

**REGULAR MEETING  
ASHEBORO CITY COUNCIL  
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL  
THURSDAY, JANUARY 7, 2021  
7:00 PM**

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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                )  
Walker B. Moffitt              ) – Council Members Present  
Jane H. Redding                )  
Charles A. Swiers                )

Linda H. Carter                 ) – Council Members Absent  
Katie L. Snuggs                 )

John N. Ogburn, III, City Manager  
Michael L. Leonard, PE, City Engineer  
Mark T. Lineberry, Chief of Police  
Trevor L. Nuttall, Community Development Director  
Jeffrey C. Sugg, City Attorney  
Willie Summers, Fire Chief  
Tammy M. Williams, Deputy City Clerk

**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. The number of elected officials, city employees, and private citizens physically present in the council chamber at any point in time was limited in order to maintain the physical distancing recommended by public health authorities during the current coronavirus pandemic.

**2. Moment of silent prayer and pledge of allegiance.**

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

**3. Public comment period.**

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

Mayor Smith then closed the public comment period.

**4. Recognition of Master Police Officer Kevin P. Ingold for his years of dedicated city service.**

On behalf of the Asheboro Police Department, Chief Lineberry presented retired Master Police Officer Kevin P. Ingold with a plaque that included his badge as a token of gratitude for dedicated service to the City of Asheboro. In addition to this plaque, Chief Lineberry presented Officer Ingold with the city-issued service side arm that he carried at the time of his retirement.

Additionally, on behalf of Mayor Smith, the Council Members, and the city management team, Mr. Ogburn expressed appreciation for Officer Ingold's service to

the city and, as a token of that appreciation, the city manager presented to Kevin Ingold a city retirement plaque noting the retired police officer's public service.

**5. Recognition of Fire Battalion Chief C. Brian Lewis for his years of dedicated city service.**

On behalf of the Asheboro Fire Department, Chief Summers presented to retired Fire Battalion Chief C. Brian Lewis his city-issued fire helmet, inclusive of his helmet shield and Class A uniform, two badges, two name plates, the "serving since" attachment to the name plates, and two rank insignia collar pin sets.

Additionally, on behalf of Mayor Smith, the Council Members, and the city management team, Mr. Ogburn expressed appreciation for the retired battalion chief's service to the city, and, as a token of that appreciation, the city manager presented to Chief Lewis a city retirement plaque noting the chief's public service.

**6. Update on the city's participation in the Mayor's Fitness Challenge.**

Deputy City Clerk Tammy Williams highlighted the results from the 2020 Mayor's Fitness Challenge. The city's team, the City of Asheboro Wellness Walkers, placed second with 6,495,187 steps and was awarded a certificate. Jeff Cagle recorded 1,143,000 steps and was awarded the certificate for the most steps by a male individual. The city's team looks forward to once again participating in the Mayor's Fitness Challenge in 2021.

**7. Consent agenda.**

Upon motion by Council Member Burks, and seconded by Council Member Bell, the council voted unanimously to approve/adopt the following consent agenda items. Council Members Bell, Burks, Moffitt, Redding, and Swiers voted in favor of the motion. There were no dissenting votes.

**(a) The meeting minutes for the city council's regular meeting on December 10, 2020.**

The approved meeting minutes are on file in the city clerk's office, and an electronic copy of the approved minutes is posted on the city's website.

**(b) Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for November 2, 2020.**

The minutes of the meeting held by the Asheboro ABC Board on November 2, 2020, have been received by the city clerk, distributed to Mayor Smith and the Council Members for review, and have been filed in the city clerk's office.

**(c) The final decision document for the land use case identified by file number CUP-20-11.**

**[The remainder of this page has been intentionally left blank.  
The approved final decision document is on the next page.]**

Case No. CUP-20-11  
Final Decision Document  
City Council of the City of Asheboro, North Carolina

IN THE MATTER OF THE APPLICATION BY SBT REAL ESTATE HOLDINGS,  
LLC FOR A CONDITIONAL USE PERMIT AUTHORIZING A LAND USE  
IDENTIFIED AS MOTOR VEHICLE REPAIR – MAJOR

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING, WITH  
CONDITIONS, THE REQUESTED CONDITIONAL USE PERMIT

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**THIS LAND USE CASE** came before the City Council of the City of Asheboro (the “Council”) for a properly advertised quasi-judicial hearing on the question of whether to approve an application for a conditional use permit. The hearing was conducted on December 10, 2020. Having considered all competent evidence and argument presented during the hearing, the Council, on the basis of competent, material, and substantial evidence, does hereby enter the following:

**FINDINGS OF FACT**

1. SBT Real Estate Holdings, LLC, by and through its legal counsel, Amanda Hodierno, Esq., (the “Applicant”) properly submitted an application for a conditional use permit authorizing a land use identified by the City of Asheboro Zoning Ordinance (the “Ordinance”) as a “motor vehicle repair – major” use.

2. In compliance with the Ordinance, the Applicant included with its application a site plan showing the proposed land use on a parcel of land owned by Red Dirt, L.L.C. The parcel of land for which a conditional use permit is sought (the “Zoning Lot”) is identified by Randolph County Parcel Identification Number 7750202309.

3. A manager for Red Dirt, L.L.C. signed the application form along with the Applicant’s legal counsel in order to indicate the consent of the Zoning Lot’s owner to this land use case moving forward.

4. Legal notices were mailed to adjoining property owners on November 23, 2020.

5. The Zoning Lot is approximately 5.56 acres in size and is located at 881 Curry Drive in Asheboro.

6. The Zoning Lot is inside the city limits.

7. While the Zoning Lot is inside the city limits, the lot is served by a privately-maintained sanitary sewer pump station.

8. McDowell Road is a state-maintained minor thoroughfare. Lambert Drive is a state-maintained collector street that connects McDowell Road and United States Highway 64. Curry Drive is a city-maintained street that serves the Zoning Lot and adjoining commercial development. I-73/I-74 is an interstate freeway.

9. The Zoning Lot is in a conditional use light industrial (CU-I1) zoning district because of legislative action taken by the Council on December 10, 2020, immediately prior to the Council’s deliberations concerning the Applicant’s request for a conditional use permit.

10. Section 102 of the Ordinance describes a conditional use district as follows:

*Each Conditional Use District corresponds to a related district in this Ordinance. Where certain types of zoning districts would be inappropriate under certain conditions, and the rezoning applicant desires rezoning to such a district, the CU District is a means by which special conditions can be imposed in the furtherance of the purpose of this Ordinance.*

11. A separate paragraph of Section 102 of the Ordinance further provides:

*Within a CU District, only those uses specifically permitted in the zoning district to which the CU District corresponds (i.e., R15 and CUR15) shall be permitted, and all other requirements of the corresponding district shall be met. It is the intent of this ordinance that all requirements within a CU District be equal to or more stringent than those in a corresponding non-CU District.*

*In addition, within a CU District no use shall be submitted except as pursuant to a Conditional Use Permit authorized by the City Council, which shall specify the use or uses authorized. Such permit may further specify the location on the property of the proposed use or uses, the number of dwelling units or Floor Area Ratio, the location and extent of supporting facilities including but not limited to parking lots, driveways and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request. In granting a Conditional Use Permit, the Council may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured and substantial justice done.*

12. Section 1013.2 of the Ordinance establishes the following standards for the issuance by the Council of a conditional use permit:

*In considering an application for a Conditional Use Permit, the City Council shall give due regard that the purpose and intent of this ordinance shall be served, public safety and welfare secured and substantial justice done. If the City Council should find, after a public hearing, that the proposed Conditional Use Permit should not be granted, such proposed permit shall be denied. Specifically the following general standards shall be met:*

- 1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.*
- 2. That the use meets all required conditions and specifications.*
- 3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and,*
- 4. That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.*

13. The motor vehicle repair – major land use is a permitted use in the underlying I1 zoning district.

14. The previous land use on the Zoning Lot was an eating establishment (a K&W Cafeteria) that was originally developed as part of a commercial subdivision. The Zoning Lot is currently vacant.

15. The surrounding land uses are as follows:

<b>North:</b>	Undeveloped Commercial	<b>East:</b>	I-73/I-74 & Office (USDA Office)
<b>South:</b>	Commercial	<b>West:</b>	Single-Family Residential/Undeveloped

16. With regard to the city's comprehensive development plans, the Growth Strategy Map identifies the area in which the Zoning Lot is located as a primary growth area, the Zoning Lot falls within the Southwest Small Area Plan, and the proposed land development plan map designates the area as an employment center.

17. The Ordinance describes the underlying I1 zoning district as intended "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."

18. The Land Development Plan's Land Development Categories section describes the intent of an Employment Center as being "to integrate a mixture of commercial, office & institutional, industrial, and open space uses into the fabric of the community, with ample sidewalks, street trees, on-street parking, public amenities & open space."

19. The Applicant proposes to use the existing structure on the Zoning Lot and to add an addition to the side of the structure facing away from Lambert Drive. Six work bays are proposed.

20. A stream is located on the Zoning Lot. The North Carolina Department of Environmental Quality will need to be contacted prior to any land activity that impacts the stream or its banks.

21. Major automobile repair is defined as follows:

*Any automotive repairs or servicing not listed under Motor Vehicle Repair, Minor. Further, it is determined to be any structure in which machinery operated by mechanical power is installed which is designed for making major repairs to motor vehicles, or where in making repairs to motor vehicles the mechanical power employed in the operation of any machine or tool exceeds 3-HP or the total mechanical power provided or employed exceeds 15-HP."*

22. In comparison, the "Motor Vehicle Repair, Minor" land use referenced in the immediately preceding paragraph is defined as follows:

- A. *Sale and service of spark plugs, batteries, and distributor and ignition system parts.*
- B. *Sales, service and repair of tires, but not recapping or regrooving.*
- C. *Replacement of mufflers, tail pipes, water hose, fan belts, brake fluids, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearing, mirrors, and the like.*
- D. *Radiator cleaning, flushing, and fluid replacement.*
- E. *Greasing and lubrication.*
- F. *Providing and repairing fuel pumps, oil pumps, and lines.*

- G. *Minor adjustment and repair of carburetor.*
- H. *Emergency repair of wiring.*
- I. *Adjusting brakes and installing exchange brake shoes.*
- J. *Minor motor adjustment not involving removal of the head or crankcase and grinding valves.*
- K. *Wheel balancing.*
- L. *Battery recharging.*
- M. *Warranty maintenance and safety inspections.*
- N. *Other minor servicing of similar intensity to those listed above.*

23. A second entrance from Curry Drive is proposed, which requires a driveway permit from the City of Asheboro. The North Carolina Department of Transportation has indicated that they will not require modifications or road improvements to any state-maintained roads leading up to the Zoning Lot.

24. The Applicant is also proposing a sidewalk along Curry Drive in front of the Zoning Lot. While the Ordinance does not specifically require this improvement due to the industrial zoning and only requiring sidewalks on thoroughfares that possess curb and gutter, the "Employment Center" designation does identify having "ample sidewalks" as part of the intent of an Employment Center. Elimination of the sidewalk would likely be considered a permit modification and would require a new conditional use permit with the associated rehearing by the Council.

25. A written statement from Laura K. Mallory, MAI, who is a North Carolina State Certified General Real Estate Appraiser, was entered into evidence. In this statement, Ms. Mallory asserted, on the basis of her findings, that the Applicant's proposed land use will not substantially injure the value of adjoining or abutting property. No objections were raised by any party to the submittal of this statement.

26. In an effort to ensure the compatibility of the proposed development of the Zoning Lot with surrounding land uses and to ensure future compliance with the Ordinance, the city planning staff recommended, and the Applicant's legal counsel consented on behalf of the Applicant, to the following conditions for attachment to any conditional use permit that may be issued to the Applicant:

- (A) *Hours of operation shall be limited to 7am to 7pm Monday through Friday and 7am to 5pm on Saturdays.*
- (B) *Trash pickup shall be limited to 8am to 5pm Monday through Friday.*
- (C) *Parking lot sweeping shall be limited to 7am to 10pm Monday through Saturday.*
- (D) *The Applicant may use existing vegetation as indicated on the site plan, however, if any required vegetation is removed, additional plantings will be required in compliance with the applicable landscaping provisions of the Asheboro Zoning Ordinance.*
- (E) *Prior to the issuance of a zoning compliance permit, the applicant shall obtain a City of Asheboro driveway permit.*
- (F) *Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute, and deliver to the Zoning Administrator for recordation in the Office of the Randolph County Register of Deeds, a Memorandum of Land Use Restrictions prepared by the city attorney for the purpose of placing notice of the conditions attached to the conditional use permit in the chain of title for the Zoning Lot.*

27. With the acceptance and attachment of the above-stated conditions, the site plan presented to the Council conforms to the regulations prescribed by the Ordinance.

Based on the foregoing findings of fact, the Council hereby enters the following:

**CONCLUSIONS OF LAW**

1. When an applicant has produced competent, material, and substantial evidence tending to establish the existence of the facts and conditions that the Ordinance requires for the issuance of a conditional use permit, prima facie the applicant is entitled to the permit. A denial of the permit has to be based upon findings contra that are supported by competent, substantial, and material evidence appearing in the record.

2. In this case, the Applicant properly submitted an application for a conditional use permit authorizing a motor vehicle repair – major land use on the Zoning Lot in a CU-I1 zoning district.

3. In light of the evidence and the acceptance by the Applicant of the conditions proposed for attachment to the conditional use permit, the Applicant's proposed land use is compliant with the applicable requirements of the Ordinance.

4. On the basis of substantial evidence in the record, the Council has concluded that the proposed land use meets the four general standards for granting the requested conditional use permit. More specifically, the proposed land use will not materially endanger the public health or safety, meets all required conditions and specifications of the Ordinance, will not substantially injure the value of adjoining or abutting property, and will be in harmony with the area in which the land use is to be located and is in general conformity with Asheboro's plan of development.

Based on the above-recited findings of fact and conclusions of law, the Council hereby enters the following:

**ORDER**

Subject to the following conditions, a conditional use permit authorizing the requested motor vehicle repair – major land use on the Zoning Lot is hereby approved and issued to the Applicant and the Applicant's heirs, successors, and assigns. The continuing validity of this conditional use permit is hereby made expressly contingent upon the Applicant and the Applicant's heirs, successors, and assigns complying at all times with the applicable provisions of the Asheboro Zoning Ordinance, the site plan presented and approved during the hearing of this case, and the following supplementary conditions:

- (A) Hours of operation shall be limited to 7am to 7pm Monday through Friday and 7am to 5pm on Saturdays.
- (B) Trash pickup shall be limited to 8am to 5pm Monday through Friday.
- (C) Parking lot sweeping shall be limited to 7am to 10pm Monday through Saturday.
- (D) The Applicant may use existing vegetation as indicated on the site plan, however, if any required vegetation is removed, additional plantings will be required in compliance with the applicable landscaping provisions of the Asheboro Zoning Ordinance.
- (E) Prior to the issuance of a zoning compliance permit, the applicant shall obtain a City of Asheboro driveway permit.
- (F) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute, and deliver to the Zoning Administrator for recordation in the Office of the Randolph County Register of Deeds, a Memorandum of Land Use Restrictions prepared by the city attorney for the purpose







**WHEREAS**, Morton & Sewell Development Company, Inc. is proposing to convey the landfill at 385 Gold Hill Road to Asheboro Land Development, LLC, which will operate the landfill under the name of Wall Recycling rather than Gold Hill C&D Landfill; and

**WHEREAS**, in recognition of this change in ownership, the Council has been asked to grant a construction and demolition debris landfill to Asheboro Land Development, LLC; and

**WHEREAS**, immediately prior to taking final action on this request, the Council utilized a properly advertised public hearing to obtain comments from interested parties on the question of granting the requested franchise; and

**WHEREAS**, after reviewing the available information, the Council concluded that granting the requested franchise is in the public interest.

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

**Section 1.** Pursuant to and in accordance with Sections 130A-294 and 160A-319 of the North Carolina General Statutes, Asheboro Land Development, LLC (the "Franchisee") is hereby granted a franchise to operate the construction and demolition debris landfill at 385 Gold Hill Road, Asheboro, North Carolina 27203 (the "Landfill").

**Section 2.** The Landfill shall have available for its use approximately 30 acres of land permitted in accordance with the laws of the State of North Carolina for use as a construction and demolition debris landfill.

**Section 3.** No more than 500 tons of waste shall be deposited into the Landfill per day. With this amount of incoming waste, the Landfill will have an estimated life of 20 years.

**Section 4.** A facility plan for the Landfill has been submitted to the city. The facility plan includes the boundaries of the proposed facility, the proposed development of the facility, the boundaries of all waste disposal units, final elevations and capacity of all waste disposal units, the amount of waste to be received per day in tons, the total waste disposal capacity of the Landfill in tons, a description of environmental controls, and a description of any other waste management activities to be conducted at the facility as well as the proposed location of soil borrow areas and all other facilities and infrastructure, including ingress and egress to the facility. No leachate facilities are needed for this construction and demolition debris landfill.

A copy of the facility plan is on file in the city clerk's office and is available for public inspection. The facility plan is hereby incorporated into this Ordinance by reference as if copied fully herein.

**Section 5.** Throughout the duration of the franchise granted by this Ordinance, the Franchisee shall purchase and maintain an environmental liability insurance policy with coverage limits of no less than \$1,000,000; a general liability insurance policy with coverage limits of no less than \$1,000,000; and workers' compensation insurance coverage that complies with the applicable provisions of the North Carolina General Statutes. The City shall be named as an additional insured under the environmental liability insurance and general liability insurance policies.

On an annual basis, the City shall be furnished with Certificates of Insurance in a form satisfactory to the City for the purpose of verifying the existence of the insurance coverage required by this section. The insurance policies mandated by this section shall provide for 30 days advance written notice of material change, cancellation, or non-renewal.

**Section 6.** The population to be served by the Landfill will be primarily commercial contractors who specialize in construction and demolition activities. The main waste stream will primarily come from the City of Asheboro and Randolph County, but all counties in North Carolina are included in the Landfill's service area.

**Section 7.** As part of its efforts to reduce, reuse, and recycle as much solid waste as possible, the City has worked in a cooperative manner with the landfill at 385 Gold Hill Road to dispose of the following materials: brush, tree trimmings, leaves, yard waste, and stumps as well as clean concrete, building materials, and construction and demolition materials. After these materials are taken to the facility by city personnel and/or others, the materials are processed in a variety of ways and, if possible, resold to the public. Therefore, the continued successful operation of the landfill at 385 Gold Hill Road will have a positive impact on the City's efforts to reduce, reuse, and recycle solid waste.

With specific regard to the disposal of construction and demolition waste, the Landfill will continue to be a vital actor in the process. The granting of the requested franchise so as to maintain a privately owned and properly permitted construction and demolition debris landfill in Asheboro is critical to providing cost-effective disposal options to meet the needs of the municipality's citizens.

**Section 8.** The waste accepted by the Landfill shall be composed of waste or debris resulting from roofing, construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures. In furtherance of the City's goal to promote and make available cost-effective disposal options that are environmentally sustainable, the Franchisee is authorized, by way of illustration and not limitation, to accept waste containing asbestos. However, the Franchisee shall monitor the waste offered to the Landfill and shall reject any unacceptable waste including without limitation organic/household waste; waste that has been in contact with petroleum, solvents, or chemicals; waste containing PCB's; and waste that has been in contact with pesticides or herbicides.

**Section 9.** The fee schedule for the Landfill is attached to this Ordinance as Exhibit A and is hereby incorporated into this Ordinance by reference as if copied fully herein. Beginning in the 2022 calendar year and continuing thereafter, this fee schedule may be adjusted by the Franchisee on an annual basis in accordance with the Consumer Price Index - All Urban Consumers, U.S. City Average, All Items (not seasonally adjusted) as published by the U. S. Department of Labor, Bureau of Labor Statistics with an index base period of 1982-84 = 100. Such an adjustment shall be made on the 1<sup>st</sup> day of July of each year that this franchise is in full force and effect. On the adjustment date, the above-referenced fee schedule may be increased by a percentage equal to the cumulative percentage increase, if any, in the above-cited consumer price index (the "CPI"). The cumulative percentage increase in the CPI means the percentage increase, if any, in the CPI for the month of May immediately preceding the adjustment date over the CPI recorded for the month of May during the preceding calendar year.

If the CPI ceases to use as the basis of calculation the standard of 1982-84 = 100, or if a change is made in the items contained in the CPI, or if the CPI is altered, modified, converted, or revised in any other manner, then the foregoing computations shall be made with the use of such conversion factor, formula, or table for converting the CPI as may be published by the Bureau of Labor Statistics. If the Bureau of Labor Statistics does not publish such conversion information, then the foregoing computations shall be made with the use of a conversion factor that adjusts the modified CPI to the figure that would have been calculated had the manner of computing the CPI not been altered.

**Section 10.** The franchise granted by this Ordinance is granted for the Landfill's life-of-site, but this period shall not exceed 60 years. The term "life-of-site" is defined in Section 130A-294(a2) of the North Carolina General Statutes.

**Section 11.** The Franchisee agrees to operate the Landfill in accordance with all applicable laws and regulations and shall comply with any permit(s) issued by the State of North Carolina.

**Section 12.** The Franchisee shall require anyone using the Landfill to comply with Section 20-116(g) of the North Carolina General Statutes.

**Section 13.** The effective date of this Ordinance shall be January 7, 2021.

**Section 14.** All ordinances and clauses of ordinances in conflict with this Ordinance, specifically including without limitation any and all previously approved construction and demolition debris landfill franchise ordinances, are hereby repealed effective April 1, 2021.

**This Ordinance was initially adopted by the Asheboro City Council during a regular meeting held on the 10<sup>th</sup> day of December, 2020.**

**The Asheboro City Council granted final approval of the Ordinance after a public hearing and second reading of the Ordinance during the Council's regular meeting on the 7<sup>th</sup> day of January, 2021.**

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

ATTEST:

/s/Tammy M. Williams  
Tammy M. Williams, Deputy City Clerk

**EXHIBIT A**

Price List for Construction and Demolition Debris:

- a. Standard Charge = \$38.00 per ton
- b. Clean Concrete = \$15.00 per ton
- c. Asbestos = \$75.00 per cubic yard
- d. Minimum Charge = \$15.00 per ton

\*This price list, as with the franchise ordinance itself, only addresses the Construction and Demolition Debris Landfill charges and is not inclusive of all user charges incurred at the Landfill.

**9. Community Development Items:**

- (a) **Quasi-Judicial Hearing: An application (RZ-CUP-20-12) to rezone a portion of property at 124 Woodcrest Road (Randolph County Parcel Identification Number 7752905855) from R10 to CU-I2 zoning and to obtain a conditional use permit authorizing both warehouse and wholesale distribution land uses.**

The applicant, SSV Properties, LLC (Hunt Electric Supply Company), is requesting the rezoning of approximately 0.43 acres out of a total of approximately 6.23 acres of land at 124 Woodcrest Road from R10 Medium-Density Residential zoning to CU-I2 Conditional Use General Industrial zoning. With the requested conditional use district zoning, the applicant also requested the issuance by the council of a conditional use permit authorizing both warehouse and wholesale distribution land uses on the zoning lot.

Due to the application requesting both a legislative rezoning and the issuance of a conditional use permit, a combined hearing, which was conducted as a quasi-judicial proceeding, was held on the question of the application. Mayor Smith opened the hearing, and, during the course of the hearing, the deputy city clerk placed Trevor Nuttall, Community Development Director, and Mark Trollinger, President of Trollinger Construction, under oath so that these two witnesses could present testimony to the council.

Community Development Director Trevor Nuttall was the first witness. As part of his testimony, and in supplementation of the written planning staff report submitted to the council to document among other things that legal notices were mailed to adjoining property owners on December 16, 2020, Mr. Nuttall presented the following analysis:

1. The property is within the city limits.
2. Woodcrest Road is a city-maintained street serving non-residential (commercial and industrial) properties east of the subject property and residential properties on the opposite side of Northside Terrace. Northside Terrace is a state-maintained road.
3. The current use of the property is a warehouse. Along with the rezoning, the applicant has filed a Conditional Use Permit to allow wholesale distribution along with a continuation of the warehouse use.
4. The majority of the subject property is currently zoned CU-I2 Conditional Use General Industrial. The request is to rezone the balance that is currently zoned R10 Medium-Density Residential to CU-I2 Conditional Use General Industrial.
5. The zoning ordinance describes the intent of the I2 district as “to produce areas for intensive manufacturing, warehousing, processing and assembly uses, controlled by performance standards to limit the effect of such uses on adjacent districts.”
6. The zoning ordinance requires that a minimum 10 ft. wide landscaped yard be locate along street yards, and a 25 ft. landscaped yard when parking is located between new buildings and the street. Screening or buffering is also generally required when non-residential uses are adjacent to residential districts, and existing vegetation may be preserved to count towards landscaping requirements.

In terms of the compliance of the requested zoning with the city’s comprehensive plans, the following LDP goals/policies support the application:

**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:** The proposed rezoning is compliant with the objectives of the Growth Strategy Map.

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

**Checklist**

**Items 12-14:** 12. Property is located outside of the watershed area, or the rezoning request will not impose a significant, negative environmental impact.

13. The property is located outside of Special Hazard Flood Area.

14. Rezoning is not located on steep slopes (>20%) or rezoning (and the development intensity permitted with the proposed district) is unlikely to create additional problems due to steep slopes.

However, the following LDP goals/policies do not support the application:

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

The City of Asheboro Planning Board concurred with the city planning staff's analysis of the requested rezoning and recommended approval of the application to place the portion of the zoning lot currently zoned R10 Medium-Density Residential into a CU-I2 Conditional Use General Industrial zoning district. The staff and planning board analysis of the application's consistency with adopted comprehensive plans and the public interest, as well as the reasonableness of the requested rezoning, was stated as follows:

The Land Development Plan map designates this entire property, as well as a small parcel to the north and a parcel to the south as suitable for industrial use. The Northeast Small Area plan further states that one of its goals is "accommodation and expansion of existing industrial uses."

Although there are ideally transitional land uses such as office or institutional uses between industrial and residential uses, having a conditional use district and permitting process can help ensure that the proposed use is developed in a manner that is not out of character with surrounding land uses, especially residential ones.

The configuration and shape of the property also make an industrial use more practical than a residential use on the portion of property that is currently zoned residential.

Based on the above-stated analysis, the city staff and the planning board recommended approval of the zoning map amendment part of the application because the requested CU-I2 zoning is consistent with the Land Development Plan, reasonable, and in the public interest.

With regard to the Conditional Use Permit component of the application, Mr. Nuttall's testimony pertaining to the planning department's analysis of the requested permit included the following information:

1. The applicant is requesting a Conditional Use Permit for wholesale distribution, in addition to the current warehouse use of the property.
2. The zoning ordinance defines warehouse as a "building or group of buildings for the storage of goods or wares belonging either to the owner of the facility or to one or more lessees of space in the facility or both. This definition shall be deemed to include the indoor storage of vehicles." Wholesale distribution is defined as "establishments engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users or to other wholesalers."
3. No additions are proposed to the existing structure. However, the applicant is proposing paving the existing gravel parking area, making some changes to the loading dock design outside of the building and making minor changes to the outside of the building, such as changes to the building trim and door canopy.
4. Access into the property is via Woodcrest Road. The applicant will need a driveway permit from the City of Asheboro and will need to ensure the driveway is built in accordance with city policies.
5. A legal nonconforming situation exists with gravel parking located within the 25 ft. setback that applies when parking is located between the building and

the street. However, paving the parking, which is proposed by the applicant will eliminate one legal nonconforming situation, as the zoning ordinance specifies that required parking be paved.

In addition to the testimony provided by Mr. Nuttall, Mr. Mark Trollinger addressed the four standards for the issuance by the council of a Conditional Use Permit. During his testimony, Mr. Trollinger confirmed that the applicant consented to the attachment of the following conditions to the requested Conditional Use Permit:

- (A) The applicant may use existing vegetation to meet landscaping (buffering, screening) requirements, however, if any required vegetation is removed, additional plantings will be required in compliance with the applicable landscaping provisions of the zoning ordinance.
- (B) Prior to the issuance of a Zoning Compliance Permit, the applicant shall obtain a City of Asheboro driveway permit as required by city policies.
- (C) Prior to the issuance of a Zoning Compliance Permit, the applicant shall provide detail concerning proposed outdoor lighting in compliance with Section 316A.B.1 (Performance Standards in Industrial Districts, Light).
- (D) If the applicant proposes adding parking spaces to the parking area depicted on the site plan, the applicant may do so in compliance with Article 400 and outside of any required setbacks or buffer/screening/landscaping areas. Such a change shall not be deemed a modification of the Conditional Use Permit and may be reviewed by city staff for inclusion into the file without further review by the city council.
- (E) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the zoning lot shall properly execute, and deliver to the Zoning Administrator for recordation in the Office of the Randolph County Register of Deeds, a Memorandum of Land Use Restrictions prepared by the city attorney for the purpose of placing notice of the conditions attached to this Conditional Use Permit in the chain of title for the zoning lot.

After all interested parties had been provided an opportunity to present testimony and ask questions, Mayor Smith transitioned the hearing to the deliberative phase.

With regard to the requested zoning map amendment, the city council concurred with the analysis received from the city planning staff and city planning board concerning the application's reasonableness as well as the application's consistency with the city's comprehensive plans and the public interest.

Council Member Bell moved, and Council Member Redding seconded the motion, to adopt the plan consistency statement printed below and to approve the requested rezoning with the following multi-part motion:

1. The Land Development Plan map designates this entire property, as well as a small parcel to the north and a parcel to the south, as suitable for industrial use. The subject property is part of the Northeast Small Area plan, and this plan further states that one of its goals is "accommodation and expansion of existing industrial uses."

Although there are ideally transitional land uses such as office or institutional uses between industrial and residential uses, the presence of the subject property in a conditional use district with the corresponding permitting process helps to ensure that the proposed use is developed in a manner that is not out of character with surrounding land uses, especially residential ones.

The configuration and shape of the property also makes an industrial use more practical than a residential use on the portion of the property that is currently zoned residential.

2. In light of the above-stated analysis, and looking at the totality of the evidence, the requested zoning map amendment to place the subject property in a CU-I2 zoning district is approved as consistent with the adopted plan.

Council Members Bell, Burks, Moffitt, Redding, and Swiers voted in favor of the motion. There were no dissenting votes. Consequently, the above-stated motion was adopted unanimously.

After approving the requested zoning map amendment, the Council Members noted during their discussion that the presence or absence of an “island” feature in the driveway shown on the site plan was not a material or consequential element of their deliberations as to the merits of the application for a Conditional Use Permit. After completing their discussion and deliberations, the Council Members reached a consensus that, with the attachment to the permit of the recommended conditions, the standards for granting the requested Conditional Use Permit had been met.

Upon motion by Council Member Bell, and seconded by Council Member Redding, the council voted unanimously to approve, with the above-stated conditions, the requested Conditional Use Permit authorizing both warehouse and wholesale distribution land uses on the zoning lot. Council Members Bell, Burks, Moffitt, Redding, and Swiers voted in favor of the motion. There were no dissenting votes.

A final decision document authorizing the above-described Conditional Use Permit will be approved by the council during its next regular meeting.

**(b) A discussion of a pending study of public right-of-way needs on Sunset Avenue between Church Street and Davis Street.**

This study was prompted by a proposal submitted to the planning department that contemplated adding a canopy and a raised outdoor dining area to a building located on Sunset Avenue, between Church Street and Davis Street. As currently designed, the proposal would result in an encroachment into the public right-of-way for Sunset Avenue, which is city-maintained in this location.

In order for a project involving such an encroachment to move forward, zoning ordinance amendments and the closure of public right-of-way would have to be approved by the city council. In anticipation of these types of policy questions coming before the council in the near future, the city staff, at the city manager’s direction, has undertaken a comprehensive review/study of the city’s public right-of-way needs along the above-described block of Sunset Avenue.

Upon completion, the council will be briefed on the findings and recommendations of the public right-of-way review/study ordered by the city manager. During the current meeting, no action was requested of the city council, and none was taken.

**(c) A report on the ordinance amendment process that will be undertaken in order to update the Asheboro Zoning Ordinance to reflect case law developments and the enactment by the North Carolina General Assembly of Chapter 160D in the North Carolina General Statutes.**

Community Development Director Trevor Nuttall provided an overview of the above-described ordinance amendment process, which will focus on the city’s land use regulations. This process must be completed by July 1, 2021.

During the current meeting, no action was requested of the city council, and none was taken.



- (d) **A request for council action on the reappointment of Van Rich to a 5-year term of office on the City of Asheboro Planning Board.**

Mr. Rich's current term on the City of Asheboro Planning Board is set to expire this month. Based on the planning department's observations of Mr. Rich's continuing contributions to the city through his service on the planning board, Community Development Director Trevor Nuttall asked the Council Members to consider appointing Van Rich to serve another 5-year term (January 1, 2021, to January 1, 2026) on the City of Asheboro Planning Board.

Upon motion by Council Member Redding, and seconded by Council Member Moffitt, the city council voted unanimously to approve Van Rich's appointment to a new 5-year term of office as a member of the City of Asheboro Planning Board. Council Members Bell, Burks, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

10. **Fire Chief Willie Summers provided an update on the completed renovations at Fire Station 2.**

Chief Summers utilized a slide show presentation to update the elected officials on the renovations completed at Fire Station 2. With the current renovations, the viability of Fire Station 2 has been extended for a significant number of years.

No action was requested of the city council, and none was taken.

11. **Asheboro Regional Airport items:**

- (a) **A request for council action on the proposed implementation of revised hangar rental rates and procedures.**

In accordance with actions taken by the Asheboro Airport Authority, City Engineer Michael Leonard, PE presented the following resolution to the city council with a recommendation to adopt the resolution by reference. The elected officials concurred with this recommendation.

Upon motion by Council Member Bell, and seconded by Council Member Burks, the city council voted unanimously to approve the resolution by reference. Council Members Bell, Burks, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

**RESOLUTION NUMBER 01 RES 1-21**

**CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA**

**A RESOLUTION APPROVING HANGAR RENTAL RATES  
AT THE ASHEBORO REGIONAL AIRPORT**

**WHEREAS**, in conjunction with the city charter and other laws of this state, Section 63-53(4) of the North Carolina General Statutes authorizes the City of Asheboro to lease any city-owned real or personal property acquired for the Asheboro Regional Airport when such property is not otherwise needed by the city during the term of the lease; and

**WHEREAS**, with regard to the city setting rental fees in compliance with Article 6 (Public Airports and Related Facilities) in Chapter 63 (Aeronautics) of the North Carolina General Statutes, G.S. 63-53(5) provides, in pertinent part, as follows:

*In addition to the general powers in this Article conferred, and without limitation thereof, a municipality which has established or may hereafter establish airports . . . is hereby authorized:*

- (5) *To determine the charge or rental for the use of any properties under its control . . . and the terms and conditions under which such properties may be used, provided that in all cases the public is not*

*deprived of its rightful, equal, and uniform use of such property. Charges shall be reasonable and uniform for the same class of service and established with due regard to the property and improvements used and the expense of the operation to the municipality; and*

**WHEREAS**, on October 20, 2020, the Asheboro Airport Authority approved certain changes in the rental rates for hangars at the Asheboro Regional Airport; and

**WHEREAS**, the Asheboro City Council agrees with the Asheboro Airport Authority's analysis of the hangar rental rates.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro that, effective February 1, 2021, the governing board concurs with the Asheboro Airport Authority's hangar rental rate recommendations found in the attached EXHIBIT 1, which is hereby incorporated into this Resolution by reference as if copied fully herein; and

**BE IT FURTHER RESOLVED** by the City Council of the City of Asheboro that, when long-term hangar lease agreements pre-dating this Resolution expire, the rental rates approved by this Resolution shall be implemented by means of utilizing the short-term hangar leasing authority delegated to the city manager pursuant to Asheboro City Council Resolution Number 29 RES 8-19; and

**BE IT FURTHER RESOLVED** by the City Council of the City of Asheboro that the city's professional staff and the Asheboro Airport Authority are hereby asked to study the feasibility of integrating the month-to-month leasing of the hangars listed in the attached EXHIBIT 1 into the city's contractual agreement with the fixed base operator at the Asheboro Regional Airport.

**This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 7<sup>th</sup> day of January, 2021.**

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

ATTEST:

/s/Tammy M. Williams  
Tammy M. Williams, Deputy City Clerk

**EXHIBIT 1**

1. Hangar B (1,440 Square Feet)

Square Foot Rental Rate: \$3.00/square foot  
Monthly Rental Rate: \$360.00  
Utilities: Included in Rent (City pays because hangars are on a common meter)  
HVAC Unit: N/A  
Annual Hangar Rent Increase: 3%

2. Hangar C (1,440 Square Feet)

Square Foot Rental Rate: \$3.00/square foot  
Monthly Rental Rate: \$360.00  
Utilities: Included in Rent (City pays because hangars are on a common meter)  
HVAC Unit: N/A  
Annual Hangar Rent Increase: 3%

3. Hangar D (1,440 Square Feet)

Square Foot Rental Rate: \$3.00/square foot  
Monthly Rental Rate: \$360.00  
Utilities: Included in Rent (City pays because hangars are on a common meter)  
HVAC Unit: N/A  
Annual Hangar Rent Increase: 3%

4. Hangar E (2,000 Square Feet)

Square Foot Rental Rate: \$3.00/square foot  
Monthly Rental Rate: \$500.00  
Utilities: Tenant Pays  
HVAC Unit: Tenant Maintains HVAC Unit after Start of Lease  
Annual Hangar Rent Increase: 3%

5. Hangar F (1,512 Square Feet)

Square Foot Rental Rate: \$3.00/square foot  
Monthly Rental Rate: \$378.00  
Utilities: Tenant Pays  
HVAC Unit: Tenant Maintains HVAC Unit after Start of Lease  
Annual Hangar Rent Increase: 3%

6. Hangar K (6,400 Square Feet)

Square Foot Rental Rate: \$1.875/square foot  
Monthly Rental Rate: \$1,000.00  
Utilities: Tenant Pays  
HVAC Unit: N/A  
Annual Hangar Rent Increase: 3%

**(b) An update on the potential acquisition of an existing hangar.**

City Engineer Michael Leonard, PE updated the elected officials on the potential acquisition of an existing hangar (Hangar N) at the Asheboro Regional Airport. During the previous council meeting in December, city staff members were instructed to investigate possible funding options for the potential purchase of Hangar N.

It has been determined the Non-Primary Entitlement (NPE) program funds are eligible for potential use in the purchasing of Hangar N. The current NPE funding is as follows:

2017 - \$84,461.00 Remaining (Expiring May 2021)  
2018 - \$150,000.00 Remaining  
2019 - \$150,000.00 Remaining  
2020 - \$150,000.00 Remaining

However, the utilization of NPE program funding does require a 90/10 match.

In light of the existing funding, city staff requested direction from the governing board as to whether to proceed with the potential acquisition of Hangar N. Any such acquisition that utilized NPE funding would have to comply with federally mandated guidelines administered by the North Carolina Department of Transportation's Division of Aviation.

Upon motion by Council Member Moffitt, and seconded by Council Member Burks, the council voted unanimously to proceed with attempting to purchase Hangar N with the assistance of NPE funding. Council Members Bell, Burks, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

- (c) **An update on US64 bypass signage, including the need for airport directional signage.**

City Engineer Michael Leonard, PE provided an update concerning the need for directional signage for the Asheboro Regional Airport along the new US Highway 64 Bypass. The new stretch of highway was opened on December 18, 2020, and, after the opening, the absence of directional signage for the Asheboro Regional Airport was noticed.

The city engineering department has contacted the North Carolina Department of Transportation (NCDOT) to request the installation of directional signage for the airport. City staff members involved in this line of communication have had positive interactions with the NCDOT and feel confident that the situation will be addressed in a satisfactory manner.

No action was requested of the city council, and none was taken.

**12. Items pertaining to the public health emergency created by the novel coronavirus.**

- (a) **An update on the impact of the pandemic on both municipal operations and the city at large.**

Mr. Ogburn provided an update on the coronavirus pandemic and its impact on the city and county. As of January 7, 2021, Randolph County reported 8,921 confirmed cases and 134 deaths. Randolph County remains in code red with critical community spread.

Mr. Ogburn asks that the public be patient as the Randolph County Health Department has been overwhelmed with phone calls trying to schedule vaccinations. Randolph Health has been at or near capacity during the last months.

Precautions are being taken in every department within the City of Asheboro to curtail the spread of the virus within our organization.

- (b) **A request for council action on a resolution authorizing a limited amount of emergency administrative leave for eligible city employees.**

As part of the city's efforts to confront the challenges posed by the pandemic, the city manager asked the governing board to approve the following resolution authorizing a limited amount of emergency administrative leave for eligible city employees. The governing board unanimously concurred with this recommendation.

Accordingly, Council Member Burks moved, and Council Member Swiers seconded the motion, to approve the following resolution by reference. Council Members Bell, Burks, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

**RESOLUTION NUMBER 02 RES 1-21**

**CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA**

**A RESOLUTION AUTHORIZING A LIMITED AMOUNT OF EMERGENCY ADMINISTRATIVE LEAVE FOR ELIGIBLE CITY EMPLOYEES**

**WHEREAS**, in March 2020, Congress passed, and the President of the United States signed into law, the Families First Coronavirus Response Act, Public Law 116-127 (the "FFCRA"); and

**WHEREAS**, the FFCRA was a compilation of different acts with different purposes that all related to the common goal of providing relief to individuals adversely affected economically by the public health crisis created by the novel coronavirus; and

**WHEREAS**, two specific acts within the FFCRA – the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act – expired at midnight on December 31, 2020; and

**WHEREAS**, the expired Emergency Paid Sick Leave Act required the city to provide a maximum of 80 hours of paid sick leave (“Emergency Paid Leave”) to employees who were unable to work because of the following reasons: (1) The employees were subject to a federal, state, or local quarantine or isolation order related to COVID-19; (2) The employees were advised by their healthcare provider to self-quarantine because they were infected with or had been exposed to COVID-19 or because they were at high risk of complications from COVID-19; (3) The employees were showing symptoms of COVID-19 and were seeking but had not yet received a medical diagnosis; (4) The employees were caring for someone subject to a federal, state, or local quarantine or isolation order related to COVID-19, or the employees were caring for someone who had been advised by a healthcare provider to self-quarantine for COVID-19 related reasons; or (5) The employees were caring for a child because the child’s school or childcare facility had been closed or because the child’s normal caregiver was no longer available because of a COVID-19 related reason; and

**WHEREAS**, the expired Emergency Family and Medical Leave Expansion Act added to the existing Family and Medical Leave Act a new category of qualifying reasons for an employee to take job-protected leave, more specifically this expired legislative enactment provided up to 12 weeks of leave (“Emergency FMLA Leave”) when an employee was unable to work because of school closures or the unavailability of child care due to the COVID-19 crisis; and

**WHEREAS**, the above-referenced Emergency FMLA Leave became paid leave after a 10-day waiting period; and

**WHEREAS**, the federal legislative enactments creating Emergency Paid Leave and Emergency FMLA Leave placed limitations on the amount of pay employers were mandated to provide under the federal legislation; and

**WHEREAS**, due to these limitations, city employees who properly availed themselves of the Emergency Paid Leave and Emergency FMLA Leave benefits could, in certain circumstances, find themselves receiving less than their regular rate of pay; and

**WHEREAS**, in order to promote both employee morale and the orderly processing of the city’s payroll, the human resources director and the city manager jointly recommended supplementing, independent of an employee’s accrued leave balances, the Emergency Paid Leave and Emergency FMLA Leave benefits so as to ensure that city employees properly availing themselves of Emergency Paid Leave and Emergency FMLA Leave benefits received regular rates of pay; and

**WHEREAS**, the Asheboro City Council concurred with the staff recommendation and adopted Resolution Number 06 RES 4-20 on April 9, 2020, in order to authorize the implementation of the proposal; and

**WHEREAS**, the Consolidated Appropriations Act, 2021 (commonly referred to as the stimulus bill signed into law by the President of the United States on December 27, 2020) allows employers to choose to continue to be bound by the FFCRA leave requirements through March 31, 2021; and

**WHEREAS**, the threat posed by the novel coronavirus and the associated public health crisis has continued beyond December 31, 2020, and will most likely continue until a sufficient percentage of the population is vaccinated against the virus; and

**WHEREAS**, due to the anticipated duration of the public health crisis, and on the basis of the opinion that the expired federal acts struck an appropriate balance between the

need for fiscal restraint and the need to provide economic incentives for city employees, in appropriate circumstances, to stay home in order to protect their health and the health of their families and co-workers, the human resources director and the city manager have recommended providing a new temporary employee benefit, which can extend beyond March 31, 2021, in the form of emergency administrative leave that mirrors the expired FFCRA leave benefits; and

**WHEREAS**, the Asheboro City Council concurs with this recommendation.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro that the governing board hereby rejects the option of continuing to be bound by either the Emergency Paid Sick leave Act or the Emergency Family and Medical Leave Expansion Act beyond December 31, 2020, and chooses, as an alternative course of action, to establish the temporary City of Asheboro emergency administrative leave plan described below; and

**BE IT FURTHER RESOLVED** by the City Council of the City of Asheboro that the governing board hereby approves and ratifies, with an effective time and date retroactive to 12:01 a.m. on January 1, 2021, the implementation by the city manager of a temporary leave benefit for city employees in the form of emergency administrative leave that shall mirror, with no modifications other than the clarifying provisions listed herein, the Emergency Paid Leave and Emergency FMLA Leave benefits provided, up until midnight on December 31, 2020, by the combination of the expired Emergency Paid Sick Leave Act, the Emergency Family and Medical Leave Expansion Act, and Asheboro City Council Resolution Number 06 RES 4-20; and

**BE IT FURTHER RESOLVED** by the City Council of the City of Asheboro that the subsets of the approved emergency administrative leave, consistent with the preceding directive to mirror the expired federal legislation, shall be identified as COA-Emergency Paid Leave and COA-Emergency FMLA Leave; and

**BE IT FURTHER RESOLVED** by the City Council of the City of Asheboro that, when evaluating whether the temporary emergency administrative leave benefit authorized by this Resolution has been fully exhausted by a specific employee, the amount of leave used by the employee shall be calculated and evaluated as a single cumulative total without any distinction as to whether the benefit in question was granted pursuant to the expired FFCRA provisions or, alternatively, granted pursuant to this Resolution; and

**BE IT FURTHER RESOLVED** by the City Council of the City of Asheboro that COA-Emergency FMLA Leave will not count against an employee's regular Family and Medical Leave Act 12-week entitlement; and

**BE IT FURTHER RESOLVED** by the City Council of the City of Asheboro that, in contrast to requests for COA-Emergency FMLA Leave, requests to utilize the regular Family and Medical Leave Act 12-week entitlement shall be processed in a manner that is consistent with the policies and practices adopted by the city independent of the now expired FFCRA leave requirements; and

**BE IT FURTHER RESOLVED** by the City Council of the City of Asheboro that, unless and until action is taken at an earlier date by this governing board in open session during a regular or special meeting, this authorization of the temporary emergency administrative leave benefits specified herein for eligible city employees shall expire at midnight on December 31, 2021; and

**BE IT FURTHER RESOLVED** by the City Council of the City of Asheboro that all articles, sections, and provisions of the City of Asheboro Employee Policies and Procedures Manual that are not clearly and unmistakably referenced herein are unaffected by this Resolution and remain, without alteration, in full force and effect.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 7<sup>th</sup> day of January, 2021.

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

ATTEST:

/s/Tammy M. Williams  
Tammy M. Williams, Deputy City Clerk

- (c) **Authorization for Mayor Smith to execute the documents necessary to put to work the Community Development Block Grant Coronavirus (CDBG-CV) funding awarded to the city.**

Mr. Ogburn requested council action to authorize Mayor Smith to execute the necessary documents to finalize the CDBG-CV grant that has been awarded to the City of Asheboro. The United Way is experienced in helping our community and will be the city's partnering agency to help distribute the funds to the families most in need.

Council Member Bell moved, and Council Member Redding seconded the motion, to authorize Mayor Smith to execute on behalf of the city all of the legal instruments needed to finalize and move forward with the city's lawful utilization of the CDBG-CV funding that has been awarded. Council Members Bell, Burks, Moffitt, Redding, and Swiers voted in and there were no dissenting votes.

**13. A discussion of upcoming events and other items not on the agenda.**

Mayor Smith and City Manager Ogburn led a discussion of upcoming events for the city government and the community in general. No action was taken by the council during this part of the meeting.

**There being no further business to conduct, the meeting was adjourned at 8:49 p.m.**

/s/Tammy M. Williams  
Tammy M. Williams, Deputy City Clerk

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