

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, AUGUST 7, 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 Trogon, Jr.	)

Donald E. Duncan, Jr., City Manager
Alyssa R. Chapuis, Public Information Officer
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
John L. Evans, Community Development Director
N. Byron Hill, Police Captain
Trevor L. Nuttall, Assistant City Manager
Spencer C. Patton, EI, Assistant City Engineer
Deborah P. Reaves, Finance Director
Jonthan M. Sermon, Recreation Services 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 or meditation, Mayor Smith asked everyone to stand and recite the pledge of allegiance.

3. Public Comment Period

Mayor Smith opened the floor for comments from the public. Michael Allen spoke about junk vehicles that are parked within the community and, more specifically within front yards. Tory Nelson of Habitat for Humanity offered general comments in support of collaborative efforts undertaken by the city and nonprofit organization. She looks forward to ongoing work with the city.

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

4. Public Hearing: Proposed Economic Development Appropriations

This advertised public hearing pertained to proposed economic development appropriations that are not for business location incentives or related to real property. Before the public hearing was opened, Mayor Smith discussed the role he plays with one of the nonprofit organizations (Downtown Asheboro Inc or “DAI”) for which an appropriation is proposed. To avoid a conflict of interest under state law, Mayor Smith asked to be recused from participating in any manner in the discussion and potential council action under meeting agenda item number 4.

Council Member Bell moved, and Council Member Heath seconded the motion to recuse Mayor Smith from participating or acting in any manner in connection with meeting agenda item number 4. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

Mayor Pro Tempore Moffitt opened the public hearing on the proposed economic development appropriations. Finance Director Deborah Reaves was recognized as the first person to speak.

As part of this hearing, Ms. Reaves reported the following requests and proposed allocations of economic development funding from the General Fund for three nonprofit organizations listed below.

- \$55,000 to the Randolph Economic Development Corporation (RCEDC)
- \$75,000 to Asheboro/Randolph Chamber of Commerce
- \$105,000 to DAI (\$45,000 designated for NC Mainstreet Program appropriation and \$60,000 for the Concert Series)

Upon the conclusion of the finance director's presentation, Mayor Pro Tempore Moffitt invited comments from the public. Adam Deathe of the Asheboro/Randolph Chamber of Commerce posed comments in support of the appropriations. When no one else asked to speak, Mayor Pro Tempore Moffitt closed the public hearing.

Council Member Bell moved, and Council Member Burks seconded the motion approve the above-specified allocations. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

5. Consent Agenda Items

Prior to the consideration of the consent agenda, city staff removed item 5(a) for reintroduction during the council's regular September meeting. Council Member Bell moved, and Council Member Swiers 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 Meeting Minutes for July 10, 2025

The above-listed item was removed from the consent agenda and will be reintroduced at the council's regular September meeting.

(b) Approval of the community development division's request to schedule for the city council meeting on September 4, 2025, and to advertise, a legislative hearing on an application (Case No. RZ-25-14) to rezone 129 E. Ward Street (Randolph County Parcel Identification Number 7751940043) and a portion of Randolph County Parcel Identification Number 7751848086) from B2 General Commercial to OA6 (CZ) Office-Apartment Conditional Zoning for a multi-family development.

(c) Acknowledgement of the Receipt of the Monthly Report Detailing Prior Subdivisions Administratively Approved

There have been none approved.

(d) Special Event Closure Order – Fall Festival

The council approved a special event closure order, including a temporary street closure for the "Fall Festival" event. The temporary closure will take effect at 0001 hours on October 4, 2025 and will end at 2230 hours on October 4, 2025. The Zoo City Social District ordinance provisions are not in effect on October 4, 2025.

(e) Special Event Closure Order – Asheboro High School Homecoming Parade

The council approved a special event closure order, including a temporary street closure for the Asheboro High School Homecoming Parade event. The temporary closure will take effect at 1530 hours on October 17, 2025 and will end at 1700 hours on October 17, 2025. The Zoo City Social District ordinance provisions are not in effect on October 17, 2025 between 1100 hours and 1700 hours on October 17, 2025.

(f) Approval of an Ordinance Amending the General Fund Budget to Account for Contract Services Related to Organized Athletic Activities

26 ORD 8-25

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2025-2026

WHEREAS, The City Council wishes to contract with Blue Comets Youth Football for organized youth tackle football and cheerleading activities.

WHEREAS, the requested allocation for Blue Comets Youth football is \$10,000.

WHEREAS, this expense is not funded in the adopted 2025-2026 budget.

WHEREAS The City Council of the City of Asheboro desires to amend the budget as required by law to adjust for changes in expenditures in comparison to the current fiscal year adopted budget.

WHEREAS the City Council of the City of Asheboro wants to follow all generally accepted accounting principles.

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

That the following revenue line item be increased:

<u>Account #</u>	<u>Description</u>	<u>Increase</u>
10-000-399.0000	Fund Balance Allocation	\$10,000

That the following expense line item increased:

<u>Account #</u>	<u>Description</u>	<u>Increase</u>
10-620-512.0002	Blue Comets Youth Football / Cheer	10,000

Adopted the 7th day of August 2025.

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

ATTEST:

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

27 ORD 8-25

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2025-2026

WHEREAS, The City Council wishes to contribute \$20,000 to Asheboro Blue Comets Booster Club as the third and final payment in the Anchor Partnership promoting Blue Comets Athletics.

WHEREAS, neither of these expenses are funded in the adopted 2025-2026 budget.

WHEREAS The City Council of the City of Asheboro desires to amend the budget as required by law to adjust for changes in expenditures in comparison to the current fiscal year adopted budget.

WHEREAS the City Council of the City of Asheboro wants to follow all generally accepted accounting principles.

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

That the following revenue line item be increased:

<u>Account #</u>	<u>Description</u>	<u>Increase</u>
10-000-399.0000	Fund Balance Allocation	\$20,000

That the following expense line item increased:

<u>Account #</u>	<u>Description</u>	<u>Increase</u>
10-620-535.0000	Advertising & Marketing	10,000
10-623-535.0000	Advertising & Marketing	10,000
		<u>10,000</u>
		\$20,000

Adopted the 7th day of August 2025.

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

ATTEST:

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

(g) Approval of an Ordinance Amending the General Fund Budget to Account for the Allocation of Drug Forfeiture Funds to Pay for Certain Police Department Expenses

28 ORD 8-25

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2025-2026

WHEREAS, the City of Asheboro has unallocated funds from the Department of Justice and Department of Treasury Equitable sharing program.

WHEREAS, the Asheboro Police Department would like to use \$22,545 of these funds for expenses not included in the adopted budget 2025-2026.

WHEREAS, all the requested expenses qualify to be funded by equitable sharing proceeds.

WHEREAS The City Council of the City of Asheboro desires to amend the budget as required by law to adjust for changes in expenditures in comparison to the current fiscal year adopted budget.

WHEREAS the City Council of the City of Asheboro wants to follow all generally accepted accounting principles.

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

That the following revenue line item be increased:

<u>Account #</u>	<u>Description</u>	<u>Increase</u>
10-000-351.0001	Federal Equitable Sharing	\$22,545

That the following expense line item increased:

<u>Account #</u>	<u>Description</u>	<u>Increase</u>
10-510-521.0000	Forfeiture Fund Purchases	\$22,545

Adopted the 7th day of August 2025.

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

ATTEST:

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

(h) **Approval of an Ordinance Amending the General Fund Budget
to Add a Position in the Police Department**

29 ORD 8-25

**ORDINANCE TO AMEND
THE GENERAL FUND
FY 2025-2026**

WHEREAS, the City of Asheboro 2025-2026 Police Department operating budget was approved funding 87 full time / active sworn officers.

WHEREAS, the City of Asheboro has been presented with an opportunity to add a full time Homeland Security Investigations Task Force Officer and a full time US Marshal Task Force Officer.

WHEREAS, the City of Asheboro requests funding for two police officers and two vehicles be added to the 2025-2026 budget.

WHEREAS, the City of Asheboro wishes to use Federal Equitable sharing funds to purchase one of the vehicles and fund balance for the remaining new expenses.

WHEREAS The City Council of the City of Asheboro desires to amend the budget as required by law to adjust for changes in expenditures in comparison to the current fiscal year adopted budget.

WHEREAS the City Council of the City of Asheboro wants to follow all generally accepted accounting principles.

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

That the following revenue line item be increased:

<u>Account #</u>	<u>Description</u>	<u>Increase</u>
10-000-399.0000	Fund Balance allocation	223,868
10-000-351.0001	Federal Equitable Sharing	50,000
		<u>\$273,868</u>

That the following expense line item increased:

<u>Account #</u>	<u>Description</u>	<u>Increase</u>
10-510-502.0000	Salaries and Wages	117,334
10-510-507.0002	Fringe- FICA	8,976
10-510-507.0004	Fringe- Insurance	5,868
10-510-507.0005	Fringe- Retirement	18,890
10-510-507.0006	Fringe- 401K	20,000
10-510-557.0000	Miscellaneous	2,800
10-510-574.0000	Capital Outlay	100,000
		<u>\$273,868</u>

Adopted the 7th day of August 2025.

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

ATTEST:

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

- (i) **Approval of an Ordinance Amending the General Fund Budget to Roll into the Current Fiscal Year Purchase Orders that were incomplete at the end of Fiscal Year 2024-2025**

30 ORD 8-25

**ORDINANCE TO AMEND
THE GENERAL FUND
FY 2025-2026**

WHEREAS, purchases were made and services contracted in the 2024-2025 fiscal year but due to a variety of factors, goods have not been received or services completed.

WHEREAS, the 2024-2025 fiscal year needs to be closed, and the encumbrances rolled over into 2025-2026.

WHEREAS The City Council of the City of Asheboro desires to amend the budget as required by law to adjust for changes in expenditures in comparison to the current fiscal year adopted budget.

WHEREAS the City Council of the City of Asheboro wants to follow all generally accepted accounting principles.

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

That the following revenue line item be increased:

<u>Account #</u>	<u>Description</u>	<u>Increase</u>
10-000-399.0000	Fund Balance Allocation	101,920

That the following expense line item increased:

<u>Account #</u>	<u>Description</u>	<u>Increase</u>
10-620-515.0003	Maintenance & Repair McCrary Park	34,365
10-510-574.0000	Capital Outlay	43,077
10-640-574.0000	Capital Outlay	24,478
		<u>\$101,920</u>

Adopted the 7th day of August 2025.

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

ATTEST:

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

(j) **Approval of an Ordinance Amending the Water and Sewer Fund Budget to Roll into the Current Fiscal Year Purchase Orders that were Incomplete at the end of Fiscal Year 2024-2025**

31 ORD 8-25

**ORDINANCE TO AMEND
THE WATER AND SEWER FUND
FY 2025-2026**

WHEREAS, purchases were made and services contracted in the 2024-2025 fiscal year but due to a variety of factors, goods have not been received or services completed.

WHEREAS, the 2024-2025 fiscal year needs to be closed, and the encumbrances rolled over into 2025-2026.

WHEREAS The City Council of the City of Asheboro desires to amend the budget as required by law to adjust for changes in expenditures in comparison to the current fiscal year adopted budget.

WHEREAS the City Council of the City of Asheboro wants to follow all generally accepted accounting principles.

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

That the following revenue line item be increased:

<u>Account #</u>	<u>Description</u>	<u>Increase</u>
30-000-399.0000	Fund Balance Allocation	505,418

That the following expense line item increased:

<u>Account #</u>	<u>Description</u>	<u>Increase</u>
30-820-522.0000	Professional Services	24,683
30-820-545.0000	Contracted Services	94,430
30-830-516.0000	Maintenance & Repair Equip.	13,196
30-830-545.0000	Contracted Services	7,839
30-840-534.0000	Supplies & Materials	8,580
30-840-574.0000	Capital Outlay	153,441
30-850-574.0000	Capital Outlay	103,304
30-870-522.0000	Professional Services	24,425
30-870-545.0000	Contracted Services	75,520
		\$505,418

Adopted the 7th day of August 2025.

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

ATTEST:

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

**(k) Approval of a Project Ordinance Amending the McCrary
Baseball Park Improvements Fund to Align the Budget with
Actual Expenses**

32 ORD 8-25

**ORDINANCE TO AMEND
THE MCCRARY BASEBALLPARK IMPROVEMENTS FUND
FY 2025-2026**

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

WHEREAS, this ordinance to amend serves as a report to City Council of an internal budget amendment between line items within the project fund as authorized in the adopted budget ordinance.

WHEREAS the City Council of the City of Asheboro wants to comply with all generally accepted accounting principles, and;

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

That the following expense line items be increased / (decreased)

<u>Account #</u>	<u>Expense Description</u>	<u>Increase/ (Decrease)</u>
65-000-400.9000-65	Construction Manager at Risk	(24,842)
65-000-403.9000-65	Construction- Grandstands	24,842
65-000-405.0000-65	Miscellaneous	(13,030)
65-000-410.0000-65	Lighting	13,030
		0

Adopted this 7th day of August 2025.

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

ATTEST:

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

(I) Approval of a Project Ordinance Amending the Asheboro Housing Development Fund to Establish the Accounting Necessary for the CDBG-Funded CASPN Home Renovations

33 ORD 8-25

**ORDINANCE TO AMEND
THE ASHEBORO HOUSING DEVELOPMENT FUND (#62)
FY 2025-2026**

WHEREAS, The City of Asheboro has been awarded a \$950,000 Federal Community Development Block Grant - Neighborhood Revitalization Grant (CDBG-NR) administered through the U.S. Department of Housing and Urban Development (HUD) to renovate the 50-unit CASPN homes property located at 945 S. Church Street.

WHEREAS, CASPN Homes, built in 1998, provides affordable housing for low-income seniors and disabled adults.

WHEREAS, Wainman homes will lead the project in collaboration with the Asheboro Housing Authority and the Piedmont Triad Regional Council will administer the grant.

WHEREAS, revenues and expenses in the Asheboro Housing Development Fund need to be updated to incorporate this grant into the project fund.

WHEREAS, the City Council of the City of Asheboro desires to comply with all generally accepted accounting principles.

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

Section 1: Revenues

<u>Account #</u>	<u>Revenue Description</u>	<u>Increase</u>
62-000-320-0001-62	Neighborhood Revitalization Grant	\$950,000

Section 2: Expenses

<u>Account #</u>	<u>Revenue Description</u>	<u>Increase</u>
62-000-505.0001-62	Asheboro Housing Authority	855,000
62-000-505.0002-62	Piedmont Triad Regional Council	70,000
62-000-505.0003-62	Administration	25,000
		<u>\$950,000</u>

Adopted this 7th day of August 2025.

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

ATTEST:

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

**(m) Approval of a Resolution Appointing Curtis J. Shipley to a New
Three-Year Term of Office on the Asheboro ABC Board**

RESOLUTION NUMBER 30 RES 8-25

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**APPOINTMENT OF CURTIS J. SHIPLEY TO A NEW
THREE-YEAR TERM OF OFFICE ON THE ASHEBORO ABC BOARD**

WHEREAS, the Asheboro ABC Board (the “Board”) consists of three members who are appointed by the Asheboro City Council; and

WHEREAS, in accordance with Section 18B-700(a) of the North Carolina General Statutes, the city council appoints Board members to terms of office that are three years in duration; and

WHEREAS, in September 2025, Curtis J. Shipley will complete his initial three-year term of office on the Board; and

WHEREAS, from the date of the Asheboro ABC Board’s establishment in 2008 and throughout Mr. Shipley’s tenure as a Board member, the Board has consistently performed its duties in a very efficient and professional manner; and

WHEREAS, the city council believes it is in the best interest of the Asheboro ABC system and the municipal corporation to reappoint Curtis J. Shipley to the Asheboro ABC Board for another three-year term of office, and Mr. Shipley has agreed to accept this reappointment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, effective September 8, 2025, Curtis J. Shipley is hereby reappointed to the Asheboro ABC Board for another three-year term of office.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on August 7, 2025.

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

ATTEST:

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

(n) **Approval of an Ordinance Implementing the North Randolph Avenue Parking Plan**

ORDINANCE NUMBER 34 ORD 8-25

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

ORDINANCE ADOPTING A PARKING PLAN FOR A SECTION OF NORTH RANDOLPH AVENUE

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

WHEREAS, Section 160A-301(a) of the North Carolina General Statutes provides that the “city may by ordinance regulate, restrict, and prohibit the parking of vehicles on the public streets, alleys, and bridges within the city;” and

WHEREAS, citizens have appeared before the city council on multiple occasions to express their concerns about on-street parking conditions found on N. Randolph Avenue between E. Salisbury Street (North Carolina Highway 42) and Worth Street; and

WHEREAS, North Randolph Avenue is a city-maintained street; and

WHEREAS, based on information provided during city council meetings and a city staff evaluation of the situation, city engineering department personnel have prepared a diagram titled “Parking Plan for Section of N. Randolph Avenue” to serve as the new official on-street parking plan for the section of street shown on the diagram; and

WHEREAS, the diagram described in the immediately preceding paragraph is attached to this Ordinance as EXHIBIT 1 and is hereby incorporated into this instrument by reference as if copied fully herein (the parking plan proposed for adoption by the Asheboro City Council and shown on the attached diagram will be hereinafter referred to as the “August 2025 N. Randolph Avenue Parking Plan”); and

WHEREAS, the Asheboro City Council has concluded that the safety and quality of life concerns raised by citizens will be properly addressed with the adoption of the attached August 2025 N. Randolph Avenue Parking Plan.

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

Section 1. The August 2025 N. Randolph Avenue Parking Plan attached hereto as EXHIBIT 1 is hereby approved and adopted, without modification, as the city’s official on-street parking plan for the section of N. Randolph Avenue between Worth Street and E. Salisbury Street.

Section 2. The city manager is hereby directed to cause the public street areas shown on the adopted August 2025 N. Randolph Avenue Parking Plan to be posted with signage and otherwise marked in accordance with the applicable laws and generally accepted industry standards so as to fully implement the parking plan approved by this Ordinance.

Section 3. Parking in the spaces marked for on-street parking shall be prohibited between 0600 hours and 1800 hours, seven days a week. On this section of N. Randolph Avenue, on-street parking at any time at any location other than within a marked parking space is prohibited.

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

Section 5. The question of the establishment of a new on-street parking plan for N. Randolph Avenue was first voted on during the regular city council meeting on July 10, 2025. Final action was taken during the regular city council meeting on August 7, 2025. This Ordinance shall take effect and be in force from and after the date of its adoption on August 7, 2025.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting on August 7, 2025.

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

ATTEST:

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

[The above-referenced EXHIBIT 1 is on file in the city clerk's office and the city engineering department.]

6. **Public Hearing: Case No. RZ-25-13: An application to rezone a parcel of land at 1315 Cliff Road (Randolph County Parcel Identification Number 7760066599) from R15 Low-Density Single-Family Residential zoning to B2 General Commercial zoning.**

Mayor Smith opened the legislative hearing that pertains to a zoning map amendment application filed as RZ-25-13. Community Development Director John Evans 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 Golden Waffle Real Estate 2 LLC.

The land for which the above-described zoning has been requested is located at 1315 Cliff Road. The property is approximately 0.46 of an acre of land in size and is more specifically identified by Randolph County Parcel Identification Number 7760066599 (this property will be hereinafter referred to as the "Zoning Lot.")

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

1. **B2 General Commercial District Statement of Intent:** 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.
2. Tax Department records indicate that the existing single-family dwelling was built in 1940. Rezoning to B2 would make the dwelling legal, nonconforming. The zoning ordinance would permit continued residential use of the dwelling, but the legal, nonconforming status may limit future expansions.
3. This is a general district request with no specific use or site plan required; however, B2 standards will have to be met for any future development.

Mr. Evans 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:	Commercial
Growth Strategy Map:	Primary Growth
Small Area Map:	Central

LDP Goals/Policies Supporting Request:

<u>Checklist Item 1:</u>	Rezoning is compliant with the Proposed Land Use Map.
<u>Checklist Item 5:</u>	The proposed rezoning is compliant with the objectives of the Growth Strategy Map.
<u>Checklist Item 7:</u>	The proposed rezoning is compatible with the applicable Small Area Plan.
<u>Checklist Items 12-13:</u>	12.) Property is located outside of watershed; 13.) The property is located outside of Special Hazard Flood Area

LDP Goals/Policies Not Supporting Request:

<u>Checklist Item 3:</u>	The property on which the rezoning district is proposed fits the description of the Zoning Ordinance.
<u>Checklist Item 14:</u>	Rezoning is located on steep slopes of greater than 20%
<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.

The City of Asheboro Planning Board considered the zoning map amendment application and recommended approving the placement of the Zoning Lot into the requested B2 General Commercial district. In making this recommendation, the planning board concurred with the planning staff’s analysis of the consistency of the proposed zoning with the adopted comprehensive plans as well as the reasonableness of the proposal. The planning staff’s analysis is summarized in the following indented paragraphs.

The Land Development Plan map designates this property as Commercial, which encourages development of new and redesign of existing commercial uses. The Central Small Area Plan also notes that Commercial Uses are designated in this location to accommodate some future development.

The zoning map amendment is reasonable given the property is bordered to the east, north, and west by B2 commercial zoning and uses, with the neighboring property to the east recently being rezoning from R15 to B2 in 2016, and the flexibility provided to the property owner for future investment and expansion.

Mayor Smith opened the floor for comments from the public. Kim Greene presented comments in support of the requested zoning map amendment. When no one else asked to speak, Mayor Smith transitioned to the deliberative phase of the process.

After engaging in deliberations about the zoning map amendment application, Council Member Heath moved, and Council Member Trogon seconded the motion to

adopt the plan consistency/reasonableness statement below and to approve the requested rezoning map amendment with the following multi-part motion.

1. The Land Development Plan map designates this property as Commercial, which encourages development of new and redesign of existing commercial uses. The Central Small Area Plan also notes that Commercial Uses are designated in this location to accommodate some future development.

The rezoning is reasonable given the property is bordered to the east, north, and west by B2 commercial zoning and uses, with the neighboring property to the east recently being rezoned from R15 to B2 in 2016, and the flexibility provided to the property owner for future investment and expansion.

2. Consequently, the zoning map amendment application seeking to place the Zoning Lot into the requested B2 General Commercial zoning district is consistent with the comprehensive plan and is hereby approved.

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

7. Discussion of Recommendations on Central District Study and Strategy Actions to Undertake this Fiscal Year

Assistant City Manager Trevor Nuttall gave a brief overview of the most recent study that was conducted pertaining to parking in the downtown area. Furthermore, he highlighted the following strategies that should be taken this fiscal year in order to enhance and improve parking downtown. The following points of action were noted:

- Ordinance amendments pertaining to delivery zone operations (additional locations and extending time and how these are used outside of business hours and on weekends) and adjustments to some all-day versus short term parking restrictions.
- Education campaign to inform downtown merchants, shoppers and the general public about the importance of following parking regulations.
- New public parking signage and updated pavement markings.
- Pedestrian safety enhancements, including additional signal controls and illuminated crosswalk signing in strategic locations.

Along with his summary, Mr. Nuttall utilized a slide show presentation in order to depict examples of certain signage and crosswalk signals that could be used. Additionally, Mr. Nuttall noted the following points of action to be taken in the future for parking improvements:

- Additional enforcement tools, including potentially seeking authority to adopted immobilization ordinance and with special consideration to increasing the citation amount.
- Redesigning and replacing wayfinding signage with additional focus on parking assets.
- Using LPR technology to improve efficiency of enforcement
- Analyzing shared parking opportunities with private property owners.

At the conclusion of Mr. Nuttall's comments, a consensus of the council members was for city staff to proceed with the plan as presented. These actions are slated to take place during this fiscal year.

8. Engineering Items

(a) **An easement for the benefit of Duke Energy Progress, LLC that is needed to advance the Trade Street Infrastructure Project**

Assistant City Engineer Spencer Patton, EI presented and recommended adoption, by reference, of a resolution authorizing the grant of a temporary easement for the benefit of Duke Energy Progress, LLC. Council Member Bell moved, and Council Member Swiers seconded the motion to 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 31 RES 8-25

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**RESOLUTION AUTHORIZING THE GRANT OF AN EASEMENT FOR THE
BENEFIT OF DUKE ENERGY PROGRESS, LLC**

WHEREAS, Section 160A-273 of the North Carolina General Statutes provides that a city is authorized to grant easements over, through, under, or across city property; and

WHEREAS, the City of Asheboro has undertaken the Trade Street Infrastructure Improvement Project to sustain the ongoing revitalization of Downtown Asheboro; and

WHEREAS, one of the parcels of land owned by the city in Downtown Asheboro is identified by Randolph County Parcel Identification Number 7751822929 (the “City-Owned Parcel”); and

WHEREAS, Duke Energy Progress, LLC (“Duke Energy”) has requested an easement across the City-Owned Parcel for the construction and maintenance of utility infrastructure that will play a significant role in advancing the Trade Street Infrastructure Improvement Project; and

WHEREAS, the easement instrument drafted by Duke Energy has been attached to this Resolution as EXHIBIT 1 and is hereby incorporated into this Resolution by reference as if copied fully herein; and

WHEREAS, city staff has recommended granting the requested easement; and

WHEREAS, the city council concurs with the staff recommendation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the legal instrument attached to this Resolution as EXHIBIT 1 is hereby found to be reasonable and acceptable; and

BE IT FURTHER RESOLVED that the Mayor of the City of Asheboro and any other necessary officials of the municipal corporation are hereby authorized and directed to execute, on behalf of the City of Asheboro, the easement attached to this Resolution as EXHIBIT 1.

The Asheboro City Council approved this Resolution in open session during a regular meeting held on August 7, 2025.

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

ATTEST:

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

[A copy of Exhibit 1 that is referenced above is on file in the city clerk's office.]

- (b) A temporary non-exclusive easement for a logging road that will benefit the owners of property adjoining a city-owned parcel of land accessed by Little Lakes Trail

Mr. Patton presented and recommended adoption, by reference, of a resolution authorizing the grant of a temporary easement for the benefit of H.W. Culp Lumber Company. Council Member Moffitt moved, and Council Member Bell seconded the motion to 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 32 RES 8-25

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION AUTHORIZING THE GRANT OF A TEMPORARY EASEMENT FOR THE BENEFIT OF H.W. CULP LUMBER COMPANY

WHEREAS, Section 160A-273 of the North Carolina General Statutes provides that a city is authorized to grant easements over, through, under, or across city property; and

WHEREAS, Eric D. Luckenbach and Christie K. Luckenbach as well as the Killian Family Trust (the "Requestors") have sought the grant by the city of a temporary, non-exclusive easement for the benefit of the H.W. Culp Lumber Company; and

WHEREAS, the Luckenbachs and the Killian Family Trust have made this request to facilitate a timber sale involving land owned by the Requestors; and

WHEREAS, if granted, the requested temporary non-exclusive easement would confirm the ability of the H.W. Culp Lumber Company to use a logging road to complete the timber sale; and

WHEREAS, the city-owned parcel of land that would be burdened by the requested easement is identified by Randolph County Parcel Identification Number 7741486564 (the "City-Owned Parcel") and adjoins the Requestors' property; and

WHEREAS, the easement instrument received from the consulting forester has been attached to this Resolution as EXHIBIT 1 and is hereby incorporated into this Resolution by reference as if copied fully herein; and

WHEREAS, because the requested easement poses no significant impediment to the city's use of the road identified in the easement instrument, city staff has recommended granting the requested temporary, non-exclusive easement for a logging road; and

WHEREAS, the city council concurs with the staff recommendation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the legal instrument attached to this Resolution as EXHIBIT 1 is hereby found to be reasonable and acceptable; and

BE IT FURTHER RESOLVED that the Mayor of the City of Asheboro and any other necessary officials of the municipal corporation are hereby authorized and directed to execute, on behalf of the City of Asheboro, the easement attached to this Resolution as EXHIBIT 1.

The Asheboro City Council approved this Resolution in open session during a regular meeting held on August 7, 2025.

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

ATTEST:

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

9. An Ordinance Amending Chapter 90 of the Code of Asheboro to Address Junked Motor Vehicles

City Attorney Jeff Sugg presented and recommended approval of the first reading, by reference of an ordinance amending Chapter 90 of the Code of Asheboro. Council Member Bell moved, and Council Member Burks seconded the motion to approve the first reading of the following ordinance. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Swiers, and Trogon voted aye. There were no dissenting votes.

ORDINANCE NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**ORDINANCE AMENDING CHAPTER 90 OF THE
CODE OF ASHEBORO**

WHEREAS, Chapter 90 of the Code of Asheboro contains regulations pertaining to abandoned, nuisance, and junked motor vehicles; and

WHEREAS, the Asheboro City Council finds that the regulation of abandoned and junked motor vehicles is necessary to protect the health and safety of the residents of the city and to promote and enhance community, neighborhood, and city appearance; and

WHEREAS, in furtherance of the effective regulation of abandoned and junked motor vehicles, the Asheboro City Council has concluded that Chapter 90 of the Code of Asheboro needs to be updated.

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

Section 1. Section 90.03 of the Code of Asheboro is hereby rewritten to provide as stated immediately below.

§ 90.03 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED VEHICLE

As authorized and defined in G.S. § 160A-303, an abandoned motor vehicle is one that:

- (1) Is left upon a public street or highway in violation of a law or ordinance prohibiting parking; or
- (2) Is left on a public street or highway for longer than seven days; or
- (3) Is left on property owned or operated by the city for longer than 24 hours.

AUTHORIZING OFFICIAL

Any An authorizing official is any sworn law enforcement officer operating under the command and control of the city Police Department or any of the Planning and Community Development Department's Code Enforcement Officers, respectively.

JUNKED MOTOR VEHICLE

As authorized and defined in G.S. § 160A-303.2 the term, junked motor vehicle G.S. § 160A-303.2, the term “junked motor vehicle” means a vehicle that does not display a current license plate lawfully upon that vehicle and that:

- (1) Is partially dismantled or wrecked; or
- (2) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
- (3) Is more than five years old and appears to be worth less than \$100 \$500.

MOTOR VEHICLE or VEHICLE

All The terms “motor vehicle” or “vehicle” mean all machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.

NUISANCE VEHICLE

A The term “nuisance vehicle” means a vehicle on public or private property that does not display a current license plate lawfully upon that vehicle and that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be any of the following:

- (1) A breeding ground or harbor for mosquitoes, other insects, rats, snakes or other pests;
- (2) A point of heavy growth of weeds or other noxious vegetation over eight inches in height;
- (3) A point of collection of pools or ponds of water;
- (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor;
- (5) One which has areas of confinement which cannot be operated from the inside, such as tanks, hoods, and the like;
- (6) So situated or located that there is a danger of it falling or turning over (i.e. on jacks, blocks or other supports);
- (7) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind;
- (8) So offensive to the sight as to damage the community, neighborhood, or area appearance; or
- (9) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the City Council.

Section 2. Section 90.06 of the Code of Asheboro is hereby rewritten to provide as stated immediately below.

§ 90.06 JUNKED MOTOR VEHICLE REGULATED; REMOVAL AUTHORIZED

- (A) ~~Subject to the provisions of division (E) below, it shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.~~
- (B) ~~It shall be unlawful to have more than one junked motor vehicle, as defined herein, on the premises of public or private property. Single, permitted junked motor vehicle must strictly comply with the location and concealment requirements of this section.~~
- (C) ~~It shall be unlawful for any owner, person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to fail to comply with the locational requirements or the concealment requirements of this section.~~

- (D) ~~Subject to the provisions of division (E) below, upon investigation, the proper authorizing official, may order the removal of a junked motor vehicle as in this chapter after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following among other relevant factors may be considered:~~
- ~~(1) Protection of property values;~~
 - ~~(2) Promotion of tourism and other economic development opportunities;~~
 - ~~(3) Indirect protection of public health and safety;~~
 - ~~(4) Preservation of the character and integrity of the community; and~~
 - ~~(5) Promotion of the comfort, happiness and emotional stability of area residents.~~
- (E) ~~Permitted concealment or enclosure of junked motor vehicle:~~
- ~~(1) One junked motor vehicle, in its entirety, can be located in the rear yard as defined by the city's zoning ordinance if the junked motor vehicle is entirely concealed from public view from a public street and from abutting premises by an acceptable covering or screening. The proper authorizing official has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The covering or screening must remain in good repair and must not be allowed to deteriorate. The covering or screening must be compatible with the objectives stated in § 90.01.~~
 - ~~(2) More than one junked motor vehicle. Any other junked motor vehicle must be kept in a garage or building structure that provides a complete enclosure so that the junked motor vehicle cannot be seen from a public street or abutting property. A garage or building structure means either a lawful, nonconforming use or a garage or building structure erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations.~~
- (A) Section 160A-303.2 of the North Carolina General Statutes authorizes the city to regulate and to prohibit junked motor vehicles on public grounds and on private property. Pursuant to that authority, the city council finds that such regulation, restraint, or prohibition is necessary and desirable to promote or enhance the following:
- (1) The quality of urban attractiveness and the aesthetic appearance of the city;
 - (2) The protection of property values throughout the city;
 - (3) The preservation of the livability and the attractiveness of neighborhoods;
 - (4) The promotion of tourism, conventions and other opportunities for economic development for the city; and
 - (5) The attractiveness of the city's roadways which present the primary, public visibility to visitors and to passersby of the city.
- (B) The city may contract with private towing operators to remove, store, and dispose of junked motor vehicles in compliance with all state and local laws. Any junked motor vehicle, which has been ordered removed under the authority granted by this section, may be removed to a storage facility utilized by the tow truck operator or towing business contracting to perform such services for the city. The towing operator is responsible for collecting towing and storage fees. All provisions of Article 7A in Chapter 20 of the North Carolina General Statutes shall apply.
- (C) It shall be unlawful to have more than one junked motor vehicle, as defined in this chapter, on the premises of public or private property.
- (D) It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.

- (E) It shall be unlawful for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.
- (F) It shall be unlawful for any owner, person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to fail to comply with the locational requirements or the concealment requirements of this section.
- (G) The locational and concealment requirements of this section are determined on the basis of whether a single junked motor vehicle or more than one junked motor vehicle is located on a zoning lot. The terms "zoning lot," "rear yard," and "side yard" shall have the meanings prescribed for these terms by the City of Asheboro Zoning Ordinance, as amended from time to time.
- (1) On a lawfully used zoning lot, one junked motor vehicle, in its entirety, can be located in the rear yard, or in a side yard if a lot such as a corner lot has no rear yard; provided, however, the vehicle must be entirely concealed from public view from a public street and from abutting premises by means of an acceptable covering. Such covering shall be kept in good repair and shall not be allowed to deteriorate. The code enforcement officer is authorized to determine whether any junked motor vehicle is adequately concealed by an acceptable covering as required by this provision.
- (2) If a lawfully used zoning lot has one junked motor vehicle concealed in compliance with the immediately preceding division, any other junked motor vehicle(s) must be kept in a garage or building structure that provides a complete enclosure so that the junked motor vehicle(s) cannot be seen from a public street or abutting property. A "garage or building structure" means a garage or building structure that has been constructed or erected in accordance with all zoning and building code regulations.
- (H) Subject to the provisions of this section, and upon investigation, a city code enforcement officer may order the removal of a junked motor vehicle as defined in this chapter after finding in writing that the benefits, including without limitation the aesthetic benefits, of removing the vehicle outweigh the burdens imposed on the private property owner. Such a finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding benefit to the public by ordering the removal of the junked motor vehicle. The following factors, among other relevant factors, may be considered:
- (1) Protection of property values;
- (2) Promotion of tourism and other economic development opportunities;
- (3) Indirect protection of public health and safety;
- (4) Preservation of the character and integrity of the community; and
- (5) Promotion of the comfort, happiness and emotional stability of area residents.
- (I) In applying the specific criteria in the definition of a "junked motor vehicle" and determining whether a vehicle constitutes a "junked motor vehicle," the city code enforcement officer shall take into consideration, by way of illustration and not limitation, evidence of the stationary character of the vehicle; whether there is evidence of active vehicle maintenance efforts; whether the tires, wheels, and other essential parts of the vehicle are present for the operation of the vehicle; whether the vehicle has flat tires; evidence of the removal of parts; the condition of the exterior of the vehicle, or any other specific evidence that would support a finding that the vehicle violates this section. If such a determination is made, the code enforcement officer shall document the basis for the determination in writing.
- (J) A pre-towing notice is required before a junked motor vehicle is removed.
- (1) The junked motor vehicle shall be towed only after the notice required by this division has been given to the registered owner or to the person entitled to possession of the vehicle as well as to the owner, lessee, or occupant of the real

property upon which the vehicle is located. If the names and mailing addresses of the registered owner or person entitled to possession of the vehicle, or the owner, lessee or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be sent by first class mail. Additionally, notice of the violation of this section is to be provided by posting a notice of violation on the junked motor vehicle. This notice shall be affixed to the windshield or some other conspicuous place on the junked motor vehicle. The pre-towing notice shall state that the junked motor vehicle will be removed by the city on a specified date, no sooner than seven days after the notice of violation is affixed to the motor vehicle, unless the vehicle is brought into compliance by the owner or legal possessor prior to that time.

(2) If the owner or person entitled to possession of the vehicle wishes to appeal the code enforcement officer's determination that the vehicle is both a junked motor vehicle and the benefits of removing the vehicle outweigh the burdens placed on the property owner, the person wishing to appeal the code enforcement officer's decision may submit a written request to do so to the city code enforcement officer before a seven business day appeal period has expired. This 7-day appeal period begins when written notice has been placed on the junked motor vehicle. Such an appeal shall be heard by the city manager within 30 business days of the receipt of the written appeal request, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

(K) This section of the Code of Asheboro has been adopted to implement the regulatory authority granted by Section 160A-303.2 of the North Carolina General Statutes. Notwithstanding any other provision found in Chapter 90 of the Code of Asheboro, in the event of a conflict between the provisions in this section pertaining to junked motor vehicles and any other provisions in Chapter 90, the provisions found in this section shall control.

(1) This section of the Code of Asheboro shall not be construed to require the removal or disposal of a motor vehicle kept or stored at a bona fide "automobile graveyard" or "junkyard" as defined in Section 136-143 of the North Carolina General Statutes.

(2) The removal or disposal of any motor vehicle that is used on a regular basis for business or personal use is prohibited.

(L) A violation of this section is punishable as a misdemeanor.

Section 3. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 4. This Ordinance received two favorable votes during regular Asheboro City Council meetings held on August 7, 2025, and September 4, 2025. The provisions of this Ordinance shall be in full force and effect on and after September 15, 2025.

The Asheboro City Council granted final approval of this Ordinance in open session during a regular meeting on September 4, 2025.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

The above ordinance will be presented for the second reading at the council's regular September meeting.

10. 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 formal action was taken by the council members during this portion of the meeting.

There being no further business, the meeting was adjourned at 7:38 p.m.

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

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