department officials and thereby pose a threat to public safety, the Asheboro City Council has concluded, consistent with Section 160A-266(d) of the North Carolina General Statutes, that the city’s use of the listed items ended at the conclusion of the day on June 30, 2024, and the listed items of personal property became surplus property.

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

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that, in consideration and recognition of his dedicated service, Brian Edward Wood is to be awarded, at less than fair market value, ownership of his city-issued fire helmet, inclusive of his helmet shield; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that, in furtherance of this recognition of a valued public servant, the city staff is hereby directed to convey to Brian Edward Wood, on or after the date of the adoption of this Resolution, his Asheboro Fire Department helmet and shield for a purchase price of one dollar (\$1.00); and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the city staff is hereby directed to convey to Brian Edward Wood, on or after the date of adoption of this Resolution, and without charge, his Class A uniform, badges (a quantity of two), name plates (a quantity of two), the “serving since” attachment to the name plates, and rank insignia collar pin sets (a quantity of two).

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on July 11, 2024.

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

ATTEST:

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

5. Proposed Memorandum of Understanding with the Piedmont Triad Regional Water Authority

Water Resources Director Michael Rhoney, PE presented and recommended approval of a Memorandum of Understanding between the Piedmont Triad Regional Water Authority, its members, and the City of Asheboro, North Carolina to collaborate on a joint initiative to evaluate the feasibility of having Asheboro become a member of the Authority. Council Member Bell moved, and Council Member Heath seconded the motion, to approve the above referenced memorandum of understanding. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

A copy of the aforementioned memorandum of understanding is on file in the city clerk's office.

6. North Asheboro Greenway Feasibility Study

Community Development Director Trevor Nuttall introduced McAdams Senior Project Manager Nia Rodgers to report on the North Asheboro Greenway Feasibility Study. Ms. Rodgers discussed various components of the the feasibility study that examined the potential for a 1.45 mile greenway to be located along Haskett's Creek between Vision Drive and West Central Avenue in Asheboro.

Mary Joan Pugh presented comments in support of the potential greenway.

After some discussion, Council Member Heath moved to accept/adopt the feasibility study as presented. Council Member Burks seconded the motion. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

A copy of the feasibility study is on file in the community development division.

7. Public Comment Period

Mayor Smith opened the floor for comments from the public.

Phil Skeen discussed some historical aspects of the city's development. He also expressed his belief that the city needs to place a renewed emphasis on updating and improving the city's public infrastructure.

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

8. Consent Agenda

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

(a) Approval of the City Council Meeting Minutes for May 2, 2024

The meeting minutes for the city council's special meeting on May 2, 2024, 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) The General Account of a Closed Session Held on May 2, 2024

The general account of the closed session that was held during the council's special meeting on May 2, 2024, was approved and has been filed in the city clerk's office.

(c) The Resolution Sealing the General Account of the Closed Session Held on May 2, 2024

RESOLUTION NUMBER 16 RES 7-24

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**Resolution Sealing the General Account of a
Closed Session Held on May 2, 2024**

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

WHEREAS, pursuant to Section 143-318.11(a)(3) of the North Carolina General Statutes, the city council, upon unanimous adoption of a properly made and seconded motion, went into closed session on May 2, 2024, to discuss with the city attorney a matter that falls within the scope of the attorney-client privilege; and

WHEREAS, the purpose for going into closed session on May 2, 2024, would be frustrated if the general account of the closed session were to be made available for public inspection at this time.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the general account of the closed session conducted on May 2, 2024, is hereby sealed and will remain sealed so long as public inspection of this record would frustrate the purpose of the closed session; and

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

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on July 11, 2024.

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

ATTEST:

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

(d) Approval of the City Council Meeting Minutes for May 9, 2024

The meeting minutes for the city council’s regular meeting on May 9, 2024, 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) Approval of the City Council Meeting Minutes for May 16, 2024

The meeting minutes for the city council’s special meeting on May 16, 2024, 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.

(f) Approval of the City Council Meeting Minutes for June 6, 2024

The meeting minutes for the city council’s regular meeting on June 6, 2024, 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.

(g) Approval of the City Council Meeting Minutes for June 27, 2024

The meeting minutes for the city council’s special meeting on June 27, 2024, 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.

(h) Acknowledgement of the Receipt of the Meeting Minutes for the Asheboro ABC Board Meetings Held on May 6, 2024 and June 3, 2024

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

(i) Ratification of the Schedule of Fees for the Water Resources Division

**Water Resources Division Fees (Effective Date 07-01-2024)
Initial City Council Approval with FY 2024-2025 Budget Adoption; Ratified 07-11-2024**

WATER/WASTEWATER PARAMETER ANALYSIS			
Parameter	Cost/Analysis	Parameter	Cost/Analysis
Alkalinity	\$20.00	Nitrite Nitrogen	\$30.00
Ammonia Nitrogen	\$20.00	Total Kjeldahl Nitrogen	\$35.00
BOD (5-day)	\$30.00	Phosphorus - Total	\$25.00
Chlorine	\$20.00	Phosphorus - Ortho	\$65.00
ULR Chlorine	\$18.00	pH & Temperature	\$10.00
Chloride	\$25.00	Total Solids	\$20.00
COD	\$30.00	Total Suspended Solids	\$20.00
Conductivity	\$20.00	Settleable Solids	\$20.00
Cyanide	\$40.00	Sulfate	\$35.00
Dissolved Oxygen	\$10.00	TOC	\$50.00
DOC	\$55.00	Turbidity	\$15.00
Fluoride	\$35.00	UV254	\$65.00
Hardness - Total	\$30.00	Fecal Coliform	\$30.00
Hardness - Calcium	\$30.00	E-coli (P/A)	\$35.00
Hardness - Magnesium	\$30.00	Total Coliform (P/A)	\$35.00
Nitrate Nitrogen	\$40.00	Heterotrophic Plate Count	\$65.00
		Source Water	\$65.00

(Quanti-Tray)

METALS ANALYSIS			
Parameter	Cost/Analysis	Parameter	Cost/Analysis
Aluminum	\$20.00	Mercury	\$45.00
Antimony	\$20.00	Molybdenum	\$20.00
Arsenic	\$20.00	Nickel	\$20.00
Cadmium	\$20.00	Selenium	\$20.00
Chromium	\$20.00	Silver	\$20.00
Copper	\$20.00	Tin	\$20.00
Iron	\$20.00	Titanium	\$20.00
Lead	\$20.00	Vanadium	\$20.00
Manganese	\$20.00	Zinc	\$20.00
Hg1631 w/Field Blank	\$160.00		

ORGANICS ANALYSIS			
Parameter	Cost/Analysis	Parameter	Cost/Analysis
1,4 Dioxane w/ Field Blank	\$250.00	EPA 624	\$140.00
EPA 625	\$250.00		

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

LABORATORY/COMPOSITE SAMPLING CHARGES			
Parameter	Cost/Analysis	Parameter	Cost/Analysis
Sampling Cost per day for sites requiring City provided flow proportional sampler	\$75.00	Sampling Cost per day for sites with customer provided flow proportional sampler	\$50.00

HAULED WASTEWATER CHARGE			
Parameter	Cost/Analysis	Parameter	Cost/Analysis
Any tanker truck size up to 2,500 gallons/load (excludes Recreational Vehicles)	\$125.00	Recreational Vehicle Tank	\$10.00

INDUSTRIAL SURCHARGES

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

Parameter	First Limit	Charges per Pounds In Excess
BOD	300 mg/l	\$0.16
COD	750 mg/l	\$0.08
TSS	300 mg/l	\$0.48
TKN	45 mg/l	\$1.65

- (j) **Approval of the Community Development Division's Request to Schedule for August 8, 2024, and to Advertise Legislative Zoning Applications for the Following Cases:**
- (i) **An application to rezone property located at 909, 911, and 915 Meadowbrook Road (Randolph County Parcel Identification Number 7761182410) from R10 to O&I zoning**
 - (ii) **An application to rezone property on the west side of Zoo Parkway, between 2358 and 2476 Zoo Parkway, and the south side of Newbern Avenue, between 294 and 360 Newbern Avenue, that is approximately 94.27 acres +/- of 104.27 acres +/- in size and is more specifically identified as a portion of Randolph County Parcel Identification Number 7760008593 and Randolph County Parcel Identification Number 7760013008; to an amended R7.5 (CZ) zoning district for a Residential Planned Unit Development**
 - (iii) **Acknowledgement of the receipt of the monthly report detailing major subdivisions administratively approved. *(There have been none approved.)***
- (k) **Approval of a Resolution Declaring the Official Intent of the City of Asheboro to Purchase Municipal Vehicles and Equipment and to Reimburse the General Fund and the Water and Sewer Fund with Installment Financing Proceeds**

RESOLUTION NUMBER 17 RES 7-24

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 2024-2025 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. \$42,000.00 has been budgeted for vehicle and equipment acquisition by the meter department;
2. \$75,000.00 has been budgeted for vehicle and equipment acquisition by the systems maintenance department;
3. \$40,000.00 has been budgeted for vehicle and equipment acquisition by the technical services department;
4. \$42,000.00 has been budgeted for vehicle and equipment acquisition by the water treatment plant department;
5. \$121,000.00 has been budgeted for vehicle and equipment acquisition by the wastewater maintenance department;

6. \$228,000.00 has been budgeted for vehicle and equipment acquisition by the wastewater treatment plant 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. \$42,000.00 has been budgeted for vehicle and equipment acquisition by the building inspections department;
2. \$435,000.00 has been budgeted for vehicle and equipment acquisition by the environmental services department;
3. \$120,000.00 has been budgeted for vehicle and equipment acquisition by the facility maintenance department;
4. \$50,000.00 has been budgeted for vehicle and equipment acquisition by the fire and rescue department;
5. \$84,000.00 has been budgeted for vehicle and equipment acquisition by the operations department;
6. \$520,608.00 has been budgeted for vehicle and equipment acquisition by the police department;
7. \$193,000.00 has been budgeted for vehicle and equipment acquisition by the street maintenance 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 (\$548,000.00) and (b) the General Fund (\$1,444,608.00) to deliver essential municipal services totals \$1,992,608.00; 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 2024-2025 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 2024-2025, as amended, and with the explicit intent of seeking reimbursement for the expenditures from installment financing proceeds, a maximum of \$1,992,608.00 may be expended from the Water and Sewer Fund (a total of \$548,000.00 from the Water and Sewer Fund) and from the

General Fund (a total of \$1,444,608.00 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 2024-2025 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 11, 2024.

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

ATTEST:

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

OLD BUSINESS

9. Change Orders for Terry's Plumbing & Utilities, Inc. as Related to the Cone Health Zoo City Sportsplex

City Manager John Ogburn utilized a slide show presentation explaining the background information in regards to the proposed change orders submitted by Terry's Plumbing and Utilities, Inc. for the Cone Health Zoo City Sportsplex Project. Mr. Ogburn highlighted the following points of information.

- (a) The purpose of Change Order Number 12 is to amend Change Order Number 5 to include the corrected concrete flat work quantity in Phase 1. Change Order Number 12 is in the amount of \$403,263.00
- (b) The purpose of Change Order Number 13 is to amend Change Order #8 to include the corrected concrete flat work quantity in phase 2. Change Order Number 13 is in the amount of \$302,832.00.
- (c) The purpose of Change Order Number 14 is to reconcile all of the open items and deductions left from the contract, not accounted for in Change Order Numbers 12 and 13. Change Order Number 14 is in the amount of \$49,458.71.

The impact of approving Change Order Numbers 12, 13, and 14 will be to increase the contract price by the sum of \$755,553.71. The new contract price would then be \$13,858,577.10.

After discussion, Council Member Moffitt moved to approve change orders 12, 13, and 14 on the condition that all no further payment be made until closeout contract documents are completed in a manner that will enable the city's professional staff to render a professional opinion that the final project closeout documents with the contractor have been conclusively executed. Council Member Burks seconded the motion. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

A copy of the slide show presentation is on file in the city clerk's office.

10. Finance Items

Finance Director Deborah Reaves presented the following action items for the council’s consideration. Her report included a positive recommendation for each item.

(a) Ordinance to Amend the State Capital and Infrastructure Grant Fund

After receiving a favorable recommendation from the finance director, Council Member Bell moved, and Council Member Burks seconded the motion to adopt the following ordinance by reference. There were no dissenting votes.

25 ORD 7-24

ORDINANCE TO AMEND
STATE CAPITAL INFRASTRUCTURE GRANT FUND
FY 2023-2024

WHEREAS, on December 5, 2023, the NC Office of State Budget and Management (OSBM) notified the City of Asheboro received one directed grant from the state for fiscal year 2023-2024 for the purpose of capital improvements or equipment.

WHEREAS, the grant funding source at the State level is from the Regional Economic Development Reserve and the amount is \$2,500,000.

WHEREAS, the scope of work written allowed these funds to be used for either / or / both the Zoo City Sportsplex Fund Project and the McCrary Ballfield Improvements Fund Project.

WHEREAS, the City of Asheboro received in June 2024 change orders in the amount of \$755,533.71 for the Zoo City Sportsplex Fund from contractor Terry’s Plumbing and Utilities.

WHEREAS, newly recognized donations for the McCrary Ballpark Improvement Fund demonstrate less of a need for the grant funds in that project at this time.

WHEREAS, the City of Asheboro has already transferred \$619,644 of these grant funds to the Zoo City Sportsplex Fund and wishes to allocate additional funding in the amount of \$755,534 to be transferred to the Zoo City Sportsplex Fund for the new costs reflected in the recently received change orders.

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

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

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

That the following expense line items be decreased / increased:

<u>Line Item</u>	<u>Description</u>	<u>(Decrease)</u> <u>Increase</u>
67-000-500.0000-67	Capital Improvements 23-24 – Unassigned	(755,534)
67-000-500.0001-67	Zoo City Sportsplex	755,534
Total Change		0

Adopted this the 11th day of July 2024.

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

ATTEST:

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

(b) Ordinance to Amend the Zoo City Sportsplex Project Fund

After receiving a favorable recommendation from the finance director, Council Member Heath moved, and Council Member Bell seconded the motion to adopt the following ordinance by reference. There were no dissenting votes.

26 ORD 7-24

**ORDINANCE TO AMEND
THE ZOO CITY SPORTSPLEX FUND
FY 2024-2025**

WHEREAS, a naming rights agreement for the Zoo City Sportsplex (ZCSP) was executed with Cone Health in May 2024.

WHEREAS, the City of Asheboro wishes to change the project name from Zoo City Sportsplex Fund to Cone Health Zoo City Sportsplex Fund.

WHEREAS, when the community fundraising campaign for ZCSP was started more than 5 years ago, the City of Asheboro partnered with the North Carolina Community Foundation to receive donations and send donors tax documents.

WHEREAS, with the completion of the fundraising campaign, the North Carolina Community Foundation has closed the donor account and sent the City of Asheboro \$185,336.87 from the community foundation representing personal donations receipted by their organization.

WHEREAS, The City of Asheboro wishes to recognize these funds as donations in the ZCSP fund.

WHEREAS, the City of Asheboro wishes to allocate funding for new change order (12, 13, 14) in the amount of \$755,534 between the City of Asheboro and Terry’s Plumbing and Utilities.

WHEREAS, the Zoo City Sportsplex fund needs to be amended to recognize changes in revenue and expenses that have changed since the budget was last adopted.

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

THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina that name of the project fund will reflect Cone Health and the following revenue and expense line items are changed as follows:

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

<u>Account #</u>	<u>Revenue Description</u>	<u>Increase</u>
74-000-381.0000-74	SCIF Grant 23-24	\$755,534
74-000-371.0000-74	Donations	185,337
		940,871

Section 2: That the following expense line items be increased

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
74-000-400.9001-74	Construction	\$755,534

74-000-930.1000-74	Transfer to General Fund	185,337 940,871
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Adopted this 11th day of July 2024.

/s/David H. Smith

David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr

Holly H. Doerr, CMC, NCCMC, City Clerk

11. Request for Authorization to Enter Into an Agreement with Wainman Homes, Inc.

Community Development Director Trevor Nuttall requested authorization for the city to enter into an a subrecipient agreement between the city and Wainman Homes, Inc. for the Community Development Block Grant Neighborhood Revitalization (CDBG-NR) Program. The awarded CDBG funds will be used for the CASPN Homes Rehabilitation Project (State Grant Number 22-C-4113).

Council Member Bell moved, and Council Member Heath seconded the motion to authorize the execution of the agreement with Wainman Homes, Inc. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

A copy of the above-referenced subrecipient agreement is on file in the city clerk’s office.

NEW BUSINESS

12. Water Resources Items

(a) A Resolution of Approval for the City of Asheboro Local Water Supply Plan

Mr. Rhoney presented and recommended adoption, by reference, of a resolution approving the local water supply plan. Council Member Bell moved, and Council Member Swiers seconded the motion, to adopt/approve the following resolution by reference. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

RESOLUTION NUMBER 18 RES 7-24

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION OF APPROVAL FOR THE CITY OF ASHEBORO
LOCAL WATER SUPPLY PLAN

WHEREAS, Section 143-355(l) of the North Carolina General Statutes requires that each unit of local government that provides public water service or plans to provide public water service and each large community water system shall, either individually or together with other units of local government and large community water systems, prepare and submit a Local Water Supply Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for the City of Asheboro has been developed by the City of Asheboro Water Resources Division and submitted to the Asheboro City Council for approval; and

WHEREAS, the 2023 Local Water Supply Plan developed by the City of Asheboro Water Resources Division is attached hereto as EXHIBIT 1 and is hereby incorporated into this Resolution by reference as if copied fully herein; and

WHEREAS, the Asheboro City Council finds that the 2023 Local Water Supply Plan is in accordance with the provisions of Section 143-355(l) of the North Carolina General Statutes and that it will provide appropriate guidance for the future management of water supplies for the City of Asheboro, as well as useful information to the Department of Environmental Quality for the development of a state water supply plan as required by statute.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the 2023 Local Water Supply Plan attached hereto as EXHIBIT 1, which was found to meet the Local Water Supply Plan minimum criteria in a letter from the North Carolina Department of Environmental Quality, Division of Water Resources dated June 12, 2024, is hereby approved and shall be submitted to the North Carolina Department of Environmental Quality, Division of Water Resources; and

BE IT FURTHER RESOLVED that the City Council of the City of Asheboro intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the North Carolina Department of Environmental Quality in accordance with the statute and sound planning practice.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on July 11, 2024.

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

ATTEST:

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

[Exhibit 1 that is referenced in the above resolution is attached to the original resolution on file in the city clerk's office.]

(b) Update on the Wolfspeed, US Highway 64 Water Line Project

Mr. Rhoney utilized a slide show presentation in order to update the council on the Wolfspeed water line extension project. During his presentation, Mr. Rhoney presented maps depicting the progress of the water line that will be extended along Highway 64 in order to serve the Eastern Randolph Water District and the Wolfspeed facility.

Mr. Rhoney reported that a ductile iron pipe will likely be used for the extension. The water line extension project has been divided into four (4) phases and is progressing.

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

A copy of the slide show presentation is on file in the city clerk's office.

13. Community Development Items

(a) Legislative Hearing (Case No. RZ-24-09): An application to rezone property located at 337 West Ward Street (Randolph County Parcel Identification Number 7751742316) from I2 to M zoning

Mayor Smith opened the legislative hearing on the zoning map amendment application filed as Case No. RZ-24-09. Community Development Director Nuttall was the first speaker. In addition to entering into the records the notation that notice of this land use case had been advertised, posted, and mailed as required by North

Carolina Law, he gave an overview of the zoning map amendment application submitted by Dr. Zach Dunbar.

The land for which the above-described zoning has been requested is located at 337 West Ward Street. The property is approximately 0.4 of an acre in size, and is specifically identified by Randolph County Parcel Identification Number 7751742316 (this property will be hereinafter referred to as the “Zoning Lot”).

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

1. The property is located inside the city limits.
2. West Ward Street is a city-maintained, local street containing a mix of residential (single-family and multi-family) and non-residential (commercial, office/medical) uses.
3. The request is for a general district Mercantile (M) rezoning. No specific uses, site plan, or conditions can be considered with this request.
4. The property is located in Tier 3 (Commercial and Employment Center) of the Center City Planning Area. Certain supplemental development standards, pertaining but not limited to permissible off-street parking locations and impervious coverage, apply in Tier 3.
5. The zoning ordinance describes the Mercantile’s (M) district intent as *to provide for a greater number of potential business activities than the B1 Zoning District. The Mercantile District is distinguished from the B2 General Commercial District by excluding certain uses permitted in the B2 District that are likely to create the greatest external impact (traffic, noise, lighting, etc.) and by its additional standards that address compatibility with adjoining residential neighborhoods. These districts should be located in nodes along minor thoroughfares or higher classification street.*
6. The Mercantile district specifies a maximum of 6,000 SF for all permitted uses, restricts drive-through services, and prohibits more intensive commercial uses such as bars, rental/sales of motor vehicles, mobile home sales, flea markets, motor vehicle repair and other more intensive commercial uses.
7. According to tax records, the building was constructed in 1960 and contains approximately 2,400 square feet.
8. As is common with many properties of similar age, there are certain nonconforming situations that exist on the property. One such nonconformity is a previously used open storage yard to the side and rear of the structure that may require additional screening if used in the future.

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:	City Activity Center
Small Area Plan:	Central
Growth Strategy Map Designation:	Primary Growth

LDP Goals/Policies that Support the Request:

- Checklist Item 1:** Rezoning is compliant with the Proposed Land Use Map.
- Checklist Item 5:** Complies with Growth Strategy Map
- Checklist Item 7:** The proposed rezoning is compatible with the applicable Small Area Plan.
- Checklist Items 12-14:** Property is located outside of the watershed area, Special Hazard Flood Area, and area with steep slopes
- 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.

LDP Goals/Policies that Do Not Support the Request:

- Checklist Item 3:** The property on which the rezoning district is proposed does not fit the description of the Zoning Ordinance.

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

The Mercantile District customarily warrants frontage on a thoroughfare or roadway classifications higher than W. Ward Street in order to ensure adequate access. However, the subject property is adjacent to more permissive general commercial (B2) zoning as well as a higher intensity general industrial (I2) district, and the parcel and most properties along this section of West Ward Street have been used for commercial activity for decades. The Mercantile (M) district can offer a suitable transition between residential and non-residentially used properties and reduces the potential for land use conflicts in the area.

In addition, the Land Development Plan’s Central Small Area Plan and City Activity Center encourage a “mix of commercial, office, institutional, residential, and public open space uses” in the area, and the Mercantile (M) district aligns with the plan’s vision.

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

Mayor Smith opened the floor for comments from the public, and none were offered. 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 zoning map amendment with the following multi-part motion.

1. The Mercantile District customarily warrants frontage on a thoroughfare or roadway classifications higher than W. Ward Street to

ensure adequate access. However, the Zoning Lot is adjacent to more permissive general commercial (B2) zoning as well as a higher intensity general industrial (I2) district, and the parcel and most properties along this section of West Ward Street have been used for commercial activity for decades. The Mercantile (M) district offers a suitable transition between residential and non-residentially used properties and reduces the potential for land use conflicts in the area.

In addition, the Land Development Plan's Central Small Area Plan and City Activity Center encourage a "mix of commercial, office, institutional, residential, and public open space uses" in the area. The Mercantile (M) district aligns with the plan's vision.

Considering the planning board recommendation and the aforementioned analysis, the city council concluded that the proposed zoning map amendment is consistent with the adopted comprehensive land use plan, is reasonable, and is in the public interest.

2. Consequently, the zoning map amendment application seeking to place the Zoning Lot into the requested Mercantile (M) zoning district is hereby approved.

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

(b) Authorization for City Officials to take the Necessary Action to Acquire Real Property for Construction of a New Parking Area/Environmental Services Collection Infrastructure

Prior to the consideration of the above-referenced agenda item, and due to previously self-disclosed conflict of interest concerns, Council Member Bell moved, and Council Member Burks seconded the motion, to recuse Mayor Smith and Council Member Heath from discussing and voting on agenda item numbers 13(b) and 13(c). Council Members Bell, Burks, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes. Mayor Pro Tem Moffitt served as the presiding officer for the next two agenda items.

Mr. Nuttall reported that the City of Asheboro is working on acquiring property near the city's recreation center from Downtown Asheboro Inc ("DAI") in order to install an environmental services collection system to serve the Trade Street merchants. In addition to the solid waste/recycling collection site, some additional public parking spaces are needed.

On a map presented by Mr. Nuttall, the preliminary plat identifies DAI's property and recombines it into two parcels. The proposal is for the city to acquire Parcel 2, while DAI would retain Parcel 1. In consideration DAI conveying Parcel 2 to the city, the city will construct public infrastructure that will advance DAI's goals for the downtown area. Construction could begin as early as August 2024.

After discussion, Council Member Bell moved, and Council Member Burks seconded the motion, to authorize city staff to take the necessary action to acquire the described real property for the construction of a new parking area/environmental services collection infrastructure. Council Members Bell, Burks, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

(c) Authorization for City Officials to Enter into a Utility Relocation Agreement with Duke Energy for the Trade/North Street Infrastructure Project

Mr. Nuttall presented a utility relocation agreement between the City of Asheboro and Duke Energy Progress to relocate Duke Energy's facilities for the Trade/North Street infrastructure project. Duke Energy estimated approximately \$180,376.94 for

the relocation of its facilities. The city plans to use grant fund monies to assist with the cost of this project.

Council Member Bell moved, and Council Member Burks seconded the motion to authorize city staff to enter into the agreement with Duke Energy Progress. Council Members Bell, Burks, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

(d) Action Proposed as a Result of Session Law 2023-143 (an act to add certain described properties to the corporate limits of the City of Asheboro)

Mr. Nuttall reported that as a result of Session Law 2023-143, 2,272 acres of land (28 parcels) were annexed into the city's corporate limits. In response to this action, city staff is taking the necessary steps to apply city zoning regulations to the affected areas. The annexed area, effective as of June 30, 2024, is the North Carolina Zoo.

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

(e) Authorization to Schedule a Public Hearing for the August 8, 2024 City Council Meeting for the Purpose of Receiving Input on Potential Revisions to the City's Community Development Block Grant – Coronavirus (CDBG-CV) Scope and Use of Remaining/Additional Funds

Mr. Nuttall requested authorization to schedule and advertise a public hearing to be held during the August 8, 2024 regular city council meeting for the purpose of receiving input on potential revisions to the city's Community Development Block Grant – Coronavirus (CDBG-CV) funding. Specific consideration will be given during the hearing to potentially revising the scope of the funding to include use of remaining/additional funds for the Jarrell Garden Project.

After discussion, Council Member Burks moved, and Council Member Swiers seconded the motion to authorize city staff to schedule a public hearing. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

(f) Report on a Petition for the Permanent Closure of Hammer Avenue Between West Kivett Street and Lanier Avenue

In response to a petition received from Memorial Square, LLC, Mr. Nuttall presented and recommended adoption, by reference, of a resolution of intent to permanently close the section of Hammer Avenue located between West Kivett Street and Lanier Avenue. Council Member Heath moved, and Council Member Swiers seconded the motion to approve/adopt the following resolution by reference. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

RESOLUTION NUMBER 19 RES 7-24

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**RESOLUTION OF INTENT TO PERMANENTLY CLOSE THE
SECTION OF HAMMER AVENUE LOCATED BETWEEN
WEST KIVETT STREET AND LANIER AVENUE**

WHEREAS, Section 160A-299 of the North Carolina General Statutes prescribes the procedure to be followed by a city to permanently close a street or alley; and

WHEREAS, Hammer Avenue is a public street within the corporate limits of the City of Asheboro, and this street is under the general authority and control of the city; and

WHEREAS, a petition has been submitted to the city manager to permanently close the section of Hammer Avenue located between West Kivett Street and Lanier Avenue; and

WHEREAS, Memorial Square, LLC, a North Carolina limited liability company, submitted the street closure petition as the owner of real property adjoining the section of Hammer Avenue for which the permanent street closure has been requested; and

WHEREAS, in order for the city to lawfully permanently close a street, Section 160A-299 of the North Carolina General Statutes requires the city council to first adopt a resolution declaring the governing board's intent to permanently close the section of street in question and then call a public hearing on the question.

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

Section 1. It is the intent of the City Council of the City of Asheboro to permanently close an approximately 11,244-square foot section of Hammer Avenue located between West Kivett Street and Lanier Avenue. The section of public right-of-way proposed for permanent closure is located within the corporate limits of the City of Asheboro, is not part of a public right-of-way controlled by the North Carolina Department of Transportation, and is shown on the map attached to this Resolution as EXHIBIT "A". The legal description of the section of Hammer Avenue proposed for permanent closure is attached to this Resolution as EXHIBIT "B" and is incorporated into this Resolution by reference as if copied fully herein.

Section 2. A public hearing on the proposal to permanently close the above-described section of public right-of-way for Hammer Avenue is hereby called and is to be held during a regular meeting of the Asheboro City Council that will begin at 7:00 p.m. on September 5, 2024, in the council chamber on the second floor of Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203. At this public hearing, any person may be heard on the question of whether or not the intended closing of the above-identified section of Hammer Avenue would be detrimental to the public interest or the property rights of any individual.

Section 3. The city clerk is hereby directed to cause the publication of notice of this Resolution of Intent in *The Courier-Tribune*, a newspaper of general circulation in the City of Asheboro, once a week for four (4) successive weeks prior to the above-referenced public hearing.

Section 4. The city clerk is further directed to transmit a copy of the notice of this Resolution of Intent by registered or certified mail to each owner of property adjoining the section of Hammer Avenue identified in Section 1 of this Resolution. The identity of any impacted property owner is to be determined on the basis of records maintained by the Randolph County Tax Department.

Section 5. The city clerk is further directed to cause the prominent posting of this Resolution of Intent in a minimum of two (2) locations along the section of Hammer Avenue identified in Section 1 of this Resolution.

This Resolution of Intent was adopted by the Asheboro City Council in open session during a regular meeting held on July 11, 2024.

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

ATTEST:

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

[EXHIBIT "A" and EXHIBIT "B" that are referenced in the resolution printed above are on file in the city clerk's office.]

14. McCrary Ballpark Items

(a) Consideration of a Change Order between the City of Asheboro and Terry’s Plumbing and Utilities, Inc.

City Engineer Michael Leonard, PE presented and recommended approval of Change Order Number 2 for the McCrary Ballpark grading and storm drainage work. The change order adjusts the quantities for stone base, binder, asphalt, concrete flat work, storm sewer, and catch basins for an addition of \$226,512.65 to the original contract.

After discussion, Council Member Bell moved, and Council Member Burks seconded the motion to approve the above-referenced Change Order between Terry’s Plumbing and Utilities, Inc. and the City of Asheboro. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

(b) Ordinance to Amend the State Capital and Infrastructure Grant Fund

Finance Director Deborah Reaves presented and recommended adoption, by reference, of an ordinance to amend the State Capital and Infrastructure Grant Fund to allocate grant funds to McCrary Baseball Park Improvement Fund as part of accounting for the immediately preceding change order.

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

27 ORD 7-24

ORDINANCE TO AMEND
STATE CAPITAL INFRASTRUCTURE GRANT FUND
FY 2023-2024

WHEREAS, on December 5, 2023, the NC Office of State Budget and Management (OSBM) notified the City of Asheboro received one directed grant from the state for fiscal year 2023-2024 for the purpose of capital improvements or equipment.

WHEREAS, the grant funding source at the State level is from the Regional Economic Development Reserve and the amount is \$2,500,000.

WHEREAS, the scope of work written allowed these funds to be used for either / or / both the Zoo City Sportsplex Fund Project and the McCrary Ballfield Improvements Fund Project.

WHEREAS, the City of Asheboro received in July 2024 change order in the amount of \$226,512.65 for the McCrary Ballpark Improvements Fund from contractor Terry’s Plumbing and Utilities.

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

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

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

That the following expense line items be decreased / increased:

<u>Line Item</u>	<u>Description</u>	<u>(Decrease)</u> <u>Increase</u>
67-000-500.0000-67	Capital Improvements 23-24 – Unassigned	(227,000)

67-000-500.000X-67	McCrary Ballpark Improvements	227,000
Total Change		0

Adopted this the 11th day of July 2024.

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

ATTEST:

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

(c) Ordinance to Amend the McCrary Baseball Park Improvements Fund

With the adoption of the preceding ordinance, Ms. Reaves presented and recommended adoption, by reference, of an ordinance to amend the McCrary Baseball Park Improvements Fund FY 2024-2025. Council Member Burks moved, and Council Members Swiers seconded the motion to adopt/approve the following ordinance by reference. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

28 ORD 7-24

**ORDINANCE TO AMEND
THE MCCRARY BASEBALLPARK IMPROVEMENTS FUND
FY 2024-2025**

WHEREAS, on December 5, 2023, the NC Office of State Budget and Management (OSBM) notified the City of Asheboro received one directed grant OF \$2.5m from the state for fiscal year 2023-2024 for the purpose of capital improvements or equipment.

WHEREAS, the scope of work written allowed these funds to be used for either / or / both the Zoo City Sportsplex Fund Project and the McCrary Ballfield Improvements Fund Project.

WHEREAS, the City of Asheboro received in July 2024 a change order in the amount of \$226,512.65 for the McCrary Ballpark Improvements Fund from contractor Terry’s Plumbing and Utilities.

WHEREAS, the McCrary Ballpark Improvements fund needs to be amended to recognize changes in revenue and expenses that have changed since the budget was last adopted.

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

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

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

<u>Account #</u>	<u>Revenue Description</u>	<u>Increase</u>
65-000-301.0000-65	State Grant - SCIF Grant 23-24	\$227,000

Section 2: That the following expense line items be increased

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
65-000-406.0000-65	Construction	227,000

Adopted this 11th day of July 2024.

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

ATTEST:

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

15. An Ordinance to Reduce the Speed Limit for the Streets in Old Towne Subdivision

Prior to the consideration of the above-described agenda item, and in response to a self-disclosed conflict of interest statement from Council Member Swiers, Council Member Bell moved, and Council Member Heath seconded the motion, to recuse Council Member Swiers from any discussion and voting pertaining to this agenda item. Council Members Bell, Burks, Heath, McCaskill, Moffitt, and Trogdon voted aye. There were no dissenting votes.

In response to a request from the president of the homeowners association at Olde Towne Village, Mr. Leonard presented and recommended adoption, by reference, of an ordinance authorizing speed restrictions on certain city-maintained streets. Council Member Bell moved, and Council Member Burks seconded the motion to adopt/approve the following ordinance by reference. Council Members Bell, Burks, Heath, McCaskill, Moffitt, and Trogdon voted aye. There were no dissenting votes.

ORDINANCE NUMBER 29 ORD 7-24

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AN ORDINANCE AUTHORIZING SPEED RESTRICTIONS
ON CERTAIN CITY-MAINTAINED STREETS

WHEREAS, Section 160A-296 of the North Carolina General Statutes provides that a city shall have general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits; and

WHEREAS, Section 20-141(b) of the North Carolina General Statutes provides as follows:

Except as otherwise provided in this Chapter, it shall be unlawful to operate a vehicle in excess of the following speeds:

- (1) Thirty-five miles per hour inside municipal corporate limits for all vehicles.
- (2) Fifty-five miles per hour outside municipal corporate limits for all vehicles except school buses and school activity buses; and

WHEREAS, Section 20-141(e) of the North Carolina General Statutes provides as follows:

Local authorities, in their respective jurisdictions, may authorize by ordinance higher speeds or lower speeds than those set out in subsection (b) upon all streets which are not part of the State highway system; but no speed so fixed shall authorize a speed in excess of 55 miles per hour. Speed limits set pursuant to this subsection shall be effective when appropriate signs giving notice thereof are erected upon the part of the streets so affected; and

WHEREAS, speed restrictions established by the Asheboro City Council by means of the adoption of an appropriate ordinance are to be recorded in Schedule 16 of Chapter 72 of the Code of Asheboro; and

WHEREAS, a request has been received from the president of the Olde Towne Village Homeowners Association to reduce the speed limit in the subdivision from 35 miles per hour to 25 miles per hour; and

WHEREAS, in the absence of any evidence that the requested action should not be taken, the Asheboro City Council wishes to approve the request and implement the requested speed limit reduction.

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

Section 1. The speed limit on the following city streets in the Olde Towne Village subdivision shall be 25 miles per hour:

- (a) Olde Towne Parkway;
- (b) Middleton Circle;
- (c) Millbrook Drive; and
- (d) Frankton Court.

Section 2. The speed limit declared by this Ordinance shall become effective upon the erection of signs giving notice of the authorized speed limit.

Section 3. The city clerk shall amend Schedule 16 in Chapter 72 of the Code of Asheboro to reflect the above-stated change in the speed limit.

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

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on July 11, 2024.

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

ATTEST:

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

16. Upcoming Events and Items Not on the Agenda

Mayor Smith and Mr. Ogburn led a brief discussion of upcoming events within the city government and the community in general.

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

There being no further business, the meeting was adjourned at 9:57 p.m.

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

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