

**AMENDED AGENDA
REGULAR MEETING
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, MAY 9, 2024, 7:00 PM**

1. Call to order.
2. Silent prayer and pledge of allegiance.
3. Public comment period.
4. Randolph County Partnership for Children Finance Director Julie Fowler will discuss the loss of pandemic related federal funding and the impact on Asheboro's childcare centers.
5. Downtown Asheboro Inc. Executive Director Addie Corder will review the recent StrEATery event.
6. Community Development Director Trevor Nuttall will introduce new Public Information Officer Alyssa Chapuis.
7. Asheboro Police Chief Robbie Brown will present the annual police department report.
8. Asheboro Police Chief Robbie Brown will request authorization to execute a memorandum of understanding with the Atlanta-Carolinas High Intensity Drug Trafficking Area multi-jurisdictional public safety program.
9. Consent Agenda:
 - (a) Approval of the meeting minutes for the regular city council meeting on April 4, 2024.
 - (b) Approval of the meeting minutes for the special city council meeting on April 12, 2024.
 - (c) Acknowledgment of the receipt from the Asheboro ABC Board of its meeting minutes for March 4, 2024.
 - (d) Acknowledgment of the receipt of the monthly report detailing major subdivisions administratively approved.

- (e) Acknowledgment of the receipt of the annual report concerning City of Asheboro Planning Board activities, expenditures, and budget estimates.
 - (f) Approval of an audit contract with Thompson, Price, Scott, Adams, & Co., P.A. for the fiscal year ending June 30, 2024.
 - (g) Approval of an ordinance to amend the General Fund to allocate funding for insurance costs.
 - (h) Approval of an ordinance to amend the Water and Sewer Fund to allocate funding for insurance costs.
10. Community Development Director Trevor Nuttall will provide the initial testimony pertaining to the following meeting items.
- (a) **Legislative Hearing (Case No. RZ-24-05):** An application to rezone property currently addressed as 801 and 817 Sunset Avenue (Randolph County Parcel Identification Number 7751426889) from M (CZ) zoning to OA6 (CZ) zoning for a residential development with multiple family dwellings for the elderly.
The applicant has withdrawn this application.
 - (b) **Legislative Hearing (Case No. RZ-24-07):** An application to rezone property located at 919 Draper Street (Randolph County Parcel Identification Number 7762573909) from B2, I1, and R10 zoning to R15 zoning.
 - (c) **Legislative Hearing (Case No. RZ-24-08):** An application to rezone property located at 947 East Salisbury Street (Randolph County Parcel Identification Number 7761324663) from R7.5 to B2 zoning.
11. Recreation Services Director Jonathan Sermon will request guidance from the governing board on finalizing a McCrary Ballpark leasing agreement with ZooKeepers Baseball LLC.
12. Water Resources Director Michael Rhoney, PE will request a contract award decision for the purchase of seven chemicals needed by the water resources division for the time period of May 10, 2024, to April 15, 2025.

13. Community Development Director Trevor Nuttall will present the following items.
 - (a) Request authorization to solicit professional services for a downtown parking study.
 - (b) Discuss highlights from the city council strategic priorities retreat held on April 12, 2024.
 - (c) Update on abatement of the underground storage tank on the city's historic mill property at 159 North Street.
14. City Engineer Michael Leonard, PE will present the following Asheboro Regional Airport items:
 - (a) Annual report from the airport authority; and
 - (b) Request for authorization to seek a letter of recommendation from the NC Division of Aviation for an application for the FAA ATP funds of up to \$2,000,000.00 towards the construction of a new terminal building.
15. City Attorney Jeff Sugg will request council action on the following items.
 - (a) Annexation of city owned property acquired for a future emergency operations center/third fire station:
 - (i) Public hearing; and
 - (ii) Annexation ordinance.
 - (b) Proposed lease agreement with New Cingular Wireless PCS, LLC for the placement of electronic communications equipment.
16. Mayor Smith will announce upcoming events and items not on the agenda.
17. Adjournment.



Memorandum of Understanding

Atlanta-Carolinas High Intensity Drug Trafficking Area

Daniel R. Salter
Director
Atlanta-Carolinas High Intensity Drug Trafficking Area (AC-HIDTA)

Atlanta-Carolinas High Intensity Drug Trafficking Area

Memorandum of Understanding

This Memorandum of Understanding (hereinafter "MOU" or "Agreement") is made and entered into on **this 19 day of April 2024** by and between the parties below and all future signers of this agreement, known collectively as "Member Agencies" or individually as a "Member Agency".

WHEREAS, the Member Agencies provide Public Safety services within their jurisdictions; and

WHEREAS, the Member Agencies have found it to be of mutual benefit to provide for the most efficient utilization of their resources and services in the application of Public Safety efforts within their jurisdictions; and

WHEREAS, the Member Agencies are committed to complete cooperation and coordination in providing the highest level of public safety services to the public, guided by the principle that performing cooperatively is in the best interest of the public; and

Whereas, the Member Agencies desire to facilitate the sharing of information contained within their electronic systems including but not limited to: Records Management Systems, Computer Aided Dispatch Systems, Automated License Plate Readers, Intelligence Management Systems, Jail Management Systems, and Law Enforcement Data Sharing Systems- which may include aggregated information collected from multiple individuals or regional sources- into commercially available and custom developed data integration systems; and

WHEREAS, the Member Agencies desire to share data owned, aggregated, or collected by the Member Agencies under the conditions set forth in this MOU;

The agencies are collectively known as the "Member Agencies".

Mission

The Atlanta-Carolinas High Intensity Drug Trafficking Area (AC-HIDTA) is a multi-jurisdictional public safety program that was established to reduce drug trafficking and production in the United States. The AC-HIDTA is managed under the Executive Board. The AC-HIDTA Executive Board is comprised of in excess of 120 law enforcement Executives, from Georgia, South Carolina and North Carolina; representing federal agencies, and state/local and tribal agencies. Their direction and policies are administered on a daily basis by the AC-HIDTA Director.

The AC-HIDTA LPR Database was formed in support of this mission, under leadership of the AC-HIDTA, its Executive Board, and regional stakeholders, to develop, establish, and maintain an integrated system of information technology that maximizes the sharing of data and communication between Member Agencies in support of law enforcement and public safety, while maintaining the confidentiality of privileged or otherwise protected information shared through the system, and protecting privacy and civil liberties in accordance with applicable law.

Member Agencies agree to work together in a variety of ways to facilitate sharing data in an effort to promote and improve the data sharing capabilities of the respective Member Agencies and the AC-HIDTA LPR Database.

Purpose

This agreement outlines the duties and responsibilities of each Member Agency, defines the working relationship and lines of authority for Member Agencies within the AC-HIDTA LPR Database, and provides for the addition of other eligible entities in the data-sharing program created by this MOU.

Therefore, the Member Agencies hereby agree to the following:

1. Definitions

- 1.1** The AC-HIDTA LPR Database Information Sharing System is a collective group of law and justice agencies sharing data into one or more data aggregation systems, of which are represented on this or other information sharing agreements.
- 1.2 Data:** electronic facts, records, analysis, images, or other information provided and shared by a Member Agency.
- 1.3 Data Set:** a specific grouping, categorization, or subject of data included in a Member Agency system. For example, data sets in a law enforcement records management system may include crime reports, field investigations, citations, and calls for service, or data from automated license plate readers.
- 1.4 Data Record:** a unique individual record or documented associated with an incident or person, which may include a variety of associated information.

1.5 Criminal Justice Practitioners: personnel from the Member Agencies that have the appropriate clearance and authority to use and access shared data as a function of their employment, also referred to as “Authorized Users.”

1.6 Host: the entity providing the facilities, labor, and expertise used to maintain, operate, and manage a core component of the AC-HIDTA LPR Database, such as software which aggregates data from multiple sources or provides unified access to disparate systems.

1.7 Member Agency: a law enforcement or public safety organization whose leadership has signed this agreement and the agency actively participates in information sharing with other Member Agencies.

2. Member Agency Rights, Powers and Authority

Each Member Agency expressly retains all rights and powers to finance, plan, develop, construct, maintain, repair, manage, operate, and control equipment, facilities, properties, projects, and information that it deems in its sole discretion to be necessary or desirable for its own information needs, and that are authorized by the laws governing it. This agreement shall not be interpreted, and the AC-HIDTA LPR Database shall not have any authority, to impair or control any of the Member Agency’s respective rights, powers, or title to such equipment, facilities, properties, information, and projects, nor shall any Member Agency be required to provide additional personnel, equipment, or services to the AC-HIDTA, which are not already a part of the Member Agency’s current operational costs, nor shall they be required to modify their non- AC-HIDTA LPR Database system or services, without their consent.

Nothing in this Agreement shall be construed to require a Member Agency:

1. To disclose any information that the Member Agency determines, in its sole discretion, it does not have the ability or authority to disclose; OR
2. To perform any act that the Member Agency determines, in its sole discretion, is contrary to law or public/agency policy.

Member Agencies are not required to seek approval from the AC-HIDTA to purchase, install, or modify their own LPR Database equipment, services, or work performed in conjunction with any legislative mandate/authority granted to or required of Member Agencies in order to carry out their respective responsibilities.

Furthermore, the AC-HIDTA has no power or authority to control, interfere with, or inhibit Member Agencies from conducting their own internal business and/or providing their own resources or services to other entities, which may or may not be members of or served by the AC-HIDTA LPR Database.

Participation in the AC-HIDTA LPR Database and any interfaces or other customizations shall not prevent the Member Agency from operating systems independent of the AC-HIDTA LPR Database.

Notwithstanding anything to the contrary herein, a Member Agency shall have no obligation to seek approval from the AC-HIDTA from any modification to that Member Agency’s internal systems or processes that is mandated by the state in which the Member Agency’s internal system or processes

that is mandated by the state in which Member Agency is located, or by any law or regulation governing the affected Member Agency.

In gathering and sharing information, and in all other respects in performing acts related to this Agreement, the parties will comply with all applicable laws, rules, and regulations.

3. Effective Date and Term of MOU

The effective date of this Agreement is the date noted above and/or the date each subsequent Member Agency executes this agreement. This Agreement shall remain in effect and shall be reviewed every five years. The Agreement can only be terminated as provided herein.

4. Data Sharing

All Member Agencies agree to promote comprehensive, timely, and accurate data sharing with other Member Agencies via the AC-HIDTA LPR Database System. AC-HIDTA system shall only be shared with Member Agencies, and only to Authorized Users of these agencies who possess a "need to know" and "right to know" the shared data in fulfillment of assigned law enforcement or public safety duties.

Member Agencies are not required to contribute data to the AC-HIDTA LPR System.

Any data shared by a Member Agency to the AC-HIDTA System that the Member Agency later declares should not be shared, shall be withdrawn by all Hosts from all AC-HIDTA data within 48 hours, including deletion of any replications of the data.

Each Member Agency shall determine, within its sole discretion, which Data Records are to be shared with the AC-HIDTA System and shall maintain the database or other sources that contain the applicable information.

5. Data Access

Data exchange and user access shall be achieved using secure networks, including encrypted virtual private network (VPN), or other reasonably secure configurations that follow current best practices for information technology and are acceptable to both the Member Agency sharing data and the Host receiving data or providing user access.

The information residing in the Data Repositories shall generally be available at all times. Member Agencies agree to inform other Member Agencies in advance, whenever possible, of scheduled down times of specific data feeds. All Member Agencies will be required to sign this MOU prior to gaining access.

6. Information Ownership, Release and Accuracy

6.1 Ownership and Release Constraints

Member Agencies shall retain control of, and remain the official custodian of, all information they contribute to the AC-HIDTA LPR Database. All request for information will be referred to the Member Agency that is the owner of the requested data, and that Member Agency will be responsible for responding to the request for information.

6.2 Information Accuracy

Member Agencies and Authorized Users acknowledge that data maintained in the AC-HIDTA LPR Database consists of information that may or may not be accurate. Neither party warrants nor may rely upon the accuracy of such information. Each party understands and agrees to convey that fact to anyone they authorize to access shared information. It shall be responsibility of the person or entity requesting or using the data to confirm the accuracy of the information with the agency that authored or originated the information before taking any enforcement related action.

6.3 Audit

An Audit log will be maintained for a period of no less than twelve months to record user access to shared data, including the date and time when the data was accessed.

6.4 Criminal Discovery

Prior to releasing any data in furtherance of its statutory and constitutional obligations relating to the criminal discovery process, a member prosecuting agency shall seek express permission from the originating agency. In order to aid in the release of data, it is recommended that each contributing agency designate a Criminal Discovery Coordinator or equivalent contact person to receive, evaluate and promptly reply to such requests.

In any instance where an originating agency declines to grant such disclosure permission, the originating agency and the prosecuting agency shall confer to reach agreement on possible limitations on disclosure (including the seeking of judicial protective orders) in an attempt to protect the originating agency's specific concerns while allowing the prosecuting agency to meet its statutory and constitutional criminal discovery obligations.

7. User Access

Each Member Agency is responsible for management of user accounts within that agency. Each agency agrees that all Authorized Users shall be current employees in good standing and be authorized to review criminal data for legitimate purposes. If for any reason a user is no longer eligible for such access, or ends his/her employment with the agency, the agency will make necessary contacts to ensure access is removed accordingly and in a timely manner.

8. Security Requirements

Member Agencies agree to maintain and enforce security requirements for the system. Each Member Agency is responsible for the internal security of their records and any technical support necessary to ensure proper security. All Member Agencies and the AC-HIDTA agree to enforce and maintain security, retention, and purge requirements for the information shared as specific in the Information Practices Act, the Public Records Act, 28 Code of Federal Regulations (CFR) Part 23, and any other laws or regulations governing applicable data types.

9. Connecting with other Data Sources and Analysis Platforms

AC-HIDTA will continually work to expand the connectivity of the AC-HIDTA LPR Database and will actively pursue opportunities to sign MOU agreements with new public agencies and other information sharing systems under the guidelines outlined in this Agreement. AC-HIDTA will also seek to acquire new analysis systems, and enhance the capabilities of existing platforms, as to provide optimal value for data shared by AC-HIDTA LPR Database members.

Member Agencies agree to grant authority to the AC-HIDTA for the sole purpose of executing information sharing agreements to join new member agencies or information sharing systems in the AC-HIDTA LPR Database, if approved by the legal counsel representing AC-HIDTA. Such agreements will not require further review or approval by Member Agencies. Such agreements shall have no material changes or provisions that would adversely affect or contradict the policies of this MOU.

A steering committee comprised of AC-HIDTA leadership and regional stakeholders shall be formed to ensure future expansions of the AC-HIDTA LPR Database, data and membership, maturation of the AC-HIDTA LPR Database, analytic capabilities, and follows the desires and expectations of the AC-HIDTA LPR Database Member Agencies.

10. Member Agency LPR Administrator

All agencies submitting data to the AC-HIDTA LPR server and/or querying the AC-HIDTA LPR server must have a LPR Administrator. The LPR Administrator will be the agency's "gatekeeper" to assure all LPR data and inquiries submitted to the AC-HIDTA LPR server complies with federal, state, and local law.

Member Agencies agree to provide the AC-HIDTA LPR Program Administrator with up-to-date contact information for the LPR Administrator and will designate an interim LPR Administrator during any personnel transition periods. *Failure to have an active Member Agency LPR Administrator can result in the loss of access to the AC-HIDTA LPR server.*

Duties of the Member Agency LPR Administrator include:

- Adding new user accounts to the agency domain
 - Assuring User accounts are linked to official Member Agency email accounts
- Assisting Authorized Users with password resets
- Conducting monthly audits of the Authorized Users to assure user accounts and access levels are accurate and actively being used
- Approving and auditing all agency Hotlists
- Notifying the LPR Program Administrator whenever LPR cameras are added or removed from the AC-HIDTA LPR server

- Assuring Authorized Users comply with AC-HIDTA LPR training requirements

In the event of any perceived non-compliance with this MOU and/or the AC-HIDTA Policies, Procedures and Privacy, the Member Agency LPR Administrator will serve as the POC to discuss any remedies required. *In order to protect the integrity of the AC-HIDTA LPR server system for all law enforcement agencies participating in the program, AC-HIDTA reserves the right to disconnect individual user accounts and/or agency access for violations of this MOU or the AC-HIDTA Policies.*

11. Admission and Withdrawal of Member Agencies

Additional public agencies, or similar regional or statewide sharing systems, may become Member Agencies of the AC-HIDTA LPR Database upon such terms and conditions as are determined by AC-HIDTA, and by execution of a written amendment to this agreement by the proper authority of the new Member Agency.

Existing and future Member Agencies have the right to withdraw from the AC-HIDTA LPR Database MOU provided by written notice to AC-HIDTA, or may be involuntarily removed upon any breach of this agreement.

12. Liability and Indemnification

Each Member Agency takes legal and financial responsibility for the actions of their employees, officers, agents, representatives, and volunteers. Each agency shall bear the proportionate cost of any damage attributable to the fault of that particular agency, its governing body, officers, agents, employees and volunteers. It is the intention of the Member Agencies that, where fault is determined to have been contributory, principles of comparative fault will be followed.

Any contract with non-member agency receiving services pursuant to this agreement shall include a mutual indemnification provision.

The contract shall also provide:

1. That the indemnity obligation shall exist with respects to any claim, loss, liability, damage, lawsuit, cost, or expense that arises out of, or is in anyway related to, the performances of services pursuant to the contract; and
2. The obligation of the non-Member Agency and the AC-HIDTA LPR Database pursuant to the indemnification provisions will extend, without limitation, to an injury, death, loss, damage which occurs in the performance of the contract and that is sustained by any third party, any agent, or contract of the non-Member Agency or the AC-HIDTA LPR Database.

13. Signatories Not Agents

Parties to this Agreement shall have no authority, either expressed or implied, to act on behalf of any signatory in any capacity whatsoever, as an agent. The Member Agency parties shall have no authority, expressed or implied, pursuant to this Agreement, to bind each other to any obligation whatsoever.

14. Assignment Prohibited

Parties to this Agreement may not assign any rights or obligations pursuant to this Agreement. Any attempt or purported assignment of any rights or obligations pursuant to this Agreement shall be void and of no legal effect whatsoever.

When a person with access is no longer employed or otherwise no longer eligible for access, the Member Agency is responsible for removing all related passwords and security authorization from the system.

No person shall release any information contained in the AC-HIDTA LPR Database either by Court Order or in response to a Public Records Act request, unless they are the originating agency or official custodian of such data.

15. Costs

Unless separate agreements are made, each party shall be responsible for their own costs associated with establishing, maintaining, or terminating their access to, or participation with, the AC-HIDTA LPR Database. Nothing in this agreement shall be construed to mean that Member Agency parties are subject to incurring new costs. Any applicable user licenses, renewal fees, maintenance costs, or similar outlays must be determined in a separate contract or agreement to be added as an addendum to this Agreement.

16. Data Collection, Retention, and Dissemination

16.1 The LPR data collected by the various Member Agencies participating in the AC-HIDTA LPR Database program will be transmitted to the AC-HIDTA Operations Center via a fiber optic line through an encrypted Virtual Private Network (VPN). Retention of data is dependent per on State Law. The data will be maintained on the Operation Center server independent of any other law enforcement database housed at the AC-HIDTA Operations Center.

16.2 All LPR system data provided to AC-HIDTA will be stored on the Operations Center server for a period not to exceed two years or requirements per State Law. After the two-year period or requirements by State Law, the data will be purged. By written request only, any data deemed evidentiary by law enforcement, including evidence that tends to inculcate or exculpate a suspect, in a specific criminal or other law enforcement investigation or action will be transferred to the requesting agency. No data will be maintained by the AC-HIDTA outside the required State laws.

Should data be determined to have evidentiary value, the following paragraph applies:

In those circumstances when data is identified as having evidentiary value, the LPR Program Administrator, or designee, will review the facts of the specific case and determine if the data should be saved. If the LPR Program Administrator determines it is reasonable to believe the data has evidentiary value, the Program Administrator will authorize the transfer of the applicable data from the LPR Program server to a form of digital storage media (CD, DVD, etc.) or other portable storage devices.

16.3 Agencies requiring data to be retained by AC-HIDTA beyond the established retention period may make a formal request to the AC-HIDTA to extend retention. Each request must specify the need for the extended retention, the circumstances surrounding the request, the requesting agency's case number, and a specific point of contact within the requesting agency. AC-HIDTA reserves the right to grant or deny agency request based on the information provided.

16.4 The following methods shall be used when disseminating LPR information: The "need to know" and "right to know", as defined in the AC-HIDTA Privacy Protection Policy of a potential recipient must be verified and documented prior to dissemination of LPR information.

16.5 Request for Service (RFS) for License Plate Reader Program data will be processed in accordance with the AC-HIDTA Standard Operating Procedures for Processing Request for Information and Requests for Services Guidelines.

16.6 A Law Enforcement Agency's request to query the LPR data shall be processed provided the agency has legitimate law enforcement purpose. Mandatory requirements are in place in order to satisfactorily justify request. These requirements include the purpose of their request, the agency's incident or report number (physical record number), the requestor's name, the requestor's agency and requestor's contact information.

16.7 The primary method of dissemination shall be via email, in an electronic format that employs a reasonable level of security to guard against alteration, or facts.

16.8 If access to secure email accounts is not practical, the information may be provided to the requestor via digital storage media or paper copy, as determined by AC-HIDTA staff.

16.9 Reports and other investigative information received and disseminated by AC-HIDTA shall be retained within internal electronic AC-HIDTA files. After disseminating LPR information deemed to have evidentiary value, the completed report containing the data will be entered into a searchable database for future exploitation and auditing purposes in accordance with the AC-HIDTA Privacy Protection Policy.

17. Miscellaneous

17.1 Amendments

This Agreement may be amended with the unanimous approval of all Member Agencies; provided, however, that no amendment may be made that would adversely affect the interest of the owners of bonds, letters of credit, or other financial obligations of the AC-HIDTA.

17.2 Notices

Any notice or instrument required to be given or delivered by depositing the same in any United States Post Office, registered or certified, postage prepaid, addressed to the Member Agencies, shall be deemed to have been received by the Member Agency to whom the same is addressed at the expiration of five (5) days after deposit of the same in the United States Post Office for transmission by registered or certified mail as aforesaid.

17.3 Conflicts of Interest

No official, officer, or employee of the AC-HIDTA or any Member Agency shall have any financial interest, direct or indirect, in the AC-HIDTA LPR Database. Nor shall any such officer or employee participate in any decision that affects his or her financial interests or those of a corporation, partnership, or association in which he or she is directly or indirectly interested, in violation of any State law or regulation.

17.4 Mediation

Any controversy or claim between any Member Agencies, or between any such Member Agency or Member Agencies and the AC-HIDTA, with respect to the AC-HIDTA LPR Database's operations, or to any claims, disputes, demands, differences, controversies, or misunderstandings arising under, out of, or in relation to this Agreement, shall be submitted to and determined by mediation.

17.5 Partial Invalidity

If any one or more of the terms, provisions, sections, promises, covenants, or conditions of this Agreement shall to any extent be adjudged invalid, unenforceable, or void for any reason whatsoever by a court of competent jurisdiction, each and all of the remaining terms, provisions, sections, promises, covenants and conditions of this agreement shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

17.6 Successors

This Agreement shall be binding upon and shall inure to the benefit of the successors of the Member Agencies hereto.

17.7 Execution

The Governing Authorities of the Member Agencies enumerated herein have each authorized execution of this agreement, as evidenced by the authorized signatures below.

17.8 Entire Agreement

This agreement supersedes any and all other agreements, whether oral or written, between the parties hereto with respect to the subject matter hereof and contains all of the covenants and agreements between parties with respect to said matter, and each party to this Agreement acknowledges that no representations, inducements, promises, or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not embodied herein, and that any other agreement or modification of this agreement shall be effective only if executed in writing and signed by all current Member Agencies.

The parties hereto execute this MOU as of the effective Date:

Asheboro Police Department, North Carolina

(Agency Name, State)

*** (JURISDICTION) ***

Chief Robert L. Brown

(**Print Name & Title**)

(Name)

(Signature must be at the Command Level: Chief,
Deputy Chief, Sheriff, Under Sheriff, Special Agent in
Charge etc.)

04/19/2024

Date

Daniel R. Salter

Executive Director

Atlanta-Carolinas HIDTA

Date

REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, APRIL 4, 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 Trogdon, Jr.	)

John N. Ogburn, III, City Manager
Robert L. Brown, Jr. Chief of Police
Travis W. Curry, Police Captain
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
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. Recognition of Retired Master Police Officer Paul Maness

Chief Brown recognized retired Master Police Officer Paul Maness for his dedicated service to the citizens of Asheboro through his work as a police officer for the Asheboro Police Department. Along with a plaque, Chief Brown awarded him with his service side arm that he carried at the time of his retirement.

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

4. Presentation of the Asheboro Pride Award

Mayor Smith presented the Asheboro Pride Award to Ms. Amy Rudisill for her outstanding service to the citizens of Asheboro and the members of the Asheboro/Randolph Chamber of Commerce.

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

5. Recognition of Award Winners Announced at the Annual North Carolina Main Street Conference Award Ceremony

(a) City of Asheboro's Award of Excellence in Downtown Revitalization

Downtown Asheboro Inc. Executive Director Addie Corder presented an award of excellence in Downtown Revitalization 'Best Adaptive Reuse' category for the Church Street Lofts Project. Mayor Smith accepted the award on behalf of the city.

(b) Downtown Champion Award

Ms. Corder presented City Manager John Ogburn with the Downtown Champion Award.

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

6. Randolph County Tourism Development Authority Annual Report for 2022

Randolph County Tourism Development Executive Director Amber Scarlett presented the Randolph County Tourism Development Authority's annual report for 2022. During her report, Ms. Scarlett highlighted that the occupancy tax revenue increased by 16% from 2021 for a total of \$1,343,329.70, and that the attractions within Randolph County reported an overall increase in visitors by 9% from 2021.

Ms. Scarlett emphasized the importance of the city's partnership with the tourism development authority and is looking forward to the opening of the Zoo City Sportsplex, the North Carolina Zoo Expansion, and the North Asheboro Greenway Project. These projects will most likely result in an increase in visitor traffic for years to come.

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

7. Update on the Eastern Randolph Water and Sewer District

Randolph County Assistant Manager Joey Johnson provided an update on the Eastern Randolph Water and Sewer District and requested that the council appoint a member to the District's Advisory Board. Council Member Heath moved, and Council Member Swiers seconded the motion to appoint Council Member Burks to the District's Advisory Board. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

8. Approval of a Resolution Recognizing April 18, 2024 as National Lineman Appreciation Day

Mayor Smith presented a resolution recognizing April 18, 2024 as National Lineman Appreciation Day. Council Member Bell moved, and Council Member Moffitt 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 7 RES 4-24

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION HONORING OUR LOCAL LINEMEN EMPLOYED
BY DUKE ENERGY PROGRESS AND RANDOLPH ELECTRIC
MEMBERSHIP CORPORATION**

WHEREAS, National Lineman Appreciation Day was celebrated for the first time in 2013 after the U.S. Senate approved Resolution 95 to honor and recognize the contributions of these brave men and women who protect public safety; and

WHEREAS, a lineman’s job is among the top 10 most dangerous in the United States, according to the Bureau of Labor Statistics; and

WHEREAS, linemen are true public servants, working long hours, often around the clock and in potentially hazardous conditions, often during extreme weather conditions, to keep electricity running, so the rest of us can continue our daily lives comfortably; and

WHEREAS, linemen are among the first responders during hurricanes, ice storms and other emergency events, working with electricity and high power lines to protect the nation from dangerous electrical currents; and

WHEREAS, linemen play a vital role in maintaining and growing the energy infrastructure of the United States; and

WHEREAS, linemen deserve recognition from the community regarding dangerous work conditions and often being separated from their families for long periods of time to keep everything up and running;

WHEREAS, April 18, 2024, would be the appropriate date to designate as National Lineman Appreciation Day:

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 our local linemen for their dedication and public service.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 4th day of April, 2024.

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

ATTEST:

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

9. Public Comment Period

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

Mayor Smith closed the public comment period.

10. 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 Trogon voted aye. There were no dissenting votes.

(a) Approval of the City Council Meeting Minutes for February 23, 2024

The meeting minutes for the city council’s special meeting on February 23, 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) Approval of the City Council Meeting Minutes for March 7, 2024

The meeting minutes for the city council’s regular meeting on March 7, 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.

(c) Approval of the General Account of the City Council's Closed Session Held During the Regular Meeting on March 7, 2024

The general account of the city council's closed session that was held during the council's regular meeting on March 7, 2024 were approved and have been filed in the city clerk's office.

(d) Approval of a Resolution Sealing the General Account of the Closed Session Held During the Regular Meeting on March 7, 2024

RESOLUTION NUMBER 8 RES 4-24

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**Resolution Sealing the General Account of a
Closed Session Held on March 7, 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 March 7, 2024, to discuss with the city attorney matters that fall within the scope of the attorney-client privilege, specifically including a contested case concerning the renewal of a NPDES (National Pollutant Discharge Elimination System) permit; and

WHEREAS, the purpose for going into closed session on March 7, 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 March 7, 2024, is hereby sealed and will remain sealed so long as public inspection of the records 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 these records when the purpose of the closed session would no longer be frustrated by making the records 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 April 4, 2024.

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

ATTEST:

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

(e) Acknowledgement of the Receipt of the Meeting Minutes for the Asheboro ABC Board Meeting Held on February 5, 2024

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

- (f) Approval of an Ordinance to Amend the General Fund to Account for Passthrough Funding from the State in Connection with a Building Reuse Grant

11 ORD 4-24

ORDINANCE TO AMEND THE GENERAL FUND
FY 2023-2024

WHEREAS, Sedia Systems Inc. received a building reuse grant from the North Carolina Department of Commerce, Rural Development Division.

WHEREAS, the City of Asheboro is expecting \$100,000 in pass-thru funds from the Department of Commerce in April 2024 to Sedia System Inc.

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

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

Section 1: The following revenue line item be increased:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
10-000-350.0000	State Grants	100,000

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

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
10-490-532.0000	Grants- Sedia Systems Inc Pass-Thru	100,000

Adopted this the 4th day of April 2024.

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

ATTEST:

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

- (g) Approval of the Community Development Division’s request to schedule for the regular city council meeting on May 9, 2024, and to advertise, legislative hearings on the following applications:
 - (i) An application to rezone property at 919 Draper Street (Randolph County Parcel Identification Number 7762573909) from B2, I1, and R10 zoning to R15 zoning; and
 - (ii) An application to rezone property at 947 East Salisbury Street (Randolph County Parcel Identification Number 7761324663) from R7.5 to B2 zoning.

- (h) Approval of the reappointment of the following members to 5-year terms of office (April 1, 2024, to April 1, 2029) on the Asheboro Redevelopment Commission:**

- (i) David Jarrell**
- (ii) Ann McGlohon**
- (iii) Delilah P. Warner; and**
- (iv) Gene Isom.**

- (i) Acknowledgement of the Receipt of the Monthly Report Detailing Major Subdivisions Administratively Approved**

There have been none approved.

- (j) Authorization to Reject all Chemical Bids Initially Received by the City's Water Resources Division and to Readvertise this Year's Chemical Bid Solicitation**

In a memorandum from Water Resources Director Michael Rhoney, PE, the governing board was informed that bids to supply chemicals for the city's water/wastewater treatment plants were opened on March 12, 2024. However, there was an error in the bid summary process. Consequently, the water resources director recommended the rejection of all bids.

With the adoption of the consent agenda, the city council accepted the water resources director's recommendation, rejected all bids, and authorized the readvertising of the request for bids to meet the chemical needs of the City of Asheboro Water/Wastewater Treatment Plants.

- (k) Acknowledgement of the Receipt and Acceptance of the List Provided by the Recreation Services Director with the 2024 Downtown Farmers' Market Operational Days, Including Special Events**

Consistent with the City of Asheboro Cultural and Recreation Services Policy Manual, Recreation Services Director Jonathan Sermon submitted for the governing board's review, written notification of the operational hours for the Downtown Farmers' Market during the upcoming season. The written notification provided by the recreation services director is on file in the city clerk's office and may also be obtained by directly contacting the city's cultural and recreation services department.

With the adoption of the consent agenda, the council acknowledged receiving the Downtown Farmers' Market schedule for 2024. No alterations in the proposed operational schedule were requested by the governing board.

- (l) Acknowledgement of the Receipt and Acceptance of the List of Operational Hours Proposed by the Recreation Services Director for the City-Owned Outdoor Pools During the 2024 Season**

Consistent with the City of Asheboro Cultural and Recreation Services Policy Manual, Recreation Services Director Jonathan Sermon submitted for the governing board's review, written notification of the operational hours for the city-owned outdoor pool facilities during the upcoming season. The written notification provided by the recreation services director is on file in the city clerk's office and may also be obtained by directly contacting the city's cultural and recreation services department.

With the adoption of the consent agenda, the council acknowledged the city-owned outdoor pool facilities schedule for 2024. No alterations in the proposed operations schedule were requested by the governing board.

11. Community Development Division Legislative Hearings

- (a) **Legislative Hearing (Case No. RZ-24-03):** An application to rezone property located at the western intersection of East Central Avenue and Willow Road (Randolph County Parcel Identification Number 7762297740) from R10 zoning to R7.5 zoning.

Mayor Smith opened the legislative hearing on the zoning map amendment application filed as Case No. RZ-24-03. Mr. 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 Brian Lucas.

The land for which the above-described zoning has been requested is located at the western corner of East Central Avenue and Willow Road. The property is approximately 42,626 square feet in size, and is specifically identified by Randolph County Parcel Identification Number 7762297740 (this property will be hereinafter referred to as the “Zoning Lot”). The Zoning Lot is owned by BLL Holdings, LLC, and Brian Lucas, the applicant is authorized to act on behalf of the limited liability company.

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

1. The property is inside the city limits.
2. East Central Avenue is a state-maintained minor thoroughfare. Willow Road is a local city-maintained street.
3. The request is for a general district R7.5 district. This district permits both single-family and two-family dwellings if zoning ordinance requirements are met. No specific use or site plan can be considered with this application.
4. The Zoning Ordinance describes the existing R10 and requested R7.5 designations as follows: R10: *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.*

R7.5: To provide regulations which will produce a moderate intensity of residential uses, usually single family and no more than two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living.
5. The primary differences between the R10 and R7.5 districts relate to minimum lot sizes and setbacks. A detailed comparison is attached to this report.
6. The surrounding area includes a mix of single-family residential uses, including two legal-nonconforming manufactured home parks; one of the parks is commercially zoned.
7. The neighborhood residential designation of the property is described by the Land Development Plan’s Land Category Description as intended “to accommodate existing medium-density, single family residential neighborhoods, while encouraging new neighborhoods of similar density to provide a greater sense of community.”
8. With the current R10 zoning, it may be possible to divide the property into three lots, two of which would be adequately sized for a two-family

dwelling for a total of 5 dwellings. If rezoned to R7.5, it is likely that the size and configuration of the property could support three lots for two-family dwellings for a total of 6 dwellings.

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:	Northeast
Growth Strategy Map Designation:	Primary Growth

LDP Goals/Policies Which Support Request:

<u>Checklist Item 5:</u>	Complies with Growth Strategy Map
<u>Checklist Item 3:</u>	The property on which the rezoning is proposed fits the description of the Zoning Ordinance. <i>(Article 200, Section 210, Schedule of Statements of Intent)</i>
<u>Checklist Items 12-14:</u>	Property is located outside of the watershed area, Special Hazard Flood Area, and area with steep slopes
<u>2.1.5:</u>	The City will ensure development regulations provide appropriate transitional land uses, such as office & institutional, between high-intensity industrial/commercial & low-intensity residential uses.

Goals/Policies that Do Not Support Request:

<u>Checklist Item 1:</u>	Rezoning is not compliant with the Proposed Land Use Map.
<u>Checklist Item 10:</u>	Rezoning is not consistent with land category descriptions.

The City of Asheboro Planning Board considered the zoning application and recommended placement of the Zoning Lot into the requested map amendment R7.5 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.

Both the current and requested zoning districts could allow construction of single-family and two-family dwellings, development. The application seeks a modest increase of potential density and reduced setbacks. Given the property’s location on a minor thoroughfare and proximity to two legal non-conforming manufactured home parks, one of which could be redeveloped for commercial uses, an R7.5 district is a reasonable designation for the property. The presence of High Density RA6 zoning within 500 feet of the subject property and Land Development Plan’s Proposed Land Use Map recommending neighborhood (medium-density) residential development also lends a degree of validity to the request.

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

The applicant, Mr. Brian Lucas presented comments in support of the rezoning. No one spoke in opposition to the application. Mayor Smith transitioned to the deliberative phase of the process.

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

1. Both the current and requested zoning districts would allow construction of single-family and two-family residential development. The requested zoning seeks a modest increase of potential density and reduced setbacks. Given the property's location on a minor thoroughfare and proximity to two legal non-conforming manufactured home parks, one of which could be redeveloped for commercial uses, an R7.5 district is a reasonable designation for the property. The presence of High Density RA6 zoning within 500 feet of the subject property and the Land Development Plan's Proposed Land Use Map recommendations of neighborhood (medium-density) residential development also lends validity to the request.

Considering the aforementioned analysis, the city council believes that the proposed zoning map amendment is consistent with the adopted comprehensive plan, is reasonable, and is in the public interest.

2. The zoning map amendment application seeking to place the Zoning Lot into the requested above-described R7.5 zoning district is hereby approved.

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

(b) Legislative Hearing (Case No. RZ-24-04): An application to rezone property at 853 East Salisbury Street (Randolph County Parcel Identification Numbers 7761229556, 7761229618, 7761229996, and 7761227703) to an amended OA6 (CZ) conditional zoning district for a development with multiple family dwellings.

Mayor Smith opened the legislative hearing on the zoning map amendment application filed as Case No. RZ-24-04. Mr. Nuttall was the first speaker. In addition to entering into the record 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 Solstice Partners, LLC.

The land for which the above-described rezoning has been requested is located at 853 East Salisbury Street. The Zoning Lot is approximately 5.4 acres in size, and is specifically identified by Randolph County Parcel Identification Numbers 7761229556, 7761229618, 7761229996, and 7761227703 (this property will be hereinafter referred to as the "Zoning Lot"). The Zoning Lot is owned by Davidson Builders and Properties, LLC, which joined in the submission of the zoning map amendment application.

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

1. This application requests changes to the zoning district and site plan approved by City Council in 2023. The addition of significant parking area north of the proposed building location is viewed as a modification requiring re-review by Council. The application states that this change is necessitated by an NCDOT drainage and utility easement along the frontage of the property. One less apartment unit is proposed with this application.

2. The property is inside the city limits.
3. The 2014 Comprehensive Transportation Plan identifies this segment of East Salisbury Street/NC Hwy 42 (a state-maintained major thoroughfare) as over capacity. 2023 volumes indicated an average annual daily vehicles/day of 15,000, an increase from 14,500 in 2021. Current capacity is 11,600 vehicles.
4. In order to relieve congestion on NC Hwy 42 North, the NCDOT Transportation Improvement Program is funding road improvements (Project No. U-5743) extending between the E. Salisbury Street intersection and US Hwy 64 (E. Dixie Drive). Proposed improvements include the addition of a center turn lane, sidewalks, curbing, and guttering. The latest available NCDOT State Transportation Improvement Plan information indicates that right-of-way acquisition is currently in progress and construction is now anticipated in 2025.
5. The plan proposes two three-story buildings clad primarily in brick and vinyl siding. One building contains 22 units and a community room while the second building contains 24 units. The units are described as one, two and three bedrooms. There also is a recreation area with a tot lot/play area, child play area, and covered picnic area. The plan shows construction of a sidewalk along the frontage.
6. The conditional zoning process allows an applicant to propose a project-specific zoning district that establishes approval conditions and site development requirements. The project-specific zoning district is allowed to diverge from the zoning ordinance's predetermined land use requirements. The following deviation from the city's predetermined land use regulations is noted: no separate designated and screened area for recreational vehicles is provided (at least 3,312 square feet of such area typically would be required). However, the plan does include 3 more parking spaces than the code would otherwise require for the project.
7. The Land Development Plan's "Urban Residential" designation for the property is described as intended to provide for "medium to high density single-and multi-family residential uses" and its intent is to "accommodate existing & encourage new medium-high density residential uses in & around Activity Centers, and around Employment Centers." The Urban Residential description also includes design elements such as building placement close to the street, interconnectivity between neighborhoods, sidewalks, street trees, and recreational amenities such as pocket parks to create a sense of place.
8. The site plan was also routed to NCDOT, Asheboro City Schools, and US Postal Service. NCDOT initially responded stating that driveway permitting would be required, and that the need for turning lanes would be analyzed at the time of permitting. At the request of the applicant, NCDOT further evaluated the preliminary plans and on March 1, provided additional comments summarized below:
 - The development entrance may need to shift approximately 100 feet to the east due to sight distance considerations. Additional engineering information could also be submitted to DOT demonstrating that adequate sight distance is provided;
 - Left and right turning lanes should be anticipated due to traffic volumes and to promote safety.

Staff has proposed a condition to address changes to the project that could result due to NCDOT requirements; no city compliance issues are anticipated based on the DOT feedback and ultimately, the state is responsible for access requirements to NC 42.

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: Urban Residential

Small Area Plan: Central

Growth Strategy Map Designation: Primary Growth

LDP Goals/Policies Which Support Request:

Checklist Item 1: Rezoning is compliant with 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: The proposed rezoning is compliant with the objectives of the Growth Strategy Map.

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

LDP Goals/Policies that Do Not Support Request:

Checklist Item 6: Existing infrastructure is adequate to support the desired zone (*water, sewer, roads, schools, etc.*). *Related to existing roadway without proposed roadway and pedestrian improvements.*

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

The City of Asheboro Planning Board considered the zoning application and recommended placement of the Zoning Lot into the requested amended OA6 (CZ) zoning district. In making this recommendation, the planning board, subject to staff's suggested conditions, 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.

With council previously having zoned the property OA6 (CZ), the request should be evaluated on the basis of the site plan's alignment with land use objectives established by the Land Development Plan and zoning ordinance. This application, like the prior request, proposes preservation of ample open space, includes various types of recreational and community amenities, pedestrian improvements, adequate parking, building design that incorporates masonry and decorative architectural elements, and stormwater controls. Project intensity, meanwhile, has been slightly reduced, with Floor Area Ratio (and overall density) now slightly less than what the current OA6 (CZ) district would permit. Staff, therefore, believes that the requested modified conditional district, with incorporation of reasonable

conditions, is consistent with the city's adopted plans and approval would permit a reasonable use of the property.

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

In the event of council approval of the application, the planning staff did offer suggested conditions to include as part of the requested conditional zoning ordinance.

- (A) *The use approved shall be a Development with Multiple Family Dwellings, consisting of a total of 46 dwelling units with a floor area of up to 22 percent.*
- (B) *All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.*
- (C) *Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner shall provide city staff with written acceptance of any zoning district conditions discussed and accepted during the public hearing.*
- (D) *Mail delivery shall be provided on the final site plan. If the postal service and/or NCDOT require a different facility/facilities or location for mail delivery, such a change will not be considered a modification of the Conditional Zoning district requiring Council action.*
- (E) *The sidewalk as shown on the site plan, shall be extended along the entire frontage of East Salisbury Street, and shall be built to NCDOT standards. The applicant shall obtain any required encroachment authorization from NCDOT for the construction of the sidewalk.*
- (F) *No outdoor recreational vehicle parking or storage shall be permitted on the Zoning Lot.*
- (G) *Prior to the issuance of a zoning compliance permit, construction plans concerning water, including provisions for fire hydrants determined to be required by Asheboro Fire and Rescue, and sanitary sewage that complies with city policies, shall be submitted. Surveying and permitting of any required public utility lines and the associated easements that may be necessary shall be the responsibility of the property owner.*
- (H) *Stormwater control measures designed by a licensed professional in accordance with the current North Carolina Department of Environmental Quality Stormwater BMP Manual shall be provided. Measures shall control the ten-year post-development peak discharge rates to pre-development peak flow rates. Prior to a Certificate of Occupancy, a licensed professional shall provide certification that the storm water control measures were built according to the plans. Any open water retention or drainage areas shall be managed to control mosquitos. The maintenance of all runoff control measures shall be the responsibility of the property owner.*
- (I) *The exact placement of front yard landscaping shall be located a manner that does not conflict with the NCDOT drainage and utility easement. If it is determined to be necessary to relocate such front yard plantings to a location, this may be done as long as such front yard landscaping is consistent with the number and types of plantings required by Section 6.10(D) of the zoning ordinance.*
- (J) *If NCDOT requires relocating the development's entrance and/or turning lanes for access and/or maneuvering, resulting changes to the placement of the buildings and/or parking areas shall not be considered modifications requiring a new Conditional Zoning approval, as long as the number of parking spaces, front yard landscaping, and buffering/screening against adjacent property remains consistent with ordinance requirements. In such case, the revised site*

plan shall be submitted, along with the application for the zoning permit, to city staff for review, approval, and inclusion into the file without further review by the city council.

- (K) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the applicant shall submit documentation showing approval from NC Department of Transportation and NC Department of Environmental Quality.*
- (L) Prior to the issuance of a zoning compliance permit, the applicant shall submit a final site plan with information necessary to determine compliance with all city codes, and the applicable permit fee.*
- (M) The owner(s) of the Zoning Lot shall properly execute and deliver to the Zoning Administrator for recordation in the Office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the city attorney for the purpose of placing notice of the conditions attached to the conditional zoning ordinance in the chain of title for the Zoning Lot.*

On behalf of the applicant, Ms. Tammy Stern with Solstice Partners, LLC presented comments in support of the rezoning. She agreed with the staff suggested conditions.

Ms. Vivian Hughes and Mr. Tommy Kemp had questions and provided comments relating to the zoning application. After no one else spoke, Mayor Smith transitioned to the deliberative phase of the proceedings.

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

1. In 2023, the city council placed the Zoning Lot in an OA6(CZ) conditional zoning district for 47 dwelling units, the OA6 (CZ) zoning district aligns with land use objectives established by the Land Development Plan and zoning ordinance. This application proposes preservation of ample open space, includes various types of recreational and community amenities, pedestrian improvements, adequate parking, building design that incorporates masonry and decorative architectural elements, and stormwater controls. Project intensity, has been slightly reduced, with Floor Area Ratio (and overall density) now slightly less than what the current OA6 (CZ) district would permit. With incorporation of reasonable conditions, the zoning map amendment application is consistent with the city's adopted plans and approval would permit a reasonable use of the property.

Considering the aforementioned analysis, the city council believes that the proposed zoning map amendment is consistent with the adopted comprehensive plan, is reasonable, and is in the public interest.

2. Subject to the inclusion of the staff recommended conditions that were accepted by the applicant's authorized representative, the zoning map amendment application seeking to place the Zoning Lot into the requested above-described OA6 (CZ) zoning district is hereby approved.

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

- (c) **Legislative Hearing (Case No. RZ-24-05): An application to rezone property at 801 and 817 Sunset Avenue (Randolph County Parcel Identification Number 7751426889) from M (CZ) and OA6 zoning to OA6 (CZ) conditional zoning for a residential development with multiple family dwellings for the elderly.**

Mayor Smith opened the legislative hearing on the zoning map amendment application filed as Case No. RZ-24-05. Mr. Nuttall presented a written request by the applicant to continue the above-referenced land use case to the council's next regular meeting that is scheduled for May 9, 2024.

Council Member Burks moved, and Council Member Heath seconded the motion, to continue the above-referenced land use case to the council's regular meeting on May 9, 2024. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

- (d) **Legislative Hearing (Case No. RZ-24-06): An application to rezone property located on the east side of Clover Street, approximately 115 feet south of Plummer Street, (Randolph County Parcel Identification Number 7751971892) from B2 to I1 (CZ) conditional zoning for a vehicle storage facility.**

Mayor Smith opened the legislative hearing on the zoning map amendment application filed as Case No. RZ-24-06. Mr. Nuttall was the first speaker. In addition to entering into the record 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 Gary Lee Morris.

The land for which the above-described zoning has been requested is located on the east side of Clover Street approximately 155 feet south of the intersection of Plummer Street. The property is approximately 0.31 of an acre in size, and is specifically identified by Randolph County Parcel Identification Number 7751971892 (this property will be hereinafter referred to as the "Zoning Lot.") The Zoning Lot is owned by Gary Lee Morris and Lori Byerly Morris.

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

1. The property is within the city limits.
2. Clover Street is a state-maintained road for approximately 100 feet from the Plummer Street intersection, after which there is no public maintenance of the platted street. There is other property utilizing the street and the subject property is viewed as abutting a street for zoning compliance purposes. NCDOT has indicated that it will not require a driveway permit for the use.
3. The proposed use is a vehicle towing storage facility, which is defined as *"the use of land or buildings to park, store and maintain vehicles associated with vehicle towing. This includes storage of towed vehicles while awaiting proper disposition of these vehicles and storage of vehicles engaged in vehicle towing (i.e. tow trucks). A vehicle towing yard does not include a vehicle towing operation."* The application does not include a vehicle towing operation, which is a separate use defined as *"solely designated for administrative activities associated with vehicle towing."*
4. The site plan shows a fenced storage yard for towed vehicles. A 10 ft. setback from all property lines is proposed; per the application, the fence will be 7' in height and include black privacy slats, evergreen trees no more than 10 feet apart and 15 shrubs along the southern and western sides of the property. Along the northern and eastern property

lines, a 10' natural vegetative buffer is to be retained. The storage yard will be illuminated by a pole light. While some vehicle storage yards include an office as part of the operation, one is not proposed as part of this application. Staff has informed the applicant that the addition of any type of building, including any type of storage building, would require a new rezoning application and hearing.

5. The current B2 General Commercial zoning district is the most permissive commercial district in terms of the number of commercial uses that are allowed. It is described by the 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."*
6. While there is a dwelling at the intersection of Plummer and Clover northwest of the subject property, the area consists primarily of non-residential uses, many of which are legal non-conforming uses or have legal non-conforming situations. In addition to uses related to repair of motor vehicles in the area, a legal non-conforming manufacturing, processing, and assembly use is adjacent to the subject property to the west; this use also utilizes Clover Street.
7. The zoning ordinance states that the intent of the I1 district is to *"produce areas for manufacturing, processing, and assembly uses, commercial uses, distribution and servicing enterprises, controlled by performance standards to limit the effect of such uses on uses within the district and on adjacent districts."*
8. The zoning ordinance has supplemental requirements for vehicle towing and storage facilities.
9. A text amendment to the Zoning Ordinance adopted in 2008 (Case No. RZ-08-24) specified that storage yards for vehicle facilities must be in an I1 and I2 zoning district. Prior to the text amendments in 2008, vehicle storage yards were allowed in the B2 zoning district.

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

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

LDP Goals/Policies Which Support Request:

<u>Checklist Item 3:</u>	The property on which the rezoning district is proposed fits the description of the Zoning Ordinance. (<i>Article 200, Section 210, Schedule of Statements of Intent</i>)
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<u>Checklist Item 4:</u>	The proposed rezoning is compatible with surrounding land uses.
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<u>Checklist Items 12-14:</u>	Property is located outside of the watershed area, Special Hazard Flood Area, and area with steep slopes.
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LDP Goals/Policies That Do Not Support Request:

Checklist Item 1:

Rezoning is not compliant with the Proposed Land Use Map.

2.1.5:

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

The City of Asheboro Planning Board considered the zoning application and recommended, subject to staff's suggested conditions, placement of the Zoning Lot into the requested I1 (CZ) zoning district. In making this recommendation, the planning board concurred with the planning staff's analysis of the consistency of the proposed zoning with the adopted comprehensive plans as well as the reasonableness of the proposal. The planning staff's analysis is summarized in the following indented paragraphs.

Although the Land Development Plan designates the property for commercial use, given the surrounding land uses, the light industrial conditional zoning designation is reasonable for the property. Further, the existing general commercial zoning district could result in a land use that would generate much higher trip volumes that could be problematic in light of how the property is accessed and maintained and the condition of the street.

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

In the event of council approval of the application, the planning staff did offer suggested conditions to include as part of the requested conditional zoning ordinance.

- (A) *The use approved shall be a Vehicle Towing Storage Facility*
- (B) *All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.*
- (C) *Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner shall provide city staff with written acceptance of any zoning district conditions discussed and accepted during the public hearing.*
- (D) *Storage of towed vehicles must be contained completely within the screened and fenced area.*
- (E) *Prior to the issuance of a zoning compliance permit, a final site plan and the applicable permit fee shall be submitted.*
- (F) *Outdoor lighting (pole mounted) shall comply with city ordinances, and information on such lighting shall be provided to staff for review and approval prior to installation of this outdoor lighting.*
- (G) *Evergreen trees shown on the site plan shall be a minimum of 6 feet in height at the time of planting and evergreen shrubs shall be a minimum of 12 inches at the time of planting.*
- (H) *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 ordinance in the chain of title for the Zoning Lot.*

The applicant, Gary Lee Morris presented comments in support of the rezoning. He agreed with the staff suggested conditions.

No one spoke in opposition to the application. Mayor Smith transitioned to the deliberative phase of the proceeding.

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 conditional zoning ordinance with the following multi-part motion.

1. Given the surrounding land uses, the light industrial conditional zoning designation is reasonable for the property. Further, the existing general commercial zoning district would permit a land use that would generate much higher trip volumes that would be problematic light of how the property is accessed and maintained and the condition of the street.

Considering the aforementioned analysis, the city council believes that the proposed zoning map amendment is consistent with the adopted comprehensive plan, is reasonable, and is in the public interest.

2. Subject to the inclusion of the staff recommended conditions, that were accepted by the applicant, the zoning map amendment application seeking to place the Zoning Lot into the requested above-described I1 (CZ) zoning district is hereby approved,

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

12. Legislative Hearing: A request to designate as a Local Historic Landmark the real property identified as the Randolph Savings and Loan Branch Bank located at 115 South Fayetteville Street, Asheboro, NC (Randolph County Parcel Identification Number 7751823582).

Mayor Smith opened the legislative hearing on the request to designate as a Local Historic Landmark the real property identified as the Randolph Savings and Loan Branch Bank located at 115 South Fayetteville Street in Asheboro. Mr. Nuttall introduced Mr. Ross Holt of the Randolph County Historic Preservation Commission.

Mr. Holt utilized a slide show presentation in order to give an overview of the history of the above-referenced building and to discuss the actions taken by the Randolph County Historic Landmark Preservation Commission. During his presentation, Mr. Holt presented and recommended adoption, by reference, of an ordinance designating the exterior and certain interior features of the Randolph Savings and Loan Branch Bank, 1963, as a local historic landmark in Asheboro, North Carolina.

Based on the report and recommendation received from the Randolph County Historic Landmark Preservation Commission, Council Member Bell moved, and Council Member Burks seconded the motion, to approve the following ordinance by reference. Council Members Bell, Burks Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

Ordinance Number 12 ORD 4-24
Ordinance Designating the Exterior and Certain Interior Features of the
RANDOLPH SAVINGS AND LOAN BRANCH BANK, 1963, as Local Historic
Landmarks in Asheboro, North Carolina

WHEREAS, Chapter 160D, Article 9, Part 4 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 Asheboro City Council has taken into consideration all information contained in the Historic Landmark Designation Application for the Randolph Savings and Loan Branch Bank, 1963, as submitted by the Randolph County Historic Landmark Preservation Commission; 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 Asheboro City Council 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 and certain interior features of the Randolph Savings and Loan Branch Bank, 1963, as a local historic landmark, and

WHEREAS the Asheboro City Council finds that finds that the Randolph Savings and Loan Association Branch Bank, 1963, meets the following specific criteria outlined in the Ordinance establishing the Commission: (1) Critical part of the City of Asheboro's heritage by having value as an example of the cultural, historic and social heritage of City of Asheboro; (2) 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; (3) Its distinctive theme, representing an architectural, cultural, economic, historic or other theme expressed through a distinctive building; and

WHEREAS, the property is more specifically described as follows:

The Randolph Savings and Loan Association Branch Bank is located at 115 S. Fayetteville St., Asheboro, N.C., PIN 7751823582, Asheboro Township, Randolph County, N.C.

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

- 1:** The property known as the exterior of the Randolph Savings and Loan Branch Bank, 115 S. Fayetteville St., 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 160D, Article 9, Part 4, 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 certain interior features of the Randolph Savings and Loan Association Branch Bank, 1963, be incorporated in the Local Historic Landmark designation, including: gray-veined white marble veneer on the lobby's north wall, the northwest stair and elevator tower vestibule's north and east walls, and the lobby stairwell walls; terrazzo floors throughout the building; concrete and steel lobby stair with terrazzo treads that rises around a faceted-concrete post to a central landing and continues to the second-floor mezzanine; stair and mezzanine railings with wood handrails and slender painted-steel balusters; pendant light fixtures with opaque white glass shades in the stairwell; single-leaf flat-panel wood corridor doors and chrome-finished hardware in the administrative suite on the first floor, and walnut paneled walls in three offices in this location; built-in closets, a bar, and a restroom between the executive and executive assistant's offices; aluminum mail chutes, aluminum-frame directory and fire extinguisher boxes, and aluminum-frame curtain walls in

elevator vestibule; elevator door surrounds, call button plates, and floor location indicators; three six-foot-long steel-frame leather-upholstered benches in elevator vestibules; reinforced-concrete and steel stairs with wall-mounted wood handrails and railings with wood handrails and slender painted-steel balusters in both stair towers; unpainted taupe-brick walls; wood-paneled walls on upper floors; and the 1963 vault with solid exterior door and interior steel-bar door manufactured by Mosler Safe Company of New York, unpainted brick walls, and gray-and-white terrazzo floor.

- 3: That the exterior and above listed interior features of the Randolph Savings and Loan Branch Bank building may be materially altered, restored, remodeled, or demolished only following issuance of a Certificate of Appropriateness from the Historic Landmark Preservation Commission.
- 4: 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.
- 5: That suitable signs may be posted indicating the designation as a Local Historic Landmark and containing appropriate information.
- 6: That DLAA, LLC, owner of the Randolph Savings and Loan Branch Bank, shall be given written notice as required by the applicable law of this action, and the Asheboro City Council 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 Burks, the foregoing ordinance was passed upon its first reading by a vote of 7 to 0.

**CITY OF ASHEBORO
NORTH CAROLINA**

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

April 4, 2024
Adoption Date

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

13. Request for Authorization to Proceed with Certain Municipal Infrastructure Improvements in Downtown Asheboro

Utilizing a slide show presentation, Mr. Nuttall asked for the city council to authorize City Manager John Ogburn to sign a plat of survey titled Trade Street Improvements and City of Asheboro Street Creation Plan. The purpose of the new street dedication is to provide a clear and practical legal access to N. Fayetteville Street for the

adjoining parcels shown on the plat. A copy of the plat is on file in the community development division

Council Member Bell moved, and Council Member Heath seconded the motion to authorize the city manager to sign the plat of survey designating the necessary right-of-way. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

14. **An Update on the Process to Finalize a Leasing Agreement with ZooKeepers Baseball LLC**

Council Member Bell moved, and Council Member Moffitt seconded the motion to continue the above-referenced agenda item to the city council’s regular meeting that is scheduled for May 9, 2024. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

15. **A Resolution to Initiate the Annexation Process for the City-Owned Property Acquired for a Future Emergency Operations Center/Third Fire Station**

City Attorney Jeff Sugg presented and recommended adoption, by reference, of a resolution stating the intent of the Asheboro City Council to annex city-owned real property that is contiguous to the municipal corporations’ existing primary city limits. Council Member Bell moved, and Council Member Swiers seconded the motion to approve/adopt the following resolution by reference. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes.

RESOLUTION NUMBER 9 RES 4-24

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION STATING THE INTENT OF THE ASHEBORO CITY COUNCIL TO ANNEX CITY-OWNED REAL PROPERTY THAT IS CONTIGUOUS TO THE MUNICIPAL CORPORATION’S EXISTING PRIMARY CITY LIMITS

WHEREAS, on December 13, 2023, the City of Asheboro purchased 3.25 acres of vacant land, more or less, lying on the east side of Zoo Parkway; and

WHEREAS, this land, which is now identified by Randolph County Parcel Identification Number 7669395087, (the “EOC/Fire Station Parcel”) is contiguous to the existing primary city limits for the City of Asheboro; and

WHEREAS, the EOC/Fire Station Parcel was purchased because this site was deemed to be a suitable location for the city’s proposed emergency operations center/third fire station; and

WHEREAS, the Asheboro City Council has concluded that, in preparation for the eventual development of a municipal emergency operations center/third fire station at this site, the EOC/Fire Station Parcel should be annexed into the City of Asheboro.

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

Section 1. It is the intent of the Asheboro City Council, pursuant to Section 160A-31 of the North Carolina General Statutes, to annex into the City of Asheboro the EOC/Fire Station Parcel that is owned in fee simple by the City of Asheboro.

Section 2. The legal description of the territory to be annexed into the primary city limits of the City of Asheboro is as follows:

Grant Township, Randolph County, North Carolina:

BEGINNING in the eastern margin of the 60-foot public right-of-way for Zoo Parkway and on the existing City of Asheboro primary city limits lines at a 1-inch existing iron pipe down two inches and located by means of the North Carolina Coordinate System at the coordinates of North 699,157.86 feet and East 1,763,303.42 feet (NAD 83 (2011)), this BEGINNING point is at the northwest corner of the EOC/Fire Station Parcel owned in fee simple by the City of Asheboro and described in Book of Record 2888, Page 637 and in Plat Book 183, Page 22 in the Office of the Register of Deeds for Randolph County, North Carolina (the "Randolph County Registry"); thence, from the described BEGINNING point, departing from the eastern margin of the public right-of-way for Zoo Parkway and following both the existing City of Asheboro primary city limits line and the northern boundary of EOC/Fire Station Parcel the next four bearings and distances: North 81 degrees 34 minutes 05 seconds East 109.67 feet along the Jonathan Bullington and Ashley L. Bullington property described in Deed Book 2698, Page 1462, Randolph County Registry (Lot 19 as shown in Plat Book 31, Page 5, Randolph County Registry) to a 5/8-inch existing iron rod up two inches; thence North 81 degrees 33 minutes 02 seconds East 99.98 feet along the Kimberly Dekle Hanna Fields property described in Deed Book 1927, Page 780, Randolph County Registry (Lot 18 as shown in Plat Book 31, Page 5, Randolph County Registry) to a 1/2-inch existing iron pipe down two inches; thence North 71 degrees 37 minutes 33 seconds East 101.33 feet along the Joan Beane Cockman and Johnnie Edwind Cockman property described in Deed Book 2511, Page 1316, Randolph County Registry (Lot 17 as shown in Plat Book 31, Page 5, Randolph County Registry) to a 1/2-inch existing iron pipe down two inches; thence North 71 degrees 37 minutes 42 seconds East 195.00 feet along the Johnny J. Harvell and Nancy H. Harvell property described in Deed Book 1827, Page 572, Randolph County Registry (Lot 16 and part of Lot 15 as shown in Plat Book 31, Page 5, Randolph County Registry) to a set 1-inch new iron pipe up two inches; thence departing from the northern boundary of EOC/Fire Station Parcel and the existing City of Asheboro primary city limits line in order to proceed along the proposed City of Asheboro primary city limits line by running with the eastern boundary of the EOC/Fire Station Parcel the next two bearings and distances: South 19 degrees 25 minutes 40 seconds East 165.88 feet to a set 2-inch new iron pipe up two inches; thence South 29 degrees 48 minutes 20 seconds East 60.00 feet to a set 2-inch new iron pipe up two inches; thence continuing to follow the proposed City of Asheboro primary city limits line by departing from the eastern boundary of EOC/Fire Station Parcel and running with the southern boundary of the EOC/Fire Station Parcel the next two bearings and distances: South 60 degrees 11 minutes 40 seconds West 460.02 feet to a set 2-inch new iron pipe up two inches; thence in a southwesterly direction along the arc of a curve with a radius of 30.00 feet and an arc length of 49.42 feet a chord bearing and distance of South 13 degrees 00 minutes 21 seconds West 44.02 feet to a set 1-inch iron pipe up two inches in the eastern margin of the public right-of-way for Zoo Parkway; thence continuing to follow the proposed City of Asheboro primary city limits line by departing from the southern boundary of the EOC/Fire Station Parcel and running with the western boundary of the EOC/Fire Station Parcel along the eastern margin of the public right-of-way for Zoo Parkway northwestward along the arc of a curve with a radius of 1,203.94 feet and an arc length of 73.75 feet a chord bearing and distance of North 32 degrees 25 minutes 41 seconds West 73.74 feet to a computed point; thence following the proposed City of Asheboro primary city limits across the public right right-of-way for Zoo Parkway South 59 degrees 19 minutes 36 seconds West 139.67 feet to a computed point on the existing City of Asheboro primary city limits line; thence following the existing City of Asheboro primary city limits line the next three bearings and distances along the western margin of the public right-of-way for Zoo Parkway: North 06 degrees 02 minutes 02 seconds East 136.44 feet to a computed point; thence northwestward along the arc of a curve with a radius of 712.07 feet and an arc length of 120.53 feet a chord bearing and distance of North 22 degrees 36 minutes 53 seconds West 120.39 feet to a computed point; thence continuing northwestward along the arc of a curve with a radius of 1,750.67 feet and an arc length of 111.01 feet a chord bearing and distance of North 16 degrees 05 minutes 18 seconds West 110.99 feet to a computed point; thence continuing to follow the existing City of Asheboro primary city limits line by crossing the public right-of-way for Zoo Parkway North 78 degrees 49 minutes 53 seconds East 58.97 feet to the point and place of BEGINNING, and containing a total of 3.817 acres (166,221 square feet), more or less, to be annexed.

The preceding description is in accordance with a plat of survey titled "ANNEXATION SURVEY CITY OF ASHEBORO PROPERTY ANNEXATION." The plat was drawn under the supervision of Thomas Scaramastra, a Professional Land Surveyor with Registration Number L-4421, from an actual survey made under his supervision. The job number listed on the plat is 23-002, with a date of April 2, 2024.

Section 3. The territory described in Section 2 of this Resolution is contiguous to the current municipal boundaries.

Section 4. A public hearing on the question of the proposed annexation of the property will be held during a regular meeting of the Asheboro City Council, which will be called to order at 7:00 p.m. on Thursday, May 9, 2024, in the council chamber on the second floor of Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203.

Section 5. Notice of the public hearing shall be published once in *The Courier-Tribune*, a newspaper having general circulation in the City of Asheboro, at least ten (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 April 4, 2024.

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

ATTEST:

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

16. Proposed Schedule of Upcoming City Council Meetings

Mayor Smith discussed potential dates for upcoming city council meetings. Notice of any special meetings will be provided in accordance with state law. No action was taken during this portion of the meeting.

17. 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 9:13 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor

SPECIAL MEETING NOTICE
CITY COUNCIL OF THE CITY OF ASHEBORO

MEETING DATE: FRIDAY, APRIL 12, 2024

MEETING TIME: 1:00 P.M.

MEETING LOCATION: ASHEBORO RECREATION CENTER,
148 NORTH STREET,
ASHEBORO, NORTH CAROLINA 27203

At 1:00 p.m. on Friday, April 12, 2024, the Asheboro City Council will convene for a special meeting in the Asheboro Recreation Center’s multi-purpose room at 148 North Street, Asheboro, North Carolina 27203. This special meeting will enable the Asheboro City Council to actively participate and collaborate as a team in a strategic planning retreat for the City of Asheboro.

The anticipated participants in this strategic retreat are the City of Asheboro Mayor, members of the Asheboro City Council, the Asheboro City Manager, the Asheboro City Clerk, and various department heads within Asheboro’s municipal government. The University of North Carolina School of Government’s Center for Public Leadership and Governance will help prepare for and facilitate the strategic retreat.

The strategic retreat is scheduled for 1:00 p.m. to 5:00 p.m. on April 12, 2024, in the Asheboro Recreation Center’s multi-purpose room. A Center for Public Leadership and Governance faculty member will facilitate the session.

The above-described special meeting/strategic planning retreat will be conducted in open session. Public attendance at the meeting is welcomed.

This special meeting notice was issued on the 5th day of April, 2024.

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

#

SPECIAL MEETING
ASHEBORO CITY COUNCIL
ASHEBORO RECREATION CENTER
148 NORTH STREET, ASHEBORO, NC
FRIDAY, APRIL 12, 2024
1:00 P.M.

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

David H. Smith) – Mayor Presiding

Clark R. Bell)

Edward J. Burks)

Kelly L. Heath)

William N. McCaskill) – Council Members Present

Walker B. Moffitt)

Charles A. Swiers)

W. Joseph Trogdon, Jr.)

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney

1. Call to Order

Mayor Smith called the meeting to order for the transaction of business, and business was transacted as follows.

2. Introduction of Meeting Facilitator

City Manager John Ogburn introduced Ms. Rebecca Jackson, an adjunct faculty member from the UNC School of Government. Ms. Jackson was the facilitator for the meeting.

3. Defining Strategic Priorities

Ms. Jackson began the meeting with an overview of the following objectives for the meeting.

- To provide an opportunity for the council to collaborate to strive for consensus on long-term (10-year) vision themes for the City of Asheboro
- To consider key issues, trends, and changes
- To develop 3-year strategic focus areas
- To identify and prioritize key strategic actions (critical tasks) to accomplish over the next 12-18 months
- To develop next steps in the strategic planning process.

Throughout various exercises the council members were asked to think about key strategic issues facing the City of Asheboro. Some of the vision themes that emerged included, but not limited to, housing developments, destination versus departure, infrastructure, and the quality of life.

Utilizing a context map, the council members spent time thinking about and listing certain trends that are impacting Asheboro. The following topics were noted:

- Governmental regulations
- Inflation
- Supply chain
- Wage expectations
- Connectivity

As the meeting progressed and throughout the different exercises, the council members moved into a discussion that centered around strategic focus areas that needed to be addressed within the next few years. These areas included, but not limited to, the following:

1. **High Quality Infrastructure** – water/sewer, streets, sidewalks, crosswalks
2. **Employees** – Retention, Recruitment, and Appreciation
3. **Affordable Housing/Adequate Housing** – Address the homeless issues, housing developments, managing growth
4. **Economic Development** – Revitalization of old properties, corporate air travel, airport growth and maintenance, retail development
5. **Public Safety** – Emergency Operations Center/Fire Station No. 3, shorter response times, maintain insurance rating, sense of security
6. **Communication and Engagement** – Information, press releases, “Zoo Files,” marketing/promotion

At the conclusion of the meeting, the council members were encouraged to implement the strategic planning process and to focus on the above-described areas when making decisions for the future of the city.

There being no further business, the meeting was adjourned at 4:46 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor

Minutes of the meeting of the Asheboro Alcoholic Beverage Control Board held on March 4, 2024

The Asheboro ABC Board met on Monday, March 4, 2024, at 5:30 PM, in the Board office, 700 South Fayetteville Street, Asheboro, NC. Present at the meeting were Chairman Steve Knight, Board Member Bob Morrison, Board Member Curtis Shipley, and General Manager Rodney Johnson (GM). A quorum being present, the Chair called the meeting to order for the transaction of business and business transacted as follows:

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

Board Minutes from the February 5, 2024, meeting were reviewed and approved by the Board.

Steve Knight and the GM reviewed Board finances and reported all finances remain consistent (sales and expenses).

Grant applications were reviewed and the Board upon motion of Curtis Shipley awarded funding to the following applicants: \$1300.00 to Keaton's Place, \$1000.00 to Eastern Randolph High School, \$1000.00 to Trinity High School with any residual funds being awarded to Community Hope Alliance.

Letters to the Governor and Attorney General concerning distribution of hard-to-get products and written regulations were prepared by the Board. The letter will be sent via U.S. Mail and a copy hand delivered by Bob Morrison (a copy of which is attached hereto).

The Board heard reports from the General Manager concerning the following issues:

1. Asheboro ABC sales statistics comparing:
 - February 2024 sales with the previous month indicate:
 - An overall +10.2% change (all sales and tax collections)
 - February 2024 sales with sales from the same month last year indicate:
 - Retail Sales +6.4%
 - Mixed Beverage Sales: +36.3%
 - Sales Tax Collections: +6.4%
 - Overall Collections: +10.56%
 - February 2024 bottle sales with bottle sales from the same month last year indicate:
 - Retail Bottle Sales: +7.9%
 - Mixed Beverage Bottle Sales: +37.0%
 - Overall Bottle Sales: +10.2%

The next regular Asheboro ABC Board meeting will be held Monday, April 1, 2024, at 5:30 p.m.

There being no further business, the meeting was adjourned.

Prepared by Rodney Johnson, GM, and Approved by the Board 4-1-24 
GM

Stephen R Knight

amk
Robert E. Jensen



Phone (336) 629-2530 • Fax (336) 629-2704
700 South Fayetteville Street, Asheboro, NC 27203

March 11, 2024

The Honorable Roy Cooper
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

The Honorable Joshua H. Stein
Attorney General
9001 Mail Service Center
Raleigh, NC 27699-9001

Re: Distribution of Limited or Allocated Products Under N.C. Gen. Stat. § 18B-204

Dear Governor Cooper and Attorney General Stein:

The undersigned members of the City of Asheboro ABC Board request your assistance in requiring the North Carolina ABC Commission (the "Commission") to comply with state law governing the distribution of liquor to local boards.

North Carolina law requires the Commission to "adopt rules regarding the ordering of spiritous liquor by local boards," N.C. Gen. Stat. § 18B-204(a1), and to maintain records ensuring "transparency" regarding the Commission's distribution of limited or allocated products, *id.* § 18B-204(a3). The statute also provides that "[t]he Commission shall make a good-faith effort, *without discrimination*, to make all spiritous liquor distributed by the Commission available to all local boards." *Id.* § 18B-204(a1) (emphasis added).

The Asheboro ABC Board is concerned that the Commission has not fulfilled its statutory obligations to publish rules, and to act "without discrimination" and in a transparent manner in its distribution of limited and allocated products. The Commission's failure to comply with the law is adversely affecting the citizens of Asheboro and its local businesses.

After Asheboro's citizens voted in 2008 to allow liquor sales, locally owned restaurants and bars flourished and played important roles in the city's economic development. Our downtown has become a destination rather than a dead zone of empty buildings. Our board began receiving requests for liquors that are available in limited quantities. We ordered them, but in many cases we (and therefore our restaurants and bars) did not receive them. At the same time, local bar and restaurant owners reported that they regularly saw those same products on the shelves of ABC stores in larger cities. They could buy those liquors for personal use, but state law requires them to buy anything resold in their restaurant or bar from the local Asheboro ABC board. We checked their story and found it was true. Our mixed-beverage business customers are at a disadvantage when competing with other cities.

The Honorable Roy Cooper
The Honorable Joshua H. Stein
March 8, 2024
Page 2

Our general manager and board members have on multiple occasions requested explanations of the Commission's distribution practices. We received confusing and seemingly inconsistent explanations of methods used to allocate limited products. We sent a letter to the Chairperson of the ABC Commission on January 8, 2024, requesting that the Commission comply with its statutory obligation to publish rules that govern distribution of such products.

The Commission responded on January 17, 2024, effectively saying, *It takes a long time to adopt rules, and we are very busy, so we're not going to do it.* The Commission informed our Board that if we wish to request publication of proposed rules, we should submit a Petition for Adoption of Rules pursuant to 14B NCAC 15A.0401. It should not be necessary to submit a petition for publication of rules that are already required by statute.

We have formally filed a complaint about this issue with the Alcohol Law Enforcement Division and the State Auditor. ALE, as directed by its legal staff, sent our complaint, uninvestigated, to the Commission, which to our knowledge has not taken up the issue at any Commission meeting. After several email exchanges with the State Auditor about the issue, we heard nothing further from the Commission or the Auditor.

The Commission's intentional non-compliance with state law leaves us with few options. We are appealing to you for assistance because appointees of the Governor operate the Commission, and because the Attorney General can investigate and issue opinions regarding the operation of state agencies. We have included our most recent correspondence with the Commission and highlighted sections of the relevant statute for your consideration. We will be happy to provide any other information that would be helpful. It is our hope that if you direct the Commission to comply immediately with the statute as written, it will do so without delay.

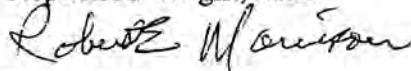
Please accept our thanks in advance for whatever assistance you provide. We look forward to hearing from you.

Sincerely,

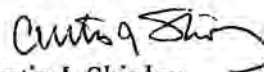
CITY OF ASHEBORO ABC BOARD



Stephen R. Knight, Chair



Robert E. Morrison



Curtis J. Shipley

Enclosures

cc: Rodney E. Johnson, General Manager abcasheboro@gmail.com

HANK BAUER
Chairman

MIKE DESILVA
DEPUTY COMMISSIONER



ABC
COMMISSION
NORTH CAROLINA

COMMISSION MEMBERS:
LA TANTA (L.T.) MCCRIMMON
RALEIGH

DAVID SHERLIN
RALEIGH

January 17, 2024

RECEIVED

Asheboro ABC Board
700 South Fayetteville Street
Asheboro, NC 27203

Asheboro ABC Board

Dear Chairman Knight, Board Member Morrison, and Board Member Shipley,

Your January 8, 2024, letter to ABC Commission Chairman Bauer and General Counsel Carter-Coley has been forwarded to me for response. Thank you for sharing your concerns.

As you cited, G.S. § 18B-204(a1) states in part: "The Commission shall make a good faith-effort, without discrimination, to make all spirituous liquor distributed by the Commission available to all local boards." Unfortunately, the General Assembly provided no guidance for what qualifies as "good-faith effort" or "discrimination."

I understand your letter to express concerns solely regarding "limited or allocated products" and not products readily available. Therein lies the crux of the problem. There simply is not enough product being shipped into the state for every board to receive limited products every time they order. Statistically, every board received more cases of allocated products in calendar year 2023 than they did in calendar year 2022. The state average increase was 37.48%, while Asheboro ABC Board received 43.89% more allocated item cases in 2023.

In response to your request for publication of proposed rules regarding allocated products, I'm Here, the afraid the process is not that simple. If you are interested in filing a Petition for Adoption of Commission Rules, please see 14B NCAC 15A.0401. Rulemaking by state agencies is subject to the laws told us we must apply [Chapter 150B of the General Statutes] and rules of the Rules Review Commission [26 NCAC 02 and 05] housed in the Office of Administrative Hearings. Even for a simple, non-controversial for publication of a rule that effective date. Each rule must go through the following steps: adopted by state agency, posted was required in the NC Register, provided a 60-day public comment period, provided for a public hearing, and by law in scheduled before the Rules Review Commission for consideration. 2021.

The steps above do not include preliminary drafting and informal review. The ABC Commission's standard procedure has been to send proposed rules to persons on the "Interested Persons List" prior to submitting the rule to the full Commission for consideration. We have found it more efficient to work out as many issues as possible prior to becoming subject to the Rules Review Commission's timeline.

4307 MAIL SERVICE CENTER
RALEIGH, NC 27699-4307

919-779-0700



ABC

COMMISSION
NORTH CAROLINA

Here the Commission told us that they have 1-1/2 staff plus two attorneys for rulemaking, yet they have not started writing a rule required by law.

The ABC Commission recognized more resources were necessary to focus on rulemaking. In 2023, a Rules Team was developed to be comprised of the current part-time employee, a full-time attorney, a full-time support staff, and myself. We have also solicited bids for a software program to become more efficient in our workflows, and a company was selected in December 2023. We have already had two meetings with the software company to begin the implementation process. We are hopeful to be fully on board in 2024. Although not fully accomplished at this time, progress is being made. Furthermore, we have just begun our General Assembly-mandated 10-year review of all our rules to determine whether they should be readopted or repealed.

If I can be of any further assistance, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Renee C. Metz".

Renee C. Metz
Assistant General Counsel

cc: ABC Chairman Hank Bauer
ABC General Counsel Stacey Carter-Coley

146 N. Church Street
Asheboro, NC 27203

City of Asheboro
Community Development Division

336-626-1201
www.asheboronc.gov



2024 ADMINISTRATIVELY APPROVED SUBDIVISIONS (Since January 1, 2024)

Name of Subdivision	Case No.	Location	Number of lots	Type of Approval	Notes
Windcrest Acres, Section 4	SUB-22-01	Bennett Street (off Old Liberty Rd.)	15	Final Plat - April 2024	Subdivision is approved by-right in an R10 Medium-Density Residential zoning district.



To: Asheboro City Council

From: Michael O'Kelley, Planning Board Chairman

Date: May 6, 2024

RE: Annual Report- Asheboro Planning Board

This memorandum provides a summary of the Planning Board's activities since July 1, 2023, an analysis of the expenditures to date for the current fiscal year and the anticipated funds needed for operation during the ensuing fiscal year. The Planning Board is comprised of seven (7) members, five (5) of whom reside in the corporate limits and two (2) who reside within the city's extraterritorial planning jurisdiction. A current Board roster is attached to this memo for your reference.

Summary of Activities

Through May 6, 2024 (not including continued and withdrawn cases), the Planning Board has reviewed a total of 20 cases. These 20 cases consisted of eleven (11) conditional rezoning requests, six (6) general district rezoning requests, and three (3) Board of Adjustment variance requests. This is an increase in the number of cases the Planning Board reviewed when compared to a similar period during the previous fiscal year when 16 cases were reviewed.

Expenditures and Budget

The Board's only expenditure this fiscal year has been related to members' stipends, which are \$150 a month. \$12,600 was budgeted for board stipends in FY 23-24. The same amount is being requested for FY 24-25. To date, current year expenditures are below the budgeted amount.

On behalf of the Planning Board, I thank you for your support. It is an honor to serve the Asheboro community.

**City of Asheboro
Planning Board/Board of Adjustment**

<u>Name/City or ETJ</u>	<u>Appointed/Expires</u>
Van Rich / City	2-3-86 / 1-1-26
Ritchie Buffkin / City	2-7-13 / 1-1-25
Harold Anderson / City	3-5-20 / 1-1-27
David Henderson / ETJ	2-4-13 / 2-1-28
Pamela Vuncannon, Vice Chair	08-9-18 / 1-1-29
Mike O'Kelley, Chair / City	2-8-18 / 1-1-28
Thomas Rush / ETJ	2-3-14 / 2-1-29

The	Governing Board CITY COUNCIL
of	Primary Government Unit CITY OF ASHEBORO
and	Discretely Presented Component Unit (DPCU) (if applicable) N/A

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name THOMPSON, PRICE, SCOTT, ADAMS & CO, P.A.
	Auditor Address 1626 S MADISON STREET, WHITEVILLE, NC 28472

Hereinafter referred to as Auditor

for	Fiscal Year Ending 06/30/24	Date Audit Will Be Submitted to LGC 10/31/24
-----	--------------------------------	---

Must be within four months of FYE

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types). The basic financial statements shall include budgetary comparison information in a budgetary comparison statement, rather than as RSI, for the General Fund and any annually budgeted Special Revenue funds.

2. At a minimum, the Auditor shall conduct the audit and render the report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards (GAGAS)* if the Governmental Unit expended \$100,000 or more in combined Federal and State financial assistance during the reporting period. The auditor shall perform a Single Audit if required by Title 2 US Code of Federal Regulations Part 200 *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards, Subpart F* (Uniform Guidance) or the State Single Audit Implementation Act. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit in accordance with the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

Effective for audits of fiscal years beginning on or after June 30, 2023, the LGC will allow auditors to consider whether a unit qualifies as a State low-risk auditee based upon federal criteria in the Uniform Guidance §200.520(a), and (b) through (e) as it applies to State awards. In addition to the federal criteria in the Uniform Guidance, audits must have been submitted timely to the LGC. If in the reporting year, or in either of the two previous years, the unit reported a Financial Performance Indicator of Concern that the audit was late, then

the report was not submitted timely for State low-risk auditee status. Please refer to "Discussion of Single Audits in North Carolina" on the LGC's website for more information.

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.

4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC Staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.

5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to *Government Auditing Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC Staff within four months of fiscal year end. If it becomes necessary to amend the audit fee or the date that the audit report will be submitted to the LGC, an amended contract along with a written explanation of the change shall be submitted to the Secretary of the LGC for approval.

7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.

For GAAS or *Government Auditing Standards* audits, if an auditor issues an AU-C §260 report, commonly referred to as "Governance Letter," LGC staff does not require the report to be submitted unless the auditor cites significant findings or issues from the audit, as defined in AU-C §260.12 - .14. This would include issues such as difficulties encountered during the audit, significant or unusual transactions, uncorrected misstatements, matters that are difficult or contentious reviewed with those charged with governance, and other significant matters. If matters identified during the audit were required to be reported as described in AU-C §260.12-.14 and were communicated in a method other than an AU-C §260 letter, the written documentation must be submitted.

8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Approval is also required for the Alternative Compliance Examination Engagement for auditing the Coronavirus State and Local Fiscal Recovery Funds expenditures as allowed by US Treasury. Approval is not required on audit contracts and invoices for system improvements and similar services of a non-auditing nature.
9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. This also includes any progress billings [G.S. 159-34 and 115C-447]. All invoices for audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.
10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).
11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC Staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC Staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.
12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.
13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

14. The Auditor shall submit the report of audit in PDF format to LGC Staff. For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC. These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements and/or the compliance section, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC Staff.

15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC.

17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 30 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

18. Special provisions should be limited. Please list any special provisions in an attachment.

19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the primary government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.

20. The contract shall be executed, pre-audited (pre-audit requirement does not apply to hospitals), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.

21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.

22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

26. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

27. **Applicable to audits with fiscal year ends of June 30, 2020 and later.** For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and *Government Auditing Standards, 2018 Revision* (as applicable). Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.

All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.

28. **Applicable to audits with fiscal year ends of June 30, 2021 and later.** The auditor shall present the audited financial statements including any compliance reports to the government unit's governing body or audit committee in an official meeting in open session as soon as the audited financial statements are available but not later than 45 days after the submission of the audit report to the Secretary. The auditor's presentation to the government unit's governing body or audit committee shall include:

- a) the description of each finding, including all material weaknesses and significant deficiencies, as found by the auditor, and any other issues related to the internal controls or fiscal health of the government unit as disclosed in the management letter, the Single Audit or Yellow Book reports, or any other communications from the auditor regarding internal controls as required by current auditing standards set by the Accounting Standards Board or its successor;
- b) the status of the prior year audit findings;
- c) the values of Financial Performance Indicators based on information presented in the audited financial statements; and
- d) notification to the governing body that the governing body shall develop a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters," if required under 20 NCAC 03 .0508.

29. Information based on the audited financial statements shall be submitted to the Secretary for the purpose of identifying Financial Performance Indicators and Financial Performance Indicators of Concern. See 20 NCAC 03 .0502(c)(6).

30. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 17 for clarification).

31. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/state-and-local-government-finance-division/local-government-commission/submitting-your-audit>

32. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

33. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

FEES FOR AUDIT SERVICES

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Government Auditing Standards, 2018 Revision*. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will be not be approved.

Financial statements were prepared by: ☐ Auditor ☒ Governmental Unit ☐ Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

Name:

Title and Unit / Company:

Email Address:

STEVEN HACKETT, CPA

Deputy FO / City of Asheboro

shackett@ci.asheboro.nc.us

OR Not Applicable ☐ (Identification of SKE Individual on the LGC-205 Contract is not applicable for GAAS-only audits or audits with FYEs prior to June 30, 2020.)

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.

3. The audit fee information included in the table below for both the Primary Government Fees and the DPCU Fees (if applicable) should be reported as a specific dollar amount of audit fees for the year under this contract. If any language other than an amount is included here, the contract will be returned to the audit form for correction.

4. Prior to the submission of the completed audited financial report and applicable compliance reports subject to this contract, or to an amendment to this contract (if required) the Auditor may submit interim invoices for approval for services rendered under this contract to the Secretary of the LGC, not to exceed 75% of the billings for the unit's last annual audit that was submitted to the Secretary of the LGC. All invoices for services rendered in an audit engagement as defined in 20 NCAC .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

Primary Government Unit	CITY OF ASHEBORO
Audit Fee (financial and compliance if applicable)	\$ 41,500
Fee per Major Program (if not included above)	\$
Additional Fees Not Included Above (if applicable):	
Financial Statement Preparation (incl. notes and RSI)	\$ 0
All Other Non-Attest Services	\$
TOTAL AMOUNT NOT TO EXCEED	\$ 41,500

Discretely Presented Component Unit	N/A
Audit Fee (financial and compliance if applicable)	\$
Fee per Major Program (if not included above)	\$
Additional Fees Not Included Above (if applicable):	
Financial Statement Preparation (incl. notes and RSI)	\$
All Other Non-Attest Services	\$
TOTAL AMOUNT NOT TO EXCEED	\$

SIGNATURE PAGE

AUDIT FIRM

Audit Firm* THOMPSON, PRICE, SCOTT, ADAMS & CO, P.A.	
Authorized Firm Representative (typed or printed)* ALAN W. THOMPSON	Signature* 
Date* 04/17/24	Email Address* alanthompson@tpsacpas.com

GOVERNMENTAL UNIT

Governmental Unit* CITY OF ASHEBORO	
Date Governing Board Approved Audit Contract* (Enter date in box to right)	
Mayor/Chairperson (typed or printed)* 	Signature* 
Date 	Email Address* 

 Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1). Not applicable to hospital contracts.

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

Sum Obligated by This Transaction:	\$ 41,500
Primary Governmental Unit Finance Officer* (typed or printed) DEBORAH REAVES	Signature* 
Date of Pre-Audit Certificate* 	Email Address* dreaves@ci.asheboro.nc.us



ENGAGEMENT LETTER

April 17, 2024

City of Asheboro
Attn: Steven B. Hackett, CPA, Deputy Finance Officer
146 North Church Street
Post Office Box 1106
Asheboro, NC 27204-1106

To Management and Those Charged With Governance:

We are pleased to confirm our understanding of the services we are to provide the City of Asheboro for the year ended June 30, 2024.

Audit Scope and Objectives

We will audit the financial statements of the governmental activities, business-type activities, each major fund, the discretely presented component unit, and the aggregate remaining fund information, including the disclosures, which collectively comprise the basic financial statements, of City of Asheboro as of and for the year ended June 30, 2024. Accounting standards generally accepted in the United States of America (GAAP) provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement City of Asheboro's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to City of Asheboro's RSI in accordance with auditing standards generally accepted in the United States of America (GAAS). These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by GAAP and will be subjected to certain limited procedures, but will not be audited:

1. Management's discussion and analysis.
2. Schedule of City's Proportionate Share of Net Pension Liability (Asset) and Schedule of Contributions - LGERS
3. Schedule of Changes in Total Pension Liability and Schedule of Total Pension Liability as a Percentage of Covered Payroll – Law Enforcement Officers' Special Separation Allowance
4. Schedule of Changes in the Total OPEB Liability and Related Ratios

We have also been engaged to report on supplementary information other than RSI that accompanies City of Asheboro's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with GAAS, and we will provide an opinion on it in relation to the financial statements as a whole in a report combined with our auditors' report on the financial statements:

Members

American Institute of CPAs - N.C. Association of CPAs – AICPA's Private Companies Practice Section

1. Schedule of Expenditures of Federal and State Awards.
2. Combining and Individual Fund Financial Statements, Budgetary Schedules, and Other Schedules

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and our auditor's report will not provide an opinion or any assurance on that other information.

1. Introductory and Statistical Schedules (prepared for Annual Comprehensive Financial Report presentation)

Our responsibility for other information included in documents containing the entity's audited financial statements and auditors' report does not extend beyond the financial information identified in the report. We have no responsibility for determining whether such other information contained in these documents is properly stated.

The objectives of our audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and issue an auditors' report that includes our opinions about whether your financial statements are fairly presented, in all material respects, in conformity with GAAP, and report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually, or in the aggregate, they would influence the judgment of a reasonable user made based on the financial statements. The objective also includes reporting on-

- Internal control over financial reporting and compliance with the provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control over compliance related to major programs and an opinion (or disclaimer of opinion) on compliance with federal statutes, regulations, and the terms and conditions of federal awards that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and Title 2 U.S. *Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance).

Auditors' Responsibilities for the Audit of the Financial Statements and Single Audit

We will conduct our audit will be conducted in accordance with GAAS; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of the Uniform Guidance, and will include tests of accounting records, a determination of major program(s) in accordance with the Uniform Guidance, and other procedures we consider necessary to enable us to express such opinions. As part of an audit in accordance with GAAS and *Government Auditing Standards*, we exercise professional judgment and maintain professional skepticism throughout the audit.

We will evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. We will also evaluate the overall presentation of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of waste and abuse is subjective, *Government Auditing Standards* do not expect auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste or abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is an unavoidable risk that some material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with GAAS and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that

come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

We will also conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the government's ability to continue as a going concern for a reasonable period of time.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts and may include tests of the physical existence of inventories (if material), and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will also require certain written representations from you about your responsibilities for the financial statements; schedule of expenditures of federal awards; federal award programs; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

We may from time to time, and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

Our audit of financial statements does not relieve you of your responsibilities.

Audit Procedures-Internal Controls

We will obtain an understanding of the entity and its environment, including internal control relevant to the audit, sufficient to identify and assess the risks of material misstatement of the financial statements, whether due to error or fraud, and to design and perform audit procedures responsive to those risks and obtain evidence that is sufficient and appropriate to provide a basis for our opinions. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the override of internal control. Test of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and the Uniform Guidance.

Audit Procedures-Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of City of Asheboro's compliance with provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an

opinion on overall compliance, and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with federal statutes, regulations, and the terms and conditions of federal awards applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of City of Asheboro's major programs. For federal programs that are included in the Compliance Supplement, our compliance and internal control procedures will relate to the compliance requirements that the Compliance Supplement identifies as being subject to audit. The purpose of these procedures will be to express an opinion on City of Asheboro's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

Responsibilities of Management for the Financial Statements and Single Audit

Our audit will be conducted on the basis that you acknowledge and understand your responsibility for (1) designing, implementing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including internal controls over federal and State awards, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal and State awards, and all accompanying information in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations (including federal statutes), rules, and the provisions of contracts and grant agreements (including award agreements). Your responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

You are also responsible for making drafts of the schedule of expenditures of federal awards, all financial records, and related information available to us and for the accuracy and completeness of that information (including information from outside of the general and subsidiary ledgers). You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, identification of all related parties and all related-party relationships and transactions, and other matters; (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under the Uniform Guidance, (3) additional information that we may request for the purpose of the audit, and (4) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence. At the conclusion of our audit, we will require certain written representations from you about the financial statements; schedule of expenditures of federal and State awards; federal or State award programs; compliance with laws, regulations, contracts, and grant agreements; and related matters.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements of each opinion unit taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud or illegal acts affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements, and grants. You are also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements that we report. Additionally, as required by the Uniform Guidance, it is management's responsibility to evaluate and monitor noncompliance with federal statutes, regulations, and the terms and conditions of federal awards; take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; promptly follow up and take corrective action on reported audit findings;

and prepare a summary schedule of prior audit findings and a separate corrective action plan. The summary schedule of prior audit findings should be available for our review by June 1, 2024.

You are responsible for identifying all federal and State awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal and State awards (including notes and noncash assistance received, and COVID-19-related concepts, such as lost revenues, if applicable) in conformity with the Uniform Guidance. You agree to include our report on the schedule of expenditures of federal and State awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal and State awards. You also agree to make the audited financial statements readily available to intended users of schedules of expenditures of federal and State awards no later than the date the schedule of expenditures of federal awards is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal and State awards in accordance with the Uniform Guidance; (2) you believe the schedule of expenditures of federal and State awards, including its form and content, is stated fairly in accordance with the Uniform Guidance; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal and State awards.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles (GAAP). You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Scope and Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information. With regard to publishing the financial statements on your website, you understand that websites are a means of distributing information and, therefore, we are not required to read the information contained in those sites or to consider the consistency of other information on the website with the original document.

Other Services

We will also assist in compiling the financial statements that you prepare, to include the financial statements, schedule of expenditures of federal and State awards, and related notes of City of Asheboro in conformity with U.S. generally accepted accounting principles and the Uniform Guidance based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statements, schedule of expenditures of federal and State awards, and related notes services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

You agree to assume all management responsibilities relating to the financial statements, schedules of expenditures of federal and State awards, related notes, and any other nonaudit services we provide. You will acknowledge in the management representation letter that you prepared the financial statements, schedule of expenditures of federal and State awards, and related notes and that you have reviewed and approved the financial statements, the schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee any nonaudit services by designating an individual, (Steven Hackett), who possesses

suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Engagement Administration, Fees, and Other

You may request that we perform additional services not addressed in this engagement letter. If this occurs, we will communicate with you regarding the scope of the additional services and the estimated fees. We also may issue a separate engagement letter covering the additional services. In the absence of any other written communication from us documenting such additional services, our services will continue to be governed by the terms of this engagement letter.

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing. We will schedule the engagement based in part on deadlines, working conditions, and the availability of your key personnel. We will plan the engagement based on the assumption that your personnel will cooperate and provide assistance by performing tasks such as preparing requested schedules, retrieving supporting documents, and preparing confirmations. If for whatever reason your personnel are unavailable to provide the necessary assistance in a timely manner, it may substantially increase the work we have to do to complete the engagement within the established deadlines, resulting in an increase in fees over our original fee estimate.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. If applicable, we will provide copies of our report for you to include with the reporting package you will submit to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 calendar days after receipt of the auditors' report or nine months after the end of the audit period.

We will provide copies of our reports to the Board; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Thompson, Price, Scott, Adams & Co., P.A. and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request in a timely manner to Oversight Agencies (or its designee), a federal agency provided direct or indirect funding, or the U.S. Government Accounting Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Thompson, Price, Scott, Adams & Co., P.A. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the federal cognizant agency. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party contesting the audit finding for guidance prior to destroying the audit documentation.

Alan Thompson is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. We expect to begin our audit by approximately June 1, 2024, and to issue our reports no later than October 31, 2024. Our audit engagement ends on delivery of our audit report. Any follow-up services that might be required will be a separate, new engagement. The terms and conditions of that new engagement will be governed by a new, specific engagement letter for that service.

Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses, should not exceed \$41,500. Also, any excessive additional fees incurred in obtaining required audit evidence (i.e. bank confirmations) will be billed directly to the Board. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 60 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to

have been completed upon written notification of termination, even if we have not completed our report(s). You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit.

Reporting

We will issue written reports upon completion of our Single Audit. Our reports will be addressed to the Board of Commissioners and management of City of Asheboro. We will make reference to the Component Auditor's audit of the City of Asheboro ABC Board in our report on your financial statements. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add a separate section, or add an emphasis-of-matter or other-matter paragraph to our auditors' report, or if necessary, withdraw from this engagement. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or we may withdraw from this engagement. If circumstances occur related to the condition of your records, the availability of sufficient appropriate audit evidence, or the existence of a significant risk of material misstatement of the financial statements caused by error, fraudulent financial reporting, or misappropriation of assets, which in our professional judgment prevent us from completing the audit or forming an opinion on the financial statements, we retain the right to take any course of action permitted by professional standards, including declining to express an opinion or issue a report, or withdrawing from the engagement.

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will state that (1) the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The Uniform Guidance report on internal control over compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Both reports will state that the report is not suitable for any other purpose.

We appreciate the opportunity to be of service to the City of Asheboro and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

A handwritten signature in black ink, appearing to read "Alan W. Thompson". The signature is fluid and cursive, with the first name "Alan" and last name "Thompson" clearly distinguishable.

Alan W. Thompson, CPA
Thompson, Price, Scott, Adams & Co., P.A.

RESPONSE:

This letter correctly sets forth the understanding of the City of Asheboro.

Management signature: _____

SIGN HERE

Title: _____



Date: _____



Governance signature: _____

SIGN HERE

Title: _____



Date: _____



CC: City Council

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

WHEREAS, The City of Asheboro is self funded for health insurance.

WHEREAS, the City Council of the City of Asheboro allocated funding for the 2023- 2024 fiscal year in the annual adopted budgets passed on June 23rd, 2023.

WHEREAS, the current fiscal year claims are greater than the estimation in the FY 2023-2024 appropriation.

WHEREAS, additional funding is needed to provide for current known claims and estimated claims through June 30, 2024.

WHEREAS, the budget as adopted requires amendment to reflect the appropriation of fund balance to pay for these unanticipated medical costs.

WHEREAS, The City Council of the City of Asheboro desires to amend the budget as required by law.

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

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

That the following expense line item be increased / decreased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase/ Decrease</u>
10-410-507.0004	Fringe- Insurance	14,200
10-410-514.0000	Travel	(4,200)
10-410-547.0000	Elections	(10,000)
10-420-507.0004	Fringe- Insurance	2,662
10-420-511.0000	Telephone	(600)
10-440-507.0004	Fringe- Insurance	3,550
10-440-522.0000	Professional Services	(3,550)
10-450-507.0004	Fringe- Insurance	2,662
10-480-507.0004	Fringe- Insurance	6,745
10-480-535.0006	Exchange backup server	(6,745)
10-490-507.0004	Fringe- Insurance	12,425
10-490-522.0000	Professional Services	(17,149)
10-510-502.0000	Salaries	(232,525)
10-510-507.0004	Fringe- Insurance	232,525
10-530-502.0000	Salaries	360,569
10-530-507.0004	Fringe- Insurance	133,125
10-530-574.0000	Capital outlay	(493,694)
10-540-502.0000	Salaries	8,000
10-540-507.0004	Fringe- Insurance	7,100
10-545-507.0004	Fringe - Insurance	7,100
10-545-509.0000	Workers Compensation	(2,000)

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2023-2024

Section 2: That the following Expense line item be increased/decreased (cont):

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
10-545-514.0000	Travel	(2,400)
10-545-560.0000	Small Eq	(2,700)
10-550-507.0004	Fringe	18,460
10-550-515.0000	Maint & Repair	(18,460)
10-555-507.0004	Fringe Insurance	30,175
10-555-542.0000	Contracted Maint- veh	(31,500)
10-565-507.0004	Fringe- Insurance	49,700
10-565-545.0000	Contracted Maint.& Repair	(49,700)
10-575-507.0004	Fringe- Insurance	5,325
10-580-507.0004	Fringe- Insurance	30,175
10-580-531.0001	Gas Oil Tires	(30,000)
10-580-534.0000	Garbage Cans	(175)
10-590-502.0000	Salaries	5,000
10-590-507.0004	Fringe- Insurance	3,550
10-590-506.0000	Unallocated Pay Plan chg.	(32,975)
10-615-507.0004	Fringe Insurance	5,325
10-615-515.0000	Maint & Repair- bldg	(325)
10-615-516.0000	Maint & Repair- Dq	(5,000)
10-620-507.0004	Fringe- Insurance	24,850
10-620-522.0000	Prof. Services	(24,850)
10-623-507.0004	Fringe Insurance	7,987
10-623-515.0000	Maint & Repair Bldg	(5,000)
10-623-516.0000	Maint & Repair Eq	(2,987)
10-625-507.0004	Fringe- Insurance	5,325
10-640-507.0004	Fringe- Insurance	52,362
10-640-515.0700	Maint & Repair- McCrary	(52,362)
	Total change	0

Adopted this 9th day of May 2024

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, City Clerk

ORDINANCE TO AMEND
THE WATER & SEWER FUND
FY 2023-2024

WHEREAS, The City of Asheboro is self-funded for health insurance.

WHEREAS, the City Council of the City of Asheboro allocated funding for the 2023- 2024 fiscal year in the annual adopted budgets passed on June 23rd, 2023.

WHEREAS, the current fiscal year claims are greater than the estimation in the FY 2023-2024 appropriation.

WHEREAS, additional funding is needed to provide for current known claims and estimated claims through June 30, 2024.

WHEREAS, the budget as adopted requires amendment to reflect the appropriation of fund balance to pay for these unanticipated medical costs.

WHEREAS, The City Council of the City of Asheboro desires to amend the budget as required by law.

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

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

That the following expense line item be increased / decreased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase/ Decrease</u>
30-720-506.0000	Unallocated Pay chg.	(24,408)
30-720-507.0004	Fringe- Insurance	7,262
30-810-507.0004	Fringe- Insurance	17,146
30-820-507.0004	Fringe- Insurance	22,471
30-820-518.0000	Maintenance- Pump Sta.	(22,471)
30-830-507.0004	Fringe- Insurance	31,346
30-830-545.0000	Contracted Services	(31,346)
30-840-507.0004	Fringe- Insurance	31,346
30-840-546.0000	Contracted Construction	(31,346)
30-850-507.0004	Fringe- Insurance	27,796
30-850-534.0000	Other Supplies & Materials	(27,796)
30-860-507.0004	Fringe- Insurance	7,100
30-860-509.0000	Workers comp Ins	(7,100)
30-870-507.0004	Fringe - Insurance	28,400
30-870-545.0000	Contracted Services	(43,000)
30-880-507.0004	Fringe - Insurance	14,600
10-545-509.0000	Workers Compensation	(2,000)
	Total change	<u>0</u>

ORDINANCE TO AMEND
THE WATER & SEWER FUND
FY 2023-2024

Adopted this 9th day of May 2024

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, City Clerk



RZ-24-05: Request to rezone property currently addressed as 801 and 817 Sunset Avenue (Randolph County Parcel Identification Number 7751426889) from M (CZ) Mercantile Conditional Zoning and OA6 (Office-Apartment) to OA6 (CZ) Office-Apartment Conditional Zoning for a development with multiple family dwellings.

Staff Report

The applicant has withdrawn this request.

From: [Davis Ray - WynnefieldForward](#)
To: [Trevor Nuttall](#)
Cc: [John Evans](#)
Subject: RE: [External Sender] Zoning Application
Date: Tuesday, April 30, 2024 12:05:13 PM

Due to some unfortunate circumstances, we would like to withdraw this rezoning request.

Davis Ray
336.625.7641
davis@wynnefieldforward.com

From: Trevor Nuttall <tnuttall@ci.asheboro.nc.us>
Sent: Monday, March 4, 2024 1:09 PM
To: Davis Ray - WynnefieldForward <davis@wynnefieldforward.com>
Cc: Trevor Nuttall <tnuttall@ci.asheboro.nc.us>; John Evans <jevans@ci.asheboro.nc.us>
Subject: Re: [External Sender] Zoning Application

Received - we will report this request to both boards. Planning Board can deal with this tonight.
Council will do so at its April meeting.

On Mar 4, 2024 1:05 PM, Davis Ray - WynnefieldForward <davis@wynnefieldforward.com> wrote:

We would like to respectfully request to continue our rezoning request to the May 6th, 2024 Planning Board and May 9th, 2024 City Council. The reason for this request is to allow more time to adequately prepare our site plan and design to meet the existing neighborhood as well as the Sunset Drive corridor aesthetics. We are still working to finalize our driveway entrances, parking spaces and stormwater design to be more specific.

Thank you for your understanding and consideration!

Davis Ray
336.625.7641
davis@wynnefieldforward.com



RZ-24-07: Request to rezone property located at 919 Draper Street (Randolph County Parcel Identification Number 7762573909) from B2 General Commercial, I1 Light Industrial, and R10 Medium-Density Residential to R15 Low-Density Single-Family Residential

Staff Report

Planning Board Recommendation & Comments to City Council

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

Case # **RZ-24**
 -07

Date 4-1-2024 Planning Board

Applicant Pablo Beltran Martinez

Legal Description

The property of Pablo Beltran Martinez, located at 919 Draper Street, totaling approximately 3.5 acres +/-, located at 919 Draper Street, and more specifically identified by Randolph County Parcel Identification Number 7762573909.

Requested Action Rezone from B2 General Commercial and I1 Light Industrial and R10 Medium-Density Residential to R15 Low-Density Single-Family Residential

Existing Zone B2/I1/R10

Land Development Plan See Rezoning Staff
Report

Planning Board Recommendation

The Planning Board recommended approval of the request.

Reason for Recommendation

The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # RZ-24-07

Date 4-1-2024 Planning Board

General Information

Applicant Pablo Beltran Martinez

Address 711 Hunters Ridge Road

City Randleman NC 27317

Phone 862-373-3407

Location Central Falls Road and Draper Street

Requested Action Rezone from B2 General Commercial and I1 Light Industrial and R10 Medium-Density Residential to R15 Low-Density Single-Family Residential

Existing Zone B2/I1/R10

Existing Land Use Undeveloped/Formerly

Size 3.5 acres +/-

Pin # 7762573909

Applicant's Reasons as stated on application

Suburban residential

Surrounding Land Use

North Solar Farm

East Place of Assembly- non commercial/single-family dwelling

South Single-family dwelling

West Single-family dwellings

Zoning History RZ-74-04: A portion of the property was rezoned from R10 Medium-Density to B2 General Commercial

Legal Description

The property of Pablo Beltran Martinez, located at 919 Draper Street, totaling approximately 3.5 acres +/-, located at 919 Draper Street, and more specifically identified by Randolph County Parcel Identification Number 7762573909.

Analysis

1. The property is inside the city limits.
2. Central Falls Road and Draper Street are both state-maintained minor thoroughfares.
3. The property has multiple zoning designations including B2 General Commercial, I1 Light Industrial, and a small amount R10 Medium-Density Residential. The B2 district is the most permissive commercial district in terms of allowable commercial uses; I1 zoning, in addition to allowing several industrial uses, also allows limited commercial development. The small area of R10 zoning could allow single and two-family development if certain criteria were met.
4. The requested R15 zoning district generally permits only single-family dwellings; one principal dwelling per property is allowed. Developable lots must possess at least 15,000 square feet of land area and 100 feet of lot width. Descriptions from the zoning ordinance for these districts are attached to this report (Attachment 1).
5. There was formerly a non-residential use on the property according to tax assessment information. The use, a "Storage-Shop", was noted as previously burned.
6. The area consists primarily of single-family residential uses, with scattered two-family dwellings and manufactured housing. Non-residential uses include an adjoining parking lot serving a place of assembly (church) and a solar farm.
7. The request is for a general district rezoning. No specific use or site plan can be considered with this application. There are property constraints, such as regulated floodplain, areas of steeper slopes, and an existing city-maintained utility easement that will affect the property's development potential.

Rezoning Staff Report

RZ Case # RZ-24-07

Consistency with the 2020 LDP Growth Strategy designations

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

Proposed Land Use Map Designation Suburban Residential

Small Area Plan Northeast

Growth Strategy Map Designation Primary Growth

LDP Goals/Policies Which Support Request

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

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

Checklist Item 4: The proposed rezoning is compatible with surrounding land uses.

Checklist Item 5: Complies with Growth Strategy Map

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

Checklist Item 12: Property is located outside of the watershed area

Rezoning Staff Report

RZ Case # **RZ-24-07**

LDP Goals/Policies Which Do Not Support Request

Checklist Items 13-14: Property is located within Special Hazard Flood Area, and area with steep slopes

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

The requested R15 residential zoning district promotes single-family residential development and is consistent with the Land Development Plan map's Suburban Residential designation for the property. The Northeast Small Area Plan, which advocates protection of existing residential neighborhoods from incompatible non-residential development, also lends support to the application. Development under the current commercial and industrial zoning could result in land use conflicts; amending the property's zoning and applying an R15 designation is advisable.

Recommendation Considering the aforementioned analysis, staff believes that the proposed zoning map amendment is reasonable and in the public interest and recommends approval of the request.

Attachment 1 (RZ-24-07): Zoning Ordinance Statements of Intent (Section 4.04) and Table of Area, Height, Bulk and Placement Regulations (Table 4-1) for existing and proposed zoning districts related to rezoning request at 919 Draper Street

Current zoning designations (B2, I1, and R10 district)

B2 General Commercial District (existing zoning): The B2 General Commercial District is 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.

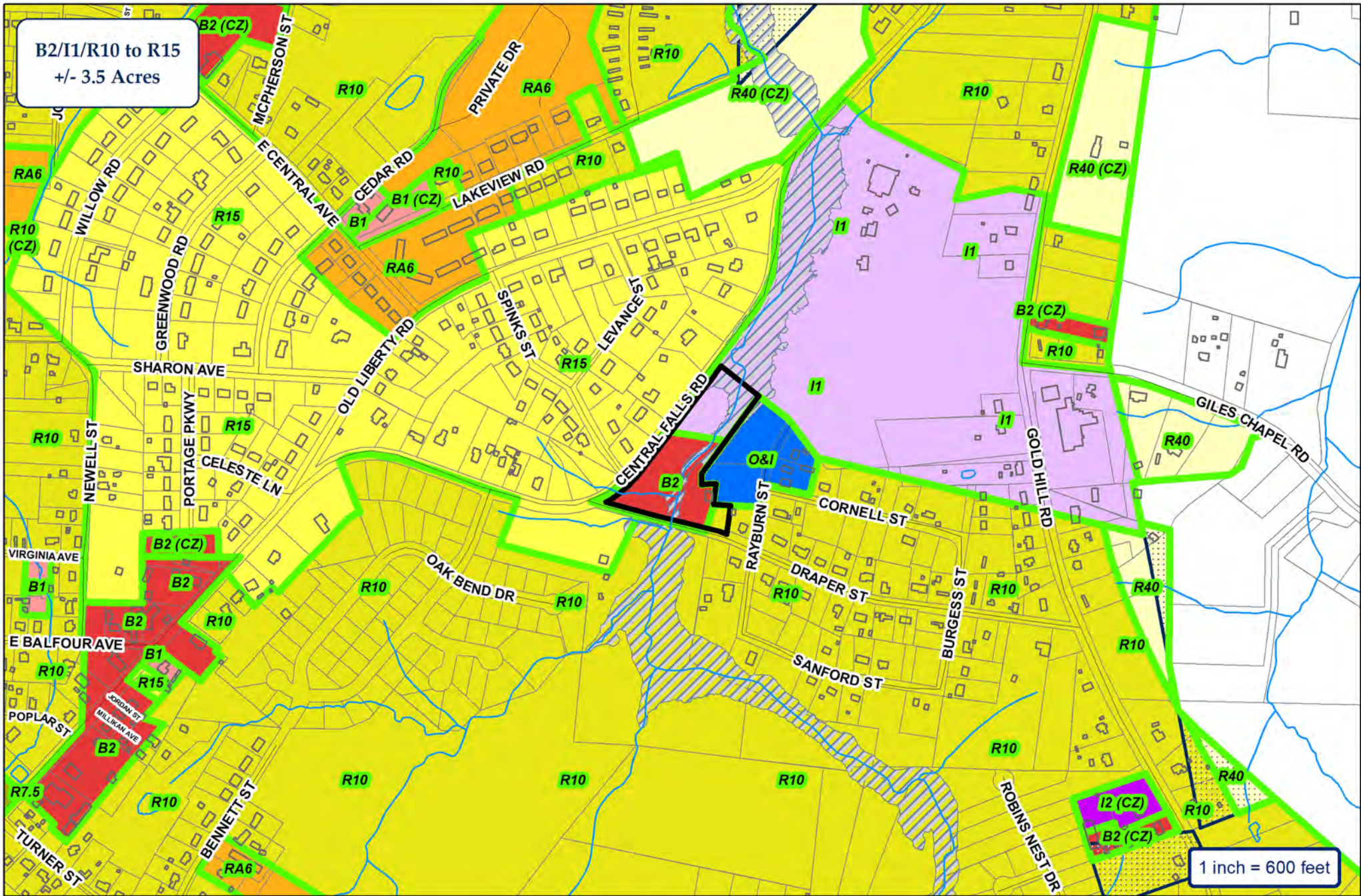
I1 Light Industrial District (existing zoning): The intent of the I1 Industrial Development District is to produce areas for manufacturing, processing and assembly uses, commercial uses, distribution and servicing enterprises, controlled by performance standards to limit the effect of such uses on uses within the district and on adjacent districts.

R10 Medium-Density Residential District (existing zoning): The R10 Residential District is intended to provide regulations which will produce a moderate intensity of residential uses, usually single family or two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living.

Proposed zoning designations (R15 district)

R15 Low-Density Single-Family Residential District (proposed zoning): The R15 Residential District is intended to provide regulations which will produce a low intensity of single family residential use with the necessary governmental and other support facilities to service such suburban intensity living.

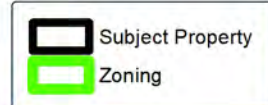
Table 4-1									
Table of Area, Height, Bulk and Placement Regulations									
District	Minimum Lot Size in Sq. Ft.	Lot Width (Frontage) In Feet*	Front Required Yard in Feet*	Side Required Yard In Feet*	Rear Required Yard in Feet*	Maximum Height in Feet*	Maximum Floor Area Ratio*	Open Space Ratio*	Recreation Ratio*
R15	15,000	100	30	15	25	35	22%		
			1 Single Family Only						
R10	10,000 SF	75	30	10	25	35	22%		
	15,000 Duplex		1 Single Family or 1 Duplex Only					22%	
	10,000 NonRes						22%		
B2	10,000	75	25	0 or 5	0 or 5	35	100%		
I1	10,000	75	10	10	10	45	N/A		
*Except as specifically modified by this Ordinance								Revised 07/2021	



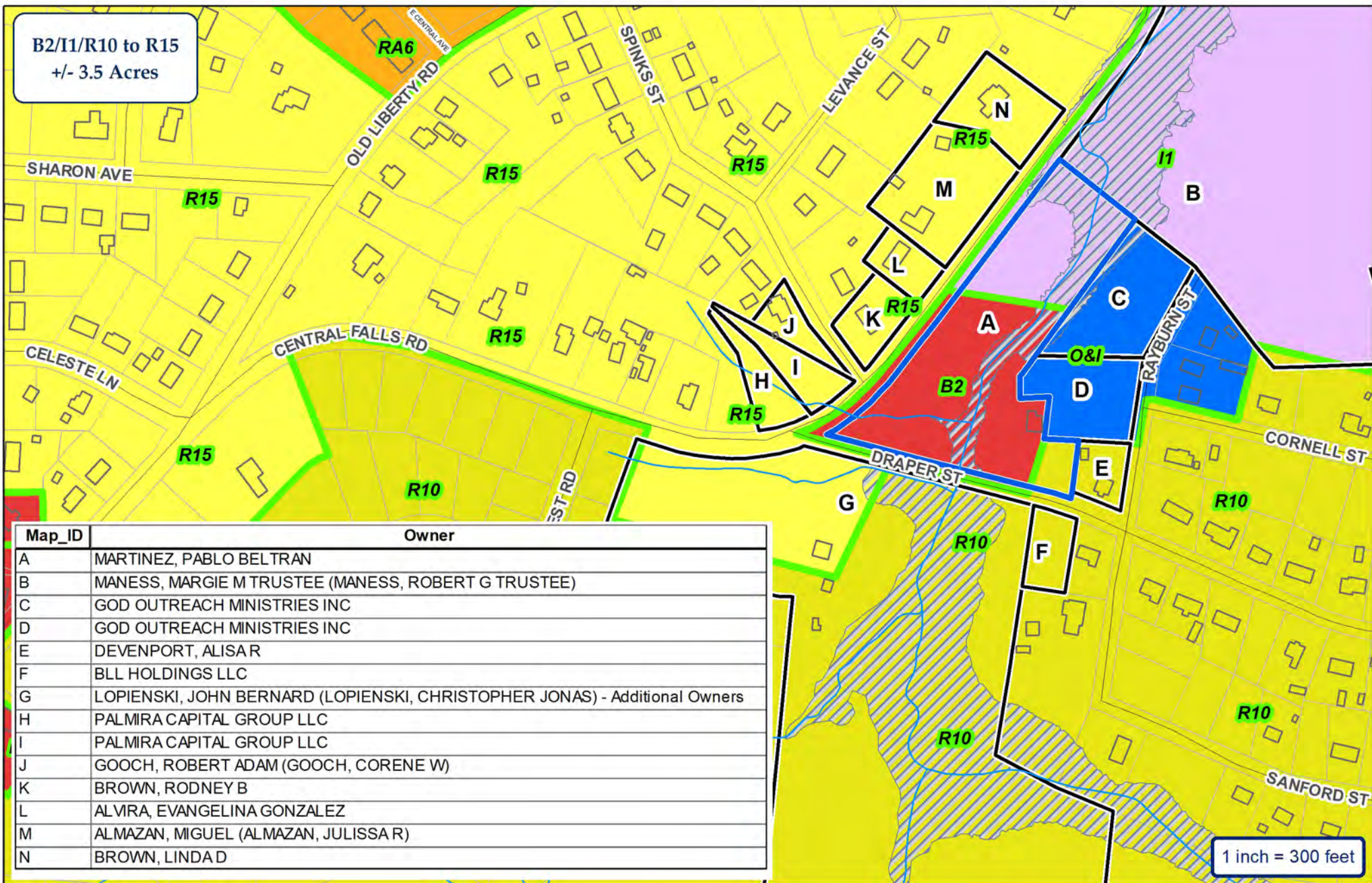
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-07

Parcels: 7762573909



B2/I1/R10 to R15
+/- 3.5 Acres



Map_ID	Owner
A	MARTINEZ, PABLO BELTRAN
B	MANESS, MARGIE M TRUSTEE (MANESS, ROBERT G TRUSTEE)
C	GOD OUTREACH MINISTRIES INC
D	GOD OUTREACH MINISTRIES INC
E	DEVENPORT, ALISAR
F	BLL HOLDINGS LLC
G	LOPIENSKI, JOHN BERNARD (LOPIENSKI, CHRISTOPHER JONAS) - Additional Owners
H	PALMIRA CAPITAL GROUP LLC
I	PALMIRA CAPITAL GROUP LLC
J	GOOCH, ROBERT ADAM (GOOCH, CORENE W)
K	BROWN, RODNEY B
L	ALVIRA, EVANGELINA GONZALEZ
M	ALMAZAN, MIGUEL (ALMAZAN, JULISSA R)
N	BROWN, LINDA D

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-07

Parcels: 7762573909

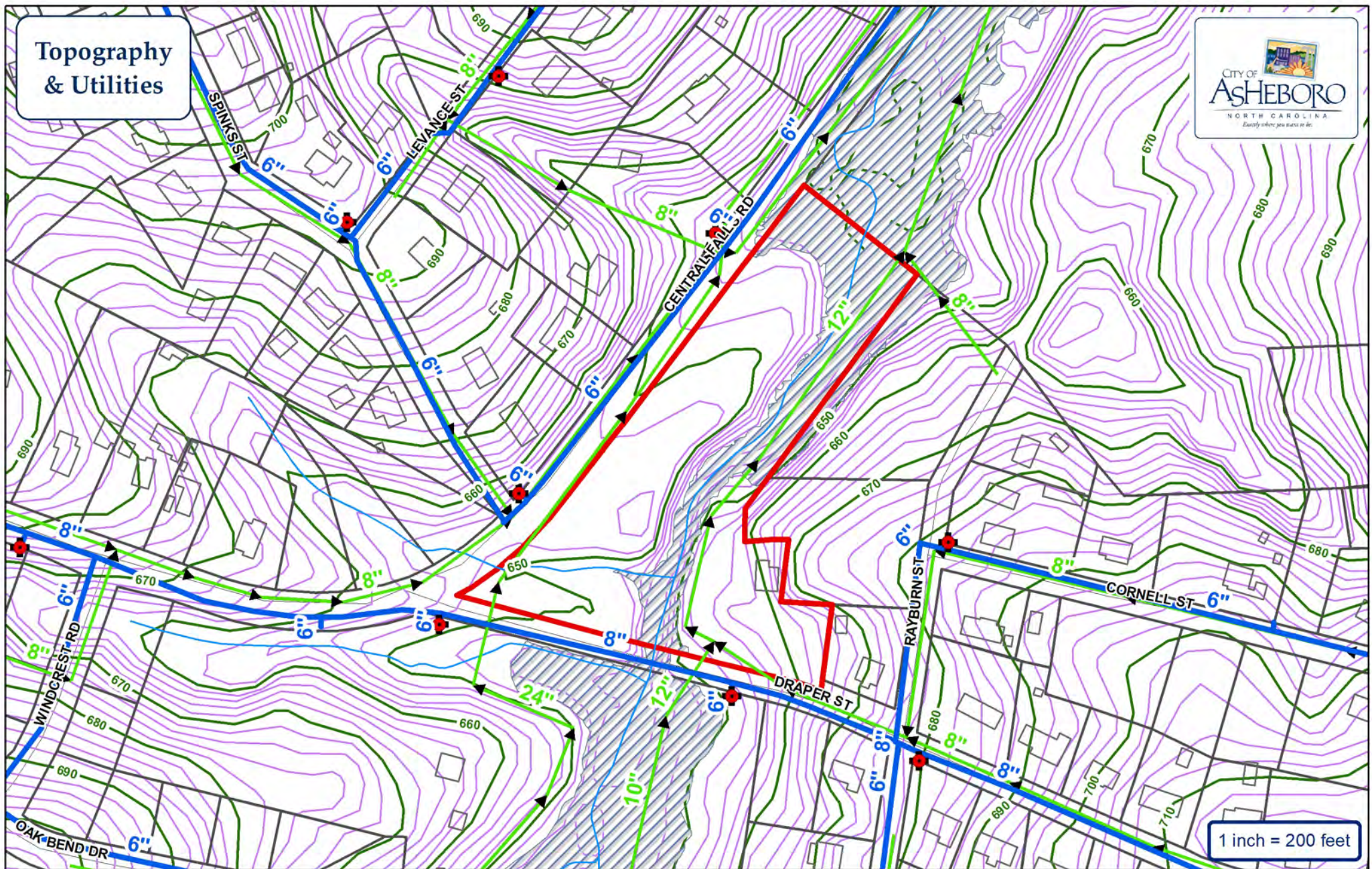


ETJ

- Subject Property
- Adjoining Properties
- City Zoning



Topography & Utilities



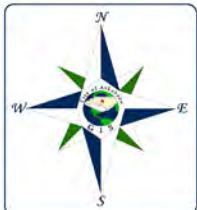
- | | |
|---|---|
|  Water Main |  Fire Hydrant |
|  Sewer Main |  PS Pump Station |
|  Force Main |  Watershed |

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-07

Parcels: 7762573909

 Subject Property



Aerial



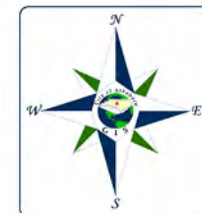
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-07

Parcels: 7762573909



 Subject Property



APPLICANT INFORMATION

Applicant Pablo Beltran Mortines

Applicant's Phone # 862-373-3407

Applicant's Address 919 DRAPER ST
ASHEBORO N.C

Applicant Email Address _____

PROPERTY INFORMATION FOR MAP AMENDMENTS

Property Owner's Name Pablo Beltran Mortines

Location of Property 919 DRAPER ST

Property Size (ac. or s.f.) 3.5 ACRES

Randolph County Property Identification Number (PIN#) 7762573909

Current Zoning District B.2A1

Requested Zoning District R1S

Date Property Title Acquired 08-22-2022

Deed Book 2820 Page 395-401

Subdivision NOW Section _____ Lot # _____

Plat Book NA Page NA

ORDINANCE AMENDMENT INFORMATION

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

SUBURBAN RESIDENTIAL

For questions (2) and (3), if either of these questions apply, please state a reason. If you believe these do not apply, please check "does not apply".

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

NA

Does not apply ☒

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

Does not apply ☐

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

APPLICATION SIGNATURES

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant. The applicant for rezoning to any district other than a conditional use district shall be prohibited from offering any testimony or evidence concerning the specific manner in which he or she intends to use or develop the property.

Applicant Signature

Pablo Beltran Martin

Owner Signature (if different than Applicant)

Printed Name of Authorized Signatory (if different from Applicant)

Position/Relationship of Authorized Signatory to Applicant

Owner Address

919 Drover St Asheville

Telephone Number

862-373-3407

Printed Name of Authorized Signatory (if different from Owner)

Position/Relationship of Authorized Signatory to Owner

STAFF USE

Received by: JLE Date: 3-12-24 Case Number: R2-24-07



RZ-24-08: Request to rezone property located at 947 East Salisbury Street (Randolph County Parcel Identification Number 7761324663) from R7.5 Medium-Density Residential to B2 General Commercial

Staff Report

Planning Board Recommendation & Comments to City Council

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

Case # **RZ-24**
 -08**Date** 4-1-2024 Planning Board

Applicant Robert
 Small

Legal Description
The property of Robert Small, located at 947 East Salisbury Street, totaling approximately 0.78 acres +/-, and more specifically identified by Randolph County Parcel Identification Number 7761324663

Requested Action Rezone from R7.5 Medium-Density Residential to B2 General Commercial.

Existing Zone R7.5

Land Development Plan See Rezoning Staff
 Report

Planning Board Recommendation
The Planning Board recommended approval of the request.

Reason for Recommendation
The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # **RZ-24-08**

Date 4-1-2024 Planning Board

General Information

Applicant Robert Small

Address 1818 Bescher Chapel Road

City Denton NC 27239

Phone 336-736-0462

Location 947 East Salisbury Street

Requested Action Rezone from R7.5 Medium-Density Residential to B2 General Commercial

Existing Zone R7.5

Existing Land Use Repair Services and Retail Shoppers Goods

Size 0.78 acres +/-

Pin # 7761324663

Applicant's Reasons as stated on application

There is no intent for new land development. This business has been in operation for over 2 decades.

Surrounding Land Use

North Multiple family dwellings

East Undeveloped Commercial/Single-family dwelling

South Commercial development with multiple uses

West Undeveloped Commercial

Zoning History

Legal Description

The property of Robert Small, located at 947 East Salisbury Street, totaling approximately 0.78 acres +/-, and more specifically identified by Randolph County Parcel Identification Number 7761324663

Analysis

1. The property is inside the city limits.
2. East Salisbury Street (SR 2237) is a state-maintained minor thoroughfare at this location.
3. The existing R7.5 zoning district is described as *To provide regulations which will produce a moderate intensity of residential uses, usually single family and no more than two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living.* The proposed B2 district is described 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.*
4. The request is for a B2 General Commercial district. No specific use or site plan can be reviewed with this request.
5. There is currently a commercial use existing on the property (repair services and retail shoppers' goods). It is considered a legal nonconforming land use. Tax records indicate that the two structures on the property were constructed in 1972 and 1980. City zoning regulations limit the extent of changes that can be made to legal non-conforming uses.
6. As is common with many long-standing legal non-conforming land uses, the property is not developed in a manner that complies with all respects of current city codes. The application filed seeks to make the land use legal and conforming; any present non-conforming situations would be permitted to remain unless a new use is proposed for the property.

Rezoning Staff Report

RZ Case # RZ-24-08

Consistency with the 2020 LDP Growth Strategy designations

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

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

LDP Goals/Policies Which Support Request

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

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

Checklist Item 5: Complies with Growth Strategy Map

Checklist 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

Rezoning Staff Report

RZ Case # RZ-24-08

LDP Goals/Policies Which Do Not Support Request

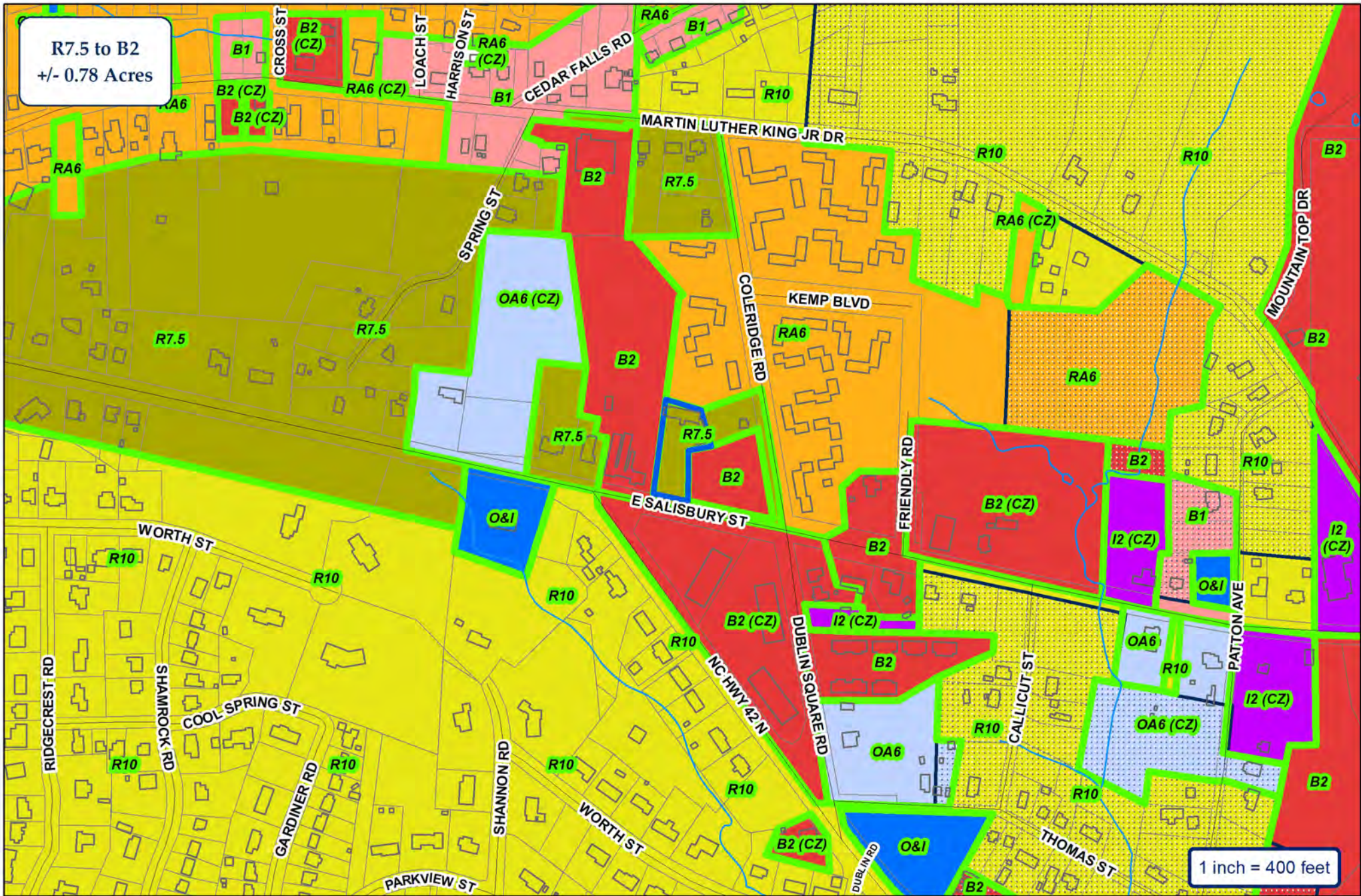
2.1.5: The City will ensure development regulations provide appropriate transitional land uses, such as office & institutional, between high-intensity industrial/commercial & low-intensity residential uses.

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

The Land Development Plan designates the subject property and several adjoining properties for commercial use. Approval of the rezoning would recognize the property's lengthy commercial history and be consistent with surrounding zoning; much of the East Salisbury Street corridor in the immediate vicinity already is zoned B2 General Commercial.

The Central Small Area plan identifies "accommodating existing, and some future commercial development" as an objective in appropriately designated locations along minor thoroughfares or higher classification streets. Staff believes changing the property's zoning to B2 could help facilitate investment into the property by eliminating its non-conforming status.

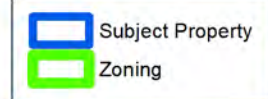
Recommendation Considering the aforementioned analysis, staff believes that the proposed zoning map amendment is reasonable and in the public interest and recommends approval of the request.



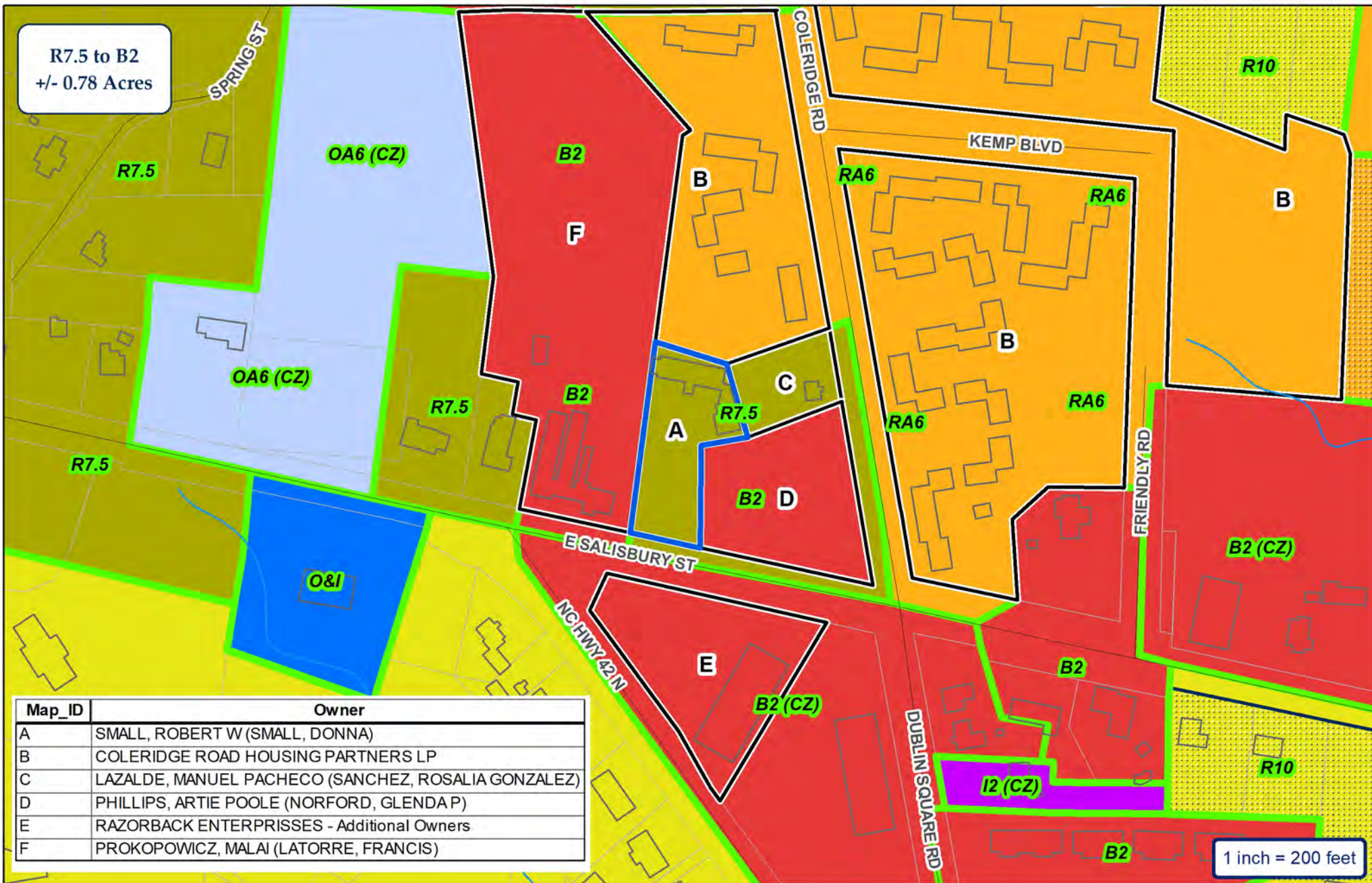
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-08

Parcels: 7761324663



R7.5 to B2
+/- 0.78 Acres



Map_ID	Owner
A	SMALL, ROBERT W (SMALL, DONNA)
B	COLERIDGE ROAD HOUSING PARTNERS LP
C	LAZALDE, MANUEL PACHECO (SANCHEZ, ROSALIA GONZALEZ)
D	PHILLIPS, ARTIE POOLE (NORFORD, GLENDA P)
E	RAZORBACK ENTERPRISES - Additional Owners
F	PROKOPOWICZ, MALAI (LATORRE, FRANCIS)

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-08

Parcels: 7761324663

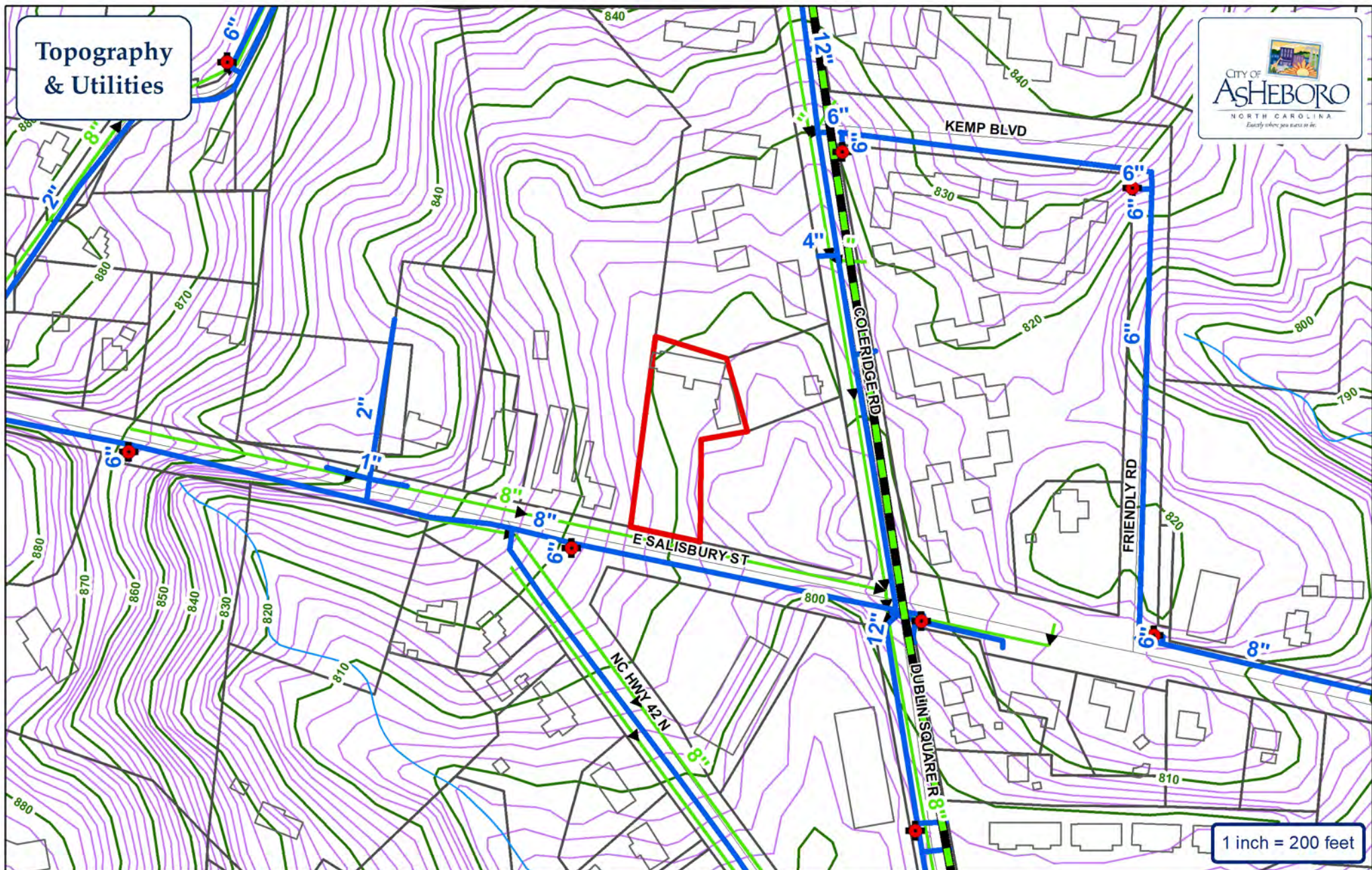


ETJ

- Subject Property
- Adjoining Properties
- City Zoning



Topography & Utilities



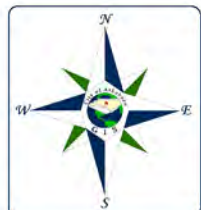
- | | |
|---|--|
|  Water Main |  Fire Hydrant |
|  Sewer Main |  Pump Station |
|  Force Main |  Watershed |

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-08

Parcels: 7761324663

 Subject Property





City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-08

Parcels: 7761324663

 Subject Property



APPLICANT INFORMATION

Applicant Robert Small
Applicant's Phone # 336-736-0462
Applicant's Address 1818 Bescher Chapel Rd.
Denton, NC 27239
Applicant Email Address alagcc@gmail.com

PROPERTY INFORMATION FOR MAP AMENDMENTS

Property Owner's Name Robert Small
Location of Property 947 E. Salisbury St.
Property Size (ac. or s.f.) 0.78
Randolph County Property Identification Number (PIN#) 7761324663
Current Zoning District B7.5
Requested Zoning District B2
Date Property Title Acquired 10/30/2002
Deed Book 1788 Page 2333
Subdivision — Section — Lot # —
Plat Book — Page —

ORDINANCE AMENDMENT INFORMATION

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

There is no intent for new land development. This
business has been in operation for over 2 decades.

For questions (2) and (3), if either of these questions apply, please state a reason. If you believe these do not apply, please check "does not apply".

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

Does not apply ☒

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

Does not apply ☒

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

No

APPLICATION SIGNATURES

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant. The applicant for rezoning to any district other than a conditional use district shall be prohibited from offering any testimony or evidence concerning the specific manner in which he or she intends to use or develop the property.

Applicant Signature

 Robert Small

Printed Name of Authorized Signatory (if different from Applicant)

Position/Relationship of Authorized Signatory to Applicant

Owner Signature (if different than Applicant)

Owner Address

1818 Bescher Chapel Rd.

Denton, NC 27239

Telephone Number

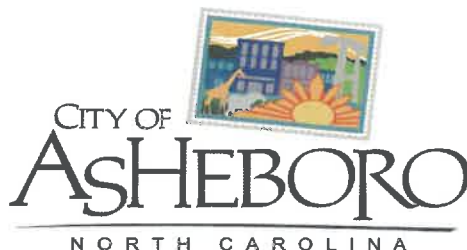
336-736-0462

Printed Name of Authorized Signatory (if different from Owner)

Position/Relationship of Authorized Signatory to Owner

STAFF USE		
Received by:	<u>JLE</u>	Case Number:
	Date:	<u>R2-24-08</u>
	<u>7-13-24</u>	

Water Resources Division
146 N Church Street
PO Box 1106
Asheboro, NC 27204-1106



Tel: 336-626-1201 Ext. 258

Fax: 336-626-1218

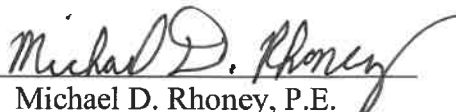
BID SUMMARY
CHEMICALS BIDS FOR THE CITY OF ASHEBORO
WATER/WASTEWATER TREATMENT PLANTS
May 2, 2024

The City of Asheboro received fifteen (15) bid packages listed on the attached Bid Tabulation Sheet at 2:00 PM, April 18, 2024. These bids are for seven (7) chemicals needed for operations at the Water/Wastewater Treatment Plants. These bids include furnishing chemicals to the plants for the time period from May 10, 2024 to April 15, 2025.

Bids for Liquid Caustic, Fluosilicic Acid, Calcium Nitrate, Sodium Permanganate and Calcium Hydroxide/Magnesium Hydroxide Slurry Blend were solicited via advertising in accordance with City practice but the total purchasing amount for these chemicals is under the formal bidding threshold.

It is recommended that the contracts to purchase chemicals from April 16, 2023 to April 15, 2024 be awarded to the responsive low bidders as listed below:

<u>Chemical</u>	<u>Company</u>	<u>Price</u>
Liquid Alum	C & S Chemicals	\$418.95/Ton
Liquid Caustic	Trinity Mfg. DBA Oltrin Solutions, LLC	\$664.00/Ton
Fluosilicic Acid	Univar, USA, Inc.	\$550.00/Ton
Sodium Hypochlorite	Univar, USA, Inc.	\$1.71/Gal
Calcium Nitrate	Pencoco, Inc.	\$2.35/Gal
Sodium Permanganate	Chemrite, Inc.	\$12.98/Gal
Calcium Hydroxide/Magnesium Hydroxide Slurry Blend	Polytec, Inc	\$1.75/Gal

By: 
Michael D. Rhoney, P.E.
Water Resources Director

CITY OF ASHEBORO CHEMICAL BID TABULATION APRIL 18, 2024

Company Name	Liquid Alum	Liquid Caustic	Floussilic Acid	Sodium Hypochlorite 12%	Calcium Nitrate	Sodium Permanganate	Calcium Hydroxide/Magnesium Hydroxide Slurry Blend
Affinty Chemical, LLC NSF CERT (X)	\$549.00	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Amerochem NSF CERT (X)	No Bid	No Bid	No Bid	No Bid	No Bid	\$ 17.10	No Bid
Brenntag Southeast NSF CERT (X)	No Bid	\$ 691.00	No Bid	No Bid	\$ 2.895	No Bid	No Bid
C & S Chemicals NSF CERT (X)	\$418.95	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Cape Fear Water Solutions NSF CERT ()	No Bid	No Bid	No Bid	1.92	\$ 2.368	No Bid	No Bid
Chemrite, Inc NSF CERT (X)	No Bid	No Bid	No Bid	No Bid	No Bid	\$ 12.98	No Bid
Chemtrade NSF CERT (X)	\$450.00	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
CITCO Water NSF CERT ()	No Bid	No Bid	No Bid	No Bid	\$ 2.54	No Bid	No Bid
JCI Jones Chemicals NSF CERT (X)	No Bid	\$ 750.00	No Bid	No Bid	No Bid	No Bid	No Bid
PENCCO, Inc. NSF CERT (X)	No Bid	No Bid	\$ 615.00	No Bid	2.35	No Bid	No Bid
Polytec, Inc. NSF CERT ()	No Bid	No Bid	No Bid	No Bid		No Bid	1.75
Shannon Chemical NSF CERT (X)	No Bid	No Bid	No Bid	No Bid	No Bid	\$ 16.72	No Bid
Trinity Manufactruing NSF CERT (X)	No Bid	\$ 664.00	No Bid	No Bid	No Bid	No Bid	No Bid
Univar, USA NSF CERT (X)	\$505.00	\$ 672.00	\$ 550.00	\$ 1.71	No Bid	No Bid	No Bid
USALCO NSF CERT (X)	\$570.14	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
MINIMUM	\$418.95	\$664.00	\$550.00	\$1.710	\$2.3500	\$12.98	\$1.75
MAXIMUM BID	\$570.14	\$750.00	\$615.00	\$1.920	\$2.8950	\$17.10	\$1.75



**THE CITY OF ASHEBORO
DEFINING STRATEGIC DIRECTION
CONSULTANT'S REPORT**

Overview

The UNC School of Government's Center for Public Leadership and Governance (CPLG) is supporting the City of Asheboro's 2024 strategic planning process. The process generated buy-in and ownership of the Council.

To plan for an effective retreat, planning meetings were conducted by the consultant with representatives from the City Council and City staff leadership to gain insight into Council priorities, as well as to better understand group dynamics. An agenda was finalized and distributed to the Council. The retreat was held on April 12, 2024, 1:00 pm- 5:00 pm.

The retreat objectives were as follows:

- To provide an opportunity for the Council to collaborate as a team
- To strive for consensus on long-term (10-year) Vision themes for the City of Asheboro
- To consider key issues, trends and changes
- To develop 3-year Strategic Focus Areas
- To identify and prioritize Key Strategic Actions (critical tasks) to accomplish over the next 12-18 months
- To develop next steps in the strategic planning process.

Facilitator and Consultant: Rebecca Jackson, Adjunct Faculty Member, UNC Chapel Hill School of Government, Center for Public Leadership and Governance and CEO of True North Performance Group LLC

Attendees: City of Asheboro Mayor, City of Asheboro Mayor Pro-Tem, City Council Members, City Manager, City Clerk and various Department Heads

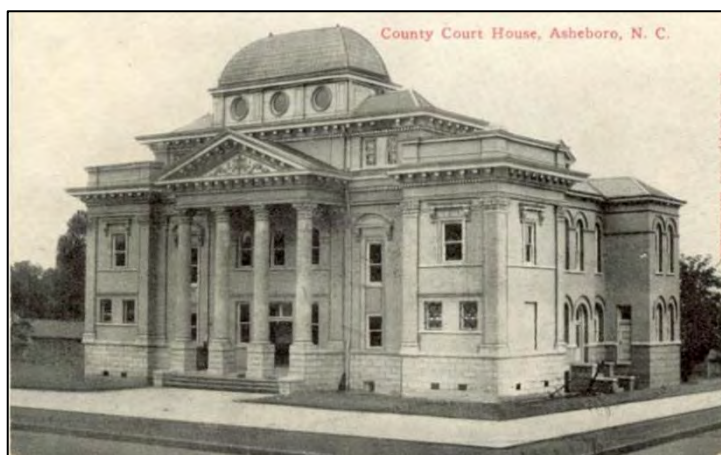
Vision Themes:

A local government vision statement is a concise and aspirational expression that outlines the future state or desired outcomes for a community as envisioned by its governing body. This statement typically reflects the long-term goals, values, and aspirations that the local government aims to achieve in collaboration with its residents, businesses, and other stakeholders.

A vision statement serves as a guiding beacon, providing a sense of direction and purpose for the community's growth and development.

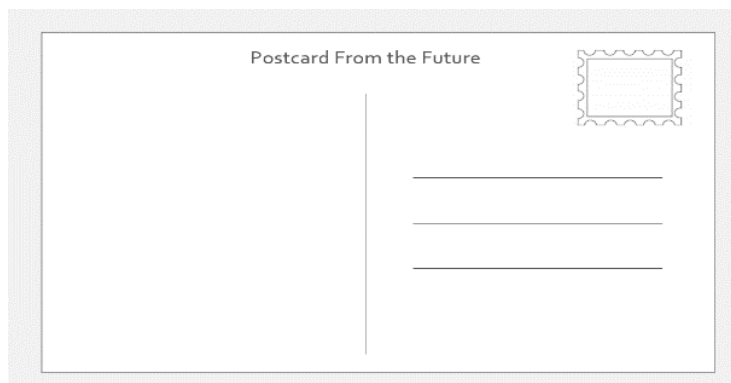
Defining Moments in History

The City Council took a step back in time to consider the history of Asheboro. Important events and dates of cultural, political, and economical significance were discussed to understand Asheboro more fully and to develop a vision for the future. The City Council created a timeline of important events that shaped the character of the City we see today.



Thinking of the Asheboro Community We Want to See in the Future

The City Council collaborated on themes for a 10-year vision for Asheboro. The Council had an opportunity to individually think about their vision for the future of Asheboro by writing a “postcard from the future” to themselves. Council members then shared their vision with the group as expressed in their “postcards”. Themes were documented on a vision board by the consultant. After group discussion, the Council came to a consensus on which themes had the highest significance. The Council developed the following vision themes.



The highlighted themes were the City Council's highest priority.

1. Great quality of life
2. Destination versus departure
3. Effective infrastructure
4. Housing developments managed and built to exacting standards
5. Well-planned, intentional growth
6. Attractive place
7. Lots of amenities with so much to do- Shops and restaurants
8. Social activities for people to enjoy
9. Recreation, parks, sport complex and golf are available
10. Keeping cost of living affordable
11. Well maintained streets
12. Maintain and preserve natural resources
13. Beautiful baseball park
14. Spend time outside in parks
15. Attracting younger adults and professionals
16. Love this City
17. Thriving businesses
18. Great place to raise a family
19. World class customer service
20. Reputation as a city that is professionally staffed
21. Effective and efficient positive results
22. Safe community
23. Airport is busy
24. Top 10 tourism spot
25. Adequate and affordable housing for all
26. Zoo is growing and convention center supports and grows tourism
27. Support Board of Education's focus on high performing schools

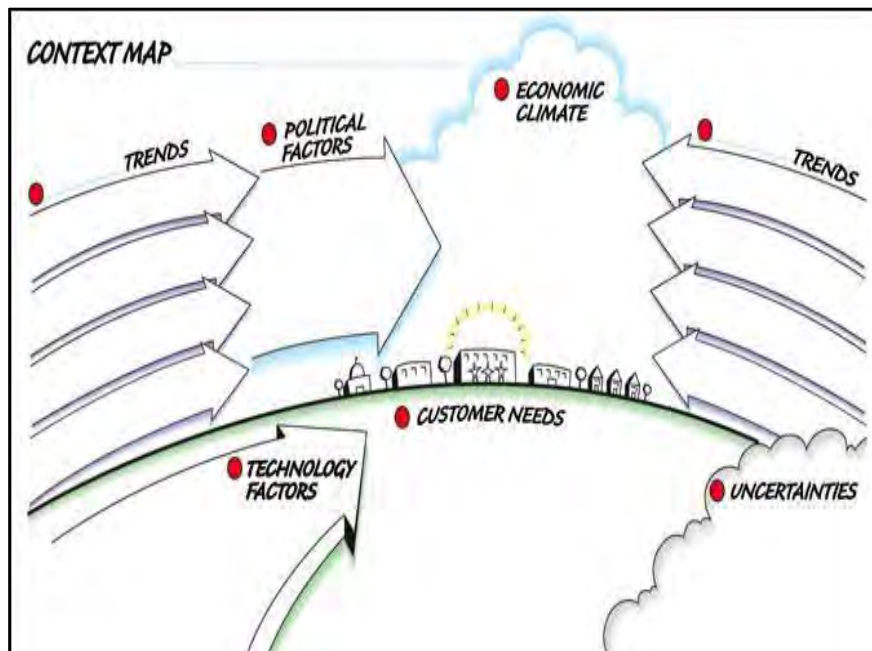


Trends to Consider When Developing Long-term and Short-term Strategy and Key Strategic Issues

The Council collaborated in an exercise of environmental scanning, which is an analysis of the current state of Asheboro and the ongoing trends in the internal and external environment that impacts success, currently and in the future. This allows the Council to identify opportunities and key strategic issues in the community and organization. The results are extremely useful in shaping key strategic focus areas.

Trends- Internal:	- Salaries increasing - Departmental resourcing equities (i.e. public safety vs internal service) - Rising infrastructure maintenance needs and costs - Revenue is not enough to cover costs.
Trends- External:	- Lack of desire to become a public service worker - Inflation continuing to rise - Supply chain issues - Competition continues to increase for wage expectations - Habits and lifestyles of different generations - Asheboro resident culture of going out of town to shop or eat/drink - Greensboro, Winston Salem and High Point not growing as fast as other NC urban areas.
Political Factors: Local, State and Federal policy	- Strong relationships with County and State elected officials - Effective intergovernmental relations - State regulations are impacting local government authority (i.e annexation and ETJ) - Need to continue to engage the State agencies and elected officials for funding to cover needs.
Economic Climate: What's the financial picture?	- Growing economy in the city and region - We are in the center of the state with many opportunities - All highways lead to Asheboro - Asheboro is situated to bust wide open with industries coming to the area (Toyota and Wolfspeed) - Higher skilled workers may shift to Toyota and Wolfspeed.
Customer Needs: Changing Demographics? Changing requirements?	- Residents are looking for more restaurants, hotels and more/ better amenities - Need more housing options to include affordable housing - Need water and sewer infrastructure - Expects higher wage jobs - Residents have financial struggles and need utility assistance programs - Need public transportation options - Need good roads

	• Need more engagement, communication and information about government services and programs.
Technology Factors	• Connectivity and technology increasing causing pressures for city to keep up with trends • Teleworking opportunities trending up • IT security issues / security threats
Uncertainties	• Randolph County water and sewer options • Do we have enough workers for available jobs • Demographics changing with additional people moving into the community.



Key Strategic Issues

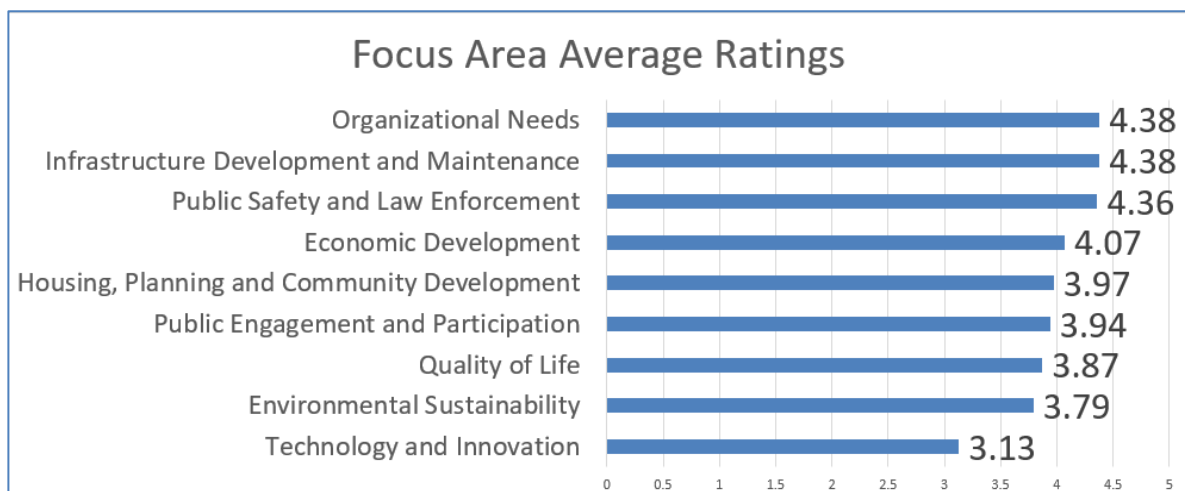
- Rising costs of everything
- Need people to do the work
- Infrastructure upgrades and expansions: need to anticipate.
- Managing growth to desired outcome
- Cash flow- Need a strategic way to borrow debt and manage money to level out maintenance and replacement
- Communication engagement of residents so that they feel empowered
- Supporting the influx of people we are expecting and those we have now
- Ensuring quality of life continues to be thriving.



Review of Pre-retreat Council Survey

The purpose of the pre-retreat survey was to garner feedback from Council on common areas of focus for municipal governments. The survey was aimed at stimulating strategic thinking in preparation for the retreat. The results obtained from the survey were compiled by the consultant and reviewed by the Council during the strategic planning retreat. The Council had the opportunity to discuss the survey results and collaborate prior to identifying Strategic Focus Areas for Asheboro. The survey took less than 10 minutes to complete and was available electronically. The survey asked Council to rate “Objectives” under 9 different “Focus Areas.”

Included below are the “Average Ratings for Each Focus Area” and the “Top 10 Objectives across all 9 Focus Areas.”



Top 10 Objectives Across all 9 Focus Areas

1	Emergency response services.	4.83
2	Ensuring adequate police presence and resources.	4.67
3	Fire and Emergency Response programs.	4.67
4	Regionalization of water and sewer.	4.67
5	Recruitment and retention of high performing employees.	4.67
6	Parks and recreational facilities upkeep.	4.5
7	Address the impact of large economic development projects in the surrounding areas.	4.5
8	Addressing regulations concerning the environment and water quality.	4.5
9	Parks and recreation and/ or after-school activities.	4.5
10	Personnel-related costs rising (wages and health insurance).	4.5

Consensus for 6 Strategic Focus Areas for the City of Asheboro

Strategic Focus Areas define specific priorities that the Council considers crucial over the next 2 years for achieving its long-term vision and fulfilling its mission in serving the community. Strategic Focus Areas will be used to allocate resources. They will focus staff and County efforts and will be used to make informed decisions. They also assist the organization to focus on results and outcomes for residents.

The City Council identified **6 Strategic Focus Areas (SFA)**. The Council also identified **19 Priority Actions (PA) for FY 2025**. They are listed below, in no particular order.

SFA 1: Employees

- Security
- Opportunity
- Advancement
- Organization resources to do high quality work

Priority Actions FY 2025:

1. Focus on retention and recruitment strategies
2. Develop appreciation and engagement options for employees

SFA 2: Desirable Place

- Housing and amenities for all (incoming, new and current residents)
- Well-managed and intentional growth strategies
- Adequate public transportation option for residents to travel to work, to the mall, and for medical needs.

Priority Actions FY 2025:

1. Complete Parks and Recreation projects
2. Develop public transportation options
3. Develop strategies for adequate housing that includes affordable housing
4. Address homelessness
5. Ensure development is managed to exacting standards, limiting sprawl and addressing infill.

SFA 3: Public Safety

- Response times maintained or shorter
- Maintain high ISO rating
- Residents have a sense of security

Priority Actions FY 2025:

1. Continue to move forward facility construction: 3rd station
2. Ensure adequate equipment for public safety: New and replacement

SFA 4: Economic Development

- Residents have options for retail and restaurants in Asheboro
- Continued economic growth and prosperity

Priority Actions FY 2025:

1. Support revitalization of historic properties
2. Support retail, commercial and industrial expansion
3. Support growth in tourism industry
4. Support airport maintenance and growth

SFA 5: High Quality Infrastructure

- Residents expect to see high quality infrastructure
- Upgrades and expansion needs are significant

Priority Actions FY 2025:

1. Support the maintenance and expansion of water and sewer infrastructure
2. Support the maintenance and expansion of streets and cross walks infrastructure
3. Support the maintenance and expansion of sidewalks infrastructure.

SFA 6: Communication and Engagement

- Increase understanding of City operations
- Sense of belonging
- Increase information
- Use automation when possible.

Priority Actions FY 2025:

1. Increase press releases to residents (ie zoo files)
2. Create e-newsletters and marketing and promotion materials
3. Distribute more information to residents on City services and programs.

The Council reviewed the work and reached consensus on the 6 Strategic Focus Areas and 19 Priority Actions using the model “Levels of Support” below with all Council members indicating agreement.

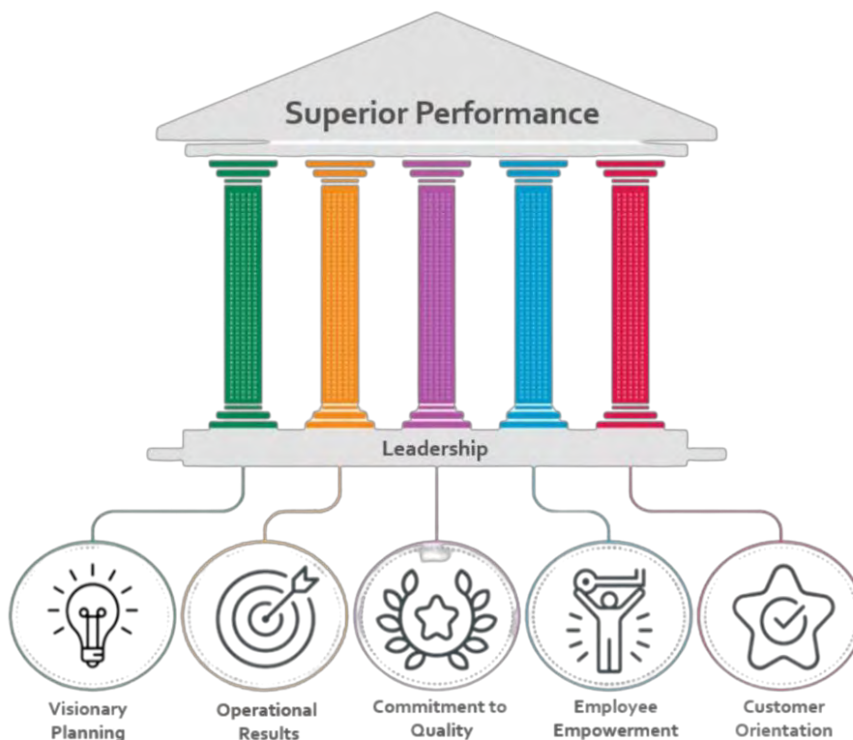
Achieving Consensus- Levels of Support

a	b	c	d
Full support or agreement with the proposal.	Agreement with most aspects of the proposal, and, despite continued concerns with some elements, willingness to go along with the proposal.	Significant concerns or outright disagreement with some or all elements of the proposal but will not oppose the action or decision (“standing aside”).	Continued strong disagreement with the proposal
✓ If all members of the group are at levels a-c, then there is some degree of consensus.			

Concerns: What will help you move further up into the green?

[The City of Asheboro: A High Performing Organization with a Strategic Planning and Performance Management Framework](#)

The consultant presented an overview of high performing organizations, using the model of “Five Pillars of Superior Performance with Leadership Excellence.”



The consultant presented best practices in strategic planning and performance measurement and discussed the importance of alignment of planning and implementation.



The benefit and uses of local government strategic plans were presented and include:

1. Provides direction & guidance from the elected officials
2. Transforms ideas into actions
3. Informs the Federal and State Legislative Agendas
4. Aligns core government functions and processes with desired strategies
5. Establishes Performance Management & Evaluation (Benchmarking and reporting)
6. Provides direction to Budgeting/Resource Allocation
7. Is foundational to internal and external communication strategies
8. Aligns citizen satisfaction, prioritization, engagement and education
9. Ensures employee engagement and informs orientation
10. Provides a basis for transparency and accountability.

Developing an organizational strategic plan aligns the organization for success.



CONCLUSION

In conclusion, the strategic planning retreat for the City of Asheboro has been a collaborative and insightful journey, laying the groundwork for a dynamic and sustainable future. Through engaged discussions, careful analysis, and the integration of diverse perspectives, the Council has forged a roadmap with **6 Key Strategic Focus Areas** that positions Asheboro for success.

This retreat began a journey to understand the vision the Council has for Asheboro's future and critical Strategic Focus Areas for the next 12-18 months. Additional collaborative work could be done to develop a comprehensive organizational long-term strategic plan. The success of a strategic plan lies not only in a comprehensive design but also in the commitment of all stakeholders involved to communicate and execute the strategy. Collaboration between employees, community members, local government, and external partners will be pivotal in realizing the envisioned future for Asheboro. Moving forward, consultant recommendations include:

- Review this document with the Council to ensure it encapsulates the Council's interest.
- Utilize Council's **6 Strategic Focus Areas and 19 Priority Actions** to guide policy, resourcing and management decisions in the short term (12-18 months).
- Consider developing a formal organizational strategic plan (Vision statement, Mission statement, Core Values, Goals, Objectives, Key Performance Indicators and Key Strategic Actions); Utilizing results from this retreat a foundation and starting point (vision themes and strategic focus areas) and providing an opportunity for the community and employees to provide feedback and input into the Strategic Plan.
- Leadership retreat /development: High performing organization, strategic planning, performance metrics, project management, and team dynamics (True TILT) for senior management.
- Broader staff training in high performing organization strategies (strategic plan communication and execution, performance metrics).

Asheboro is poised for a future defined by sustainable growth, enhanced quality of life, and a sense of community pride. As Asheboro embarks on the journey ahead, carry forward the momentum generated through this retreat, fostering a collective commitment to the well-being and prosperity of Asheboro and its residents. I appreciate the dedication and enthusiasm demonstrated by all participants throughout this strategic planning endeavor. With a shared vision and a commitment to excellence, I look forward to witnessing the positive transformation and continued success of Asheboro!

Sincerely,

Rebecca Jackson, Adjunct Faculty Member, UNC SOG Center for Public Leadership and Governance; CEO, True North Performance Group, LLC

Trevor Nuttall

From: Bingham, Rachel S <rsbingham@ncdot.gov>
Sent: Tuesday, April 23, 2024 4:12 PM
To: Michael Leonard; Greg Kershaw
Subject: [External Sender] HBI terminal support

Michael,

This email is notification that since Asheboro Regional is on the existing State Aid program list for terminal funding since SFY 2021, NCDOA is willing to provide a letter of support if HBI chooses to submit an application for FAA ATP funds that meets the criteria for selection. Typically, the criteria for selection includes a deadline for bidding construction within the Notice of Funding Opportunity advertisement each year.

Additionally, NCDOA will be holding a webinar this year to assist airports with training on how to respond to the criteria within the ATP application in hopes of bringing more federal funds into NC.

Please know that HBI is one of four airports that are eligible for this letter. Please contact me if you have any questions.

Rachel S. Bingham, PE

Aviation Development Manager/ Deputy Director
Division of Aviation
North Carolina Department of Transportation

919 814 0570 office
919 621 1865 mobile
rsbingham@ncdot.gov

1050 Meridian Drive
Morrisville, NC 27560



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Follow the Division of Aviation on social media:   

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

Trevor Nuttall

From: Greg Kershaw <gkershaw@wkdickson.com>
Sent: Thursday, April 25, 2024 8:33 AM
To: Michael Leonard
Subject: FW: [External Sender] HBI terminal support

Michael

Following our phone conversation yesterday, if you pursue a new terminal building, you will be looking at the following funding plan.

Total Budget is 10.8 million dollars

- 2 million from ATP (reference letter from NCDOA will help secure this)
- 1.35 million from NCDOA (they give \$500/SF at 50% but will want to limit you to 4,500 SF per the system goals.
- Your AIG funds and NPE funds are tied up with the Corporate Hangar and T-Hangar. As a reminder, you are about 1 million dollars short on the T-Hangar construction budget.
- **7.45 million local support needed**

As an alternat option, you could consider reducing the size/scope of the new terminal building to better align with the system goal of 4,500 SF. We're seeing these types of terminal land closer to the 5-million-dollar neighborhood. This scenario would then require around **1.65 million dollars in local support** to make it happen.

Thanks,

Greg Kershaw, PE
WK Dickson & Co., Inc.
704-334-5348 (o) | 704-287-3250 (m)

From: Bingham, Rachel S <rsbingham@ncdot.gov>
Sent: Tuesday, April 23, 2024 4:12 PM
To: Leonard, Michael <mleonard@ci.asheboro.nc.us>; Greg Kershaw <gkershaw@wkdickson.com>
Subject: HBI terminal support

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Rachel S. Bingham, PE
Aviation Development Manager/ Deputy Director

Division of Aviation
North Carolina Department of Transportation

919 814 0570 office
919 621 1865 mobile
rsbingham@ncdot.gov

1050 Meridian Drive
Morrisville, NC 27560



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LEGEND

EIR Existing Iron Rod
EIP Existing Iron Pipe
NIP New Iron Pipe
CP Computed Point
R/W Right of Way
PB/Pg Plat Book / Page
DB/Pg Deed Book / Page
Ac. Acre

LEGEND

Iron Pipe
Iron Rod
Stone
Computed Point
New Iron Pipe
Water Valve
Water Meter
Fire Hydrant
Secondary Manhole
Secondary Channel
Catch Basin
Grate Inlet
Tie Inlet
Storm Manhole
Power Pole
Light Pole
Day Wire
Tolerance: Pedestal

W Water Line
G Gas Line
SS Sanitary Sewer
ST Storm Sewer
X-X Power
E Overhead Power
UGR Underground Power
UGT Underground Phone
TV TV Cable
FO Fiber Optic Cable

Point #	Description
1	1" EIP Down 2"
2	1" EIR Up 2"
3	1" EIP Down 2"
4	1" EIP Down 2"
5	1" EIP Down 2"
6	1" EIP Down 2"
7 - 19	Remaining Area Boundary Points - Not Shown
20	1" EIP (Bent) Up 6"
21	1" EIR Up 4"
22	1" EIP Down 8"
23	Computed Point
24	Set 1" EIP Up 2"
25	Set 2" EIP Up 2"
26	Set 2" EIP Up 2"
27	Set 2" EIP Up 2"
28	Set 1" EIP Up 2"
29 - 33	Computed Points

I, Thomas Scaramastra, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Deed Book & Page as shown hereon); that the boundaries not surveyed are clearly indicated as drawn from information found in Book 2888, Page 4637; that the Ratio of Precision as calculated is 1:10,000+; that this plat was prepared in accordance with G. S. 47-30 as amended; that this survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision.

Witness my original signature, License Number and Seal this
____ day of _____ A.D. 2024.

Professional Surveyor
License Number L-4421



EXISTING CITY OF ASHEBORO PRIMARY CITY LIMITS
PROPOSED CITY OF ASHEBORO PRIMARY CITY LIMITS

Annexation Ordinance Adopted by
the Asheboro City Council On:

To Be Effective On:

State of North Carolina
County of Randolph

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

Review Officer

Date



NOTES

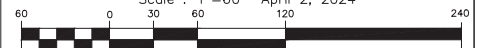
- Total Area: Parcel Area: 3.250 Acres (141,570 Sq. Ft.)
Annexation Area: 3.817 Acres (166,221 Sq. Ft.)
- Deed Reference - D.B. 2888, Pg. 0637
- Plat Reference - P.B. 183, Pg. 22
- Parcel ID No. - 7669395087
- City of Asheboro Zoning - R15
- Setbacks - 30' Front (Subject to Averaging), 15' Side, 25' Rear
- Grid Tie Information based on P.B. 181, Pg. 35. Metadata per plot as follows:
 - Class of survey: Class A
 - Positional accuracy: <0.10'
 - Type of GNSS field procedure: Real-Time Kinematic Networks
 - Dates of survey: June 19, 2023
 - Datum/Epoch: NAD83(2011) / 2010.00
 - Published/Fixed-control use: North Carolina Real Time Network
 - Geoid model: Geoid 12A
 - Combined grid factor(s): 0.99986601
 - GPS/GNSS Scale Point: N:700,829.43 E:1,764,424.42 Z:590.10
 - Units: US Survey Feet
- The purpose of this plat is to define the Annexation Area shown. It is not a full property survey and no locations were performed on any other improvements on this property.
- Location work shown hereon was derived by above ground indicators only, unless otherwise noted.
- This property is subject to any Easements, Agreements, or Rights-of-Way of record prior to this date and not visible at the time of inspection.
- This survey was prepared without the benefit of a legal title search, and is subject to any facts an accurate title search may disclose.

Owner: City of Asheboro
146 N Church Street
Asheboro, NC 27203
Phone: (336) 626-1201

P/U: City of Asheboro

ANNEXATION SURVEY CITY OF ASHEBORO PROPERTY ANNEXATION

Grant Township, City of Asheboro
Randolph County, North Carolina
Scale : 1"=60' April 2, 2024



Surveyed and Mapped By
Thomas Scaramastra, PLS
City of Asheboro Engineering Dept.
146 N. Church St.
Asheboro, North Carolina 27203
Ph : (336) 626-1200

Job # 23-002

Vicinity Map Not To Scale