

**REGULAR MEETING
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, APRIL 8, 2021, 7:00 PM**

1. Call to order.
2. Silent prayer and pledge of allegiance.
3. Mayor Smith will lead the council's recognition of Facilities Maintenance Director Jimmy L. Cagle for receiving the 2019 North Carolina Continuing Education Electrical Inspector of the Year Award presented by the North Carolina Board of Electrical Contractors Examiners.
4. Appearance by Mr. Rashidi Everette with the Juneteenth Committee.
5. Appearance by Ms. Emma Cheek, owner of The Exchange, and Ms. Sara Holden, owner of Asheboro Bagel Co., regarding the recent StrEATery event by Downtown Asheboro Inc.
6. Public comment period.
7. Consent Agenda:
 - (a) Approval of the meeting minutes for the regular city council meeting held on March 4, 2021.
 - (b) Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for February 1, 2021.
 - (c) Approval of the community development division's request to schedule for May 6, 2021, and to advertise, legislative hearings on the following rezoning applications:
 - (i) Request to rezone a parcel of land (Randolph County Parcel Identification Number 7761458800) on the north side of Kidd Drive from R10 to R40 zoning.
 - (ii) Request to rezone a parcel of land (Randolph County Parcel Identification Number 7751640197) at 532 West Salisbury Street from I2 to B2 zoning.

- (d) Acknowledgement that, due to the COVID-19 relief legislation found in Session Law 2021-3, the time allowed between the preliminary plat and final plat approvals for the Hillcrest Subdivision has been extended from April 30, 2021, by linking this time extension to the duration of the pandemic related gubernatorial executive orders.
 - (e) Approval of the 2021 Downtown Farmers' Market operational days and hours, including special events, listed on the attachment with this agenda.
 - (f) Acknowledgement of the receipt and acceptance of the operational hours proposed by the Recreation Services Director for the city-owned pools during the 2021 season.
 - (g) Approval of an ordinance to amend the Water & Sewer Fund for Fiscal Year 2020-2021 in order to account for the reallocation of funds to cover the cost of a new sewer vacuum truck.
 - (h) Approval of Change Order Number 2 for the Zoo City Sportsplex Project.
 - (i) Approval of a resolution awarding to D. Richard Thompson his service side arm upon retirement from the Asheboro Police Department.
8. Community & Strategic Initiatives Planner David Putnam, with the Piedmont Triad Regional Council (PTRC), will request the following actions:
- (a) Adoption of the City of Asheboro's 2021 Comprehensive Parks and Recreation Plan.
 - (b) Approval of a resolution to apply for a NC Parks and Recreation Trust Fund (PARTF) grant for \$500,000 for the next phase of construction for the Zoo City Sportsplex.
9. Public Hearing (Case No. RZ-21-02): Planning & Zoning Administrator Justin Luck will describe proposed zoning ordinance text amendments designed to align the city zoning ordinance with the changing legal framework for the regulation of development.
10. Chief Mark Lineberry will present the police departments' annual report.

11. Assistant City Engineer Wayne Smith will present the following items:
 - (a) A budget amendment authorizing the rehabilitation and updating of the runway lighting at the Asheboro Regional Airport.
 - (b) Acknowledge receipt of a \$10,000 grant from the Volkswagen Settlement Level 2 ZEV Infrastructure Program to install a Downtown Electrical Vehicle Charger in the municipal parking lot behind city hall.
12. Water Resources Director Michael Rhoney, PE will summarize the bids and request the award of contracts for the following purchasing and contracting items:
 - (a) Seven chemicals needed by the water resources division for the time period of April 16, 2021 to April 15, 2022.
 - (b) The Wastewater Treatment Plant Clarifier Basin(s) Painting and Rehab Project.
13. City Attorney Jeff Sugg will present the following items:
 - (a) An update on the potential purchase of a leasehold interest in Hangar N at the Asheboro Regional Airport.
 - (b) A resolution of intent to permanently close portions of the public right-of-way for Sunset Avenue between Church Street and Davis Street.
14. The City Manager will present the following items:
 - (a) Update on the COVID-19 pandemic's impact on municipal operations.
 - (b) Update on American Recovery Act funds distribution.
 - (c) City of Asheboro's requests for capital projects to be funded in the upcoming proposed federal infrastructure legislation.
 - (d) Briefing on the upcoming public information notifications pertaining to the Dixieland Acres subdivision streets safety enhancements.

Agenda

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April 8, 2021

15. Mayor Smith will lead a discussion about upcoming events and items not on the agenda.
16. Adjournment.

Minutes of the meeting of the Asheboro Alcoholic Beverage Control Board held on February 1, 2021

The Asheboro ABC Board met on Monday, February 1, 2021, at 5:30 PM, in the Board office, 700 South Fayetteville Street, Asheboro, NC. Present at the Board office were Board Member Steve Knight and General Manager Rodney Johnson (GM). The Chair and Board Member Bob Morrison attended via telephone. A quorum being present, the Chair called the meeting to order for the transaction of business and business transacted as follows:

The Chair inquired as to any known conflict of interest, appearance of a conflict of interest, or objections concerning agenda items before the Board; after Board member(s) voiced having no conflict, and there being no objection, the agenda was adopted.

Board Minutes from the January 4, 2021, meeting were reviewed and approved by the Board. The Chair and Bob Morrison directed the GM sign the minutes for them.

Steve Knight and the GM reviewed Board finances and reported all finances remain consistent (sales and expenses).

Monthly drafts and EFT payments from the prior month were reviewed by the Board.

Grant applications for 2021 1st and 2nd Quarter funds were reviewed by the Board. Upon motion by Steve Knight, the Board approved awarding Randolph Community College \$2000 from 1st Quarter funds and \$2000 from 2nd Quarter funds and splitting residual funds equally between Community Hope Alliance and Path of Hope.

A discussion was held relating to full-time employees who miss work because of a COVID related illness. Upon motion by Bob Morrison, the Board approved giving full-time employees paid COVID sick leave until such time as the matter can be further reviewed and acted on by the Board. The Board further directed the GM review City of Asheboro policy concerning how the City is addressing the issue and report back to the Board.

The Board heard reports from the General Manager concerning the following issues:

1. Asheboro ABC sales statistics comparing:

- January 2021 sales with the previous month indicate:
 - An overall -38.3% change (all sales and tax collections)
- January 2021 sales with sales from the same month last year indicate:
 - Retail Sales +32.7%
 - Mixed Beverage Sales: +15.8%
 - Sales Tax Collections: +32.6%
 - Overall Collections: +30.80%
- January 2021 bottle sales with bottle sales from the same month last year indicate:

- Retail Bottle Sales: +9.0%
- Mixed Beverage Bottle Sales: +13.4%
- Overall Bottle Sales: +9.3%

The next regular Asheboro ABC Board meeting will be held Monday, March 1, 2021, at 5:30 p.m.

There being no further business, the meeting was adjourned.

Prepared by Rodney Johnson, GM, and Approved by the Board 3-1-21 
GM

Stephen R Knight

J. Brooke Schiraldi by: R. Johnson

Bob Johnson by: R. Johnson

ORDINANCE TO AMEND
THE WATER & SEWER FUND
FY 2020-2021

WHEREAS, in October 2020, the City Council passed a budget amendment to allocate funding for lead abatement at the Water Treatment Plant, and;

WHEREAS, this project has been deferred to a future fiscal year, and;

WHEREAS, the both of Sewer Maintenance Department's sewer vacuum trucks are out of service and repair is not a reasonable option considering the age of the equipment and the high cost associated with the repair, and;

WHEREAS, the City is mandated to vacuum out 10% of the sewer lines each year and therefore having an operational vacuum truck is essential to operation, and;

WHEREAS, the cost of a new sewer vacuum truck with taxes, is estimated at \$436,000, and

WHEREAS, to minimize the impact on retained earnings, the money allocated for the lead abatement at the Water Treatment Plant is being reallocated to cover the cost of a new sewer vacuum truck, and;

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

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

that the following expense line item be increased / decreased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
30-820-4500	Contracted Services	(436,000)
30-850-7400	Capital Outlay	436,000
	Total Change	<u>0</u>

Adopted this 8th day of April, 2021.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk



RZ-21-02: Text Amendments to the zoning ordinance to be consistent with North Carolina General Statutes 160D (Local Government Planning and Development Regulation) & Signs

Planning Board Recommendation and Staff Report

Additional information will be provided during the April 8, 2021 City Council meeting.

Planning Board Recommendation & Comments to City Council

NOTE: Have applicant Certify to Council mailings to all adjoining property owners.

Case # **RZ-21**
 -02

Date 3/1/2021 PB

Applicant City of Asheboro

Legal Description

Text amendments to the zoning ordinance to incorporate Chapter 160D of the NC General Statutes (Local Planning and Development Regulation) into the Asheboro Zoning Ordinance & Signs

Requested Action See legal description
above

Existing Zone N/A

Land Development Plan See staff report

Planning Board Recommendation

Continue the request.

Reason for Recommendation

The Planning Board reviewed general information related to the request during its March 1, 2021 meeting and continued the request to allow adequate time to review the proposed draft text amendment.

Planning Board Comments

Rezoning Staff Report

RZ Case # RZ-21-02

Date 4/8/2021 City Council

General Information

Applicant City of Asheboro

Address 146 North Church Street

City Asheboro NC 27203

Phone 336-626-1201

Location N/A

Requested Action Text amendments to the zoning ordinance to be consistent with North Carolina General Statutes 160D (Local Planning and Development Regulation) & Signs

Existing Zone N/A

Existing Land Use N/A

Size N/A

Pin # N/A

Applicant's Reasons as stated on application

See attached statement.

Surrounding Land Use

North N/A

East N/A

South N/A

West N/A

Zoning History See analysis for historic background.

Legal Description

Text amendments to the zoning ordinance to incorporate Chapter 160D of the NC General Statutes (Local Planning and Development Regulation) into the Asheboro Zoning Ordinance & Signs

Analysis

1. Changes to state law concerning land use were adopted in 2019 (Senate Bill 355, NCGS 160D) . The provisions consolidated provisions for city and county land use regulations into one chapter. Many of the provisions were focused on reorganizing existing law, and making primarily technical changes rather than sweeping policy changes. However, some provisions have a greater impact on how land use decisions are made.
2. One of the most significant mandated changes is replacement of combined legislative rezoning and quasi-judicial Conditional Use Permit applications with legislative Conditional Zoning, which places conditions on a property as part of a rezoning process. Quasi-judicial proceedings for Special Use Permits would continue to exist for sensitive land uses that already require a Special Use Permit. The text amendments also propose amendments to sign provisions.
3. Other changes include requiring an applicant/landowner's written consent to enforce conditional zoning district or special use permit, prohibition of non-governmental third party "downzonings" (from commercial to residential for example).
4. The law now also requires an adopted land use plan that is reasonably maintained. Also, a Land Use Plan's Future Land Use Map must be updated each time a rezoning this is not consistent with the map is approved.
5. NCGS 160D requires that amendments be made by July 1, 2021 for local zoning provisions to remain valid.
6. As noted in (1) above, a key goal of NCGS 160D was to consolidate and reorganize existing state law into a more coherent fashion. Similar reorganization of the zoning ordinance's format is proposed.

Rezoning Staff Report

RZ Case # RZ-21-02

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Consistency with the 2020 LDP Growth Strategy designations

In reviewing this request, careful consideration is given to each Goal and Policy as outlined in the Land Development Plan. Some Goals and Policies will either support or will not support the request, while others will be neutral or will not apply. Only those Goals and Policies that support or do not support the request will be shown.

Proposed Land Use Map Designation Not applicable
Small Area Plan Not applicable
Growth Strategy Map Designation Not applicable

LDP Goals/Policies Which Support Request

1.2.4 The City will promote its expedited permitting process and continue to make the land development process user-friendly for citizens and organizations.

2.1.1 The Zoning Ordinance will periodically be reviewed to ensure that the specific regulations for each Zoning District are aligned with the desired character and focus of each district.

2.2.3 The City will periodically update maps in the Land Development Plan to ensure they accurately represent current conditions in our city and are consistent with the goals and policies.

Rezoning Staff Report

RZ Case # RZ-21-02

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LDP Goals/Policies Which Do Not Support Request

Staff's Final Analysis Concerning Consistency with Adopted Comprehensive Plans, Reasonableness and Public Interest

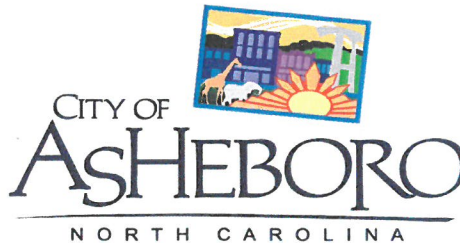
These amendments are proposed primarily to comply with recent changes in state law. In addition, the proposed changes formalize many of staff's existing practices (ensuring that the Land Development Plan is regularly updated, ensuring consistency of zoning designation with the Land Development plan or offering a rationale for why a decision was made that was contrary to the plan). Current practice offers citizens various procedural options to change a land use designation of their property, and legislative conditional zoning will provide a new option, replacing conditional use district permits. The proposed language will also reflect model language related to federal case law related to signs. As noted above, staff is also proposing some organizational changes to the zoning ordinance that offer improvements in how it is formatted and useable for applicants and staff.

Considering these factors and state law requiring these changes, staff believes that the proposed text amendment is overall consist with the Land Development Plan and is therefore reasonable and in the public interest.

Recommendation

In order to give the City Council and the public adequate time to review the proposed draft text amendment, staff's recommendation is to **continue** the request until May 6, 2021.

**Water Resources Division
146 N Church Street
PO Box 1106
Asheboro, NC 27204-1106**



Tel: 336-626-1201 Ext. 258

Fax: 336-626-1218

**BID SUMMARY
CHEMICALS BIDS FOR THE CITY OF ASHEBORO
WATER/WASTEWATER TREATMENT PLANTS
MARCH 29, 2021**

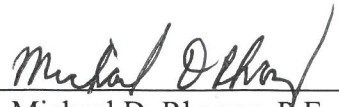
The City of Asheboro received fifteen (15) bid packages listed on the attached Bid Tabulation Sheet at 2:00 PM, March 9, 2021. These bids are for seven (7) chemicals needed for operations at the Water/Wastewater Treatment Plants. These bids include furnishing chemicals to the plants for the time period from April 16, 2021 to April 15, 2022.

Bids for Fluosilicic Acid, Liquid Caustic and Sodium Hypochlorite were solicited via advertising in accordance with City practice but the total purchasing amount for these chemicals is under the formal bidding threshold.

The bid for Calcium Nitrate from Lime-Chem, Inc. is non-responsive because it does not meet the specifications set forth in the Bid Document

It is recommended that the contracts to purchase chemicals from April 16, 2021 to April 15, 2022 be awarded to the responsive low bidders as listed below:

<u>Chemical</u>	<u>Company</u>	<u>Price</u>
Liquid Alum	C & S Chemicals	\$286.00/Ton
Liquid Caustic	Univar, USA, Inc.	\$374.00/Ton
Fluosilicic Acid	Univar, USA, Inc.	\$363.00/Ton
Sodium Hypochlorite	Univar, USA, Inc.	\$0.69/Gal
Calcium Nitrate	Cape Fear Water Solutions, Inc.	\$2.0899/Gal
Sodium Permanganate	Amerochem Corporation	\$8.06Gal
Calcium Hydroxide/Magnesium Hydroxide Slurry Blend	Polytec, Inc	\$1.32/Gal

By: 
Michael D. Rhoney, P.E.
Water Resources Director

CITY OF ASHEBORO CHEMICAL BID TABULATION MARCH 9, 2021

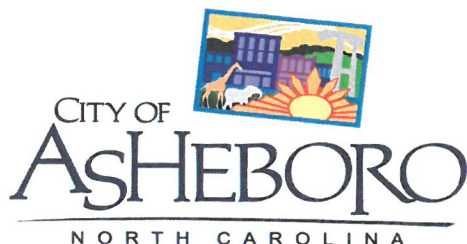
Company Name	Liquid Alum	Liquid Caustic	Floussilic Acid	Sodium Hypochlorite 12%	Calcium Nitrate	Sodium Permanganate	Calcium Hydroxide/Magnesium Hydroxide Slurry Blend
Amerochem NSF CERT (x)						\$8.06	
Brenntag Southeast NSF CERT (x)		\$466.00			\$2.10	\$12.27	
C & S Chemicals NSF CERT (x)	\$286.00						
Cape Fear Water Solutions NSF CERT ()					\$2.0899		
Chemrite NSF CERT (x)						\$8.23	
Chemtrade NSF CERT (x)	\$354.00						
Evoqua Water Technologies NSF CERT ()					\$2.399		
G2O Technologies NSF CERT (x)	\$445.14						
JCI Jones Chemicals NSF CERT (x)		\$460.00					
Lime-Chem, Inc. NSF CERT ()					2.05*		
Oltrin Mfg NSF CERT (x)		\$455.00					
Pencco, Inc. NSF CERT (x)			\$433.00				
Polytec, Inc. NSF CERT ()							\$1.32
Shannon Chemical NSF CERT (x)			\$747.00			\$9.43	
Univar, USA NSF CERT (x)	\$291.00	\$374.00	\$363.00	\$0.69	\$2.285		
MINIMUM	\$286.00	\$374.00	\$363.00	\$0.69	\$2.09	\$8.06	\$1.32
MAXIMUM BID	\$445.14	\$466.00	\$747.00	\$0.69	\$2.40	\$12.27	\$1.32

* - Non Responsive Bid does not meet specifications

Recommended Bid Award

Revised 3-16-2021

Water Resources Division
146 N Church Street
PO Box 1106
Asheboro, NC 27204-1106



Tel: 336-626-1201 Ext. 258

Fax: 336-626-1218

**DISCUSSION OF PROPOSALS
WASTEWATER TREATMENT
CLARIFIER BASIN(S) PAINTING AND REHAB
MARCH 30, 2021**

The scope of work for the Clarifier Basin(s) Painting and Rehab Project at the Wastewater Treatment Plant includes a base proposal for surface preparation and epoxy coating of the interior walls and trough of final clarifiers 1 & 2 including the metal rake structure, center column, and bridge. Additive Alternative No. 1 adds the option of providing an epoxy coating system for only the metal parts for Primary Clarifier No. 7 (rake arm, center column, and bridge). Additive Alternative No. 2 adds a non-wetting coating system to the trough for final clarifiers No. 1 & 2. The project was advertised informally on March 3, 2021:

Potential bidders were encouraged to schedule on-site visits in lieu of a pre-bid meeting to avoid a large gathering. The specifications were written based on a coating system from Carboline. Other systems were allowed to be submitted as substitutes by Sherwin-Williams Company and Tnemec Company, Inc. Three (3) Addendums were issued prior to the bid. Addendums 2 & 3 approved substitute coating systems from Sherwin-Williams and Tnemec respectively.

This project was budgeted to be completed in fiscal year ending June 30, 2021 at the amount of \$500,000.00. However, representatives from the coating manufacturers advised that the bids would come in under \$300,000.00. Upon this advice, the project was bid as an informal proposal.

Five (5) of the six (6) bids listed below were received by the specified time in the bid document of 10:00 AM, March, 23, 2021. One of the bids was submitted after the required time and not on the required Form of Proposal. The bids received were as follows:

<u>Bidder</u>	<u>Base Bid Amount</u>	<u>Add Alternate # 1</u>	<u>Add Alternate # 2</u>	<u>System</u>
Baxter Protective Coatings LLC ** 489 Corban Ave SE Concord, NC 28025	\$215,635.00	\$88,370.00	No Bid	Carboline
Carolina Management Team 49 McDowell St Asheville, NC 28801	\$306,196.00	\$96,693.00	\$19,238.00	Carboline
Creative Resurfacing, LLC 2417 Waynick St High Point, NC 27265	\$194,750.00	\$47,800.00	\$11,560.00	Tnemec

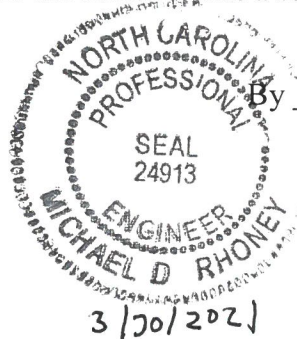
Discussion of Proposals – WWTP Clarifier Basin(s) Painting & Rehab

March 30, 2021

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Saffo Contractors, Inc. PO Box 7035 Wilmington, NC 28406	\$283,850.00	\$141,925.00	\$41,750.00	Carboline
Southern Paint & Waterproofing Co., Inc. 3306 Liberty Rd Greensboro, NC 27406	\$412,919.00	\$74,635.00	\$11,997.00	Carboline
Superior Industrial Maintenance Co LLC 4801 Stough Rd Concord, NC 28027	\$515,870.00	\$165,208.00	\$29,627.00	Carboline

The apparent lowest, responsive and responsible bidder is Creative Resurfacing, LLC at \$194,750.00 listing the Tnemec coating system. Tnemec did not submit an equivalent product for the Additive Alternate No. 2 non-wetting coating system. Therefore, I cannot recommend award of Additive Alternate No. 2 at this time. Based on the results of these proposals it is recommended the Clarifier Basin(s) Painting and Rehab Project be awarded to Creative Resurfacing, LLC at the base bid of \$194,750.00 with the addition of Additive Alternative No. 1 at the additional bid price of \$47,800.00 for a total project cost of \$242,550.00. References provided upon request have been vetted revealing no concerns to prevent the execution of this award.



Michael D. Rhoney
Michael D. Rhoney, P.E.
Water Resources Director

**CITY OF ASHEBORO
WASTEWATER TREATMENT PLANT
CLARIFIER BASIN(s) PAINTING & REHAB
BID TABULATION SHEET
March 23, 2021**

<u>Contractor</u>	<u>Bid</u>			<u>System</u>	<u>Addendum # 1</u>	<u>Addendum # 2</u>	<u>Addendum # 3</u>
	<u>Base Proposal</u>	<u>Add Alt No. 1</u>	<u>Add Alt No. 2</u>				
Carolina Management Team 49 McDowell St Asheville, NC 28801	\$306,196.00	\$96,693.00	\$19,238.00	Carboline	Yes	Yes	Yes
Creative Resurfacing, LLC 2417 Waynick St High Point, NC 27265	\$194,750.00	\$47,800.00	\$11,560.00	Tnemec	Yes	Yes	Yes
Saffo Contractors, Inc. PO Box 7035 Wilmington, NC 28406	\$283,850.00	\$141,925.00	\$41,750.00	Carboline	Yes	Yes	Yes
Southern Paint & Waterproofing Co., Inc 3306 Liberty Rd Greensboro, NC 27406	\$412,919.00	\$74,635.00	\$11,997.00	Carboline Tnemec Sherwin Williams	Yes	Yes	Yes
Superior Industrial Maintenance Co LLC 4801 Stough Rd Concord, NC 28027	\$515,870.00	\$165,208.00	\$29,627.00	Carboline	Yes	Yes	Yes
Baxter Protective Coatings LLC ** 489 Corban Ave SE Concord, NC 28025	\$215,635.00	\$88,370.00	No Bid	Carboline	No	No	No

** Non Responsive Bid. Late and not or proper Proposal Form