

6. The annual report of the Randolph County Economic Development Corporation. [Originally listed as Agenda Item 7]

Mr. Kevin Franklin, who is the Interim President of the Randolph County Economic Development Corporation ("RCEDC"), led the presentation of the annual report from the RCEDC. Mr. Franklin was joined by Board of Director Chair Clyde Phillips.

Mr. Franklin discussed the highlights from the annual report for 2018. No formal action was taken by the Council in response to this presentation. A copy of the written annual report is on file in the city clerk's office.

7. Consent agenda. [Originally listed as Agenda Item 8]

Upon motion by Mr. Bell and seconded by Ms. Snuggs, the Council voted unanimously to approve/adopt the following consent agenda items.

(a) The meeting minutes for the city council's regular meeting on February 7, 2019.

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) Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for January 7, 2019.

The minutes of the meeting held by the Asheboro ABC Board on January 7, 2019 have been received by the city clerk, distributed to the mayor and members of the city council for review, and are on file and available in the city clerk's office.

(c) Acknowledgement of the receipt and acceptance, without amendment, of the operational hours proposed by the Recreation Services Director for the city-owned pools during the 2019 season.

The documentation transmitted by the recreation services superintendent with the operational hours for the pools during 2019 is on file in the city clerk's office and may also be obtained by directly contacting the city's cultural and recreation services department. The council acknowledged receiving the schedule for the city-owned pools. No action was taken by the Council to alter the schedule submitted by the recreation services director.

(d) An ordinance amending the Asheboro Cultural and Recreation Services Schedule of Deposits, Fees, and Charges.

ORDINANCE NUMBER 05 ORD 3-19

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AN ORDINANCE AMENDING THE ASHEBORO CULTURAL AND RECREATION SERVICES SCHEDULE OF DEPOSITS, FEES, AND CHARGES

WHEREAS, the Asheboro Cultural and Recreation Services Schedule of Deposits, Fees, and Charges (the "Fee Schedule") prescribes certain fees that are applicable to the city-owned pools; and

WHEREAS, based upon review and analysis by recreation services staff members, including consideration of the experiences of other aquatics programs, the recreation services director and the city manager have recommended updating certain provisions in the Fee Schedule that pertain to the city-owned pools; and

WHEREAS, the proposed amendments to the Fee Schedule are attached to this Ordinance as EXHIBIT 1 and are hereby incorporated into this Ordinance by reference as if copied fully herein; and

WHEREAS, the Asheboro City Council concurs with the recommendations made by the recreation services director and the city manager.

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

Section 1. The Fee Schedule is hereby rewritten to provide as specified in EXHIBIT 1. The provisions of the Fee Schedule that are not expressly modified by the contents of EXHIBIT 1 shall continue in full force and effect without alteration.

Section 2. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 3. This Ordinance shall be in full force and effect upon and after April 1, 2019.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 7th day of March, 2019.

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

ATTEST:

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

EXHIBIT 1

ASHEBORO CULTURAL & RECREATION SERVICES
Schedule of Deposits, Fees, and Charges

Adopted: March 7, 2019

Effective: April 1, 2019

Denotes Proposed Changes

BASEBALL/SOFTBALL FIELD RENTAL	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
Rental per hour (no lights)	\$ 15.00	\$ 20.00
Rental per hour (with lights)	\$ 25.00	\$ 35.00
Tournament rentals		
One field facility (per weekend)	\$ 175.00	\$ 225.00
Two field facility (per weekend)	\$ 300.00	\$ 400.00
Concession Stand & Restrooms	\$ 50.00	\$ 65.00
Additional Field Preparation	\$ 45.00	\$ 60.00

DISC GOLF COURSE	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
Tournament Rental per Day (8 hours)	\$ 100.00	\$ 175.00

DOWNTOWN FARMERS' MARKET	<i>Applies to All</i>	
Daily Fee - 1 space	\$	5.00
Daily Fee - 2 spaces <i>(if granted by Market Manager)</i>	\$	15.00

GOLF COURSE	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
Walking Only		
Any Day	\$ 8.00	\$ 10.00
Riding (9 holes) Includes Greens Fees		
Any Day	\$ 15.00	\$ 18.00
Riding (18 holes) Includes Greens Fees		
Any Day	\$ 21.00	\$ 25.00
Twilight (18 holes) After 3pm Daily. Includes cart & green fees.		
Weekday	\$ 16.00	\$ 20.00

Membership Rates

Individual	\$ 365.00	\$ 465.00
Junior Summer (June - August)	\$ 75.00	\$ 125.00
Senior	\$ 290.00	\$ 390.00
Senior Couple	\$ 475.00	\$ 575.00
Family (Up to 4 at the same residence)	\$ 600.00	

Member Cart Fee

Nine Holes	\$ 6.00	\$ 7.00
Eighteen Holes	\$ 11.00	\$ 13.00

LAKE LUCAS	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
Daily fishing permit	\$ 3.00	\$ 4.00
Annual fishing permit	\$ 35.00	\$ 50.00
Daily Canoe/Kayak rental	\$ 6.00	\$ 10.00
Daily Canoe/Kayak launch fee	\$ 2.50	\$ 3.50
Annual Canoe/Kayak launch fee	\$ 35.00	\$ 50.00
Daily Jon boat rental	\$ 8.00	\$ 12.00
Daily launch fee	\$ 7.00	\$ 9.50
Annual launch fee	\$ 100.00	\$ 135.00
Kayak rental spaces	\$ 60.00	\$ 85.00
Boat rental spaces	\$ 150.00	\$ 200.00

LAKE REESE	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
Daily launch fee	\$ 7.00	\$ 9.50
Daily Canoe/Kayak launch fee	\$ 2.50	\$ 3.50
Annual Canoe/Kayak launch fee	\$ 35.00	\$ 50.00
Annual launch fee	\$ 100.00	\$ 135.00
Daily duck hunting (per boat)	\$ 12.50	\$ 16.00

ROOM RENTAL	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
1 Hour	\$ 20.00	\$ 25.00
1/2 Day	\$ 60.00	\$ 75.00
Full Day	\$ 100.00	\$ 125.00

ROTARY PAVILION AT BICENTENNIAL PARK	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
Security Deposit (refundable)	\$ 75.00	\$ 75.00
Daily Rate	\$ 325.00	\$ 400.00
<i>Applies to All</i>		
Non-Profit / Government Rate		\$ 225.00

RUNNING / WALKING EVENTS	<i>Non-Profit Group Fees</i>	<i>Event Fees</i>
Bicentennial Park Certified 5K Course	\$ 225.00	\$ 300.00
Memorial Park Certified 5K Course	\$ 300.00	\$ 400.00

Memorial Park Certified 10K Course	\$ 375.00	\$ 500.00
Non-Conforming Courses (Any course that is not listed above)	\$ 525.00	\$ 700.00

* All Non-Conforming Courses must receive City staff approval.

Note: Running/Walking Event Fees are in addition to the Facility Rental Fees of each park.

SHELTER RENTAL	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
Eastside, Frazier, Kiwanis, Lake Lucas, Memorial Lower, North Asheboro Park		
1/2 Day: <i>10am - 3pm or 3:30pm - Dark</i>	\$ 10.00	\$ 20.00
Full Day	\$ 20.00	\$ 40.00
Memorial Park Upper		
1/2 Day: <i>10am - 3pm or 3:30pm - Dark</i>	\$ 18.00	\$ 35.00
Full Day	\$ 35.00	\$ 70.00

SKATE PARK	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
Daily Admission	\$ 1.00	\$ 2.00
15 Admission Pass	\$ 10.00	\$ 25.00
1 Year Unlimited Pass	\$ 150.00	\$ 300.00

SUNSET THEATER	<i>Applies to All</i>
Security Deposit	\$ 100.00
Dark / Rehearsal (Multi day use, 4 hour max)	\$ 60.00
General Meeting / Party Rental (4 hour max)	\$ 100.00
Non-Profit / Government / School Group (Single day use, 8 hour max)	\$ 175.00
Private Event (8 hour max)	\$ 300.00
Commercial / For Profit (8 hour max)	\$ 450.00

SWIMMING POOLS	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
	<i>Applies to All</i>	
Public Swim (day)		
2 years old & under (with paying adult)	No Fee	No Fee
3 years old and above	\$ 2.50	\$ 3.25
2 years old & under (with paying adult)		Free
3 years old and above		\$ 3.00
Public Swim (night)		
2 years old & under (with paying adult)	No Fee	No Fee
3 years old and above	\$ 2.00	\$ 2.75
2 years old & under (with paying adult)		Free
3 years old and above		\$ 2.00
Public Lap Swim	\$ 1.00	\$ 1.75
Public Lap Swim		\$ 2.00
Lifeguard Training Class		\$ 225.00
	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
Public Senior Swim	\$ 1.00	\$ 1.75

Public Senior Swim	Free	\$ 1.00
Swimming Lessons (group)	\$ 25.00	\$ 30.00
Swimming Lessons (private)	\$ 50.00	\$ 60.00
Swim Pass (15 admissions)	\$ 30.00	\$ 40.00
Groups (15+)	\$ 2.00	\$ 2.75
*Pool Rental (0 - 50 people for 2 hours)	\$ 150.00	\$ 225.00
<i>Includes 1 Manager & 2 Lifeguards</i>		
*Pool Rental (0 - 50 people for 3 hours)	\$ 225.00	\$ 300.00
<i>Includes 1 Manager & 2 Lifeguards</i>		
*Each Additional Lifeguard	\$ 30.00	\$ 30.00
<i>* If party attendance exceeds 50 people, 1 additional lifeguard is REQUIRED for every 25 additional people</i>		

TENNIS CENTER	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
Lights per hour per court	\$ 3.00	\$ 4.00

YOUTH SPORTS FEES	<i>Rec Card Fees</i>	<i>Non-Resident Fees</i>
Registration Fee	\$ 30.00	\$ 50.00
Late Registration Fee	\$ 10.00	\$ 10.00

Late Registration applies to all registration forms received after the advertised registration deadline.

Participants who reside within the City Limits of Asheboro must obtain a Rec Card in order to receive the Rec Card Rate.

- (e) **Acknowledgement of the receipt and acceptance, without amendment, of the proposal from Hiram Marziano, PE for the erosion control design for the proposed Zoo City SportsPlex Project.**

The documentation transmitted by the city engineer with the proposal from Hiram Marziano, PE for the erosion control design for the proposed Zoo City SportsPlex Project is on file in the city clerk's office. With the adoption of the consent agenda, the council accepted the proposal from Hiram Marziano, PE that included a not to exceed fee of \$25,500.

- (f) **Approval to schedule for April 4, 2019, and to advertise, public hearings pertaining to the following land use cases:**
- (i) Legislative Hearing: Text amendments to the zoning ordinance concerning the maximum allowable floor area ratio and supplementary requirements for multi-family residential developments.
 - (ii) Quasi-Judicial Hearing: Combined hearing concerning property located at 481 North Carolina Highway 49 South (Randolph County Parcel Identification Numbers 7740931871 and 7740941140). The application requests the rezoning of a portion of the property from B2 (General Commercial) to CU-RA6 (Medium-Density Residential) and for the issuance of a Conditional Use Permit authorizing a multiple-family development.
 - (iii) Legislative Hearing: An application requesting the rezoning of property at 1644, 1702, and 1712 North Fayetteville Street (portions of Randolph County Parcel Identification Numbers 7762064208, 7762065123, and 7762067634) from R10 (Medium-Density Residential) to O&I (Office & Institutional).

The above-listed land use cases will be advertised and heard by the Council on April 4, 2019.

- (g) **Acknowledgement of the receipt of the statutorily prescribed notice of the future construction of parking improvements at the municipal golf course on Country Club Drive.**

A map transmitted by the city's public works division and the engineering department showing the future construction of parking improvements at the municipal golf course on Country Club Drive has been received by the council and is on file in the city clerk's office.

- (h) **A resolution authorizing the execution of new lease agreements with Norfolk Southern Railway Company for the continued use of approximately 2.27 acres of land in downtown Asheboro and for the continued use of approximately 9,000 square feet of land at the municipal golf course.**

RESOLUTION NUMBER 09 RES 3-19

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**APPROVAL OF TWO LEASE AGREEMENTS WITH NORFOLK SOUTHERN RAILWAY COMPANY
PERTAINING TO REAL PROPERTY IN DOWNTOWN ASHEBORO AND AT
THE MUNICIPAL GOLF COURSE**

WHEREAS, the city currently leases from Norfolk Southern Railway Company (the "Railroad") approximately 2.27 acres of land at Milepost M 28.00 (this land is used for Bicentennial Park and a downtown parking lot; this real property will be hereafter referred to as the "Park Property") and approximately 9,000 square feet of land at Milepost M 29.25 (this land is used for the municipal golf course; this real property will be hereafter referred to as the "Golf Course Property"); and

WHEREAS, the Railroad's property management system has flagged the Park Property and the Golf Course Property for a periodic review; and

WHEREAS, this review has resulted in the Railroad updating the lease terms, including the rental rate, that must be satisfied if the city is to continue its lease of the above-described properties; and

WHEREAS, the new lease agreement for the Park Property is attached to this Resolution as ATTACHMENT A, which is hereby incorporated into this Resolution by reference as if copied fully herein, and the new lease agreement for the Golf Course Property is attached to this Resolution as ATTACHMENT B, which is also incorporated into this Resolution by reference as if copied fully herein; and

WHEREAS, the Park Property and the Golf Course Property continue to serve significant public purposes by contributing to an enhanced quality of life for Asheboro's citizens.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the new lease agreements with the Railroad for the Park Property and the Golf Course Property are hereby approved; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that Mayor David H. Smith, City Manager John N. Ogburn, III, Finance Director Deborah P. Reaves, and City Clerk Holly H. Doerr are hereby authorized to execute on behalf of the city the documents necessary to implement the approved lease agreements so long as the executed legal instruments are consistent with the material terms found in ATTACHMENT A and ATTACHMENT B.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 7th day of March, 2019.

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

ATTEST:

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

[Attachment A and Attachment B referenced in the above resolution are on file in the city clerk's office.]

- (i) **A resolution authorizing an amendment to the existing online auction service agreement with GovDeals, Inc.**

RESOLUTION NUMBER 10 RES 3-19

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION TO AMEND AN EXISTING ONLINE AUCTION SERVICE AGREEMENT IN ORDER TO SHIFT SERVICE FEES FROM THE CITY TO BUYERS OF SURPLUS PROPERTY

WHEREAS, Section 30.07 of the Code of Asheboro delegates to the city manager the authority to dispose of an item or group of items of surplus city-owned personal property with a fair market value of less than \$30,000; and

WHEREAS, GovDeals, Inc. ("GovDeals") is an online auction service provider that has extensive experience with the disposal of surplus government property; and

WHEREAS, the city manager utilizes GovDeals on a non-exclusive basis throughout the year in order to efficiently access the marketplace and determine the fair market value of the city's surplus personal property; and

WHEREAS, the original Online Auction Memo of Understanding between the city and GovDeals reflects the city's election to use the company's financial settlement services and to collect proceeds using a flexible pricing option whereby the city pays, on the basis of the winning bid, a 7.5% fee and the winning bidder pays a 5% buyer's premium; and

WHEREAS, on the basis of the city's experience with GovDeals since January 2014, and on the basis of anecdotal evidence from other local government clients of GovDeals, city staff members have recommended amending the pricing option used by the city and to select the option whereby the city, as the client of GovDeals, pays a 0% fee and the winning bidder pays a 12.5% buyer's premium; and

WHEREAS, this amended selection of a pricing option can be implemented by selecting Option B4 on the GovDeals Flexible Pricing Options (FPO) form attached to this Resolution as EXHIBIT 1 and hereby incorporated into this Resolution by reference as if copied fully herein; and

WHEREAS, the Asheboro City Council concurs with the city staff's recommendation to amend the FPO selection.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the city is to amend its existing agreement with GovDeals to reflect the selection of the pricing option whereby the city, as the client of GovDeals, pays a 0% fee and the winning bidder pays a 12.5% buyer's premium; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the city manager is hereby authorized and directed to execute, without any unnecessary delay, the GovDeals Flexible Pricing Options (FPO) form attached to this Resolution as EXHIBIT 1 in a manner that unequivocally indicates the city's selection of Option B4.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 7th day of March, 2019.

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

ATTEST:

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

[Exhibit 1 referenced in the above resolution is on file in the city clerk's office.]

- (j) **A resolution authorizing the city to engage in electronic payments as defined by G.S. 159-28.**

RESOLUTION NUMBER 11 RES 3-19

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

RESOLUTION AUTHORIZING THE CITY OF ASHEBORO TO ENGAGE IN ELECTRONIC PAYMENTS AS DEFINED BY G.S. 159-28

WHEREAS, it is the desire of the Asheboro City Council for the City of Asheboro to be authorized to engage in electronic payments as defined by Section 159-28 of the North Carolina General Statutes; and

WHEREAS, the Asheboro City Council may delegate, and has in fact decided to delegate, to the city's finance officer the responsibility to adopt a written policy outlining procedures for pre-auditing obligations that will be incurred by electronic payments as required by the North Carolina Administrative Code at 20 NCAC 03 .0409; and

WHEREAS, the Asheboro City Council may delegate, and has in fact decided to delegate, to the city's finance officer the responsibility to adopt a written policy outlining procedures for disbursing public funds by electronic transaction as required by the North Carolina Administrative Code at 20 NCAC 03 .0410.

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

Section 1. The City of Asheboro is authorized to engage in electronic payments as defined by G.S. 159-28.

Section 2. The City of Asheboro Finance Officer is authorized and directed to adopt a written policy outlining procedures for pre-auditing obligations that will be incurred by electronic payments as required by the North Carolina Administrative Code at 20 NCAC 03 .0409.

Section 3. The City of Asheboro Finance Officer is authorized and directed to adopt a written policy outlining procedures for disbursing public funds by electronic transaction as required by the North Carolina Administrative Code at 20 NCAC 03 .0410.

Section 4. This Resolution shall take effect immediately upon its adoption on March 7, 2019.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 7th day of March, 2019.

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

ATTEST:

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

- (k) **An ordinance amending the Code of Asheboro, specifically Section 36.15 (Official City Depositories Designated) and Section 36.18 (Signature on Checks Drawn on City Funds).**

ORDINANCE NUMBER 06 ORD 3-19

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AN ORDINANCE UPDATING SECTION 36.15 AND SECTION 36.18 OF THE CODE OF ASHEBORO

WHEREAS, Chapter 36 of the Code of Asheboro contains fiscal provisions designating official city depositories and authorized signatures on checks drawn on city funds; and

WHEREAS, the city manager and the finance officer have recommended updating these fiscal provisions to more clearly reflect current statutory enactments and city practices; and

WHEREAS, the city council concurs with these recommendations.

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

Section 1. Section 36.15 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 36.15 OFFICIAL CITY DEPOSITORIES DESIGNATED

~~Pursuant to G.S. § 159-31(a), the following institutions are designated depositories for public funds of the city:~~

- ~~(A) The First National Bank and Trust Company, Asheboro, North Carolina.~~
- ~~(B) Wachovia Bank of North Carolina, Asheboro, North Carolina.~~
- ~~(C) First Bank, Asheboro, North Carolina.~~
- ~~(D) Central Carolina Bank and Trust Company, Asheboro, North Carolina.~~
- ~~(E) Randolph Bank and Trust Company, Asheboro, North Carolina.~~
- ~~(F) Centura Bank, Asheboro, North Carolina.~~
- ~~(G) First Southern Savings Bank, Asheboro, North Carolina.~~
- ~~(H) Triad Bank, North Carolina.~~
- ~~(I) Chase Manhattan Bank of New York, as fiscal agent.~~

Pursuant to G.S. 159-31(a), the following institutions are designated depositories for public funds of the city:

- (A) Bank OZK, Asheboro, North Carolina;
- (B) BB&T/SunTrust, Asheboro, North Carolina;
- (C) Capital Bank/First Tennessee Bank, Asheboro, North Carolina;
- (D) First Bank, Asheboro, North Carolina;
- (E) NC Capital Management Trust, Raleigh, North Carolina;
- (F) Pinnacle Bank, Asheboro, North Carolina; and
- (G) Wells Fargo, Asheboro, North Carolina.

Section 2. Section 36.18 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 36.18 SIGNATURE ON CHECKS DRAWN ON CITY FUNDS

~~All checks drawn on city funds shall be signed by the Mayor and the Finance Officer; provided, that in the absence or disability of the Mayor, the Mayor Pro Tempore shall sign such checks, and in the absence or disability of the Finance Officer the City Manager shall sign such checks. Facsimile signature plates may be used within the boundaries stipulated by G.S. § 159-28.1.~~

- (A) All checks drawn on city funds shall be signed by the Mayor and the Finance Officer; provided, that in the absence or disability of the Mayor, the Mayor Pro Tempore shall sign such checks, and, in the absence or disability of the Finance Officer, the City Manager shall sign such checks.
- (B) Pursuant to G.S. 159-28.1, facsimile signature machines, signature stamps, or similar devices may be used in signing checks and drafts and in signing the preaudit certificate on contracts or purchase orders. The Finance Officer shall have custody of the necessary machines, stamps, plates, or other devices, and the Finance Officer and the sureties on the Finance Officer's official bond are liable for any illegal, improper, or unauthorized use of such devices.

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

Section 4. This Ordinance shall be in full force and effect upon and after March 7, 2019.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 7th day of March, 2019.

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

ATTEST:

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

- (I) Acknowledgement of the receipt from the city clerk of the oath of office forms completed by Asheboro Airport Authority Members.**

Copies of the following oath of office forms were distributed to the mayor and members of the city council. The originals are on file in the city clerk's office.

Affirmed and subscribed before me this the 20th day of February, 2019.

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC
City Clerk
City of Asheboro, North Carolina

OATH OF ASHEBORO AIRPORT AUTHORITY MEMBER

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH
CITY OF ASHEBORO

I, Stephen R. Knight, do solemnly and sincerely affirm that I will support and maintain the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain, and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge, skill, and ability; and that I will faithfully, well, and truly discharge and execute the duties of the office of Asheboro Airport Authority Member according to the best of my skill and ability and according to the law.

/s/Stephen R. Knight
Stephen R. Knight

Affirmed and subscribed before me this the 26th day of February, 2019.

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC
City Clerk
City of Asheboro, North Carolina

8. Community Development Items: [Originally listed as Agenda Item 9]

- (a) **Quasi-Judicial Hearing (SUP-19-01): A special use permit application triggered by proposed modification to an existing multi-family development operating under a special use permit allowing a gross floor area of up to 22 percent on the development's parcel of land at 2280 and 2282 North Fayetteville Street (Randolph County Parcel Identification Number 7763140443).**

Mayor Smith opened the quasi-judicial hearing on the request to issue a Special Use Permit for modifications to an existing multi-family development operating under a special use permit allowing a gross floor area of up to 22 percent on the development's parcel.

Mr. Nuttall was placed under oath and presented the planning staff's analysis of the Applicant's request that included a properly submitted site plan and building elevations for the Special Use Permit. The request pertains to approximately 8.28 acres of land owned by Asheboro Residential, Inc. (the Applicant) that is located at 2280 and 2282 North Fayetteville Street. Randolph County Parcel Identification Number 7763140433 more specifically identifies the property.

During his presentation, Mr. Nuttall utilized a visual presentation and noted the staff's analysis of the Special Use Permit application as follows:

1. The property is inside the city limits.
2. North Fayetteville Street is a state-maintained major thoroughfare.
3. Proposed modifications to the Special Use Permit that was previously approved for a development consisting of dwellings for multiple families (apartments) require a new Special Use Permit. These modifications include the addition of structures for storage of personal belongings and/or vehicles of residents. Although the additional structures do not count towards the maximum 22 percent floor area due to not being used for habitation, the zoning ordinance only allows staff to approve addition(s) totaling 10% or 1,000 square feet of additional floor area for a project requiring a Special Use Permit.

4. There are currently 72 dwelling units in the development. No additional dwelling units are proposed.
5. A portion of the property, adjacent to Hasketts Creek, is within a 100-year flood area. However, no new structures or new parking areas are proposed within the flood area.

On behalf of the Applicant, Mr. Rodney Mason, Esq. was placed under oath and offered testimony in support of the request. This testimony was focused on addressing the four standards for issuance of a Special Use Permit. As part of his testimony, Mr. Mason submitted a certified copy of the previous Special Use Permit (SUP-04-06) that was issued on March 10, 2005. In addition to the Applicant's representative (Mr. Alexander Zarris), Mr. Bobby Kivett of Summey Engineering Associates, PLLC was available to answer questions.

No staff suggested conditions were offered for attachment to the permit requested by the Applicant.

No witnesses came forward in opposition to the Applicant's request for the issuance of a Special Use Permit. There being no additional comments and no opposition from the public, Mayor Smith transitioned to the deliberative phase of the public hearing.

Upon motion by Mr. Bell and seconded by Mr. Swiers, the Council voted unanimously to approve the requested Special Use Permit. A final decision document with the formal findings of fact, conclusions of law, and order authorizing the Special Use Permit will be entered by the Council during regular session on April 4, 2019.

A copy of the visual presentation utilized by Mr. Nuttall is on file in the city clerk's office.

(b) Legislative Hearing (RZ-19-01): An application to rezone from R7.5 (Medium-Density Residential) and RA6 (High-Density Residential) to OA6 (Office-Apartment) various parcels of land along and near the Greensboro Street and Cox Street corridor, between East Presnell Street and East Dorsett Avenue.

Mayor Smith opened the public hearing, which was legislative in nature, on the request by the City of Asheboro (the "Applicant") to rezone various properties located along the east and west sides of Greensboro Street and South Cox Streets, extending from East Presnell Street to north of Oakdale Street. The city's application seeks to rezone these properties from the RA6 High Density Residential District and the R7.5 Medium Density Residential District to the OA6 Office and Apartment District.

The parcels involved in this large-scale rezoning are identified by the following Randolph County Parcel Identification Numbers:

7751955268	7751951036	7751955071
7751829013	7751955620	7751943912
7751945940	7751818990	7751955515
7751941783	7751945824	7751806936
7751954467	7751942788	7751947861
7751805899	7751954350	7751957445
7751945704	7751805884	7751954246
7751957367	7751945609	7751805747
7751954232	7751957430	7751945614
7750890628	7751954128	7751956394
7751920210	7750890621	7750890583
7750890326	7750890294	7750892520
7750893128	7750881680	7750884640
7750884368	7750884384	7750882237
7750882280	7750884170	7750883020
7750875983	7750876849	7750877861
7750877489	7750970517	

Mr. Nuttall certified that proper notice of the requested rezoning had been given and utilized a visual presentation to summarize the planning staff's analysis of the rezoning application. The staff report noted the following:

1. South Cox Street is a state-maintained minor thoroughfare (south of East Salisbury Street). Greensboro Street is a city-maintained minor thoroughfare north of East Salisbury Street. All of the subject properties are in the city limits.
2. The requested OA6 (Office-Apartment) district is described as "intended to produce moderate intensity office and residential development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designated OA6 shall normally be located with access to a minor

thoroughfare or higher classification street with access to local residential streets discouraged.”

3. The OA6 district allows residential uses (single-, two-, and multi-family), institutional uses (such as places of worship), and some lighter commercial uses (medical/professional offices, service uses such as hair salons.). Heavier commercial uses, such as eating establishments, motor vehicle repair/sales/rental, and retail are not permitted.
4. Recent text amendments (adopted 11-8-18) allow single- and two-family dwellings in the OA6 district to have the same maximum floor area ratio (22 percent) as other residential zoning districts. Previously, maximum floor areas (17 percent) for single- and two-family residential properties were more restrictive in the OA6 district than other residential districts.
5. The amendments are proposed due to numerous uncontested rezoning requests and the mixed use character (consisting of residential, commercial, and institutional uses) that the corridor has experienced in recent decades.
6. The city held a public workshop on February 27, 2018 to discuss the concept with property owners and the general public. Comments received were generally supportive of the request. Owners or property included in the proposed rezoning have been given the opportunity to request to be excluded from the proposed rezoning.
7. The Land Development Plan designates the majority of the subject properties as part of the City Activity Center. A small area on Greensboro Street is designated for office and institutional uses. A small area on the east side of South Cox Street, south of South Main Street, is designated for neighborhood residential use.

The Planning Board recommended approval of the request. This recommendation was based on the Planning Board's concurrence with the following analysis from the Community Development Division staff that evaluated the consistency of the requested rezoning with the adopted comprehensive plans as well as the reasonableness of the request and whether the requested rezoning is in the public interest:

The OA6 district is a suitable zoning designation on the subject properties for several reasons.

The Greensboro and South Cox Street corridors have gradually seen a transition from primarily residential uses to a mix of residential, office, and institutional uses. The multiple rezoning requests that have occurred along the corridor have consistently been supported by the Land Development Plan and in most cases have been uncontested.

The Central Small Area plan and description of the Center City Area, which comprises the majority of the properties, emphasizes both a compatible mix of uses and preservation of residential neighborhoods. The OA6 district also supports the intent of the Neighborhood Residential and Office and Institutional designations of the proposed land use map.

By allowing continued investment into residential uses but also providing for limited non-residential uses on a corridor that serves as a transition between higher intensity commercial uses and lower intensity residential uses, the proposed zoning designation is supported by both the intent of the text and map of the land development plan.

Considering these factors, staff believes that the requested OA6 district for both parcels is reasonable and in the public interest.

Mr. Darrell Phillips and Mr. Rashidi Ayubu Zatika-Everette had general questions in regards to the rezoning.

There being no further comments, and no opposition from the public, Mayor Smith transitioned to the deliberative phase of the public hearing.

The city council concurred with the staff and planning board analysis of the consistency of the request with the land development plan. Council Member Bell moved, and Council Member Burks seconded the motion, to adopt a plan consistency statement and to approve the requested rezoning with the following multi-part motion:

1. City Council Analysis of the Requested Map Amendment: The OA6 district is a suitable zoning designation on the subject properties for several reasons.

The Greensboro and South Cox Street corridors have gradually seen a transition from primarily residential uses to a mix of residential, office, and institutional uses. The multiple rezoning requests that have occurred along the corridor have consistently been supported by the Land Development Plan and in most cases have been uncontested.

The Central Small Area plan and description of the Center City Area, which comprises the majority of the properties, emphasizes both a compatible mix of uses and preservation of residential neighborhoods. The OA6 district also supports the intent of the Neighborhood Residential and Office and Institutional designations of the proposed land use map.

By allowing continued investment into residential uses but also providing for limited non-residential uses on a corridor that serves as a transition between higher intensity commercial uses and lower intensity residential uses, the proposed zoning designation is supported by both the intent of the text and map of the land development plan.

Considering these factors, the city council has concluded that the requested OA6 district for both parcels is reasonable and in the public interest.

2. In light of the above-stated analysis, the requested zoning map amendment to place the above-referenced parcels in an OA6 (Office and Apartment) zoning district is approved as consistent with the adopted plan.

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

A copy of the visual presentation utilized by Mr. Nuttall is on file in the city clerk's office.

- (c) **Legislative Hearing (RZ-19-02): An application to rezone approximately 1.77 acres of land from B2 (General Commercial) to R10 (Medium-Density Residential). The land for which R10 zoning is requested is a portion of a parcel of land (Randolph County Parcel Identification Number 7750249743) on the north side of Sherwood Avenue. This property is most closely associated with the 145 Whitley Street address.**

Mayor Smith opened the public hearing, which was legislative in nature, on the request by Larry McKenzie (the "Applicant") to rezone approximately 1.77 acres of a 7.34-acre parcel from B2 (General Commercial) to R10 (Medium-Density Residential). The land to be rezoned (the "Zoning Lot") is owned by Mr. McKenzie and is located at 145 and 159 Whitley Street, on the north side of Sherwood Avenue. Randolph County Parcel Identification Number 7750249743 more specifically identifies the parcel of land of which the land to be rezoned is a part.

Mr. Nuttall certified that the required notices of the requested rezoning had been provided and utilized a visual presentation to summarize the planning staff's analysis of the rezoning application. The staff report noted the following:

1. The property is located inside the city limits.
2. Sherwood Avenue and Harvell Street Extension are city-maintained local streets. Whitley Street is a private street.
3. There are currently two structures that were formerly used for single-family dwellings on the property.
4. The requested R10 zoning allows for single-family and two-family dwellings. Currently, the majority of the parcel of land is zoned R10.
5. The zoning ordinance describes the intent of the R10 district as having a "moderate intensity of residential uses, usually single family or two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living." The B2 district is described as "intended to serve the convenience goods, shoppers goods retail and service needs of the motoring public, both local and transient. This district should always be located with access directly to minor thoroughfares or higher classification streets, but never local residential streets."

6. Although the portion of the property being requested for rezoning is currently zoned B2 General Commercial, no commercial activity exists on this portion of the property.
7. The zoning ordinance generally prohibits accessing commercial property through residential property. The portion of the property zoned B2 has no public street access without using the portion of the property currently zoned R10 residential.

The Planning Board recommended approval of the request. This recommendation was based on the Planning Board's concurrence with the following analysis from the Community Development Division staff that evaluated the consistency of the requested rezoning with the adopted comprehensive plans as well as the reasonableness of the request and whether the requested rezoning is in the public interest:

Staff believes that the proposed R10 zoning district is consistent with residential zoning and single-and two-family residential uses that exist in the area and the single-family residential use of the subject property.

Although the land development plan designates a portion of this property for commercial use, staff contends that there are significant limitations in being able to develop the B2 portion of the property for commercial use if the property stands on its own without being part of a cohesive commercial development. The zoning ordinance prohibits accessing commercial property through private residential property, which precludes commercial development on the portion of the property zoned B2. The zoning ordinance description of the B2 district stating that access should be from a "minor thoroughfare or higher classification street but never local, residential streets," also makes commercial development of the B2 portion of the property less feasible.

Considering these factors, staff believes the requested R10 zoning district is generally consistent with the Land Development Plan and therefore is generally in the public interest by supporting a reasonable use of property.

Mr. Larry McKenzie was available to answer questions.

There being no further comments, and no opposition from the public, Mayor Smith transitioned to the deliberative phase of the public hearing.

The city council concurred with the staff and planning board analysis of the general consistency of the request with the land development plan. Council Member Bell moved, and Council Member Burks seconded the motion, to adopt a plan consistency statement and to approve the requested rezoning with the following multi-part motion:

1. The proposed R10 zoning district is consistent with the residential zoning and the single- family and two-family residential uses that exist in the area as well as the single-family residential use of the subject property.

Although the land development plan designates a portion of this property for commercial use, there are significant limitations in being able to develop the B2 portion of the property for commercial use because the property stands on its own and is not part of a cohesive commercial development. The zoning ordinance prohibits accessing commercial property through private residential property, which precludes commercial development on the portion of the property zoned B2. The zoning ordinance description of the B2 district stating that access should be from a "minor thoroughfare or higher classification street but never local, residential streets," also makes commercial development of the B2 portion of the property less feasible.

Considering these factors, the city council has concluded that this application for a zoning map amendment is generally consistent with the Land Development Plan, is generally in the public interest, and supports a reasonable use of the property.

2. In light of the above-stated analysis, the requested zoning map amendment to place the Zoning Lot in an R10 (Medium-Density Residential) zoning district is approved as consistent with the adopted plan.

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

- (d) **Quasi-Judicial Hearing (SUP-19-02/SUB-19-01): Ann application for a special use permit, inclusive of subdivision sketch design review and approval, for a residential planned unit development on an approximately 7.34-acre parcel of land (Randolph County Parcel Identification Number 7750249743) on the north side of Sherwood Avenue and north of Harvell Street Extension. The street addresses associated with this site are 145 Whitley Street and 159 Whitley Street.**

Mayor Smith opened the public hearing on these land use cases and asked for the witnesses to be placed under oath. Community Development Director Trevor Nuttall was placed under oath and provided the Community Development Division staff's analysis of the application for the above-described Special Use Permit and subdivision sketch design approval.

Mr. Larry McKenzie (the "Applicant") filed this application in order to develop a residential planned unit development on approximately 7.34 acres of the Applicant's land that is more specifically identified by Randolph County Parcel Identification Number 7750249743 (the "Zoning Lot"). At the time of this quasi-judicial hearing, the Zoning Lot is zoned R10.

With regard to the application for a Special Use Permit, Mr. Nuttall provided the following analysis:

1. The Applicant is proposing a Residential Planned Unit Development consisting of twenty-nine (29) dwelling units.
2. Sherwood Avenue, which provides access to the proposed development, is a local, city-maintained street. As noted in Section 630, Item (3), "residential PUDs may have direct access to city streets or state roads which are not major or minor thoroughfares, provided such access will not create safety hazards due to design or congestion." The City Engineer has no objection to the street connection as proposed.
3. A combination of publicly (city) maintained and privately maintained streets are proposed.
4. A small recreation area consisting of passive picnic areas is proposed on the north side of the property.
5. The site plan shows dwelling units will consist of single-story units with single or two-vehicle garages. Of the 29 dwellings, five are standalone detached dwellings and 24 are located in structures with two dwellings in each structure.

The Applicant, Mr. Larry McKenzie, was placed under oath and addressed the four standards for the issuance of a Special Use Permit. As part of his testimony, Mr. McKenzie expressed agreement with the following conditions that were recommended by the planning staff for attachment to the requested Special Use Permit:

1. All permits from the NC Department of Environmental Quality shall be obtained as required.
2. Fire hydrant location(s) shall be coordinated with the Fire Department.
3. A declaration of restrictive covenants prohibiting recreational vehicle (including boat) parking as required by the subdivision ordinance shall be submitted and recorded with the final plat.
4. Except as noted, roads, driveways, parking areas, storm sewer systems, and other improvements shall be maintained by the homeowners' association.
5. The site plan indicates that mail delivery will be through individual mail boxes. Should the United States Postal Service require a community mail box, such drop off area shall be designed in accordance with commonly accepted traffic engineering practices. Should the developer choose or be required to construct the community mailbox and any associated vehicular areas in a location completely on private property, this shall not be considered a modification of the Special Use Permit, subject to Section 606 of the Asheboro Zoning Ordinance.
6. The following information shall be included on a revised site plan to be reviewed by city staff for inclusion into the file without further review by city council.
 - (a) Additional detail concerning street lighting fixtures.

- (b) Correct labeling of Sherwood Avenue as a city-maintained street.
 - (c) Confirmation as to whether sight distance triangle located on the west side of Whitley Street at the intersection of Sherwood Avenue has an easement from the adjoining property owner. If not, this site distance triangle shall be removed.
 - (d) Detail concerning proposed front yard landscaping along Whitley Street.
7. 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 Special Use Permit in the chain of title for the Zoning Lot.

When reviewing the staff analysis of the subdivision sketch design plat, Mr. Nuttall noted that Whitley Street, which is proposed as a city maintained street, contains approximately 640 linear feet. The other privately maintained streets include 1,000 linear feet. One recreation area on the northern side of the property is proposed.

The subdivision ordinance generally specifies that proposed streets provide future access to adjacent properties. All properties that are adjacent to the subject property are developed, making this requirement impractical.

Additional revisions to proposed utility locations (i.e. water, sewer, storm sewer) may be needed prior to approval of Preliminary Plat for construction. The following items shall be included on the Preliminary Plat:

1. Additional detail concerning street lighting fixtures.
2. Correct labeling of Sherwood Avenue as a city-maintained street.
3. Confirmation as to whether sight distance triangle located on the west side of Whitley Street at the intersection of Sherwood Avenue has an easement from the adjoining property owner. If not, this site distance triangle shall be removed.
4. Homeowners documents are required to be recorded with the final plat, which must include maintenance mechanisms for the common area and restrictions concerning recreational vehicle (RV) parking.
5. The plat contains information beyond the requirements of a Sketch Design.

Mr. Christopher Blake and Ms. Sharana Warren asked general questions in regards to the application. No one offered testimony in opposition to the Application. There being no further comments, Mayor Smith transitioned to the deliberative phase of the application process.

With regard to the Special Use Permit, Council Member Bell moved to approve the Special Use Permit. Mr. Swiers seconded the motion. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted unanimously to approve the Special Use Permit with the conditions suggested by city staff.

With regard to the sketch design review and approval, the Council Members concurred with the recommendations of the Community Development Division staff and the Planning Board. Subject to the above-stated comments/conditions, Council Member Moffitt moved to approve the sketch design for the proposed Sherwood Townhomes. Council Member Swiers seconded the motion. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes. Consequently, the submitted sketch design plat was approved.

The final decision document explaining these quasi-judicial decisions will be entered by the council during regular session on April 4, 2019. The visual presentation utilized by Mr. Nuttall is on file in the city clerk's office.

(e) Public Hearing on Community Development Block Grant Funds (Grant Number 14-E-2673):

Mayor Smith opened the public hearing on the above-referenced community development block grant funding (Grant Number 14-E-2673). This hearing assessed the closeout performance report for the grant dollars used to construct approximately 1,384 feet of industrial railroad spur track to provide rail access to the Technimark facility on West Central Avenue.

As part of the public hearing, Mr. Nuttall provided an executive summary of the block grant funding.

There being no comments from the public, Mayor Smith closed the public hearing.

Upon motion by Mr. Burks and seconded by Mr. Bell, the council voted unanimously to accept, without modification, the executive summary of the block grant funding as presented by Mr. Nuttall.

- (f) **Consideration of a resolution requesting the removal of the City of Asheboro from the standard under NCGS 160A-58.1(b) that restricts satellite annexations to no more than 10% of a city's primary corporate limits.**

Mr. Nuttall presented and recommended adoption, by reference, of the aforementioned resolution.

Upon motion by Ms. Carter and seconded by Mr. Moffitt, the Council voted unanimously to adopt the following resolution by reference.

RESOLUTION NUMBER 12 RES 3-19

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION ENDORSING A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF ASHEBORO

WHEREAS, the City of Asheboro is committed to providing the same level of municipal services to territory within all of the city's existing and future satellite corporate limits as is provided to territory within the primary corporate limits; and

WHEREAS, the goal of the Asheboro City Council is to attempt to accommodate voluntary requests for annexation into the City of Asheboro when all of the owners of real property that is not contiguous to the city's primary city limits properly submit a petition for satellite annexation; and

WHEREAS, Section 160A-58.1(b)(5) of the General Statutes of North Carolina provides, in pertinent part, that the "area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city;" and

WHEREAS, the City of Asheboro is currently unable to consider all requests for voluntary satellite annexation because the addition of a significant amount of territory into the municipality's satellite corporate limits would result in the total area within Asheboro's satellite corporate limits exceeding the maximum percentage of the area within the primary corporate limits permitted by G.S. 160A-58.1(b)(5), as amended by Section 3 of Session Law 1998-203; and

WHEREAS, recently introduced House Bill 170 with the short title "Asheboro Satellite Annexations" would remove for the City of Asheboro the cap on satellite annexations established by G.S. 160A-58.1(b)(5).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the governing board fully endorses House Bill 170 and the removal of the cap imposed by G.S. 160A-58.1(b)(5), as amended by Section 3 of Session Law 1998-203, on satellite annexations by the City of Asheboro.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 7th day of March, 2019.

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

ATTEST:

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

9. **A petition from Mr. Ronnie High and Mr. Ronald Thomas requesting the contiguous annexation of a parcel of land at 811 Meadowbrook Road containing 0.258 of an acre of land. [Originally listed as Agenda Item 10]**

Mayor Smith opened a public hearing on the question of the annexation petition submitted by Mr. Ronnie High and Mr. Ronald Thomas. This petition requested the contiguous annexation of a parcel of land located at 811 Meadowbrook Road.

As part of the public hearing, City Engineer Michael Leonard, PE presented the staff's analysis of the annexation petition. No citizen wished to be heard during the public hearing.

Once the city council entered the deliberative phase of the hearing, Mr. Bell moved, and Mr. Swiers seconded the motion, to approve the following annexation ordinance by reference. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion.

ORDINANCE NO. 07 ORD 3-19

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**AN ORDINANCE TO EXTEND THE ASHEBORO CITY LIMITS BY ANNEXING A PARCEL OF LAND
CONTIGUOUS TO THE EXISTING PRIMARY CITY LIMITS AT 811 MEADOWBROOK ROAD**

WHEREAS, in accordance with Section 160A-31 of the North Carolina General Statutes, Ronnie G. High and Ronald Thomas petitioned the City of Asheboro to annex into the primary city limits their approximately 11,236-square foot parcel of land at 811 Meadowbrook Road, Asheboro, North Carolina 27203; and

WHEREAS, the territory proposed for annexation is a single parcel of land identified by Randolph County Parcel Identification Number 7761173416 and more specifically described by metes and bounds in Section 1 of this Ordinance; and

WHEREAS, on February 7, 2019, by means of a duly adopted resolution (Resolution Number 06 RES 2-19), the Asheboro City Council directed the city clerk to investigate the sufficiency of the petition submitted by Mr. High and Mr. Thomas, and the city clerk has in fact certified the sufficiency of this annexation petition; and

WHEREAS, pursuant to Asheboro City Council Resolution Number 07 RES 2-19, a legal notice was published on February 15, 2019, in *The Courier-Tribune*, a newspaper with general circulation in the City of Asheboro, announcing that a public hearing to consider the adoption of an ordinance annexing the described territory into the City of Asheboro would be held during the Asheboro City Council's next meeting, which would be a regular meeting scheduled to begin at 7:00 o'clock p.m. on the 7th day of March, 2019, in the council chamber on the second floor of Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203; and

WHEREAS, the public hearing was held, as advertised, on the 7th day of March, 2019; and

WHEREAS, the Asheboro City Council has determined that the annexation petition meets the requirements of Section 160A-31 of the North Carolina General Statutes.

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

Section 1. By virtue of the authority granted in Section 160A-31 of the North Carolina General Statutes, the following described territory is hereby annexed and made part of the City of Asheboro, North Carolina:

Asheboro Township, Randolph County, North Carolina:

BEGINNING at a 1" existing iron pipe that is down 4" with a cap at the southwest corner of the Ronnie G. High and Ronald Thomas property described in Deed Book 1548, Page 866, Randolph County Registry (the Ronnie G. High and Ronald Thomas property is the parcel of land, which is identified by Randolph County Parcel Identification Number 7761173416, for which annexation is requested and will be hereafter referred to as the "Annexation Parcel"), this beginning point is on the existing City of Asheboro primary city limits line and is located by means of the North Carolina Coordinate System at the coordinates of North 717,507.61 ground US survey feet and East 1,761,300.32 ground US survey feet (NAD 83 (2011)); thence from the beginning point following the existing City of Asheboro primary city limits line along the western boundary line of the Annexation Parcel that is contiguous to the Darren Keith Lucas property described in Deed Book 2128, Page 1248, Randolph County Registry North 00 degrees 13 minutes 43 seconds West 57.88 feet to a 1" existing iron pipe that is down 2" at the northwest corner of the Annexation Parcel; thence departing from the existing primary city limits line and following the proposed City of Asheboro primary city limits line along the northern boundary line of the Annexation Parcel that is contiguous to the Garry O. Lowery property described in Deed Book 2383, Page 223, Randolph County Registry South 88 degrees 31 minutes 33 seconds East 181.78 feet to a 1" existing iron pipe that is down 4" with a cap in the western margin of the 60-foot public right-of-way for Meadowbrook Road at the northeast corner of the Annexation Parcel; thence continuing to follow the proposed City of Asheboro primary city limits line by departing from the northern boundary line for the Annexation Parcel and proceeding along the western margin of the public right-of-way for Meadowbrook Road South 01 degree 03 minutes 31 seconds East 64.93 feet to a 1/2" existing iron rod that is down 4" at the southeastern corner of the Annexation Parcel; thence continuing to run along the proposed City of Asheboro primary city limits line by departing from the western margin of the public right-of-way for Meadowbrook Road and proceeding along the southern boundary line of the Annexation Parcel that is contiguous to the Geraldine A. DeBerry (life estate) property described in Deed Book 2332, Page 1141, Randolph County Registry the following courses and distances: North 87 degrees 54 minutes 47 seconds West 101.92 feet to a point with a 60d nail set at the base of a 1/2" existing iron rod that is down 4"; thence North 00 degrees 04 minutes 42 seconds West 5.02 feet to a 1/2" existing iron rod that is down 6"; thence North 87 degrees 53 minutes 25 seconds West 80.89 feet to the point and place of BEGINNING, and containing a total of 0.258 of an acre (11,236 square feet) 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: Ronnie High (and) Ronald Thomas" and is identified as Job No. 10779thomas.

Section 2. Upon and after March 7, 2019, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. The above-described territory shall be subject to municipal taxes according to Section 160A-58.10 of the North Carolina General Statutes.

Section 3. The Mayor of the City of Asheboro shall cause to be recorded in the Office of the Randolph County Register of Deeds and in the Office of the North Carolina Secretary of State an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this Ordinance. Such a map shall also be delivered to the Randolph County Board of Elections as required by Section 163A-1594 of the North Carolina General Statutes.

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

Section 5. This Ordinance shall be in full force and effect upon and after the 7th day of March, 2019.

This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 7th day of March, 2019.

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

ATTEST:

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

Approved as to form:

/s/Jeffrey C. Sugg
Jeffrey C. Sugg, City Attorney

10. Public comment period. [Originally listed as Agenda Item 11]

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

Mayor Smith closed the public comment period.

11. Current procurement activities at the new recreation center. [Originally listed as Agenda item 12]

(a) Bid summary and request for award of contract for the replacement of the gym floor.

City Engineer Michael Leonard, PE reported that three (3) bids were received on March 4, 2019 at 2:00 p.m. for the replacement of the gym floor at the city-owned recreation center (formerly known as McCrary Gym). He recommended the award of the contract for the project to The Sports Flooring Group with the lowest responsive, responsible bid of \$165,782.00.

Based on the staff recommendation, Mr. Moffitt moved, and Mr. Burks seconded the motion, to award the said contract to The Sports Flooring Group. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted unanimously in favor of the motion. A copy of the bid summary is on file in the city clerk's office.

(b) Bid summary and request for award of contract for the installation of a suspended ceiling.

Mr. Leonard reported that two (2) bids were received on February 12, 2019 at 2:00 p.m. for the installation of a suspended ceiling at the city-owned recreation center. He recommended the award of the contract for the project to L.A. Acoustical & Drywall with the lowest responsive, responsible bid of \$44,406.00.

Based on the staff recommendation, Mr. Moffitt moved, and Mr. Burks seconded the motion, to award the contract to L.A. Acoustical & Drywall. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted unanimously in favor of the motion. A copy of the bid summary is on file in the city clerk's office.

(c) Consideration of budget ordinance amendments in support of the contracts awarded for the recreation center.

Mr. Ogburn presented and recommended adoption, by reference, of an ordinance to amend the general fund.

Upon motion by Ms. Carter, and seconded by Mr. Swiers, the Council voted unanimously to adopt the following ordinance by reference.

08 ORD 3-19

ORDINANCE TO AMEND THE GENERAL FUND FY 2017-2018

WHEREAS, The City of Asheboro has accepted bids to install new gymnasium flooring and suspended drop ceiling at the McCrary Gym, and;

WHEREAS, the lowest responsive bid for the gymnasium flooring was from The Sports Flooring Group. and the lowest responsive bid for the suspended drop ceiling was from L.A. Acoustical & Drywall, and;

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

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

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

Section 1: That the following Revenue line item be increased:

<u>Account #</u>	<u>Revenue Description</u>	<u>Increase</u>
10-399-0000	Fund Balance Allocation	211,000

Section 1: That the following Expense line item be increased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
10-620-1509	Maint. & Repair McCrary Gym	211,000

Adopted this 7th day of March, 2019.

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

ATTEST:

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

12. Approval of a “Letter of Agreement for Airport Safety/Maintenance Projects” between the N.C. Division of Aviation and the City of Asheboro. [Originally listed as Agenda Item 13]

Mr. Leonard recommended approval of a “Letter of Agreement for Airport Safety/Maintenance Projects” between the N.C. Division of Aviation and the City of Asheboro. Upon motion by Mr. Moffitt, and seconded by Ms. Carter, the Council approved the request and authorized the adoption of the following resolution prepared by the North Carolina Department of Transportation. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

Resolution of the Sponsor

A motion was made by (Name and title) Walker B. Moffitt, Council Member, and seconded by (Name and Title) Linda H. Carter, Council Member, for the adoption of the following resolution, upon being put to a vote it was duly adopted:

THAT WHEREAS the City of Asheboro (hereinafter referred to as "Sponsor") the North Carolina Department of Transportation (hereinafter referred to as "Department") requires a Commitment and Release of Liability statement to be on file, in order to provide and oversee maintenance and safety improvements on the operational surfaces of the (Official Airport Name) Asheboro Regional Airport; in accordance with the provisions of North Carolina General Statute 63.

NOW THEREFORE, BE IT AND IS HEREBY RESOLVED, that the (Title of Airport Official) Mayor of the Sponsor be and is hereby authorized and empowered to enter into a Commitment and Release of Liability with the Department, thereby binding the Sponsor to fulfillment of its obligation as incurred under this resolution and its commitment to the Department.

[A copy of the approved "LETTER OF AGREEMENT FOR AIRPORT SAFETY/MAINTENANCE PROJECTS" is on file in the city clerk's office and is incorporated into these minutes by reference.]

13. Discussion concerning alcoholic beverage control issues:

(a) Consideration of a resolution in support of the current alcoholic beverage control system and opposing the merger of all of the ABC boards within a county.

Mayor Smith presented a resolution in support of the current alcoholic beverage control system and opposing the merger of all of the ABC boards within a county.

Upon motion by Mr. Bell and seconded by Ms. Redding, the Council voted unanimously to adopt the following resolution by reference.

RESOLUTION NUMBER _____ **14 RES 3-19**

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION IN SUPPORT OF THE CURRENT ALCOHOLIC BEVERAGE CONTROL SYSTEM AND IN OPPOSITION TO THE FORCED MERGER OF ALL ABC BOARDS WITHIN A COUNTY

WHEREAS, North Carolina is a "control" state and private retail liquor stores are prohibited; and

WHEREAS, North Carolina is unique in the United States as it allows communities to vote to establish local ABC boards for the control, sale, and distribution of spirituous liquor in their communities and to have local input into the operation of such local boards, with profits distributed back to those communities directly from those local voter-approved boards, thereby reducing the need to increase local property taxes; and

WHEREAS, the citizens of the City of Asheboro, in voting to permit the operation of ABC stores, did not vote to allow spirits to be sold in private retail liquor stores and did not vote to allow spirits to be sold in retail outlets where beer and wine are sold; and

WHEREAS, the North Carolina General Assembly's nonpartisan Program Evaluation Division (PED) was directed to examine whether other systems for alcohol beverage control, including privatized systems, and the model used by the State of Washington which recently changed its beverage control system from state government control to a licensure model, are appropriate for North Carolina; and

WHEREAS, the PED Report, "Changing How North Carolina Controls Liquor Sales Has Operational, Regulatory, and Financial Ramifications," released on February 11, 2019, (1) did not recommend privatization; (2) found that, among the southeastern states, North Carolina collects the most revenue per gallon, has the lowest outlet density, and the second lowest per capita consumption; and (3) the PED expects retail liquor consumption to increase by 20% and prices to increase by 25% if privatization occurs; and

WHEREAS, when Washington State privatized its liquor system, the number of retail outlets increased from 328 to over 1400, hours of sale/week increased from 73 to 140 hours, and Washington State received only \$30.75 million from auctioning off the rights to apply for retail spirits permits at 167 stores; and

WHEREAS, privatization will result in a marked increase in the number of outlets, longer hours of sale, greater advertising and more promotion and significantly more consumption; and the 9,000 outlets in North Carolina that sell beer/wine off-premises could be permitted to sell liquor in a privatized system; and

WHEREAS, of the 50 states, North Carolina ranks 44th lowest in consumption per capita and 7th highest in revenue per capita and North Carolina's ABC system accomplishes both revenue and public health, welfare and safety objectives; and

WHEREAS, for the fiscal year ending 2018, local ABC boards distributed \$430,635,861: County-City Distributions \$80 million; State General Fund \$323 million; Local Alcohol Education/Treatment \$13 million; Local Law Enforcement \$8.8 million; Rehabilitation Services \$5 million; and Operation of ABC Commission/Warehouse \$17.7 million; and

WHEREAS, no State funds are spent to control the distribution or sale of spirituous liquor in North Carolina, as all State and local ABC operations are funded by purchases made from local ABC boards; and

WHEREAS, legislation has been introduced in the North Carolina General Assembly to force all boards in North Carolina located within the same county to merge into a single board and under the legislation the Asheboro ABC Board would be forced by the State of North Carolina, regardless of the desires of the local government, and without the power of negotiation as currently provided by law, to merge into one board with the Liberty ABC Board, the Randleman ABC Board, and the Ramseur ABC Board; and

WHEREAS, Section 18B-703 of the North Carolina General Statutes currently allows local governments to negotiate a merger of its ABC system with other ABC systems, or to dissolve such mergers, dependent upon facts, circumstances, and benefits to the local community as determined by the local government; and

WHEREAS, local control over the sale of spirituous liquor is an important function of the local government as directed by local voters; and

WHEREAS, local revenue from Asheboro ABC Board operations is important to the City of Asheboro.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the City of Asheboro does hereby support the continuance of North Carolina's current control system for the sale and control of spirituous liquor and believes that privatization of liquor sales will lead to many adverse effects; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the City of Asheboro believes the forced merger of all of the local ABC boards within a single county into a single board supersedes and ignores the will of local voters that approved the establishment of each local board.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 7th day of March, 2019.

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

ATTEST:

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

(b) Consideration of expanding the alcoholic beverage options for the Asheboro Regional Airport and the Sunset Theatre.

Mayor Smith led a discussion in regards to the possibility of expanding the alcoholic beverage options for the Asheboro Regional Airport and the Sunset Theatre. In essence, the council members discussed whether or not alcoholic beverages could be sold during certain events on the premises of the Asheboro Regional Airport and the Sunset Theatre.

In regards to the Asheboro Regional Airport, the question pertains to enabling the N.C. Aviation Museum to sell wine and beer as part of fund raising events for the nonprofit corporation. Throughout discussion, the council members expressed comments and concerns in regards to limiting the sale of alcoholic beverages to the premises of the aviation museum.

After some discussion, Mr. Moffitt moved to direct the city attorney to draft a proposed ordinance, based on the council's discussion, granting a limited authorization for the sale of wine and beer on the premises of the aviation museum during events held by the nonprofit corporation. Mr. Bell seconded the motion. Council Members Bell, Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted unanimously in favor of the motion.

