

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, SEPTEMBER 17, 2020
7:00 P.M.**

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

David H. Smith) – Mayor Presiding

Clark R. Bell)

Edward J. Burks)

Walker B. Moffitt)

Jane H. Redding) – Council Members Present

Katie L. Snuggs)

Charles A. Swiers)

Linda H. Carter) – Council Member Present by Telephone Conference Call

John N. Ogburn, III, City Manager
Robert L. Brown, Jr., Assistant Chief of Police
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jonathan 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. 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.

During each vote, specific inquiries were made to ensure that Council Member Carter, who was participating by conference call, was on the line and able to cast her vote.

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. Old Business – Land Use Case Continued from August 6, 2020.

RZ-CUP-20-08 (Quasi-Judicial Hearing): An application to rezone land (Randolph County Parcel Identification Numbers 7762231577 and 7762230413) located on the west side of Meadowbrook Road Extension and the north side of Honeysuckle Road from R15 and R10 to CU-R10 zoning and to obtain a conditional use permit authorizing five single-family dwellings.

Community Development Director Trevor Nuttall reported to the Council that the above-referenced land use case has been withdrawn by the Applicant. A copy of the email from Mr. Darren Hackett withdrawing the application identified by land use case number RZ-CUP-20-08 is on file in the city clerk's office.

Due to Mr. Hackett's withdrawal of his application, no action was requested of the Council, and none was taken.

4. Introduction of Ms. Rebekah McGee, Executive Director of Downtown Asheboro, Inc.

Mr. Nuttall introduced Ms. Rebekah McGee who was recently appointed as the Executive Director of Downtown Asheboro, Inc. Beginning in 2014, Ms. McGee was the Director of Uptown Lexington, Inc. During her tenure, she recruited 31 new businesses to uptown and supported over 100 existing small businesses. Additionally, she secured approximately \$400,000 in sponsorships.

Mayor Smith and the Council Members welcomed Ms. McGee to Asheboro and her new role. No action was requested of the Council, and none was taken.

5. Public comment period.

Mayor Smith opened the floor for public comments.

Mr. Rashidi Everette presented comments in support of observing Juneteenth as a public holiday and asked for the council's financial support for the Asheboro community's annual Juneteenth celebration. Mr. Everette was advised to discuss his funding request in greater detail with the city manager so that the request could be addressed through the city's budget process.

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

6. Consent agenda.

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

(a) The meeting minutes for the city council's regular meeting held on August 6, 2020.

The approved 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) The minutes and general account of the closed session held on August 6, 2020, during the Council's regular meeting.

The approved minutes and general account of the above-referenced closed session are on file in the city clerk's office. However, in compliance with the resolution approved as the next consent agenda item, the general account of the closed session is not currently available for inspection because such an inspection would frustrate the purpose of the closed session.

(c) A resolution sealing the general account of the closed session held on August 6, 2020.

RESOLUTION NUMBER 17 RES 9-20

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**Resolution Sealing the General Account of a Closed Session
Conducted during a Regular Meeting on August 6, 2020**

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

- (g) The final decision document for the land use case identified by file number CUP-20-09.

Case No. CUP-20-09
Final Decision Document
City Council of the City of Asheboro, North Carolina

**IN THE MATTER OF THE APPLICATION BY BRANDON McKENZIE
FOR A CONDITIONAL USE PERMIT AUTHORIZING A COMMERCIAL
DEVELOPMENT WITH MULTIPLE USES AND/OR STRUCTURES**

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

THIS LAND USE CASE came before the City Council of the City of Asheboro (the “Council”) on August 6, 2020, for a properly advertised quasi-judicial hearing on the question of whether to approve an application for a conditional use permit. Having considered all competent evidence and argument, the Council, on the basis of competent, material, and substantial evidence, does hereby enter the following:

FINDINGS OF FACT

1. Brandon McKenzie (the “Applicant”) properly submitted an application for a conditional use permit authorizing a land use identified in the City of Asheboro Zoning Ordinance (the “Ordinance”) as a commercial development with multiple uses and/or structures.
2. In compliance with the Ordinance, the Applicant included with his application a site plan showing the proposed land use on a parcel of land identified by Randolph County Parcel Identification Number 7751709933 (the “Zoning Lot”).
3. When the conditional use permit application was submitted, and at the time this case was heard by the Council, title to the Zoning Lot was held by Atlas Cleveland Dunn, III, successor trustee for the A.C. Dunn Trust dated May 29, 2015. In order to express the consent of the Zoning Lot owner for this land use case to move forward, Mr. Atlas Cleveland Dunn, III executed the conditional use permit application form along with the Applicant.
4. The Zoning Lot is approximately 0.47 of an acre in size.
5. The street addresses associated with the Zoning Lot are 512, 514, and 516 South Fayetteville Street.
6. South Fayetteville Street is a state-maintained major thoroughfare.
7. The Zoning Lot is located inside Asheboro’s city limits.
8. No active land use is currently present on the Zoning Lot. The previous land use on the lot was commercial.
9. The Zoning Lot is in a CU-B3 (Conditional Use Central Commercial) zoning district because of legislative action taken by the Council on August 6, 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. Subsection (L) in Section 210 of the Ordinance describes the B3 Central Commercial District as follows:

The B3 Central Commercial District is intended to be applied to the traditional commercial, governmental, administrative and

service core of Asheboro, commonly known as the Central Business District.

14. Table 200-2 (the “Table of Permitted Uses”) in the Ordinance lists the commercial development with multiple uses and/or structures land use as a permitted principal use in the underlying B3 zoning district.

15. In addition to the underlying zoning, the Zoning Lot is located within an overlay zone known as the Center City Planning Area, Tier 2: Central Business District Fringe Development Area. The Ordinance describes this area as follows: “This planning area encompasses blocks adjacent to Tier 1, the core Central Business Area. Properties in this planning area, unlike those in Tier 1, are not readily accessible to public downtown parking. Coordinated development of a variety of mixed uses is encouraged.”

16. Tier 2 also has heightened requirements for buffering, green space, pedestrian connectivity, and design standards for building and screening of certain features such as mechanical equipment and solid waste facilities.

17. With regard to the scope of activities or uses that can be deemed to be part of a commercial development, Article 1100 in the Ordinance provides that the term “commercial use” is inclusive of any use permitted within the B3 zoning district.

18. Pursuant to Table 200-2 in the Ordinance, a dwelling within a mixed use structure is permitted as a principal use in the B3 zoning district.

19. The land uses surrounding the Zoning Lot are as follows:

North:	Undeveloped Commercial	East:	Commercial
South:	Commercial	West:	Commercial (Contractor’s Office)

20. In terms of 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, and the proposed land use map designates the area as a city activity center.

21. The Applicant proposes using the existing two-level structure, which totals approximately 12,673 square feet.

22. The commercial development with multiple uses and/or structure land use within the B3 zoning district allows dwellings within a mixed use structure on floors other than the ground floor. The Applicant is proposing a total of four dwelling units on the second floor of the structure. The Applicant also has the option of using some or all of this area for non-residential purposes.

23. The Applicant’s site plan shows one existing entrance from South Fayetteville Street. However, the North Carolina Department of Transportation must approve access from this driveway and may require improvements or modifications.

24. 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 the following conditions for attachment to any conditional use permit that may be issued to the Applicant:

- (A) *The approved land use is a commercial development with multiple uses and/or structures, excluding the following list of land uses that are not approved for the Zoning Lot: (1) Car Wash; (2) Columbarium; (3) Crematorium (accessory use); (4) Flea Market, Open Air Sales; (5) Funeral Parlor; (6) Gas Station; (7) Nightclub/Cabaret; and (8) Service Station.*
- (B) *Prior to the issuance of a zoning compliance permit for the proposed land use, the Applicant shall submit documentation detailing driveway approval from the North Carolina Department of Transportation (“NCDOT”). If any improvements required by*

the NCDOT impact the number of parking spaces provided on the Zoning Lot, any change in the number of parking spaces to make required driveway improvements shall not be deemed to be a modification of the conditional use permit. In such an event, the Applicant shall provide a revised site plan for inclusion in the planning department's file for the Zoning Lot without further review by the Council.

- (C) *Prior to the issuance of a zoning compliance permit, additional information related to outdoor lighting shall be submitted to city staff demonstrating compliance with Section 317A.1 of the Ordinance (Performance Standards for All Commercial Zoning Districts – Light) for inclusion in the file without further review by the Council.*
- (D) *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.*

25. Uncontroverted testimony was offered as to the absence of any adverse impact on the value of adjoining property as a consequence of the Applicant restoring the functionality of the existing structure. The Applicant intends to stay within the existing building footprint.

26. 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.

27. The Applicant unequivocally accepted the permit conditions suggested by the city planning staff.

28. No testimony was offered in opposition to the Applicant's request for a conditional use permit.

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 commercial development with multiple uses and/or structures on the Zoning Lot in a CU-B3 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 by the Council, 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 zoning 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:

- (h) A resolution modifying the previously adopted declaration of the official intent of the City of Asheboro to purchase municipal vehicles/equipment and to reimburse the General Fund with installment financing proceeds.

RESOLUTION NUMBER 18 RES 9-20

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF ASHEBORO TO PURCHASE MUNICIPAL VEHICLES AND EQUIPMENT AND TO REIMBURSE THE GENERAL FUND WITH INSTALLMENT FINANCING PROCEEDS

WHEREAS, in order to maintain a satisfactory level of municipal services, the Asheboro City Council has adopted a budget ordinance for fiscal year 2020-2021 that allocates funding for the acquisition of vehicles and equipment deemed essential for maintaining uninterrupted high-quality municipal services; and

WHEREAS, the following vehicles and equipment are to be acquired by city departments that receive their funding from the City of Asheboro General Fund (the "General Fund"):

1. \$165,000.00 has been budgeted for the environmental services department to acquire a rear loading garbage truck;
2. \$75,000.00 has been budgeted for the facilities maintenance department to acquire a golf course fairway mower;
3. \$47,500.00 has been budgeted for the fleet maintenance department to acquire a service truck;
4. \$30,000.00 has been budgeted for the human resources department to acquire a vehicle;
5. \$319,122.00 has been budgeted for the police department to acquire eleven vehicles; and
6. \$297,000.00 has been budgeted for the street maintenance department to acquire a service truck and a leaf truck; and

WHEREAS, the total budgeted amount for the purchase of the above-listed vehicles and equipment needed by the listed city departments to deliver essential municipal services is \$933,622.00; and

WHEREAS, Section 160A-20 of the North Carolina General Statutes authorizes the city to finance the purchase of personal property by means of installment financing that creates a security interest in the purchased property; and

WHEREAS, in order to provide uninterrupted high-quality municipal services, the above-listed vehicles and equipment will be purchased and placed into service as soon as possible with available funds in the General Fund; and

WHEREAS, the Asheboro City Council has decided that the above-stated expenditures are to be reimbursed to the General Fund during the current fiscal year with proceeds from an installment financing agreement that will create security interests in the above-listed municipal vehicles and equipment acquired by the city during its 2020-2021 fiscal year; and

WHEREAS, more favorable financing terms can be obtained if the city takes the steps necessary to allow the lending institution from which financing is ultimately obtained to exclude the interest paid or payable under an installment financing agreement with the city from the gross income of the lending institution; and

WHEREAS, the Property is needed by the city for use as part of the parking area at McCrary Ballpark; and

WHEREAS, an aerial image of the Property, which has been printed from Randolph County's on-line geographic information system, is attached to this Resolution as EXHIBIT 1 and is hereby incorporated into this Resolution by reference as if copied fully herein; and

WHEREAS, the Seller has agreed to convey the Property to the city for a purchase price of \$1,000.00; and

WHEREAS, a warranty deed has been prepared by the Seller's attorney in order to convey the Property to the city; and

WHEREAS, the Asheboro City Council has concluded that the purchase of the Property, including paying for the preparation of a warranty deed and satisfying the outstanding property taxes, serves the public purpose of securing for the city a parking area that is necessary for the successful operation of McCrary Ballpark.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, effective upon the date of adoption of this Resolution, the Seller's offer to convey the Property to the City of Asheboro in consideration of the payment by the city of \$1,000.00 is hereby accepted; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the city manager and all other necessary city officials are hereby authorized, upon delivery to the city attorney of a valid warranty deed conveying the Property to the city, to pay to the Seller the purchase price of \$1,000.00, to promptly record the referenced warranty deed in the Office of the Randolph County Register of Deeds, to pay the fees associated with the preparation and recordation of the warranty deed, and to pay the excise tax and property tax needed to secure clear title to the Property for the city.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on September 17, 2020.

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

ATTEST:

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

[The attachment identified as EXHIBIT 1 and incorporated by reference into the immediately preceding resolution is on file in the city clerk's office.]

7. Community Development Items:

(a) The final plat certification for Robin's Nest Phase 2, Section 1.

Community Development Director Trevor Nuttall presented the planning staff's analysis of the request for certification of the final plat for Phase 2, Section 1 of the Robin's Nest subdivision. The land at issue with the requested final plat certification is located at the end of Finchley Court, west of Gold Hill Road, and is more specifically identified by the following Randolph County Parcel Identification Numbers: 7762750195 and 7762658808.

The Applicant, Davidson Land Development, LLC, has requested approval of a final plat that shows three lots with an average lot size of approximately 14,160 square feet. The property to be subdivided is currently undeveloped and is located in an R10 zoning district.

During his presentation, Mr. Nuttall discussed the following planning staff analysis of the requested final subdivision plat certification:

1. The property is located inside the city limits, and city services are available.
2. The proposal is for the extension of an existing conventional residential subdivision, Robins Nest, Phase 1.
3. Single-family and two-family dwellings are permitted in the R10 zoning district if lot size requirements are met.
4. Two existing entrances serve the development from the existing Phase 1.
5. This section of Robins Nest, Phase 2 includes the extension of Finchley Court by approximately 70 feet, ending in a cul-de-sac.
6. The future development area with access to Finchley Court may be platted as a lot through the minor subdivision at a later date if it meets all applicable zoning and subdivision ordinance requirements. Future phases defined as a major subdivision (extension of public rights-of-way, publicly maintained water, or publicly maintained sewer) will be reviewed under the major subdivision process.
7. Water and sewer have been installed.
8. Uncompleted improvements have been guaranteed in compliance with the Subdivision Ordinance.
9. A written one year warranty against improvement defects has been provided by the developer.

Community Development Division staff and the Planning Board recommended granting the request final subdivision plat certification with the following conditions:

1. As-built engineering is to be completed and submitted upon completion of paving and any miscellaneous items related to completion of the roadway prior to the release of financial guarantee.
2. A phasing plan has been submitted. Any street ending in a temporary turnaround(s) due to phasing will need to be accessible for sanitation and emergency vehicles.

Mr. Bobby Kivett, who is a representative for the developer, was available to answer questions.

Upon motion by Council Member Moffitt and seconded by Council Member Bell, the Council voted unanimously to approve, with the above-stated conditions that were recommended by the planning staff and the Planning Board, the final plat certification requested for the Robins Nest Phase 2, Section 1 subdivision. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion. There were no dissenting votes.

A copy of the final plat is on file in the Community Development Division.

(b) A request to extend the time allowed between preliminary and final plat subdivision reviews for the remaining sections of the Robins Nest Phase 2 Subdivision.

On September 14, 2017, a preliminary plat for the Robins Nest Phase 2 subdivision was approved under case number SUB-17-02. The council has granted extensions in 2018 and 2019.

The extension granted in 2019 is valid through the end of September 2020. Due to various delays in the coordination of construction, Summey Engineering Associates, PLLC, by and through a letter from H. Mack Summey, Jr., PE that was dated August 26, 2020, requested a 12-month extension to submit a final plat.

Council Member Moffitt moved to approve the extension request, and Council Member Bell seconded the motion. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion and approved the requested extension. There were no dissenting votes.

8. **City responses to the coronavirus:**

(a) **Public Hearing – Community Development Block Grant Coronavirus (CDBG-CV) Program.**

Mayor Smith opened the public hearing on the Community Development Block Grant Coronavirus (CDBG-CV) Program.

Community Development Director Trevor Nuttall utilized a visual presentation and summarized the North Carolina CDBG-CV Program. During his presentation, Mr. Nuttall reported that the program is designed to help units of local government respond to and recover from the health and economic impacts of COVID-19. The program will assist non-entitlement areas across the state (i.e., incorporated municipalities under 50,000 in population and counties under 200,000 in population) by supporting public service, public facilities, and special economic development activities.

The North Carolina Department of Commerce will award CDBG-CV funds on a first-come, first-served basis with a focus on local needs identified by the community in collaboration with state and local health officials. Initially, North Carolina will provide approximately \$28.5 million in funds received from the U.S. Department of Housing and Urban Development (HUD) to support North Carolina's COVID-19 response efforts.

Additionally, during his presentation, Mr. Nuttall summarized that CDBG-CV projects must incorporate at least one of the following activities as an area of focus:

1. Support families and communities through telehealth support and other public services.
2. Protect the most vulnerable and high-risk populations.
3. Assist small business with economic recovery.
4. Address testing, tracing, and tracking trends.

North Carolina has established the following funding priorities by eligible activity:

1. **Public Service:** The priority in this category is subsistence payments to prevent evictions and utility disconnections. Food distribution, testing and diagnosis, and employment training for health care workers on the frontlines are also prioritized.
2. **Public Facilities:** The priority in this category is broadband services and enhancing internet access that supports increased connectivity to schools, jobs, and healthcare. This category also includes building rehabilitation or improvements to support activities such as repurposing buildings into patient treatment centers.
3. **Economic Development:** The priority in this category is to provide financial assistance to businesses with 100 or fewer employees, including microenterprises with five or fewer employees. The focus is to support businesses that manufacture medical supplies and to help small businesses impacted by COVID-19 create and retain jobs.

During this public hearing, Mayor Smith opened the floor for public comments.

Mr. Jerry Price, a representative from a non-profit organization identified as Holistic Health and Recovery, expressed his interest in participating in the program. However, he was not in a position to offer a detailed request at this time.

Mr. Lennit Bligen of the East Side Local Development Corporation presented comments in support of the development of a multi-purpose facility within the East Side community in the vicinity of Brewer Street and Presnell Street. Additionally, Mr. Bligen suggested that adult education courses be offered at Randolph Community College along with workshops for financial literacy.

Ms. Jordan Gallimore of the Salvation Army described the increased calls for help that the Salvation Army is receiving as a consequence of the pandemic. This support includes help with utility bills. Approximately 1,470 people are helped daily with needed supplies. Funding assistance with these programs would be greatly appreciated.

At the conclusion of the public hearing, Mr. Nuttall emphasized the need for the city to partner with a sub-recipient for the appropriate disbursement of potential funding through the CDBG-CV Program. The focus of the program and the city's monitoring of a sub-recipient's use of funding is on services for individuals with low to moderate income and helping the disadvantaged in underserved communities.

Mr. Nuttall noted that a second public hearing will be held during the council's regular meeting on October 8, 2020. Additionally, written and oral comments may be submitted to the city's Community Development Division.

There being no further comments from the public, Mayor Smith closed the public hearing. No action was requested of the Council at this time, and none was taken.

(b) Update on the deferred utility payment program established in compliance with Governor Cooper's Executive Orders.

Ms. Reaves reported that approximately 800 city utility customers have been financially impacted by the current coronavirus pandemic. In compliance with Governor Cooper's executive orders, the city is participating in a deferred utility payment program. Eligible utility customers have the option of enrolling in a repayment plan with the city in order to bring their past due water utility accounts current over the course of a 6-month repayment period.

No action was requested of the Council, and none was taken.

(c) Update on the phased reopening of recreation programs and facilities in compliance with Governor Cooper's Executive Orders.

Recreation Services Director Jonathan Sermon utilized a visual presentation and presented a phased reopening schedule for the city's cultural and recreation services programs. Most of the city's recreation facilities will be open under Governor Cooper's Phase 2.5 plan with the exception of the Sunset Theatre and the rental of Bicentennial Park.

No action was requested of the Council, and none was taken.

9. An annexation petition received from Kenneth and Bridget Gallimore.

(a) Consideration of a resolution directing the city clerk to investigate the annexation petition.

After receiving City Engineer Michael Leonard's overview of the annexation petition submitted by Kenneth and Bridget Gallimore, Council Member Bell moved to adopt the following resolution by reference, and Council Member Redding seconded the

motion. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion and thereby approved the following resolution. There were no dissenting votes.

RESOLUTION NUMBER 20 RES 9-20

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE THE SUFFICIENCY OF THE ANNEXATION PETITION SUBMITTED BY KENNETH P. GALLIMORE AND BRIDGET F. GALLIMORE

WHEREAS, Kenneth P. Gallimore and Bridget F. Gallimore (the “Petitioners”) have submitted a petition requesting the annexation into Asheboro of a parcel of land they own at the intersection of East Salisbury Street and Patton Avenue; and

WHEREAS, the land for which annexation has been requested (the “Annexation Area”) is more specifically identified by Randolph County Parcel Identification Number 7761513992; and

WHEREAS, the Annexation Area is contiguous to Asheboro’s primary city limits; and

WHEREAS, Section 160A-31 of the North Carolina General Statutes provides that the sufficiency of the petition shall be investigated by the city clerk before further annexation proceedings may take place; and

WHEREAS, the Asheboro City Council has decided to proceed with the statutorily prescribed voluntary annexation process.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the city clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify to the council the results of her investigation.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on September 17, 2020.

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

ATTEST:

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

In anticipation of the council’s above-stated action, the city clerk prepared the following certification in advance of the council meeting and submitted this certificate for council’s review.

CERTIFICATE OF SUFFICIENCY
(Annexation Petition Received from Kenneth P. Gallimore and Bridget F. Gallimore)

TO: The City Council of the City of Asheboro, North Carolina

I, Holly H. Doerr, am the City Clerk for the City of Asheboro. I hereby certify that, with the assistance of staff members in various city departments, I have investigated the annexation petition submitted by Kenneth P. Gallimore and Bridget F. Gallimore (the “Petitioners”). I further certify that the following paragraphs accurately state the information obtained during the course of my investigation of the annexation petition.

The Petitioners request the annexation into Asheboro of a parcel of land they own at the intersection of East Salisbury Street and Patton Avenue. The land for which the Petitioners have requested annexation (the "Annexation Area") is more specifically identified by Randolph County Parcel Identification Number 7761513992.

On the basis of my investigation, I have concluded that all of the owners of the real property lying in the Annexation Area have signed the prescribed petition. The petition appears to be sufficient to satisfy the provisions of Section 160A-31 of the North Carolina General Statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Asheboro in order to make this certification effective as of September 17, 2020.

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

(b) Consideration of a resolution setting the date for a public hearing on the question of annexation.

In light of the preceding council action and the submittal of the city clerk's certification document, Mr. Leonard then presented, for the council's consideration, a resolution setting the date for a hearing on the question of the requested annexation. Council Member Bell moved to adopt the following resolution by reference, and Council Member Swiers seconded the motion. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion and thereby approved the resolution. There were no dissenting votes.

RESOLUTION NUMBER 21 RES 9-20

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION SETTING THE DATE FOR A PUBLIC HEARING ON THE QUESTION OF THE REQUESTED ANNEXATION OF LAND OWNED BY KENNETH P. GALLIMORE AND BRIDGET F. GALLIMORE

WHEREAS, Kenneth P. Gallimore and Bridget F. Gallimore (the "Petitioners") properly submitted a petition requesting the annexation into Asheboro of a parcel of land they own at the intersection of East Salisbury Street and Patton Avenue; and

WHEREAS, the land for which annexation has been requested is more specifically identified by Randolph County Parcel Identification Number 7761513992; and

WHEREAS, pursuant to a previously adopted resolution, the city clerk investigated the sufficiency of the annexation petition; and

WHEREAS, the city clerk certified the sufficiency of the petition for proceeding with setting the date for a public hearing on the question of the requested annexation pursuant to Section 160A-31 of the North Carolina General Statutes.

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

Section 1. A public hearing on the question of annexing the territory described in Section 2 of this Resolution will be held in the council chamber on the second floor of Asheboro City Hall at 146 North Church Street, Asheboro, North Carolina 27203 during a regular meeting of the Asheboro City Council that will begin at 7:00 p.m. on October 8, 2020.

Section 2. The territory proposed for annexation is described by metes and bounds as follows:

Asheboro Township, Randolph County, North Carolina:

BEGINNING on the existing City of Asheboro primary city limits line at a 1 and 1/4-inch existing iron pipe that is up 36 inches at the southeastern corner of the Kenneth P. Gallimore and Bridget F. Gallimore property described in a warranty deed recorded in the Office of the Register of Deeds for Randolph County, North Carolina (the "Randolph County Registry") in Deed Book 2714, Page 968, Randolph County Registry (the real property described in Deed Book 2714, Page 968, Randolph County Registry is the parcel of land for which Kenneth P. Gallimore and Bridget F. Gallimore have requested annexation into the City of Asheboro, and this parcel of land will be hereinafter referred to as the "Gallimore Parcel"), this beginning point is at a Gallimore Parcel corner shared with the Blanche Yvonne Stanley property described in Deed Book 2181, Page 1322, Randolph County Registry and is located by means of the North Carolina Coordinate System at the coordinates of North 711,681.67 Ground US Survey Feet and East 1,765,438.73 Ground US Survey Feet (NAD 83 (2011)); thence from the beginning point, departing from the existing City of Asheboro primary city limits line, and following the proposed City of Asheboro primary city limits line North 79 degrees 30 minutes 59 seconds West 184.85 feet along the Gallimore Parcel's southern boundary line that is shared with the above-described Blanche Yvonne Stanley property to a 1-inch existing iron pipe that is flush with the ground in the eastern margin of the 30-foot public right-of-way for Patton Avenue (North Carolina Secondary Road 2192) at the southwest corner of the Gallimore Parcel; thence continuing to follow the proposed City of Asheboro primary city limits by proceeding North 06 degrees 27 minutes 15 seconds East 148.52 feet along the eastern margin of the public right-of-way for Patton Avenue and the western boundary line of the Gallimore Parcel to a point not set/computed point; thence departing from the Gallimore Parcel's western boundary line and following the proposed City of Asheboro primary city limits line across the public right-of-way for Patton Avenue North 79 degrees 11 minutes 07 seconds West 30.09 feet to a point not set/computed point in the western margin of the public right-of-way for Patton Avenue that is also the location of the existing City of Asheboro primary city limits line; thence following the western margin of the public right-of-way for Patton Avenue and the existing City of Asheboro primary city limits line along the Neale A. Kearns property described in Deed Book 2279, Page 219, Randolph County Registry the following bearing and distance: North 06 degrees 27 minutes 15 seconds East 222.49 feet to a point not set/computed point at the intersection of the western margin of the public right-of-way for Patton Avenue with the southern margin of the 60-foot public right-of-way for East Salisbury Street (North Carolina Secondary Road 2237); thence continuing to follow the existing City of Asheboro primary city limits line along the southern margin of the public right-of-way for East Salisbury Street by proceeding South 83 degrees 58 minutes 04 seconds East 30.00 feet across Patton Avenue to a point not set/computed point in the southern margin of the public right-of-way for East Salisbury Street at the northwest corner of the Gallimore Parcel; thence following the northern boundary line of the Gallimore Parcel along the existing City of Asheboro primary city limits line and the southern margin of the public right-of-way for East Salisbury Street South 83 degrees 58 minutes 04 seconds East 233.99 feet to a point not set/computed point at the northeast corner of the Gallimore Parcel; thence departing from the southern margin of the public right-of-way for East Salisbury Street but continuing along the existing City of Asheboro primary city limits the next three bearings and distances along the common boundary line between the Gallimore Parcel and the Asheboro Mall, LLC property described in Deed Book 2525, Page 131, Randolph County Registry: South 00 degrees 41 minutes 07 seconds East 319.85 feet to a 1/2-inch existing iron rod that is up 2 inches in concrete; thence South 88 degrees 48 minutes 15 seconds West 83.99 feet to a 2 and 1/4-inch existing iron pipe that is flush with the ground; thence South 12 degrees 17 minutes 33 seconds West 59.99 feet to the point and place of BEGINNING, and containing a total of 2.288 acres of land, more or less, to be annexed.

The above-stated legal description is in accordance with a plat of survey drawn under the supervision of Dan W. Tanner, II, Professional Land Surveyor with License Number L-4787. The plat of survey is titled "Annexation Survey For: Gallimore Body Shop" and is identified as Job No. 11783_annex.

Section 3. Notice of the public hearing scheduled by Section 1 of this Resolution shall be published in *The Courier-Tribune*, which is a newspaper having general circulation in the City of Asheboro, at least ten (10) days prior to the date of the public hearing.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on September 17, 2020.

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

ATTEST:

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

10. Engineering items:

- (a) A bid summary and request to award to the apparent lowest responsive, responsible bidder a contract for the replacement of the roof on the Asheboro Police Department's North District Station.

Mr. Leonard reported that three (3) bids were received on August 11, 2020 for the roof replacement for the Asheboro Police Department's North District Station. The following bids were received:

<u>Bidder</u>	<u>Address</u>	<u>Bid Amount</u>
BIRS, Inc.	207 Robbins St. Greensboro, NC 27406	\$96,552.00
GMG, Inc.	1210 Mumford Road Greenville, NC 27934	\$101,430.00
McRae Roofing, Inc.	P.O. Box 2148 Asheboro, NC 27204	\$79,920.00

Mr. Leonard recommended that the contract be awarded to the apparent lowest responsive, responsible bidder which was McRae Roofing, Inc. with a bid of \$79,920.00. Upon motion by Council Member Moffitt and seconded by Council Member Swiers, Council voted unanimously to award the contract to McRae Roofing, Inc. as recommended by Mr. Leonard. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

A copy of the bid summary presented by Mr. Leonard is on file in the city clerk's office.

- (b) A bid summary and a request to award to the apparent lowest responsive, responsible bidder a contract for the replacement of the City Hall HVAC System.

Mr. Leonard reported that three (3) bids were received on August 25, 2020 for the replacement of the City Hall HVAC System. The following bids were received:

<u>Bidder</u>	<u>Address</u>	<u>Bid Amount</u>
Charlie's Tin Shop, Inc.	P.O. Box 4517 Asheboro, NC 27204	\$104,965.00
Mandolin HVAC, Plumbing, Electrical	3209-109 Gresham Lake Rd. Raleigh, NC 27615	\$185,335.00
Superior Mechanical, Inc.	P.O. Box 877 Randleman, NC 27317	\$240,182.00

Mr. Leonard recommended that the contract be awarded to the apparent lowest responsive, responsible bidder which was Charlie's Tin Shop, Inc. with a bid of

\$104,965.00. Upon motion by Council Member Moffitt and seconded by Council Member Redding, the Council voted unanimously to award the contract to Charlie's Tin Shop, Inc. as recommended by Mr. Leonard. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

(c) Consideration of a proposed change order for the Zoo City Sportsplex Grading Project.

Mr. Leonard presented and recommended approval of Change Order Request Number 1 for the Zoo City Sportsplex Grading Project.

The addition of work to the grading contract resulted in a requested increase of \$308,412.50. Water and sewer related additions resulted in a requested increase of \$320,790.00. The total addition to the contract if Change Order Request Number 1 is approved would be \$629,202.50.

Additionally, the contractor (Terry's Plumbing and Utilities, Inc.) has requested with this change order an extension of 120 days due to wet weather, unforeseen site issues, and poor soil conditions.

After discussing with the city engineer the factors that led to the change order request, Council Member Bell moved to approve, without modification, Change Order Request Number 1 for the Zoo City Sportsplex Grading Project. This motion was seconded by Council Member Moffitt, and the Council voted unanimously to approve the requested change order. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

A copy of the approved change order is on file in the city clerk's office.

11. Randolph County Economic Development Corporation's annual report.

Mr. Kevin Franklin, President of the Randolph County Economic Development Corporation ("RCEDC"), led the presentation of the annual report from the RCEDC. Mr. Franklin was joined in his presentation by Ms. Crystal Gettys, who is the Business Recruitment Director of the RCEDC.

Mr. Franklin and Ms. Gettys discussed highlights from the annual report. No action was requested of the Council, and none was taken.

A copy of the written annual report distributed by the RCEDC officials has been filed in the city clerk's office.

12. Item not on the agenda.

Prior to entertaining a motion to go into closed session, and without objection, Mayor Smith added an item of discussion to the agenda. The purpose of this discussion was to alert the Council to the need for a review during the Council's next regular meeting in October of the potential acquisition by the city of (a) the Gatekeeper's House and (b) the property at 149 South Cox Street for the David and Pauline Jarrell Center City Garden.

No action was requested of the Council at this time, and none was taken.

13. Consideration of entering into closed session to discuss matters relating to the location or expansion of industries or other businesses in the City of Asheboro.

Mayor Smith opened the floor for a motion to go into closed session pursuant to Section 143-318.11(a)(4) of the North Carolina General Statutes in order to discuss matters relating to the location or expansion of industries or other businesses in the area

served by the City of Asheboro, including agreement on a tentative list of economic development incentives that may be offered by the city in negotiations. Council Member Moffitt made the requested motion to go into closed session, and Council Member Burks seconded the motion. The motion was then adopted unanimously. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

With the adoption of the above-stated motion, the Council went into closed session at approximately 8:45 p.m.

14. Return to open session.

After returning to open session, there were no further items to act upon.

There being no further business, the meeting was adjourned at 9:15 p.m.

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

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