

**REGULAR MEETING MINUTES
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, FEBRUARY 6, 2025
6:00 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
Alyssa R. Chapuis, Public Information Officer
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
John L. Evans, Community Development Director
Charles J. Garner, Code Enforcement Officer II
David L. Hutchins, Public Works Director
Michael L. Leonard, PE, City Engineer
Deborah P. Reaves, Finance Director
Michael D. Rhoney, PE Water Resources Director
Jeffrey C. Sugg, City Attorney

1. Call to Order

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

2. Moment of Silent Prayer and Pledge of Allegiance

After a moment of silence was observed in order to allow for private prayer and meditation, Mayor Smith asked everyone to stand and recite the pledge of allegiance.

3. Public Comment Period

Roy Johnson and Ricky Lawson spoke about their concerns for the growing homeless situation within the community. Adam Deathe with the Asheboro/Randolph Chamber of Commerce announced that a meeting will be held for the Asheboro community on February 17, 2024 to address the homeless situation within the community.

Phil Skeen presented comments and concerns regarding the need for improvements to infrastructure in Asheboro.

When no one else asked to speak, Mayor Smith closed the public comment period.

4. Presentation by Cam Mills, Field Director with the Office of Congressman Richard Hudson

Cam Mills who is the field director with the office of Congressman Richard Hudson presented an award, the Congressional Record, to City Manager John Ogburn for his exceptional service to the City of Asheboro and its citizens.

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

5. The Heart of North Carolina Visitors Bureau 2023 Annual Report

Tourism and Marketing Coordinator Melody Varner presented the 2023 annual report for the Heart of North Carolina Visitors Bureau. During her report, Ms. Varner highlighted that visitors spent approximately \$189.50 million in Randolph County in 2023, an increase of 6.1% from 2022.

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

6. The Homeless Persons Point in Time Count

Angi Polito, who is a Randolph County Public Library Community Navigator presented the homeless persons point in time count for Randolph County. During her presentation, Ms. Polito noted that there are currently 120 unsheltered people within Randolph County, approximately 27 men living at the men's shelter, and approximately 35 homeless persons in jail.

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

7. Annual Report on Code Enforcement Office Activities

Code Enforcement Officer II Chuck Garner utilized a slide show presentation to provide an overview of the activities, including remedial actions, undertaken by the code enforcement office during the preceding year. Mr. Garner's report reflected recorded violations for 2024. These violations included, but were not limited to, unlawful tent cities and dilapidated structures.

A copy of the slide show utilized by Mr. Garner is on file in the city clerk's office. No formal action was taken by the council during this portion of the meeting.

8. Consent Agenda

With the exception of consent agenda item 8(d), Council Member Burks moved, and Council Member Heath seconded the motion to approve/adopt the following consent agenda items. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogdon voted aye. There were no dissenting votes. Consent agenda item 8(d) will be considered for approval/adoption at the council's regular March meeting.

(a) Approval of the City Council Meeting Minutes for the Special City Council Meeting on December 18, 2024

The meeting minutes for the city council's special meeting that was held on December 18, 2024 were approved and have been filed in the city clerk's office. An electronic copy of the approved document has been placed on the city's website.

(b) Approval of the Minutes and General Account of a Closed Session

The minutes and general account of the closed session held during the special meeting on December 18, 2024 were approved and have been filed in the city clerk's office.

- (c) **Approval of a Resolution Sealing the General Account of a Closed Session**

RESOLUTION NUMBER 4 RES 2-25

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**Resolution Sealing the General Account of a
Closed Session Held on December 18, 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)(6) of the North Carolina General Statutes, the city council, upon unanimous adoption of a properly made and seconded motion, went into closed session on December 18, 2024, to consider the qualifications of candidates to serve as the next city manager; and

WHEREAS, the purpose for going into closed session on December 18, 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 December 18, 2024, is hereby sealed and will remain sealed so long as public inspection of this record would frustrate the purpose of the closed session; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the city manager is authorized to act as the council’s agent with the authority to unseal the record, in whole or in part, when the purpose of the closed session would no longer be frustrated by making an identified section of the record available for public inspection or when the unsealing of the record is otherwise required by law.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on February 6, 2025.

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

ATTEST:

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

- (d) **Approval of the City Council Meeting Minutes for the Regular City Council Meeting on January 9, 2025**

The above-referenced consent agenda item was removed prior to the consideration of the consent agenda. This item will be considered at the council’s regular March meeting.

- (e) **Acknowledgement of the Receipt of the Meeting Minutes for the Asheboro ABC Board Meeting Held on December 3, 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 the Community Development Division's Request to Schedule Hearings to be Held During the City Council Meeting on March 6, 2025, and to provide the requisite notice, for the following applications for the described land use approvals:**
 - (i) **Case No. RZ-25-02 (Legislative Hearing) – An application to rezone property (Randolph County Parcel Identification Number 7762740259), located approximately 100 feet east of Ridgewood Circle, from RA6 (CZ) High Density Residential Conditional Zoning to an amended RA6 (CZ) High-Density Residential Conditional Zoning to allow a Residential Planned Unit Development**
 - (ii) **Case No. RZ-25-03 (Legislative Hearing) – An application to rezone property located at 467 and 471 East Dorsett Avenue (Randolph County Parcel Identification Numbers 7750973085 and 7750975005) to an amended B2 (CZ) district for manufacturing, process, and assembly – light**
 - (iii) **Case No. RZ-25-04 (Legislative Hearing) – An application to rezone property located at 131 and 137 N. Randolph Avenue (Randolph County Parcel Identification Numbers 7761028920 and 7761027972) from R7.5 and R10 Medium – Density Residential and B2 (CZ) General Commercial Conditional Zoning for Rental/Sales of Domestic Vehicles and Open Storage land uses**
 - (iv) **Case No. RZ-25-05 (Legislative Hearing) – An application to rezone property located at 4512 N. Fayetteville Street (Randolph County Parcel Identification Number 7763080833) from B2 General Commercial to I1 (CZ) Light Industrial Conditional Zoning for vehicle towing and storage with motor vehicle repair – major**
 - (v) **Case No. SUP-25-01 (Quasi – Judicial Hearing) – An application for a special use permit for property located at 1730 South Fayetteville Street, totaling approximately 0.16 acres +/- and more specifically identified by Randolph County Parcel Identification Number 7750742451, to authorize a new land use classified as “Signs, Off premise Billboard & Poster Panel, etc.”**
- (g) **Acknowledgement of the Receipt of the Monthly Report Detailing Major Subdivisions administratively approved**

There have been none approved.

9. Community Development Division Items:

- (a) **Legislative Hearing (Case No. RZ-25-01): An application to rezone from R10 Medium-Density Residential to O&I (CZ) Office & Institutional Conditional Zoning for a public use facility at 138 Southway Road and 349 and 353 North McCrary Street (Randolph County Parcel Identification Numbers 7751347980, 7751359117, and 7751354017)**

Community Development Director John Evans presented a written request from the applicant to continue the above-referenced case to the council's next regular meeting on March 6, 2025. Council Member Bell moved, and Council Member Swiers seconded the motion, to continue the above-referenced land use case. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

- (b) **Quasi-Judicial Hearing (Case No. SUP-24-02): An application for a special use permit for property located at 727 Jaeco Caudill Drive (totaling approximately 9.5 acres +/- and more specifically identified by Randolph County Parcel Identification Number 7740511663) to authorize a new land use classified as “Signs, Off Premise Billboard & Poster Panel, etc.”**

Mayor Smith opened the public hearing on the application by Jaeco General Contracting, LLC for a Special Use Permit authorizing a new land use classified as “Signs, Off Premise Billboard & Poster Panel, etc.”.

Mr. Evans was placed under oath and presented the planning staff’s analysis of the request that included a properly submitted site plan for the Special Use Permit. The request pertains to approximately 9.5 acres +/- located at 727 Jaeco Caudill Drive. Randolph County Parcel Identification Number 7740511663 more specifically identifies the property.

Mr. Evans stated that, in addition to publishing the required notice of this hearing, legal notices were mailed to adjoining property owners.

With the assistance of a slide show, Mr. Evans testified as to the following facts about the Special Use Permit application.

1. The request is for a Billboard, classified by the zoning ordinance as “Signs, Off Premise Billboard & Poster Panel, etc.” The existing and principal land use of the property is “manufacturing, processing, and assembly.”
2. The applicant has provided dimensions that include a height of 30’ above grade, 30’ x 10’ dimensions, and the face being primarily a digital LED display.
3. The property is surrounded primarily by industrially zoned parcels, with some residential uses in the area.
4. NC 49 South is a state-maintained major thoroughfare. Jaeco Caudill Drive is a state-maintained road. The property is approximately 600 feet northeast of the interchange of US 64 Bypass.
5. Billboards area also subject to review and approval by NCDOT.
6. Billboards have certain locational and separation requirements described in Section 5.05(19) below. Staff has determined that these requirements have been met.
7. Staff initially returned comments to the applicant on November 6, 2024. Comments included specifying that the billboard must be located outside of the public right-of-way, information on finished grade, details on construction materials and method of construction, light intensity, frequency of changeable copy, and information on retention of vegetation. On Wednesday, January 22, 2025 staff received revisions to the plan related to these comments.
8. Permitting of the billboard is exclusive of permitting for other signs allowed in the I2 district are subject to general ordinance requirements.

In the event of council approval of the application, the planning staff offered suggested conditions to include as part of the special use permit. These conditions are as follows:

- (A) *In addition to any use permitted by right in the I2 zoning district, the use approved shall be one off-premises billboard, classified as “Signs, Off Premise*

Billboard & Poster Panel, etc.” and consistent with the approved plan and the requirements of Section 5.05(19).

- (B) *Prior to the issuance of a zoning compliance permit, the following must be completed:*
 - (i) *The applicant shall obtain any required NCDOT permits.*
 - (ii) *Final Decision Document authorizing the Special Use Permit must be approved by the city council.*
- (C) *Electronic changeable copy shall operate on a five second minimum delay.*
- (D) *Maximum brightness levels shall not exceed 5,000 nits during daylight hours and shall not exceed 500 nits between dusk and dawn, as measured from the sign face.*

Nick Blackwood and H.R. Gallimore were placed under oath and offered testimony in support of the request. This testimony focused on addressing the four standards for issuance of a Special Use Permit.

No witness came forward in opposition to the Special Use Permit application. In the absence of any additional testimony or evidence, Mayor Smith transitioned to the deliberative phase of the process.

Upon motion by council Member Moffitt, and seconded by Council Member Burks, the council voted unanimously to find the required standards had been met and to issue the requested Special Use Permit. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

A final decision document with the formal findings of fact, conclusions of law, and order authorizing the Special Use Permit will be entered by the council during the next regular meeting on March 6, 2025. A copy of the slide show presentation utilized by Mr. Evans is on file in the city clerk’s office.

10. Recommendations Received for Filing a Vacancy on the Asheboro Airport Authority

In response to the city council’s previous decision to forward three applications to the airport authority for review, City Engineer Michael Leonard, PE, reported that the Asheboro Airport Authority has recommended two (2) individuals to fill a vacancy on the board. Alan York and Randy Freeman are the recommended applicants. Council Member Moffitt moved, and Council Member Swiers seconded the motion to appoint Alan York to the Asheboro Airport Authority. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

11. A Proposed Amendment to the Professional Services Agreement with HDR Engineering, Inc. of the Carolinas

The City of Asheboro has agreed to provide up to 3 MG of treated water to support the Wolfsped Chatham Advanced Manufacturing (CAM) site. This will require the construction of a new 12-mile-log water main located between the eastern most limits of Asheboro and the western part of Siler City. The new main will primarily be located within the US Highway 64 Corridor and pass-through Franklinville, Ramseur, unincorporated areas of Randolph County and Chatham County, and possibly into Siler City. Asheboro has received a direct allocation of \$55 million from the North Carolina Legislature in to construct the new main and support the new Wolfsped water main extension project.

HDR Engineering, Inc. of the Carolinas (the Owner Advisor) will continue to advise Asheboro’s staff and assist in aligning the project activities with the city’s priorities through Phase 2 of the project. Under this Amendment-1, the Owner Advisor can provide, but is not limited to, the following services:

- Project administration and support
- General advisory services
- Funding assistance
- DB contract review and negotiation support
- Project design reviews
- Cost estimating
- Technical support services
- Construction support services
- Start-up support services for the project

Water Resources Director Michael Rhoney, PE, requested the approval of Amendment 1 for the professional services agreement with HDR Engineering, Inc. of the Carolinas. The total cost for the Amendment 1 is \$820,833. Council Member Moffitt moved, and Council Member Bell seconded the motion to approve Amendment-1 for the professional services agreement with HDR Engineering, Inc. of the Carolinas. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

12. Progress Report on the Public Infrastructure Improvements Authorized as Part of the Trade Street Project

Public Works Director David Hutchins provided a progress report on the public infrastructure improvements authorized as part of the Trade Street Project. During his report, Mr. Hutchins provided the following rules and regulations for the environmental services collection that is part of the project.

1. The site will include two garbage dumpsters, one recycling dumpster, and screened areas for recycling can storage and grease/cooking oil storage.
2. Authorized Use Only: for property owners, occupants of legally occupied addresses, and private recycling and used cooking oil servicers who have registered with the city.
3. Property owners, tenants, or service providers must contact the city's Public Works Department to obtain a key. Proof of legal occupancy or service engagement is required.
4. No more than 2 keys will be provided per address or service provider.
5. A list of prohibited garbage items and permitted recycling items will be provided.

A copy of the slide show presentation utilized by Mr. Hutchins during his report is on file in the city clerk's office.

13. Request for Authorization to Publish Notice of the Governing Board's Intent to Approve a Lease Agreement Authorizing the Placement of Electronic Communications Equipment on an Elevated Water Tank

City Attorney Jeff Sugg presented and recommended adoption, by reference, of a resolution for the publication of intent to approve the lease of space on a city-owned elevated water tank. Council Member Bell moved, and Council Member Heath seconded the motion, to approve/adopt the following resolution by reference. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

RESOLUTION NUMBER 5 RES 2-25

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

PUBLICATION OF INTENT TO APPROVE THE LEASE OF SPACE

ON A CITY-OWNED ELEVATED WATER TANK

WHEREAS, Subsections (a) and (a1) of Section 160A-272 of the North Carolina General Statutes provide as follows:

(a) Any property owned by a city may be leased or rented for such terms and upon such conditions as the council may determine, but not for longer than 10 years (except as otherwise provided in subsection (b1) of this section) and only if the council determines that the property will not be needed by the city for the term of the lease. In determining the term of a proposed lease, periods that may be added to the original term by options to renew or extend shall be included.

(a1) Property may be rented or leased only pursuant to a resolution of the council authorizing the execution of the lease or rental agreement adopted at a regular council meeting upon 30 days' public notice. Notice shall be given by publication describing the property to be leased or rented, stating the annual rental or lease payments, and announcing the council's intent to authorize the lease or rental at its next regular meeting; and

WHEREAS, Alltel Corporation d/b/a Verizon Wireless has requested to continue its lease of space on the city's elevated water tank on South Church Street; and

WHEREAS, legal counsel for the city and Verizon Wireless have been engaged in negotiations to draft a new lease agreement that is acceptable to both parties; and

WHEREAS, these negotiations have resulted in a new lease agreement with terms and conditions that are consistent with previously approved leases of space for electronic communications equipment on the elevated water tank; and

WHEREAS, the city attorney has requested authorization for the publication of the notice prescribed by Section 160A-272 of the North Carolina General Statutes; and

WHEREAS, the city council has concluded that it is appropriate to grant the requested authorization.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the city clerk is hereby directed to publish the notice specified in Section 160A-272 of the North Carolina General Statutes announcing the council's intent to authorize the above-described lease with Verizon Wireless.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on February 6, 2025.

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

ATTEST:

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

14. Upcoming Events and Items Not on the Agenda

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

There being no further business, the meeting was adjourned at 8:28 p.m.

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

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